

Board of Directors

Series 200

Policy Title Vacancies

Code No. 201.8

A vacancy occurs when a board member resigns, forfeits or otherwise leaves the office. A vacancy also includes, but is not limited to, the following:

- failure to be properly elected;
- failure to qualify within the time fixed by law;
- failure to reside in the school district or director district; or,
- a court order.

1. a. Except as provided in paragraph “b” and subsection 2, vacancies occurring among the officers or members of a school board shall be filled by the board by appointment.

A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified pursuant to section 69.12. To fill a vacancy occurring among the members of a school board, the board shall publish notice in the manner prescribed by section 279.36, stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to section 279.7. The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

1.b. (1) If within fourteen days after publication of a notice required pursuant to paragraph “a” for a vacancy that occurs more than one hundred eighty days before the next regular school

election there is filed with the secretary of the school board a petition requesting a special election to fill the vacancy, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the board shall call a special election pursuant to section 279.7, to fill the vacancy for the remaining balance of the unexpired term.

1.b. (2) If within fourteen days after publication of a notice required pursuant to paragraph “a” for a vacancy that occurs one hundred eighty days or less before the next regular school election there is filed with the secretary of the school board a petition requesting to fill the vacancy by election, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the school board shall require that the remaining balance of the unexpired term be filled at the next regular school election.

1.b. (3) For a petition to be valid under this paragraph “b”, the petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater.

1.b. (4) Notwithstanding any requirement of this paragraph to the contrary, when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancies. House File 658, p. 53

1. c. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until a successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

2. A vacancy shall be filled at the next regular school election if a member of a school board resigns from the board not later than forty-five days before the election and the notice of resignation specifies an effective date at the beginning of the next term of office for elective school

officials. The president of the board shall declare the office vacant as of the date of the next organizational meeting. Nomination papers shall be received for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members. Sec. 57. Section 279.7, subsection 1, Code 2015, is amended to read as follows:

If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy becomes known by the secretary or the board or if a valid petition is submitted to the secretary of the board pursuant to section 279.6, subsection 1, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the day the vacancy becomes known by the secretary or the board. If the secretary fails for more than three days to call an election, the administrator shall call it.

Adopted: Fall, 1969

Legal Reference: (Code of Iowa)

Reviewed: March 19, 2007
June 20, 2016
July 18, 2016

Good v. Crouch, 397 N.W.2d 757 (Iowa 1986)

Amended: December, 1988
January 14, 1991
September 19, 1994
May 21, 2012
July 18, 2016

Board of Directors of Grimes Independent School Dist. v. County Board of Public Instruction of Polk Co, 257 Iowa 106, 131 N.W.2d 802 (1965). Board of Directors of Menlo Consol. School Dist. v. Blakesburg, 240 Iowa 910, 36 N.W.2d (1949). Iowa Code §§ 21.6(3)(d); 69; 277.29-.30; 279.6-.7 (2015). 1944 Op. Atty Gen 39

Cross Reference: 201.4 – Elections
201.5 -- Membership