

VACANCIES

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, a court order declaring the seat vacant, conviction of a felony, three violations of the open meetings law, or conviction of a public offense in violation of the oath of office.

If a vacancy occurs prior to the expiration of a term of office, the vacancy shall be filled by board appointment within 30 days of the vacancy. The newly-appointed board member shall hold the position until the next scheduled school election. At that time the appointed board member may run for a four year term, if one is available, or run for the remainder of the unexpired term.

If the board is unable to fill a vacancy by appointment within 30 days after the vacancy occurs, the board secretary shall call a special election to be held no sooner than 60 days and not later than 70 days after the vacancy occurred. A board member elected at the special election shall serve the remaining portion of the unexpired term.

Legal Reference: Good v. Crouch, 397 N.W.2d 757 (Iowa 1986).
 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 751 (1949).
 Iowa Code §§ 21.6(3)(d); 69; 277.29-.30; 279.6-.7 (2013).
 1944 Op. Att'y Gen. 39.

Cross Reference: 201 Board of Directors' Elections
 202 Board of Directors Members

Approved 1/11/88 Reviewed 7/14/2014 Revised 7/13/09