

The appropriate Board officer (normally the Board clerk), as specified in section 17.01(13)(b) of the state statutes (for resignations) or in section 17.17(5) (for other vacancies), or a designee acting on behalf of such officer, shall promptly notify the full Board of any resignation or other vacancy that arises on the School Board.

Vacancies on the School Board shall be filled in accordance with state law and in substantial compliance with the guidelines and procedures established in this policy. Any appointee to the School Board must be a qualified elector of the District and otherwise eligible to hold the office. Any person who fills a Board vacancy in a seat assigned to an apportioned area of the District must also be a resident of the applicable area.

The Board clerk or the clerk's designee shall provide an appointee with notice of the appointment. A qualified elector who is selected to fill a Board vacancy shall not take office unless and until the person has taken and filed the official oath of office. An appointee shall file the official oath on or before any final deadline that the Board establishes for the appointee to take office. Upon filing the official oath, an appointee shall also promptly file a campaign finance registration statement.

APPOINTMENT GUIDELINES AND PROCEDURES DURING THE FIRST 60 DAYS OF A VACANCY

During the 60 days immediately following the date on which a vacancy first exists, the Board may fill the vacancy only by an appointment made by a vote of the remaining members of the Board. Any initial attempt to fill the vacancy during this 60-day period shall substantially comply with the following guidelines and procedures, supplemented by any additional procedures that the Board may adopt:

1. The District Administrator, or a designee, shall give notice of the vacancy to the public by, at a minimum, posting information on the District website. The notice shall include relevant information about expressing interest in serving as an appointee, including identifying any deadline for submitting letters of application. The deadline shall be at least 14 days after the date that the notice is first placed on the District website.
2. Any qualified elector of the District who is interested in filling the vacancy shall submit the following materials to the Office of the District Administrator:
 - a. A letter of application that includes the applicant's name, the applicant's residential address, contact information, and a statement of the individual's qualifications and his or her reason(s) for seeking the appointment.
 - b. On or before the date of the Board meeting at which the Board considers the potential appointees, each potential appointee shall also submit a signed and sworn declaration of eligibility to hold the vacant Board seat.
3. Applicants who have submitted the required materials by the applicable deadline(s) are assured consideration. If no letters of application are received by the deadline, the Board president may direct the District Administrator to re-post the vacancy notice on the District website, with the deadline for letters of interest being extended by up to an additional [14] days. The president or the president's designee shall ensure that all Board members are informed of any such extension(s). Step 4 and Step 5 apply only if at least one potential appointee has been identified.

4. At a Board meeting that is held after the deadline for submitting letters of application, each potential appointee who submitted the required materials on a timely basis shall have an opportunity to make a brief statement, up to 5 minutes in length, in support of their possible appointment. The Board may decide by motion or by unanimous consent to ask questions of one or more of the potential appointees.
5. Following any debate or deliberation among the Board members regarding the applicants, a standard majority of the total votes cast is required to make an appointment to fill a Board vacancy at this stage.
 - a. Unless an appointment is made by unanimous consent or unless the Board expressly directs the use of a roll call or voice vote, the possible selection of an appointee to fill the vacancy will proceed with the use of signed, written ballots. Any completed ballots shall be retained as District records.
 - b. Any write-in vote or any vote for "none of the above" on a ballot shall be counted as a vote cast. However, if a Board member announces that they are abstaining from participation in the decision, then no ballot shall be issued to the Board member, the abstention shall be recorded in the minutes, and the abstention shall not be counted as a vote cast.
 - c. If needed, multiple rounds of voting will occur. If any Board member objects to conducting more than [5] rounds of voting at any single meeting, he or she may demand that the question of continuing with voting at that meeting be put to a Board vote. Voting will continue only if supported by a majority vote.

APPOINTMENT GUIDELINES AND PROCEDURES AFTER 60 DAYS

If a Board vacancy has **not** been filled by an appointment made within 60 days of the date on which the vacancy first exists, then the Board will attempt to fill the vacancy in substantial compliance with the following guidelines and procedures, supplemented by any additional procedures that the Board may adopt:

1. If a duly-elected successor (i.e., a person elected at a Spring Election) will be taking office in the seat that is currently vacant within the next 60-day period that follows the initial 60-day period of the vacancy, then no appointee shall serve in the vacant seat in the interim unless an individual is appointed by a majority vote.
2. If the unfilled vacancy is **not** subject to the previous paragraph, then at a regular Board meeting that shall be held no later than 45 days after the end of the initial 60-day period of the vacancy, the Board shall make an attempt to appoint a qualified elector to fill the vacancy by a majority vote.
 - a. Prior to such Board meeting, the Board may direct the District Administrator to post and otherwise publicize a notice of the vacancy that solicits potential appointees and that includes appropriate instructions for expressing interest in serving as an appointee.
 - b. To be eligible for consideration for appointment by a Board vote at such meeting, a potential appointee minimally (1) must have submitted a signed and sworn declaration of eligibility to fill the vacancy in question at any time after the occurrence of the vacancy, and (2) must not have withdrawn from consideration.

3. Assuming that there is at least one potential applicant who has been identified for possible appointment, voting will occur at the Board meeting described in the previous step. If the Board is still unable to fill the vacancy after 5 rounds of voting, or after fewer rounds if reduced by unanimous consent, then the chairperson of the meeting shall declare a deadlock and immediately call for nominations in order to break the deadlock by the random selection of a nominee. The following shall apply:
 - a. A nominee for the random selection process must be a qualified elector who has submitted a signed sworn declaration of eligibility to fill the vacancy in question and who has not withdrawn from consideration.
 - b. Each nominee, if any, whose nomination is supported by at least **two** Board members (inclusive of the Board member who initially made the nomination) will be included in the random selection process. Each Board member who is present at the meeting may nominate or support the nomination of only one person who is included in the random selection process. The nominee chosen by the random process is thereby selected to fill the vacancy.
4. If, for any reason (including the lack of any identified potential appointee), the vacancy is still unfilled 105 days following the date on which the vacancy first exists, then steps 2 and 3 of the procedures listed above shall be repeated at regular Board meetings that are held at approximately monthly intervals until either (1) the vacancy is filled, or (2) there are fewer than 60 days before a duly-elected successor will take office in the vacant seat.

DEFINITIONS

The term “days” as used in this policy means calendar days unless otherwise expressly stated.

Legal References:

Wisconsin Statutes

Section 11.0202(1)	[individuals holding a local office shall file a campaign registration statement]
Section 17.01(13)	[board member resignations; how made]
Section 17.03	[cause of vacancies]
Section 17.035	[military leave vacancies]
Section 17.17(5)	[clerk to provide notice of vacancies to school board]
Section 17.26	[filling school board vacancies]
Section 17.28	[an appointee takes office immediately upon qualification]
Section 19.01	[oath of office]
Section 59.23(2)(s)	[reporting board member information to county clerks]
Section 120.05(1)(d)	[board member residency]
Section 120.06(10)	[clerk to provide notice of appointment; timely oath required]
Section 120.12(28)	[school board required to adopt a policy on filling vacancies not filled within 60 days of the date on which the vacancy first exists]
Section 120.17(1)	[clerk to provide municipalities with names and addresses of new board members]

Cross References:

FILLING BOARD VACANCIES

Policy 133

Waunakee Community School District

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