

CCLC Update #45 – To align with Ed Code Section 5092

## AP 2110      Vacancies on the Board

**Reference:**      ***Education Code Sections 5090 et seq.; and  
Government Code Sections 1770 and 6061***

Date Issued:      June 22, 2007

Updated: ~~June 11, 2024~~

---

Within 60 days of a vacancy or filing of a deferred resignation, the Board shall either order an election or make a provisional appointment to fill the vacancy. If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If the Governing Board determines that an appointment will be made, the Chancellor shall establish procedures to solicit applications and ensure ample publicity and information for prospective candidates. Publicity shall include posting in three public places in the District, publication in a newspaper of general circulation, and posting a notice on the District's website.

The posted notice of vacancy ~~must~~ should contain the following:

(1) The fact of the vacancy or resignation;

(2) The date ~~of the~~ vacancy occurred ~~occurrence of the vacancy~~ or the date the deferred resignation was filed ~~of the filing of~~, and the effective date of, the resignation; and

(3) Relevant information about the provisional appointment process, including timeline to file an application. The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board.

Persons applying for appointment to the Board shall receive a letter from the Chancellor containing information about the District and the Board, and including a candidate information sheet to be completed and returned by a specific date.

The Chancellor will propose a schedule and appointment process, which may include interviews at a public meeting. The Governing Board will act in a public meeting, on the appointment process.

Each Board member will review all candidate information sheets, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

The appointment is subject to the conditions in the Education Code 5091.

Whenever a provisional appointment is made, the Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation, if a newspaper of general circulation is published in the District. [NOTE: This publication, which is required by Government Code Section 6061, is only required to be published once.]

The public notice of vacancy and provisional appointment must contain the following:

- The fact of the vacancy or resignation;
- The date the vacancy occurred or the date the deferred resignation was filed and the effective date of the resignation; and
- The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment.
- A statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within thirty (30) days of the date of the provisional appointment, it shall become an effective appointment.

~~The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.~~

A provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

The appointed individual shall hold office only until the next regularly scheduled District Governing Board election. At this time, the elected individual will fill the vacancy for the remainder of the unexpired term.