Thank you for your interest in serving as a member of the Vacaville Unified School District Board of Education. The following information is intended to provide assistance in your pursuit of a position as a board member.

Applications for board member appointee may be obtained on the district’s website at www.vacavilleusd.org or at the office of the Vacaville Unified School District Superintendent, 401 Nut Tree Road in Vacaville, between 8:00 AM and 5:00 PM, Monday through Friday, beginning September 18 through September 30, 2015. All applications must be received in the office of the VUSD Superintendent by 5:00 PM on Wednesday, September 30, 2015. Late applications will not be accepted.

Any registered voter who resides within the VUSD boundaries is eligible to be a member of the Board of Education except for any employee of Vacaville Unified School District. All applicants must provide their full name and address on the application in order for the Registrar of Voters to verify eligibility pursuant to Education Code section 35107.

Please review the attached materials and complete the application form. The packet includes the following:

- Board Policy 9223 – Filling Vacancies
- Education Code 35107
- Timeline for Provisional Appointment
- Candidate Application Form
- Board Policy 9005 – Governance Standards

Once your application has been filed with the VUSD Superintendent and your eligibility verified, you will receive a letter acknowledging receipt of your application. The letter will also include information on the next steps in the appointment process.

Again, thank you for your interest in serving on the Vacaville Unified School District Board of Education.

Sincerely,

Jane Shamieh  
Interim Superintendent

Attachments
Events Causing a Vacancy

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)

2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)

3. A Board member’s resignation (Government Code 1770)

   A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member’s removal from office, including by recall (Elections Code 11384; Government Code 1770)

5. A Board member's ceasing to be a resident of the district of the district (Government Code 1770)

***Note: The following paragraph is for use by districts that have established trustee areas. ***

   A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member’s absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)

   a. Upon district business with the approval of the Board

   b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
FILLING VACANCIES (continued)

***Note: AB 334 (Ch. 54, Statutes of 2011) amended Government Code 1064 to authorize the Governing Board to extend an out-of-state absence for an unlimited duration when the absence is due to illness or other urgent necessity. ***

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)

***Note: Board members forfeit office and, in some cases, are disqualified from holding public office upon conviction of designated crimes as specified in the Constitution and various other state laws. Examples of crimes that result in forfeiture of office include, but are not limited to, convictions for felonies, offenses that involve a violation of official duties, bribery, selling appointments, intoxication in the discharge of official duties, misuse of public funds, conflict of interest violations, and a false claim of receipt of any military decoration or medal. ***

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)
FILLING VACANCIES (continued)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

***Note: Pursuant to Education Code 5090, a vacancy is declared when there has been a "failure to elect," meaning that the County Registrar of Voters has determined that an election will not be held because either no candidate or an insufficient number of candidates have filed to run for a Board seat(s). Education Code 5328 authorizes the Board to make an appointment in such circumstances.***

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board Member’s term, the Board shall take no action. (Education Code 5093)

***Note: Pursuant to Education Code 5091, when a vacancy occurs or when a deferred resignation has been filed four or more months before the end of a Board member's term, the Board shall take action, as specified below. In the event that the Board fails to make a provisional appointment or order an election within 60 days, the County Superintendent of Schools must call an election to fill the vacancy.***

2. When a vacancy occurs longer than four months before the end of a Board Member’s term, the Board shall, longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member’s deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
FILLING VACANCIES (continued)

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Eligibility

***Note: Persons applying or nominated for a Board position must meet the legal qualifications for Board members as detailed in Education Code 35107. Education Code 35107 also provides that a district employee appointed or elected to the Board must resign his/her employment before being sworn in or have his/her employment automatically terminated upon being sworn into office. See BB 9220 - Governing Board Elections. ***

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

Provisional Appointments

***Note: The Board is authorized to make a provisional appointment to fill a vacancy pursuant to item #2 in the section above entitled "Timelines for Filling a Vacancy." The law does not specify procedures for making provisional appointments for vacancies caused by reasons other than a failure to elect; however, such procedures must comply with the requirements of the Brown Act (Government Code 54950-54963). Secret ballots are prohibited by Government Code 54953. ***

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)
(cf. 9323.2 - Actions by the Board)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three
FILLING VACANCIES (continued)

public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation

2. The full name of the appointee

3. The date of appointment

4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.
FILLING VACANCIES (continued)

Legal Reference:

EDUCATION CODE
5000-5033 Elections
5090-5095 Vacancies
5200-5208 Districts governed by boards of education
5300-5304 Elections
5320-5329 Order and call of election
5340-5345 Consolidation of elections
5360-5363 Election notice
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions, elections
35107 Eligibility of board members
35178 Resignation with deferred effective date

ELECTIONS CODE
10600-10604 School district elections
11381-11386 Candidates for recall

GOVERNMENT CODE
1064 Absence from state
1770 Vacancies: definition
3000-3002 Forfeiture of office
3060-3075 Removal other than by impeachment
6061 One time notice
54950-54963 The Ralph M. Brown Act

PENAL CODE
88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18
704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

Management Resources:

CSBA PUBLICATIONS
Filling a Board Vacancy, rev. December 2010

WEB SITES
CSBA: http://www.csba.org
California State Attorney General’s Office, Quo Warranto Applications:
http://ag.ca.gov/opinions/quo_warranto.php

Bylaw
Adopted: August 4, 2005
Revised: January 15, 2009; May 10, 2012

VACAVILLE UNIFIED SCHOOL DISTRICT
Vacaville, California
35107. (a) Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district without further qualifications.

(b) (1) An employee of a school district may not be sworn into office as an elected or appointed member of that school district’s governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.

(2) For any individual who is an employee of a school district and an elected or appointed member of that school district’s governing board prior to January 1, 1992, this subdivision shall apply when he or she is reelected or reappointed, on or after January 1, 1992, as a member of the school district’s governing board.

(c) Notwithstanding any other provision of law, the governing board of a school district may adopt or the residents of the school district may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the governing board of the school district may serve on the governing board of the school district. Any proposal to limit the number of terms a member of the governing board of the school district may serve on the governing board of the school district shall apply prospectively only and shall not become operative unless it is submitted to the electors of the school district at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(d) (1) An initiative measure proposed pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(2) A proposal submitted to the electors by the governing board pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 6 (commencing with Section 9500) of Division 9 of the Elections Code.

(e) A member of the governing board of a school district shall abstain from voting on personnel matters that uniquely affect a relative of the member but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section, "relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>September 4, 2015</td>
<td>Resignation of board member submitted to Solano County Office of Education</td>
</tr>
<tr>
<td>September 17, 2015</td>
<td>Regular Board Meeting to review and approve process for filling vacancy</td>
</tr>
<tr>
<td>September 18, 2015</td>
<td>Press release regarding application process distributed to local media</td>
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<tr>
<td>September 18, 2015</td>
<td>Application packets available on district website and Superintendent’s Office</td>
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<tr>
<td>Week of September 20</td>
<td>Public notices appear in newspapers (3 times; Reporter and Daily Republic)</td>
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<tr>
<td>September 30, 2015</td>
<td>5:00 PM – Deadline for submitting applications to Superintendent’s Office</td>
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<tr>
<td>September 30/</td>
<td>Board Member sub-committee receives applications for review</td>
</tr>
<tr>
<td>October 1, 2015</td>
<td>Regular Board Meeting to discuss applications and interview process</td>
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<tr>
<td>October 15, 2015</td>
<td>• Regular meeting to conduct interviews and make appointment</td>
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<td>• Swear in new board member</td>
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<tr>
<td>Week of October 18</td>
<td>• Public notices of vacancy and provisional appointment (Educ. Code § 5092)</td>
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<td></td>
<td>• 30-day interim period begins when appointment can be challenged by petition</td>
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<tr>
<td>November 2, 2015</td>
<td>Day 60 – Provisional appointment must occur within 60 days to meet Education Code requirement</td>
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<tr>
<td>November 3, 2015</td>
<td>• If Board takes no action by the 60th day, County Superintendent calls for election on the next special election date (April 12, 2016)</td>
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<td>• Board proceeds with only six members until after April 2016 election</td>
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<tr>
<td>December 1, 2016</td>
<td>• Term of provisional appointee ends</td>
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<td></td>
<td>• Newly-elected and returning board members are sworn in to begin their term of office</td>
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</tbody>
</table>
CANDIDATE APPLICATION FORM

Please complete the Candidate Application Form and return it to the Vacaville Unified School District Superintendent, 401 Nut Tree Road, Vacaville, CA 95687, by 5:00 PM on September 30, 2015. Application forms received after that time and date will render the applicant ineligible for consideration for the position of board member.

Any registered voter who resides within district’s boundaries is eligible to be a member of the Board of Education except any employee of the Vacaville Unified School District.

Last Name    First Name                                Middle Initial (optional)

Home Address:  

Home Phone No.: (____) ______________________________________________________________________

Cell No.: (____) ______________________________________________________________________

Occupation:  ____________________________________________

Please provide a statement on a separate page, in 500 words or fewer, on why you want to serve on the Vacaville Unified School District Governing Board.
GOVERNANCE STANDARDS

The Board of Education believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)
(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff

(cf. 2110- Superintendent Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Limits of Board Member Authority)
Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
2. Communicate a common vision
   
   (cf. 0000 - Vision)  
   (cf. 0100 - Philosophy)  
   (cf. 0200 - Goals for the School District)
3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures
   
   (cf. 9311 - Board Policies)  
   (cf. 9312 - Board Bylaws)
6. Take collective responsibility for the Board’s performance
7. Periodically evaluate its own effectiveness
   
   (cf. 9400 - Board Self-Evaluation)
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations
   
   (cf. 1220 - Citizen Advisory Committees)  
   (cf. 9323 - Meeting Conduct)

Legal Reference: (see next page)
GOVERNANCE STANDARDS (continued)

Legal Reference:

**EDUCATION CODE**
35010  Power of governing board to adopt rules for its own governance
35160  Board authority to act in any manner not conflicting with law
35164  Actions by majority vote

**GOVERNMENT CODE**
1090  Financial interest in contract
1098  Disclosure of confidential information
1125-1129  Incompatible activities
54950-54963  The Ralph M. Brown Act
87300-87313  Conflict of interest code

Management Resources:

**CSBA PUBLICATIONS**
CSBA Professional Governance Standards, 2000
Maximizing School Board Leadership: Boardsmanship, 1996

**WEB SITES**
CSBA:  www.csba.org

Bylaw  VACAVILLE UNIFIED SCHOOL DISTRICT
Adopted: August 4, 2005  Vacaville, California