

## **SCHOOL BOARD MEMBERS TERM OF OFFICE**

It is the policy of the Commerce Board of Education that as mandated by Oklahoma Statute, Title 26, Section 13A-103, a general election, held for the purpose of electing a member or members of the board of education, shall be held on the first Tuesday in April, unless another date is established by the state legislature. Every candidate for a position on the board shall file a notification and declaration for that office with the Ottawa County election board between the hours of 8 a.m. on the first Monday in December and 5 p.m. on the following Wednesday. A primary election shall be held if more than two candidates file for a board seat on the second Tuesday in February. A candidate receiving more than fifty percent of the votes cast in the primary election will be elected to the office. If no candidate receives more than fifty percent of the votes cast in the primary election, then the two candidates with the highest number of votes shall appear on the ballot at the general election.

To be eligible to file a notification and declaration of candidacy, the prospective candidate must have been a registered voter in the election district, or ward, and a resident residing within said election district for at least six months immediately preceding the filing period. No person is eligible to be a candidate or to be elected to a board of education unless the person has been awarded a high school diploma or certificate of high school equivalency.

Board members shall be elected to serve a term of five years or until such time as their successors are duly appointed or elected and have qualified as prescribed by law. Terms of office shall be staggered so that one member shall retire from the board each year.

A vacancy on the board of education will occur by law when a board member:

1. Dies;
2. Resigns;
3. Moves out of the school district;
4. Fails to timely complete required workshop hours;
5. Is convicted of any felony or any offense involving a violation of the member's official oath;
6. Pleads guilty or nolo contendere to a felony or any offense involving a violation of the member's oath;
7. Abandons the office; or,
8. Assumes the duty of a second public office when the holding of such office and being a board member violates the dual office-holding provisions of the law. This does not apply to any elected or appointed member of a local school board who is a member or an officer of a volunteer fire department; and directors or officers of a rural water district, chiefs of municipal fire departments or rural fire districts who are appointed or elected to an unsalaried office, except where the duties of the office would create a conflict of interest.
9. Ceases to be a resident of the board district or ward for which the person was elected.

The board of education shall determine if and when a vacancy occurs on the board. Such vacancy shall be filled by appointment and the appointee shall serve until the next regular election if the person is appointed to fill such vacancy in the first half of the term of office for the board position. If the person is appointed to fill such vacancy after the first half of the term of office for the board position, then the appointee shall serve for the balance of the unexpired term. If no one is appointed within sixty (60) days of the date the board declared the seat vacant, a special election shall be held and the elected member shall fill the vacancy for the unexpired term.

**SCHOOL BOARD MEMBERS, TERM OF OFFICE (Cont.)**

Each board member is expected to attend all board meetings. If an emergency situation should arise which will prevent a board member from attending a scheduled meeting, the board member should notify the board president or the superintendent. \_\_\_\_\_ (*number*) or more consecutive unexcused absences from board meetings may constitute abandonment of office and the board may declare the position vacant and fill the vacancy as prescribed by law.

**REFERENCE: 26 O.S. §13A-103, §13A-110  
51 O.S. §6  
70 O.S. §5-107A  
70 O.S. §13A-105, §13A-110**

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**OSSBA POLICY SERVICES REVIEW NOTES:**

**The board should be aware that a decision to declare a seat vacant, based on a certain number of unexcused absences, may be contested in a court of law by the person whose seat is declared to be vacated.**