

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD REPORT

To: Board of Trustees
From: Kirsten Vital, Superintendent
Date: September 9, 2019
Board Item: Trustee Process to Fill a Vacancy

HISTORY

Due to the resignation of Area 5 Trustee, Gary Pritchard, on August 9, 2019, it is recommended the Board review the process to fill the vacancy. Trustees have reviewed the process in the past, and staff has updated timelines based on legally mandated guidelines provided by the Orange County Department of Education.

BACKGROUND INFORMATION

Area 5 Trustee Gary Pritchard has served on the Capistrano Unified School District Board of Trustees since 2010. Trustee Pritchard has resigned his seat on the Board of Capistrano Unified School District effective August 9, 2019.

CURRENT CONSIDERATIONS

Per Board Bylaw 9223 *Filling Vacancies* and pursuant to Education Code § 5090-5095, the resignation necessitates action be taken by the Board of Trustees within 60 days of the vacancy to make a provisional appointment or call for a special election. That date is October 8, 2019.

FINANCIAL IMPLICATIONS

There is no financial impact to review the process to fill a vacancy.

STAFF RECOMMENDATION

It is recommended the Board President recognize Kirsten M. Vital, Superintendent, to present a brief overview of the process and timeline for the Board to take action to fill a vacancy.

APPROVED BY: Kirsten Vital, Superintendent

Prepared by: Colleen Hayes, Manager II, Board Operations/Superintendent's Office



Trustee Process to Fill a Vacancy

September 9, 2019

Special Board Meeting

Capistrano Unified School District

Board Bylaw 9223 Filling Vacancies

PROPOSED TIMELINE OF BOARD ACTIONS

Action for Provisional Appointment

- August 14, 2019, Board votes to appoint for Trustee, Area 5
 - 8/15/2019 Website Open to Accept Applications
 - 8/21/2019 Regular Board Meeting
 - 8/28/2019 Deadline for Accepting Applications
 - 9/4/2019 Legal to Vet Applicant Requirements for Candidacy
 - 9/6/2019 Post September 9, Special Board Meeting Agenda with Candidate Materials
 - 9/9/2019 Special Meeting to Interview Candidates and Appoint
 - 9/10-18/2019 Press Release: Notice of Provisional Appointment to the CUSD Governing Board per Ed. Code 5092. Public Notice, Posted & Published within 10 Days of Appointment
 - 9/18/2019 Regular Board Meeting/Swear in Provisional Appointee

Action to Order an Election

- August 14, 2019, Board votes to hold a special election for Trustee, Area 5
 - Staff follows guidelines provided by the Orange County Department of Education to Order an Election.
 - If an election is ordered, it shall be held on a regular election date established pursuant to Election Code Section 1000 not less than 130 days after the occurrence of the vacancy. Ed Code section 5091(b).
 - Election Day March 3, 2020 – Staff coordinate with OC Registrar of Voters to hold election.
 - *(Election Day November 5, 2019 – would be too soon to call for an election. It is 89 days after the occurrence of the vacancy which is less than 130 days after the occurrence, by which the law stipulates.)*

PROPOSED TIMELINE IF BOARD TAKES NO ACTION

- If the Board takes no action September 9, 2019, the Board may call for a special election or extend the deadline to apply at the September 18, 2019 Regular Board meeting.
- Action must be taken to either appoint or call for an election no later than October 8, 2019. If no action is taken, the County Superintendent of Schools must call an election to fill the vacancy.

PROCESS TO INTERVIEW CANDIDATES FOR VACANCY WITHIN TRUSTEE AREA 5

*Per Board Policy 9223 Trustee Interview Candidates in Public. However, public interviews are not required by law. Pursuant to BP 9314, by majority vote, the Board may suspend any policy for any purpose/time.

Proposed process to interview candidates for vacancy on September 9, 2019:

- (1) The public is given an opportunity to address the Board on the process to interview candidates for vacancy via a speaker card.
- (2) The Board may conduct a random “hat” draw to determine the order of the interviews.
- (3) Each candidate will be called to the podium to first give a brief statement.
 - One (1) to three (3) minutes allotted per candidate.
- (4) The President will call for questions:
 - Trustees shall be permitted two questions.
 - Trustees may ask the two questions successively.
 - Trustees may opt to ask one question and pass until other Trustees ask a question.
- (5) Time permitting, the President can ask if any Trustee would like to ask an additional question.
- (6) Each candidate may have up to 20-30 minutes.

SELECTION OF APPOINTEE FOR TRUSTEE AREA 5

Proposed process for selection of appointee on September 9, 2019:

- (1) The public is given an opportunity to address the Board regarding the candidates via a speaker card.
- (2) The President calls for nominations of candidates.
 - The President recognizes each Trustee who wishes to nominate a candidate for appointment.
- (3) Once a nomination is made, the President calls for a second of the nomination.
 - If the nomination is seconded, it is successful.
 - If the nomination does not receive a second, it is unsuccessful.
- (4) The President repeats this process until each Trustee has had the opportunity to nominate a candidate and, thereafter, shall announce nominations are closed.

SELECTION OF APPOINTEE FOR TRUSTEE AREA 5

Proposed Process Continued:

- (5) If there are multiple nominations, the President may determine which nominee to call for a vote first.
 - a) **IF** the first candidate receives four votes, that candidate becomes the appointed Trustee for Area 5.
 - b) **IF** the first candidate does not receive four votes, the President calls for the vote of the next nominee.
 - c) **IF** the second nominee receives four votes, the appointment is made.
 - d) **If** the second nominee does not receive four votes, the President reopens nominations and starts the process anew.
 - e) **This process will continue until all nominees have been voted on.**
 - f) **If** this series of nominations is not successful the Board may choose to begin a subsequent series of nominations during the same meeting.

If no other candidate is successfully nominated, the process is deadlocked.

If deadlocked, the Board will have the following options:

- **September 9, 2019:** Return to an agenda item and vote to extend the candidate application deadline.
- **September 9, 2019:** Vote to order a special election at the Regular Board meeting.