

SCHOOL BOARD BYLAWS

Vacancies

A. Within fifteen (15) days of a vacancy caused by a School Board Member leaving office before the end of the term or a Member-elect who fails to take office, the School Board will petition the Circuit Court to issue a writ of election in accordance with applicable law.

Within ~~forty-five~~**forty-five** (45) days of the vacancy, the School Board may appoint a qualified voter of the election district in which the vacancy occurred to fill the position until a School Board Member is elected to and qualifies for the office. The School Board will vote on whether to fill the vacancy and on the procedures to be followed for such appointment.

B. At least seven (7) days prior to an appointment, the School Board shall hold one or more public hearings to receive views of the citizens within the school division on the appointment, and the School Board shall give public notice of the hearing by newspaper publication at least ten (10) days in advance of the hearing. No person whose name is not considered at a public hearing shall be appointed. All applicants' names shall be considered at the public hearing by the School Board Members once they are read for the record during the actual hearing by the Chair~~man~~ or the Clerk of the School Board.

C. Any sitting School Board Member may request to be appointed to a vacancy by providing written notice to the School Board and the Clerk of the School Board. If the School Board determines that such an appointment will be considered, the School Board may then develop appointment procedures to fill both the current vacancy and any resulting vacancy should the School Board Member be appointed to the vacancy. Procedures developed to fill the vacancy will be consistent with applicable law regarding elections and appointment and the Virginia State and Local Government Conflict of Interests Act.

If a majority of the seats on the School Board are vacant, the remaining School Board Members shall not make interim appointments and the vacancies shall be filled as provided for in Virginia Code §24.2-227, as amended.

Legal Reference

Charter of the City of Virginia Beach § 16.05, as amended. Filling vacancies on school board.

Virginia State and Local Government Conflict of Interests Act, Code of Virginia, §2.2-3100, *et seq.*, as amended.

Code of Virginia § 22.1-57.3, as amended. Election of School Board Members; election of tie breaker.

Code of Virginia § 22.1-29.1, as amended. Public hearing before appointment of school board members.

Code of Virginia § 24.2-226, as amended. Election to fill vacancy.

Code of Virginia § 24.2-228, as amended. Interim appointment to local government body or elected school board; elected mayor.

Code of Virginia §24.2-682, as amended. Times for special election.

Adopted by School Board: July 21, 1992
Amended by School Board: July 18, 1995
Amended by School Board: August 17, 1999
Amended by School Board: February 20, 2001
Amended by School Board: December 2, 2008
Amended by School Board: June 8, 2010
Amended by School Board: August 2, 2016
Amended by School Board: November 2022

APPROVED AS TO
LEGAL SUFFICIENCY

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