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5 Vacancies

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7 A trustee position becomes vacant before the expiration of a term, when any of the following
8 occurs with the exception of provisions in MCA 10-1-1008 which outlines leaves for military
9 service:

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- 11 1. Death of the Trustee;
- 12 2. Resignation in writing with the effective date stipulated in the written resignation of the
- 13 Trustee filed with the Clerk;
- 14 3. Trustee moves out of the nominating district, establishing residence elsewhere;
- 15 4. Trustee is no longer a registered elector of the District under the provisions of § 20-20-
- 16 301, MCA;
- 17 5. Trustee is absent from the District for sixty (60) consecutive days;
- 18 6. Trustee fails to attend three (3) consecutive meetings of the Trustees without good
- 19 reason;
- 20 7. Trustee has been removed under the provisions of § 20-3-310, MCA; or
- 21 8. Trustee ceases to have the capacity to hold office under any other provision of law.
- 22 9. A Trustee position also shall be vacant when an elected candidate fails to qualify.
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24 When a trustee vacancy occurs, the remaining Trustees shall declare such position vacant and fill
25 such vacancy by appointment. The Board will receive applications from any qualified persons
26 seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate
27 to fill the position.

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29 Should the Board fail to fill a vacancy within sixty (60) days from the creation of a vacancy, the
30 county superintendent shall appoint, in writing, a competent person to fill such vacancy. An
31 appointee shall qualify by completing and filing an oath of office with the county superintendent
32 within fifteen (15) days after receiving notice of the appointment and shall serve until the next
33 regularly scheduled school election and a successor has qualified.

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37 Cross Reference:

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| 38 Policy 1240 | Duties of Individual Trustees |
| 39 Policy 1112 | Resignations |

47 Legal References:
48 § 2-16-501(3), MCA Vacancies created
49 § 10-1-1008, MCA Leave of Absence for Elected Officials Restoration to Office
50 § 20-3-308, MCA Vacancy of trustee position
51 § 20-3-309, MCA Filling vacated trustee position - appointee qualification and term of office
52 § 20-3-310, MCA Trustee Removal
53 § 20-20-301, MCA Qualifications of election
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55 Policy History:
56 Adopted on: November 25, 2013
57 Revised on: July 15, 2019