

BOARD MEMBER OR DISTRICT OFFICER RESIGNATION

Any citizen who files for and seeks election to the Board or other District office should do so with full knowledge of and appreciation for the investment in time, effort, and dedication expected for District officers and that the citizen's intent is to serve a full term of office.

However, if, for reasons of health, change in domicile, or any other compelling reason a Board member or other officer does decide to terminate service, the Board requests earliest possible notification of intent to resign so that the Board may plan appropriately for filling the vacancy per Board policy BBBE (relative to filling vacancies).

- A. Tender of Resignation.** Ideally, a board member intending to resign will provide a written letter of resignation to the School District Clerk, c/o the Superintendent, with a copy to the School Board Chair (or Vice Chair if the Chair is the one submitting the resignation). Alternatively, a board member may tender a resignation orally only during a duly called and convened public meeting of the Board. In the event that a board member attempts to tender a resignation orally, outside of a public meeting, the Board member will be required to confirm the resignation in writing and submit the same as stated above failing which, the Superintendent or Chair shall consult with the District's attorney as to the appropriate course of action.
- B. Board Acknowledgement.** Whether submitted in writing or not, the Board shall address the tendered resignation either at the meeting at which the tender is received or at the next public meeting of the Board. There is no need for the Board to formally "approve" the resignation, as a Board may not compel a member to serve a full term by way of a negative vote on a motion to "accept". However, the Board, through the Chair or presiding officer, should acknowledge the tendered resignation at the meeting and assure that the same is reflected in the minutes.
- C. Effective Date.** The letter/statement of resignation should indicate when the resignation will be effective. If the tendered resignation does not state a date, then the letter shall be deemed to express an intent that the resignation take immediate effect. Once the stated date/immediate resignation has occurred, the officer shall be deemed to have resigned, the resignation is effective, and a vacancy is created. Note also that ~~Also~~, pursuant to RSA 652:12, some vacancies (e.g., moving out the district, conviction of a felony while in office, etc.) arise by operation of law upon a specific occurrence, and therefore are effective upon the occasion of that occurrence, whether or not the officer has provided notice of the event or tendered a resignation.
- D. Withdrawal of a Resignation.** A tendered resignation, that has not yet taken effect, may only be withdrawn either at a duly called and convened meeting of the Board (to be noted in the minutes) or by providing written notice of the withdrawal to the District Clerk, c/o the Superintendent with a copy to the Board Chair. However, if the resignation has taken effect, the resigned member may only be appointed to fill the vacancy subject to Board policy BBBE (see also RSA 671:33).
- E. Copies to District Clerk.** The Superintendent shall as soon as practicable assure that the District Clerk is provided with a copy of any letter of resignation and/or of the minutes of the meeting at which the resignation is acknowledged by the Board.
- F. Filling of Vacancy Upon Resignation.** Once a resignation has taken effect, a vacancy exists under RSA 652:12. I. and therefore may only be filled in accordance with Board policy BBBE (see also RSA 671:33).

Legal References:

RSA 652:12, *Vacancy (definition)*

RSA 671:33, *School District Elections: Vacancies*

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of*

related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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