

SCHOOL BOARD GOVERNANCE AND OPERATIONS

File: BBE-R

UNEXPIRED TERM FULFILLMENT

In the event a vacancy occurs on the School Board, a special election or an appointment of a new member by the existing Board members will occur depending on the reason for the vacancy and proximity to the next general election.

1. A vacancy, whether occurring when for any reason a member-elect does not take office or occurring after an member begins his term, shall be filled by special election or as provided otherwise by statute or charter.
2. The school board shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ [24.2-681](#) et seq.) of Chapter 6 of the Code of Virginia, 1950, as amended..
3. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election for the next ensuing general election to be held in November in the case of county, city, or town officers regularly elected in November, or in May in the case of other city and town officers.
4. If the vacancy occurs within 120 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.
5. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the school board may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election.
6. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election.
7. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.
8. No election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

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9. When a vacancy occurs on the school board, the remaining members of the body or board, respectively, within forty-five days of the office becoming vacant, shall appoint a qualified voter of the City of Charlottesville in which the vacancy occurred to fill the vacancy.
10. When an interim appointment to a vacancy on the school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.
11. If a majority of the remaining members cannot agree, or do not act, the judges of the circuit court of the city shall make the appointment.
12. The person so appointed shall hold office until the qualified voters fill the vacancy by special election pursuant to § [24.2-226](#) and the person so elected has qualified.
13. Any person appointed by the board as an interim member shall meet the criteria for board membership and shall take the oath of office prior to participating as a board member.
14. If a majority of the seats on the school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § [24.2-227](#).

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Legal References: Code of Virginia, 1950, as amended, §§ 15.2-627, 22.1-39, 22.1-44, 22.1-50, 22.1-57.3, 24.2-226, 24.2-228.

Charlottesville City Code of 2976, section 2-109