

To: Michael Baumann, Superintendent
From: Tony Massaros, Executive Director of Administrative Services
Date: November 15, 2020
Re: Process For Filling School Board Vacancy

With the election of School Board Chair Zach Duckworth to the State Senate, it will be necessary for the Board to develop a plan for replacing him on the Lakeville Area Schools Board of Education. Minnesota Statute 123B.09 provides direction on this process as does the MSBA Election Manual. The following is an outline of the legal and process requirements:

1. A vacancy occurs when a member of the Board resigns and notice is provided in writing to the Board Clerk, after which time preparations for a special election may commence to fill the vacancy for the ensuing term;
2. The election must be held no later than the first Tuesday after the first Monday in November, with the person elected taking office immediately after receiving the certificate of election and taking the oath of office;
3. In the meantime, the vacancy may be filled at a regular or special meeting on an interim basis, with a resolution that is effective 30 days following adoption;
4. There are no legal requirements relating to the process of selecting and appointing a replacement, with the exception that the current member of the Board cannot vote on the appointment of a successor to fill his pending vacancy;
5. The appointment to fill a vacancy shall not be effective if a valid petition to reject the appointee is filed with the Board Clerk;
6. To be valid, a petition to reject an appointee must be signed by a number of eligible voters residing in the school district equal to at least five percent of the the total number of voters voting in the district at the most recent state general election (i.e., 2603 based on November 3, 2020 general election voters totalling 52,053);
7. If a petition is successful, the Board appointment is not effective and the appointment process must start over.

Please let me know if you have any questions about these legal and process requirements. Thank you.

Copy: Deanna Werner, Executive Assistant to the Superintendent