



November 10, 2021

To the Paso Robles Community:

On October 24, 2021, Trustee Jim Reed filed his resignation from the PRJUSD Board of Trustees with the San Luis Obispo County Superintendent of Schools, effective immediately. The Board of Trustees thanks Mr. Reed for his service to the PRJUSD schools.

To avoid a projected cost of approximately \$200,000 for a special election, the Board voted last night to fill the Trustee vacancy by provisional appointment. Beginning today and ending at 4:30 p.m. on November 24, 2021, the Board will be accepting applications to fill this position. Applications may be found at the District Office or on the Home page and Board of Trustees page of our website at pasoschools.org.

On Monday, November 29, 2021, the Board will meet in open session at 3:00 p.m. to review all applications to determine which applicants are legally eligible to serve as a Board Member per Education Code section 35107. Interviews for those candidates will take place a Special Board Meeting on December 7, 2021 at 5:00 p.m. or earlier, depending on the number of eligible candidates. The Board's appointment of the candidate to fill this position will take place on or before the December 14, 2021, regularly scheduled Board Meeting, at which time the new appointee will be seated.

Applications will be accepted from 8:00 a.m. to 4:30 p.m., at the District Office, beginning November 10, 2021. To be considered as a candidate, the application must be received in the District Office by 4:30 p.m. on November 24, 2021. Any application received after 4:30 p.m. on November 24, 2021 will not be accepted.

If you have any questions or concerns, please feel free to contact Superintendent Curt Dubost at cdubost@pasoschools.org or President of the Board of Trustees Chris Arend at carend@pasoschools.org.

Sincerely,

PRJUSD Board of Trustees



REQUENTLY ASKED QUESTIONS

REGARDING BOARD MEMBER APPOINTMENT

Thank you for your interest in seeking appointment to the Governing Board of the PRJUSD. As you know, a vacancy has occurred which may be filled by the remaining Board members no later than December 24, 2021. As you consider whether you would like to apply for an appointment to the Board, the following information may be of assistance.

1.) *Why is there a vacancy at this time?*

Trustee Jim Reed officially resigned on October 24, 2021 in order to spend more time with his family.

2.) *What are the minimum qualifications for serving on the Board?*

A person must be a citizen of the United States, a resident of the Paso Robles Joint Unified School District, at least 18 years old, and a registered voter.

3.) *What do I need to apply for the position?*

The Governing Board has determined that it will accept application materials which include a complete Qualification Form and Application. These materials are available on the home page of pasoschools.org, at the District Office located at 800 Niblick Road, Paso Robles or by calling (805) 769-1000 ext. 30104. Complete application materials must be received in the District Office, no later than 4:30 p.m. on November 24, 2021. Applicants must be available for interviews with the Board at an open meeting on December 14, 2021, or possibly at a Special Board Meeting on December 7, 2021.

4.) *If I am selected by the Board, when do I take office and when do I run for election?*

The Board anticipates making a selection on or before December 14, 2021, and officially appointing at the December 14, 2021 regularly scheduled Board Meeting. The appointment will become effective immediately. During the initial 10 days after the appointment, the Board must notify the community of the vacancy and the provisional appointment, including the name of the new Board member. The appointment will become final in 30 days unless a petition is filed with the San Luis Obispo County Superintendent of Schools requesting an election, in which case a special election will be called to fill a vacancy.

After the appointment becomes final, the Board member may stand for election at the next regular school Board election, which will be on November 8, 2022, to continue the final two years of this Trustee term.

5.) *What other information should I consider?*

Serving on the school board can be a valuable and satisfying way to make a significant contribution to the community. The Board, staff, parent and student community strive to work in a collegial relationship. As public officials, Board members do have to comply with certain restrictions not encountered in their private lives. For example, Board members serve with very little compensation for their services. Election campaigns are completely separate from district activities and the candidate must fund the campaign with private contributions in accordance with the rules of the Fair Political Practices commission.

Upon assuming office, a Board member must file a Statement of Economic Interest which is a public document that discloses the Board member's financial holdings within the boundaries of the District (excluding a personal residence). Board members must refrain from Board activities which constitute a conflict of interest or which are incompatible with their role as a Board member and confidentiality on certain matters must be maintained.



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6.) *May I get additional information on the role and responsibility of a Board Member?*

Yes, the California School Boards Association offers several publications on *School Board Leadership, New Member Orientation and Governance Briefs*.

Please feel free to contact the Board President or any Board member to discuss your interest in applying for appointment to the Board of Trustees of the Paso Robles Joint Unified School District.

The District and the entire community greatly appreciate your interest in serving our students.





APPLICANT QUALIFICATION FORM

Minimum Qualifications for Application (mandatory information):

Full Name: _____

Physical Address: _____

Are you a citizen of the United States? _____

Are you 18 years or older? _____

Are you a registered voter? _____

Additional Information (optional):

Length of Residence in District: _____

Children in District (Y/N): _____

If Yes, Schools Attended or Attending and Dates: _____

Home Phone: _____ Cell Phone: _____

Occupation: _____

Employer: _____

Work Address: _____

Work Phone: _____

Email Address: _____

I, _____, hereby certify I am a qualified voter and resident of the PRJUSD in the County of San Luis Obispo, in the state of California, and wish to be considered for appointment to fill an unexpired vacancy in the Board of Trustees of the District. The appointment expires in 2022. The term expires in 2024. The appointed candidate may seek election at the 2022 election for the final 2-year term.

I hereby certify that I meet all legal requirements to be a School Board Member of the PRJUSD.

I hereby certify that the information I have presented in the submitted application packet is complete, accurate and true to the best of my knowledge, and hereby authorize the Board of Education to verify this information as may be required. I understand that all application materials I have submitted are subject to the laws governing public information.

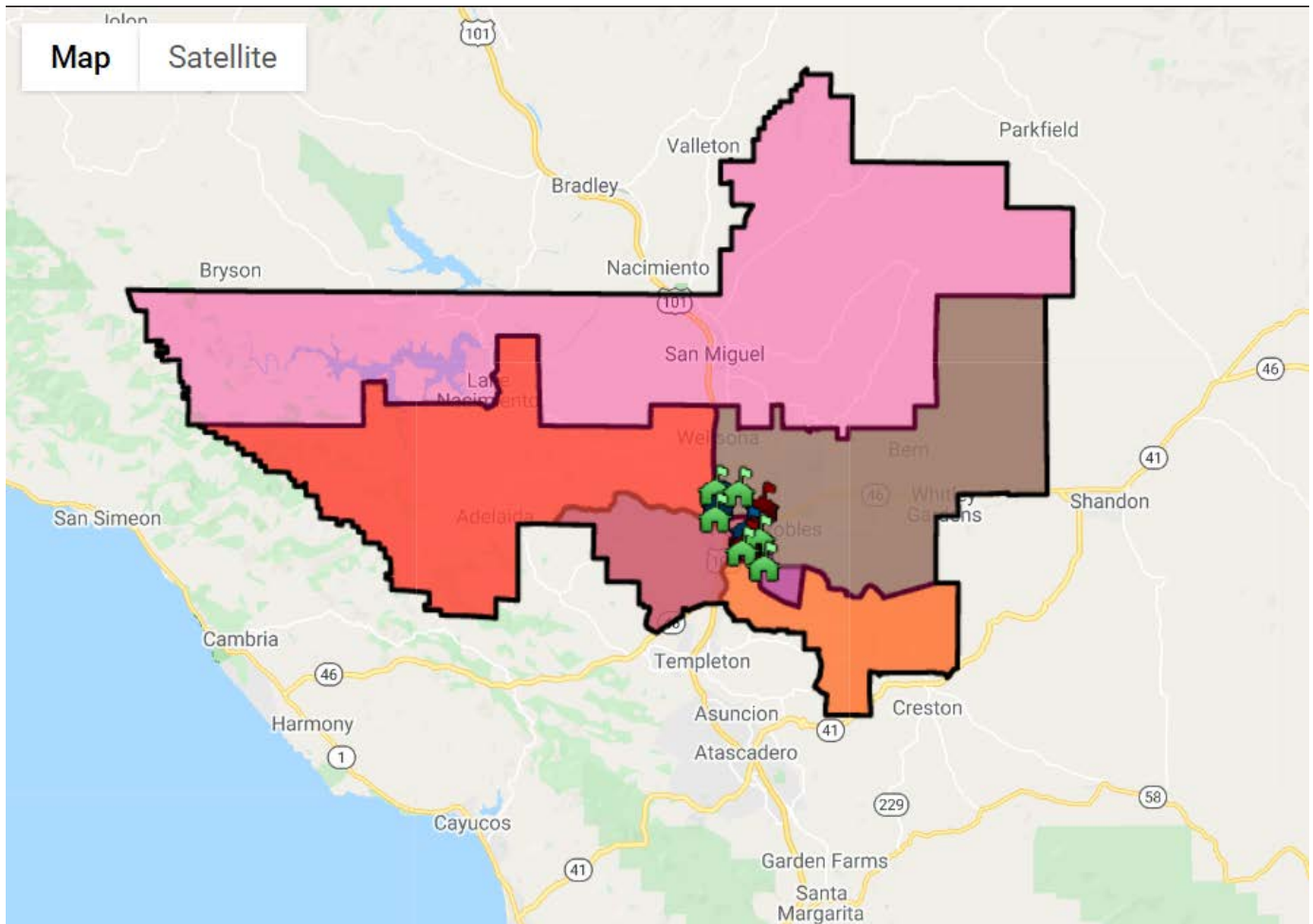
I understand that the District will review my offender status in the "Megan's Law" database. I further agree that if I am appointed to fill the Board vacancy, I will obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation within one month of appointment and prior to visiting any District school sites when students are present.

Applicant: _____

Date: _____

To determine if you live within the Paso Robles Joint Unified School District, please visit <https://www.myschoollocation.com/pasoroblesjUSD/>

➡ Check all boxes for Elementary, Middle, and High School





SCHOOL BOARD MEMBER PROVISIONAL APPOINTMENT APPLICATION
Additional Information

Application of: _____ Date: _____

1. Have you served on or do you currently serve on any community commission, committee or other type of board or in any other publicly elected office? If so, which of these and dates served?

2. Do you hold any other public office or have any business relationship with the district that might constitute a potential conflict of interest with service on the Board? If so, please list the public office or business relationships so we can verify your eligibility for office, if you wish.

3. Have you participated in any school, city, or community activities or committees recently? Please list and explain.

4. Briefly explain your reason or interest in becoming a school board member.



5. What do you see as the basic purpose of the public schools?

6. What is the role of the school board in the fulfillment of that purpose?

7. What should be the relationship between the board members and the administration in the handling of school concerns?

8. What is the single most critical issue facing the District in the immediate future and how would your background and experiences help the District to meet this challenge?

9. What do you see as the strengths of PRJUSD?



10. What do you see as the area(s) most needing improvement in PRJUSD?

11. Additional information or remarks you believe are relevant to this appointment:

12. Can you commit to attending the following meetings beginning at approximately 5:00 p.m.?

- | | |
|----------------------|--|
| a. January 11, 2022 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| b. January 25, 2022 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| c. February 8, 2022 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| d. February 22, 2022 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| e. March 8, 2022 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| f. March 22, 2022 | Yes <input type="checkbox"/> No <input type="checkbox"/> |



Handling Board Vacancies and the Appointment Process

I. Creation of a Vacancy

- a. Resignation filed with County Superintendent. A resignation may be “deferred” up to 60 days, but not withdrawn. (Ed. Code, § 5090 & § 5091, subd. (a).)
 - ➔ *If resignation is deferred, the Board member may continue to act on Board matters until resignation is effective. Possible to complete appointment procedure before resignation is effective.*
- b. Acceptance of another public office, incompatible with the existing office causes official to vacate the existing office. (Govt. Code, § 1099, subd. (b).)
- c. Other events, e.g. death, removal from office (including recall), no longer eligible, forfeiture of office, etc. (Govt. Code, § 1770.)
 - ➔ *A vacancy is also created by the failure to elect, i.e. insufficient candidates. (Ed. Code, § 5090.) However, the Education Code provides specific requirements for such a vacancy. The Board must appoint an individual to fill the seat at the meeting prior to the day of the election and the individual is seated at the organizational meeting as if elected. (Ed. Code, § 5328.)*

II. Options for Filling a Vacancy

- a. Options depend on timing of the vacancy.
 - ➔ *The trigger for filling a vacancy is either the date of the vacancy or, if deferred, the date a deferred resignation is filed. (Ed. Code, § 5091, subd. (a)(1).)*
- b. Options provided by Education Code:
 - i. If the vacancy occurs between six months and 130 days before a regularly scheduled Board member election at which other Board seats are up for election, the position is filled through a special election held concurrently with the regular election. (Ed. Code, § 5093, subd. (b).)
 - ii. If vacancy occurs within the last four months of a term, the position remains vacant until a successor is elected. (Ed. Code, § 5093, subd. (a).)
 - ➔ *A “term” starts on the first Friday in December following election and ends four years later. (Ed. Code, § 5000.) Terms are not impacted by vacancies and cannot be shortened or lengthened by Board action.*
 - iii. If vacancy occurs outside time periods mentioned above, Board must choose one of two options within 60 days from date of vacancy:
 - a. Order a special election to fill the vacancy.
 - ➔ *The school district will be responsible for the cost of any special election.*



b. Make a provisional appointment to fill the vacancy.

→ If Board fails to act within 60 days, the County Superintendent must call special election to fill vacancy. (Ed. Code, § 5091, subd. (a)(2).)

Options Based on Date of Vacancy

Date of Vacancy	Board Options to Fill
Between beginning of term and 6 months before regularly scheduled Board election for other seats.	Vacancy filled by special election or appointment. <i>If appointed, provisional appointee serves until next election at which time election is held to fill remainder of term.</i>
Between 6 months to 130 days before regularly scheduled Board election for other seats.	Vacancy must be filled by special election held at same time as election for other Board seats. <i>Candidate elected fills remainder of term.</i>
Between 129 days before regularly scheduled Board election for other seats and last 4 months of the term.	Vacancy filled by special election or appointment. <i>If appointed, provisional appointee serves remainder of term without election (unless petition filed.)</i>
Within last 4 months of the term.	Seat remains vacant, is filled at regular election for that seat. Seated at organizational meeting.

→ If possible, work with Board member to set date of vacancy to provide options/limit District costs. From a cost perspective, it is best for vacancies to occur no earlier than 130 days before a regularly scheduled Board election or within four months of the end of a term to allow a Board to avoid an additional election.

III. Election Procedure

a. The Board may order a special election to fill a vacancy.

b. The election must be held on the next established election date not less than 130 days after the order of election. (Ed. Code, § 5091, subd. (b).)



➔ *Established election dates are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, the first Tuesday after the first Monday in November of each year. (Elec. Code, § 1000.)*

➔ *The Board should consider the timing of its order of election and its impact on the date of the election.*

- c. The election may be conducted by all-mail ballot in some cases depending on the date of the election. (Elec. Code, § 4004.)

IV. Appointment Procedure

- a. The Board may make a provisional appointment.
- b. Candidates must be eligible to serve as a Board member. (Ed. Code, § 35107.)
- c. The Education Code provides little guidance on the appointment process; however, many districts have adopted Board Policies governing the process. (See following sample CSBA Board Bylaw 9223).
- d. Best Practices/Sample Procedures (Districts should consult their current policies and ensure they comply with any such policies during the appointment procedure)
- i. Publicize the vacancy and appointment process. Reach out to local press and community/school groups to notify potential candidates. (See Attachment 2 Announcement of Vacancy)
- ii. Establish the process at the start. Create an application packet that includes information about timelines, the selection process, and a copy of all relevant Board Policies. Upload to website. (See Attachment 3 Frequently Asked Questions About Board Vacancies)
- iii. Qualification Form and Application can gather personal information (necessary to determine eligibility) along with questions about the applicant's interest. (See Attachments 4 and 5)
- ➔ *The applications may be public records subject to disclosure under the California Public Records Act ("CPRA"). However, private information may be redacted and the District can claim exemption from CPRA disclosure if there is concern that releasing the applications may inhibit the selection process. (Govt. Code, § 6255; California First Amendment Coalition v. Superior Court (1998) 67 Cal.App.4th 159, 172 [applications for county board of supervisors vacancy exempt from disclosure where disclosure would reduce applicant pool or candor of those who apply].)*
- iv. Open process to the public where possible; however, Board may also use sub-committees to aid the process – many Board Policies specifically require sub-committee to determine which candidates are eligible for consideration by the full Board. Sub-committees also used to develop interview questions.
- ➔ *Be careful to avoid violations of the Brown Act during this process. This process can encourage emails between a majority of Board members or serial meetings that may violate the Brown Act.*



- ➔ *District administration and Board President can provide information or communicate about administrative matters/process with the Board outside of a meeting.*
- v. Provide an opportunity for any prospective candidate to seek clarification of process and minimum qualifications.
 - ➔ *Verify eligibility of candidates (work with county where necessary).*
- vi. Conduct interviews before full Board at a Board meeting.
 - ➔ *Board may establish time limits for candidate interviews, must be equal for all.*
 - ➔ *Sample process: opening statements, questions with rotation of which candidate answers first, closing statement.*
 - ➔ *Candidates may be asked, but cannot be forced, to wait outside the room while other candidates answer questions.*
- vii. Hold a hearing for public comment at a Board meeting following interviews.
- viii. Board discusses candidates.
 - ➔ *Begin with criteria sought in a candidate.*
 - ➔ *Ask each Board member to list pros for each candidate and/or conduct preliminary poll to determine if the Board can narrow the field.*
 - ➔ *Focus on positives of each candidate and how he or she fits criteria, avoid negative discussion regarding individuals.*
- ix. Board deliberates and votes on candidate at the same or a following meeting.
 - ➔ *If a Board member is resigning, he or she may participate in discussions, but may not vote on replacement. (Ed. Code, § 35178.)*
 - ➔ *Majority vote of the number of seats (not excluding vacant seat) is required to appoint. Tie votes do not result in appoint.*
 - ➔ *All discussions must be in open session of a Board meeting (can be at a regular or special meeting, but consider giving additional notice of special meetings involving this topic.)*
 - ➔ *Votes on appointment cannot be secret, if voting for more than one candidate at a time, system must make clear which Board member voted for which candidate (i.e., colored dots/oral announcement).*
- e. Once appointed, provisional appointee is a full Board member. (Ed. Code, § 5091, subd. (d).)
 - ➔ *Oath must be administered before taking seat. (Govt. Code, § 1360.)*



V. Petition to Require Special Election

- a. Within 10 days of the decision to provisionally appoint a Board member, the school district must provide public notice of the appointment and opportunity to file a petition for a special election. (See Attachment 8)
 - i. Notice must be posted in at least three public places in the district boundaries and in a newspaper of general circulation. (Ed. Code, § 5092.)
 - ii. Notice must include the date of the vacancy, date of appointment, full name of provisional appointee, and statement that unless a petition calling for a special election is filed within 30 days, the appointment becomes effective.
- b. Voters of the school district may submit petition within 30 days from the date of any provisional appointment to seek a special election to fill the vacancy.
 - i. The petition must contain signatures of at least 1 ½% of the number of registered voters in the school district as of the last regular election of governing board members. (Ed. Code, § 5091, subd. (c)(1).)
 - a. *Signature of 5% of similar voters required in school districts with less than 2,000 registered voters. (Ed. Code, § 5091, subd. (c)(1).)*
 - b. *If school district uses trustee areas, thresholds are calculated based on voters in the trustee area associated with the vacancy. (Ed. Code, § 5091, subd. (c)(3).)*
- c. The County Superintendent must verify the signatures within 30 days. If sufficient, the petition terminates the provisional appointment and triggers a special election. (Ed. Code, § 5091, subd. (c)(2).)
- d. Special election must be held no later than 130 days following the determination that the petition is sufficient or on an established election date if it falls between 130 and 150 days following the determination. (Ed. Code, § 5091, subd. (c)(2).)

VI. Service of New Member

- ➔ *The new member will serve, at most, the remainder of the term, not a full four years unless appointed as result of a failure to elect. (Ed. Code, § 5328.)*
- a. If appointed by the Board, the member serves:
 - i. Until the next regularly scheduled Board member election if that election is 130 days or more after appointment; or,
 - ii. Until the end of the term. (Ed. Code, § 5091, subd. (e).)



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- *Even though appointment of Board member in first two years of a term may require additional election for that seat at next regularly scheduled election, still likely to be less costly than a standalone special election.*

If elected at a special election or regularly scheduled election for other Board members, the member serves the remainder of the term.



Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 01/24/2012

Events Causing a Vacancy

A vacancy on the Governing Board may occur by a failure to elect or for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent.

4. A Board member's removal from office, including recall (Government Code 1770; Elections Code 11384)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days within a calendar year, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days within a calendar year
- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard within a calendar year

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days within a calendar year.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties (Government Code 1770)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)

2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described below. (Education Code 5091)

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

(cf. 9220 - Governing Board Elections)

(cf. 9323.2 - Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice

shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation

2. The full name of the appointee

3. The date of appointment

4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)
