

## **ERVING SCHOOL COMMITTEE**

File: BBBE

### **UNEXPIRED TERM FULFILLMENT**

When a vacancy on the School Committee occurs for any reason, the Select Board and the remaining members of the Committee share the responsibility for filling it.

In accordance with MGL Chapter 41 Section 109, if there is a resignation by a school committee member that creates a vacancy, the resignation must be filed with and certified by the town clerk. In the instance where a vacancy is created for any other reason including the death or removal from office, the Chair of the School Committee shall submit notification to the town clerk. Upon receipt of a notice, the clerk shall notify the remaining members of the School Committee and the Select Board, and such notification shall include the effective date of the vacancy.

The Select Board shall exercise one of two options for filling the vacancy:

- in accordance with MGL Chapter 41, Section 10, which provides for a special general election, or
- in accordance with MGL Chapter 41, Section 11, which provides for a joint roll call vote of the Select Board and remaining members of the School Committee.

Under Section 10, the Select Board may call a special election provided, however, that the election is held after the effective date of the resignation creating such vacancy. For an election to be held, the Select Board must file with the town clerk a notice of an election for the office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election.

Under Section 11, if there is a vacancy on the School Committee, the remaining members shall give written notice to the Select Board within one month of the vacancy. The Select Board, along with the remaining member(s) of the School Committee, may, after one week's notice, fill such vacancy by roll call vote. Should the School Committee fail to give the Select Board notice within the time specified, the Select Board shall fill such vacancy. A majority of the votes of the officers entitled to vote shall be necessary for election of a new member. The person appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another member is elected or appointed.

SOURCE: MASC

LEGAL REF.: M.G.L. 41:10 and 11

First reading: 03-21-07

Second reading, first vote: 04-25-07

Final vote: 10-16-07