

C.R.S. 22-31-129

COLORADO REVISED STATUTES

*** This document reflects changes passed at the Second Regular Session and First Extraordinary Session of the Sixty-Eighth General Assembly of the State of Colorado (2012)

TITLE 22. EDUCATION
SCHOOL DISTRICTS
ARTICLE 31. SCHOOL DISTRICT DIRECTORS - ELECTION

C.R.S. 22-31-129 (2012)

22-31-129. Vacancies

(1) A school director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(a) If for any reason a school director is not elected to a school director office by the eligible electors as may be required at a regular biennial school election;

(b) If the person who was duly elected or appointed fails, neglects, or refuses to subscribe to an oath of office as provided in section 22-31-125;

(c) If the person who was duly elected or appointed submits a written resignation to the board of education and such resignation has been duly accepted by the board of education;

(d) If the person who was duly elected or appointed is or becomes during the term of office a nonresident of the school district in which the person was elected or, in the event the district has a director district plan of representation or a combined director district and at-

large plan of representation, if the director is or becomes during the term of office a nonresident of the director district which the director represents unless the director has been elected at the time of or prior to the adoption of a director district plan of representation or a combined director district and at-large plan of representation by the electors or prior to a revision and redesignation of director district boundaries;

(e) If the person who was duly elected or appointed is found guilty of a felony;

(f) If a court of competent jurisdiction voids the officer's election or appointment or removes the person duly elected or appointed for any cause whatsoever, but only after his right to appeal has been waived or otherwise exhausted;

(g) If a court of competent jurisdiction determines that the person duly elected or appointed is insane or otherwise mentally incompetent, but only after the right to appeal has been waived or otherwise exhausted, and a court enters, pursuant to part 3 or part 4 of article 14 of title 15 or section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the insanity or mental incompetency is of such a degree that the person is incapable of serving as a school director;

(h) If the person who was duly elected or appointed does not attend three consecutive regular meetings of the board of education, unless the board by resolution shall approve any additional absences or unless the absences are due to a temporary mental or physical disability or illness;

(i) If the person who was duly elected or appointed dies during the term of office.

(2) At the next board of education meeting immediately following the occurrence of any condition specified in subsection (1) of this section, the board of education of the district shall adopt a resolution declaring a vacancy in the school director office, and the board of education of the school district in which the vacancy occurs shall appoint a person to fill the vacancy within sixty days after the vacancy has occurred. If the appointment is not made by the board within the sixty-day period,

the president of the board shall forthwith appoint a person to fill the vacancy. The appointment shall be evidenced by an appropriate entry in the minutes of the meeting and the board shall cause a certificate of appointment to be delivered to the person so appointed. A duplicate of each certificate of appointment shall be forwarded to the department of education.

(3) If the vacancy occurs more than ninety days prior to the next regular biennial school election and the unexpired term is for more than two years, an appointee to the office of school director shall serve until the next regular biennial school election when the successor for the remainder of the term is elected and has qualified. If the vacancy occurs within the ninety-day period prior to a regular biennial school election and the unexpired term is for more than two years, an appointee to the office of school director shall serve until the next succeeding regular biennial school election when a successor for the remainder of the term is elected and has qualified. Except as otherwise provided in this subsection (3), an appointee to the office of school director shall serve for the remainder of the unexpired term.

(4) Whenever the filling of a vacancy, as provided in subsection (3) of this section, causes terms of different duration to be open at the time of the regular election in a school district which has an at-large plan of representation or a combined director district and at-large plan of representation, candidates running at large shall designate the term for which they are running in accordance with section 1-4-803 (3), C.R.S.

HISTORY: Source: L. 64: p. 611, § 29. C.R.S. 1963: § 123-31-29.L. 71: p. 1167, § 1.L. 73: p. 1285, § 3.L. 75: (1)(g) amended, p. 928, § 35, effective July 1; (1)(h) amended, p. 692, § 15, effective July 1.L. 77: (3) amended, p. 1048, § 1, effective July 1.L. 92: Entire article amended, p. 834, § 31, effective January 1, 1993.L. 93: (4) amended, p. 1782, § 47, effective June 6.L. 95: (1)(g) amended, p. 1100, § 26, effective May 31.L. 96: (3) amended, p. 1766, § 57, effective July 1.L. 99: (1)(d) and (4) amended, p. 474, § 7, effective April 30.L. 2006: (1)(b) amended, p. 1023, § 4, effective May 25.L. 2010: (1)(g) amended, (SB 10-175), ch. 188, p. 793, § 47, effective April 29.