

**PUBLIC NOTICE OF
VACANCY AND APPOINTMENT TO THE
OAK PARK UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION**

Posted December 17, 2021

NOTICE is hereby given pursuant to Section 5092 of the Education Code of the State of California that due to a vacancy caused by the resignation of Oak Park Unified School District ("OPUSD" or "the District") Board of Education Member Allen Rosen effective January 19, 2022, an appointment pursuant to Education Code Section 5091 will be made.

Any legally qualified citizen of Oak Park who is interested in serving on the OPUSD Board can contact the OPUSD Communications Coordinator and Executive Assistant to the Superintendent/Board at raggarwal@opusd.org or (818) 735-3206 or go online to www.opusd.org/BoardVacancy to obtain the required Candidate Information Sheet and application. To be considered, OPUSD must receive a completed application **no later than 4:00 p.m., Tuesday, January 18, 2022**. Applications must be submitted by email to raggarwal@opusd.org or in-person to OPUSD, 5801 Conifer Street, Oak Park, CA 91377 (attention: Ragini Aggarwal).

On January 20, 2022, OPUSD Board President, Drew Hazelton, will release and post the list of qualified candidates who will be invited for an interview.

Candidate interviews will take place at a Special meeting of the Board of Education held at Oak Park High School, Presentation Room G9, 899 Kanan Road, Oak Park, California, on Thursday, January 27, 2022 at 5:30 p.m. Members of the public can attend this meeting in person or view it online at www.opusd.org/livestream. At this meeting, the Board of Education will interview candidates and make a provisional appointment to the OPUSD Board. Unless a petition calling for a special election containing a sufficient number of signatures is filed in the office of the Ventura County Superintendent of Schools, 5100 Adolfo Rd, Camarillo, CA 93012 within thirty (30) days of the appointment, this appointment shall become final.

APPLICATION FOR APPOINTMENT TO THE OAK PARK BOARD OF EDUCATION

The Application Packet includes:

1. Provisional Appointment Process and Timeline
2. Candidate Application
3. Certifications of Qualification
4. Declaration of Residency
5. Oak Park Unified School District Governing Board Bylaw 9223 – Filling Vacancies

California Education Code 35107 requires that candidates meet the following minimum eligibility requirements to be considered for provisional appointment to the Board:

- Be 18 years of age or older.
- Be a citizen of the state of CA.
- Be a resident of Oak Park.
- Be a registered voter.
- Not be disqualified by the Constitution or laws of the state to hold a civil office.

The Board is responsible for ensuring the District operates effectively and efficiently. Trustees commit a significant amount of time, energy, effort and dedication to ensure that the District can appropriately serve our community. For more information regarding the provisional appointment process or the duties of a school board member, please contact the Superintendent's Office at (818) 735-3206.

**Process and Timeline for Provisional Appointment
Oak Park Unified School District Board of Education Trustee**

PROCESS FOR PROVISIONAL APPOINTMENT

- Within time limits set by law (60 days):
- Advertise the vacancy in the Acorn, social media, on the OPUSD website and via ParentSquare email to families.
- Solicit applications or nominations of any legally qualified citizen interested in serving on the Board.
- To serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.
- Appoint a committee consisting of less than a quorum of the Board to ensure that applicants are eligible for board membership.
- Provide candidates with appropriate information regarding board member responsibilities.
- Announce names of candidates and accept public input either in writing or at a public board meeting.
- Interview the candidates at a public board meeting.
- Select the provisional appointee by majority vote at a public board meeting.
- The person appointed shall hold office until the next regularly scheduled election for the District Board members and shall be afforded all the powers and duties of a board member upon appointment.
- The next regularly scheduled election for District Board members is November 8, 2022.

TIMELINE

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| Tuesday, November 16, 2021 | Board Member Allen Rosen announced as part of his remarks that he will be relocating out of Oak Park and will need to give up his seat on the Board of Education. |
| Monday, November 29, 2021 | The Superintendent of the Ventura County Office of Education received and filed Mr. Rosen's deferred resignation with an effective date of January 19, 2022. This triggered the 60-day timeline for the Board of Education to (1) order a special election to fill the vacancy; or (2) make a provisional appointment to fill the vacancy. |
| Tuesday, December 14, 2021 | <p>Board of Education Board Meeting</p> <ul style="list-style-type: none"> • Board action item to determine whether to make a provisional appointment or call for an election • Information provided • Procedures and timelines for filling Board Member vacancy • Special election costs and protocols • Provisional appointment protocols |

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| | The Board took action to fill the vacancy by making a provisional appointment based on the information received from staff. |
| Friday, December 17, 2021 | <ul style="list-style-type: none"> • Advertisement of the open Board of Education vacancy on OPUSD website/social media and application packet available to the public on our website or by pick-up at the OPUSD, District Office. |
| Thursday, December 23, 2021 | <ul style="list-style-type: none"> • Advertisement for the Board vacancy in the local paper – The Acorn. |
| Tuesday, January 18, 2022 | <ul style="list-style-type: none"> • Deadline to receive applications via regular mail, email, or hand-delivery must be received in the Superintendent’s Office by 4:00 p.m. |
| Wednesday, January 19, 2022 | <ul style="list-style-type: none"> • Superintendent’s Office will contact Ventura County Elections Division to confirm residency and voter registration status of candidates • Board Subcommittee to review applications for provisional appointment to the Board of Education. • Review all applications to verify they meet the standard requirements: <ul style="list-style-type: none"> ○ 18 years of age, registered voter, lives within Oak Park |
| Thursday January 20, 2022 (Tentative) | <ul style="list-style-type: none"> • Post list of candidates to be interviewed by the Board at a special board meeting. |
| Thursday, January 27, 2022 | <ul style="list-style-type: none"> • OPUSD Board of Education Special Meeting, 5:30 p.m. at OPHS G9. • Board Action Item: Appointment to fill Board Member Vacancy • Public comment on agenda item • Applicant interviews • Board discussion and vote on appointment – majority vote required • Administration of Oath of Office and seating of appointee |
| Friday, January 28, 2022 (Tentative) | <ul style="list-style-type: none"> • Post notice of provisional appointment on District website – needs to be posted within 10 days of appointment |
| Thursday, February 3, 2022 | <ul style="list-style-type: none"> • Post in the Acorn newspaper |
| Friday, March 18, 2022 (Petition filing deadline to challenge the appointment) | <ul style="list-style-type: none"> • If a provisional appointment is made within the 60-day period, registered voters of the District may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the District equal to 1.5 % of the number of registered voters of the District at the time of the last regular election for Board members |

**OAK PARK UNIFIED SCHOOL DISTRICT
GOVERNING BOARD CANDIDATE APPLICATION
Posted December 17, 2021**

To be eligible for consideration (Education Code 35107), applicants must:

- Be 18 years of age or older.
- Be a citizen of the state of CA.
- Be a resident of Oak Park.
- Be a registered voter.
- Not be disqualified by the Constitution or laws of the state to hold a civil office.

Last Name _____ First Name _____

Home Address _____

Phone _____

Occupation _____

Employer & Work Phone if applicable: _____

Educational background: _____

Number of years residing in Oak Park: _____

Do you have any children who attend schools in the District: _____

Ages and Schools if any children attend schools in Oak Park: _____

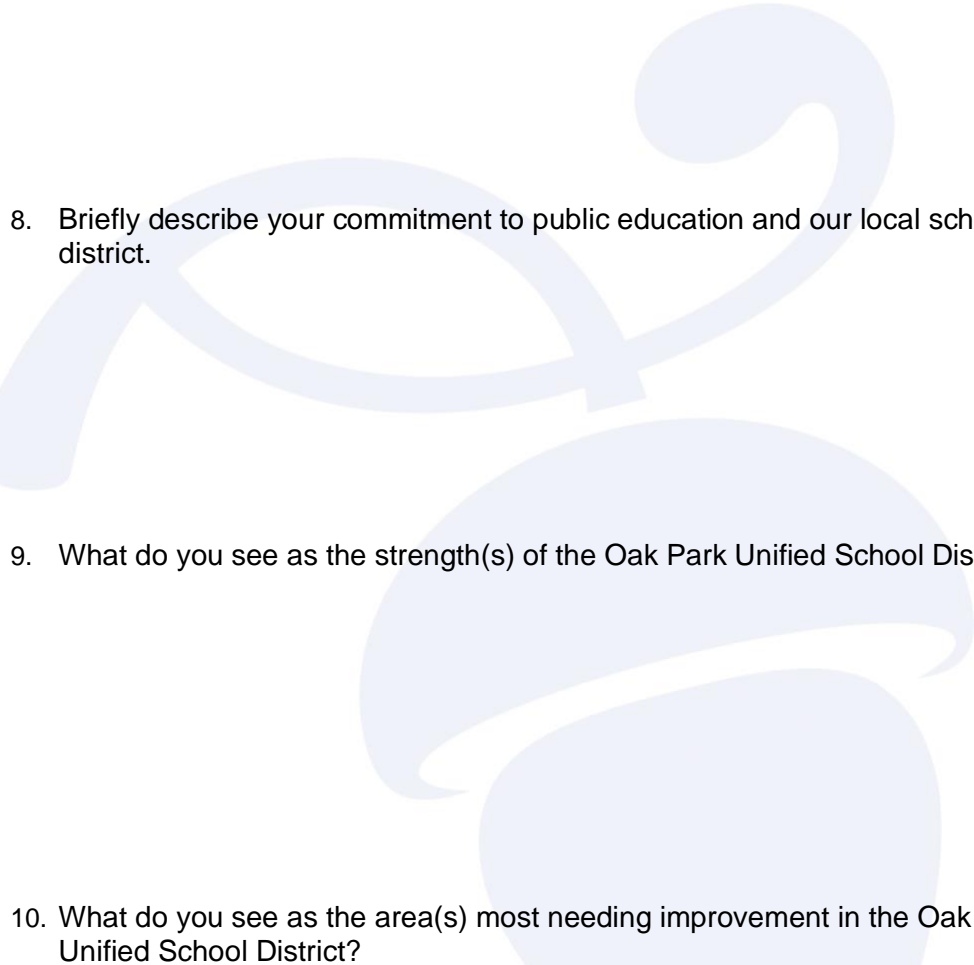
Are you currently employed by the Oak Park Unified School District:

_____ Yes _____ No

PLEASE NOTE: The appointee will hold office until the next governing board member election, which occurs at the next general election on November 8, 2022. Information contained on this application may be subject to verification and is considered a public record.

Please answer the following (you may attach a separate sheet if desired):

1. Do you have prior experience serving on a governing board, specifically a school district board? Please describe such prior experience.
2. Have you worked on any school committees or participated in any school activities? Please list them.
3. Please describe any relevant community or business activities in which you have participated. Describe your role, duration, and whether your work was volunteer, or employment related.
4. Why do you want to be a school board member?
5. What do you see as the basic purpose of the public schools? What is the role of the school board in the fulfillment of that purpose?

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6. How does the board's role differ from that of the Superintendent?

 7. Describe the relationship between board members and the administration in handling school concerns?

 8. Briefly describe your commitment to public education and our local school district.

 9. What do you see as the strength(s) of the Oak Park Unified School District?

 10. What do you see as the area(s) most needing improvement in the Oak Park Unified School District?

PLEASE NOTE: The appointee will hold office until the next governing board member election, which occurs at the next general election on November 8, 2022. Information contained on this application may be subject to verification.

11. List references of people who reside within the District that have knowledge of your character, experience, and abilities (Name, Phone, e-mail). You may attach letter of reference from those listed if you wish

1. _____
2. _____
3. _____

CERTIFICATION OF QUALIFICATIONS:

I understand that this application is a public document and may be requested under provisions of the Public Records Act and/or be available to the public on the Oak Park Unified School District website.

I understand that upon appointment I would be required to file a Conflict of Interest Statement Form 700 (available for viewing at <https://www.fppc.ca.gov/Form700.html>) and take an Oath of Office.

I certify that I am not disqualified from holding this office because of a conviction of any of the crimes on the listed on the next page and further certify I am not otherwise disqualified under the California Constitution or statutes from holding public office.

I certify that I am a citizen of California, a resident of Oak Park, and a registered voter.

I attest the foregoing information is true to the best of my knowledge.

Signature of Applicant

Date

PLEASE NOTE: The appointee will hold office until the next governing board member election, which occurs at the next general election on November 8, 2022. Information contained on this application may be subject to verification.

The following is a list of crimes, convictions of which precludes a person from holding public office in the State of California. Conviction of these crimes renders a person "forever disqualified from holding any office in this state."

Penal Code Sections:

- Bribing executive officer (Penal Code § 67)
- Officer asking or receiving bribes (Penal Code §§ 68, 88)
- Receiving gratuity for appointment to office (Pencil Code § 74)
- Judicial Officer who asked for or received emoluments, gratuities, rewards, or the fee of a stenographer (Penal Code § 94)
- Giving or offering bribe to Councilman or Supervisor (Penal Code § 165)
- Misappropriation of public funds (Penal Code§ 424)
- Interface with work or discipline of, or giving certain articles to prisoners (Penal Code § 2772)
- Interference with or giving certain articles to convicts (Penal Code § 2790)

Government and Elections Code Sections:

- Officer making contracts in which he or she is interested (Government Code§ 1097)
- Members of the Legislature convicted of any crime (Government Code § 9055)
- Corrupting the voting process (Election Code§ 18501)

Please note that aside from the above restrictions, Government Code § 1126 prohibits any local agency official from engaging "in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.

If you have any questions, please contact Communications Coordinator and Executive Assistant Ragini Aggarwal at raggarwal@opusd.org or (818) 735-3206.

Applications are due no later than 4:00 p.m. Tuesday, January 18, 2022.

PLEASE NOTE: The appointee will hold office until the next governing board member election, which occurs at the next general election on November 8, 2022. Information contained on this application may be subject to verification.

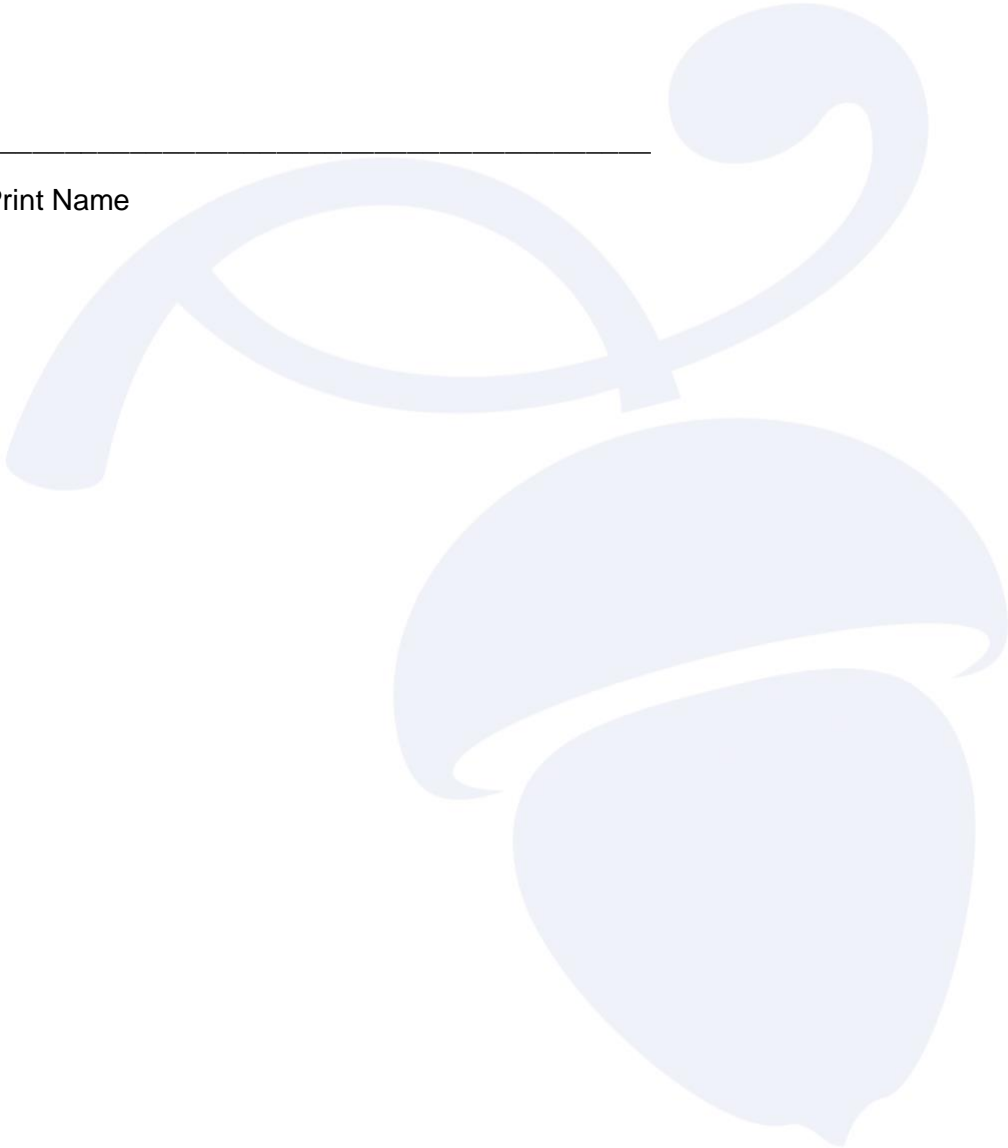
RESIDENCY DECLARATION

I, _____, hereby declare that I reside within the boundaries of Oak Park, CA 91377, pursuant to the statutory definition of residency provided in Government Code Section 244 and applicable law. If there is any change in the status of my residency, I agree to immediately notify the Oak Park Unified School District in writing.

Signature of Candidate

Date

Print Name



**OAK PARK UNIFIED SCHOOL DISTRICT
BYLAWS OF THE BOARD**

Series 9000

Bylaws of the Board

BB 9223(a)

Filling Vacancies

Events Causing a Vacancy

A vacancy on the Governing Board may occur 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 1779)

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. 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. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including recall. (Government code 1770; Elections Code 11384)
5. A Board member's ceasing to be a resident of the district. (Government Code 1770)
6. A Board member's absence from the state for more than 60 days , except in the following situations. (Government Code 1064, 1770)
 - a. Upon district business 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

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limit for absence from the state may be extended by the Board.

 - c. For federal military deployment, not to exceed an absence of a total of six months, as a

**OAK PARK UNIFIED SCHOOL DISTRICT
BYLAWS OF THE BOARD**

Series 9000

Bylaws of the Board

BB 9223(b)

member of the armed forces of the United States or the California National Guard

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. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

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 illness 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 or conviction of a designated crime resulting in a forfeiture of office. (Government Code 1770 and 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath 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. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict-by a court of competent jurisdiction, in which case, the office shall not be deemed vacant until the order of commitment has become final. (Government Code 1770)

12. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

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

OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

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Bylaws of the Board

BB 9223(c)

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 in item #3 below. (Education Code 5091, 5093)
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)

Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 – Governing Board Elections)

Provisional Appointments

When authorized by law to make a provisional appointment to fill a vacancy on the Board, 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. 9323.2 - Actions by the Board)

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)

OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

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Bylaws of the Board

BB 9223(d)

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)

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 – Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for “Provisional Appointments,” as specified above.

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5239 Order and call of election

5340-5345 Consolidation of elections

OAK PARK UNIFIED SCHOOL DISTRICT BYLAWS OF THE BOARD

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Bylaws of the Board

BB 9223(e)

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

CSBA: <http://www.csba.org>

California State Attorney General's Office, Quo Warranto Applications: <http://caag.state.ca.us/opinions/quo.htm>

Adopted: 10-19-77

Amended: 11-6-84, 9-11-90, 3-12-02, 9-17-02, 3-22-05, 4-21-09, 8-16-11, 5-15-12

OAK PARK UNIFIED SCHOOL DISTRICT
EXHIBIT

Series 9000

Bylaws of the Board

E 9223(a)

Filling Vacancies

Events causing vacancy before expiration of term: (Government Code 1770)

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent
- (b) The adjudication pursuant to a quo warrant proceeding declaring that the 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
- (c) His/her resignation
- (d) His/her removal from office
- (e) His/her ceasing to be an inhabitant of the district for which the officer was chosen or appointed or within which the duties of his/her office are required to be discharged
- (f) His/her absence from the state without the permission required by law beyond the period allowed by law
- (g) His/her 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
- (h) His/her conviction of a felony or any offense involving a violation of his/her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict or finding.
- (i) His/her refusal or neglect to file his/her required oath or bond within the time prescribed
- (j) The decision of a competent tribunal declaring void his/her election or appointment
- (k) The making of an order vacating his/her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond

**OAK PARK UNIFIED SCHOOL DISTRICT
EXHIBIT**

Series 9000

Bylaws of the Board

E 9223(b)

- (l) His/her 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.

Absence from state; members of governing board of school districts; conditions; (Government Code 1064)

No member of the governing board of a school district shall be absent from the state for more than 60 days, except in any of the following situations:

- (a) Upon business of the school district with the approval of the board
- (b) With the consent of the governing board of the school district for an additional period not to exceed a total absence of 90 days
- (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

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 governing board of the school district for an additional period not to exceed 30 days.

Adopted: 10-19-77

Amended: 3-2-83, 11-6-84, 3-12-03, 9-17-02