

**BOARD MEMBER RESIGNATION/REMOVAL FROM OFFICE**

According to the provisions of state law, a vacancy occurs on the School Board when an incumbent:

1. Dies;
2. Is removed from office;
3. Fails to qualify as provided by law;
4. Ceases to be a resident of the district, or representation area, where elected;
5. Is convicted of an infamous crime or of any offense involving a violation of the official oath of office;
6. Has a judgment obtained against him for breach of official bond;
7. Becomes incapable of attending to the duties of a board member;
8. Assumes the duties of an office incompatible with the duties of the board member;
9. Resigns and a successor is appointed and qualified as prescribed by law.

The resigning member will continue to serve in his or her official capacity as a Board member until the successor is appointed and qualified as prescribed by law.

**Legal References:**

SD Constitution Article 16 (Impeachment and removal from office)  
SDCL 13-8-22 (Incumbent continued in office)  
SDCL 13-8-23 (Events creating vacancy on board)  
SDCL 13-8-24 (Resignation not effective until successor appointed)  
SDCL 3-17-10 (Officer allowed expenses of defense after judgment)  
SDCL 3-17-11 (Advancement of appeals on Supreme Court calendar)  
SDCL 3-17-6 (Grounds for removal of local officers from office)  
SDCL 3-17-7 (Proceedings for removal of local officer)  
SDCL 3-17-8 (Suspension of local officer pending removal proceedings)  
SDCL 3-17-9 (Judgment of ouster in removal proceedings)

1<sup>st</sup> Reading-11/17/2015  
2<sup>nd</sup> Reading-12/15/15  
Date Adopted-12/15/15  
Last Revised-