



NZSTA

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## Governance support resources

### Casual vacancies for elected board members

Sometimes during a board's three-year term of office, a board member either resigns or can no longer be on the board for another reason. This is when a "casual vacancy" occurs.

If this board member is an elected parent, staff or student representative the board must follow the processes described here. You can also download a flow chart for this process [here](#).

#### How does a casual vacancy occur?

The following are the most common reasons for a casual vacancy. A casual vacancy occurs if an elected board member:

- dies
- resigns in writing to the board
- is absent from three consecutive board meetings without the board's "prior leave" (this is different from the board member giving apologies)
- is no longer eligible to be a board member for a financial or other reason
- a staff representative leaves the school
- a student representative leaves the school or is no longer a full-time student

A casual vacancy also occurs:

- when there are fewer nominations than the number of positions to be filled after an election or by-election
- after a board has increased its number of parent representative positions by altering its constitution

#### How does the board fill a casual vacancy?

- a board can never fill a casual vacancy by co-opting
- the board must decide how to fill the casual vacancy within eight weeks
- casual vacancies for **staff** and **student** representatives must be filled with a by-election:
  - the process will be the same as for an election

- the term of office for the person elected will be for the remainder of the vacating board member's term of office.
- casual vacancies for **parent** representatives can be filled with either a by-election or by selection:
  - the term of office for the person elected or selected will be for the remainder of the vacating board member's term of office
  - a by-election **must** be held if:
    - the number of selected parent representatives equals the number of elected parent representatives on the board
- When filling a casual vacancy by **selection**:
  - if you are not sure if the person who has resigned is an elected or selected board member check [A guide to board structure](#)
  - the board will need to notify its school and wider local community that it plans to fill the vacancy by selection – you may like to use the sample notice below
  - the selected person will need to complete the [eligibility declaration](#)
  - when the vacancy has been filled, the new board member needs to complete [appendix 2](#)

### Sample notice for filling casual vacancy by selection

***[insert school name] School Board***  
***Casual vacancy for a parent representative***

A casual vacancy has occurred on the school board for an elected parent representative. The board has decided to fill the vacancy by selection.

If 10% or more of eligible voters on the school roll ask the board, within 28 days of this notice being published, to hold a by-election to fill the vacancy, then a by-election will be held.

Request for a by-election should be sent to:

*Presiding member (chair)*  
*[insert school name] School Board*

*Address*  
*by: (relevant date)*

### Reimbursements for parent and staff representative by-elections

To receive reimbursement, all claims for actual and reasonable costs for by-elections must be submitted as soon as possible to the Ministry, by providing detailed invoices and completing the appropriate form. The claim form is available on the Ministry of Education [website](#).

Funding is not available for a student by-election.

### Board member register

Once the board has filled its casual vacancy, be sure to update the board member register.

### When does a board not have to fill a casual vacancy?

A board does not have to fill a casual vacancy if:

- the parent or staff representative vacancy occurs on or after 1 October in the year before the triennial elections. The board can still choose to fill the vacancy. Note:

- the decision on whether the board will fill the position or not must be made within 28 days after the vacancy occurs.
- this exemption does not apply to years in which a mid-term election is held.
- there are no nominations at all at the student representative elections. The board can still choose to fill the vacancy.

### Useful links

[Trustee elections website](#)

Education and Training Act 2020

Resources and information for boards

[schedule 23\(9\), \(12\)-\(13\)](#)



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