

Wisconsin Association of School Superintendent Assistants

Spring Conference

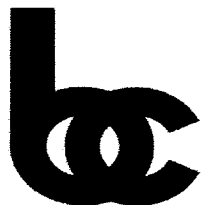
Orientation of New School Board Members - What Every Superintendent Assistant Needs to Know

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Orientation of New School Board Members - What Every Superintendent Assistant Needs to Know

This Conference is being conducted between the election of the school board members and the date that they officially take office. It presents a perfect opportunity for a review of the taking of office by board members, as well as the essential aspects of the orientation of new school board members from the perspective of the superintendent assistant. The focus will be on the roles and responsibilities of new school board members who are transitioning from being private citizens.

I. TAKING OFFICE AS A SCHOOL BOARD MEMBER.

- A. Although elected to a three-year term, not automatically entitled to act.
- B. Elected school board member must take and file the official oath which is then filed with the school district clerk.
- C. Assume office on the fourth Monday of April, if official oath taken.
- D. If elected board member neglects to take the oath by such date, a vacancy is created which will be filled by appointment by the remaining members of the school board.
- E. The organizational school board meeting must be held on or within thirty days after the fourth Monday in April.
 - 1. Election of officers consisting of president, vice president, treasurer, and clerk. [In unified school districts, the board must elect a secretary who need not be a member of the school board.]
 - 2. Election of officers can be done by secret ballot.

II. SCHOOL BOARD MEETINGS.

- A. A majority of the number of school board members constitutes a quorum for the transaction of business at a school board meeting.
- B. Rules of procedure, commonly *Robert's Rules of Order*.
- C. Each board member, including the president, is entitled to vote.
- D. A member must be present to exercise his or her voting privileges (no "proxy" voting).

- E. Any member of a school board may require that a particular vote be taken as a roll call vote.

III. FUNCTIONS OF SCHOOL BOARDS.

- A. Quasi-legislative functions, for example:
 - 1. Policy marking.
 - 2. Budget responsibility.
- B. Quasi-judicial functions, for example:
 - 1. Student expulsions.
 - 2. Grievance Procedure decisions.
- C. Quasi-executive functions, for example:
 - 1. Hiring and evaluating district administrator.
 - 2. Monitoring student achievement.

IV. PUBLIC OFFICERS.

- A. Trustees with fiduciary responsibilities.
- B. No power as individuals.
- C. Roles and responsibilities.
 - 1. Develop a vision for the schools and establish a structure to achieve that vision.
 - 2. Engage in advocacy on behalf of students and their schools.
 - 3. Exercise oversight of all education programs.
 - 4. Channel complaints to the appropriate process or personnel.

V. DIVISION OF POWERS AND DUTIES.

- A. School board.

1. Enumerated by statute.
2. “Do all things reasonable to promote the cause of education, including establishing, providing, and improving school district programs, functions and activities for the benefit of pupils.” Section 120.13, Wis. Stats.
3. “To do all other things reasonable for the performance of its functions in operating a system of public education.” Section 120.44(1), Wis. Stats.
4. Delegable powers v. non-delegable powers.

B. Electors.

1. Annual meeting powers.
 - a. Authorize purchase and sale of property.
 - b. Establish tax levy (not budget).
 - c. Establish board member salaries.
2. Special meeting powers.

C. School board officers.

VI. “OPEN” GOVERNANCE.

B. Meetings.

1. General principles.
 - a. “Governmental bodies.”
 - b. “Convening.”
 - c. Agenda items.
 - d. Notice requirements.
2. Closed sessions.
 - a. Procedure for convening.
 - b. Limited purposes.

- c. Duty of confidentiality.
 - 3. Walking quorums.
 - 4. Challenges of technology.
- C. Records.
 - 1. General principles.
 - a. Definition of “record.”
 - b. Duty to retain.
 - c. Duty to disclose upon request.
 - d. Confidential records.
 - 2. Email and text messaging.

VII. ETHICS.

- A. Code of ethics.
 - 1. Prohibition from using school board office to obtain any type of gain or benefit for themselves or for their family.
 - 2. Prohibition from accepting items or services offered because of school board member position.
 - 3. Prohibition from accepting items that could influence votes on official actions or could reasonably be considered a reward for any official action or inaction.
 - 4. Depending upon the nature of the violation, board members are subject to forfeitures of up to \$1,000, OR criminal fines up to \$10,000, and imprisonment for up to three years and six months, or both.
- B. Prohibited private interest in contracts.
 - 1. Contracts totaling more than \$15,000 per year.
 - 2. Strict liability statute.
 - 3. Prohibitions in both private and public capacities.

4. May result in void contracts.
 5. Violation is a Class I felony punishable by a fine of up to \$10,000, imprisonment for up to three years and six months, or both.
- C. Incompatibility.
1. Incompatibility of offices.
 2. Incompatibility of office and positions of public employment.
- D. Misconduct in office.
1. Intentional failure or refusal to perform a mandatory duty of office within the required time or in the required manner.
 2. Performance of an act knowing it is in excess of his/her authority or knowing it is forbidden by law.
 3. Exercise of a power with an intent to gain a dishonest advantage.
 4. Violation is a Class I felony punishable by a fine of up to \$10,000, imprisonment for up to three years and six months, or both.
- E. Board policy.

VII. INDEMNIFICATION AND INSURANCE.