

STRANG, PATTESON  
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# WISCONSIN ASSOCIATION OF SCHOOL SUPERINTENDENT ASSISTANTS

## PREPARING FOR AND CONDUCTING “SPECIAL MEETINGS”

*October 25, 2018*

*Presented by Attorney Shana R. Lewis*

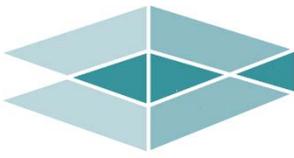
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## **Practice Areas**

- Labor and Employment
- School and Higher Education Law

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## **Education**

- J.D., University of Wisconsin Law School
- B.A., Political Science, University of Wisconsin
- Certificate in Women's Studies, University of Wisconsin

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Shana has extensive experience in labor and employment law, school and higher education law, and municipal law. She represents private and public sector employers in a broad range of labor and employment law matters, including family and medical leave, harassment, employment contracts, and collective bargaining. Shana's practice focuses on representing school districts throughout Wisconsin on issues ranging from labor and employment matters to pupil discipline, open meetings, public records, and other matters of import to Wisconsin schools. She also has significant experience conducting investigations for private and public sector entities concerning allegations of harassment, bullying, and discrimination involving staff and/or students.

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## Recognitions

- *Best Lawyers® in America* - Education Law, Employment Law – Management, Labor Law – Management, and Litigation – Labor and Employment (2013-2018)
  - *Best Lawyers’* 2018 Labor Law - Management “Lawyer of the Year” for Green Bay, WI
  - *Best Lawyers’* 2016 Labor Law - Management “Lawyer of the Year” for Green Bay, WI
  - *Best Lawyers’* 2016 Employment Law - Management “Lawyer of the Year” for Green Bay, WI
- 40 Under 40 List - Greater Madison InBusiness Magazine (2005, 2012)
- Named “Wisconsin Rising Star” by Super Lawyers Magazine (2006 - 2013)
- Rated BV® Distinguished™ by Martindale-Hubbell®
- Top Lawyer, Madison Magazine (2009)
- ATHENA Young Professional Award Nominee (2008)
- 2016 Women to Watch, *Brava Magazine*

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## Professional Activities

- Member, State Bar of Wisconsin
- Member, Dane County Bar Association
- Member, Legal Association for Women
- Member, Council of School Attorneys
- Member, Wisconsin School Attorneys Association
- Adjunct Faculty, Edgewood College

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## Community Involvement

- President, Board of Directors, Theatre LILA
- Secretary, Greenridge Park Neighborhood Association
- Lifelong Ambassador, A Fund for Women
- Vice President, Board of Directors, TEMPO Madison
- Development Committee Member, Operation Fresh Start

## **I. SCHOOL BOARD MEETINGS**

### **A. Special School Board Meetings.**

1. School boards are required to meet at least once per month. This meeting is called the Regular School Board Meeting. However, school boards may also hold special meetings in addition to their regular monthly meeting. Wis. Stats. §§120.11(1), 120.43(2).
2. In a common or union high school district, a special school board meeting may be held upon the written request of any school board member, filed with the school district clerk. Each school board member must be notified in writing of the time and place of the special school board meeting at least twenty-four (24) hours before the meeting. A special school board meeting may be held without prior notice, if all school board members are present and consent, or if every school board member consents in writing even though he or she does not attend. Wis. Stat. § 120.11(2).
3. In a unified school district, a special meeting may be held upon the call of the school district president or upon the filing of a request with the school district clerk signed by a majority of the school board members. Wis. Stat. § 120.43(2).
4. The meeting procedure for a special school board meeting, the public notice requirements, and the requirement for meeting minutes are similar to the procedures and requirements for regular school board meetings.

### **B. School Board Annual Organization Meeting.**

1. School boards in a common or union high school district with more than three members, must annually elect a school district president, vice president, treasurer, and clerk from among its members. The election must occur at a school board meeting held on or within thirty (30) days after the 4<sup>th</sup> Monday of April. Wis. Stat. § 120.05(1)(c).
2. School boards in a unified school district, must annually elect a school district president, vice president, treasurer, and clerk from among its members. School boards in a unified school district must also elect a secretary who does not need be a member of the board. The election must occur on or within thirty (30) days after the 4<sup>th</sup> Monday of April. Wis. Stat. § 120.43(1).
3. School board officials may be elected by secret ballot. Wis. Stat. § 19.88(1).

4. Generally, school board policies require school board officials to be elected by majority vote. For example, the School District of McFarland Board Policy 0152, provides, in relevant part, that “Election of officers shall be by a majority of voting members. Secret ballots may be utilized only for election of officers. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.”

**C. School Board Vacancy Meetings.**

1. Wis. Stat. § 17.26(1g)(a) provides as follows:

Vacancies in a school board shall be filled as follows...

Except as provided in sub. (1m), in a common, union high, or unified school district, by appointment by the remaining members. An appointee under this paragraph or sub. (1m) shall hold office until a successor is elected and takes office under s. 120.06 (4) or 120.42 (2).

When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the next spring election.

When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the 2nd following spring election.

2. 2015 Wisconsin Act 63.

- a. Created Wis. Stat. § 17.26(1m) (effective April 12, 2016):

- i. If the remaining members of the school board of a common, union high or unified school district do not appoint an individual to fill a vacancy within 60 days of the date on which the vacancy first exists, the remaining members of the school board may fill the vacancy in accordance with the school board’s policy under Wis. Stat. § 120.12(28).

ii. Prior to April 12, 2016, Wis. Stat. § 17.26(1m) contained different language, as created by 2015 Wisconsin Act 63 that, at present, only applies to the Racine Unified School District.

b. Amended Wis. Stat. § 120.06(7)(b):

The school board shall require a primary election if there are more than 2 candidates for any seat on a 3-member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. 120.02 (2), an apportionment plan that apportions the territory of the school district into election districts under s. 120.42 (1m), or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held in conjunction with the spring primary.

c. Created Wis. Stat. § 120.12(28):

By July 1, 2016, school boards must adopt a policy on how the school board will fill a vacancy on the school board if the remaining school board members do not fill the vacancy within 60 days of the date on which the vacancy first exists.

d. Renumbered and amended Wis. Stat. § 120.42(1m)(b):

The school board shall adopt a district apportionment plan that apportions the territory of the school district into election districts pursuant to the representation plan as follows:

i. Within 60 days after establishing the representation plan under par. (a).

- ii. Within 60 days after the population count by census block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state and decennially thereafter.
3. Vacancies must be filled by action supported by a majority of the remaining school board members, unless filled by Board President appointment.
4. A secret ballot is NOT permitted.
5. The advertisement for, interviews of, and voting method are either prescribed by Board Policy or determined by the remaining school board members before filling a vacancy.
6. Only in rare circumstances may interviews of school board member candidates occur in closed session. The decision must occur in open session.

**D. Student Expulsion Hearings.**

1. Prior to expelling a student, a school board must hold a due process hearing to determine whether the student engaged in conduct which is grounds for expulsion under Wis. Stat. § 120.13(1)(c)(1) - (2m), and whether the school board is satisfied that the interest of the school demands the student's expulsion. A student can demand the hearing to be closed, but cannot demand the hearing to be open. The student and his/her parent(s)/guardian(s) have the right to be represented by an attorney at the hearing. Wis. Stat. § 120.13(1)(c)(3).
2. Using a criminal court as an analogy, the administration acts as the prosecutor while the student and his/her parent(s)/guardian(s) act as the defendants. The school board acts as the judge. The school board must be impartial and unbiased for due process reasons. School districts may have their attorney present at the hearing. Sometimes, the school district attorney will sit with the school board and assist in conducting the hearing to ensure the hearing is fair and the proper procedures are followed. Other times, the school district attorney will sit with the administration and assist in the presentation of evidence. The school attorney cannot serve both roles at the same time.

3. The administration must prove by a preponderance of evidence (i.e., more likely than not) that the student engaged in the conduct alleged in the Notice of Pupil Expulsion Hearing that is grounds for expulsion. The rules of evidence, as applied in courts, do not apply to an expulsion hearing. Hearsay evidence is permissible to the extent that the evidence is reasonably reliable under the circumstances. Hearsay evidence is evidence offered by someone who did not learn of the information personally (i.e., a teacher testifies about an incident he/she did not witness, but was told to him/her by another student in confidence). Law enforcement records cannot serve as the only evidence to support the pupil expulsion.
4. Hearing Procedure.
  - a. Once the meeting is called to order, the board president and/or attorney should read an outline of the hearing procedures and the student's rights prior to the beginning of the expulsion hearing. The board president and/or attorney should answer all the questions the student or his/her parent(s)/guardian(s) have regarding the hearing procedure and their rights.
  - b. Although it is not required, most school boards will administer an oath to all witnesses prior to taking testimony. The oath often lends credence to the hearing. To save on time, most school boards will administer the oath to the group of witnesses.
  - c. The administration presents its case in support of expulsion first. The student and his/her parent(s)/guardian(s) must be given the right to cross-examine (i.e., ask questions of) the administration's witnesses and to review all exhibited submitted into evidence by the administration. School board members also have the right to ask questions of the administration's witnesses and review all exhibited submitted into evidence.
  - d. After the administration presents its case, the student and his/her parent(s)/guardian(s) have the opportunity to present the student's case. The administration must be given the right to cross-examine the student's witnesses and to review all exhibited submitted into evidence by the student. School board members also have the right to ask questions of the student's witnesses and review all exhibited submitted into evidence. The student cannot be compelled to testify.
  - e. Once both the administration and the student have presented their case, the administration will make a recommendation to the school board regarding whether to expel, the length of the expulsion, and any opportunity for early readmission. The student and his/her parent(s)/guardian(s) should be given the opportunity to address the

school board concerning the administration's recommendation. The school board in turn may ask the administration and the student or his/her parent(s)/guardian(s) questions regarding the recommendation.

- f. The board president will often invite the administration and the student and his/her parent(s)/guardian(s) to each give a "closing" statement to the school board.
- g. Once all testimony is given, closing statements made (if invited to do so), and all evidence submitted to the school board, the hearing is closed and all exhibits should be admitted into evidence.

5. School Board Deliberations.

- a. Deliberations occur after all of the evidence has been submitted.
- b. During deliberations, the administration and the student and his/her parent(s)/guardian(s) should leave the room.
- c. If the school board has follow-up questions for either party, the hearings should be reopened and the parties brought back into the room to answer the follow-up questions.
- d. The school board must decide whether there is sufficient evidence to support the determination the expulsion of the student, based only the evidence presented at the hearing.
- e. The school board must make the following findings:
  - i. Whether the student is guilty of the alleged conduct, as specified in the hearing notice;
  - ii. Whether the conduct the student engaged in meets the stated grounds for expulsion; and,
  - iii. If so, whether the interest of the school demands the student's expulsion.

6. Hearing Minutes.

- a. The school board must maintain written minutes of the expulsion hearing. At a minimum, the minutes must reflect who was present at the hearing, what evidence was presented in support of allegations of misconduct, and what decisions or actions the board took based upon the evidence presented. Peshtigo School District, (660) May

13, 2010; Wilmot Union High School (296) July 10, 1996. The Wisconsin Department of Public Instruction (DPI) has recommended that the minutes should identify which individuals present at the hearing testified and were cross examined. Wheatland School District, (613) March 27, 2008; Phillips School District, (435) June 25, 2001.

- b. If there is a reasonable view of the evidence submitted which supports the board's findings, those findings will be upheld. It is not required, however, that the minutes reflect every statement made by the board members or by hearing participants.
- c. Most school districts audio record the meetings; however, this is not required by the statutes.

**E. Meetings for the Purpose of Negotiations/Collective Bargaining with a Labor Organization/Union.**

- 1. The initial exchange of collective bargaining agreements between the school board and the labor union, and the discussion of the supporting rationale, must be held in open session, even if the agreement is only a proposal. Wis. Stat. § 111.70(4)(cm)(2).
- 2. Once the initial exchange has occurred, the school board may then meet in closed session to formulate a strategy for engaging in negotiations with the labor union. Wis. Stat. § 19.85(1)(e). When a body meets for the sole purpose of collective bargaining, the meeting is not subject to the Open Meetings Law. Wis. Stat. §19.82(1).
- 3. The school board, however, must conduct its deliberations leading up to the final ratification or approval of a collective bargaining agreement in open session. Wis. Stat. § 19.85(3); 81 Op. Att'y Gen. 139, 140 (1994).

Note: No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. Wis. Stat. § 19.85(2).

- 4. The statutes governing collective bargaining meetings do not apply to meetings concerning wages and salary increases if the school district employees are not represented by a labor organization/union. If the school board is meeting to consider the salary/hourly increase for a group of employees, this discussion and action must occur in open session, even if the school board has invited "representatives" to meet with the board to

discuss such increases. Only if the school board will be discussing a salary/hourly increase for a particular employee(s) is it possible for the school board to discuss the increase in closed session. See, Wis. Stat. §19.85(1)(c).

**F. Teacher and Administrator Contract Termination and Nonrenewal Hearings/Meetings.**

1. School boards are required to enter into written employment contracts with full-time teachers, school district administrators, including district administrators/superintendents, business managers, school principals, personnel administrators, curriculum administrators, and their assistants. Wis. Stats. §§118.21; 118.24.
2. Nonrenewal Hearings/Meetings.
  - a. Unless the school board notifies the teacher or administrator of its intent to not renew the contract, the employment contracts for teachers and administrators generally automatically renew for the ensuing school year. Wis. Stats. §§118.22; 118.24.
  - b. If the school board gives a teacher notice of its intent to not renew the teacher's employment contract, the teacher has a right to request a private conference with the school board. A private conference is a meeting for the purposes of Wisconsin's Open Meeting Law. School attorneys disagree about whether the teacher has a right to demand that the private conference occur in open session. Wis. Stats. § 118.22; 19.85(1)(b).
  - c. If the school board gives an administrator notice of its intent to not renew the administrator's employment contract, the administrator has a right to a hearing before the school board. An administrator has the right to request that his/her nonrenewal hearing is either a private hearing (i.e., closed session meeting) or a public hearing before the board (i.e., open session meeting). Wis. Stat. § 118.24(7).
3. Termination Hearings/Meetings.
  - a. An employment contract with a definite term will generally entitle a teacher or administrator to due process before his/her employment contract can be terminated during its term, unless such process is disclaimed by the provisions of the contract.
  - b. Any due process hearing before the school board is a meeting for purposes of Wisconsin's Open Meeting Law.

- c. When a school board is considering the termination of an employment contract, the employee is entitled to notice of the meeting, and the opportunity to demand that the meeting occur in open session pursuant to Wis. Stat. § 19.85(1)(b). Typically, however, these meetings occur in closed session.

**G. School District Reorganization Meeting.**

1. “Reorganization” means the consolidation of two (2) or more school districts, the dissolution of a school district, the detachment of territory from one (1) school district and its attachment to an adjoining school district or the creation of a school district. Wis. Stat. § 117.03(5).
2. Detachment is the most common reorganization process. To seek detachment, a petition must be filed in accordance with the following rules:
  - a. It must be signed by the majority of the electors residing in the territory or the owners of at least fifty percent (50%) of the territory.
  - b. It must include a description of the territory and the number of enrolled pupils who reside in the territory.
  - c. It must be filed with the School District Clerk in the school district where the territory is presently located.
  - d. It must be filed before February 1 to be effective on July 1.
3. Before adopting a resolution that grants or denies a reorganization petition, the school boards for the impacted school districts must give the electors and the owners who signed the petition an opportunity to meet with the board to present their reasons for/against the proposed reorganization.
4. The school boards involved in a “reorganization” may hold joint meetings/hearings or separate meetings/hearings regarding the reorganization. Wis. Stat. § 117.05(3).
5. Meeting Format.
  - a. Preliminary Matters.
    - i. Once the meeting is called to order, the chairperson of the meeting should identify him/herself, and should seek a nomination and corresponding motion for secretary of the meeting.

- (1) The board resolution, which set the time and date for the meeting, should also have appointed the individual serving as the chairperson.
  - (2) If the reorganization meeting is a joint meeting between the affected school districts, or if the issue of reorganization is contentious, the districts may want to consider having an independent chair (i.e., someone not associated with either school district) who understands parliamentary procedure.
- ii. The secretary (once he/she has been nominated and approved by motion), should read the notice of hearing. The reading of the hearing notice can be waived if there is no objection, and the waiver has been approved by the school board (or boards if it is a joint meeting).
  - iii. The chairperson should then introduce the school board members present at the meeting, and explain the statutory basis for making a decision regarding the reorganization of school district(s). These factors are stated in Wis. Stat. § 117.15.
- b. The Petition.
- i. The chairperson should provide an overview of the petition before opening the floor for public presentations. The floor must be opened for public presentations.
  - ii. The proponents of the petition should be given the opportunity to present first; followed by the opponents of the petition. The chairperson should instruct all individuals speaking to state their name, address, and school district of residence. Following the initial presentations by the proponents and the opponents, the chairperson should give each side a short time for rebuttal and/or summation with the proponents again going first.
  - iii. After the time for rebuttal and/or summation has concluded, the chairperson should close the public presentations, and open the school board deliberations. School board members may ask the proponents and opponents of the petition questions regarding the information presented at the public presentations. School board members may also state their thoughts on the petition.

c. Motions and Ballots.

- i. Once the school board members' questions have been answered and/or clarified and all school board members who want to share their thoughts have done so, the chairperson should explain the alternative decisions and the suggested motions (i.e., a motion that the reorganization petition is granted and an order entered providing for the reorganization and/or a motion that the reorganization petition be denied and dismissed).
- ii. The school board must consider and weigh the following factors as they affect the educational welfare of all the children of all the school districts affected by the proposed reorganization:
  - The geographical and topographical characteristics of the affected school districts, including the estimated travel time to and from school for pupils in the school districts;
  - The educational needs of all children residing in the affected school districts, the educational programs currently offered by each affected school district and the ability and commitment of each school district to meet those needs and continue to offer those educational programs;
  - If territory is proposed to be detached from one school district and attached to an adjoining school district, whether the proposed detachment will have any adverse effect on the program currently offered by the school district from which the territory is proposed to be detached, including both curricular and extracurricular aspects of that program;
  - The testimony of and written statements filed by the residents of the affected school districts;
  - The estimated fiscal effect of the proposed reorganization of the affected school districts, including the effect of the apportionment of assets and liabilities;
  - Whether the proposed reorganization will make any part of a school district's territory noncontiguous;

- The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district or in a school district proposed to be dissolved; the proportion of the pupils who reside in such territory who are children at risk, as defined under s. 118.153(91)(a); and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and the proportion of the affected school districts' enrollments that will be children at risk.
    - iii. The chairperson should ask the school board members for a motion, and ask the board member making the motion to read the entire motion for the record.
    - iv. The secretary should handle out the ballots to the school board members, and review what a “yes” and a “no” vote means. It is recommended that a sufficient copy of each types of ballot is prepared prior to the meeting. A sample ballot can be found on DPI’s website at, <https://dpi.wi.gov/sms/reorganization/forms>.
    - v. After the ballots have been cast, the secretary should tabulate the ballots and announce whether the motion(s) carries (i.e., passes) or fails.
  - d. Resolution and Adjournment.
    - i. The school board(s) then should adopt a resolution either authorizing an issuance of an order for reorganization or an order of denial. Sample resolutions for single and joint board meetings can be found on DPI’s website at, <https://dpi.wi.gov/sms/reorganization/forms>.
    - ii. After the resolution has been adopted, the chairperson should adjourn the meeting.
- 6. Any reorganization by a school board requires the affirmative vote of a majority of its full authorized membership. Wis. Stat. § 117.05(2)(b).
- 7. A school board’s failure to adopt a resolution that either orders or denies the reorganization by March 1 constitutes a denial of the petition.

8. If the detachment/attachment is denied by either school board, a majority of the electors residing in the territory or owners of at least fifty percent (50%) of the territory may appeal the decision to the School District Boundary Appeal Board.
  - a. Such an appeal must be filed by March 15.
  - b. Before a decision is made, each impacted school districts will be given an opportunity to present evidence and argument, in writing and in person, for consideration by the School District Boundary Appeal Board.

## **II. SCHOOL DISTRICT MEETINGS**

### **A. Annual Meetings of the Electors.**

1. The electors of common and union high school districts have special powers granted by statute that allows them, as a body, to play a substantial role in the governance of their school districts at the annual meeting of the electors. Electors are individuals who are eligible to vote in school district elections. Wis. Stat. § 120.08(1).

Note: There is no annual meeting in a unified school district. The school board of a unified school district has the powers granted to the electors common and union high school districts. Wis. Stat. § 120.44(2).

2. State law requires the common school districts to hold their annual meeting at 8 p.m. on the fourth Monday in July and union high school districts to hold their annual meeting at 8 p.m. on the third Monday in July, unless the electors decide to change the date/time. At an annual meeting, the electors may vote to or may authorize the school board to hold subsequent annual meetings at a different time or on a different date. However, no annual meeting may be held before May 15 or after October 31. Wis. Stat. § 120.08(1)(a).
3. Although the school board is charged with the care, control, and management of the school district, the board's charge is subject to the authority of the electors at the annual meeting. Electors at the annual meeting have the statutory powers described in Wis. Stats. §§ 120.10; 120.02; 120.06(6)(a); 120.13(2) and (25); and, 121.54, which includes the following, generally:
  - a. To elect a Chairperson.
  - b. To establish annual salaries for school board members OR for school board per diem.

- c. To authorize payment of school board member expenses.
- d. To authorize reimbursement of school board member for loss of earnings.
- e. To designate sites for school district buildings.
- f. To authorize the erection of buildings.
- g. To authorize the leasing of buildings.
- h. To authorize the purchase of real estate.
- i. To authorize the school district to lease property to a person/entity.
- j. To direct and provide for the prosecution or defense of a legal action.
- k. To direct the school board to furnish school lunches to students.
- l. To authorize the school board to pay for student accident insurance.
- m. To reduce the two (2) mile minimum distance for student transportation.
- n. To change the number of school board members and/or apportionment plan.
- o. To approve borrowing resolutions and applications for state trust fund loans.
- p. To impose taxes or levies for the following purposes:
  - To build, rent, lease or purchase and furnish, equip and maintain school district buildings.
  - To purchase, operate and maintain transportation vehicles and to purchase liability insurance for such vehicles.
  - For the operation of the schools of the school district.
  - To discharge any debts or liabilities of the school district.
  - To create a fund for the purpose of paying all current bonded indebtedness for capital expenditures.
  - To create a fund for the establishment, operation and maintenance of a recreation department.

Note: Wis. Stat. § 120.09 provides as follows:

Consideration of special subject. If in a common or union high school district at least 60 days prior to the annual meeting a petition is filed with the school district clerk signed by 100 electors requesting that the annual meeting consider a special subject or item of business which is a proper subject or item for consideration at the annual meeting, the school district clerk shall incorporate a statement of the subject or item in the notice of the annual meeting. The school district clerk shall prepare the proper ballot to permit voting on the subject or item at the annual meeting. If the petition includes a subject beyond the power of the annual meeting, the school district clerk shall reject that part of the petition which contains such subject and notify the proper person within 20 days of the school district clerk's receipt of the petition. The petition shall designate a person or a representative of an organization to be notified in case of its rejection.

4. Meeting Notice.

- a. The School District Clerk is required to publish the time and place of the Annual Meeting using a Class 2 notice, which means it must be published on two (2) occasions.
  - i. School districts are not required to have an official newspaper. However, many school districts designate a qualified newspaper with general circulation within the school district as the official newspaper. If a school district designates an official newspaper, all legal notices must be published in that newspaper. Wis. Stat. § 985.05(2). If an official newspaper has not been designated, a school district can publish in a newspaper that is likely to give adequate notice or elect to post legal notices in lieu of publication. Wis. Stat. § 985.05(1).
  - ii. The District can elect to post the notice in lieu of publishing it in a newspaper if no official newspaper has not been designated. If the District elects to post the notice in lieu of publication, it may do so by either posting the notice in at least three (3) public places that are likely to give notice to impacted individuals or posting the notice in one (1) location and placing the notice on the District's website. Wis. Stat. § 985.02(2)(a).

- b. The second Annual Meeting notice must be published no more than eight (8) days before the Annual Meeting and no less than one (1) day before the Annual Meeting.

5. Meeting Agenda.

- a. At a minimum, the agenda for the annual meeting should include: the call to order, election of chairperson, treasurer's report, adoption of the tax levy, old business, new business, and adjournment. Additional agenda items may include any presentations on or explanations of school programs and committee reports.
- b. State law also requires that common and union high school districts hold a public budget hearing at the time and place of the annual meeting of the electors. Due to this requirement, some school districts will add the presentation of the school district budget and a hearing on the budget as agenda items for the annual meeting instead of holding a separate budget hearing.
- c. The agenda may also include the consideration of a special subject as requested by the electors pursuant to Wis. Stat. § 120.09.
- d. Prior to its publication and/or distribution, the school board should expect to review the agenda.

6. Meeting Procedure.

- a. Acting as a temporary chairperson, the school board president should call the meeting to order; introduce the other board members, the district administrator or superintendent, and business manager (if applicable); and, explain the purpose of the meeting and the powers of the electors. The board president should also submit to the meeting the suggested agenda.
- b. After attending to the above preliminary matters, the board president should seek a nomination for a chairperson for the meeting. Usually, the chairperson is elected by electors by voice vote. Once elected, the chairperson should follow the submitted agenda. The chairperson should not participate in any discussion unless he/she gives up the chair and turns the gavel over to someone else. The chairperson should be in control of the meeting.
- c. School board members should be prepared to assist the chairperson by making any necessary motions – such as a motion to limit debate (if the meeting is getting contentious) or a motion to adjourn – and by answering any questions.

d. Every elector of the district is eligible to vote at an annual meeting, including district personnel and school board members. If the eligibility of attempting to vote at a meeting is challenged, the procedures in Wis. Stat. § 120.08(3) should be followed.

7. Meeting Minutes.

a. The school district clerk is required by statute to record the proceedings of the meeting. If the school district clerk is not at the meeting, the electors must elect a person to act as the clerk of the meeting. Wis. Stats. §§ 120.10(1) and 120.17(2).

b. The minutes need to reflect the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and, if a roll-call vote, how the electors voted.

c. Although not required, school district officials may request that the minutes be read and approved prior to the adjournment of the meeting. Additionally, school districts may want to publish the meeting minutes, although this is also not required by statute.

d. There is no need to approve last year's Annual Meeting minutes at the current year's Annual Meeting.

**B. Public Budget Hearing.**

1. All school districts must hold a public budget hearing. Wis. Stat. § 65.90(1). The statutes require common and union high school districts to hold their budget hearing at the time and place of their annual meetings.

2. Wis. Stat. § 65.90 specifies information what must be listed in the budget, requirements for publication of a budget summary, notice requirements for a public hearing, and procedures for changes to the budget. Preparation of the budget is the responsibility of the school board; however, the preparation of the budget may be delegated to the school district administrator and business manager. DPI has resources to assist school boards/districts in complying with Wis. Stat. § 65.90 available on its website, available at, <https://dpi.wi.gov/sfs/finances/budgeting/budget-hearing-adoption>.

3. Prior to the budget hearing, the school board must approve a proposed budget to present at the budget hearing. School districts must publish notice of the budget hearing and the proposed budget summary prior to the public hearing. Common school districts must publish the notice of hearing and proposed summary at least ten (10) days before the budget hearing, while

unified and union high school districts must publish the notice of hearing and proposed summary at least fifteen (15) days before the budget hearing.

4. At the budget hearing, the electors must be given the opportunity to comment on the school district's proposed budget. Wis. Stat. § 65.90(4). However, the electors do not have the power to approve or disapprove the budget. Although the electors can comment on the public and make suggested changes, the school district is not compelled to enact the suggested changes.

**C. Special Meeting of the Electors.**

1. Electors of a common or union high school district may also vote in any special meeting of the electors. At a special meeting of the electors, the electors have the same powers granted by statute as they do at the annual meeting of the electors. Wis. Stat. § 120.08(2)(a) and (c).
2. A special meeting of the electors may be call upon a petition signed by three percent (3%) of the electors or one hundred (100) electors, whatever is fewer, or upon a motion by the school board.
3. No more than two (2) special meetings may be held between annual meetings, except counties with a population of seven hundred fifty thousand (750,000) may hold no more than four (4) special meetings between annual meetings.
4. The meeting procedure and minutes requirements for a special meeting of the electors is similar to the meeting procedure of an annual meeting of the electors.