

SCHOOL BOARD LEGAL STATUS – MEMBERSHIP

0141 Number

The Board of Education shall consist of nine (9) members representing appointed areas as follows:

- A. five (5) seats from the city of Port Washington
- B. two (2) from the village of Saukville
- C. one (1) from the town of Port Washington
- D. one (1) at large with no residency requirement other than being a resident of the Port Washington-Saukville School District

0142 Election / Appointment

0142.1 Electoral Process

Members of the Board shall be elected annually in accordance with State election laws.

0142.2 Qualifications

An eligible elector of the School District is qualified to be a Board member. He/she must also reside in the area of appointment in which he/she is elected or appointed to represent, except as specifically authorized by law.

0142.3 Term

The regular term of office of Board members shall be for three (3) years, except as otherwise provided by law.

0142.4 Oath

Each newly-elected Board member shall file the oath of office with the Clerk and shall take an oral oath of office administered by the Clerk (or other authorized individuals).

0142.5 Vacancies

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent, or the incumbent's being found mentally incompetent by the proper court
- B. the incumbent's resignation
- C. the incumbent's removal from office
- D. the incumbent's conviction of a felony or imprisonment for one or more years
- E. the incumbent's election or appointment being declared void by a competent tribunal
- F. the incumbent's neglect or failure to file the oath of office
- G. the incumbent resides outside of the District or is absent from the District for a period exceeding sixty (60) days

0142.6 Filling a Board Vacancy

- A. During the 60 days immediately following the date on which a vacancy first exists, the Board may fill the vacancy only by an appointment made by a vote of the remaining members of the Board. Any such attempt to fill the vacancy shall be consistent with the following guidelines:
 - 1. The Superintendent (or designee) shall give notice of the vacancy to the public. The notice shall include a deadline for applying to fill the vacancy. The deadline shall be at least 14 days after the date that the notice is first placed on the District website or otherwise first posted or published.
 - 2. Any qualified elector of the District who is interested in filling the vacancy may submit a letter of application (addressing qualifications and interest) to the Superintendent's Office.

Applications received by the specified deadline are assured consideration. If no applications are received by the deadline, the Board President may direct the Superintendent (or designee) to re-issue the solicitation of interest with the deadline for assured consideration extended by up to an additional 14 days. The Board President shall ensure that all Board members are informed of any such extension.

3. The Board shall consider all of the identified potential appointees at a properly noticed meeting of the Board. Each potential appointee shall be given an opportunity to make a statement in support of their possible appointment to serve on the Board. The Board may ask questions of one or more of the potential appointees.
4. Unless a majority of the Board approves the use of a roll call or voice vote, the possible selection of an appointee to fill the vacancy will proceed with the use of signed, written ballots.
 - a. In the instance of one (1) or two (2) potential appointees, a standard majority of votes cast shall be required to make an appointment.
 - b. In the instance there are three (3) or more potential appointees, the definition of “majority” may be defined by four (4) instead of five (5) votes of the 8-member Board. This provision allows for the scenario where votes are split among the candidates with one potential appointee receives four (4) votes, and all other potential appointees receive less than four (4) votes. In the instance that none of the potential appointees receive a minimum of four (4) votes on the first round of voting, the potential appointee receiving the lowest number of votes would be removed from the voting pool, and the remaining potential appointees would be returned to the voting pool for a revote.
 - c. In the case of a tie vote, the election shall be determined by lot. The loser shall become next in order of election in the event there are additional vacant positions on the Board for the same apportioned area.

- B. If the vacancy is still unfilled and not in the process of being filled 60 days following the date on which the vacancy first existed, then the procedures listed above shall be repeated until either the vacancy is filled or there are fewer than 60 days before a duly-elected successor will take office in the vacant seat.
- C. The successor to the appointee will be elected at the very next spring election whenever either of the following applies:
 - 1. The vacancy occurs in the last year of a board member's term of office. In this situation, regardless of the specific timing of the vacancy, the district would have already known to include the office/seat on the November notice of election, and the seat will properly appear on the April ballot for its regular 3-year term.
 - 2. The vacancy does not occur in the last year of a board member's term of office, but does occur after the first Tuesday in April and on or before the last Tuesday in November.
 - 3. The successor to the appointee will be elected at the second following spring election if the vacancy does not occur in the last year of a board member's term of office, but does occur after the last Tuesday in November and on or before the first Tuesday in April.

0142.7 Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to become familiar with the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures and expectations.

Each new Board member shall meet with the Board President and the Superintendent to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and appropriate training meetings.

0143 Board Member Authority

Individual members of the Board do not possess the powers that reside in the Board of Education. The Board speaks through its minutes and not through its individual members. An act of the Board shall be valid only through approval at an official Board meeting by at least a majority vote of the members present at the meeting who are elected to and serving on the Board.

No member of the Board shall be denied documents or information to which the Board member is legally entitled and which are required in the performance of their duties as a Board member.

0143.1 Public Expression of Board Members

The Board President functions as the official spokesperson for the Board.

Individual Board members may make public statements on school matters:

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
2. routine correspondence from the Superintendent and other Board employees
3. routine "thank you" letters of the Board
4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)

5. personal statements not intended for publication

B. Copies of this bylaw shall be available to local media.

0144 Operations

0144.1 Board Member Compensation and Expenses

Board members shall receive an annual salary of \$1,600.00. Expenses of a Board member shall be reimbursed when incurred in the performance of the Board member's duties or in the performance of functions authorized by the Board and duly vouchered.

On an annual basis during the Board's reorganization meeting, compensation and expenses will be reviewed.

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

- A. Expenses will be reimbursed only for activities authorized by the Board.
- B. Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.
- C. When attending a Board-approved conference, all fees, parking, mileage, travel, meals, and housing will be reimbursed.
- D. Entertainment expenses or purchases of alcoholic beverages are not reimbursable.
- E. A voucher detailing the amount and nature of each expense must be submitted within sixty (60) days after the expenses have been incurred.

0144.2 Absence

If a Board member is absent from two (2) consecutive regular Board meetings (meetings where the usual official Board action is taken) the Board President, or the Vice President, and Superintendent may meet with Board member to encourage regular participation in Board activities and responsibilities and the

President may call a closed session as per SS19.85(1)(c) to request a review of the given Board member's priorities.

Similarly, should a Board member record four (4) nonconsecutive absences over a one (1) year period, the President may call for a closed session to permit a private review of the respective member's priorities. Furthermore, the member shall not receive compensation for the missed meetings and any future missed meetings as determined by the Board.

0144.3 Code of Ethical Conduct

Members of the Board are expected to uphold the laws and constitution of the United States and the State of Wisconsin and to support and operate under Board policy, bylaws and rules, and exhibit the highest ethical standards in serving the best interest of the District residents, students, and staff.

School Board members should:

- A. recognize that Board members should act in what is, in their opinion, to be in the best interests of the students and the entire community;
- B. recognize that the primary functions of the Board are policy making and evaluation, and not administrative;
- C. work with other Board members to formulate the educational ideals, values, and goals of the community into policy and ensure that these are translated into actual practice by the Superintendent and staff;
- D. act on matters after seeking and receiving pertinent information and after discussion by the full Board and the Superintendent;
- E. refrain from making disparaging remarks in public about school personnel or other Board members;
- F. recognize that authority to act rests with the entire Board and that business shall be transacted only in official meetings, except as otherwise provided by law or directed by the Board;
- G. refrain from making commitments to individuals or organizations on behalf of or representing the opinion of the entire Board;

- H. recognize that Board members shall not interfere with the school administration as individuals or undermine the administrative, teaching, secretarial, or custodial staff by using their elective office to force ideas on the personnel of the School District;
- I. recognize that Board actions remain in effect until modified even though a Board member may not have individually supported a motion; all Board members should support the action of the majority;
- J. require meetings of the Board to be conducted on the basis of a planned agenda prepared by the Superintendent after consultation with the Board President. If possible, items to be placed on the agenda should be submitted in ample time so information concerning the subject may be compiled;
- K. keep the Superintendent and fellow Board members advised of community reaction to the school district programs;
- L. listen courteously to questions and comments and refer these to the Superintendent or school principals. Refer personal requests and concerns by employees directly to the Superintendent in accordance with Board policies;
- M. act on the selection, assignment, transfer, promotion, demotion, or dismissal of school personnel only after submission of a recommendation by the Superintendent;
- N. participate in Board inservice programs to become familiar with issues to best represent the District;
- O. encourage open and frank discussions of all Board members with the Superintendent in closed sessions related to the purpose for closed session and keep confidential all information discussed in those sessions;
- P. not solicit or receive anything of value that would influence official votes, official actions, or judgments;
- Q. not use or attempt to use their positions to influence or gain unlawful benefits, advantages, or privileges for themselves or others;

- R. encourage the release of adequate information for the community concerning the school program.

0144.4

Conflict of Interest

Board members shall perform their official duties free from conflict of interest in accordance with state statutes:

- A. Board members shall not use their position as a Board member to obtain financial gain for themselves, their immediate family, or any organization with which they are associated;
- B. The State allows a Board member to act as a volunteer coach or volunteer supervisor for an extracurricular activity if all of the following apply:
 - 1. The school board member does not receive compensation for serving as a volunteer coach or supervisor.
 - 2. The school board member agrees to abstain from voting on any issue that comes before the school board that substantially and directly concerns the activity that he/she is coaches or supervises while she/she is serving as a volunteer coach or supervisor.
 - 3. The school board receives the results of a criminal background investigation of the school board member conducted by the Department of Justice or the Federal Bureau of Investigation.
- C. Board members shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with their duties and responsibilities in the school system and as a public officer;
- D. When a member of the Board determines that the possibility of a personal interest conflict exists, the member shall abstain from participation in both the discussion of the matter and the vote thereon.
- E. Board members will not participate in discussions or vote on the employment of relatives' advancement, compensation, or performance evaluation.

- F. Or any other issues which come to the Board where the Board member may have a pecuniary interest.

When a topic is discussed or a vote is taken, issues that may compromise or cause possible questions regarding an individual's interest or ethics, may be best addressed through abstention.

0145 Student Representatives to the School Board

The Board of Education, in an effort to encourage and maintain open communication with the student body, does establish the position of student representatives to the Board.

- A. The role of these students is to represent the student body in a positive manner where deemed appropriate in matters of the school district.
- B. The student representatives shall be elected by the Student Council, act as liaisons between the student body and the Board, and report back to the Student Council at its meetings.
- C. If the Student Council wishes to bring an item to the Board, the item must be reviewed with the school principal prior to the Board meeting. The principal will make a determination if the issue should first be addressed within the building, go before the Administrative Council, or to the Superintendent for possible placement on the Board agenda.
- D. Student representatives will not be allowed to be present during closed sessions.
- E. The Student Council Advisor will provide orientation to students with assistance of the Superintendent prior to attending the first School Board meeting.

0145.1 Representation

Two (2) or three (3) students representing the freshman, sophomore, junior, and senior classes of Port Washington High School, following election, will be invited to sit with the Board in its deliberations.

0145.2 Status of Student Membership

The two (2) or three (3) student representatives are welcome to attend all open Board meetings, will receive non-confidential materials sent to the Board members, and may speak when recognized. They are not to vote or make

motions. Student representatives are encouraged to stay for the entire School Board meeting.

0145.3 Election and Term of Office

Election to the Board would be conducted at the same time as the Student Council election in the spring for upperclassmen (sophomores-seniors) and in the fall for incoming freshman. The term of office shall be for one (1) school year. The Student Council Advisor and Superintendent are responsible for student orientation and preparation.

Legal reference:

Sections 6.02, 6.03, 8.21, 17.03, 17.035, 17.17(5), 17.26, 19.01, 19.41, 19.59, 19.85, 120.05(1)(d), 120.06, 120.10(3), 120.10(4), 120.13(16), 120.13(32), 120.17(10), 120.42, 120.42(2), 120.42(3), 120.43(3), 120.44(2) 887.01, 946.10, 946.12, 946.13 Wis. Stats.

Cross reference:

Bylaw 0131.1 – Bylaws and Policies
Bylaw 0152 – Committees
Bylaw 0161 – Rules of Order
Bylaw 0163 – Presiding Officer
Bylaw 0164.1 – Regular Meetings
Bylaw 0164.2 – Special Meetings
Bylaw 0166 – Agenda
Bylaw 0167.2 – Closed Session
Bylaw 0171.1 – President
Bylaw 0171.2 – Vice President
Bylaw 0171.3 – Clerk
Bylaw 0171.4 – Treasurer
Bylaw 0175.1 – School Board Conferences, Conventions, and Workshops
Policy 1210 – Board-Superintendent Relationship
Policy 1230 – Responsibilities of the Superintendent
Policy 1230.01 – Development of Administrative Guidelines

Policy 3112 – Board-Staff Communications
Policy 3120 – Employment of Professional Staff
Policy 4120 – Employment of Support Staff
Policy 9120 – School-Community Relations
Policy 9130 – Public Complaints

Revised: 10/10/05; 8/24/09; 2/09/15; 3/17/15; 3/14/16; 4/29/19; 11/14/22; 8/14/23