

**GRANTON AREA SCHOOL DISTRICT
217 NORTH MAIN STREET
SPECIAL SCHOOL BOARD MEETING
MONDAY, SEPTEMBER 28, 2020 @ 6:00 PM
FANNIE'S SUPPER CLUB**

I. REGULAR BUSINESS

- A. Call to Order
- B. Roll Call
- C. Verification of Notice to Public
- D. Pledge of Allegiance
- E. Approval of Agenda

II. AGENDA ITEMS

- A. IT Unified Management System Purchase
- B. Maintenance Project
- C. Personnel
- D. Work Session
 - a. Mission & Vision
 - b. Strategic Plan
 - c. Long-Range Planning
 - d. Board Member Roles & Responsibilities

III. EXECUTIVE SESSION

- A. Convene in Executive Session for the purpose of discussing/taking action under Wisconsin Statute 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- B. Return to Open Session

IV. ADJOURNMENT

This meeting notice may be supplemented in order to comply with Wisconsin's open meetings law. If this notice is supplemented, the final notice will be posted and provided to the media no later than 24 hours prior to the meeting or no later than 2 hours prior to the meeting, in the event of an emergency.

QUOTE CONFIRMATION



DEAR RICK MARKS,


Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LQKB280	9/11/2020	MERAKI SYSTEMS MANAGER	7818242	\$6,164.00

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<u>Cisco Meraki Systems Manager Enterprise - subscription license (3 years) -</u> Mfg. Part#: LIC-SME-3YR UNSPSC: 43232804 Electronic distribution - NO MEDIA Contract: MARKET	335	3749801	\$18.40	\$6,164.00

PURCHASER BILLING INFO		SUBTOTAL	\$6,164.00
Billing Address: GRANTON AREA SCHOOL DISTRICT ACCOUNTS PAYABLE 217 N MAIN ST GRANTON, WI 54436-7835 Phone: (715) 238-7292 Payment Terms: NET 30 Days-Govt/Ed		SHIPPING	\$0.00
		SALES TAX	\$0.00
		GRAND TOTAL	\$6,164.00
		DELIVER TO Shipping Address: GRANTON AREA SCHOOL DISTRICT RICK MARKS 217 N MAIN ST GRANTON, WI 54436-7835 Phone: (715) 238-7292 Shipping Method: ELECTRONIC DISTRIBUTION	

Need Assistance? CDW•G SALES CONTACT INFORMATION

	Ashok Natraj		(866) 302-0955		ashonat@cdwg.com
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LEASE OPTIONS			
FMV TOTAL	FMV LEASE OPTION	BO TOTAL	BO LEASE OPTION
\$6,164.00	\$173.15/Month	\$6,164.00	\$197.80/Month

Monthly payment based on 36 month lease. Other terms and options are available. Contact your Account Manager for details. Payment quoted is subject to change.

Why finance?

- Lower Upfront Costs. Get the products you need without impacting cash flow. Preserve your working capital and existing credit line.
- Flexible Payment Terms. 100% financing with no money down, payment deferrals and payment schedules that match your company's business cycles.
- Predictable, Low Monthly Payments. Pay over time. Lease payments are fixed and can be tailored to your budget levels or revenue streams.

- *Sealcoating
- *Striping
- *Crack Sealing
- *Routing
- *Court Resurfacing
- *Infrared Heat Patching



5226 Harding Avenue, Plover, WI 54467

Brandon Newby
 Cell 715-340-5261
 brandonsnewby@gmail.com
 715-592-3641 Office
 715-592-3641 Fax
 www.arrowprecisionasphalt.com

ASPHALT MAINTENANCE ESTIMATE

NAME: GRANTON Schools
Robbie

JOB ADDRESS: _____

BILLING ADDRESS: 217 N MAIN ST
GRANTON, WI 54436

JOB INSTRUCTIONS: \$7,790.00 (2021)

PHONE: 937-5883

DRIVEWAY

Work Description:

- *Asphalt will be edged prior to cleaning.
- *Asphalt is swept and cleaned with powered brooms and blowers.
- *Asphalt cracks are cleaned with a wire wheel machine or routed to specifications and torched. Cracks are filled with WI DOT approved hot rubberized crack filler.
- *After the asphalt is cleaned and repairs are completed, then the parking lot is sealcoated with 1 or 2 coats of coal-tar sealer or asphalt emulsion if requested.
- *Line striping is completed with white or yellow WI DOT approved striping paint.
- *Owners are responsible for clearing the lot prior to scheduled date and time.

SEALER SQ. FT. <u>78,300</u>	SEALING COST: \$ <u>7,040.00</u>
CRACK FILLER LN. FT. <u>6,400</u>	CRACK FILLER COST: \$ <u>3,200.00</u>
ROUTING LN. FT. <u>2,200</u>	ROUTING COST: \$ <u>990.00</u>
STRIPING LN. FT. <u>1,600</u>	STRIPING COST: \$ <u>750.00</u>
# OF INFRARED HEAT PATCHES: <u>160HP + 2 SAWCUTS</u>	PATCHING COST: \$ <u>16,650.00</u>

$160 = 5 \times 7$
 $160 \times 35 = 5600 \text{ sq ft.}$
 $16,650 \div 5600 = \$2.97 \text{ per sq. ft.}$

TOTAL COMPLETE: \$ 20,840.00
 All Taxes Included (2020)

CUSTOMER SIGNATURE: _____ Date: _____

ACCEPTED BY: B. Aug Date: 9/23/2020

Becomes a binding contract when signed and dated by both parties.

**ALL WORK IS FULLY INSURED WITH A ONE YEAR CONDITIONAL GUARANTEE
 ARROW PRECISION MEETS OR EXCEEDS ALL INSURANCE REQUIREMENTS**

All Sealer has a 3% Rubber Modifier & 3% Sand Added for a quality finished product.

SNOW REMOVAL		CLIENT: Granton Schools		Office Use Only	
PLOWING		<input type="checkbox"/> WORK ORDER <input checked="" type="checkbox"/> ESTIMATE		<input type="checkbox"/> Approved for Billing	
SALT <input type="checkbox"/> LOT <input type="checkbox"/> SIDEWALK		DATE OF ORDER 9.14.20	HOME PHONE 7152387292	<input type="checkbox"/> Bill Entered	
SIDEWALK		DUE DATE	WORK PHONE 7159375883	<input type="checkbox"/> SEASONAL CONTRACT	
HAULING/STACKING		START DATE	FINISH DATE	<input type="checkbox"/> REPEAT	
		JOB NAME		<input checked="" type="checkbox"/> ONE TIME JOB	
		JOB LOCATION			
ASPHALT		PROJECT POC Robbie	EMAIL roehr@granton.k12.wi.us	NAME Granton Schools	
HOT PATCH		DESCRIPTION OF WORK This project can be completed in '20 if bid is approved by 9/20/2020. If not completed due to weather, sealcoat pricing will be honored in the 2021 season. Repairs and Crackfill would need to be re visited.		STREET 217 N Main	
COLD PATCH				CITY Granton STATE ZIP	
CRACK FILL				HRS RATE AMOUNT	
SEAL COATING				Repairs 94 @ 75 7050.00	
STRIPING / PAINT				Sealcoat includes lot prep. .1050 8721.00	
LAWN MAINTENANCE				Crackfill. 7500' @.49 3675.00	
MOWING				Lines incl handicaps/arrows 550.00	
FERTILIZING				TOTAL LABOR	
RAKING				QTY MATERIAL UNIT AMOUNT	
AERIFICATION					
THATCHING					
WEED CONTROL					
SEEDING					
MULCHING					
EDGING/BORDERS					
		<input type="checkbox"/> Prepayment <input type="checkbox"/> Deposit of \$ _____ Required <input checked="" type="checkbox"/> None Required		TOTAL MATERIALS	
MISCELLANEOUS		RECOMMENDATIONS		WORK AUTHORIZED BY:	
				X _____ DATE _____	
				SIGNATURE	
				DATE	
				TOTAL MATERIALS	
				TOTAL LABOR 19996.00	
				TAX	
				TOTAL	



94 = 4x5 Areas
 20 x 94 = 1880 sq ft.
 7050 ÷ 1880 = \$3.75 per sq. ft.

SCHOOL DISTRICT OF OWEN-WITHEE

Robert Houts
District Administrator

Julie Van Ark
Jr.-Sr. High School Principal

Lance K. Batchelor
Elementary Principal

832 W. 3rd St. ♦ Post Office Box 417 ♦ Owen, WI 54460

(715) 229-2151

April 7, 2020

To Whom it May Concern,


Please accept this letter as a recommendation for SolutionZ and their work at the School District of Owen-Withee in Owen, WI. It is with great enthusiasm that I write this letter and vouch for the work they do.

We bid our a project in the summer of 2019 that involved the patching, crack fill, seal coating and painting of four parking lot areas at our school. SolutionZ was the low bid on the project by a wide margin over the next bid. One of the benefits of going with them was that they could do all phases of the work. Several of the companies could do two or three of the pieces, but SolutionZ was able to do all phases and do them well.

We were very pleased with the professionalism and completeness of the crew that did the work with us. They communicated well when we needed to close areas of our lots and they completed their work in a timely fashion, working on weekends and evenings to get our project completed. We were very pleased with the finished project and the appearance and functionality of the work SolutionZ did. But, more telling has been the result of their work after a winter of freezing, snow fall and plowing. The work that SolutionZ did has held up extremely well, with little or no impact form the winter season. Other areas of our lots have seen winter damage and we have asked SolutionZ to come back and do more work for us. That is how pleased we were with their work.

We are very pleased with the work SolutionZ and Rich Hohl have done for us and would highly recommend them for parking lot repair and maintenance work. Our staff and school board feel that we got a great job done at a very reasonable price. We feel we got tremendous value for our district dollars. If you have any questions about this recommendation, please feel free to contact me.

Sincerely,



Robert Houts
District Administrator



"Education Makes Truth Self-Evident"

Superior Sealers LLC.
 22024 County Hwy SS
 Bloomer, WI 54724 US
 715-568-2297
 www.superiorsealersllc.com

Estimate

ADDRESS

Granton School District
 217 N. Main St.
 Granton, WI 54436

ESTIMATE # 1869
DATE 09/22/2020

ACTIVITY	DESCRIPTION	QTY	AMOUNT
Asphalt Patching	Designated patches repaired by Infra-Red patching process, or saw out and replace process. (*Patching is sold per patch.)	15	1,806.00
Crack Sealing	All Cracks will be cleared of all debris and vegetation, mechanically routed, air blown, followed by an application of Rubberized Hot Joint Sealer. Spec.(ASTM T3405), Ged Spec.(SS 1401 C) F.A.A.Spec.(P605) All previously sealed cracks will be resealed. (*Crack Sealing is sold per foot.)	3,000	2,100.00
Seal Coating	Application of one coat of Asphalt Emulsion Sealer, applied at a rate of 40 to 50 Sq. Ft. per gallon. Latex additives and fine silica aggregates will be added to the sealer upon application to insure a more durable finish. Product will meet or exceed Federal Seal Coat Spec. (R.P. 355-e MICL 15203c) and F.A.A. Spec.(P625) Work includes lot cleaning and preparation, and grass cut back where needed. (*Seal Coating is sold per Square Foot.)	79,347	9,522.00
Line Painting	Pavement marking in parking lots, and on city streets. (*Line Painting is sold per foot.)	1,925	490.00

Acceptance of Proposal: At the time of accepting this estimate, you authorize Superior Sealers LLC to do your snow removal for the 2020-2021 snow season. The season starts with the first snowfall of 2020, and ends with the last snowfall of 2021.
 Please Sign and send back a copy to the address on estimate. Thank You!

TOTAL **\$13,918.00**

Accepted By

Accepted Date



www.bartingalemechanical.com

(715) 835-3169

3213 Louis Ave, Suite G • PO Box 1027 • Eau Claire, WI 54702-1027

Fax (715) 835-0538

Proposal

To: Granton School District
217 N Main St.
Granton, WI 54436

Re: Glycol install

Attn: Robby Roehl

Date: September 23, 2020

We hereby submit specification and estimates for the above-mentioned project:

98 Addition

Provide labor, equipment and materials to perform:

- Drain, install, and vent, 275 gallons of 100% propylene glycol.

Total for this work	\$6,795.00
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IMC area

Provide labor, equipment and materials to perform:

- Drain, install, and vent, 60 gallons of 100% propylene glycol.

Total for this work	\$2,332.00
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60 Building

Provide labor, equipment and materials to perform:

- Drain, install, and vent, 550 gallons of 100% propylene glycol.

Total for this work	\$11,257.00
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General Notes:

This is a close estimate to get building at 30% glycol. There may need to be more installed after it mixes at extra cost of labor and glycol.

Work to be Performed During the Hours of 7:00 am – 3:30 pm

Tax Exemption Status Included

Contractor Registration # 240113



We Propose Hereby To Furnish Material And Labor – Complete In Accordance With These Specification, For The Sum Of : See Above

Payable As Follows: Upon Receipt

All Material Is Guaranteed To Be As Specified. All Work To Be Completed In A Workmanlike Manner According To Standard Practices. Any Alterations Or Deviation From Above Specifications Involving Extra Cost Will Be Executed Only Upon Written Orders, And Will Become An Extra Charge Over And Above The Estimate. All Agreements Contingent Upon Strikes, Accidents Or Delays Beyond Our Control. Owner To Carry Fire, Tornado, And Other Necessary Insurance. Our Workers Are Fully Covered By Workmen’s Compensation Insurance.

Authorized Signature *Robert Dewitz*

Note: This Proposal May Be Withdrawn By Us If Not Accepted Within 30 Days.

Robert Dewitz

Acceptance Of Proposal – The Prices, Specification And Conditions Are Satisfactory And Are Hereby Accepted. You Are Authorized To Do The Work As Specified. Payment Will Be Made As Outlined Above.

Date _____

Signature _____

Our Vision

Granton Area School District is attracting new families and serves as a model of student excellence for communities everywhere.

Our Mission

We provide the highest quality education possible while meeting the needs of ALL students. We do this by focusing on three things:

- **Individual attention and small class size** ensure that each student receives personalized education in a comfortable and nurturing, small classroom environment.
- **Broad and innovative educational opportunities** that include agriculture, environmental science, technical education, the arts and online distance learning offer students a world of opportunities.
- **Engaging and supporting the community** means education does not stop in the classroom – we use serving learning projects and local resources such as the library, pool, and childcare center to enrich our students' academic experience.

Granton Area School is an equal opportunity provider and employer.

School Board Workshop



September 28, 2020

School Board Workshop



Scott R. Mikesh

Legal & Policy Services

Staff Counsel

smikesh@wasb.org

Office phone: (608) 512-1709

Toll free phone: (877) 705-4422

School Board Role & Responsibilities

- ▶ **Roles of the board, individual members, and administrators**
- ▶ **How do Boards exercise statutory powers and duties**
- ▶ **What Boards do**
- ▶ **Board Action vs. the Individual Board**
- ▶ **Member**
- ▶ **Access to Information**
- ▶ **Evaluation and Chain of Command**
- ▶ **Open Meeting Law**
- ▶ **Public records**

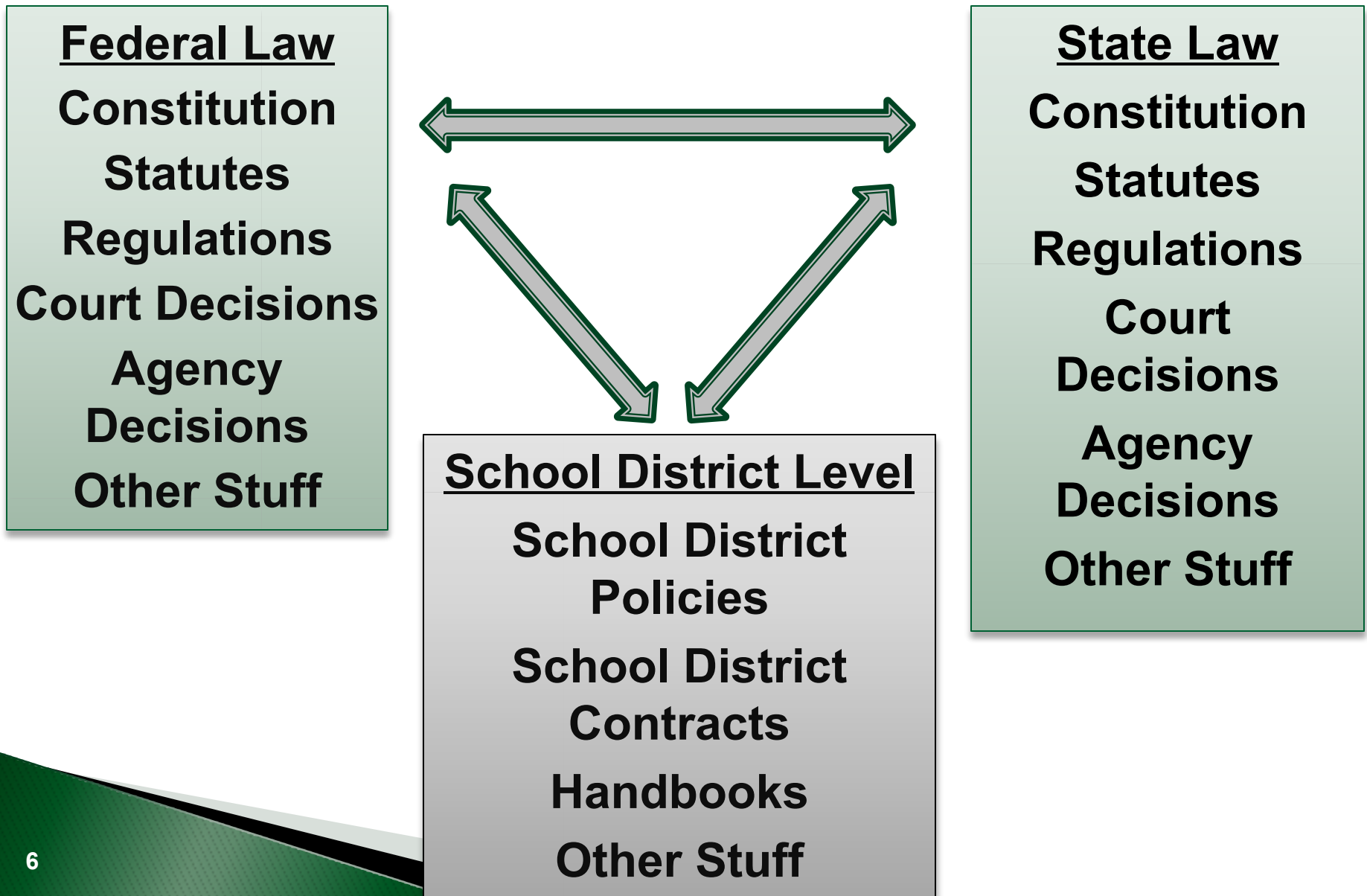
Role and Responsibilities of Board Members

Part I

School Board Roles and Responsibilities

- ▶ School Board and District Administrator roles and responsibilities are determined by state and federal law.
 - Laws define what must be done.
 - Laws identify what gets decided locally.
- ▶ Education research informs boards and administrators regarding most effective practices.
 - How are boards in high achieving districts different than boards in other districts?

The Layers of School Law



School Board Duties and Powers

- ▶ [§120.12](#) of the state statutes enumerates a list of specific *duties* of a school board in common and union high school districts.
- ▶ [§120.13](#) of the state statutes enumerates a list of specific *powers* of a school board in common and union high school districts.
- ▶ [§120.10](#) of the state statutes enumerates a list of specific *powers of an annual meeting* (which, for unified school districts, are powers of the school board).
- ▶ [§120.44\(2\)](#) of the state statutes gives unified school districts the powers and duties of the common school board and annual meeting.
- ▶ Other statutes (particularly in chs. [118](#), [120](#), and [121](#)) create other powers and duties.



“Enumerated Powers” versus “Broad Powers”

- ▶ “The school board of a common or union high school district shall, subject to the authority vested in the annual meeting and to the authority and possession specifically given to other school district officers, have the **possession, care, control and management of the property and affairs of the school district.**” (§120.12(1))
- ▶ “The school board of a common or union high school district may 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.” (§120.13)
- ▶ “A unified school district is a body corporate with the power to sue and be sued, to levy and collect taxes, to acquire, hold and dispose of property and to do **all other things reasonable** for the performance of its functions in operating a system of public education.” (§120.44(1))
- ▶ See” [WASB’s December 1996 Legal Note “The New Era of Expanded Powers and Duties for Wisconsin School Boards”](#)”



“Broad powers” imply the power to delegate many (but not all) powers and duties

- ▶ Delegation can occur through policy, through specific board action/authorization, and sometimes the delegation of authority is implied through practices.
- ▶ Some **non-delegable** acts are of obvious significance (e.g., adopting and amending the budget, approving questions to submit to referendum, employment and dismissal of teachers and administrators, etc.)
- ▶ Some arguably **non-delegable** acts don't seem all that significant in light of other responsibilities that can be delegated (e.g., a statute provides that each school board shall adopt written policies *that include procedures* for the storage of pupil medications).
- ▶ [WASB Legal Comment October 2012](#)



The Board's Job Description

The school board leads and governs by performing its legal duties and exercising its legal powers in order to:

- ▶ Establish/approve the district's vision for schools that maximize student achievement and its strategic goals and priorities.
- ▶ Provide general oversight for the administration and the district as a whole by establishing standards and a framework for accountability.
- ▶ Hire and evaluate the superintendent (district administrator).
- ▶ Attend to the board/superintendent relationship to create a cohesive leadership team.
- ▶ Establish, review, and update policies as needed.
- ▶ Advocate for the district and its students in the community and among other units/levels of government.
- ▶ Adopt a budget and allocate resources consistent with established goals/priorities.
- ▶ Work on the school board's internal leadership development (orientation of new members, self-assessment, increasing members' knowledge and skills).

The Key Work of School Boards

- ▶ Key Works of School Boards: *NSBA has identified the core skills that effective boards need to ensure that all students achieve at high levels.*





Board Roles: Vision

- ▶ Your vision reflects a mental picture of the most successful schools and district that you could have, centered on outstanding student achievement.
 - Effective school boards establish a clear vision and high expectations for quality teaching and learning that supports strong student outcomes.
 - School boards achieve their vision by:
 - developing a **strategic plan** guided by the vision
 - Establishing/approving **goals** that support the vision
 - making **budgetary decisions** and **allocating resources** in a manner that is aligned with the school district's vision and goals
 - Attending to the other elements of the Key Work of School Boards (e.g., adopting **policies** that support and implement the vision/goals and that establish structural **accountability**).



Board Roles: Accountability

- ▶ Accountability means measuring and judging how well the district is putting the vision into practice and making progress on key goals.
- ▶ Accountability starts with **(1) the adoption of goals and academic and other standards, and (2) the assignment of responsibility and authority.**
- ▶ Data and other assessments are used as a tool: Success is acknowledged and rewarded, while any lack of success drives change and improvement efforts.



Board Roles: Policy

- ▶ Boards decide what gets done and what parameters limit what gets done.
- ▶ Administration decides who does it and how to do it.
- ▶ The [Policy Resource Guide](#) (PRG) is a Web-based policy tool designed to assist Wisconsin school boards and administrators in the important tasks of policy development and implementation.
- ▶ Board Policy Adoption and Review
- ▶ Policy Dissemination
- ▶ Administration in Policy Absence
- ▶ ***“Administration’s job is to run the district, the Board’s job is to make sure the district is run well.”***



The Key Work of School Boards

▶ **Community Leadership (Advocacy):**

- Community leadership occurs when school board members act as ambassadors and advocates for district interests.
- Through public advocacy and community engagement, school boards share information, actions, and concerns with the public.
- School boards engage the community in a continuing “conversation” that is composed of a variety of communication channels and opportunities for participation and interaction.
- School boards need to know their legislators (i.e., cultivate a relationship) and work closely with legislators on legislation affecting education, school funding, etc.





Board Roles: Community Leadership



► School Board Meetings

- Agenda Structure and Content
- Public Comment Period/Discussion Periods
- Connection to Board Policy
- Connection to Board Goals
- Situation Reports
- Board Book



Board Roles: Relationships



Board-Superintendent Relationships

- Both the school board and the superintendent have essential leadership roles that are interconnected but different.
- A productive **board-superintendent-administration-staff** relationship requires each to understand the unique roles and responsibilities of their position.
- In nearly all districts, issues arise that can cause (or should cause) the leadership team to recalibrate their mutual understandings of their respective roles.
- Shared goals and clear policies can help to define roles and build a strong, collaborative relationship. Actions that erode trust harm the relationship and jeopardize the effectiveness of the leadership team.

Superintendent Levels of Authority

Level 1

- Superintendent has complete authority to decide and act within the limits of law, board policy, propriety, and common sense.

Level 2

- Superintendent has complete authority to act but must inform the board about each decision or action.

Source: NSBA Becoming a Better Board Member; A Guide to Effective Board Service



Superintendent Levels of Authority

Level 3

- Superintendent must obtain prior approval from the school board before taking action.

Level 4

- The school board makes the final decision but may permit or require a recommendation from the superintendent.

Source: NSBA Becoming a Better Board Member; A Guide to Effective Board Service



The Key Work of School Boards

► Relationships:

An effective Board/Superintendent team is:

- Prepared
- Professional
- Fair and objective
- Honest and open
- Comprised of team players
- Respectful of everyone's time



What evidence is there that spending time and effort on the Key Work of School Boards is effective?



2011 Center for Public Education Study: Eight Characteristics of Effective School Boards

Effective school boards:

- Commit to a vision of high expectations
- Share beliefs and values
- Focus on policies
- Establish collaborative relationships
- Lead as a united team
- Understand and use data
- Align and sustain resources
- Participate in team development and training

More information: [Center for Public Education - Eight characteristics of effective school boards](#)

2015 UW Oshkosh/ UW Milwaukee Research

“When school board members who have served for at least five years indicate greater adherence to the Key Work of School Boards, student achievement increases.”

- Specifically, greater adherence to the Key Work concepts has a statistically significant relationship with a district's reading proficiency levels, and overall accountability score.

More information: [Michael Ford Blog, July 27, 2015](#)



Summarizing “The Key Work of School Boards”:

**It’s a job description for school boards.
The 5 key works areas are essential functions of school board leadership and governance.**



School Board Annual Self-Evaluation Tool

- ▶ [Annual Board Self-Evaluation Tool](#)
 - The complimentary Annual Board Development Tool online survey. Created by School Perceptions and the Wisconsin Association of School Boards (WASB), the survey is designed to help boards identify their areas of strength and alignment as well as where further dialogue and discussion is needed.

Powers and Duties of the Individual Board Member

Individual Board Member Powers

- ▶ Board members have **very few statutory powers** to exercise **as individuals**.
- ▶ Some of the legal **duties** that **individual board members** have are duties to refrain from certain conduct.
- ▶ Local **policy** can grant power to and place boundaries on the authority of individual board members.
- ▶ The **board's officers** have statutory powers and duties specific to their individual office.

School board policies describe what school board members do.

- ▶ All school boards have policies describing what school boards, individual board members and administrations do:
 - Policies define roles of the board, authority of the board and individual board members, how meetings are conducted, and agendas formed.
 - Policies define roles and duties of administration.
 - Policies include descriptions of district and Board interactions with public.



Individual Board Member Powers

- ▶ What is the single most important power that an individual board member has?



Basic Expectations for Individual Board Members

- ▶ Attend school board meetings.
- ▶ Understand that school board membership is a team activity.
- ▶ Be prepared to discuss and act on meeting agenda items.
- ▶ Be informed about meeting agenda items and educational issues in general.
- ▶ Participate when the board exercises its duties:
 - Set vision and goals.
 - General oversight.
 - Hire and evaluate District Administrator.
 - Adopt policies
 - Adopt a budget.
 - Advocate for education.

Common Sources of Conflict between Board Members and Administration

- ▶ Board member requests for information directives to staff
- ▶ Board member exercising administration powers and duties:
 - Evaluation
 - Handling complaints and concerns (e.g., a personnel concern)
 - Flow of communication/information among the district's leadership team (e.g. **chain of command**)
 - Visiting school buildings/classes
- ▶ Board member refusing to be a member of the team
- ▶ Establishing meeting agendas
- ▶ Attending meetings
- ▶ Speaking on behalf of the district

Board Member Access to Information

General – Board Member Access to Confidential Information

- ▶ Individual school board members possess all the rights granted to them by applicable state law, federal law and Board policies.
- ▶ Individual board members may request and obtain statistics and reports, etc.:
 - as directed by the Board,
 - as required by their office (i.e. President, Clerk or Treasurer),
 - as available as a parent/guardian, or
 - as available pursuant to a public records or directory data request.

General – Board Member Access to Confidential Information

- ▶ How information is shared may be addressed in board policy.
- ▶ In addition, the sharing of information between and amongst board members may create:
 - Open meeting law issues
 - Public Records Issues

General – Board Member Access to Confidential Information

▶ Wisconsin Statutes

- ▶ [Sections 19.21 – 19.39](#) [Public Records Law and related statutes]
- ▶ [Section 19.65](#) [rules of conduct; employee training; and security regarding personally-identifiable information]
- ▶ [Section 48.396](#) [law enforcement officer records]
- ▶ [Section 115.812\(2\)](#) [reporting information regarding specified students with disabilities to appropriate county departments]
- ▶ [Section 118.125](#) [state student records law; policies required]
- ▶ [Section 118.126](#) [privileged communications related to student alcohol and drug use]
- ▶ [Section 118.127](#) [law enforcement agency record information]

General – Board Member Access to Confidential Information

▶ Wisconsin Statutes

- ▶ [Section 118.51\(8\)](#) [full-time open enrollment; disciplinary records]
- ▶ [Section 118.52\(10\)](#) [course options; disciplinary records]
- ▶ [Section 120.13\(28\)](#) [board authority to designate legal custodians]
- ▶ [Section 146.82](#) [confidentiality of patient health care records]
- ▶ [Section 146.83](#) [access to patient health care records]
- ▶ [Section 252.15](#) [access to HIV test results]
- ▶ [Section 767.41\(7\)](#) [custody and physical placement; parent access to records]
- ▶ [Section 938.396](#) [access to records; law enforcement and court records]
- ▶ [Section 950.08\(2w\)](#) [information provided by district attorney to schools in criminal cases]

General – Board Member Access to Confidential Information

▶ Federal Laws

- ▶ [Family Educational Rights and Privacy Act](#) [federal student records law]
- ▶ [34 C.F.R. part 99](#) [U.S. Department of Education FERPA Regulations]
- ▶ [34 C.F.R. part 300](#) [U.S. Department of Education IDEA regulations; confidentiality and maintenance of records]
- ▶ Elementary and Secondary Education Act ([20 U.S.C. § 7908](#)) [military access to student information]
- ▶ [National School Lunch Program](#) [heightened privacy rules for students' eligibility status and other NSLP records]

**Policies and laws that
define the roles of the
board and superintendent**



District Administrator Duties

- ▶ Administrator Duties are established by:
 - State Law
 - Individual Contract
 - Board Policies (including the board-approved job description)
 - 230 – Administrative team job descriptions
 - District Administrator Evaluation and Goalsetting
 - Board Directives



District Administrator Duties

- ▶ Wis. Stats. 118.24 (2)
 - (a) Under the direction of the employing school board, **the school district administrator shall have general supervision and management of the professional work of the schools and the promotion of pupils.**
 - (b) The school district administrator shall not be a member of the school board and shall not engage in any pursuit which interferes with the proper discharge of the duties.
 - [Wisconsin Statute §118.24](#)



District Administrator Duties

▶ Wis. Stats. 118.24 (2)

- (c) The school district administrator shall make written recommendations to the school board on teachers, courses of study, discipline and such other matters as the administrator thinks advisable and shall perform such other duties as the school board requires.
- (d) The school district administrator may act as principal or teacher in any school under the administrator's supervision.
- (f) The school district administrator shall ensure that the administrative and pupil service staff in the district cooperate with the county department under s. [51.42](#) in the dissemination of information regarding the availability of alcohol and drug abuse services and to jointly establish procedures for the referral to appropriate agencies of students experiencing problems resulting from the use of alcohol or other drugs.

[Wisconsin Statute §118.24](#)

Evaluation of Staff

▶ PI 8.01(1)(q)1.

- Each school district board **shall establish specific criteria and a systematic procedure** to measure the performance of licensed school personnel.
- The **written evaluation** shall be based on a **board adopted position description**, including job related activities, and shall include observation of the individual's performance as part of the evaluation data.
- **Evaluation of licensed school personnel** shall occur during the first year of employment and at least every third year thereafter.



Evaluation of Staff

▶ PI 8.01(1)(q)2.

- The school district board shall ensure that **evaluations**, including those for purposes of discipline, job retention or promotion, **shall be performed by persons who have the training, knowledge and skills necessary to evaluate professional school personnel.**
- The school district board shall be responsible for the evaluation of the school district administrator under this subdivision.



Complaint Procedures

- ▶ Complaint procedures are policies specifying **how complaints by individuals are processed and resolved** and if necessary brought before the school board.
- ▶ Complainants are directed to go to the employee or immediate supervisor, then principal, then district administrator and only then to the board.
- ▶ When a complaint gets to the board, the district administrator has had opportunity to investigate matter and will have answers for the board's questions.



Chain of Command and Grievance Process

- ▶ Chain of command structures and grievance procedures tell employees how to communicate and process complaints to administration and board:
 - **A chain of command describes supervisory and subordinate structure of an organization.**
 - Employees take direction from and direct questions and concerns to an immediate supervisor.
 - Employees do not circumvent the chain of command except as allowed by board policy.



Chain of Command and Grievance Process

- ▶ Chain of command structures and grievance procedures tell employees how to communicate and process complaints to administration and board:
 - A **grievance process** is the board authorized way employees can raise complaints with the administration and board.
 - The grievance process is like a complaint procedure – employees bring their complaint to the immediate supervisor or the level of administration authorized to resolve their complaint and then may appeal to the district administrator and board if dissatisfied with the resolution of the complaint.



Chain of Command and Grievance Process

- ▶ **Advantages of the chain of command structure:**
 - Staff receives consistent direction from management, does not need to resolve conflicting directives from administration and/or board.
 - Trust is built between staff, immediate supervisors, district administrator and board.
- ▶ **The grievance process can provide an outlet for concerns.**
 - The statutory grievance process need cover only terminations, discipline and employee safety.
 - Board may by policy expand the grievance process to cover other employee concerns.



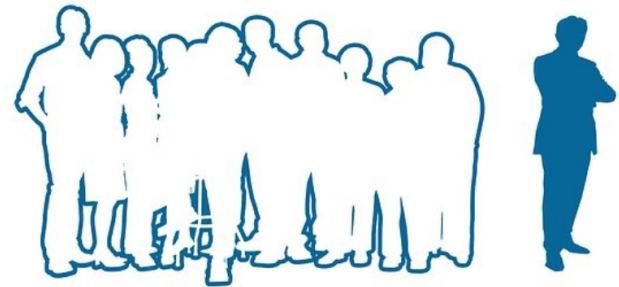
Chain of Command and Grievance Process

- ▶ **Enforcement of chain of command policies is limited by First Amendment rights of employees to speak as citizens:**
 - Employees may be required to address concerns about matters relating to the performance of their jobs or their responsibilities to their immediate supervisor.
 - Employee speech that is not part of their job duties and is done as a citizen on a matter of public concern remains protected under the First Amendment.



Other Common Sources of Conflict

- ▶ Board member refusing to be a team player.
 - Characteristics of the “lone wolf” board member:
 - Seeks office to “shake things up” or to be an agent of change.
 - Questions the motives and ethics of other board members.
 - Usually in the minority on important board decisions.



Other Common Sources of Conflict

- ▶ Board member refusing to be a team player.
 - Why is this a problem?
 - Wisconsin law presumes that school boards operate as teams.
 - Individual board members do not have the powers and duties of the school board.
 - Nothing happens without a majority of the school board wanting it to happen.
 - Conflict saps board member energy and consumes board meeting time.
 - The educational research shows that dysfunctional school boards have lower levels of student achievement.



Other Common Sources of Conflict

- ▶ Board member refusing to be a team player.
 - How do boards work through internal conflict?
 - Talk to each other about the sources of conflict and why it is a problem.
 - Learn the value of disagreeing without being disagreeable.
 - Consider an outside facilitator. These are hard conversations.
 - Establish norms or rules of conduct governing board member interaction with each other at board meetings.
 - Current board policy may already provide such norms or rules.
 - Robert's Rules of Order include norms and rules governing board member conduct at board meetings.
 - Move on.



Other Common Sources of Conflict

- ▶ Establishing meeting agendas.
 - New board members sometimes want to revisit issues that veteran board members believe have been resolved.
 - Board meeting time is precious and may not be sufficient time to address every issue every board member wants on the agenda.
 - Compromise on board agenda conflicts is an important element of board team building.
 - The board should at times address the issues that individual board members want to address and those individual board members should accept that there will not be time to address every issue.

Other Common Sources of Conflict

- ▶ Board members not attending board meetings.
 - Board presidents often address nonattendance with absent board member.
- ▶ Speaking on behalf of the school district.
 - The board should determine who speaks for the district.
 - Board members have the right to express individual opinions but should make clear those are not the views of the board.



Conflict of Interest



Conflict of Interest

Overview

1. Common law conflicts of interest.
2. Code of ethics for public officials. [Wisconsin Statute §§19.41-59](#)
3. Criminal liability under [Wisconsin Statute §946.12](#) (misconduct in public office) and [Wisconsin Statute §946.13](#) (private interest in public contracts) of the Wisconsin statutes.
4. Doctrine of incompatible offices. Some exceptions for volunteer positions.
5. Bias and partiality.

165 - Board Member Conduct/Ethics

165.1 - Conflict of Interest

Common Law Conflicts of Interest

School board members serve the public interest:

- *Significantly, board members serve as fiduciaries of the public, that is, they owe a duty of loyalty to the district over considerations of private interests and are to avoid conflicts of interest and maintain confidentiality.*
- [April 2016 Legal Comment](#)



Conflict of Interest

Code of Ethics for Public Officials

- ▶ No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. [Wisconsin Statute §19.59](#)

Conflict of Interest

Code of Ethics for Public Officials - Definitions

- ▶ “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. [19.56](#), political contributions which are reported under ch. [11](#), or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- ▶ [S. 19.42\(1\)](#)

Conflict of Interest

Code of Ethics for Public Officials - Definitions

- ▶ “Immediate family” means:
 - An individual's spouse; and
 - An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.
 - [S. 19.42\(7\)](#)
 -

Conflict of Interest

Code of Ethics for Public Officials - Definitions

- ▶ “Associated,” when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent. [S. 19.42\(2\)](#)

Conflict of Interest

Code of Ethics for Public Officials

- ▶ No local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

[Wisconsin Statute §19.59](#)

Conflict of Interest

Code of Ethics for Public Officials

- ▶ No local public official . . . may . . . give . . . or withhold . . . his or her vote or influence . . . upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, [Wisconsin Statute §19.59](#)

Conflict of Interest

Criminal Liability ([Wisconsin Statute §946.13](#))

- ▶ **General Rule:** A board member may not have a private pecuniary interest in contracts with the school district if those contracts involve receipts and disbursements of more than \$15,000 in any year. Violation of this requirement constitutes a felony.
 - A “strict liability” statute
 - This statute can be violated either in an individual capacity or in a board member’s public capacity.
 - Abstention from all board discussion/action on a contract does NOT necessarily cure this kind of conflict of interest.

Conflict of Interest

Criminal Liability (Wisconsin Statute §946.12)

- ▶ **Misconduct In Office:** Several different provisions, including:
 - Taking certain actions in an official capacity with an intent to obtain a dishonest advantage.
 - Intentionally falsifying certain records in a “material respect”
 - Intentionally doing an act one knows is in excess of one’s lawful authority.
 - Intentionally soliciting or accepting anything of value for the performance of any service or duty that is other than the value that has been fixed by law.

Conflict of Interest

Incompatible Offices

- ▶ Doctrine of incompatible offices involves two governmental offices or positions.
- ▶ A board member may not hold multiple offices/positions if they impose conflicting duties upon the board member or if there are many conflicts of interest between the two offices/positions.
 - e.g., board member and employee

School board members as volunteer coaches and activity supervisors ([Wis. Statute §120.20](#))

A school board member is able to serve as a volunteer coach or volunteer supervisor of an extracurricular activity under the following conditions:

1. The board member must not receive compensation for serving as a volunteer coach or supervisor;
2. The board member must agree to abstain from voting on any issue that comes before the school board that substantially and directly concerns the activity that he or she coaches or supervises while he or she is serving as a volunteer coach or supervisor; and
3. The school board must receive the results of a criminal background investigation of the school board member that has been conducted by the department of justice or the federal bureau of investigation.

A board member who is serving as a volunteer coach or volunteer activity supervisor is not required to abstain from voting on the school district's annual budget in order to remain in compliance with the second condition listed above.

Bias and Partiality

Sources of bias and partiality:

- ▶ A board member has a financial interest in the outcome of a board action.
- ▶ A board member has a significant personal conflict with another person who is the subject of a due process hearing such as an expulsion or a termination.
- ▶ A board member has an intense personal or family interest in a matter before the board.



Bias and Partiality

If a board member is biased, that board member participating in board deliberations and voting on a matter may be grounds for a court or other tribunal to void the board action on the matter.

- This is of particular concern when the school board sits as an impartial decisionmaker in a due process hearing such as a termination or expulsion.
- District legal counsel representing the board in a due process hearing will ask board members if they have biases. Board members should answer truthfully.



Conflict of Interest

Resources

- ▶ Please see WASB Legal Comments: [April 2016](#), [May 2013](#), [Nov. 2013](#), [March 2008](#), [April 2007](#), [July 2003](#)

(www.wasb.org; go to the “School Law Information” drop-down menu; click on “Quick Links;” click on “WASB Legal Comments;” login is required)



Open Meeting Law

Some of the important areas where state law mandates/limits meeting procedures

The Wisconsin Open Meetings Law, including:

- **Specific procedures must be used to convene in closed session** (in open session, there must be an announcement of the business proposed for closed session, a motion, a vote, and each person's vote must be recorded in the minutes)
- **A prohibition on the use of secret ballots** (except for the election of board officers)
- Any member of the board may require that a vote be taken in such a manner that each **member's vote is ascertained** and recorded
- **All motions and roll call votes must be recorded, preserved, and (generally) open to the public**
- **Limitations on reconvening in open session** following a closed session

Other statutes:

- Changes to the amount of tax to be levied or certified, or to the amounts or purposes of appropriations in an adopted budget require a 2/3 vote of the entire membership of the board (section 65.90(5)(a))
- The employment or dismissal of persons holding contracts that are subject to section 118.22 or 118.24 of the state statutes must be determined by a majority vote of the full membership of the board
- Board vacancies are filled by a vote of the remaining members
- Statutes that mandate public hearings in connection with certain decisions

Open Meetings Law: Core Concepts

- ▶ Governmental bodies must give **appropriate and timely notice of the time, date, place, and subject matter of their meetings.** (There is a collective bargaining exception.)
- ▶ Meetings of a governmental body **shall be open and accessible to interested members of the public, unless the meeting has been lawfully convened in a closed session.**
- ▶ A governmental body **shall not conduct public business** (including meeting to gather information or discuss issues within the board's jurisdiction) **outside of the context of a properly noticed meeting.**

Open Meetings Law

- ▶ Wisconsin's policy of openness in government.
See [Wisconsin Statute §19.81\(1\)](#)
- ▶ The open meetings law applies to “meetings” of “governmental bodies.”
See [Wisconsin Statute §19.83\(1\)](#)

Open Meetings Law

▶ **Governmental Body**

- The term “**governmental body**” includes school boards and subunits (i.e., committees) created by a board.
- Exception for bodies created for or meeting for the purpose of collective bargaining.
 - However, exchange of initial proposals must be in open session.

Open Meetings Law

▶ Meeting

- In order for there to be a “meeting,” the “numbers” and “purpose” requirements must be met.
- **Numbers**: Typically, if one-half or more of the members of a governmental body is present, the numbers requirement is met.

Open Meetings Law

▶ Meeting

- **Numbers**: A “negative quorum” can be created if fewer than one-half of the members can block an action.
- **Purpose**: Members must be present to conduct governmental business (e.g., discussion, decision, or information gathering).

Open Meetings Law

▶ Meeting

- **Walking quorum**: Series of gatherings of separate groups of members, each less than a quorum, who agree to act uniformly in sufficient number to reach a quorum.
- **Electronic communications**: Depending on how they are used, electronic communications such as e-mail or texting could create a meeting.

Open Meetings Law

► Requirements

- If the open meetings law applies, there are a series of requirements that must be met.
- **Notice** to
 - (1) the public;
 - (2) news media that has requested notice; and
 - (3) official newspaper or, if no official newspaper, to a news medium likely to give notice in the area.

Open Meetings Law

► Requirements

- In almost all circumstances, notice must be given at least **24 hours in advance** of the meeting unless “for good cause” such notice is “impossible or impractical.”
- If “good cause” exists, the notice should be given as soon as possible and must be given at least two hours in advance of the meeting.
- **Notice must contain time, date, place, and subject matter of the meeting.**

Open Meetings Law

► Requirements

- **Accessibility**: Meeting must be reasonably accessible to members of public and must be open to citizens at all times (excluding closed sessions).
- The public's right to attend does not require the board to allow citizen participation at the meeting.

Open Meetings Law

▶ Remote Participation

- There is no express statutory authority that provides for a school board to convene by means of teleconferencing or other remote methods.
- Wisconsin Attorney General's opinions [[69 Op. Att'y. Gen. 143](#), 145] suggest that telephone conferencing among members of a governing body may be permissible for compliance under the Open Meetings Law when conditions provide for reasonable public accessibility.

Closed Sessions

Open Meetings Law – Closed Session

- ▶ A board can enter into closed session if one of the statutory exemptions applies. See [Wisconsin Statutes §§19.85\(1\)\(a\) - \(h\)](#)
- ▶ Meeting must initially be convened in open session.
- ▶ **Procedure**: Convene initially in open session, presiding officer makes the “announcement” of the proposed closed session, there is a motion, and then the individual votes on the motion to convene in closed session are recorded.
- ▶ Board can discuss only those items for which it legitimately convened in closed session.

Open Meetings Law – Closed Session

Example exemption:

“The Board will meet in closed session to discuss offering an employment contract extension to a principal according to [Wisconsin Statute §19.85\(1\)\(c\)](#) *“Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.”*”

Keep Information from Closed Sessions Confidential

- ▶ Why is it important to keep closed session information confidential?
 - Confidentiality is sometimes required by law.
 - Keeping the information confidential is in the public's interest.
 - Disclosing closed session information destroys trust between board members and between the board and administration.
 - Disclosure could result in legal liability for the individual who discloses the information.

Open Meetings Law: Specific Challenges

- ▶ Aside from the school board and its “subunit” committees, what other “governmental bodies” might exist in each school district?
- ▶ Specificity of subject matter within a meeting notice
- ▶ Accounting for “accessibility” of a meeting for interested members of the public
- ▶ Managing public comment periods
- ▶ When does *a meeting* occur? “Negative quorums,” “Walking quorums,” and the use of electronic communications
- ▶ Scheduling meetings / identifying agenda items
- ▶ Closed sessions: appropriate use and procedures
- ▶ [School Board Meeting Self-Evaluation Tool](#)

Open Meetings Law

Resources

- ▶ [Wisconsin Statutes §§19.81-98](#)
- ▶ Department of Justice [2018 Open Meeting Law Guide](#)
- ▶ WASB [Open Meetings Law Brochure](#)
- ▶ WASB Legal Comments, Aug. 2007, May 2006, Sept.-Oct. 2004 (www.wasb.org; go to the “School Law Information” drop-down menu; click on “Quick Links;” click on “WASB Legal Comments”).



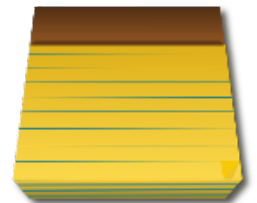
Public Records

Public Records

- “Record” means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority.
- In other words, a “record” is any information created or kept in connection with the official purpose or function of the school district.

Public Records

- ▶ Not all documents or information constitute a public record.
- ▶ A record does not include:
 - Drafts, notes, preliminary documents and similar materials prepared for the originator's personal use.
 - Published material available for sale or at the library.
 - Material with access limited due to copyright, patent, or bequest.
 - An identical copy of an otherwise available record.



Public Records: Core Concepts for Board Members

- **Board member** obligations:
 - Because a board member is a local public official, the board member is also the records custodian of his or her records.
 - A board member may not individually designate a district employee to serve as the legal custodian of his or her own records (but the board can designate such a custodian under [Wisconsin Statute §120.13\(28\)](#))
 - Therefore, board members must:
 - Retain their records;
 - Be prepared to respond to requests.
 - Individual board members are not, however, required to adopt or post a “public records notice.”



Public Records: The core concepts

- **Board member** – key considerations (cont.):
 - Emails regarding matters within the authority of the board are subject to records retention requirements and are likely subject to release as public records, ***regardless of whether the email is from a district or personal email account.***
 - ▶ Which email account should school board members use?
 - School district account.
 - Personal account.
 - Private sector employer account.
 - Public sector employer account.



Public Records: The core concepts

- **Board member** – key considerations (cont.):
 - Blogs, social media entries and even text messages can be subject to the public records law.
 - Once a records request is received, the record(s) subject to the request may only be destroyed under very limited circumstances.



Public Records: The core concepts

- **Board member** – key considerations (cont.):
 - Upon receiving a request for a record that has not also been maintained by the board's records custodian, the board member must respond to the request "as soon as practicable and without delay."
 - Criminal penalties exist for the alteration or falsification of public records, as well as for the destruction, concealment, damage or removal of public records with intent to injure or defraud.
 - Board members must pass on any official records of their office to their successor.

Public Records: Suggestions for Board Members

- Review your board's public records notice.
- Establish sound practices in regard to the use of email (and for other inter-meeting correspondence) from the start. Strongly consider securing a school email address and using it for all board-related business so that all of your school-related emails are automatically retained by the district's records' custodian/server.
- If you receive a public records request, review it with your district's records custodian (and possibly legal counsel) immediately.
- Review your board's related records policies and any retention schedule that the board has approved.



Public Records Resources:

- ▶ DOJ Public Records Compliance Guide, 2015
[DOJ 2019 Public Records Law Compliance Guide](#)

- ▶ WASB Legal Comments:
 - “Recent Statutory Changes to the Public Records Law [September 2003, October 2003](#).”
 - “Final Candidates Under the Wisconsin Public Records Law,” [August 2008](#).
 - “Open Records Requests for Employee Investigative Records” [May 2017](#)
 - “Records Retention Schedules,” [October 2002](#)
 - “Electronic Communications Records and the Public Records Law,” [December 2010](#)



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