

# bylaw

**BOARD OF EDUCATION  
PORTAGE COMMUNITY SCHOOL DISTRICT**

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## DEFINITIONS

The bylaws of the Board of Education of this District incorporate quotations from the laws and administrative code of the State of Wisconsin. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

### **Administrative Guideline**

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

### **Agreement**

A collectively negotiated contract with a recognized bargaining unit.

### **Board**

The Board of Education also commonly referred to as the School Board.

### **Bylaw**

Rule of the Board for its own governance.

### **Clerk**

The chief clerk of the Board of Education. (See Bylaw 0170)

### **District**

The School District.

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## **District Administrator**

The chief executive officer of the School District sometimes locally referred to as Superintendent. In policy, capitalization of the term District Administrator implies delegation of responsibilities to appropriate staff members.

## **Due Process**

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond. Specific due process requirements are dependent upon the circumstances and may vary depending on such circumstances.

## **Full Board**

Authorized number of voting members entitled by law to govern the District. The full Board is the total number of Board members authorized by law regardless of the number of current sitting members.

## **May**

This word is used when an action by the Board or its designee is permitted but not required.

## **Medical Advisor**

The School District is required to appoint a Medical Advisor. The medical advisor shall be a licensed physician and will participate in the annual review of the District emergency nursing services plan. The School District may also have the medical advisor fulfill other roles. (PI 8.01(g)(3))

## **Meeting**

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. Wis. Stat. 19.82(2).

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## **Parent**

The natural, adoptive, or surrogate parents or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

## **Policy**

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

## **President**

The chief executive officer of the Board of Education. (See Bylaw 0170)

## **Principal**

The educational leader and head administrator of one (1) or more District schools. In policy and administrative guidelines, implies authority to delegate responsibilities to appropriate members of his/her staff.

## **Professional Staff Member**

District employees that are either certified teachers employed in a position for which certification is a requirement of employment or administrative employees that are responsible for oversight or supervision of a component or components of the District's operation, or serve as assistants to such persons, regardless of whether they hold an administrative contract or are required to have administrator certification, but excluding the District Administrator/Superintendent.

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## **Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household.

## **Shall**

This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)

## **Student**

A person who is officially enrolled in a school or program of the District.

## **Superintendent**

As noted under District Administrator, locally some districts refer to the chief executive officer of the School District as Superintendent. In policy, capitalization of the "S" in Superintendent implies delegation of responsibilities to appropriate staff members.

## **Support Staff**

Any employee who provides support to the District's program and whose position does not require a professional certificate. This category includes special education paraprofessionals.

## **Treasurer**

The chief financial officer of the District. (See Bylaw 0170)

## **Vice-President**

The Vice-President of the Board of Education. (See Bylaw 0170)

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## **Voting**

A vote at a meeting of the Board of Education. The law requires that Board members must be present in order to have their vote officially recorded in the Board minutes, and to be available for a roll call vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. No voting by Proxy may be recorded or counted in an official vote of the Board. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

Citations to Wisconsin statutes are shown by the Section Number (e.g., 120.11, Wis. Stats.). Citations to the Wisconsin Administrative Code are prefaced P.I. (e.g., P.I. 11). Citations to the United States Code are noted as U.S.C., Federal Register are noted as F.R., and the Code of Federal Regulations as C.F.R.

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## OFFICIAL DESCRIPTION

- 0111            **Name**
- The Board of Education of this District shall be known officially as the Portage Community School District Board of Education.
- 0112            **Purpose**
- The Board of Education exists for the purpose of providing a system of free, public education for children in grades Pre-K - 12.
- 0113            **Boundaries**
- The Portage Community School District is comprised of the area in thee description on file in the Board of Education office.
- 0114            **Classification**
- The Portage Community School District shall be classified as a common school district.
- 0115            **Address**
- The official address of the Portage Community School District Board of Education shall be 305 E. Slifer, Portage, WI 53901

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## POWERS AND PHILOSOPHY

### 0121 **Authority**

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Wisconsin.

Chapters 118 and 120, Wis. Stats.

### 0122 **Board Powers**

The power of this Board of Education extends to those matters expressly or implicitly granted by constitution, statute, local charter or ordinance, or other law, including the power to do all things reasonable to promote the cause of education.

120.13, Wis. Stats.

The Board shall also authorize the development and promulgation of rules and guidelines by the District Administrator for the proper operation and management of the District, including the conduct of students while in school or enroute on school buses.

### 0123 **Philosophy of the Board**

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Wisconsin. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

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The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

- A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.
- B. Establish policies and make decisions on the basis of declared educational philosophy and goals.
- C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

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## FUNCTIONS

0131            **Legislative**

0131.1        **Bylaws and Policies**

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board. Such policies are to include those needed to meet the education standards established by Wisconsin Statute.

Those bylaws and policies which are not dictated by the statutes or rules of the Department of Public Instruction or ordered by the State Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board. The Board will follow Robert's Rules of Order for the adoption of new policies and revisions or amendments to current policies. Rules and regulations contained in handbooks shall be considered as Board Policy. Any differences in language will default to Board policy.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual or found in handbooks.

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0132            **Executive**

0132.1        **Selection of District Administrator**

The Board of Education shall exercise its executive power in part by the appointment of a District Administrator who shall enforce the statutes of the State of Wisconsin, rules of the Department of Public Instruction, and the policies of this Board. (118.24, Wis. Stats.)

0132.2        **Administrative Guidelines**

The Board shall delegate to the District Administrator the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These detailed arrangements shall constitute the administrative guidelines governing the schools which are not inconsistent with statutes or regulations of the Department of Public Instruction or the policies of this Board. (See Policy 1230.01)

- A.     Such administrative guidelines shall be binding on the employees and the students of this District when issued.
- B.     The District Administrator shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

0133            **Judicial**

The Board of Education assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

In furtherance of its judicial function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter in accordance with any respective policies adopted by the Board.

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## MEMBERSHIP

### 0141 **Number**

The Board of Education shall consist of seven (7) members.

Four (4) School Board members shall reside in the city of Portage and be elected at large throughout the entire District.

Three (3) School Board members shall reside in the attached areas outside the city limits of Portage and be elected at large through the entire District.

The seven (7) member School Board represents the Portage Community School District.

### 0141.1 **Student Representation at Board Meetings**

The Board of Education acknowledges the important contributions students can make to the governance of the schools. The Board believes that student participation at Board meetings can provide a better understanding of the needs and concerns of students. The Board, therefore, welcomes:

One (1) representative of the senior high school student body selected by the Student Council to serve with the School Board for a term of one (1) year.

A. The student member selected shall not be entitled to vote with the School Board, but shall have a seat at the board table.

B. If the selected student representative is unable to attend a Board meeting, any member of the Senior High Student Council may serve as an alternate.

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- C. The School Board encourages student representatives to attend all School Board meetings.

0142 **Election/Appointment**

0142.1 **Electoral Process**

Members of the Board shall be elected annually at the spring election on the first Tuesday in April in a manner that is consistent with State law.

120.06 (1), 10.68 (5)(2b), Wis. Stats.

**Declaration of Candidacy**

If an incumbent fails to file a Declaration of Candidacy by the 5:00 p.m. deadline on the first Tuesday in January, candidates may file a declaration of candidacy within seventy-two (72) hours of the Tuesday deadline.

**Informing of School Board Candidates**

- A. The Board **and the District Administrator** shall assist each candidate in understanding the Board's function, policies, and procedures prior to the election.
- B. The candidate shall be given selected material on the job of being part of the Board.
- C. The candidate shall be invited to attend Board meetings.
- D. The District shall supply material pertinent to meetings and shall explain its use.

**Declaration of Non-Candidacy**

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 P.M. on the 2nd Friday preceding the Tuesday deadline, there is no extension of the Tuesday deadline.

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When the first Tuesday in January is a holiday the deadline becomes 5:00 P.M. the next day.

120.06 (6)(b), Wis. Stats.

0142.2      **Qualifications**

A school elector in the School District is eligible to be a Board member.

120.06(2), Wis. Stats.

0142.3      **Term**

The term of each Board member shall be three (3) years commencing on the 4th Monday in April and shall continue until a successor is elected and qualified.

120.06(4), Wis. Stats.

0142.4      **Oath**

Each newly-elected Board member shall be administered and file the oath of office, with the Clerk.

120.06 (10), Wis. Stats.

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



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- 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 or to give or renew an official bond, if required
- G. the incumbent's ceasing to possess the legal qualifications for holding office
- H. the incumbent moving his/her residence out of the District, or a move within the district which causes the incumbent to change their classification from a city elector to a rural elector or vice versa.
- I. the incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of his/her intent to return to his/her unexpired term

A vacancy shall be filled by the remaining members of the Board in accordance with 17.26.

17.03 et seq., Wis. Stats.

## **Filling a Board Vacancy**

In the event that a school board member resigns his/her position as a board member or is unable to serve his/her term to completion the following procedure will be followed in securing a replacement.:

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State Statute 17.26 Vacancies in school boards: how filled. Except as provided in s. 9.10, vacancies in a school board shall be filled as follows:

- A. In a common school district, by appointment by the remaining members. Each appointee shall hold office until a successor is elected and takes office under s. 120.06 (4) or 120.43
- B. 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 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 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.
- C. Upon the receipt of a board member's resignation or other determination by the school board that a board member can not or will not finish his/her term the District Administrator will advertise for candidates to serve on the board for the unexpired term. The process of appointment will be accomplished within sixty days of the vacancy.
- D. If vacancy occurs after the non-candidacy filing date and the Board member is in the last year of their term, the vacancy will remain open and be filled at the next spring election.
- E. Candidates for unexpired terms must legally qualify for board membership and must reside in the same city or rural designation as the member being replaced.

The Board will follow these following procedures in the selection process:

- A. An open meeting will be properly called and be noticed for the selection of a replacement board member.

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- B. Candidates will give an oral statement to the board as to their personal qualifications and motivation for board membership. The board may question the candidates relative to their candidacy
  
- C. The board will use the following procedures and tie breakers in determining which candidate is selected.
  - 1. Four (4) votes will be needed to elect a new board member. As soon as one (1) candidate has four (4) votes the candidate is elected. If the quorum consists of four (4) or five (5) members, a majority of the votes cast are needed for election
  
  - 2. Voting for candidates may not be by secret ballot. Paper ballots will be used and each board member must use his/her named ballot because votes must be recorded. (Identified ballots will be furnished)
  
  - 3. Voting combinations - Tie breaking procedures –  
Four (4) candidates 3-2-1-0 (eliminate candidates with 1 and 0 votes and vote will be held between remaining two (2))
  
  - 4. Three (3) candidates  
  
(3-2-1- vote, eliminate candidate with 1, vote again)
    - a. 2-2-2 (vote again)
  
    - b. 2-2-2 (vote again)

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- c. 2-2-2 (vote, after 3rd vote) use (d)
- d. All board members rank 3 candidates - 1 = 1st choice. 2 = 2nd choice. 3= 3rd choice - candidates will each have a total number of points - lowest 2 candidates totals will be finalists for board vote. If this process creates a tie between second and third a coin toss by the school board president will break the 2-3rd place tie. If all three tie then the three candidates will match flipped coins with the odd coin holder being eliminated. Proceed to the second candidate procedure

5. Two (2) candidates

With two (2) candidates, if vote becomes 3-3 discuss and re-vote.

Take three (3) votes – if no one gets four (4) votes or a majority of the votes cast after 3 votes are taken then the President will select one of the candidates to call heads or tails and will flip a coin. If the “calling candidate” is correct then s/he is elected. IF the “calling candidate” is wrong then the other candidate is elected.

- D. Board Vote – use identified ballots. Use tie breakers as outlined above.
- E. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in Stat. Chapter 19. Secretary ballots may only be used when Board members are electing officers.
- F. Chosen candidate signs oath of office and is seated.

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- G. Appointment by the Board to fill a vacancy shall follow the procedure noted above. If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by appointment of the Board President.

0142.6 **Recall**

Any member of the Board may be recalled pursuant to Chapter 9.10, Wis. Stats.

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 understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures.

Prior to the first board meeting following the election or appointment, the district administrator shall meet with the new member for the primary purpose of orienting the new member to Board responsibilities, method of operation, and to school district policies and problems. The new member shall be given a tour of the facilities and be introduced to administrative personnel

The new member is to be provided with copies of all appropriate publications as identified by the District Administrator and Board President and the web address to all Board policies.

New Board members will be encouraged to attend workshops, seminars, and conventions sponsored by state and national school and education associations.

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0143                    **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 not be valid unless approved at an official meeting by at least a majority vote of the members present or as otherwise may be required by law.

0143.1                **Public Expression of Board Members**

The Board President functions as the official spokesperson for the Board and their actions. The Board President can designate this authority to other members. However, individual Board members may respond to questions regarding their specific vote on a legally posted agenda item.

Sometimes public statements by Board members 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 cause issues for both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials, 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 the Board President, 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, not for publication, correspondence of the District Administrator and other Board employees
  3.        routine "thank you" letters of the Board

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4. statements by Board members on non-school 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 sent annually to local media by the Board President.

0144            **Operations**

0144.1        **Compensation**

Board members shall receive

- A. compensation as approved by the electors at the Annual Meeting.
- B. Expenses of a Board member when authorized by the Annual Meeting shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

The Board may appropriate funds for expenses for attendance at local, State, or national meetings or conventions with rates to be established as needed.

120.10(3), Wis. Stats.  
120-43(3), Wis. Stats.

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0144.2            **Board Member Ethics**

As members of the Board of Education, Board members will strive to improve public education and to that end they will:

- A. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- B. recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings;
- C. render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- D. encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community, as outlined in 143.1;
- E. work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the District Administrator;
- F. communicate to other Board members and the District Administrator expressions of public reaction to Board policies and school programs;
- G. inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the State and National School Boards Associations;
- H. support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- I. avoid being placed in a position of conflict of interest, and refrain from using their Board positions for personal partisan gain;



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- J. take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law;
- K. remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

Source: Board of Directors, National School Boards Association.

0144.3

## **Conflict of Interest**

Board members shall perform their official duties in a manner free from conflict of interest pursuant to 19.59, Wis. Stats. To this end:

- A. no Board member shall use his/her position as a Board member to obtain financial gain for himself/herself, immediate family, or any organization with which s/he is associated;
- B. no Board member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system and as a public officer;
- C. when a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon. In the event that the potential conflict involves a program or activity in whole or in part financed through Federal grant funds, the potential conflict of interest must be disclosed to the Federal granting agency consistent with the requirements of the particular granting agency.

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- D. No member should, within six months following the termination of office, obtain employment in which they would take direct advantage, unavailable to other, of matters with which they were directly involved during their term of office.

Board Members shall also perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats., by having a private interest in a contract with the District in an amount that exceeds \$15,000 annually.

0144.4 **Indemnification**

The Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member to the extent allowed under the law.

0145 **Sexual and Other Forms of Harassment**

The Board of Education believes that sexual or other forms of offensive speech and conduct are wholly inappropriate to the harmonious relationships necessary to the operation of the District and intolerable in an environment in which students and staff members of this District function.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment. Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation.

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Substantial interference with a person/employee's work performance or creation of an intimidating, hostile, or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the person/employee would consider the conduct sufficiently severe or pervasive so as to interfere substantially with the person's work performance or create an intimidating, hostile, or offensive work environment. 111.36(1) Wis. Stats.

The harassment of a District staff member, student or another Board member by a member of the Board is strictly forbidden. Any member who is found to have harassed a member of the staff, a student or another Board member, will be subject to discipline by the Board and may be reported to law enforcement authorities.

118.13, 120.13(1) 111.32(13) Wis. Stats.  
P.I. 9, Wis. Adm. Code  
Title IX Education Amendments of 1972, Chapter 227

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## ORGANIZATION

### 0151 **Annual School District Meeting**

The Board of Education shall hold an annual meeting on the third Monday in September at 7:00 PM unless the electors at any annual meeting set a different date and time for subsequent meetings or authorize the Board to set a different date and time for subsequent meetings, but in no case shall the annual meeting be held earlier than May 15th or later than October 31st. The meeting shall be held for the purposes prescribed by 120.08, 120.09, Wis. Stats.

### 0151.1 **Annual Board Reorganization Meeting**

The Board of Education shall hold an annual reorganization meeting on or within thirty (30) days after the fourth Monday in April. The meeting shall be called to order by the District Administrator who shall serve as presiding officer until the election of the Board President.

### 0152 **Officers**

The Board shall elect, from among its members, a President, Vice President, Treasurer, and a Clerk. Such election shall occur at the Annual Reorganization Meeting on or within thirty (30) days after the fourth (4th) Monday in April.

120.05, Wis. Stats.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes. Any Board member may request the vote be by ballot as opposed to voice vote.

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Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

0155

## **Committees**

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board and act in an advisory capacity, but shall not take action on behalf of the Board.

A. The standing committees of the School Board shall be:

1. **Finance, Facilities and Transportation** which shall develop parameters and recommendations for the annual School District budget, oversee the transportation contracts and concerns, and apprise the Board of concerns and recommendations regarding District buildings and property.
2. **Personnel and Negotiations** which shall serve as the negotiating representative for the Board in all union and staff negotiations; prepare recommendations for the annual school calendars; and develop recommendations for administrative salaries.
3. **Curriculum and Co-Curricular** which shall, annually, review curriculum suggestions and acquisitions, oversee the pool, and give first hearing to co-curricular concerns.
4. **Information & Technology Advisory Board** shall advise the Board on technology related recommendations.
5. **Strategic Planning and Goal Setting** shall oversee the development of the District's long range objectives and advise the Board on the adoption of annual District goals.

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6. **Athletic Committee** which will work with the Athletic Director, high school principal and middle school principal to make improvements in the District's Athletic program.
7. **Policy Committee** shall promote the continuous updating of the Board policy manual by review followed by recommendation for Board approval of new policies or revisions of existing policies.

As necessary, each committee may develop policy for the entire Board for discussion and approval.

- B. The President of the School Board shall appoint no more than three (3) Board members and an alternate to each committee and designate a chairperson. The President shall appoint two (2) community members on the Finance, Facilities and Transportation Committee, the Curriculum and Co-Curricular Committee, Information Technology Advisory Board, Strategic Planning Committee and the Athletic Committee. At the discretion of the President, additional community members may be appointed. Administrators shall attend committee meetings as required. Only Board members shall be allowed to vote on recommendations to the Board from the committee.
- C. The President of the School Board shall refer issues to appropriate committees when: policy questions arise, the Board needs more information before making a decision, or the Board requests public input on specific issues.

## Committee Procedures:

- A. Public notice will be given for all committee meetings of the Board including subject, time and place. Committee members shall be notified at least twenty-four (24) hours in advance of meeting.

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- B. Committee meetings will be reported at the following regular Board meeting.
- C. Standing committees will meet at least twice annually.

All committees shall comply with the Open Meetings Law by providing notices of each meeting, posting the time and date, place, subject matter of the proposed meeting, and any matter intended for the consideration at a contemplated closed meeting pursuant to 19.84, Wis. Stats. In addition, committee's will maintain minutes regarding any recommended action for consideration of approval by the Board. A committee may conduct a closed meeting providing it is for one of the purposes described in Bylaw 0167 and the committee abides by all requirements for the conduct of a closed meeting.

- A. Ad hoc committees may be created and changed at any time by the President or the District Administrator with the approval of the Board.
- B. Members of ad hoc committees shall serve until the committee is discharged.
- C. The District Administrator shall serve as an exofficio member of each committee.
- D. A member may request (or refuse) appointment to a committee.
- E. Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee.

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## MEETINGS

### 0161 **Parliamentary Authority**

The parliamentary authority governing the Board of Education shall be Robert's Rules of Order, Newly Revised, as defined in Chapter XVI, "Boards and Committees" in all cases in which it is not inconsistent with statute, administrative code, or these bylaws.

### 0162 **Quorum**

Four (4) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

Two (2) forms of a quorum should be avoided.

“Negative Quorum” – A gathering of less than one half (1/2) of the members of the Board may be a meeting if that group possesses the power to defeat action taken by the Board of Education.

“Walking Quorum” – Less than one-half (1/2) of the members of the Board gathered together may constitute a meeting if it is one (1) of a series of meetings through which agreement on an issue is reached. A series of email messages, phone calls or other communications between Board members could be a “meeting” or “walking quorum” because, while the Board members have not physically convened, they can effectively communicate and exercise the authority otherwise vested in the Board.



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0163                    **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

120.11, Wis. Stats.

0164                    **Call**

0164.1                 **Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a vote of the Board at the Organizational Meeting. An additional meeting will be held in April for the organizational meeting as well as October to establish the tax levy.

0164.2                 **Special Meetings**

Special meetings of the Board may be called by the President or by the written request of any member of the Board provided there is compliance with the notice provision of these Bylaws.

The District Administrator and those administrators directed by the District Administrator shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

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0165            **Notice**

0165.1        **Regular Meetings**

Public notice of all meetings shall be given pursuant to statute. The Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, place, and subject matter of each regularly-scheduled meeting of the Board, including subjects intended for the consideration at any closed session, in the form which is reasonably likely to inform members of the public and the news media. To assure that notice of a meeting is specific enough to apprise the public of the purpose of the meeting, the following factors shall be considered: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and (3) whether the meeting will involve routine or novel issues. The notice shall contain the name and address of the District and its telephone number. The notice shall be given at least twentyfour (24) hours prior to the meeting unless for good cause such notice is impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

19.84, Wis. Stats.

The notice shall also contain the following statement:

The notice shall be given to the Portage Daily Register and, upon the written request, to an individual, organization, firm, or corporation. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

0165.2        **Change of Regular Meetings**

If the Board adopts a resolution changing the date, time, or place of a regularly-scheduled meeting, the meeting notice shall state the date, time, place, and subject matter of the rescheduled meeting, as well as the name and address of the District. Said notice shall be posted in such places as the Board may determine. Said notice shall be posted at least twenty-four (24) hours before the rescheduled meeting.

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0165.3            **Special Meetings**

Said notice shall state the date, time, place, and subject matter of such special meeting, as well as the name and address of the District. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board by personal delivery to the member or his/her residence or by first class mail, at least twenty-four (24) hours prior to the meeting. A special meeting may be held without prior notice if all Board members are present and consent or each member consents in writing even if s/he does not attend.

120.11(2), Wis. Stats.

0166            **Agenda**

The District Administrator shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President. The level of specificity of the description of subject matter for discussion shall be determined considering the following: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and, (3) whether the meeting will involve routine or novel issues.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the District Administrator on information relating to the District with such recommendations as s/he shall make.

The agenda for each regular meeting shall be mailed or delivered including by electronic means to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed or delivered including by electronic means no later than five (5) days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twentyfour (24) hours before the meeting, consistent with provisions calling for special meetings.

The Board shall transact business according to the agenda prepared by the District Administrator and submitted to all Board members in advance of the meeting. The

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order of business may be altered at any meeting by a majority vote of the members present.

If the Board wishes to discuss items that were not posted at least twenty-four (24) hours prior to the meeting, the Board must (1) post a separate notice of the item(s) no less than two (2) hours prior to the meeting and (2) show good cause why posting the item at least twenty-four (24) hours prior to the meeting was impossible or impractical.

19.84(3) Wis. Stats

### 0166.1 **Consent Agenda**

The Board of Education shall use a consent agenda to keep routine matters within a reasonable time frame. Items for the consent agenda will be determined by the Board President.

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a non-action item or be deferred for further study and discussion at a subsequent Board meeting if the District Administrator or any Board member thinks the item requires further discussion.

### 0167 **Conduct**

#### 0167.1 **Voting**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members present at the meeting, unless otherwise required by law, and a proper record made of the vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

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19.83, Wis. Stats.

Any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

All actions requiring a vote shall be conducted by roll call provided that the vote of each member be recorded. The order of voting shall be rotated between members with the Board President casting the final vote. Proxy voting shall not be permitted. Any member may request that the Board be polled.

0167.2

## **Closed Session**

The Board may meet in a closed session, one closed to the public, for specified purposes.

Each closed session requires a majority roll-call vote of the Board and may be held to:

- A. deliberate a case which was the subject of any hearing before the Board; (19.85(1)(a))
- B. consider dismissal, demotion, licensing, or discipline of any Board employee or person licensed by the Board, or the investigation of charges against such person, and the taking of formal action on any such matter, provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. (19.85(1)(b))
- C. consider the employment, promotion, compensation, or performance-evaluation data of any employee; (19.85(1)(c))
- D. considering strategy for crime detection or prevention; (19.85(1)(d))

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- E. deliberate or negotiate the purchase of public properties, the investment of District funds, or the conduct of other Board business whenever competitive or bargaining reasons require a closed session; (19.85(1)(e))
- F. consider financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; (19.85(1)(f))
- G. confer with the Board's legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved; (19.85(1)(g))
- H. consider requests for confidential, written advice from the ethics board under 19.46(2), Wis. Stats., or from any county or municipal ethics board under 19.59(5), Wis. Stats.; (19.85(1)(h))

The presiding officer shall announce the nature of the closed session and the specific section of the law that allows for the closed session.

No other business other than that stated in the public notice may be conducted at a closed session. The Board may not reconvene its regular or special meeting after a closed session, within twelve (12) hours, unless public notice of the reconvened meeting was part of the public notice of its regular or special meeting.

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose to anyone the content of discussions that take place during such sessions.

## **Recording of Closed Sessions**

Other than expulsion hearings, closed sessions of the Board will not be recorded, filmed or photographed without prior approval of the Board. Any such recording, film or photograph must be maintained in accordance with Policy 8310 – Public Records and Policy 8330 – Student Records.

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66 OAG 318 (1977)

0167.3      **Public Participation at Board Meetings**

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters. Therefore, the Board will establish a maximum of twenty (20) minutes at each regular meeting for purpose of hearing public comments.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. Anyone having a legitimate interest in the actions of the Board may participate during the public portion of a meeting.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name.
- D. Each statement made by a participant shall be limited to two (2) minutes duration.
- E. No participant may speak more than once on the same topic.
- F. Participants shall direct all comments to the Board and not to staff or other participants.
- G. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- H. Disruptive, abusive, or harassing speech will not be allowed.

The presiding officer may: A. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

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- A. Public participation shall be permitted as indicated on the order of business.

Recording, filming, or photographing the Board's open meetings is permitted. Recording, filming, or photographing the Board's closed session is only permitted pursuant to Bylaw 0167.2 – Closed Session. The person operating the equipment should contact the District Administrator prior to the Board meeting to review possible placement of the equipment, and must agree to abide by the following conditions:

- A. No obstructions are created between the Board and the audience.
- B. No interviews are conducted in the meeting room while the Board is in session.
- C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience or otherwise disrupt the meeting while the Board is in session.

19.90, Wis. Stats.

## **Use of Electronic Mail**

E-mail is a form of communication that could conflict with the Open Meetings Act and must be preserved for production in the context of an open records request. Board members are strongly discouraged from communicating regarding Board business with other Board members, district administrators, school staff or members of the community via electronic mail. If a Board member does utilize electronic mail, it may be used only for the purposes of communicating:

- A. messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;
- B. possible agenda items between the District Administrator and the Board president;



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- C. times, dates, and places of regular or special Board meetings;
- D. a Board meeting agenda or public record information concerning items on the agenda;
- E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations;
- F. responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

0167.6

**E-mail – Public Records**

There should be no expectation of privacy for any messages sent by e-mail. All messages sent or received by any member of the Board in the course of conducting the business of the Board shall be provided to the District's Records Custodian or the District Administrator for preservation. Such records may be subject to disclosure under the Public Records Act.

Board members shall be provided with an e-mail account on the District file server. These accounts will be managed and archived by the District, which will act as the legal custodian of such records on behalf of Board members as allowed by law. Official e-mail communications to Board members will be sent to the member's account on the District file server. Replies to e-mail messages by Board members are expected to be made via the District e-mail system which allows the District to archive the return message. Board members must use their District e-mail account for all school board related business. Furthermore, there should be no expectation of privacy for any messages sent or received via the District e-mail system. Messages may be subject to disclosure under the Wisconsin Public Records Law unless an exemption would apply.

Board members shall utilize e-mail communication only as described in Bylaw 0167.5.

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Each Board member as an elected official is independently required by law to comply with public records requests for e-mail communications sent or received on the Board member's personal email account. Any communications related to school business on a personal e-mail account forwarded to the Board members school email account.

0168 **Minutes**

0168.1 **Open Meeting**

The Clerk, or a temporary clerk appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board which should ordinarily occur at the next regular meeting. The minutes shall include all votes taken at the meeting.

Proceedings of each meeting shall be publicized by school District-wide distribution prepared and directed by the School Board and paid out of school funds within forty-five (45) days of the meeting. The notice shall also contain a listing of receipts and expenditures in the aggregate. There will also be a detailed record of all receipts and expenditures available for inspection at each regular Board meeting and upon written request.

The minutes shall be available for inspection and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be bound together by years and kept at the Gerstenkorn Administration Building.

Minutes of the preceding meetings shall be approved by the Board.

The minutes shall show only action taken.

120.11, Wis. Stats.

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The minutes shall show only action taken.

120.11, Wis. Stats.

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## DUTIES

0171           **Officers**

0171.1       **President**

The President of the Board of Education shall:

- A.           act as chairperson at meetings of the Board and ensure that minutes of meetings are properly recorded, approved, and signed;
- B.           countersign all checks, share drafts, or other drafts for disbursement of District funds;
- C.           defend on behalf of the District all actions brought against it;
- D.           prosecute, when authorized by an annual meeting of the School Board, actions brought by the District and an action for the recovery of any forfeiture incurred under Chapters 115 and 121 in which the District has an interest;
- E.           Perform other duties appropriate to the office of the President under 120.15 Wis. Stats;
- F.           Serve as an ex-officio member of each committee.

120.15, Wis. Stats.

0171.2       **Vice-President**

The Vice-President of the Board of Education shall act as chairperson of the school board meeting by:

- A.           presiding at meetings of the Board when the President is not able to attend;

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- B. performing other duties appropriate to the office of Vice President as the Board determines;
- C. in case of a vacancy in the office of President, succeeding to the office of President for the balance of the unexpired term.

120.15(5), Wis. Stats.

0171.3

## **Clerk**

The Clerk of the Board of Education shall:

- A. act as clerk and record the proceedings of all meetings of the Board;
- B. enter the proceedings of the Board in proper record books;
- C. enter in the record book copies of all Clerk's reports sent to municipal clerks;
- D. draw and record orders on the Treasurer as directed by the Board;
- E. be the chief election officer of the District with authority to report the name and post-office address of each Board member, within ten (10) days after his/her election or appointment, to the clerk and treasurer;
- F. perform other duties as prescribed by law or the Board.

120.17, Wis. Stats.

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0171.4            **Treasurer**

The Treasurer of the Board of Education shall:

- A.            apply for, receive, and sue for all money appropriated to or collected for the District and disburse the same in accordance with law;
- B.            enter in the account books all money received and disbursed and specify the source of the funds and the person to whom funds were paid and the object of the payment;
- C.            immediately upon receipt, deposit District funds in the District's name in a public depository designated by the Board;
- D.            present at the annual meeting a written statement of all money received and disbursed by the District in the preceding year;
- E.            serves as the chairperson for the Finance, Facilities, and Transportation Committee;
- F.            perform other duties prescribed by statute or by the Board.

120.16, 66.042 Wis. Stats.

0172            **Legal Counsel**

The Board of Education may employ an attorney to represent the School District or Board in actions brought for or against the District and to render other legal services for the welfare of the School District.

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PORTAGE COMMUNITY SCHOOL DISTRICT**

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**0173                    Independent Auditor**

The independent auditor shall:

- A.     examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;
- B.     conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary in the circumstances;
- C.     render an opinion of the financial statements prepared at the close of the fiscal year;
- D.     make such recommendations to the Board of Education concerning its accounting records, procedures, and related activities as may appear necessary or desirable;
- E.     perform such other related services as may be requested by the Board.

120.14, Wis. Stats.

**0174                    Reports**

**0174.1                Annual Report**

The Board of Education Clerk shall file with the Department of Public Instruction (publish) an annual school district report by September 1<sup>st</sup> in the format prescribed by the Department of Public Instruction as required by law.



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0174.2            **School Performance Report**

The School and School District Performance Report will be posted on the District's website.

0174.3            **Other Reports**

In addition, the Board shall publish other reports it deems necessary to keep the community and government authorities adequately informed about the operation of the District.

120.18, Wis. Stats.  
115.38(1), Wis. Stats.

0175              **Association Memberships**

The Board may also maintain institutional memberships in other educational organizations which the District Administrator and Board find to be of benefit to members and District personnel.

0175.1           **School Board Conferences, Conventions, and Workshops**

The Board of Education recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, State and National workshops and conferences is encouraged provided funds are available within the restraints of the budget.

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Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the District within budgetary limits.

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