

Bylaw

BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

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MEMBERSHIP

0141

Number

The Board of Education shall consist of seven (7) members who will serve three (3) year terms.

Area or Representation:

Village of Hortonville	one (1) member
Village of Hortonville & Town of Liberty	one (1) member
Towns of Hortonville & Dale	one (1) member
Town of Ellington	one (1) member
Village of Greenville	one (1) member
Village of Greenville & Town Grand Chute	one (1) member
Town of Center	one (1) member

0142

Election / Appointment

0142.1

Electoral Process

Board elections are held during 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

Any qualified elector desiring election to the Board must file a Declaration of Candidacy with the Board Clerk, using forms provided by the District, no later than 5:00 P.M. on the first Tuesday in January. Qualified candidates shall then be placed on the ballot.

Incumbent Board members may file a Declaration of Non-Candidacy by 5:00 P.M. on the 2nd Friday preceding the deadline for filing ballot access documents, as specified in the preceding paragraph, to avoid an extension of time for filing such papers.

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

The order of names on the ballot shall be determined by lot, in the event more than one (1) person seeks office from a representative area.

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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. When the first Tuesday in January is a holiday, the deadline becomes 5:00 p.m. the next day.

In addition, if an incumbent file written notification that the incumbent is not a candidate for reelection to their office or fails to file a declaration of candidacy within the time prescribed by this bylaw, the District Clerk shall promptly provide public notice of that fact on the District's website or, if the District does not maintain a website, by posting notices in at least three (3) different locations within the District.

Legal References:

120.06(1), Wis. Stats.

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

120.06(6)(b)3m, Wis. Stats.

0142.2 **Qualifications**

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

120.06(2), Wis. Stats.

142.3 **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 or until a vacancy occurs.

120.06(4), Wis. Stats.

142.4 **Oath**

Each newly elected or appointed Board member shall take and file the oath of office with the Clerk. On or prior to the fourth Monday in April, any Board member elected or re-elected to office at the spring election shall take and file the official oath. Board members appointed to office between elections shall take and file the oath prior to taking office. The School District Clerk has authority to administer the oath of office,

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unless s/he was re-elected in the spring election. A notary public or other person with authority under law to administer oaths may also administer the oath to members.

The official oath shall be in writing and subscribed and sworn to as required by law. The oath does not need to be administered at or in conjunction with a Board meeting. If desired, the oath may also be administered orally in addition to the written oath.

120.06(10), Wis. Stats.

120.17 (10), Wis. Stats.

887.07(1), Wis. Stats.

142.5

Vacancies

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

- A. The death of the incumbent, or the incumbent's being found mentally incompetent by the proper court;
- B. The incumbent's resignation;
- C. The incumbent's removal from office;
- D. The incumbent's conviction of a felony or imprisonment for one (1) 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
- 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(a) Wis. Stats.

17.03 et seq., Wis. Stats.

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Filling a Board Vacancy

The vacancy shall be filled by the Board using the following procedure:

- A. Appointment by the Board to fill a vacancy shall be by the members of the remaining Board consistent with Bylaw 0162 – Quorum and Bylaw 0167.1 – Voting. All votes shall be recorded, preserved and open to the public inspection to the extent prescribed in Chapter 19, Wis. Stats. Secret ballots may only be used when Board members are electing officers.
- B. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- C. All applicants are to submit a notice of their interest, in writing, to the Board.
- D. The Board may interview interested candidates to ascertain their qualifications
- E. 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 from the applicants who completed the process noted above.

Legal References:

17.03 et Seq., Wis. Stats.

17.26(1g)(a), Wis. Stats.

120.12(28), Wis. Stats.

0142.6 Recall

Any member of the Board may be recalled pursuant to Chapter 1.10, 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. Accordingly, the Board shall give to each new Board member no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board the following items; access to Board policy manual, the current budget statement related fiscal materials, and a copy of each current employee handbook. (Please refer to Board Member Orientation/Leadership Handbook.)

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0143 **Authority of Individual Board Members**

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.

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

0143.1 **Public Expression of Board Members**

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

From time-to-time, however, individual Board members make public statements on school matters:

- A. To local media;
- B. On social media;
- C. To members of the community;
- D. To local officials and/or State officials.

Sometimes the public statements, or statements to individuals, 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 may cause issues for the member, the Board, as well as the District.

Therefore, Board members should, when writing or speaking on school matters on social media, to the media, members of the community, 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 a majority of its members, except as follows:
 - 1. Correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 - 2. Routine, 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.

0143.2

BOARD MEMBER INFORMATION REQUESTS

It is important for the Board members to be informed about the operation of the District. The administrative team will provide information to keep Board members informed of District operations. As a rule, information will be distributed to the entire Board.

To provide individual Board members with information they request in an effective and efficient manner, the following procedures will be used:

- A. Individual Board members possess all the rights granted to them as citizens of the community, including access to public records. Requests by individual Board members for documents which would be exempt from disclosure to the general public will be presented to the Board for review. The Board will review the request and make a determination as to whether or not the documents will be released to the Board member, consistent with State law.
- B. When a Board member(s) would like the administration to compile information which will require lengthy research and investigation, the request should be submitted to the District Administrator, who will distribute copies to the Board. The request(s) will be reviewed at the next meeting, if possible, by the Board and District Administrator to clarify the request and determine in the context of other priorities if and when the administrative staff should respond to it. The requests, discussion of them, and action indicated will become part of the record of the Board through the meeting minutes for follow-up and subsequent reference.
- C. The District Administrator will discuss with the Board President the validity of any requests as deemed necessary. In making requests for information, data, etc., Board members will make all such requests through Board action unless the request meets the criteria given below:
 1. Individual Board members may request and obtain statistics and reports, etc., that are readily available. All such requests will be submitted to the District Administrator who will have his/her staff gather the information or material.
 - a. Individual Board members may use materials obtained to compile or organize data or statistics to meet their needs.
 - b. Individual Board members may request that materials obtained be disseminated to all Board members.

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2. Board members or committees who request statistics and reports which require substantial investment of time by the administration to fulfill will prepare the request in writing and submit them to the District Administrator, who will distribute copies to the Board. The requests will be reviewed at the next meeting, if possible, by the Board and District Administrator to clarify the request and determine in the context of other priorities if and when the administrative staff should respond to it. The requests, discussion of them, and action indicated will become part of the record of the Board through the meeting minutes for follow-up and subsequent references.
3. Release of documents to individual Board members will comply with applicable State laws.
4. The District Administrator will discuss with the Board President the number of requests and legality of requests. The Board may impose limitations on volume, scope, and timing of information requests (other than public records requests) by Board members.

0144 **Operations**

0144.1 **Compensation**

As approved by the electors at the annual meeting, Board members shall receive an annual salary for the year, unless the member has provided timely annual notice of refusal to accept the salary. Notice must be provided prior to taking the oath of office and performing any service for the initial year of election or appointment and may be renewed for subsequent years by notice at least thirty (30) days prior to the member's taxable year, unless statutory exceptions apply. Board members not included in the preceding sentence may refuse to accept the salary by providing notice to the Board Clerk and Treasurer at least thirty (30) days before the start of the Board member's next taxable year (December 1).

Although the notification applies only to that taxable year, Board members may renew the refusal to accept the salary by sending timely annual notification. The members of the Board shall be reimbursed the actual, necessary expenses on business of the School District, or in attendance at meetings as authorized by the Board. Reasonable expenses such as conference fees, meals, travel, tips, parking, phone calls and lodging can be considered reimbursable expenses. The District Employee Reimbursement Request form shall be used to claim eligible expenses.

The mileage reimbursement rate will follow the IRS yearly-approved amount.

Meal costs are reimbursable not to exceed thirty-seven dollars (\$37) per day.

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Board members shall receive compensation as approved by the electors at the Annual Meeting and/or compensation per annum based on the number of meetings actually attended as approved by the electors at the Annual Meeting.

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.

0144.2

Board Member Ethics

As a member 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;
- 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 Association.
- H. Support the employment of those person 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;
- 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.

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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 their position as a Board member to obtain financial gain for themselves, immediate family as defined in 19.42(7), Wis. Stats., or any organization with which the Board member 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 the Board member's 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, the Board member should, prior to the matter being considered, disclose their 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.
- D. 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.
- E. No member of the Board shall hold a paid position within the School District, regardless of the type of level of position or manner of pay. However, a Board member may serve as a volunteer coach ~~or~~, supervisor of an extra-curricular activity, or bus driver in accordance of 120.20, Wis. Stats., and provided for in policy #8120 Volunteers.

19.42(7), Wis. Stats.; 19.59, Wis. Stats.; 120.20, Wis. Stats.; 946.13, Wis. Stats.

0144.4

Indemnification

After consultation with appropriate legal counsel, the Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member or employee to the extent allowed under the law.

Legal Reference:

895.35, 895.46, Wis. Stats.

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0145 **Sexual and Other Forms of Harassment**

The Board is committed to an environment that is free of harassment. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use of non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereafter referred to as "Protected Classes") and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to male, or female-to-female.

The Board 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 intimidation, hostile, or offensive working environment. (See also Policy 1422 – Nondiscrimination and Equal Employment Opportunity, Policy – 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, Policy 3122 – Nondiscrimination and Equal Employment Opportunity, and Policy 4122 – Nondiscrimination and Equal Employment Opportunity)

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 based on sex or one of the other Protected Classes references above, 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. (See also Policy 336.01/Policy 4362.01 – Threatening Behavior Toward Staff Members)

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, 120.12(1), 111.32(13) Wis. Stats.

P.I. 9, Wis. Adm. Code

Title IX Education Amendments of 1972, Chapter 227

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