

Bylaw

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 1 of 12

MEETINGS

0161 **Parliamentary Authority**

The parliamentary procedure governing the Board, for the orderly conduct of meetings, shall be in all cases in which it is not inconsistent with statute, administrative code, or these bylaws, or the rules of order of this Board.

Operating Procedures

The Board shall operate in accordance with its adopted procedures.

Rules of Order

"Robert's *Rules of Order*, revised" shall be considered the authority on parliamentary law.

Specific Rules of Order of the Board of Education are as follows:

- A. A quorum shall consist of four (4) members of the Board. A quorum being present, precisely at the hour to which the Board meeting is called, the President shall take the chair, call the members to order, and proceed to business.
- B. Should a quorum be assembled at the hour appointed, and the President be absent, the Vice President shall serve during the meeting, or until the President shall appear, and perform all the duties of the President. In the absence of the President and the Vice President, the Treasurer shall preside.
- C. Should a quorum not assemble at the hour appointed the members present may adjourn for a stated period of time; to give a quorum the opportunity to assemble. No business can be legally transacted during the delay.
- D. It shall be the duty of the President or presiding officer to preserve order and to conduct all business before the Board with propriety and dispatch.
- E. The President may speak to points of order in preference to other members and shall decide questions of order.
- F. A motion made must be seconded and then repeated distinctly by the President or read aloud before it is debated. Any motion shall be reduced to writing if the President or any member requires it.

Bylaw

- G. Any member who shall have made a motion shall have liberty to withdraw it, with the consent of his/her second, before any debate has taken place thereon; but not after debate, without permission being granted by the Board.
- H. A motion once voted down cannot be renewed at the same meeting of the Board without the consent of a majority of the members of the Board.
- I. An amendment may be moved on any motion and shall be decided before the original motion; but not more than one (1) amendment to an amendment shall be entertained.
- J. A motion for adjournment shall always be in order, and shall be decided without debate, except that it cannot be entertained when the Board is voting on another question, or while a member is addressing the Board.
- K. The “ayes” and “nays” shall be recorded on all questions by a roll call of the members.

Any failure to comply with the above procedural protocols will not affect the validity of any substantive action taken by the Board within its legal authority.

Temporary Committee

The President of the Board may appoint a temporary committee, which may include one or more Board members, to investigate a problem and report its findings to the Board. Such committee shall be terminated automatically following its final report to the Board of Education, unless asked to continue activity by the President.

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, when no Board vacancies exist; whenever the Board has one (1) or more vacancies, the quorum during that time shall be a majority of the members on the Board. No Board business shall be conducted in the absence of a quorum.

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.

Bylaw

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 3 of 12

0164 Meetings

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 resolution of the Board.

Meetings of the Board are normally scheduled for the second and fourth Mondays of each month. Only one (1) meeting is regularly schedule for the months of December and July.

Board meetings will be held in the Hortonville High School – Administration Office - District Board Room.

Change of Regular Meetings

If the Board changes 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 on the front door of the Administrative Office Building and at such places as the Board may determine. Meeting notices of scheduled Board meetings shall be posted in accordance with State law. (See also Policy 0166 - Agenda)

Special Meetings

A special meeting of the Board shall be held upon the written request of any Board member provided there is compliance with the following notice provisions and State law.

The School District Clerk or, in the School District Clerk's absence, the President shall fix a reasonable date, time, and place for the meeting. The School District Clerk or, in the School District Clerk's absence, the President shall notify each Board member of the date, time, and place of the meeting, in a manner likely to give the Board member notice of the meeting, at least twenty-four (24) hours before the meeting. If the School District Clerk or, in the School District Clerk's absence, the President determines that providing notice at least twenty-four (24) hours before a special Board meeting is, for good cause, shown by the School District Clerk or President, impossible or impractical, the School District Clerk or President may notify each Board member of the date, time, and place of the meeting less than twenty-four (24) hours, but not less than two (2) hours, before the meeting. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the District office and such other places as the Board may determine unless, for good cause, such notice is impossible or impracticable, but in no case may the notice be less than two (2) hours in advance of the meeting.

Bylaw

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 4 of 12

A special meeting may be held without prior notice if all Board members are present and consent, or if each member consents in writing even if the Board member does not attend, provided appropriate notice is provided as defined under Chapter 19.

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.

Notice of Meetings

Public notice of all Board meetings, and other meetings subject to Policy 8309 - Open Meetings for Non-Board Committees, shall be given pursuant to statute. Such notice shall be given, without cost, to any news media which submits a written request for meeting notices and to a news medium likely to give notice in the District's geographic area. In addition, such notice shall be made public in at least one (1) of the following ways:

- A. posting the notice in at least three (3) public places likely to give notice to persons affected;
- B. posting the notice in at least one (1) public place likely to give notice to persons affected and on the governmental body's website; or
- C. by paid publication in a news medium likely to give notice to persons affected.

The notice shall list 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 twenty-four (24) hours prior to the meeting unless for good cause such notice is impossible or impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

Cancellation of Meetings

If a regularly scheduled and legally noticed meeting needs to be canceled (e.g., inclement weather, electrical outage, broken water pipe, lack of quorum, etc.), the Board President or designee shall have the authority to cancel or reschedule the meeting. To the extent practical, a notice of cancellation should be provided, similar to the notice of the meeting.

Bylaw

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 5 of 12

Virtual Participation in Meetings

Generally, the Board does not allow virtual participation, unless otherwise determined by the Board President or due to an order by an authorized authority preventing in-person attendance at a meeting, Board members are expected to attend meetings in person at the location set by the Board for the meeting.

A Board member may attend virtually in instances where a member is unable to attend in person due to a scheduled absence from the District or due to an illness or a physical restriction preventing attendance. The Board member is responsible for making advance arrangements with the District administration to facilitate participation in the meeting. Remote access during quasi-judicial functions (e.g., termination hearings, expulsions) may be permitted after consultation with legal counsel.

Any Board member attending a meeting remotely may vote in accordance with Bylaw 0167.1 – Voting.

Board members are not provided with technology to facilitate remote Board attendance unless the Board authorizes such expenditure.

Any Board member attending a meeting or who intended to attend a meeting remotely but is unable to attend or unable to maintain attendance due to technological complications, such as a poor connection or other equipment failures, will be considered absent for all or part of the meeting. The meeting may continue in the member's absence provided that a quorum is still present.

Legal References

19.84, Wis. Stats.

120.11, Wis. Stats.

985.05(3), Wis. Stats.

0166

Agenda

The District Administrator shall prepare and make available, mail, or deliver to each Board member an 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 agenda for each regular meeting shall be mailed or delivered, electronically or in person to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda and supporting materials should be (available) or mailed or delivered not later than three (3) days prior to the meeting, or delivered so as to

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Adoption Resolution 10/13/2014

Bylaw

BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 6 of 12

provide time for the study of the agenda by the member. The agenda and supporting materials for a special meeting shall be delivered prior to the meeting.

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

The following routine business items may be included in a single resolution for consideration by the Board.

- A. Hiring of personnel
- B. Resignations and leaves
- C. Field and Other District Sponsored Trips (Refer to Policy #2340 & #8640)
- D. Second readings of Bylaws, Policies, and Procedures

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,

Bylaw

BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 7 of 12

unless otherwise required by law, and a proper record made of the vote. Meetings of the Board shall be public, and no person shall be excluded therefrom.

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 is recorded. 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; (19.58(1)(d))
- 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))

Bylaw

- 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.

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.

0167.3

Public Comment at Board Meetings

The Board encourages citizens of the District to attend its sessions so that they may become better acquainted with the operations and programs of the schools and provide opportunity for the Board to receive input from the public. All official meetings of the Board shall be open to the press and public. However, the Board reserves the right to adjourn or recess a meeting at any time to discuss such matters as is properly considered in closed session.

Procedures for Addressing the Board:

In order to assure that persons who wish to appear before the Board may be heard and, at the same time, conduct its meetings properly and efficiently, the Board adopts the following procedures and rules pertaining to public participation at Board meetings.

- A. Anyone wishing to address the Board at a meeting, either as an individual or as a member of a group, should complete the form "Speaking at Meetings" and return the form to the Board table prior to the 'call of order' of the meeting. Forms will be placed on the table at the meeting or may be obtained from the Administrative

Bylaw

BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 9 of 12

Assistant to the District Administrator. This will permit orderly scheduling of public remarks on the meeting agenda.

- B. The presentation should be as brief as possible. Unless an extension of time is granted, a speaker shall be limited to five (5) minutes.
- C. Speakers may offer such objective criticisms of school operations and programs as concern them. However, in public session, the Board will not hear complaints regarding school personnel. Other channels provide for Board consideration and disposition of legitimate complaints involving individuals. Individuals wishing to file a complaint regarding a personnel issue should contact a member of the Board of Education or the District Administrator. The individual employee involved shall be advised of the nature of the complaint and shall be given every opportunity for explanation, comment and presentation of facts as s/he sees them.
- D. Non-committee Board members may participate in committee meetings on the same standing as a resident. Non-committee members may not attend closed sessions unless they are specifically asked by the committee chairperson to do so.

All complaints made directly to the Board as a whole or to a Board member as an individual, may be referred to the school administration for study and possible solution. If it appears necessary, the administration, the person who made the complaint, the employee involved, or Board member may request an Executive Session of the Board for the purpose of further study and decision by the body. Generally, all parties involved shall be heard for the purpose of presenting additional facts and explanations and/or clarifying issues.

Any person or group who would like to have an item put on the agenda shall submit their request to the District Administrator not later than three (3) business days prior to the meeting and include:

- A. Name and address of the participants
- B. Group affiliation, if and when appropriate
- C. Topic to be addressed

Such requests shall be subject to the recommendation of the District Administrator and the approval of the Board President.

19.81 Wis. Stats

19.82 Wis. Stats

Bylaw

0167.5 **Use of Digital Communication Systems**

Digital communication is a form of communication that could conflict with the Open Meetings Law and must be preserved for production in the context of a public 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 digital communication. If a Board member does utilize digital communication 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;
- C. Times, dates, and places of regular or special Board meetings;
- D. Brief, factual responses to questions posed by members of the public, administrators, or school staff with a concurrent copy of the response sent to the District Administrator.

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 **Digital Communication System Accounts – Public Records**

There should be no expectation of privacy for any messages sent by digital communication. All digital communication sent or received by any member of the

Board in the course of conducting the business of the Board, including digital communication addresses business of the Board, including digital communication addresses not supplied by the District, 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 Law.

The District Administrator in consultation with the District Records Custodian shall devise and develop procedures pertaining to e-mail communications and public records.

Board members are required to provide to the District Administrator and/or District Records Custodian, all digital communications, when sent on digital communication systems other than the District provided digital communication address, using the procedure developed by the District Administrator without regard to whether the Board

Bylaw

member believes the communication is subject to disclosure under the Public Records Act.

Prior to implementation of a procedure for collection of digital communication, all such communications of the Board members must be copied to the District Administrator and/or District Records Custodian.

Board member shall utilize digital communication only as described in Bylaw 0167.5.

Each Board member as an elected official is independently required by law to comply with public records requests for digital communications sent or received on the Board member's personal digital communication account, which involves District business.

0167.7 **Use of Personal Communication Devices**

When performing their duties as a Board member, regardless of whether they are using personally owned or Board-owned personal communication devices (PCDs), Board members use of PCDs shall be in accordance with the following policies:

- A. Policy 7530.01 – Staff and School Officials Use of Personal Communication Devices
- B. Policy 7540 – Staff Technology Acceptable Use and Safety

For purposes of this Bylaw, PCDs shall be defined as set for in Board Bylaw 0100 – Definitions.

0168 **Minutes**

The Board shall charge its clerk, committee chair or designee with the recording and safekeeping of the minutes. They are available to the general public for examination, and they shall be retained as a permanent record of the District in the Superintendent's Office.

0168.1 **Meeting Minutes**

The Clerk, or 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 and endorsed by the Clerk; or by a person designated by the presiding officer who should ordinarily occur at the next regular meeting. The minutes shall include all votes taken at the meeting.

Bylaw

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

BYLAWS
0160 Page 12 of 12

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

Minutes of the preceding meetings shall be approved by the Board as its first order of business at its next regular meeting.

The minutes shall show only date, time, place, Board 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.

120.11, Wis. Stats.

120.17(3), Wis. Stats.

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