



GUIDE FOR CANDIDATES

**2020 Spring Election Edition
Updated November 2019**



Supporting, Promoting and Advancing Public Education

The WASB *Guide for Candidates* is designed to provide general information and commentary as a service to WASB members based on current law and agency guidance as it existed at the time of publication. It should not be relied upon as legal advice. If legal advice is needed, the services of the school district's designated legal counsel should be obtained.

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SCHOOL BOARDS, INC.

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wasb.org

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SCHOOL BOARD MEMBER ELECTION DATES

Deadline for School District Clerks to Publish the Notice of Election —
Fourth Tuesday in November (November 26, 2019)

**Candidates May File Declarations of Candidacy No Later than
January 7, 2020 —**

The deadline for declaring candidacy is 5:00 p.m. on the first Tuesday in January.

In order to be eligible to appear on the official ballot at the Spring Election, a candidate needs to file a declaration of candidacy and a campaign finance registration statement with the filing office identified in the district's Notice of Election by no later than this deadline. In some school districts, nomination papers with a sufficient number of signatures must also be filed in order to qualify for the ballot. Nomination papers may not be filed prior to December 1, 2019.

The appropriate forms can be obtained from the websites of the Wisconsin Elections Commission and the Wisconsin Ethics Commission, or from the school district's main administrative office.

Spring Primary (if a primary election is needed) —
Third Tuesday in February (February 18, 2020)

Spring Election —
First Tuesday in April (April 7, 2020)

WASB New School Board Member Gatherings —
Held regionally around the state, usually in mid to late April. Please refer to the schedule on the WASB website (wasb.org) once it is available.

**Persons Elected (or Re-Elected) to the School Board at the Spring Election
Must Take and File the Official Oath of Office —**
On or before the Fourth Monday in April (no later than April 27, 2020)

School Board Members Take Office —
Fourth Monday in April (April 27, 2020)

This pamphlet provides general information and is not intended as legal advice. The dates shown on this page reflect the law as of the date of publication. Please check the WASB School District Election Schedule and monitor the WASB website and other WASB communications for any changes, updates, or corrections to the information presented herein.



A MESSAGE FROM THE WASB PRESIDENT

Congratulations! You have made the deliberate decision to run for your local school board. Whatever the outcome of your election, your community is grateful that you made the decision to get involved to make your local school district even better.

Wisconsin has 421 school districts, each one consisting of locally elected school board members. Their job is to make the intimate decisions that will provide their students with the best education possible. There are many State and Federal laws that must be observed, and many of them need community decision makers to fine-tune the requirements to fulfill the spirit of the law, as well as the letter. Working with superintendents, administrators and teachers, school board members go about building effective educational systems.

As a community member, you have always had the opportunity to voice your thoughts, concerns, goals and desires to enhance your school district. As an elected board member, you have the added responsibility to be involved in the full decision-making process. Working with the other members of your board, you will have the responsibility of providing annual budgets, evaluating the Superintendent, and setting policy for administration and staff to follow.

As a member of the Wisconsin Association of School Boards, your district has the opportunity to utilize many of the tools developed by the WASB to follow good governance guidelines including webinars, conferences and the annual Education Convention held every January.

Good luck in your election, and thank you for wanting to make your local district a great one.

A handwritten signature in black ink that reads "Brett A. Hyde". The signature is written in a cursive style with a long horizontal line extending to the right.

Brett Hyde, WASB President
Muskego-Norway

ADVOCATES FOR CHILDREN

School boards and school board members are uniquely positioned to be advocates for boys and girls.

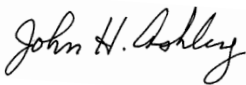
A member of a school board is entrusted with one of the most important responsibilities that can be assigned to any citizen—that of helping to direct the education of the youth of his or her community.

In no other country is there local responsibility for and authority in education comparable to the American school board. This local responsibility and authority — local control—varies in degree from state to state, but it assures that public schools are flexible and responsive to community needs.

Wisconsin school board members are the elected representatives of their districts and set policy for the education of the district's children.

In Wisconsin, more than 2,799 school board members are making decisions which affect more than 800,000 children enrolled in the public schools of the 421 districts in the state. These board members, as individuals, generally have no more power or authority than any other citizen in the district. It is when the individuals are meeting as a board that they can make decisions affecting the district.

Board members in Wisconsin must go through an established procedure to gain election to the school board. Your district administrator or district clerk will tell you the specific requirements for your district. General requirements are included in this brochure.



John H. Ashley, Executive Director
Wisconsin Association of School Boards

QUALITIES OF A SCHOOL BOARD MEMBER

There are many qualifications and qualities that experienced school board members have indicated are important to school board membership. These include:

- A commitment to the belief that all children of the school district are entitled to have available to them a beneficial educational program.
- An open mind and readiness to learn.
- A willingness to attend seminars and workshops which can help them make intelligent decisions in school affairs.

[The first WASB event for newly elected school board members are the New School Board Member Gatherings held in late April in 15 regions throughout the state to briefly review school board member responsibilities and introduce the new members to the services and information provided by the WASB.]

- A vision and an ability to understand changes in our society.
- The ability to act with other school board members to advance the best interests of the school district.
- The capability to articulate the philosophy and goals of the school and to listen carefully to the criticisms offered by people with differing views.
- A willingness to invest the hours that will be necessary to faithfully discharge their duties.
- Freedom from conflict with any other interest.

WHAT DOES THE SCHOOL BOARD DO?

School boards lead and govern the schools and educational programs of our local public school districts. That leadership role is performed as part of a team that includes the district administrator (also sometimes called the superintendent). The leadership team, in turn, operates within a unique framework of authority, duties, and powers that is established by a variety of state and federal laws and that is supplemented by local policy decisions.

There are actually several different types of public school districts in Wisconsin, including K-12 common school districts, K-8 common school districts, union high school districts, unified school districts, and the Milwaukee Public Schools. While the different types of school districts and their boards share many general characteristics, there are also some differences in the specific powers and responsibilities that are assigned to them. All school districts and school boards are alike, however, in that student learning and student achievement constitute the centerpiece of their mission.

The National School Boards Association (NSBA) has identified five core functions of school boards that, when pursued with rigor and intent, demonstrate effective local leadership and correlate with high levels of student achievement. The NSBA calls this governance model the “Key Work of School Boards,” and the WASB has adopted the model for use in connection with WASB’s board development programs and resources.

The Key Work of School Boards: A Framework for Effective School Governance

The NSBA's Key Work model focuses on five areas that provide a comprehensive overview of a school board's critical governance responsibilities.

VISION:

Effective school boards establish a clear vision and set high expectations for teaching and learning in a manner that supports strong student outcomes. The leadership team's vision supports and guides the development of a strategic plan and district goals. Effective boards formulate budgets and allocate resources in a manner that is aligned with the district's vision, strategic priorities, and goals.

ACCOUNTABILITY:

Accountability means measuring and judging how well the district is putting the vision into practice and making progress on key goals. Accountability starts with (1) the adoption of goals and academic and other standards, and (2) the assignment of responsibility and authority.

Data and other assessments are used as a tool. Success is acknowledged and rewarded while any lack of success drives change and improvement efforts. School boards and individual board members also must be accountable, including by modeling desired behaviors and by establishing standards for and evaluating the board's own internal operations and performance.

POLICY:

By establishing policies, a school board exercises its collective authority in order to serve students and achieve goals. Policies translate the board's vision into action and should be closely linked to (and sometimes directly establish) accountability structures and processes.

While many policies are written statements that establish and provide direction for staff, students, programs, and operations, the school district budget can be viewed as one type of policy decision. The scope and substance of a board's policies also reflect and contribute to the ongoing evolution of the board-administrator relationship, including by embodying an understanding of the respective roles of the members of the leadership team.

THE BOARD-ADMINISTRATOR RELATIONSHIP:

Research has shown that the board-administrator relationship is critical to the success of a school district. Both the school board and the superintendent have essential leadership roles that are interconnected but different. In simplistic terms, and keeping in mind that close collaboration is needed, the school board has the final authority to determine *what* needs to happen, and the district administrator and staff are given a degree of leeway to determine *how* to make it happen.

In order for the members of the leadership team to have a productive relationship that promotes public confidence in the school district, each individual member of the team must understand the unique roles and responsibilities of their position. Shared goals and clear policies can help to define roles and build a strong, collaborative relationship.

In nearly all districts, issues will arise that will cause the leadership team to discuss and recalibrate their mutual understandings of their respective roles. However, effective leadership teams are consistently professional, fair and objective, honest and open, team-oriented, prepared, and respectful.

COMMUNITY LEADERSHIP AND ADVOCACY:

Community leadership is demonstrated when a school board and its members act as ambassadors and advocates for district interests. Effective school boards engage the community in an ongoing conversation that is composed of a variety of communication channels and opportunities for participation and interaction. A school district's public advocacy and community engagement initiatives can provide both formal and informal opportunities to identify and discuss information, ideas, needs, and challenges with a variety of stakeholders.

School boards also have to forge relationships and work closely with legislators on legislative proposals that affect education, school funding, and a variety of other issues. School board members have a prominent role to play in telling their school district's story and in listening to stakeholders. Such communication can help to build support for the district and its students.

More detailed information on the leadership role of school boards and individual board members, as well as information on their powers, duties, and authority is available from the WASB.

QUESTIONS AND ANSWERS

Q. What are the legal qualifications for being a school board member?

A board member must be an eligible elector of the school district. According to the Government Accountability Board, in order to qualify for placement on the ballot as a candidate in a school board election, a person must be:

- (a) A citizen of the United States;
- (b) 18 years of age or older; and
- (c) A resident of the school district for at least 28 consecutive days at the time of filing a declaration of candidacy.

(Note: There is pending litigation over this requirement.)

In some school districts, school board members are elected to numbered seats or according to a plan of apportionment of board seats among the cities, towns and villages in the district. Where a plan of apportionment is in place, the person elected to an apportioned seat must reside in the designated geographic area at the time he or she takes the oath of office. In all school board elections other than in Milwaukee, each board member is ultimately elected by the votes of the electors of the entire school district.

There are three different potential conflict of interest situations that a candidate should consider before filing his or her declaration of candidacy:

Private interest in public contracts: School board members are prohibited by a felony criminal statute from having private, pecuniary interests, either direct or indirect, in school district contracts of more than \$15,000 in any year. Some limited exceptions to this prohibition are enumerated in the statutes. Significantly, abstaining from participation in particular board discussions and votes does not always resolve this type of conflict. (see s. 946.13)

Code of Ethics: The Code of Ethics for Local Government Officials prohibits local public officials (including school board members) from engaging in specified conduct that might otherwise involve a conflict of interest, the improper use of a public position for personal gain, or other divided loyalties. For example, a local public official may neither (1) use his or her office to obtain financial gain or anything of substantial value for private benefit for himself or herself, or his or her immediate family, or for an organization with which he or she is associated; nor (2) take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. (see s. 19.59)

It should be noted that the Wisconsin Ethics Commission and its predecessors (the former Government Accountability Board and former State Ethics Board) have consistently interpreted the phrase “anything of substantial value” to mean anything of more than nominal, token, or inconsequential value in light of the totality of the circumstances. Although the Ethics Commission has not identified a specific figure, previous opinions suggest that anything worth more than several dollars may be suspect. Further, the Code of Ethics does not define “substantial financial interest” and fails to contain a safe harbor like the \$15,000 annual threshold found in s. 946.13. Thus, unlike s. 946.13, it is likely that financial interests in matters involving far less than \$15,000 will trigger the application of the Code. Finally, whereas s. 946.13 restricts an individual’s conduct in both the person’s private and public capacities, the Code of Ethics is primarily concerned with actions that a local public official takes in his or her public (i.e., official) capacity.

Incompatibility of Office: The common law doctrine of incompatibility of office is generally understood to prohibit a school board member from being simultaneously employed by the same school district where he or she is on the school board, and it may restrict school board members from serving the district in other capacities as well.

Before seeking a school board seat, a potential school board candidate who already holds some other public office should also determine if there may be a legal incompatibility between the currently-held office and the office of school board member.

Q. What are the election procedures for the office of school board member?

In Wisconsin school districts, school board members are elected in April in connection with the spring election of various municipal and judicial officers. A regular term of office for a school board member is three years.

In common, union high and unified school districts, candidates must file a campaign finance registration statement, a declaration of candidacy, and, if required, nomination papers, with the school district clerk on or before 5 p.m. on the first Tuesday in January (or on the next day if Tuesday is a holiday). Note that nomination papers may not be filed before December 1. This deadline may be extended by 72 hours where an incumbent, without prior written notification of noncandidacy, fails to file for the election. Notwithstanding the final January deadline for filing a campaign finance registration statement, a candidate must comply with the registration requirement no later than the time that he or she becomes a candidate, which can be earlier than the January ballot-access deadline. The district staff in the office of the district administrator (superintendent) should be able to identify whether candidates in the district are required to solicit and file nomination signatures, as well as how many signatures are required.

The candidate(s) who are elected to the school board at the spring election must take and file the official, written oath of office *on or before* the 4th Monday in April. The oath of office does *not* have to administered at or in connection with a school board meeting. Failure to take and file the oath gives rise to a vacancy. The term of office begins on the 4th Monday in April.

Q. What are some of the basic campaign finance requirements for a school board candidate?

As mentioned above, the campaign finance laws found in Chapter 11 of the Wisconsin statutes include the requirement that every candidate must file a campaign finance registration statement with the school district clerk in a common, union high, or unified school district. All candidates register as a “candidate committee.”

While every school board candidate (defined to include every actively serving school board member) must be registered, a candidate may claim an exemption from filing periodic financial reports. If a candidate declares on his or her current registration statement that he or she does not anticipate accepting contributions, making disbursements, or incurring obligations in excess of \$2,000 in the applicable calendar year, and if he or she does not actually exceed that dollar threshold, then the candidate is exempt from filing periodic financial reports. Exemptions must be renewed annually. The ability of a candidate running for office in the next election to claim the exemption prior to that election is currently uncertain. See s. 11.0104 or visit the Wisconsin Ethics Commission website for more information (<https://ethics.wi.gov>).

Notwithstanding the \$2,000 aggregate threshold for claiming or renewing the reporting exemption, all candidates (including those who have claimed the reporting exemption) must adhere to the general limits that apply to contributions from specific sources, as further specified in Chapter 11. In addition, it is very important for candidate committees to understand that claiming the exemption from filing reports does not relieve the candidate and his or her candidate committee from other obligations imposed by the campaign finance laws. For example, even committees that are exempt from filing campaign finance reports must (1) track and keep adequate records of all receipts and disbursements, and (2) include appropriate “paid for by” attribution statements on applicable campaign materials.

Requirements for designating a candidate committee treasurer and a depository (checking account) for campaign funds are also set out in Chapter 11.

Q. Do school board members get paid for their service?

In common and union high school districts, the annual meeting of district electors may vote annual salaries for board members or an amount for each school board meeting that the board member actually attends.

In unified school districts, each school board member may be paid an annual salary or an amount fixed by the school board for each school board meeting the member actually attends. In the Milwaukee Public Schools, the members of the board of school directors are paid an annual salary in an amount set by the board.

A school board member may refuse his or her salary. See s. 120.07 for more information.

Q. Are school board members protected from civil suits?

The laws of Wisconsin provide some protection for school board members and other public officials who become involved in a legal action in their official capacity. The protection comes in the form of limited immunity from certain suits, and also in the form of a right to be indemnified by the school district in certain other civil suits. School districts generally maintain liability insurance policies that help the district meet its obligations to indemnify its officers.

However, school board members are not entirely immune from or indemnified for all possible personal liability. For example, there can be personal liability when a court or jury determines that a board member's conduct caused harm to another person and was also outside the scope of his or her duties as a board member, as might be the case with certain intentional and/or criminal acts. As another example, personal liability may arise from a board member's violation of the Wisconsin Open Meetings Law and from other failures to perform legally mandated duties. Some violations of the law by public officials constitute criminal offenses.

Q. How are vacancies on school boards filled?

Vacancies in school board offices in common, union high and unified school districts are generally filled by appointment by the remaining members within 60 days of the actual vacancy. Such appointees hold office until a successor is elected and takes office. Although the exact process to be followed varies by the timing of the vacancy, it is often the case that a partial (or "unexpired") term of either one or two years that is connected to a vacancy will appear on the ballot at the spring election in order to replace the board's appointee with a duly-elected board member. A vacancy on the board of school directors in the Milwaukee Public Schools is filled by a special election.



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