



WISCONSIN ASSOCIATION OF SCHOOL BOARDS

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GUIDE FOR CANDIDATES

2016 Spring Election Edition

Supporting, Promoting and Advancing Public Education



A MESSAGE FROM THE WASB PRESIDENT

Welcome to the challenging and rewarding world of school board member service! Thank you for considering this important position.

The common mission of school board members is to improve the achievement of students and prepare them to be active, productive members of our society and democracy.

You approach the position of school board member as an individual, but all of your actions will be as a board, working with the superintendent. It will be your responsibility to identify the needs of your students, recognize the challenges of your district, and to celebrate success with your communities.

The Wisconsin Association of School Boards (WASB) is here to serve new and experienced board members. We have a very knowledgeable staff ready to assist you. The seminars, workshops and conferences we hold around the state will help you grow as a board member, and our publications will help keep you informed and up-to-date on education issues.

Good luck! Our students thank you for considering a commitment to education in Wisconsin.

A handwritten signature in black ink that reads "Wanda Owens". The signature is written in a cursive, flowing style.

Wanda Owens
President, WASB
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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 2,800 school board members are making decisions which affect more than 800,000 children enrolled in the public schools of the 424 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.

State law provides that school board elections be held to coincide with the spring primary and spring general election for other nonpartisan offices.

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 and school board members deal with local educational conditions and decide local educational issues. Their power and authority are established in the Wisconsin and federal constitutions and statutes. School boards have the general responsibility for the management and supervision of their school districts.

Wisconsin laws provide specific direction for the organization of school boards in common, union high, and unified school districts and in the Milwaukee Public Schools. While the overall responsibility of each of these types of school districts is basically the same, some distinction is made in the powers assigned to them. A school board in a common or a union high school district, for example, shares some district powers with an annual meeting of the electors.

Major Responsibilities:

STUDENT ACHIEVEMENT: The school board adopts academic standards for pupils and establishes expectations for education in the district. The school board monitors student achievement and exercises general supervision over the schools.

POLICYMAKING: Policymaking covers the broad range of rules and regulations that school boards enact, alter or repeal. Board policies are the basis of school district operations. It is through policy-making that the board takes action, directing the district administrator and staff regarding district priorities. To have a well-organized school system, the board needs a sound philosophy of education as a basis for policymaking.

BOARD-ADMINISTRATOR RELATIONS: Research has shown that the board-administrator relationship is central to the success of the district. Effective board members are aware of the differences between their role and that of school administrators. In essence, the school board determines *what* needs to happen and the district administrator and staff determine *how* to make it happen. The school board sets its goals and operational policies and expects the district administrator to carry them out. Although the board should refrain from becoming involved in the day-to-day operation of the schools, it should follow up on the administration and operation of the schools and require periodic reports for purposes of evaluation.

EVALUATION: Evaluation is a continuous function that applies to policies, people and programs. Regular evaluation of all facets of school operations uncovers areas of success and opportunities in the school system and establishes a basis for future action.

BUDGET RESPONSIBILITY: Nothing conveys what is important to a school board more than the budget it adopts. The board uses public input to align resources with the school system's vision and goals. After that, the board supervises the execution of the budget, reviews school district accounts and business procedures and provides for an annual audit of the accounts as required by law.

COMMUNICATING WITH THE PUBLIC: There are times when school board members need to take the story of the district's success to the public, building support of public education. At other times, listening becomes the key communication strategy, understanding the values and concerns of the community, so that appropriate priorities can be established. Effective board members utilize both types of communication strategies to build support and establish relationships with their stakeholders.

ADVOCACY: The board serves as the key advocate in the community for students and their schools— encouraging progress, energizing systemic change and dealing with children as whole persons in a diversified society. In addition, effective school board members engage with state and federal policy makers to ensure that those policymakers understand the impact of legislative action taken at those levels of government.

More detailed information on the role, rights and duties of a school board member in Wisconsin is available from a variety of sources through 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.

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 Government Accountability Board (GAB) and its predecessor, the State Ethics Board, has 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 GAB 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 the spring in connection with the election of municipal and judicial officers.

In common, union high and unified school districts, candidates must file a declaration of candidacy, a campaign finance registration statement, 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. This deadline may be extended by 72 hours where an incumbent, without prior written notification, 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.

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 statutes include the requirement that every candidate and personal campaign committee must file a campaign finance registration statement with the school district clerk in a common, union high or unified school district.

While every school board candidate must be registered, a school board candidate may claim an exemption from filing financial reports and a termination report. If a candidate declares on the registration statement that he or she does not anticipate accepting contributions, making disbursements or incurring obligations in excess of \$1,000 in a calendar year and does not anticipate receiving a contribution or contributions from a single source, other than the candidate, exceeding \$100 in that year, no financial or termination reports need be filed. Otherwise, such reports must be filed. Requirements for campaign depositories and treasurers are also set out in Chapter 11. In addition, school board candidates are subject to the requirement that every paid communication (e.g. advertisement or piece of campaign literature) generally must include the words “paid for by” followed by the name of the candidate committee or group assuming responsibility for the communication and the name of the treasurer or other authorized agent of the candidate committee or group.

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

In common and union high school districts, the annual district meeting may vote annual salaries for board members or an amount for each school board meeting the 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.

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.

Q. How are vacancies on school boards filled?

Vacancies in school board offices in common, union high and unified school districts are filled by appointment by the remaining members. Such appointees shall hold office until a successor is elected and takes office. 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 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 the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the 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 second-following spring election. A vacancy on the board of school directors in the Milwaukee Public Schools is filled by a special election.

(Note: Legislation pending before the Legislature at the time of this writing would require all school boards except the board of directors of the Milwaukee Public Schools to adopt a board policy on how vacancies are to be filled.)



UNDERSTANDING BOARD GOVERNANCE

As expectations of public education have shifted, the top priority of the school board has become more focused on improving student achievement. As you contemplate your role as a school board member, I urge you to think about two broad categories of effective school board leadership.

Technical Leadership The key work of school boards is to improve student achievement. Understanding how the district is tending to this work requires that school board members understand the basics about standards, assessment and accountability. Board members also need to know about the budgeting process, state and federal legislation related to students, employees, and funding, to name a few. This is the technical component of effective school board leadership.

Adaptive Leadership Technical leadership is important, but a singular focus on accountability will not deliver optimal results. The challenges facing public schools today are complex and require that we reexamine strongly held values and practices.

Building relationships with internal and external stakeholders is central to successfully implementing new ideas to address these challenges. Building a vision in collaboration with your community is one of the key elements of this work. Another is nurturing a culture of relationships built on trust and mutual respect, which can lead to a strong commitment to the district and to its vision. Accountability coupled with an attention to building relationships among and between stakeholders will better position school districts to improve student achievement.

A handwritten signature in black ink that reads "John H. Ashley". The signature is written in a cursive, flowing style.

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

SCHOOL BOARD MEMBER ELECTION DATES

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Election Notice Deadline —

Fourth Tuesday in November (November 24, 2015)

General Deadline for Declaring Candidacy —

First Tuesday in January (or the following day if the first Tuesday is a legal holiday) (January 5, 2016) - 5:00 p.m.

A candidate needs to file a declaration of candidacy and campaign finance registration form with the school district clerk. In some districts, nomination papers also must be filed.

Spring Primary —

Third Tuesday in February (February 16, 2016)

Spring Election —

First Tuesday in April (April 5, 2016)

WASB's New School Board Member Gatherings

Between April 18 and April 22, 2016

School Board Members Take Office —

Fourth Monday in April (April 25, 2016)

More information about the various aspects of candidacy and election to a school board in Wisconsin is included in the *School District Election Schedule*, published annually by WASB. The above dates reflect current law. Please check the *School District Election Schedule* and other WASB publications for any change due to new legislation.