



GUIDE FOR CANDIDATES

**2023 Spring Election Edition
Updated October 2022**



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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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 22, 2022)

**Candidates May File Declarations of Candidacy No Later than
January 3, 2023 —**

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 circulated or filed prior to December 1, 2022.

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 21, 2023)

Spring Election —
First Tuesday in April (April 4, 2023)

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 24, 2023)

School Board Members Take Office —
Fourth Monday in April (April 24, 2023)

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 important decision to run for your local board of education. Whatever the outcome of your election, your community is grateful that you made the decision to step up and get involved to make your local school district even better.

Wisconsin has 421 public school districts, each one governed by locally elected school board members. Their job is to make the policy decisions that will provide all of their students with the best education possible and to hire, supervise, and evaluate the superintendent. There are numerous 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, for each district. Working with superintendents, administrators, and teachers, school board members go about building effective educational systems to benefit their students and their communities.

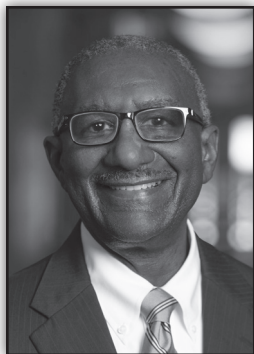
As a community member, you have always had the opportunity to voice your thoughts, concerns, goals and desires to enhance your school district. As an elected board member, you have the added responsibility to be involved in the full decision-making process. Working with the other members of your board,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

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

Best wishes to you in your election journey, and thank you for stepping up to make your local district a great one.

A handwritten signature in cursive script that reads "Barbara J. Herzog".

Barbara Herzog, WASB President
Oshkosh



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, nearly 2,800 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 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.

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 Wisconsin Elections Commission, 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 and Racine, 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 circulated or 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 (\$2,500 in 2023 and thereafter), and if he or she does not actually exceed that dollar threshold, then the candidate is exempt from filing periodic financial reports. See s. 11.0104 or visit the Wisconsin Ethics Commission website for more information (<https://ethics.wi.gov>).

Notwithstanding the \$2,000 (\$2,500 in 2023 and thereafter) 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.

School board members may refuse their salary by giving written notice. For more information, see s. 119.13 (Milwaukee), s. 120.45 (unified school districts), and s. 120.07 (common and union high school districts).

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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