

## SCHOOL DISTRICT OF WAUPACA

SERIES 100 BOARD OF EDUCATION

CODE: 161

### BOARD MEMBER AUTHORITY

Except as expressly provided by state law or as expressly authorized by the School Board (including through the Board's duly-adopted policies), the members of the Board exercise the duties and powers of the Board as a collective body through motions, resolutions, and other official actions taken at Board meetings. Accordingly, the primary power held by individual Board members is the power to actively participate in and vote on matters that come before the Board, provided that the Board member is not abstaining from such participation and voting. The primary purpose of this policy is to identify the Board's expectations and the role and authority of individual Board members in several scenarios in which questions are likely to arise.

#### **Authority to Make Statements on Behalf of the Board and District**

The Board reserves the right to determine the Board's position on matters affecting the District and to designate and authorize one or more spokespersons to convey its positions and certain other District information. Accordingly, except as otherwise authorized by the Board, individual Board members do not speak on behalf of the Board as a collective body or on behalf of the District as an entity. In the absence of any other designation, the Board President and District Administrator are the default spokespersons for the Board and District. In addition:

- Individual board members may not make unauthorized statements that purport to commit, or that another person would reasonably interpret as committing, the Board/District to a particular course of action or to an expenditure of District funds. This includes statements that indicate or imply that a formal decision has been made when the matter in question remains under consideration or is otherwise undecided.
- When stating or explaining individual views, opinions, or positions on District-related matters, individual board members are encouraged to expressly clarify that they are speaking for themselves and not on behalf of the Board or the District — particularly in the context of written communications, comments made to the media, or comments in public forums.

#### **Receiving, Investigating and Resolving Complaints**

If an individual Board member receives a complaint or other communication from a student, parent or guardian, District employee, or other person that appears to require further investigation on the part of the District and/or that appears to call for a response from the District, the Board member shall contact and refer the matter to the District Administrator in order to determine an appropriate response. However, in highly unusual circumstances where such referral to the District Administrator may not be appropriate, the Board member should instead contact the Board President (who may involve District legal counsel) or request a special meeting of the Board.

Unless authorized by the Board, or unless performing his/her legal or Board-authorized duties as a Board officer, individual Board members (1) shall not unilaterally conduct an investigation into complaints, petitions, or similar District matters, or (2) attempt to resolve a complaint, petition, or similar matter on the District's behalf outside of established procedures.

### **Disclosure of Legally-Protected or Otherwise Confidential or Sensitive District Information**

Board members may be privy to certain legally-protected or otherwise confidential District information by virtue of their public office, including but not limited to certain negotiating, student-related, or personnel-related information. An individual Board member shall not (1) respond on behalf of the District to requests for access to records containing confidential information; (2) disclose such information in a manner that violates any law or fiduciary duty; (3) disclose any information that would compromise the District's attorney-client privilege; or (4) improperly use such information for any private financial gain or to obtain a dishonest advantage for any person.

Individual Board members are expected to recognize that legal and other consequences can result from the unauthorized disclosure of information from closed session meetings. Even in circumstances where the ongoing confidentiality of certain closed session information is not expressly required by law, it is the Board's belief that sound governance generally requires that individual Board members will preserve the confidentiality of the Board's lawful and appropriate closed session discussions and deliberations to the extent permitted by law. When the Board takes action in a closed session meeting, applicable law generally determines, on a case-by-case basis, the extent to which information about such action is protected from disclosure, and for how long. Further, where applicable law allows the Board to exercise discretion regarding the disclosure of information about action taken in closed session, the exercise of such discretion shall be the prerogative of the Board.

The previous paragraph of this policy shall be construed to permit the appropriate application and enforcement of the Open Meetings Law and to permit Board members and the Board's officers and agents to perform their legal and Board-authorized duties (including responding to subpoenas and public records requests, providing truthful testimony in legal proceedings, etc.). In addition, the previous paragraph shall not be interpreted or applied in a manner that violates any legally-protected rights or in a manner that would strictly prohibit a Board member, in all situations, from identifying and stating the reason(s) for his/her individual vote on action taken in closed session. However, in identifying and explaining his/her vote, the Board member must not (1) compromise the ongoing confidentiality of a matter where the need for confidentiality has not yet expired; (2) compromise the District's attorney-client privilege; (3) unlawfully disclose any legally-protected information related to the matter; or (4) violate any fiduciary duty owed to the District.

### **Board Member Authority in Interactions with District Staff and District Operations**

Requesting Information. When an individual Board member requests data, reports, or other information from the District in his/her capacity as an elected District official, such requests shall be submitted to and coordinated through the District Administrator. The District Administrator may determine an appropriate response to the request or refer the request to the Board for further consideration. If a Board member seeks to inspect or receive copies of District records in some other capacity (e.g., parent of a student, member of the general public, etc.), the Board member should clarify to the custodian of records that his/her request is not being submitted in his/her capacity as an elected District official.

Directing Work of District Employees. Unless authorized by the Board, or unless reasonably required in the performance of his/her legal or Board-authorized duties as a Board officer, an individual Board member shall not attempt to direct the work of District employees.

Access to Schools and District Operations. If an individual Board member wishes to visit and observe a District activity or operational area that is not generally open to a public audience, including visits to schools and classes during school hours, the Board member may do so in a manner consistent with any other specific role that the Board member has (e.g., as a parent of a student, if applicable) or by scheduling a visit as a Board member in advance with the relevant building principal or with the District Administrator. In the event that the administration and individual Board member disagree as to the timing or purpose of a Board member's request to schedule such a visit, the request may be referred to a Board meeting for consideration by the Board.

**ADOPTED:** 071376  
**REVISED:** 061599, 081319  
**REVIEWED:** 081892

**LEGAL REFERENCE:** Wisconsin Statutes

[Section 19.88\(2\)](#) [each board member has authority to demand that any vote be taken in a manner that ascertains and records the vote of individual members]

[Section 946.12](#) [misconduct in office, including taking action in excess of lawful authority]

**CONTRACT REFERENCE:**

**CROSS REFERENCE:**

The School District of Waupaca does not discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.