



## **SCHOOL BOARD RETREAT MINUTES**

### **July 20, 2023 – 5:30 p.m.**

Pursuant to the regulations, the Board of Education met in a retreat format on the above date in the Waupaca High School Community Room.

The purpose of the Board Retreat Minutes is to capture the essence of discussions. These minutes should not be interpreted to represent a transcription of the meeting.

#### **Call to Order:**

Board President Dale Feldt called the meeting to order at 5:32 p.m.

#### **Roll Call:**

Present in the WHS Community Room: Dale Feldt, Betty Manion, Molly McDonald, and Ron Brooks (who arrived at 6:15 p.m.). Bob Adams was present via phone.

Excused: Lori Chesnut and Steve Klismet.

#### **Also Present:**

Present in the WHS Community Room: Ron Saari, Sandy Lucas, and School Attorney James Macy.

#### **Approval of Agenda:**

A motion was made by Betty Manion and seconded by Bob Adams to approve the agenda as presented. The motion carried unanimously on a voice vote.

#### **Review of Board Meeting Norms:**

The Board reviewed their collective commitments.

Board President Dale Feldt advised that they will begin with Item VI of the Agenda (skipping Item V).

#### **What to do When a Board Member Receives a Complaint Process:**

Board President Dale Feldt provided each of the Board members with three laminated copies of the procedures that they should follow when receiving a complaint or concern. He instructed the Board members to keep one copy at home, one in their car, and one at their workplace. Mr. Feldt reviewed the document, noting that it is important to always restate the concern to be sure it is understood correctly. He highlighted the importance of going through the protocols, including confirming with that person that they have followed the chain of command and contacted the appropriate person first so that we can keep our students safe and hold the right people accountable. If a Board member receives a complaint regarding administration, they should contact the Board President.

Mr. Feldt also highlighted the importance that a Board member must not make promises to the person that they will fix the problem, because as an individual Board member they do not have the authority to do so. He reiterated that if they do not take the right steps, they are going to bypass the correct conclusion/solution to the concern/complaint. If the Board member does not receive any follow-up with regard to the situation within two weeks, then they may step in and follow through with the appropriate person on the chain of command.

Mr. Feldt advised that they do not need to read this document verbatim to the person contacting them with a concern or complaint, but that each of the Board members should review it thoroughly so they are familiar with what to say. The Board should be the very last recourse for complaints.

Board President Feldt then turned the meeting over to School Attorney James Macy of von Briesen & Roper, S.C. Attorney Macy advised that he will be talking about roles and who fits into those roles.

The Board has lots of authority/powers, but no individual power, only the Board as a whole. In addition, any action taken by the Board occurs only in meetings because of the open meetings law. The Board has two main responsibilities – to legislate and create policy, then it needs to step back. The Board does not run the district nor direct day-to-day operations. The Board delegates the day-to-day operations to the people they hired to do that work, and they may not agree with the administration's decisions. But only if the administration is not following policy, then action is required.

Disciplinary matters are left to administration, especially for most of the support staff. The superintendent makes the decisions regarding staff discipline. Because employees have a right to grieve and contracted staff have a due process hearing, it is important that Board members do not get involved and to remain neutral, as they may need to be involved in a hearing where they are the judges and will be required to make an impartial decision. The same applies with students. Attorney Macy pointed out that they never want to put themselves in a biased situation. While they are caring members of the community and have opinions, they must keep those opinions to themselves. In addition, when a Board member receives a concern/complaint, they need to think about what is the nature of the concern/complaint – is it the administration's responsibility and not their authority. A Board member will be brought into certain meetings and get pulled into scenarios, but they must resist the temptation to get pulled in so that they do not compromise what their role might be later.

If there is a question regarding administration's role, a face-to-face discussion between the Board and administration regarding the situation should take place, but each should stay within their lanes, which helps to build trust. It is important to have a good rapport with administration. However, administration needs to stay out of policy or judicial decisions/roles, and should not create divisiveness between the Board members.

In addition, if a Board member gets pulled in or interjects himself/herself into a situation, it compromises the ability to settle or solve the problem as you may be way off of what the problem really is, and it then empowers that person. Most performance problems are solved with communication and performance plans. You need to listen to all sides before speaking in order to build trust. Many times the communication piece is missing, as well as a basic respect for different opinions and respect for decisions made. The Board and/or administration needs to be

one uniform voice. Everyone has a different management style and not everyone votes on every business decision.

Attorney Macy advised that he represents the District overall with his main objective being to prevent liability concerns and to keep the District out of court. He added that communication/discussions are important, and what works in Waupaca is what works – it doesn't matter what Appleton is doing.

Regarding disciplining employees, with the enactment of Act 10 there is no longer a just cause standard required but instead employees are employed "at will". However, in most situations, progressive discipline is used, which is informal and legal is usually not involved. For contracted employees at the end of their contract, statutory protocols are followed but there is no cause or standard of evidence needed to be met. For support staff, unless it is egregious, again progressive discipline is used first. It is also important to ensure consistency in all buildings.

Attorney Macy suggested that administration could update the Board periodically regarding personnel issues by having a closed session meeting, possibly at the end of a regular monthly meeting. However, if it is a high profile position such as an administrator level, it may need to be held sooner. Sometimes, if the matter is urgent, the superintendent may have to call the Board members. He added that a written summary of personnel issues should not be sent as you do not want to create a paper trail due to open records laws. Perhaps at this same closed session administration could provide any updates related to expulsions.

A closed session can be called regarding confidential personnel matters involving staff and students under Wisconsin Statutes Sections 19.85(1)(c) and 19.85(1)(f). Sometimes if it is regarding student confidentiality, the closed session can be called under Wisconsin Statutes Section 118.125. Attorney Macy emphasized that it is important that it must be a confidential matter, talking about certain people/positions, otherwise the meeting must be in open session per the open meetings law. You have to be very careful to be sure it falls under being "confidential".

Attorney Macy advised that the number of expulsion hearings the District has had is not higher than any other comparative district. The Board/administration needs to balance having to have some kind of consequence and ability to come back. However, parent/student willingness to get involved is the biggest hurdle, but once they do get involved there is usually success. The Board does not see the successes of many students because a lot of work is done before the matter ever comes before the Board for an expulsion hearing. It should also be noted that DPI has gotten tougher if we try to get too creative with the expulsions and has overturned decisions. Mr. Saari advised that the District does not follow an official restorative justice program, because we follow through with our MLSS teams, social workers, counselors, and other support systems and people. Attorney Macy commented that he believes restorative justice happens daily in the classroom.

Due to time constraints, the remainder of the Agenda was postponed and will be discussed at another Retreat.

**Adjournment:**

A motion was made by Ron Brooks and seconded by Molly McDonald to adjourn the meeting at 6:50 p.m. The motion carried unanimously on a voice vote.