

School District of River Falls
Regular Board of Education Meeting

Monday, April 27, 2020 - 6:00 PM

District Office

852 E Division Street

Agendas can be viewed at www.rfsd.k12.wi.us/district/school-board.cfm or at
<https://v3.boardbook.org/Public/PublicHome.aspx?ak=1001044>

1. **CALL TO ORDER - 6:00 PM IN THE DISTRICT ADMINISTRATIVE OFFICE CONFERENCE ROOM**
2. **MANNER OF PUBLIC NOTIFICATION OF MEETING**
3. **Review and signing of Official Oaths of Office**
4. **Public Hearing on Request for DPI Waiver pursuant to Wis. Stat. s. 118.38 due to the COVID-19 Public Health Emergency for Instructional Hours**
5. **Public Hearing on Request for DPI Waiver pursuant to Wis. Stat. s. 118.38 due to the COVID-19 Public Health Emergency for Educator Effectiveness Requirements**
6. **INFORMATIONAL ITEMS**
 - A. COVID-19 School Closure updates and considerations
 1. End year academic grading (Pass/No Pass)
 2. Continue at-home/distance learning
 3. Senior student considerations (Graduation, Awards, Scholarships, etc.)
 4. Summer School plans
 5. Kids Club plans
 6. Community Education plans
 7. Construction Projects
 8. Wage considerations (Kids Club, Summer School, Bus Drivers) in the event schools remain closed into summer
 9. District budget contingency plan
 10. Employee contract and wages for 2020-21
7. **Board Reorganizational Activities**
 - A. Election of Officers
 - B. Determine Board meeting dates, time, and location for the 2020-21 school year
 - C. Determine Board Committee Structure and Various District Advisory Delegate/Representative Appointments
 - D. Renew Board's Legal & Liability Insurance Policy
 - E. Designate Bank Depositories
 - F. Acknowledge Board Policy/Procedure - Conflict of Interest
 - G. Set date for the 2020 Annual Meeting
8. **ACTION ITEMS**
 - A. **Approval of minutes, bills and recommended employment**
 - B. **Consideration of and Action on Resolution on Request for DPI Waiver due to the COVID-19 Public Health Emergency for Instructional Hours and Educator Effectiveness Requirements**
 - C. **Consideration and/or Action to approve "Plan-B" District COVID-19 Response Plan as presented by Superintendent Benson; to include adjusting the school calendar for May 29, 2020 to become the last day of student at-home/distance instruction.**
 - D. **Approve 2020-21 Bus Driver Collective Bargaining Agreement**
 - E. **Approve 2020-21 Support Staff Salary Schedule**
 - F. **Approve the second readings of board policies 342.5 Title I; 342.5-Rule Title I guidelines; and 341.1 Reading Instruction**
 - G. **Approve Committed Fund Balance be designated for the following purposes: 1. \$3,325,000 HS Roof Replacement; 2. \$316,954 MMS and Rocky Branch Parking Lot Replacement; and 3. \$320,000 Budget Stabilization**
 - H. **Proposed/suggested items for the next regular and future Board meeting agenda(s)**
 - I. **Set dates and times for meetings in May**

9. **ADJOURN**

CHAPTER 19

GENERAL DUTIES OF PUBLIC OFFICIALS

SUBCHAPTER I		19.47	Operation.
OFFICIAL OATHS AND BONDS		19.48	Duties of the ethics commission.
19.01	Oaths and bonds.	19.49	Administration; enforcement.
19.015	Actions by the state, municipality or district.	19.50	Unauthorized release of records or information.
19.02	Actions by individuals.	19.55	Public inspection of records.
19.03	Security for costs; notice of action.	19.552	Action to compel compliance.
19.04	Other actions on same bond.	19.554	Petition for enforcement.
19.05	Execution; lien of judgment.	19.56	Honorariums, fees and expenses.
19.06	Sureties, how relieved.	19.57	Conferences, visits and economic development activities.
19.07	Bonds of public officers and employees.	19.575	Tourism activities.
19.10	Oaths.	19.579	Civil penalties.
19.11	Official bonds.	19.58	Criminal penalties.
19.12	Bond premiums payable from public funds.	19.59	Codes of ethics for local government officials, employees and candidates.
SUBCHAPTER II		SUBCHAPTER IV	
PUBLIC RECORDS AND PROPERTY		PERSONAL INFORMATION PRACTICES	
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19.22	Proceedings to compel the delivery of official property.	19.65	Rules of conduct; employee training; and security.
19.23	Transfer of records or materials to historical society.	19.67	Data collection.
19.24	Refusal to deliver money, etc., to successor.	19.68	Collection of personally identifiable information from Internet users.
19.25	State officers may require searches, etc., without fees.	19.69	Computer matching.
19.31	Declaration of policy.	19.70	Rights of data subject to challenge; authority corrections.
19.32	Definitions.	19.71	Sale of names or addresses.
19.33	Legal custodians.	19.77	Summary of case law and attorney general opinions.
19.34	Procedural information; access times and locations.	19.80	Penalties.
19.345	Time computation.	SUBCHAPTER V	
19.35	Access to records; fees.	OPEN MEETINGS OF GOVERNMENTAL BODIES	
19.356	Notice to record subject; right of action.	19.81	Declaration of policy.
19.36	Limitations upon access and withholding.	19.82	Definitions.
19.37	Enforcement and penalties.	19.83	Meetings of governmental bodies.
19.39	Interpretation by attorney general.	19.84	Public notice.
SUBCHAPTER III		19.85	Exemptions.
CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES		19.851	Closed sessions by ethics or elections commission.
19.41	Declaration of policy.	19.86	Notice of collective bargaining negotiations.
19.42	Definitions.	19.87	Legislative meetings.
19.43	Financial disclosure.	19.88	Ballots, votes and records.
19.44	Form of statement.	19.89	Exclusion of members.
19.45	Standards of conduct; state public officials.	19.90	Use of equipment in open session.
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19.46	Conflict of interest prohibited; exception.	19.97	Enforcement.
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SUBCHAPTER I

OFFICIAL OATHS AND BONDS

19.01 Oaths and bonds. (1) FORM OF OATH. Every official oath required by [article IV, section 28](#), of the constitution or by any statute shall be in writing, subscribed and sworn to and except as provided otherwise by [s. 757.02](#) and [SCR 40.15](#), shall be in substantially the following form:

STATE OF WISCONSIN,
County of

I, the undersigned, who have been elected (or appointed) to the office of, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

.....

Subscribed and sworn to before me this day of, (year)
.....(Signature).....

(1m) FORM OF ORAL OATH. If it is desired to administer the official oath orally in addition to the written oath prescribed above, it shall be in substantially the following form:

I,, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and

will faithfully and impartially discharge the duties of the office of to the best of my ability. So help me God.

(2) FORM OF BOND. (a) Every official bond required of any public officer shall be in substantially the following form:

We, the undersigned, jointly and severally, undertake and agree that, who has been elected (or appointed) to the office of, will faithfully discharge the duties of the office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate dollars, as may be suffered by them in consequence of the failure of to discharge the duties of the office.

Dated, (year)

.....(Principal).....

.....(Surety).....

(b) Any further or additional official bond lawfully required of any public officer shall be in the same form and it shall not affect or impair any official bond previously given by the officer for the same or any other official term. Where such bond is in excess of the sum of \$25,000, the officer may give 2 or more bonds.

(2m) EFFECT OF GIVING BOND. Any bond purportedly given as an official bond by a public officer, of whom an official bond is required, shall be deemed to be an official bond and shall be deemed as to both principal and surety to contain all the conditions and provisions required in sub. (2), regardless of its form or word-

ing, and any provisions restricting liability to less than that provided in sub. (2) shall be void.

(3) OFFICIAL DUTIES DEFINED. The official duties referred to in subs. (1) and (2) include performance to the best of his or her ability by the officer taking the oath or giving the bond of every official act required, and the nonperformance of every act forbidden, by law to be performed by the officer; also, similar performance and nonperformance of every act required of or forbidden to the officer in any other office which he or she may lawfully hold or exercise by virtue of incumbency of the office named in the official oath or bond. The duties mentioned in any such oath or bond include the faithful performance by all persons appointed or employed by the officer either in his or her principal or subsidiary office, of their respective duties and trusts therein.

(4) WHERE FILED. (a) Official oaths and bonds of the following public officials shall be filed in the office of the secretary of state:

1. All members and officers of the legislature.
2. The governor.
3. The lieutenant governor.
4. The state superintendent.
5. The justices, reporter and clerk of the supreme court.
6. The judges of the court of appeals.
7. The judges and reporters of the circuit courts.
8. All notaries public.
9. Every officer, except the secretary of state, state treasurer, district attorney and attorney general, whose compensation is paid in whole or in part out of the state treasury, including every member or appointee of a board or commission whose compensation is so paid.
10. Every deputy or assistant of an officer who files with the secretary of state.

(b) Official oaths and bonds of the following public officials shall be filed in the office of the governor:

1. The secretary of state.
2. The state treasurer.
3. The attorney general.

(bn) Official oaths and bonds of all district attorneys shall be filed with the secretary of administration.

(c) Official oaths and bonds of the following public officials shall be filed in the office of the clerk of the circuit court for any county in which the official serves:

1. All circuit and supplemental court commissioners.
4. All judges, other than municipal judges, and all judicial officers, other than judicial officers under subd. 1., elected or appointed for that county, or whose jurisdiction is limited to that county.

(d) Official oaths and bonds of all elected or appointed county officers, other than those enumerated in par. (c), and of all officers whose compensation is paid out of the county treasury shall be filed in the office of the county clerk of any county in which the officer serves.

(dm) Official oaths and bonds of members of the governing board, and the superintendent and other officers of any joint county school, county hospital, county sanatorium, county asylum or other joint county institution shall be filed in the office of the county clerk of the county in which the buildings of the institution that the official serves are located.

(e) Official oaths and bonds of all elected or appointed town officers shall be filed in the office of the town clerk for the town in which the officer serves, except that oaths and bonds of town clerks shall be filed in the office of the town treasurer.

(f) Official oaths and bonds of all elected or appointed city officers shall be filed in the office of the city clerk for the city in which the officer serves, except that oaths and bonds of city clerks shall be filed in the office of the city treasurer.

(g) Official oaths and bonds of all elected or appointed village officers shall be filed in the office of the village clerk for the village in which the officer serves, except that oaths and bonds of village clerks shall be filed in the office of the village treasurer.

(h) The official oath and bond of any officer of a school district or of an incorporated school board shall be filed with the clerk of the school district or the clerk of the incorporated school board for or on which the official serves.

(j) Official oaths and bonds of the members of a technical college district shall be filed with the secretary for the technical college district for which the member serves.

(4m) APPROVAL AND NOTICE. Bonds specified in sub. (4) (c), (d) and (dm) and bonds of any county employee required by statute or county ordinance to be bonded shall be approved by the district attorney as to amount, form and execution before the bonds are accepted for filing. The clerk of the circuit court and the county clerk respectively shall notify in writing the county board or chairperson within 5 days after the entry upon the term of office of a judicial or county officer specified in sub. (4) (c), (d) and (dm) or after a county employee required to be bonded has begun employment. The notice shall state whether or not the required bond has been furnished and shall be published with the proceedings of the county board.

(5) TIME OF FILING. Every public officer required to file an official oath or an official bond shall file the same before entering upon the duties of the office; and when both are required, both shall be filed at the same time.

(6) CONTINUANCE OF OBLIGATION. Every such bond continues in force and is applicable to official conduct during the incumbency of the officer filing the same and until the officer's successor is duly qualified and installed.

(7) INTERPRETATION. This section shall not be construed as requiring any particular officer to furnish or file either an official oath or an official bond. It is applicable to such officers only as are elsewhere in these statutes or by the constitution or by special, private or local law required to furnish such an oath or bond. Provided, however, that whether otherwise required by law or not, an oath of office shall be filed by every member of any board or commission appointed by the governor, and by every administrative officer so appointed, also by every secretary and other chief executive officer appointed by such board or commission.

(8) PREMIUM ON BOND ALLOWED AS EXPENSE. The state and any county, town, village, city or school district may pay the cost of any official bond furnished by an officer or employee thereof pursuant to law or any rules or regulations requiring the same if said officer or employee shall furnish a bond with a licensed surety company as surety, said cost not to exceed the current rate of premium per year. The cost of any such bond to the state shall be charged to the proper expense appropriation.

History: 1971 c. 154; 1977 c. 29 s. 1649; 1977 c. 187 ss. 26, 135; 1977 c. 305 s. 64; 1977 c. 449; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (13); 1983 a. 6, 192; 1983 a. 538 s. 271; 1989 a. 31; 1991 a. 39, 316; 1993 a. 399; 1997 a. 250; 1999 a. 32, 83; 2001 a. 61; 2007 a. 96; 2013 a. 107.

19.015 Actions by the state, municipality or district.

Whenever the state or any county, town, city, village, school district or technical college district is entitled to recover any damages, money, penalty or forfeiture on any official bond, the attorney general, county chairperson, town chairperson, mayor, village president, school board president or technical college district board chairperson, respectively, shall prosecute or cause to be prosecuted all necessary actions in the name of the state, or the municipality, against the officer giving the bond and the sureties for the recovery of the damages, money, penalty or forfeiture.

History: 1971 c. 154; 1983 a. 192; 1989 a. 56; 1993 a. 399.

19.02 Actions by individuals. Any person injured by the act, neglect or default of any officer, except the state officers, the officer's deputies or other persons which constitutes a breach of the condition of the official bond of the officer, may maintain an action in that person's name against the officer and the officer's

120.02 SCHOOL DISTRICT GOVERNMENT

Updated 15–16 Wis. Stats. 2

(d) If a school board in its order changing a school district type under s. 117.27 designates a school board of 5, 7 or 9 members, it shall prepare a plan for allocating terms in accordance with this subsection.

(e) Whenever a school district with more than one school board member votes to reduce the number of school board members, one less school board member shall be elected until the school board is reduced to the approved number of members, but not less than one member shall be elected each year.

(4) **ELECTION TO NUMBERED SEATS.** If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

History: 1975 c. 138, 199; 1983 a. 27; 1987 a. 391; 1989 a. 114, 192; 2001 a. 54; 2011 a. 75.

120.05 School board officials. (1) (a) The members of a school board shall be the officers of a school district.

(b) In the case of a 3–member school board, the school district president, treasurer and clerk shall constitute the school board. At the first election of a 3–member school board, the clerk shall be elected for a one–year term, the treasurer for a 2–year term and the president for a 3–year term.

(c) In the case of a school board with more than 3 members, the school board shall annually elect a school district president, vice president, treasurer and clerk from among its members at a school board meeting held on or within 30 days after the 4th Monday in April.

(d) A school district officer shall be a resident of the school district in which the officer serves. A school district officer who represents an apportioned area pursuant to a plan adopted under s. 120.02 (2) shall be a resident of the apportioned area for which he or she is elected or appointed at the time the officer takes the oath of office. If a school district officer who represents an apportioned area ceases to be a resident of that area after beginning his or her term but continues to be a resident of the school district, the officer may continue to serve for the balance of the term for which he or she was elected or appointed.

(2) If the territory of a common school district and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district.

(3) If the school district president, vice president, treasurer or clerk of any school board is unable to discharge the duties of the office due to disability or absence, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3–member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee for the president shall be the vice president and the appointee for the other officers shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering the person's acts unless the bond of such officer includes a bond for the officer's deputy. This subsection does not apply to vacancies

caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4) [s. 17.03 (4m)].

NOTE: The correct cross–reference is shown in brackets. Corrective legislation is pending.

History: 1975 c. 138 s. 13; 1975 c. 199; Stats. 1975 s. 120.05; 1979 c. 173; 1985 a. 218, 304.

The offices of president of a common school district board and chairperson of a town board within the district and the offices of school board member and town clerk are probably compatible. 74 Atty. Gen. 50.

120.06 Election of school board members. In a common or union high school district:

(1) The school board shall be elected at the spring election.

(2) (a) Except as provided under par. (b), school board members shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district.

(b) School board members elected to a school board in an election under s. 117.22 (2) (bm) shall reside in the territory of the school district created by the reorganization.

(3) The regular terms of school board members shall be 3 years, except as otherwise provided under s. 17.26.

(4) School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, on the 4th Monday in April.

(6) (a) In a school district which does not contain territory lying within a 2nd class city, the school board may, or in a common or union high school district the school board or annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, require that nomination papers be filed by all candidates seeking election to the school board. If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, rescind the requirement.

(b) 1. No later than the 4th Tuesday in November prior to the spring election, the school district clerk shall publish a type A notice of the school district election under s. 10.01 (2) (a).

2. Except as authorized in this paragraph, no later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice.

3. If an incumbent fails to file a declaration of candidacy, and nomination papers, where required, within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, where required, no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination papers applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file a declaration of candidacy for that office within the time prescribed in this paragraph.

4. In the case of a 3–member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers,

3 Updated 15–16 Wis. Stats.

if any, the apportioned area or numbered seat for which the elector is a candidate.

5. If a candidate has not filed a registration statement under s. 11.0202 (1) (a) by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk in the event of a change in any information provided in the declaration as provided in s. 8.21.

(7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy and certify the names of candidates who have filed valid nomination papers, where required, and who qualify for office. In making verifications or certifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination papers may not be withdrawn.

(b) The school board shall require a primary election if there are more than 2 candidates for any seat on a 3–member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. 120.02 (2), an apportionment plan that apportions the territory of the school district into election districts under s. 120.42 (1m), or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held in conjunction with the spring primary.

(8) The school district clerk shall do all of the following:

(a) Notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election if one is to be held and of the spring election and furnish those municipal clerks with a copy of the notice of the school board election.

(b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates shall appear on the ballot by supervising the drawing of lots not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday, and the 2nd day following the completion of the canvass of the primary election, if any.

(c) Cause to be given a class 1 notice, in accordance with ch. 985, on the Monday before the primary election, if one is to be held, and on the Monday before the spring election. If publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes. If the school district clerk determines that due to the method of delivering newspapers in the school district more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than 3 days before the primary or election. The notice shall contain the following information:

1. The date of the election.
2. The names of all candidates in the order in which they are listed on the ballot.
3. The location and open hours of polling places and a designation of which persons should vote at each polling place.
4. A facsimile ballot and the relevant portions of the voting instructions under s. 10.02 (3).

(d) Where paper ballots are utilized at a spring primary or election, provide the municipal clerk an adequate supply of ballots for the primary or election at least 22 days before the primary or election.

(e) Receive all ballots after they have been counted, reported and secured.

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(f) After the spring primary, if any, after the spring election, and after any special primary, election or referendum, assure that the returns are canvassed as provided in sub. (14) and s. 7.53 (3).

(g) Retain and supervise the destruction of election materials from the primary, if any, and the spring election pursuant to s. 7.23 insofar as applicable.

(h) Whenever a recount of a primary or other election is required, assure that the recount is conducted by the municipal and school district boards of canvassers pursuant to s. 9.01.

(9) (a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election or referendum held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election shall be the polling places for the school board election or referendum, and the municipal election hours shall apply. If no state, county, municipal, or judicial election is held on the day of the school board election or referendum, the school board may select the polling places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03.

(b) The school board may not select a polling place to be closed under par. (a) if:

1. Ten percent or more of the electors voting in the last school board election voted at the polling place; or
2. The polling place is located in a municipality which is located entirely within the school district.

(c) The school board shall post a notice on the door of any polling place not selected indicating all polling places selected and open for voting.

(10) Within 8 days after the election or appointment of any person to the school board, the school district clerk shall notify the person of his or her election or appointment. Notice of election shall be provided in the manner prescribed in s. 7.53 (3) (a). On or prior to the day provided for taking office, a school board member shall take and file the official oath.

(11) The absentee ballot provisions of ss. 6.84 to 6.89 apply to elections under this section. Voting machines or an electronic voting system shall be used in any city, village or town lying wholly or partially within a school district conducting an election under this section if the machines or system are required under s. 5.40.

(12) An election in accordance with s. 17.26 to fill an unexpired term on a school board shall be held in the same manner as a regular school board election is held. In the case of a school board of more than 3 members, elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(13) A person attempting to vote at an election of school board members may be challenged as provided in s. 6.92, 6.925 or 120.08 (3).

(14) The school district clerk shall receive the returns of each school district election, as compiled by the inspectors at each polling place of each municipality in which the school district is contained, from the municipal clerk of that municipality. The school district shall then canvass and determine the results of the election.

(15) Unless otherwise provided by this chapter, s. 117.22, or other applicable law, the elections for school board members shall be guided by the municipal election laws.

History: 1973 c. 340; 1975 c. 138, 199; 1977 c. 340; 1979 c. 32, 260; 1981 c. 47; 1983 a. 484; 1985 a. 225 s. 100; 1985 a. 304 ss. 150 to 153, 156; 1985 a. 332; 1987 a. 391; 1989 a. 114, 192; 1991 a. 62; 1993 a. 266; 1995 a. 16 s. 2; 1997 a. 286; 1999 a. 83, 182; 2001 a. 38; 2003 a. 265; 2005 a. 333; 2015 a. 37, 63, 117.

120.07 School board member; refusal of salary. (1) In this section:

120.02 SCHOOL DISTRICT GOVERNMENT

Updated 15–16 Wis. Stats. 2

(d) If a school board in its order changing a school district type under s. 117.27 designates a school board of 5, 7 or 9 members, it shall prepare a plan for allocating terms in accordance with this subsection.

(e) Whenever a school district with more than 3 school board members votes to reduce the number of school board members, one less school board member shall be elected annually thereafter until the school board is reduced to the approved number of members, but not less than one member shall be elected each year.

(4) **ELECTION TO NUMBERED SEATS.** If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

History: 1975 c. 138, 199; 1983 a. 27; 1987 a. 391; 1989 a. 114, 192; 2001 a. 54; 2011 a. 75.

120.05 School board officials. (1) (a) The members of a school board shall be the officers of a school district.

(b) In the case of a 3–member school board, the school district president, treasurer and clerk shall constitute the school board. At the first election of a 3–member school board, the clerk shall be elected for a one–year term, the treasurer for a 2–year term and the president for a 3–year term.

(c) In the case of a school board with more than 3 members, the school board shall annually elect a school district president, vice president, treasurer and clerk from among its members at a school board meeting held on or within 30 days after the 4th Monday in April.

(d) A school district officer shall be a resident of the school district in which the officer serves. A school district officer who represents an apportioned area pursuant to a plan adopted under s. 120.02 (2) shall be a resident of the apportioned area for which he or she is elected or appointed at the time the officer takes the oath of office. If a school district officer who represents an apportioned area ceases to be a resident of that area after beginning his or her term but continues to be a resident of the school district, the officer may continue to serve for the balance of the term for which he or she was elected or appointed.

(2) If the territory of a common school district and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district.

(3) If the school district president, vice president, treasurer or clerk of any school board is unable to discharge the duties of the office due to disability or absence, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3–member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee for the president shall be the vice president and the appointee for the other officers shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering the person's acts unless the bond of such officer includes a bond for the officer's deputy. This subsection does not apply to vacancies

caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4) [s. 17.03 (4m)].

NOTE: The correct cross–reference is shown in brackets. Corrective legislation is pending.

History: 1975 c. 138 s. 13; 1975 c. 199; Stats. 1975 s. 120.05; 1979 c. 173; 1985 a. 218, 304.

The offices of president of a common school district board and chairperson of a town board within the district and the offices of school board member and town clerk are probably compatible. 74 Atty. Gen. 50.

120.06 Election of school board members. In a common or union high school district:

(1) The school board shall be elected at the spring election.

(2) (a) Except as provided under par. (b), school board members shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district.

(b) School board members elected to a school board in an election under s. 117.22 (2) (bm) shall reside in the territory of the school district created by the reorganization.

(3) The regular terms of school board members shall be 3 years, except as otherwise provided under s. 17.26.

(4) School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, on the 4th Monday in April.

(6) (a) In a school district which does not contain territory lying within a 2nd class city, the school board may, or in a common or union high school district the school board or annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, require that nomination papers be filed by all candidates seeking election to the school board. If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, rescind the requirement.

(b) 1. No later than the 4th Tuesday in November prior to the spring election, the school district clerk shall publish a type A notice of the school district election under s. 10.01 (2) (a).

2. Except as authorized in this paragraph, no later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice.

3. If an incumbent fails to file a declaration of candidacy, and nomination papers, where required, within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, where required, no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination papers applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file a declaration of candidacy for that office within the time prescribed in this paragraph.

4. In the case of a 3–member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers,

SCHOOL DISTRICT OF RIVER FALLS
River Falls, Wisconsin 54022

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REGULAR BOARD MEETINGS

The Board of Education shall meet on a monthly basis as set at the annual reorganizational meeting, unless otherwise stipulated by the Board President.

All meetings of the Board shall be open to the public, except those that by law may be closed. Notice of Board meetings shall be given to the public in accordance with state law and Board policy

LEGAL REF.: Chapter 19 Wisconsin Statutes
Section 120.11(1)

CROSS REF.: 171.1, Public Notification of Board Meetings
171.2, Agenda Preparation and Dissemination
173, Closed Sessions
181, Rules of Order
182, Quorum
183, Voting
184, Board Minutes
187, Public Participation at Board Meetings

APPROVED: March 19, 1973

REVISED: August 26, 1974
September 16, 1991
August 16, 2004

REVIEWED: August 15, 2011
August 16, 2016

Monthly Board meetings shown circled in RED

School District of River Falls

2020-21 SCHOOL CALENDAR

August 2020

M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24♦	25♦	26♦	27♦	28
31				

18-19 – New Teacher Orientation
24-27 – Teacher In-service

September 2020

M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

1 – First Student Day
7 – No School (Labor Day)

October 2020

M	T	W	TH	F
			1	2
5	6	7	8	9
12♦	13	14	15	16
19	20	21	22	23
26	27	28	29	30 Q

12 – No School (Teacher In-service)

November 2020

M	T	W	TH	F
2♦	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24 T	25	26	27
30				

2 – No School (Teacher In-service)
25-27 – No School (Thanksgiving Break)

December 2020

M	T	W	TH	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

23-31 – No School (Winter Break)

January 2021

M	T	W	TH	F
				1
4	5	6	7	8
11	12	13	14	15 Q
18	19	20	21	22
25	26	27	28	29

1 – No School (Winter Break)
18 – No School (Teacher In-service)

February 2021

M	T	W	TH	F
1	2	3	4	5
8	9	10	11	12*
15	16	17	18	19
22	23	24	25	26

12 – No School (Vacation)
15 – No School (Teacher In-service)

March 2021

M	T	W	TH	F
1	2	3 T	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

22-26 – No School (Spring Break)

April 2021

M	T	W	TH	F
			1 Q	2♦*
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

2 – No School (Teacher In-service)

May 2021

M	T	W	TH	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

31 – No School (Memorial Day)

June 2021

M	T	W	TH	F
	1	2	3	4
7♦*	8♦*	9*	10*	11*
14	15	16	17	18
21	22	23	24	25
28	29	30		

4 – Last Day of School
7-8 – Teacher In-service

Quarters (Secondary):

- 1: 9/1/20-10/30/20 (42 days)
- 2: 11/2/20-1/15/21 (43 days)
- 3: 1/19/21-4/1/21 (46 days)
- 4: 4/5/21-6/4/21 (44 days)

Trimesters (Elementary):

- 1: 9/1/20-11/24/20 (58 days)
- 2: 11/30/20-3/3/21 (57 days)
- 3: 3/4/21-6/4/21 (60 days)

First Student Day:

September 1, 2020

No School Days:



Graduation Day:

June 6, 2021

Last Student Day:

June 4, 2021

Possible Make-Up Days:

*

Student Days

175

Parent Teacher Conference Days

2

Work/In-service Days ♦

11

Total Days

188

Board Annual Planning Calendar

<u>Monthly</u>	Approve previous month's Board meeting minutes, bills, employment
January	Approve Open Enrollment recommendations (policy 423) – Ed Program Approve continuing letters to Administrators (every other year) - Personnel Acknowledge Board election actions Preliminary non-renewal notice of Administrators (every other year) - Personnel Board self-evaluation completed (policy 153)
February	Approve new summer school proposals, if any – Ed Program Preliminary budget discussions – F & F Final non-renewal notice of Administrators (every other year) - Personnel
March	Budget hearing (if necessary) – F & F Preliminary non-renewal notice of Teachers - Personnel
April	Reorganization following spring elections (policy 174) - Approve new Student Representative - Set Annual Elector's meeting date Budget approval – F & F Letters of intent to Teachers - Personnel Private hearing requests related to nonrenewal - Personnel Final non-renewal notice of Teachers - Personnel
May	Begin Superintendent evaluation process (policy 225)
June	Board adopts budget – F & F - final close-out approval of current year - tentative budget for new fiscal year Approve fund balance allocation – F & F Review annual Police Liaison report Complete Superintendent evaluation
July	
August	
September	Bus purchase approval – F & F
October	Approve levy – F & F Approve new job descriptions Appoint Deputy Elections Clerk
November	
December	Board Self-evaluation begun Provide direction to delegate to State Ed convention (if resolutions received – otherwise done in January)

Undetermined

Policy and Rule 152, Goal Setting and Performance Report, mid-year review

Joint meeting with City

Policy review

SCHOOL DISTRICT OF RIVER FALLS
River Falls, Wisconsin 54022

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BOARD COMMITTEES

The Board of Education shall work as the committee of the whole, except as otherwise provided. Standing committees shall be appointed as follows:

Educational Program Committee
Personnel Committee
Finance and Facilities Committee

The Board President shall appoint all Board committees, except when the Board itself may decide otherwise.

Other committees may be established by the Board as necessary. In addition, Ad Hoc committees may be appointed to do exploratory, fact-finding and preliminary work for the Board. These committees, however, are temporary and have no power to take action whatsoever, or to commit the Board or District to any course of action except as specifically directed by the Board.

Notice shall be given for all Board committee meetings in accordance with state law and Board policy.

LEGAL REF.: Sections 19.84 Wisconsin Statutes
 120.15

CROSS REF.: 161, Board Member Authority
 171.1, Public Notification of Board Meetings
 173, Closed Sessions
 186, Citizen Advisory Committees

APPROVED: September 16, 1991

REVISED: November 15, 2004
 September 19, 2011
 June 15, 2015

REVIEWED: August 16, 2016

2019-2020 COMMITTEE MEMBERSHIP/REPRESENTATIVE APPOINTMENTS

Finance and Facilities Committee:

Stacy Johnson Myers (Chair)
Amy Halvorson
Todd Schultz

Educational Program Committee:

Alan Tuchtenhagen (Chair)
Ramona Gunter
Mike Thompson

Personnel Committee:

Amy Halvorson (Chair)
Cindy Holbrook
Stacy Johnson Myers

Wisconsin Association of School Boards (WASB) Delegate: (*Jan 21-24, 2020*)....Cindy Holbrook

WASB Delegate Alternate:..... Todd

Schultz

WASB Public Policy Correspondent:.....Alan Tuchtenhagen

Building Representatives:

River Falls High School.....Ramona Gunter

DeWayne R. Meyer Middle School.....Alan Tuchtenhagen

Renaissance Academy.....Amy Halvorson

Greenwood Elementary.....Cindy Holbrook

Montessori Public Elementary.....Mike Thompson

Rocky Branch Elementary.....Alan Tuchtenhagen

Westside Elementary.....Todd Schultz

RF4C.....Stacy Johnson Myers

Maintenance.....Stacy Johnson Myers

Bus Garage.....Amy Halvorson

District Office.....Todd Schultz

Annual CESA #11 Convention Delegate: (*meets June 3, 2019*)..... Amy Halvorson

Annual CESA #11 Convention Alternate:..... Cindy Holbrook

Character Ed Community Representative: Mike Thompson

Community Education Advisory Liaison: Amy Halvorson

District Diversity Committee Reps: Cindy Holbrook, Mike Thompson

District Diversity Alternate:Stacy Johnson Myers

Food Service Advisory Council Representative:Ramona Gunter

Human Growth & Development:Stacy Johnson Myers, Cindy Holbrook

Insurance Study Committee:Ramona Gunter, Mike Thompson

Kids Club Advisory Council Representative:Todd Schultz

Youth Apprenticeship, Tech Ed:Amy Halvorson

River Falls TIF/TID Joint Review Committee Representative:Todd Schultz

Special Education Advisory Council Representative:Stacy Johnson Myers

Support Education River Falls (SERF):Ramona Gunter

Title I Reading Advisory Council Representative:Mike Thompson

Vocational Agriculture Advisory Council Representative / FFA Liaison:Todd Schultz

Wildcat Pride Representative:Todd Schultz

Monthly meetings will usually be scheduled:

First Monday as needed: Ed Program Committees

Second Monday as needed: Personnel and Finance & Facilities Committee

Third Monday each month: Regular Board of Education meeting at 7pm; (note – the monthly meeting will be the fourth Monday in September 2019 and April 2020)

Fourth Monday as needed: Other.

SCHOOL DISTRICT OF RIVER FALLS
River Falls Wisconsin 54022

River Falls Board of Education 2020-2021 Committee/Representative Appointments

- 1. Finance & Facilities Committee: _____ Chair, _____, _____
- 2. Educational Program Committee: _____ Chair, _____, _____
- 3. Personnel Committee: _____ Chair, _____, _____
(Handbook/Negotiations)
- 4. Other (if needed) : _____ Chair, _____, _____
_____ Chair, _____, _____

5. Wisconsin Association of School Boards (WASB Delegate: (Jan 20-22, 2020, Milw) _____

6. WASB Delegate Alternate: _____

7. WASB Public Policy Correspondent _____

8. Building Representatives:

a. River Falls High School: _____

b. DeWayne R. Meyer Middle School: _____

c. Renaissance Academy _____

d. Greenwood Elementary School _____

e. Montessori Public Elementary School _____

f. Rocky Branch Elementary School: _____

g. Westside Elementary School: _____

h. RF4C: _____

i. Maintenance: _____

j. Bus Garage: _____

k. District Office: _____

9. CESA #11 Annual Convention Delegate: (held on Mon., June 3, 2019) _____

(Alternate) _____

10. Community Education Advisory Liaison: _____

11. District Diversity Committee Representative: _____

12. Farm-to-School Committee Representative: _____

13. Food Service Advisory Council Representative: _____

14. Kids Club Advisory Council Representative: _____

15. River Falls TIF/TID Joint Review Committee Representative: _____

16. Special Education Advisory Council Representative: _____

17. Title 1 Reading Advisory Council Representative: _____

19. Vocational Agriculture Advisory Council Representative: _____

20. Wildcat Pride Representative (*co-chair with Superintendent*): _____

21. Insurance Study Committee Representative: _____

22. Project Lead the Way Representative: _____

23. Human Growth & Development Representative: _____

24. Character Ed Community Representative: _____

School District of River Falls

ADMINISTRATIVE OFFICE

852 East Division Street, River Falls WI 54022
715-425-1800 phone / 715-425-1804 fax
www.rfsd.k12.wi.us

DATE: April 27, 2020

TO: Jamie Benson
Superintendent of Schools

FROM: Chad Smurawa
Director of Finance and Facilities Mgt.

RE: Recommendation of Financial Institutions for
Checking Depository / Investment Accounts

First National Bank of River Falls

- Retain funds 10, 21, 23, 27, 39, 41, 50, 60, 80, 81

Royal Credit Union

- Retain funds 10, 21, 23, 27, 39, 41, 50, 60, 80, 81

Ehlers Investment Partners

- Retain funds 49, 39

SCHOOL DISTRICT OF RIVER FALLS

River Falls, Wisconsin 54022

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BOARD MEMBER ETHICS

As representatives of all citizens of the School District of River Falls, Board of Education members are responsible for serving the best interests of the community and its students and utilizing all available resources toward that end. Board members are required to uphold the laws and Constitutions of the United States and State of Wisconsin. The board will:

- A. In executing their duties as school board members and in working with Board colleagues the Board will:
 - a. Act only when in official Board session, except when serving as an officer or otherwise specifically directed by the Board. Respond to questions and concerns but not attempt to solve as individuals. Officers may take actions as necessary to fulfill their required duties;
 - b. Attend all Board meetings and be prepared at those meetings to act on issues before the Board. They should be prepared to contribute to the discussion, while keeping an open mind during the deliberations; respect the right of others to have and express opinions; treat school personnel and the citizenry fairly and ethically; make decisions at Board meetings after all the facts have been presented; and, try to assure democratic processes for all groups;
 - c. Avoid all conflicts of interest -- both financial and nonfinancial; no Board member may have a substantial interest in any contract, purchase of materials or any other transaction involving District funds except as provided by law; Board members shall comply with the code of ethics for governmental officials, specifically, a Board member shall not:
 - Use his/her position for financial gain or to obtain anything of substantial value for the private benefit of his/her self, his/her immediate family or any organization to which he/she belongs.
 - Solicit or accept from any person, directly or indirectly, anything of value if it could be reasonably expected to influence his/her official actions or independent judgment or it could be considered a reward for any action or inaction.
 - Take any action that substantially affects a matter in which the Board member, a member of his/her immediate family, or an organization with which he/she is associated has a substantial financial interest.
 - Use his/her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the Board member, members of his/her immediate family, or an organization with which the Board member is associated.
 - d. Remember that they are serving as local legislators under the direction of state and federal laws. They should communicate with state and federal legislators concerning the problems and needs associated with providing a quality education;

- e. Maintain confidentiality of privileged communication;
 - f. Be responsive to the public by maintaining open communication lines with citizens in the District, and by keeping them informed about the educational needs of the District, the actions of the Board and the accomplishments of the District's educational program;
 - g. Listen to and respect one another's expertise and passion; recognizing it is acceptable to disagree without being disrespectful;
 - h. Trust our board peers and support them at and outside of Board meetings;
 - i. Encourage open, honest, and sufficient discussion and questioning;
 - j. Support decisions made by the board's majority;
 - k. Continue to learn and grow professionally as Board members; and
 - l. Refrain from making disparaging remarks, in or out of school Board meetings, about other Board members.
- B. In working with the superintendent and district administrators, the Board will
- a. Respect and honor the line between school Board authority and administrative responsibility, working with administrative employees, not over or around them;
 - b. Set and communicate school district expectations for district leadership;
 - c. Hold administrators accountable for implementation of school Board policy and programs;
 - d. Encourage and expect open, honest, and respectful communications at all times;
 - e. Encourage and expect administrators to learn and grow professionally; and
 - f. Consider the superintendent as an active but non-voting member of the Board.
- C. In working with and representing the community, the Board will:
- a. Focus on what is in the best interest of all students;
 - b. Listen to and respect opinions of community members;
 - c. Involve stakeholders as often as possible;
 - d. Help the community understand the school board role;

- e. Act as good stewards of public funds; and
- f. Advocate for the School District of River Falls.

School Board members will conduct their business in a manner that is consistent with the mission, objectives, and beliefs of the School District of River Falls.

LEGAL REF.: Sections 19.41 Wisconsin Statutes
 19.42(7)(u)
 19.59
 118.12
 946.10
 946.12
 946.13

CROSS REF.: 141, Board Officers
 153, Evaluation of Board Operations
 161, Board Member Authority

APPROVED: September 16, 1991

REVISED: April 24, 1995
 August 16, 2004
 May 17, 2010
 September 19, 2011

REVIEWED: August 16, 2016

A *pro se* litigant is not entitled to attorney fees. State ex rel. Young v. Shaw, 165 Wis. 2d 276, 477 N.W.2d 340 (Ct. App. 1991).

A favorable judgment or order is not a necessary condition precedent for finding that a party prevailed against an agency under sub. (2). A causal nexus must be shown between the prosecution of the mandamus action and the release of the requested information. Eau Claire Press Co. v. Gordon, 176 Wis. 2d 154, 499 N.W.2d 918 (Ct. App. 1993).

Actions brought under the open meetings and open records laws are exempt from the notice provisions of s. 893.80 (1), 1993 stats. Auchinleck v. Town of LaGrange, 200 Wis. 2d 585, 547 N.W.2d 587 (1996), 94–2809.

An inmate's right to mandamus under this section is subject to s. 801.02 (7), which requires exhaustion of administrative remedies before an action may be commenced. Moore v. Stahowiak, 212 Wis. 2d 744, 569 N.W.2d 711 (Ct. App. 1997), 96–2547.

When requests are complex, municipalities should be afforded reasonable latitude in time for their responses. An authority should not be subjected to the burden and expense of a premature public records lawsuit while it is attempting in good faith to respond, or to determine how to respond, to a request. What constitutes a reasonable time for a response by an authority depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations. WIREdata, Inc. v. Village of Sussex, 2008 WI 69, 310 Wis. 2d 397, 751 N.W.2d 736, 05–1473.

The legislature did not intend to allow a record requester to control or appeal a mandamus action brought by the attorney general under sub. (1) (b). Sub. (1) outlines two distinct courses of action when a records request is denied, dictates distinct courses of action, and prescribes different remedies for each course. Nothing suggests that a requester is hiring the attorney general as a sort of private counsel to proceed with the case, or that the requester would be a named plaintiff in the case with the attorney general appearing as counsel of record when proceeding under sub. (1) (b). State v. Zien, 2008 WI App 153, 314 Wis. 2d 340, 761 N.W.2d 15, 07–1930.

This section unambiguously limits punitive damages claims under sub. (3) to mandamus actions. The mandamus court decides whether there is a violation and, if so, whether it caused actual damages. Then, the mandamus court may consider whether punitive damages should be awarded under sub. (3). The Capital Times Company v. Doyle, 2011 WI App 137, 337 Wis. 2d 544, 807 N.W.2d 666, 10–1687.

Under the broad terms of s. 51.30 (7), the confidentiality requirements created under s. 51.30 generally apply to "treatment records" in criminal not guilty by reason of insanity cases. All conditional release plans in NGI cases are, by statutory definition, treatment records. They are "created in the course of providing services to individuals for mental illness," and thus should be deemed confidential. An order of placement in an NGI case is not a "treatment record." La Crosse Tribune v. Circuit Court for La Crosse County, 2012 WI App 42, 340 Wis. 2d 663, 814 N.W.2d 867, 10–3120.

The plaintiff newspaper argued that s. 19.88 (3), of the open meetings law, which requires "the motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection," in turn, required the defendant commission to record and disclose the information the newspaper requested under the open records law. The newspaper could not seek relief under the public records law for the commission's alleged violation of the open meetings law and could not recover reasonable attorney fees, damages, and other actual costs under sub. (2) for an alleged violation of the open meetings law. The Journal Times v. City of Racine Board of Police and Fire Commissioners, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13–1715.

A record custodian should not automatically be subject to potential liability under sub. (2) (a) for actively providing information, which it is not required to do in response to a public records request, to a requester when no record exists. While it might be a better course to inform a requester that no record exists, the language of the public records law does not specifically require such a response. The Journal Times v. City of Racine Board of Police and Fire Commissioners, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13–1715.

Actual damages are the liability of the agency. Punitive damages and forfeitures can be the liability of either the agency or the legal custodian, or both. Section 895.46 (1) (a) probably provides indemnification for punitive damages assessed against a custodian, but not for forfeitures. 72 Atty. Gen. 99.

19.39 Interpretation by attorney general. Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The attorney general may respond to such a request.

History: 1981 c. 335.

SUBCHAPTER III

CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

19.41 Declaration of policy. (1) It is declared that high moral and ethical standards among state public officials and state employees are essential to the conduct of free government; that the legislature believes that a code of ethics for the guidance of state public officials and state employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this state in their state public officials and state employees.

(2) It is the intent of the legislature that in its operations the commission shall protect to the fullest extent possible the rights of individuals affected.

History: 1973 c. 90; Stats. 1973 s. 11.01; 1973 c. 334 s. 33; Stats. 1973 s. 19.41; 1977 c. 277; 2015 a. 118 s. 266 (10).

19.42 Definitions. In this subchapter:

(1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(2) "Associated," when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

(3m) "Candidate," except as otherwise provided, has the meaning given in s. 11.0101 (1).

(3s) "Candidate for local public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4) "Candidate for state public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4g) "Clearly identified," when used in reference to a communication containing a reference to a person, means one of the following:

- (a) The person's name appears.
- (b) A photograph or drawing of the person appears.
- (c) The identity of the person is apparent by unambiguous reference.

(4p) "Commission" means the ethics commission.

(4r) "Communication" means a message transmitted by means of a printed advertisement, billboard, handbill, sample ballot, radio or television advertisement, telephone call, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

(5) "Department" means the legislature, the University of Wisconsin System, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any technical college district or any constitutional office other than a judicial office. In the case of a district attorney, "department" means the department of administration unless the context otherwise requires.

(5m) "Elective office" means an office regularly filled by vote of the people.

(6) "Gift" means the payment or receipt of anything of value without valuable consideration.

(7) “Immediate family” means:

(a) An individual’s spouse; and

(b) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(7m) “Income” has the meaning given under section 61 of the internal revenue code.

(7s) “Internal revenue code” has the meanings given under s. 71.01 (6).

(7u) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(7w) “Local public office” means any of the following offices, except an office specified in sub. (13):

(a) An elective office of a local governmental unit.

(b) A county administrator or administrative coordinator or a city or village manager.

(c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.

(d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(e) The position of member of the Milwaukee County mental health board as created under s. 51.41 (1d).

(7x) “Local public official” means an individual holding a local public office.

(8) “Ministerial action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.

(9) “Nominee” means any individual who is nominated by the governor for appointment to a state public office and whose nomination requires the advice and consent of the senate.

(10) “Official required to file” means:

(a) A member or employee of the elections commission.

(ab) A member or employee of the ethics commission.

(b) A member of a technical college district board or district director of a technical college, or any individual occupying the position of assistant, associate or deputy district director of a technical college.

(c) A state public official identified under s. 20.923 except an official holding a state public office identified under s. 20.923 (6) (h).

(d) A state public official whose appointment to state public office requires the advice and consent of the senate, except a member of the board of directors of the Bradley Center Sports and Entertainment Corporation created under ch. 232.

(e) An individual appointed by the governor or the state superintendent of public instruction pursuant to s. 17.20 (2) other than a trustee of any private higher educational institution receiving state appropriations.

(f) An auditor for the legislative audit bureau.

(g) The chief clerk and sergeant at arms of each house of the legislature.

(h) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(i) A municipal judge.

(j) A member or the executive director of the judicial commission.

(k) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(L) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(n) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(o) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

(q) The executive director and members of the board of directors of the Wisconsin Aerospace Authority.

(r) The employees and members of the board of directors of the Lower Fox River Remediation Authority.

(sm) The employees of the Wisconsin Economic Development Corporation and the members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(11) “Organization” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(11m) “Political party” means a political organization under whose name individuals who seek elective public office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(12) “Security” has the meaning given under s. 551.102 (28), except that the term does not include a certificate of deposit or a deposit in a savings and loan association, savings bank, credit union or similar association organized under the laws of any state.

(13) “State public office” means:

(a) All positions to which individuals are regularly appointed by the governor, except the position of trustee of any private higher educational institution receiving state appropriations and the position of member of the district board of a local professional baseball park district created under subch. III of ch. 229 and the position of member of the district board of a local cultural arts district created under subch. V of ch. 229.

(b) The positions of associate and assistant vice presidents of the University of Wisconsin System.

(c) All positions identified under s. 20.923 (2), (4), (6) (f) to (h), (7), and (8) to (10), except clerical positions.

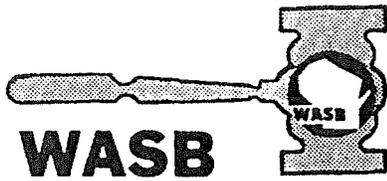
(cm) The president and vice presidents of the University of Wisconsin System and the chancellors and vice chancellors of all University of Wisconsin institutions, the University of Wisconsin Colleges, and the University of Wisconsin–Extension.

(e) The chief clerk and sergeant at arms of each house of the legislature or a full-time, permanent employee occupying the position of auditor for the legislative audit bureau.

(f) A member of a technical college district board or district director of a technical college, or any position designated as assistant, associate or deputy district director of a technical college.

(g) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(h) A municipal judge.



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LEGAL NOTES

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THE NEW CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

Introduction

Since 1973, Wisconsin has had a code of ethics prescribing standards of conduct for state public officials and state employees. The legislature declared in 1973 that "both high moral and ethical standards among state public officials and state employees are essential to the conduct of free government" and that a code of ethics for the guidance of state public officials and state employees would help them "avoid conflicts between their personal interests and their public responsibilities," would "improve standards of public service," and would "promote and strengthen the faith and confidence of the people of this state in their state public officials and employees." Sec. 19.41(1), Wis. Stats. Eighteen years after the adoption of the code of ethics for state public officials and state employees, the legislature passed a new Code of Ethics for Local Government Officials and Employees, sec. 19.59, Wis. Stats. The purpose of this Legal Notes is to explain what is contained in the new code and to answer some of the common questions that are likely to arise as school district officials and employees endeavor to comply with its provisions.

The Provisions of the New Ethics Code

a) Scope of Coverage

The Code of Ethics for Local Government Officials and Employees applies to all individuals holding a "local public office," which is defined to include individuals holding an elective office of a local government, as well as individuals holding an appointive office or position of a local government, either for a specified term or at the pleasure of the governing body of the local government or the executive or administrative head of the local government. According to an opinion letter

dated November 6, 1991, by the State Ethics Board, school districts are covered by virtue of the definition of "local governmental unit," which includes "political subdivision[s] of this state [and] special purpose district[s] in this state." Sec. 19.42(7u), Stats. The Ethics Board further opined that "special purpose district" is "a term of art used elsewhere in the Statutes and is intended to cover school districts and cooperative educational service agencies (CESAs) among others. See §§ 5.02(20g) and 66.285(1)(c), Wis. Stats."¹

While the Ethics Board declined to state specifically which individuals within a school district are covered by the new Ethics Code, clearly school board members are covered, whether they have been elected to office or appointed to fill a vacancy in an elective office. As to appointed officials, the Ethics Board pointed out that with respect to individuals who have been appointed to a position for a specified term, the Ethics Code makes "no distinction between those appointed to positions whose terms of service are specified by law and those whose terms of service are specified by contract." The Code applies to positions as well as offices, except positions "limited to the exercise of ministerial action," clerical positions, and positions filled by independent contractors. Sec. 19.42 (7w). Positions which involve the exercise of discretion, therefore, are covered by the Code. "Ministerial action" is defined in sec. 19.42(8), Stats., to mean "an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken." According to the Ethics Board's recent opinion letter, "[t]he characterization of an individual's duties as ministerial or discretionary is fact specific and cannot be determined in the abstract." The Board offered the following guidance:

In general, those involved in the setting of school district policy and those having decision-making authority or discretion over what actions the district or an instrumentality thereof should take would come under the Code. Those who follow established legal mandates and exercise no discretion or judgment over what actions they take generally would not be covered. (Opinion letter dated November 6, 1991, pp. 2-3.) (Emphasis in original.)

Since few if any school administrator positions could be characterized as involving only ministerial duties, it is safe to conclude that administrator positions are covered. While the Ethics Board does not specifically state that teachers are covered by the Ethics Code, it would appear that teachers are also covered. Since teachers are expected to and do exercise judgment in the carrying out of their tasks, they are engaged in more than "ministerial action."

(b) Prohibited Conduct

The Ethics Code prohibits a local government official, employee or candidate from engaging in the following conduct:

1. Using his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself, or his or her immediate family,² or for an organization³ with which he or she is associated. Sec. 19.59(1)(a), Stats. ⁴

2. Soliciting or accepting from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgments, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. Sec. 19.59(1)(b) Stats. ⁵

3. Taking 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. Sec. 19.59(1)(c)1, Stats. ⁶

4. Using his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family, either separately or together, or an organization with which the official is associated. Sec. 19.59(1)(c)2, Stats. ⁷

i) Offer or Acceptance of Items of Value - §§ 19.59(1)(a) and (b), Stats.

The first type of prohibited conduct listed above is that of influence peddling, or manipulation of authority for personal gain. Local public officials are prohibited from accepting items or services of value that are offered because of the official's holding a public position if the offered item or service is for private, rather than primarily for public benefit. The personal gain prohibited by Sec. 19.59(1)(a) can be either financial or "anything of substantial value." While the phrase "anything of substantial value" is not defined in the Code, the Code does define "anything of value" to mean "any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment," excluding "compensation and expenses paid by the state. . . or hospitality extended for a purpose unrelated to state business by a person other than an organization." Sec. 19.42(1), Stats. The Ethics Board has 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." ⁷ Op. Eth. Bd. 2 (1983); ⁵ Op. Eth. Bd. 100

(1982). The Ethics Board, taking its cue from the legislature, has declined to set a specific dollar amount by which to determine whether "anything of value" or "anything of substantial value" is involved.

In analyzing the applicability of sec. 19.59(1)(a) to a given situation, therefore, one must ask whether:

- (a) an item or service of more than nominal, token, or inconsequential value
- (b) is being offered to an official because of the official's position
- (c) for private benefit.

The second type of prohibited conduct listed above (p. 3), which forbids local public officials from accepting "anything of value" if it could reasonably be expected to influence official judgment or action or be considered a reward for official action or inaction, is akin to bribery, which is prohibited by sec. 946.10, Stats. and which makes it a Class D felony for any public officer or employee

to accept or offer to accept, directly or indirectly, any property or any personal advantage, which he is not authorized to receive, pursuant to an understanding that he will act in a certain manner in relation to any matter which by law is pending or might come before him in his capacity as such officer or employee or that he will do or omit to do any act in violation of his lawful duty.

Whereas the crime of bribery is based upon a subjective standard in that it requires the showing of an unlawful intent on the part of the public officer or employee, i.e., evidence of "an understanding," the type of conduct prohibited by sec. 19.59(1)(b) is based upon an objective standard. A local government official may not accept "anything of value," i.e., "any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment," if an impartial observer would reasonably expect the offer or acceptance to influence the official's judgment or actions.⁸

In analyzing the applicability of sec. 19.59(1)(b) to a given situation, one must ask whether:

- (a) anything of value as defined by sec. 19.42(1)
- (b) is being offered to an official for any reason
- (c) that could reasonably be expected to influence the official's judgment or actions or be considered a reward for past action or inaction.

Before accepting an item or service of value, a local government official or employee must be able to answer "no" to both sets of questions (a-c) posed above. If either set of questions elicits a "yes" answer, then the item or service must be rejected.

ii) Conflicting interests -- §§ 19.59(1)(c)1 and 2, Stats.

The third type of prohibited conduct listed above (p. 3) covers conduct similar to that prohibited by sec. 946.13(1)(b), Stats, a criminal statute which forbids a public officer or employee from having a private pecuniary interest, either direct or indirect, in a public contract, except that sec. 19.59(1)(c)1 is not limited to the consideration of or making of public contracts but forbids an official from taking action on any "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." Section 19.59(1)(c)1 does not define "substantial financial interest" nor does it contain a dollar threshold as does sec. 946.13 (\$7,500).

The fourth type of prohibited conduct (p. 3 above) in essence prohibits the use of public funds and resources for personal, family, or business purposes. Sec. 19.59(1)(c)2, Stats.

In interpreting sec. 19.59(1)(c) 1 and 2, the Ethics Board stated that an official may take action on a matter, even though the action will affect the official as long as:

- (a) the official's action affects a whole class of similarly situated interests;
- (b) the official's interest is insignificant when compared to all affected interests in the class; and
- (c) the official's action's effect on the official's private interests is neither significantly greater nor less than the effect upon the interests of other members of the class. (Opinion letter dated November 6, 1991.)

Neither sec. 19.59(1)(c)1 nor sec. 19.59(1)(c)2, Stats., prohibits a local public official "from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses. . . ." Sec. 19.59(1)(d).

c) Advisory Opinions

The Ethics Code provides that any individual, either personally or on behalf of an organization or governmental body, may request of an attorney for a local governmental unit "an advisory opinion regarding the propriety of any matter to

which the person is or may become a party." Likewise, any appointing officer, with the consent of a prospective appointee, may request an advisory opinion from the attorney for a local governmental unit "regarding the propriety of any matter to which the prospective appointee is or may become a party." Sec. 19.59(5)(a) Stats.

Advisory opinions and requests therefor must be in writing and will constitute "prima facia evidence of intent to comply" with the Ethics Code when the person requesting the opinion abides by the advisory opinion, provided that "the material facts are as stated in the opinion request." Id. Sec. 19.59(5)(a) specifically forbids the attorney for the local governmental unit from making public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion. An advisory opinion may be made public only with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A summary of an advisory opinion, however, may be made public after sufficient alterations are made in the summary to prevent disclosure of the identities of individuals involved in the opinion. Sec. 19.59(5)(b), Stats.

d) Enforcement

The Ethics Code provides that actions to enforce its provisions shall be brought in the name and on behalf of the state by the district attorney of any county wherein a violation has occurred upon the filing of a verified complaint by any person. If the district attorney refuses to commence an action or fails to commence an action to enforce within 20 days after receiving a verified complaint, the complainant may petition the attorney general to act upon the complaint.

e) Penalties

Sec. 19.59(7), Stats., provides that "[a]ny person who violates [the provisions of 19.59(1)(a), (b), or (c)] may be required to forfeit not more than \$1,000 for each violation." In addition to the civil forfeiture allowed by sec. 19.59(7), Sec. 19.58(1), Stats., authorizes criminal penalties for "[a]ny person who intentionally violates" the Code of Ethics. In the case of an intentional violation, the defendant "shall be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both." The word "intentionally" in sec. 19.58(1) means that "the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause the result," and has knowledge of those facts which are necessary to make his or her conduct a violation of the Code of Ethics. See sec. 19.58(3) and sec. 939.23(3), Stats.

Some Important Distinctions Between the Code of Ethics for Local Officials and the Code of Ethics for State Officials.

A number of provisions included in the Code of Ethics for State Public Officials do not have a parallel in the Code of Ethics for local officials. Local officials, unlike certain state public officials, are not required to file a statement of economic interests with the Ethics Board listing the businesses, organizations and other legal entities from which they and their families received substantial income during the preceding taxable year. Sec. 19.43, Stats., entitled "Financial Disclosure," has no parallel in the Code of Ethics for local officials.

Sec. 19.56 of the Code of Ethics for State Public Officials specifically deals with the receipt of "honorariums, fees and expenses." Subsection 1 of sec. 19.56 provides that

[e]very state public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive or judicial processes and proposals and issues initiated by or affecting a department or the judicial branch.

There is no similar provision in the Code of Ethics for local officials. Nor is there a provision in the Code of Ethics for local officials like that in sec. 19.56(3)(a), which allows a state public official to receive and retain reimbursement or payment of actual and reasonable expenses and an elected official to retain reasonable compensation for a published work, or for the presentation of a talk or participation in a meeting to discuss and to interpret matters affecting state government, if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

There is also no parallel in the Code of Ethics for local officials for sec. 19.56(3)(c), which allows a state public official to receive and retain

from the state or on behalf of the state transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the State of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

The absence of provisions similar to these makes interpretation of the Code of Ethics for local officials

difficult, because many of the questions expected to arise under the new Code are concerned with the receipt of honorariums, fees and expenses, and the statutes provide little guidance for local public officials.⁹

Some Common Questions Arising Under the New Code of Ethics

1. Do school districts have authority to enact ethics codes of their own?

Under sec. 19.59(1)(m), Stats., only counties, cities, villages and towns have authority to enact local ethics codes. It is doubtful that school districts have such authority under any other statutory provisions, since school boards have only such authority as is expressly given to them by statute or can be necessarily implied therefrom.

2. Does the Code of Ethics for local officials prohibit a school board member or administrator from accepting meals or refreshments provided by a vendor or prospective vendor of goods and services at a meeting convened to exhibit those goods or services?

In this situation, the first issue is whether an item of more than nominal or token value is being offered to the school board member or administrator because of the positions they hold. A single drink would probably not be considered something of value, but a luncheon might be considered something of value. If, however, the school board member or administrator has been authorized by the school board to attend the meeting, the meals and refreshments cannot be considered as being for private benefit, since the motivating factor for the occasion is the board's business and not the private interest of the board member or the administrator.

One must still ask, however, whether the meals and refreshments are being offered to the board member to influence the judgment or actions of the board member or administrator. Even though the vendor or prospective vendor may not intend to influence the board member's or administrator's official acts, the provision of meals or refreshments, like the awarding of gifts, may tend to bring about preferential treatment, consciously or unconsciously, for those who give gifts, meals, or refreshments, as distinguished from those who do not.

In an opinion dated September 21, 1976, the Ethics Board considered whether a member of the legislature should accept the cost of a meal at which the legislator intended to discuss with representatives of a private accounting firm the services it could provide to the State of Wisconsin. Representatives of the private accounting firm scheduled a day-long demonstration of a legislative computer system for certain members of the legislature and between demonstrations the representatives desired to take three legislators from each house and the

directors of two legislative staff support groups to lunch. The Ethics Board recommended that the legislator not accept the business's invitation to purchase a meal, commenting as follows:

We recognize that the simple casual luncheon or cocktail with a supplier's representative may be a normal expression of a friendly business relationship or a time-saving expediency. It would be prudish to raise any serious question on the score. Because the legislature has already provided a method for reimbursing you for expenses you incur in connection with your official duties, we think the best way to avoid this question of minor real consequence but of potential embarrassment to all parties is for you to decline the business's invitation to purchase your meal.

In another opinion dated September 1, 1978, the Ethics Board considered how officers and employees of the State should conduct themselves with respect to invitations from businesses to examine their machinery and equipment potentially of use to state offices when the presentations are accompanied by refreshments. In one instance, a display of office equipment was held at a Madison hotel and a buffet lunch was served each day for people attending. The Board advised as follows:

We think it is inappropriate for any state officer or employe to accept anything of more than nominal value from any business desiring to enter into an agreement with the State of Wisconsin if the official or employee will exercise any influence with respect to the proposed agreement. Nevertheless, the legislature has noted that standards of ethical conduct for state public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material. Under ordinary circumstances, therefore, we believe that an officer or employe of the State of Wisconsin may partake of refreshments offered by a distributor of office equipment insofar as the value of the refreshments is clearly nominal and the circumstances are conducive to review and discussion of the equipment marketed.

While these opinions do not set forth a bright line standard by which to measure what is acceptable from what is not as far as accepting meals and refreshments from vendors or potential vendors, the opinions should teach us to proceed with caution. The best course would be to decline the offer of a meal. Refreshments may be taken if their value is "clearly nominal" and "the circumstances are conducive to review and discussion of the equipment marketed."

3. Does the Code of Ethics prohibit a school official or employee from accepting gifts awarded by a contractor with whom the school district has done or may do business?

Again, one must first ask whether

- (1) an item of more than nominal or token value
- (2) is being offered to an official because of the official's position
- (3) for private benefit.

If the answer to any of the preceding questions is "no," then one must still ask whether

- (4) anything of value as defined by statute
- (5) is being offered to an official for any reason
- (6) that could reasonably be expected to influence the official's judgment or actions or be considered a reward for past action.

In its opinion letter dated November 6, 1991, the Ethics Board stated that "[n]ormally, local officials may accept items such as informational or educational materials of unexceptional value, plaques, and inexpensive advertising giveaways."

In an earlier opinion, the Ethics Board was asked to consider the propriety of an official's retention of a gift valued at about \$25 offered in connection with his official responsibilities. There, the Ethics Board stated as follows:

We did not mean to suggest that it is improper for a state official to accept something that is a mere token of appreciation, but we wish to distinguish between mere tokens of appreciation and items of merchantable value. Applying this test, we believe that a gift having a value of \$25 or more is an item the value of which should redound to the state if offered to a state official in appreciation of the official's fulfillment of tasks related to his or her public responsibilities. Pens and pins, on the other hand, may be mere tokens or valuable gifts.

We do not want to create for ourselves a job of second-guessing the propriety of an official's decision to accept a gift from an organization or of appraising from afar gifts offered to officials of this state. We believe you are capable of distinguishing a gift which is of merchantable value from one which is not, and we trust your good judgment to make this distinction. By so doing, we do not

intend to shirk our responsibilities, but only to recognize that an inflexible rule would be a bad rule. 1 Op. Eth. Bd. 63 (1977).

In another opinion given to the chancellor of a campus of the University of Wisconsin, the Ethics Board was asked to consider the acceptance of a gift with the value of about \$12 from a company that provided food service, on competitive bid, for the university. The Ethics Board opined as follows:

In a case like this one where you are offered a gift because of your public office or position, you should ordinarily make your campus or another state agency the beneficiary. See 2 Op. Eth. Bd. 70 (1978).

. . . When, however, the gift is of a nominal value and of a personal nature, you may appropriately retain it.

In another opinion dated April 24, 1986 the Ethics Board advised that a state public official may not consistent with the Ethics Code "accept for the official's personal benefit a retailer's discount on equipment and supplies if the retailer limits the discount to state officials and employees." The circumstances involved a retailer's offer to sell a personal computer to a legislator for the legislator's personal use, at less than 70% of the price at which the retailer would sell the equipment to a person not affiliated with state government. To receive the discount, the legislator had to furnish the retailer with a purchase order from State or a letter on official letterhead stating that the equipment was not for resale. The Ethics Board stated as follows:

The arrangement about which you have asked involves use of public position. The transaction hinges on the purchaser's holding a state position. The discount is offered to people holding public positions and not offered to others. The discount is something of value, and the value is substantial. Finally, the discount is for the official's private benefit. Because all of the statute's elements are present, we advise you that a state public official may not . . . accept a retailer's discount . . . if the retailer limits the discount to state officials and employees.

Having answered the first set of questions thusly, i.e. whether anything of substantial value has been obtained by a public official for private benefit, the Board found no need to consider whether anything of value was being offered that could reasonably be considered to influence the state official's actions or judgment.

In an opinion dated June 9, 1988, the Ethics Board was asked to consider the propriety of an arrangement, whereby an

organization of state governments, of which the Wisconsin Legislature was a member by virtue of a payment of a substantial membership fee, had agreed with a major credit card company to have legislators apply for credit cards at no cost to the legislators. The Ethics Board opined as follows:

Reduced to its elements, 19.45(2) provides:

No state public official
May use his or her public position
To obtain anything of substantial value
For the official.

Legislators are state public officials.

Legislators' relationship with the organization arises from the legislator's public position and is unrelated to any private or business relationship separate from public office.

The credit card is something of value. The card's current commercial value is substantial within the statute's meaning as opposed to something of only nominal or insignificant value.

Use of the card is not limited to business use. The card may be applied for personal uses. Hence, all of the elements of 19.45(2) are present.

19.45(3) provides:

No state public official
May accept
Anything of value
If it could reasonably be expected
to influence the official's judgment
or could reasonably be considered
a reward for official action.

As already discussed, you are a state official and the credit card is something of value. As we understand it, individual legislators become eligible for this personal perquisite by their having officially acted to appropriate a substantial sum in payment of the legislator's membership fees to the organization. Moreover, the organization's conferring a private benefit upon legislators who have appropriated dollars for the legislator's continued membership in the organization could reasonably be expected to influence legislators' judgment and be considered a reward for official action. Hence, all of the elements of 19.45(3), are also present.

A state official or employe, whether a purchasing agent or an elected official, should not realize or retain a substantial personal benefit for having authorized the government's entrance into a contract.

In an opinion dated November 1, 1989, the Ethics Board considered the propriety of a legislator's accepting a number of gifts during a regional celebration, including a jacket from a brewery; a small painting from a bank; a gift certificate from a business; a beer mug from a brewery; and art work from a local artist. The Ethics Board offered the following advice:

If any of the items you have asked about is of more than nominal value, then we recommend that you give it to a state agency or to a charity that would like it and can put it to some useful purpose. In that way you can inform the donor that you did not retain for yourself gifts offered to you because of your public position and that you have shared the donor's generosity as best you can with the people of Wisconsin. If the gift is valuable but can't be used or sold as a prize by a charity, you could either return the gift or pay the donor the item's retail value.

If an item lacks significant value, you may retain it or dispose of it as you wish.

Accordingly, if a gift is received from a company with which the school district does business, and the gift is of more than nominal or token value, the recipient should not retain it for his or her own private benefit. The gift can be donated to the school district for use by the public as a whole, or given to a charity, or returned to the donor. If the recipient chooses to retain the gift for his or her own private benefit, the donor should be paid the fair market value of the item if it is an item of more than nominal value.

4. May a school district official or employee who is attending a seminar or convention where issues of concern to school districts are being discussed accept meals or refreshments from the seminar or conference sponsor?

In its opinion letter dated November 6, 1991, the Ethics Board opined that "[i]n general, officials may accept meals, refreshment, and the like that are provided, sponsored, or sanctioned by the conference organizer and authorized by the school district." Although the opinion did not so state, based on prior opinions of the Ethics Board, the Ethics Board would probably draw a distinction between a conference or seminar designed to facilitate a discussion of public policy from other kinds of gatherings. While a provision similar to § 19.56(1) of the Code of Ethics for state public officials does not appear in the Code of Ethics for local officials, it is

reasonable to assume that the public policy stated therein, whereby state public officials are encouraged to meet with groups to discuss public policy issues, would be applicable to local officials as well.

In an opinion dated June 25, 1979, the Ethics Board offered the following advice to a legislator who had been invited by an association of sportsmen interested in improvement of fishing in the Great Lakes to be its guest for breakfast and a day of fishing and boat tours on Lake Michigan from the Association's boats:

It has been our long standing advice that if an organization which sponsors a meeting or other gathering has a special interest in the legislature's activities, as is the case here, there is usually no impropriety associated with the organization's offer or a legislator's acceptance of a meal, beverage, or other courtesy in connection a legislator's attendance at the gathering if (a) the invitation was extended for reasons unrelated to the legislator's public position, (b) the gathering is a bonafide meeting of the organization, or (c) the gathering is a public forum for discussion of ideas. The fishing excursion about which you have asked does not fall within any of the three situations.

We think it would be appropriate for you to acquaint yourself with issues of concern to Lake Michigan's commercial and sport fisherman as well as perspectives on shoreline management, water quality and competing proposals for uses of Lake Michigan and its shore. An ethics code should not discourage citizens, individually or collectively, from sharing their ideas with their elected representatives. However, the fishing excursion to which you have been invited might reasonably be regarded by many as something of substantial value and unlike a dinner meeting or other setting, it is not conducive to discussion of competing policies affecting the public.

It appears to us that by its inclusion of the fishing excursion, the event about which you have asked, taken as a whole, is something of substantial value and that the Association has invited legislators to participate in this event because of the official positions they hold and with the purpose of affecting the legislator's judgment concerning Lake Michigan and the Milwaukee lakefront. Accordingly, we believe that a legislator would be wise not to accept the Association's generous invitation.

In an opinion dated January 22, 1987, the Ethics Board considered whether a coalition that included municipalities, one or more state agencies, and various businesses could furnish all legislators with lodging and meals in connection with their attendance at a dinner meeting and program. The board opined as follows:

A key to determining the propriety of the event you wish to sponsor is determining whether you wish to sponsor a substantive discussion of issues or a social event. The statutes specifically encourage the former, and we advise you against the latter. . . Consistent with the Ethics Code, your coalition may pay all the costs of such a meeting, including legislators' costs of meals and lodging, . . . provided the meal and accommodations provided are reasonable and neither lavish nor extraordinary.
9 Op. Eth. Bd. 43 (1987). (Emphasis added.)

In an opinion dated August 22, 1991, the Ethics Board stated that it is permissible for a public official who is attending a conference on behalf of the state to partake of "meals, refreshment and the like that are provided by the conference organizer and authorized by the legislature." The Ethics Board reasoned that if the event is on the agenda, then participation by the attendee has been implicitly authorized. If the event is not on the agenda, then specific approval should be obtained. "Conversely," the Ethics Board stated, "except as authorized, [a public official] should not accept food, drink, or entertainment offered at receptions and the like that are not provided, sponsored, or sanctioned by the conference and the legislature."

It may be advisable for school officials attending a conference or seminar to obtain from the board of education a resolution specifically authorizing acceptance of food, drink or entertainment at receptions that do not appear on the agenda. Such a resolution might read as follows:

Whereas the board of education has determined that the attendance of _____ (name) _____ at the (conference/seminar) on _____ (date) _____ is in the public interest and whereas the board of education has authorized (name) _____ to attend the (conference/seminar) on behalf of the _____ (school district) _____; therefore,

BE IT RESOLVED that _____ (name) _____ is specifically authorized to attend all of the events listed on the agenda published by _____, the sponsor of the (conference/seminar) including any provision of food,

drink or entertainment made available by _____
(the sponsor) _____, and is also specifically
authorized to attend on behalf of the _____ (school
district) _____ the following events not appearing on
the published agenda: a. _____,
b. _____.

Boards, as well as school officials, should bear in mind that such a resolution would be appropriate only in connection with attendance at gatherings where issues of public policy will be discussed rather than for attendance at social events. Moreover, such a resolution would be inappropriate where the event is such that an impartial observer would conclude that anything of value is being offered that could be expected to influence the school official's action or judgment or be considered a reward for past action.

CONCLUSION

In view of the strict provisions of the new Code of Ethics for local officials, school officials should, as a matter of policy, refuse to accept any gift that is offered as a result of the public position held, as well as any gifts that might conceivably be considered an attempt to influence present or future actions. School officials should avail themselves of the opportunity to obtain advisory opinions from the school district's attorney regarding the application of the new Code of Ethics, especially during this initial period of adjustment.

¹ Sec. 5.02(20g), Stats., defines "special purpose district" for purposes of the election laws to mean "any local governmental unit other than a county or municipality." Sec. 66.285(1)(c), Stats., defines "local governmental unit" in the section dealing with interest on late payments to contractors to mean "a political subdivision of this state, a special purpose district in this state, an agency or corporation of such a political subdivision or special purpose district, or a combination or subunit of any of the foregoing."

² "Immediate family" means an individual's spouse and an individual's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one half of his or her support from the individual, or from whom the individual receives, directly or indirectly, more than one half of his or her support. Sec. 19.42(7)(a) and (b), Stats.

³ "Organization" means "any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic." Sec. 19.42(11), Stats. The State Ethics Board has

defined "body politic" to include a "public association" and has concluded that a national association of state public officials is a "body politic" and therefore not an "organization" under the Ethics Code, since such an association is "an entity consisting of governments or their lawful representatives." Eth. Bd. 186, Volume III, p. 55.

⁴ Section 19.59(1)(a) of the Code of Ethics for Local Officials has a parallel in sec. 19.45(2) of the Code of Ethics for state public officials.

⁵ The parallel to this section in the Code of Ethics for state public officials is 19.45(3), Stats.

⁶ For state public officials the parallel is found in sec. 19.46(1)(a), Stats.

⁷ For state public officials, the parallel is found in sec. 19.46(1)(b). Stats.

⁸ Sec. 19.59(1)(b), Stats., expressly provides that it "does not prohibit a local public official from engaging in outside employment."

⁹ On the other hand, the Code of Ethics for local officials does not contain the blanket prohibition against any state public official accepting or retaining "any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with § 19.56(3)."

7796Q

**SCHOOL DISTRICT OF RIVER FALLS
River Falls, Wisconsin 54022**

165-AP

BOARD MEMBER CONFLICTS OF INTEREST PROCEDURE

Annually, Board members will be furnished with a copy of the Code of Ethics for Local Government Officials. Each Board member will sign a statement indicating he/she is aware of the contents of the code.

APPROVED: April 24, 1995

REVISED: June 28, 2004

DELETED AS POLICY: February 18, 2008



ANNUAL BOARD STATEMENT

I have been furnished with a copy of the Code of Ethics for Local Government Officials.

I am aware of the contents of the code.

Date

Board Member's Signature

**SCHOOL DISTRICT OF RIVER FALLS
River Falls, Wisconsin 54022**

342.5
(formerly IGBC)

TITLE I PROGRAMMING

The School District of River Falls shall take part in the federal Title I program in order to achieve its district priority to provide educational opportunities for all students in the district. Students qualify for participation in the Title I program in accordance with the district's established procedures.

The services provided in Title I areas shall be at least comparable to the services provided in areas not receiving Title I funds. The District shall ensure equivalency among schools or grade levels in teachers, administrators, auxiliary personnel, curriculum materials and instructional supplies. Unpredictable changes in enrollment or personnel assignments which occur after the beginning of the school year need not be included as a factor in determining comparability of services. Documentation verifying comparable services shall be updated annually and shall be available for review.

The District is aware that the involvement of parents and families in the Title I program enhances the success of the students served by that program. Therefore, the District shall provide adequate opportunities for parents and families of Title I students, from both public and private schools, to participate in the design and implementation of that program and in improving the academic achievement and school performance of their children.

Specific activities for parent and family engagement related to the district's Title I program shall be developed. These activities shall be reported to the Board on an annual basis.

A Title I Parent and Family Advisory Council will be established to facilitate greater communication and participation in all Title I meetings. A minimum of two meetings will be held each year. Parent and Family members will assist in parental contact to help promote engagement and input. The Parent and Family Advisory Council will annually assess the effectiveness of parent engagement activities and communication. Parents and Families will assist in program development, needs assessment, student selection procedures, budgeting and planning activities.

Parents and families of students participating in Title I program services shall be informed annually of this policy and of the opportunities available for them to get involved in their child's educational program and in order to improve student achievement.

The District shall not discriminate in Title I programs on the basis of homeless status, sex, (including gender identity, gender expression and nonconformity to gender role stereotypes), race, national origin, color, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation, handicap or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established District complaint procedures, or any other legally-protected status or classification.

LEGAL REF.: Chapter I of the Education Consolidation and Improvement Act of 1981
Elementary and Secondary School Improvement Amendments of 1988 (Section
1018 Subsection (c))
Every Student Succeeds Act of 2015
Improving America's Schools Act of 1994

SECOND READING

No Child Left Behind Act of 2001

CROSS REF.: 342.5-Rule, Guidelines for Participation in Title I Program
411 Equal Educational Opportunities

APPROVED: October 20, 1986

REVISED: September 16, 1991
February 28, 2005
April 27, 2020

**SCHOOL DISTRICT OF RIVER FALLS
River Falls, Wisconsin 54022**

342.5-Rule
(formerly IGBC-R)

STUDENT, PARENT AND FAMILY ENGAGEMENT IN TITLE I PROGRAMS

A. Student Participation

1. Students qualify for the Title I program based on needs assessments, teacher input and criterion and norm-referenced tests.
2. Students with disabilities and English learner (EL) students who qualify among the Title I eligible pool of participants shall be served in the Title I program if the individual student receives his/her reading/language arts and/or math direct instruction within the regular classroom. This includes those students who are in transition from special education/ELL programs. Students with disabilities and ELL students shall not be served by the Title I program if the individual student receives his/her reading/language arts and/or math direct instruction within the special education/ELL classroom or from the special education/English as a second language (ESL) teacher.

B. Parent and Family Engagement

The School District of River Falls shall provide opportunities for parents and families of Title I students, from both public and private schools, to participate in the program as follows:

1. The District shall establish two formal meetings for parents and families of Title I students. The fall meeting shall be designed to discuss with parents/guardians the federal guidelines for programs as well as activities carried out with Title I funds. The district encourages parents and families to be engaged, formulate suggestions, interact with, and participate in the decision-making about the Title I program and the process for school improvement. The purpose of the spring planning meeting shall be to inform parents/guardians of their right to consult in the design and implementation of the Title I program; solicit parental input and review parental evaluations. This meeting shall provide parents/guardians with an opportunity to establish mechanisms for maintaining ongoing communication among parents/guardians, teachers and administrators. At both formal meetings, program laws and regulations shall be shared by Title I personnel.
2. Information concerning school performance profiles and the student's individual performance will be communicated to parents and families.
3. When parents and families request, the respective Title I teacher shall report to each student's parents and families regarding their child(ren)'s progress during the district's two formally scheduled parent-teacher conferences. An end-of-the-year report on their child(ren) shall also be provided.
4. All Title I personnel shall provide materials and suggestions to parents and families to help them promote the education of their child(ren) at home.
5. All Title I personnel shall provide timely responses to parents and families inquiries.
6. The District shall provide reasonable access to meeting space, materials and other resources, as appropriate.

SECOND READING

REVISED: April 16, 1990
September 16, 1991
February 28, 2005
April 27, 2020

**SCHOOL DISTRICT OF RIVER FALLS
River Falls, Wisconsin 54022**

341.1

READING INSTRUCTION

The School District of River Falls believes that, to meet the challenges of teaching literacy, the District needs to build a well-coordinated developmental reading program based on a set of comprehensive principles that recognizes student needs and promotes excellence in instruction.

The River Falls School District Board of Education believes that the effectiveness of the district's reading program should adhere to the following priority goals:

1. The district shall provide a well-coordinated reading program for all students at all grade levels and shall be under the direction of a certified reading specialist.
2. The district shall provide adequate time and effort devoted to reading instruction in all content areas. Instruction will build literacy skills and promote the desire for all students to read increasingly complex materials.
3. The district shall provide a broad range of reading materials and teaching techniques to accommodate all student ability levels, interests and academic needs.
4. The district shall provide students in grades 4K-2 with an annual assessment in literacy fundamentals and reading readiness. Assessments will evaluate phonemic awareness and letter sound knowledge.
5. The district shall involve parent and community collaborative efforts in developing the reading program to meet the academic needs of all students.
6. The district shall maintain appropriate staff development programs for all teachers, administrators and other professional staff members to assist them in understanding district-wide reading goals and programs.
7. The district shall provide reading support from professionals specifically trained in reading instruction.
6. The district shall provide remedial reading services for students in accordance with state law and established procedures.
7. The reading program and student achievement shall be evaluated annually in accordance with state statutes.

LEGAL REF.: Sections 118.015 Wisconsin Statutes

118.016

121.02(1)(c), (k) & (L)

PI 8.01(2)(c), (k) & (L), Wisconsin Administrative Code

SECOND READING

CROSS REF.: 342.5R, STUDENT, PARENT AND FAMILY ENGAGEMENT IN TITLE I PROGRAMS

342.7, Remedial Programs

APPROVED: September 16, 1991

REVISED: November 15, 2004

March 20, 2017

April 27, 2020