

**School District of River Falls**  
**Board of Education Reorganizational Meeting**

Monday, April 25, 2022 - 6:00 PM

District Office

852 E Division Street

River Falls, Wisconsin 54022

Educational Program Committee members: Alan Tuchtenhagen (Chair), Lindsey Curtis, & Cindy Holbrook

Agendas can be viewed at <https://www.rfsd.k12.wi.us/district/school-board.cfm> or at

<https://meetings.boardbook.org/Public/Organization/1447>

1. **CALL TO ORDER - 6:00 PM IN THE DISTRICT ADMINISTRATIVE OFFICE CONFERENCE ROOM**
2. **MANNER OF PUBLIC NOTIFICATION OF MEETING**
3. **HEARING OF VISITORS OR DELEGATIONS**
4. **INFORMATIONAL ITEMS**
5. **Review and signing of Official Oaths of Office** **3**  
**Description:** Wisconsin Statute Sections 19.01 and 120.06(4&10) provide for school board members to file an official oath of office on, or prior to, the fourth Monday in April.  
No action. Oaths of office were signed by newly elected board members prior to the reorganizational meeting.
6. **Board Reorganizational Activities**
  - A. **Election of Officers** **8**  
**Description:** Wisconsin Statute Section 120.05(c) mandates that the school board shall annually elect a school district president, vice-president, clerk, and treasurer from among its members.  
**Recommended Action:** Elect officers - nominations will be taken by Superintendent Benson for: 1) President, 2) Vice-President, 3) Clerk, and 4) Treasurer. Officers will sign oath of office. Meeting gavel is turned over to newly elected president.
  - B. **Determine Board meeting dates, time, and location for the 2022-2023 school year** **9**  
**Description:** Suggested dates are shown circled in red on the enclosed calendar. (The 2023 Reorganization meeting will be 4-24-23). We will also review the remaining 2021-22 meeting dates, as well as the annual Board Planning Calendar.  
**Recommended Action:** Determine Board meeting schedules, times, and places.
  - C. **Determine Board Committee Structure and Various District Advisory Delegate/Representative Appointments** **12**  
**Description:** Annually the Board will review and determine representation on district committees.  
**Recommended Action:** Determine committee, delegate, and representative appointments including board/committee relationship, meeting schedules, standing committees, meeting place, dates, times, and manner of conducting the Board's business.
  - D. **Renew Board's Legal & Liability Insurance Policy** **15**  
**Description:** Wisconsin Statute Section 120.13(23) requires the board to give security in such form and amount as the board determines.  
**Recommended Action:** Renew the Board's Legal and Liability Insurance Policy as suggested.
  - E. **Designate Bank Depositories** **16**  
**Description:** Wisconsin Statute Section 120.12(7) mandates the Board designate one or more public depositories in which the money belonging to the school district shall be deposited and specify whether the monies be maintained in time deposits, demand deposits or savings deposits.  
**Recommended Action:** Designate bank depositories.
  - F. **Acknowledge Board Policy/Procedure - Conflict of Interest** **18**  
**Description:** Following a recommendation from the auditor in October of 1994, the Board approved a conflict of interest procedure which calls for each board member to annually sign a statement indicating awareness of the content of the Code of Ethics for Local Government Officials.  
No action, signed statements of acknowledgment have been filed (*distributed before the meeting*).
  - G. **Set date for the 2022 Annual Meeting**  
**Description:** Wisconsin Statute Section 120.08(1) mandates that a common school district shall hold an annual meeting. It is recommended that the 2022 Annual Meeting be set for Monday, September 19, 2022, at 6:00 p.m. before the Regular Monthly Board meeting at 7:00 p.m.

**Recommended Action:** Discussion and decision for setting the date and location for the 2022 Annual Meeting.

7. **Request for Executive session pursuant to Wisconsin § 19.85 (1)(e)(f)(g) for discussion of confidential legal matters related to district lease agreement and liability. Roll call vote required.**
8. **CONVENE TO EXECUTIVE SESSION**
9. **ADJOURN FROM EXECUTIVE SESSION**

CHAPTER 19  
GENERAL DUTIES OF PUBLIC OFFICIALS

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19.03	Security for costs; notice of action.	19.50	Unauthorized release of records or information.
19.04	Other actions on same bond.	19.55	Public inspection of records.
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19.07	Bonds of public officers and employees.	19.56	Honorariums, fees and expenses.
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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

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(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 (4m).

**History:** 1975 c. 138 s. 13; 1975 c. 199; Stats. 1975 s. 120.05; 1979 c. 173; 1985 a. 218, 304; 2017 a. 365.

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.

3m. If, under subd. 3., an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the school district clerk shall promptly provide public notice of that fact on the school district’s Internet site or, if the school district does not maintain an Internet site, by

**3 Updated 19–20 Wis. Stats.**

posting notices in at least 3 different locations within the school district.

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, 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).

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(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.

(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; 2021 a. 33.

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

(a) “Salary” means the annual salary for a school board member or the amount for each school board meeting the school board member actually attends.

(b) “School board member” includes a school board member-elect.

(2) (a) 1. Notwithstanding the provisions of s. 120.10 (3), a school board member may send written notification to the school district clerk and the school district treasurer that the school board member wishes to refuse to accept the salary that he or she is otherwise entitled to receive.

2. a. Except as provided in subd. 2. b., for the taxable year in which the school board member’s election is certified or the board member is appointed under s. 17.26, the school board member shall send the notification no later than the day on which the board member takes the official oath of office and before the board member performs any services in his or her capacity as a board member. The notification applies only to the taxable year in which the school board member’s election is certified.

b. If the school board member’s current taxable year ends within 3 months of the day on which the board member’s election is certified or the board member is appointed to the board, the notification applies until the end of his or her next taxable year.

3. Except as provided in subd. 2., a school board member shall send the notification at least 30 days before the start of the school board member’s next taxable year and the notification applies only to that taxable year. A school board member may renew his or her refusal by sending a notification annually as provided in this subdivision.

4. A school board member may not rescind a notification sent under this paragraph.

(b) 1. If a school district clerk and school district treasurer receive a notification under par. (a), the school district treasurer may not pay the school board member the salary that he or she is otherwise entitled to receive during the time period to which the notification applies, beginning with the first pay period that commences after the notification applies.

2. If a school board member’s notification no longer applies, the school district treasurer shall pay the school board member any salary that he or she is entitled to receive, beginning with the first pay period that commences after the expiration of the notification.

**History:** 2017 a. 9.

**120.08 School district meetings.** Every elector of a common or union high school district is eligible to vote at an annual or special meeting of the school district.

(1) ANNUAL MEETING. (a) Common school districts shall hold an annual meeting on the 4th Monday in July at 8 p.m. and union high school districts shall hold an annual meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual meeting determine to thereafter hold the annual meeting on a different date or hour, or authorize the school board to establish a different date or hour. No annual meeting may be held before May 15 or after October 31. The first school district meeting in a common or union high school district created under s. 117.08, 117.09, or 117.27 shall be considered an annual meeting.

(b) The place of the annual meeting shall be in a schoolhouse in the school district. If a schoolhouse which will accommodate the electors is not available, the place of the annual meeting shall be the nearest available place designated by the school board.

(c) The school district clerk shall publish a class 2 notice, under ch. 985, of the time and place of the annual meeting, the last insertion to be not more than 8 days nor less than one day before the annual meeting. The school district clerk shall give like notice for any adjourned meeting, if the adjournment is for more than 30 days. No annual meeting shall be deemed illegal for want of notice.

(2) SPECIAL MEETING. (a) Upon petition filed with the school district clerk signed by 3 percent of the electors residing in the school district or 100 electors, whichever is fewer, or upon the motion of the school board in a common or union high school district, a special meeting shall be called by the school district clerk or, in his or her absence, by the school district president or school district treasurer. If the petition includes a subject beyond the power of the special meeting to transact, the school district clerk shall reject such subject and so notify each elector signing the petition.

(b) Notice of a special meeting shall be published as a class 2 notice, under ch. 985. The last insertion shall be not more than 8 days nor less than one day before the day of the special meeting. If no hour for the special meeting is fixed in the notice, it shall be held at 8 p.m.

(c) A special meeting has the powers of the annual meeting. No more than 2 special meetings may be held between annual meetings to consider or act upon the same subject, except that in counties having a population of 750,000 or more no more than 4 such meetings may be held. No tax may be voted at a special meeting, unless notice thereof is included in the notice under par. (b). The amount of the tax proposed to be voted shall be set forth in the notice. The special meeting may vote a tax of a lesser amount than stated in the notice, but not a greater amount.

(3) CHALLENGE. If a person attempting to vote at an annual or special meeting is challenged, the chairperson of the meeting shall state to the person challenged the qualifications necessary to vote at the meeting. If such person declares that he or she is eligible to vote and if such challenge is not withdrawn, the chairperson shall administer the following oath or affirmation to him or her: “You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified, according to law, to vote at this meeting”. A person taking such oath or affirmation shall be permitted to vote, but if that person refuses to take such oath or affirmation that person may not vote.

**History:** 1979 c. 164, 301; 1989 a. 114; 1993 a. 184; 1997 a. 87; 2001 a. 16; 2017 a. 207 s. 5.

**120.09 Consideration of special subject.** If in a common or union high school district at least 60 days prior to the annual meeting a petition is filed with the school district clerk signed by 100 electors requesting that the annual meeting consider a special subject or item of business which is a proper subject or item for consideration at the annual meeting, the school district clerk shall incorporate a statement of the subject or item in the notice of the annual meeting. The school district clerk shall prepare the proper ballot to permit voting on the subject or item at the annual meeting. If the petition includes a subject beyond the power of the annual meeting, the school district clerk shall reject that part of the petition which contains such subject and notify the proper person within 20 days of the school district clerk’s receipt of the petition. The petition shall designate a person or a representative of an organization to be notified in case of its rejection.

**History:** 1975 c. 138, 199.

**120.10 Powers of annual meeting.** The annual meeting of a common or union high school district may:

(1) CHAIRPERSON AND CLERK. Elect a chairperson and, in the absence of the school district clerk, elect a person to act as the clerk of the meeting.

(2) ADJOURNMENT. Adjourn from time to time.

**120.02 SCHOOL DISTRICT GOVERNMENT**

Updated 19–20 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 (4m).

**History:** 1975 c. 138 s. 13; 1975 c. 199; Stats. 1975 s. 120.05; 1979 c. 173; 1985 a. 218, 304; 2017 a. 365.

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.

3m. If, under subd. 3., an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the school district clerk shall promptly provide public notice of that fact on the school district’s Internet site or, if the school district does not maintain an Internet site, by

**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

## 2022-23 SCHOOL CALENDAR

**August 2022**

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

16-17 – New Teacher Orientation  
25, 29-31 – Teacher In-service

**September 2022** 21

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

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

**October 2022** 20

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

10 – No School (Teacher In-service)

**November 2022** 18

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

4 – No School (Teacher In-service)  
23-25 – No School (Thanksgiving Break)

**December 2022** 16

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

23-30 – No School (Winter Break)

**January 2023** 19

M	T	W	TH	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19Q	20♦
<b>23</b>	24	25	26	27
30	31			

2, 16 – No School (Vacation)  
20 – No School (Teacher In-service)

**February 2023** 18

M	T	W	TH	F
		1	2	3
6	7	8	9	10
13	14	15	16	17*
<b>20</b> ♦	*21	22	23	24
27	28			

17 – No School (Vacation)  
20 – No School (Teacher In-service)

**March 2023** 18

M	T	W	TH	F
		1 T	2	3
6	7	8	9	10
13	14	15	16	17
<b>20</b>	21	22	23	24
27	28	29	30	31

13-17 – No School (Spring Break)

**April 2023** 19

M	T	W	TH	F
3	4	5	6Q	7♦*
10	11	12	13	14
<b>17</b>	18	19	20	21
<b>24</b>	25	26	27	28

7 – No School (Teacher In-service)

**May 2023** 22

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

29 – No School (Memorial Day)

**June 2023** 4

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

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

**Quarters (Secondary):**

- 9/1/22-11/3/22 (44 days)
- 11/7/22-1/19/23 (43 days)
- 1/23/23-4/6/23 (47 days)
- 4/11/23-6/6/23 (41 days)

**Trimesters (Elementary):**

- 9/1/22-11/22/22 (56 days)
- 11/28/22-3/1/23 (58 days)
- 3/2/23-6/6/23 (61 days)

First Student Day: September 1, 2022  
No School Days:   
**Graduation Day: June 4, 2023**  
**Last Student Day: June 6, 2023**  
Possible Make-Up Days: \*

Student Days	175
Parent Teacher Conference Days	2
Work/In-service Days ♦	11
<b>Total Days</b>	<b>188</b>

## 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



**SCHOOL DISTRICT OF RIVER FALLS**

**River Falls Wisconsin 54022**

**River Falls Board of Education 2022-23 Committee/Representative Appointments**

- 1. Educational Program Committee: \_\_\_\_\_ Chair, \_\_\_\_\_, \_\_\_\_\_
- 2. Finance & Facilities Committee: \_\_\_\_\_ Chair, \_\_\_\_\_, \_\_\_\_\_
- 3. Personnel Committee: \_\_\_\_\_ Chair, \_\_\_\_\_, \_\_\_\_\_
- 4. Other (if needed): \_\_\_\_\_ Chair, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_ Chair, \_\_\_\_\_, \_\_\_\_\_

5. Wisconsin Association of School Boards (WASB Delegate: (Jan 18-20, 2023, 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 Charter Academy: \_\_\_\_\_

d. Greenwood Elementary School: \_\_\_\_\_

e. Montessori Public Elementary School: \_\_\_\_\_

f. Rocky Branch Elementary School: \_\_\_\_\_

g. Westside Elementary School: \_\_\_\_\_

h. River Fall eSchool: \_\_\_\_\_

i. RF4C: \_\_\_\_\_

j. Maintenance: \_\_\_\_\_

k. Bus Garage: \_\_\_\_\_

l. District Office: \_\_\_\_\_

9. CESA #11 Annual Convention Delegate: (held on Mon., June 6, 2022)  
(Alternate) \_\_\_\_\_

10. Character Ed Community Representative: \_\_\_\_\_

11. Community Education Advisory Liaison: \_\_\_\_\_

12. District Equity/Inclusivity/Diversity Committee Representative: \_\_\_\_\_

13. Food Service Advisory Council Representative: \_\_\_\_\_

14. Human Growth & Development Representative: \_\_\_\_\_

15. Insurance Study Committee Representative: \_\_\_\_\_

14. Kids Club Advisory Council Representative: \_\_\_\_\_

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

16. Title 1 Reading Advisory Council Representative: \_\_\_\_\_

19. Vocational Agriculture Advisory Council Representative/FFA Liaison: \_\_\_\_\_

20. Wildcat Pride Representative: \_\_\_\_\_

21. Distribute Diplomas at Graduation: \_\_\_\_\_

# *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](http://www.rfsd.k12.wi.us)

DATE: April 14, 2022

TO: Jamie Benson  
Superintendent of Schools

FROM: Chad Smurawa  
Director of Finance and Facilities Mgt.

RE: School Board Legal & Liability Insurance Policy

It is recommended that the Educator Legal & Liability insurance policy of \$7,000,000 be renewed. The per occurrence deductible is \$1,000.

The Educator legal liability policy provides coverage to board members, employees, student teachers, administrators and volunteers who commit a wrongful act during the course of school business.

# 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 14, 2022

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, 27, 39, 46, 50, 60, 80, 81

Royal Credit Union

- Retain funds 10, 21, 27, 39, 46, 50, 60, 80, 81

taken thereon, and all other proceedings of the annual meeting in full in the school district record book.

(4) The proceedings of a school board meeting shall be published within 45 days after the meeting as a class I notice, under ch. 985, in a newspaper published in the school district, if any, or publicized by school district-wide distribution prepared and directed by the school board and paid out of school funds. If there is no newspaper published in the school district, the proceedings shall be posted or published as the school board directs. For the purpose of publication, the proceedings shall include the substance of every official action taken by the school board at the meeting and a statement of receipts and expenditures in the aggregate. The school board shall make a detailed record of all receipts and expenditures available to the public for inspection at each school board meeting and upon request.

**History:** 1979 c. 141, 173; 1983 a. 27, 339; 2005 a. 99; 2019 a. 96.

**120.115 Report on debt service. (1)** (a) Within 10 days after adopting a resolution that authorizes the school board to incur debt or that authorizes the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department.

(b) Within 10 days after holding a referendum that would authorize the school district to incur debt or that would authorize the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the approval or rejection of the referendum.

(2) (a) Within 10 days after adopting or revising a schedule for the payment of debt service, the school board shall submit the schedule to the department.

(b) Within 10 days after adopting or revising a schedule for the payment of debt service on debt issued on behalf of the school district operating under ch. 119, the common council of a 1st class city shall submit the schedule to the department.

(3) Monthly, the department shall submit to the department of administration and the legislative fiscal bureau a report that aggregates all debt service payment schedules submitted under sub. (2).

**History:** 1997 a. 27, 237.

**120.12 School board duties.** The school board of a common or union high school district shall:

(1) **MANAGEMENT OF SCHOOL DISTRICT.** Subject to the authority vested in the annual meeting and to the authority and possession specifically given to other school district officers, have the possession, care, control and management of the property and affairs of the school district, except for property of the school district used for public library purposes under s. 43.52.

(2) **GENERAL SUPERVISION.** Visit and examine the schools of the school district, advise the school teachers and administrative staff regarding the instruction, government and progress of the pupils and exercise general supervision over such schools.

(2m) **EDUCATOR EFFECTIVENESS.** (a) Beginning in the 2014–15 school year, evaluate the effectiveness of each teacher and principal employed by the school district using either the system established under s. 115.415 (2) or the equivalency process established by rule under s. 115.415 (3).

(b) Ensure that the results of evaluations conducted under this subsection are not subject to public inspection, copying, or disclosure under s. 19.35.

(3) **TAX FOR OPERATION AND MAINTENANCE.** (a) Annually on or before November 1, determine the amount necessary to be raised to operate and maintain the schools of the school district and public library facilities operated by the school district under s. 43.52, if the annual meeting has not voted a tax sufficient for such purposes for the school year. Annually on or before November 10, the school district clerk shall certify the appropriate

amount so determined to each appropriate municipal clerk who shall assess the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(b) If a tax sufficient to operate and maintain the schools of a school district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization under ch. 117 affecting any territory of the school district, the school board of the affected school district shall determine, on or before the November 1 following the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the affected school district if the tax had been determined, certified and assessed prior to the effective date of the reorganization. On or before November 10, the school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect the amount as a special tax on the property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.0235.

(c) If on or before November 1 the school board determines that the annual meeting has voted a tax greater than that needed to operate the schools of the school district for the school year, the school board may lower the tax voted by the annual meeting. On or before November 10, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him or her and enter it on the tax rolls in lieu of the amount previously reported.

(d) If on or before November 1 the school board determines that the annual meeting has voted a tax that would violate the limit under subch. VII of ch. 121, the school board shall lower the tax to bring it into compliance with that limit.

(4) **TAX FOR DEBT RETIREMENT.** On or before November 1, determine the amount necessary to meet any irrevocable tax obligations or other financial commitments of the school district not otherwise provided for. The school district clerk shall certify the amount apportioned to each appropriate municipal clerk who shall include the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(4m) **CALCULATION OF TOTAL BASE WAGES INCREASE FOR COLLECTIVE BARGAINING.** If collectively bargaining with employees of the school district, determine the maximum total base wages expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change using the method the department of revenue uses under s. 73.03 (68).

(5) **REPAIR OF SCHOOL BUILDINGS.** Keep the school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times. The school board shall establish an annual building maintenance schedule.

(6) **INSURANCE ON SCHOOL PROPERTY.** Keep the school buildings, equipment and other property amply insured. If there are no funds in the school district treasury sufficient to pay the premium, the school board may execute a note for that purpose.

(7) **DEPOSITORY.** Designate one or more public depositories in which the money belonging to the school district shall be deposited and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.0603 (1m), demand deposits or savings deposits. When the money is so deposited in the name of the school district, the school district treasurer and bondsmen are not liable for any loss as defined in s. 34.01 (2). The interest on such deposits shall be paid into the school district treasury.

(9) **DISCUSSION OF PUBLIC QUESTIONS.** Upon the written application of one-half of the electors of the school district, allow the use of the school buildings or grounds for the free discussion of public questions so far as such use does not interfere, in the opinion of the school board, with the prime purpose of the school buildings or grounds.

# 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

the request is denied by the authority having custody of the record or part of the record.

**(1n) NOTICE OF CLAIM.** Sections 893.80 and 893.82 do not apply to actions commenced under this section.

**(2) COSTS, FEES AND DAMAGES.** (a) Except as provided in this paragraph, the court shall award reasonable attorney fees, damages of not less than \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (a). If the requester is a committed or incarcerated person, the requester is not entitled to any minimum amount of damages, but the court may award damages. Costs and fees shall be paid by the authority affected or the unit of government of which it is a part, or by the unit of government by which the legal custodian under s. 19.33 is employed and may not become a personal liability of any public official.

(b) In any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that the authority acted in a willful or intentional manner, the court shall award the individual actual damages sustained by the individual as a consequence of the failure.

**(3) PUNITIVE DAMAGES.** If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester.

**(4) PENALTY.** Any authority which or legal custodian under s. 19.33 who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

**History:** 1981 c. 335, 391; 1991 a. 269 s. 43d; 1995 a. 158; 1997 a. 94.

A party seeking fees under sub. (2) must show that the prosecution of an action could reasonably be regarded as necessary to obtain the information and that a “causal nexus” exists between that action and the agency’s surrender of the information. *State ex rel. Vaughan v. Faust*, 143 Wis. 2d 868, 422 N.W.2d 898 (Ct. App. 1988).

If an agency exercises due diligence but is unable to respond timely to a records request, the plaintiff must show that a mandamus action was necessary to secure the records release to qualify for award of fees and costs under sub. (2). *Racine Education Association v. Racine Board of Education*, 145 Wis. 2d 518, 427 N.W.2d 414 (Ct. App. 1988).

Assuming sub. (1) (a) applies before mandamus is issued, the trial court retains discretion to refuse counsel’s participation in an *in camera* inspection. *Milwaukee Journal v. Call*, 153 Wis. 2d 313, 450 N.W.2d 515 (Ct. App. 1989).

If the trial court has an incomplete knowledge of the contents of the public records sought, it must conduct an *in camera* inspection to determine what may be disclosed following a custodian’s refusal. *State ex rel. Morke v. Donnelly*, 155 Wis. 2d 521, 455 N.W.2d 893 (1990).

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).

**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