

SCHOOL BOARD MEMBER AUTHORITY AND RESPONSIBILITY

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

Authority to Make Statements on Behalf of the Board and District

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

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

Receiving, Investigating and Resolving Complaints

If an individual Board member receives a complaint or other communication from a student, parent or guardian, District employee, or other person that appears to require further investigation on the part of the District and/or that appears to call for a response from the District, the Board member should (1) inform and encourage the individual to follow the District's Complaint Procedure (Policy 870 and 870-Rule) and (2) inform the Superintendent of the concern. However, in highly unusual circumstances where such referral to the Superintendent may not be appropriate, the Board member should instead contact the Board President (who may involve District legal counsel) or alternatively request a special meeting of the Board.

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

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

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

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

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

Board Member Authority in Interactions with District Staff and District Operations

Requesting Information. When an individual Board member requests data or reports, from the District in his/her capacity as an elected District official, such requests shall be submitted to and coordinated through the Superintendent. Taking all relevant circumstances under considerations, including the staff time it would take to respond to a request, the administration may either (1) provide the requested information; (2) identify and provide the Board member with alternative information that is also relevant to the request; or (3) refer the individual Board member's request to the full Board at the next meeting at which it is practical to include the request on the meeting notice. An individual Board member who is not satisfied with the administration's response to his/her request may also refer the matter to the Board.

When the administration fulfills an individual Board member's request for information, the administration shall exercise sound judgment in determining whether all Board members should be provided with the information, with a presumption in favor of the dissemination of especially any written information to all Board members.

If a Board member seeks to inspect or receive copies of District records in some other capacity (e.g., parent of a student, member of the general public, etc.), the Board member should clarify to the custodian of records that his/her request is not being submitted in his/her capacity as an elected District official.

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

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

Cross Reference: School Board Governance 150, Board of Education Responsibilities, 161.1; Student Records Policy 347 and 347-Rule; Complaint Procedure, 870 and 870-Rule

Legal References: Wisconsin State Statutes 19.88(2), 120.11(2), 946.12

Adoption Date: November 27, 1989

Amended Date: September 25, 2017, October 14, 2019, and December 9, 2019

Appendix 1

BOARD MEMBER COMMITMENT

As a member of the Appleton Area School District Board of Education, I shall uphold the laws and Constitutions of the United States and State of Wisconsin and shall do my utmost to represent the public interest in education by adhering to the following:

- I shall remember always that my greatest concern must be the educational welfare of every student attending the public schools.
- I shall represent all School District constituents honestly and equally and refuse to surrender my Board of Education responsibilities to special interest or partisan political groups.
- I shall recognize that a Board member has no legal authority as an individual and that decisions can be made only by majority vote at a Board meeting.
- I shall attend all meetings and be prepared at those meetings to act on issues before the Board.
- I shall encourage and respect the free expression of opinion by my fellow Board members and others who seek a hearing before the Board.
- I shall abide by majority decision of the Board, while retaining the right to seek changes in such decisions through ethical and constructive channels.
- I shall avoid any conflict of interest or the appearance of impropriety, which could result from my position, and shall not use my Board membership for personal gain or publicity, consistent with applicable State laws.
- I shall take no private action that might compromise the Board or administration and shall respect the confidentiality of privileged information.
- I shall be involved in and knowledgeable about not only local education concerns, but also about State and National issues.

In addition, I shall encourage my Board of Education to pursue the following goals:

- The development of effective School Board policies, which provide direction for the operation of the schools and delegate authority to the Superintendent for their administration.
- The development of procedures for the regular and systematic evaluation of programs, staff performance, and Board operations to ensure progress toward education and fiscal goals.
- The development of education programs which meet the individual needs of every student, regardless of race, color, sex, age, creed, or other factors.
- The development of systematic communications which ensure that the School Board, administration, staff, students, parents, and community are fully informed and that the District understands the community's aspirations for its schools.
- The development of sound business practices, which ensure that every dollar spent produces maximum benefits.