

RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.01 ORGANIZATIONAL MEETING

(1) CONTINUITY OF THE BOARD

(a) The Milwaukee Board of School Directors is hereinafter in these Rules referred to as “the Board.”

(b) The Board, on an annual basis, shall hold its organizational meeting on the fourth Tuesday of April, except that, when the fourth Tuesday is a legal holiday, the meeting shall be held on the following Thursday.

(c) The Board is a continuing body. Any unfinished business before the Board or any of its standing or special committees on the date of its annual organizational meeting shall be considered as pending before the board newly organized on such a date.

(d) Before taking office, members of the Board who were elected or re-elected at the spring election shall take the official oath of office. The officer administering the oath shall certify it and file it with the City Clerk. The oath shall be taken after the adjournment of the regular April Board meeting but before the call of the organizational meeting. Newly elected and re-elected board members shall begin their term upon being seated at the organizational meeting.

(e) Before taking office, members of the Board who were elected by a special election shall take the official oath of office and file it, duly certified by the officer administering the oath, with the City Clerk. Members elected by special election shall assume their seats at midnight after taking the oath of office.

(2) ELECTION OF PRESIDENT AND VICE PRESIDENT

(a) The Board shall elect a president from among its members to serve for one year and until a successor is chosen.

(b) The Board may elect a vice president. Should the office of president become vacant between organizational meetings, the vice president shall serve as president, and the Board shall, at its next regular meeting, elect a new vice president to serve until the annual organizational meeting.

(c) The method of election shall be by roll call vote. Nominations shall be made from the floor, and a nominee shall receive a majority vote of the entire Board’s membership for election to office.

(d) The Board shall designate a clerk to serve for the ensuing year.

(3) ORDER OF BUSINESS

The order of business at the organizational meeting shall be as follows:

- Call to order by the Board Clerk
- Seating of newly elected Board member(s)
- Roll call
- Election of temporary presiding officer
- Election of Board president
- Election of Board vice president (optional)
- Designation of Board Clerk
- Board member and staff appointments
- Reports of special committees
- Unfinished business
- New business

- Communications and petitions
- Resolutions
- Adjournment

History: Revised 10-27-11, 3-29-12, 11-19-15

Legal Ref.: W.S. 119.10 (1) (2) (6)

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.02 REGULAR BOARD MEETINGS

- (1) Regular meetings of the Board, except the April meeting, shall be on the last Thursday of each month. When any regular meeting day falls on a legal holiday, the meeting shall be held on the next business day.
 - (a) If, under the provisions of this Rule, a regular meeting should take place during Spring Break, Winter Break, or the annual Teachers' Convention, that meeting shall be held on the preceding Thursday.
 - (b) Likewise, if the last Thursday in November is Thanksgiving Day, the regular November meeting of the Board shall be held on the preceding Thursday.
 - (c) No meetings of the Board or its Committees shall be scheduled on any election day, including days of primary elections.
- (2) The Board shall hold its regular meeting in April on the Thursday prior to the fourth Tuesday of April.
- (3) Meetings shall be called for ~~6~~5:30 p.m., unless otherwise ordered by the Board or its President.
- (4) All regular meetings of the Board shall be held at the Central Services Building, 5225 West Vliet Street, Milwaukee, Wisconsin, and shall be open to the public.

History: Revised 6-30-99, 11-19-15, 7-27-17
Legal Ref: W.S. 119.10 (3)

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.03 SPECIAL BOARD MEETINGS

(1) Special meetings of the Board shall be called by the Board Clerk/Chief Officer Director, Office of Board Governance, at the direction of the president or upon the written request of three members. Such request shall state the time and place of the meeting and the specific purpose or purposes for which the meeting is being called.

(2) At any such special meeting, no business shall be transacted other than that which is specified in that meeting's notice, which shall be given personally, transmitted electronically, or mailed to each member at least 24 hours before the time of such meeting.

(3) All special meetings of the Board shall be open to the public unless otherwise noticed under the provisions of section 19.85 of the Wisconsin Statutes.

History: Revised 11-19-15
Legal Ref.: W.S. 119.10(3), 19.85
Cross Ref.: Board Rule 1.04 Executive Sessions

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.04 EXECUTIVE SESSIONS

(1) All meetings of the Board and its committees shall be open to the public, except that a meeting of the Board may be convened in a closed session under one or more of the exemptions provided for by state statutes and listed below:

- (a) deliberating after any judicial or quasi-judicial trial or hearing;
- (b) considering dismissal, demotion, licensing, or disciplining of any employee of the Board, provided the employee is given notice of any evidentiary hearing which may be held prior to final action being taken and of the meeting at which final action may be taken. The notice shall contain a statement that the employee has the right to demand that the evidentiary hearing or meeting be held in open session;
- (c) considering employment, promotion, compensation, or performance evaluation data of any employee of the Board;
- (d) considering specific applications of probation or parole, or considering strategy for crime detection or prevention;
- (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session;
- (f) considering financial, medical, or personal histories, or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons, except where paragraph (b) applies, which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations;
- (g) conferring by the Board, or one of its committees, with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is, or is likely to become, involved;
- (h) considering requests for confidential written advice from the ethics board under section 19.46(2) of the Wisconsin Statutes, or from any local government ethics board.

(2) No motion to hold a closed session or to adjourn from an open session into a closed session shall be adopted unless the president announces to those present at the meeting the general nature of the business to be considered in the closed session and the specific statutory exemption or exemptions by which such closed session is claimed to be authorized. No other business shall be taken up during that session.

(3) The Board shall not convene in an open session, subsequently retire to a closed session, and then reconvene into an open session within a 12-hour period, unless public notice of the subsequent open session will have been given at the same time and in the same manner as was the public notice of the initial meeting.

(4) That a closed session will be, or was, held shall be recorded in the minutes of the preceding or subsequent regular meeting.

History: Revised 11-19-15
Legal Ref.: W.S. 19.85, 19.46

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.05 PUBLIC NOTICE

(1) PUBLIC NOTICE

(a) Whenever it is known that a quorum of the Board or one of its committees may be present, public notice shall be given by the Board Clerk/Chief Officer, Office of Board Governance, or his/her designee.

(b) Any instance in which a quorum of the Board or its committees may be present must have its own notice. Such notice shall:

1. set forth the time, date, place, and subject matter of the meeting, including those items intended for consideration in a closed session;
2. be worded in a manner that reasonably apprises members of the public as to the particulars of the meeting;
3. be given to the public upon request;
4. contain the specific nature of any items that are to be considered in closed session, as well as the exemption(s) under which the closed session is authorized;
5. be posted at least 24 hours in advance of the meeting, unless it is impractical or impossible to do so; and
6. be posted at least two hours in advance of the meeting where there is good cause to give notice less than 24 hours before the meeting, as allowed by state statutes.

(2) PUBLIC NOTICE FOR A VIRTUAL MEETING

When a quorum of the Board or any of its committees must meet virtually (i.e., remotely via videoconferencing, teleconferencing, or other technological means), in addition to all other content required by law, the following information shall be included in the notice:

- (a) a statement that the meeting will be conducted virtually;
- (b) a statement as to the conditions that require remote participation;
- (c) a statement that describes the extent to which members of the public will be admitted to a physical location;
- (d) information about how the public may ~~to~~ access and monitor the meeting;
- (e) if applicable, a statement that describes the extent to which public comments will be accepted and the means by which comments may be submitted for consideration if the public will not be admitted to a physical location.

History: Revised 11-19-15, 06-25-20
Legal Ref: W.S. 19.83-19.85, W.S. 119.10 (3)
Cross Ref: Board Rule 1.02 Regular Board Meetings
 1.03 Special Board Meetings
 1.04 Executive Sessions
 1.06 Quorum and Meeting Presence
 2.03 Meeting Notices

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.06 QUORUM AND MEETING PRESENCE

(1) PURPOSE

- (a) It is the policy of the Board that the district be transparent and accountable to the public.
- (b) Every meeting of the Board or of any of its committees shall be held in a public place that is reasonably accessible to members of the public at all times, unless otherwise expressly provided by law.

(2) NOTICE

- (a) All meetings of the Board or any of its committees shall be properly noticed.
- (b) Whenever there is a reasonable probability that a quorum of the Board or any of its committees may meet, public notice shall be given.

(3) DEFINITION OF QUORUM

- (a) A quorum of the Board exists when a majority of the membership of the Board or of any of its committees is present in the same location, or in the case of a virtual meeting (see below), when such a majority is present via videoconferencing, teleconferencing, or other technological means.
- (b) A meeting of less than the majority of the members of the Board may constitute a “negative quorum” if those participating constitute a sufficient number to block action by the Board.

(4) PRESENCE IN A QUORUM

- (a) A member is present in a quorum when he or she is physically in attendance.
- (b) A member may be present in a quorum if, as provided under these rules, he or she attends or participates remotely by the use of any form of technology that allows for interactive communication.
- (c) Board members shall refrain from knowingly forming a quorum unless proper notice has been given.

(5) DEFINITION OF MEETING

- (a) A meeting of the Board or its committees shall occur whenever
 1. the number of members present constitutes a quorum, and
 2. the members present exercise the responsibilities, authority, powers, or duties delegated to or vested in the body.
- (b) The presence of a member in a meeting shall be such that the member’s participation can be accessed and monitored by all other meeting participants and by members of the public.
- (c) The definition of a meeting does not include any social or chance gathering or conference which is not intended to avoid the open meetings law, so long as no board business is conducted.

(6) ABSENCE OF CHAIRPERSON IN QUORUM

- (a) Should a quorum be assembled at the hour and place designated in the meeting notice, the chairperson or, in the absence of the chairperson, the vice-chairperson shall assume the chair and declare the meeting in order.
- (b) Should a quorum be assembled at the hour appointed, and the chairperson and vice-chairperson be absent, a member selected by those present shall serve as chairperson during the meeting or until the chairperson or vice-chairperson shall appear.

(7) RESTRICTIONS ON BUSINESS TO BE CONDUCTED BY QUORUM

- (a) No business shall be conducted in the absence of a quorum except that the members present may vote to adjourn.

(b) No business shall be conducted by a quorum when public notice has not been given.

(c) Board members shall not act in a manner that creates or alludes to a walking quorum, wherein a series of gatherings, conversations, or communication among separate groups of members results in participants agreeing, tacitly or explicitly, to act in sufficient number so as to reach a quorum. Walking quorums can be created by a series of one-on-one conversations in person, by telephone, or by successive messages transmitted digitally.

(8) MEETING PRESENCE THROUGH THE USE OF TECHNOLOGY

(a) Remote Participation by an Individual Board Member through Use of Technology

(1) Participation by individual board members by use of technology shall be at the discretion of the Board's President or committee's chairperson. Such participation shall be allowed only in instances of:

- a. personal illness or disability;
- b. inclement weather;
- c. emergencies;
- d. military service; or
- e. geographic distance.

(2) The form of technology used to conduct the meeting shall be such that:

- a. the public is able to monitor the participation of the member participating remotely; and
- b. the Chair and Board Clerk are able to confirm the identity of each member who is participating remotely.

(3) Individual participation by use of technology shall be allowed only when a quorum of the body is physically present at the meeting.

(b) Remote Participation by the Board or a Committee as a Whole through Use of Technology (Virtual Meetings)

A quorum of the Board or any of its committees may meet virtually (i.e., through videoconference, teleconferencing, or other technological means) when situations exist that make it dangerous for members to assemble in one place. Such situations may include:

1. natural disaster;
2. regional or national emergency;
3. a public health emergency as declared by local health officials or the state or federal government;
4. civil unrest.

History: Revised 11-19-15; 06-25-20
Legal Ref.: W.S. 119.10 (4), W.S. 19.81-98
Cross Ref.: Board Rule 1.05 Public Notice

RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.07 ORDER OF BUSINESS

The order of business at the Board's regular monthly meeting shall be as follows:

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Awards and Commendations
- IV. Approval of Minutes
- V. Communications from City and County Departments
- VI. Reports and Communications from the Superintendent of Schools
- VII. Reports and Communications from the Board Clerk/Chief Officer ~~Director~~, Office of Board Governance
- VIII. Reports and Communications from the Senior Director, Office of Accountability and Efficiency
- IX. Reports and Updates from the Milwaukee Board of School Directors
- X. Reports of the Independent Hearing Officers of the Milwaukee Board of School Directors
- XI. Reports of the Standing Committees
- XII. Reports of Special Committees
- XIII. Regular Items of Business
- XIV. Unfinished Business
- XV. New Business
- XVI. Communications and Petitions
- XVII. Resolutions
- XVIII. Adjournment

History: Revised 9-27-07, 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.08 MEETING AGENDAS AND REPORTS

(1) COMMITTEES' AGENDAS

(a) Committees' agendas shall be determined by the Board's President and the respective committee chairs in consultation with the Superintendent; the Board Clerk/~~Chief Officer, -Director,~~ Office of Board Governance; and the ~~Senior Director, management of the~~ Office of Accountability and Efficiency.

(b) Agendas for regular and special meetings of the Board shall be determined by the Board's President in consultation with the Superintendent; the Board Clerk/~~Chief Officer~~~~Director,~~ Office of Board Governance; and the ~~Senior Director, management of the~~ Office of Accountability and Efficiency.

(c) Unless requested by their respective authors, all resolutions submitted by board members will be scheduled for consideration at the next meeting of the respective committees to which they have been assigned following their introduction.

(d) Communications, petitions, and items of new business shall be scheduled at the discretion of the chair of the committee to which they have been assigned.

(2) COMMITTEES' REPORTS

(a) Reports of committees shall be in writing and transmitted to the Board on behalf of the chairs by the Board Clerk/~~Chief Officer~~~~Director,~~ Office of Board Governance.

(b) Reports of committees shall not be acted upon by the Board unless the meetings of such committees at which the said reports were formulated were held at least 48 hours prior to the Board's meeting at which such reports are presented and unless copies thereof shall have been sent to each board member at least 24 hours before the Board's meeting.

(c) At the request of any member of the Board, the report of any committee presenting recommendations concerning anything not previously referred to the committee by the Board may be referred back to the committee from which it originated for further consideration, except reports concerning regular business of such committees, items referred to it by another committee, or complaint communications referred to a committee by the President of the Board.

(d) A committee may hold a resolution referred to it by the Board for no longer than three regular committee meetings, unless the author agrees there is need for further study before the committee reports to the Board.

(e) Resolutions may be withdrawn by their authors at the committee level with the consent of the committee's chair and the majority vote of that committee. Annually, at the Board's organizational meeting, the Board Clerk/~~Chief Officer~~~~Director,~~ Office of Board Governance, shall provide the Board with a listing of resolutions that have been withdrawn during the past year, as well as a list of those resolutions that are still pending.

History:	Revised 6-18-97, 9-29-99, 11-19-15		
Legal Ref.:	W.S. 119.10(1), (3)		
Cross Ref.:	Board Rule	1.01	Organizational Meeting
		1.09	Regular Items of Business
		1.10	Communications, Petitions, Resolutions, New Business
		2.03	Meeting Notices
	Bd. Gov. Policy	2.07	Board Meetings: Agenda Preparation and Dissemination

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.09 REGULAR ITEMS OF BUSINESS

(1) The Board may, at the regular April and July Board meetings, give public hearing on all regular items of business, which shall replace the reports of standing committees. Regular business shall include, but may not be limited to, instructional, community relations, personnel and negotiations, finance, and facilities matters.

(2) The giving of public hearing at any other regular monthly Board meeting shall require a recorded affirmative vote of two-thirds of the Board's membership.

History: Revised 6-18-97, 11-19-15, 7-27-17
Cross Ref.: Board Rule 1.14 Voting Methods

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**RULES OF THE
MILWAUKEE BOARD OF SCHOOL DIRECTORS**

**BOARD RULE 1.10
COMMUNICATIONS, PETITIONS, RESOLUTIONS FOR
REFERRAL**

(1) Unless otherwise provided in these rules, all communications (except communications from city and county departments and communications from the Board's administrative officers), petitions, resolutions, and new business shall be referred without action to the appropriate committee for consideration and report to the Board. All reports and resolutions shall be in writing.

(2) Constituent concerns addressed to the Board may be referred by the President to the Superintendent in an attempt to settle the matter at issue without formal Board action.

(a) If such complaint is adjusted by the Superintendent, a memorandum stating the disposition of the matter shall be brought to the attention of the President and then placed with the communication of the constituent concern in the official Board files in the Office of Board Governance.

(b) If it is not possible to arrive at a satisfactory settlement within 30 days after referral of the matter by the President as provided above, the President shall be so advised, and he/she ~~shall~~ may refer the communication to a committee of the Board, which committee shall, at its next regular meeting, determine the time when it will give consideration to the matter. The committee shall report back to the Board with respect to any such complaints so referred.

(3) Any action item submitted by a board member shall be presented to the Board in the form of a resolution for consideration by the Board.

(4) All communications and petitions addressed to the Board, either directly or through its officers, shall be ~~presented to the Board introduced for referral~~ at the first regular Board meeting which follows their receipt. Communications, resolutions, and petitions which are received less than 48 hours before the time of a regular meeting may be presented at the second regular Board meeting following their receipt.

(5) The Board shall respect its commitment to work through its executive officers. Communications and petitions will be heard only after the Administration has had an opportunity to fully investigate and report its findings to the Board. Such findings shall be presented at the committee to which the item was referred and shall be scheduled at the discretion of that committee's chair.

History: Revised 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.11 AMENDMENTS TO THE RULES

(1) Proposed amendments to the Board Rules shall be presented at a regular Board meeting, at which time they shall be referred to the Committee on Legislation, Rules and Policies for its consideration and report thereon.

(2) The Committee's report with respect to such proposed amendments shall be presented to the Board and then held over until the next Board meeting, when the report shall be considered and acted upon by the Board.

(3) A recorded affirmative majority vote of the Board's membership is required for the adoption, amendment, or repeal of Board Rules.

History: Revised 11-19-15

Legal Ref: W.S. 119.18(1r)

Cross Ref: Board Rule

1.08 Committee Agenda and Reports

1.14 Voting Methods

2.08 Committee on Legislation, Rules and Policies — Powers and Duties

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.12 SUSPENSION OF RULES

A suspension of the Board Rules shall require a recorded affirmative vote of two-thirds of the Board's membership.

History: Revised 11-19-15
Cross Ref: Board Rule 1.14 Voting Methods

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.13 PARLIAMENTARY PROCEDURES

(1) The parliamentary procedures as set forth in the latest revised edition of *Robert's Rules of Order* shall govern the proceedings of the Board, unless in conflict with the state statutes or Board Rules.

(2) At the request of any board member, any motion shall be presented in written form before the motion is acted upon.

History: Revised 11-19-15

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BOARD RULE 1.14
VOTING METHODS

- (1) All votes taken by the Board shall be made by roll call, with the exception of the vote to adjourn. The names of the board members voting and their votes shall be recorded in the minutes and the printed proceedings of the Board. There shall be no secret ballots.
- (2) A recorded affirmative majority vote of the Board’s membership shall be required to:
 - (a) elect a Board president ~~and~~, vice president;
 - (b) ~~appoint a s~~Superintendent, the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, and ~~the Senior Director management~~ of the Office of Accountability and Efficiency;
 - (~~b~~c) censure a board member for misconduct in office or for violation of Board Rules;
 - (~~e~~d) dismiss a board member from office for malfeasance;
 - (~~d~~e) to grant an exception to the residency requirements for members of board advisory committees; and
 - (~~e~~f) to adopt, amend, or repeal Board Rules and district policies, unless specifically provided for elsewhere.
- (3) A recorded affirmative vote of two-thirds of the Board’s membership shall be necessary to:
 - (a) remove the Superintendent; Board Clerk/~~Chief Officer~~Director, Office of Board Governance; or the ~~Senior Director management~~ of the Office of Accountability and Efficiency from office;
 - (b) initiate an investigation of alleged misconduct, violation of Board Rules, or acts of malfeasance by a board member;
 - (c) suspend Board rules;
 - (d) amend or repeal prevailing wage rates;
 - (e) use the unassigned fund balance;
 - (f) give public hearing at any regular monthly Board meeting (not including the ~~April and July Board meetings~~); or
 - (g) request tax funds or the sale of bonds for the purpose of school construction.
- (4) A recorded affirmative vote of two-thirds of board members present shall be necessary for the earmarking of an amount in, or the transfer of money from, the Contingent Fund.
- (5) All other motions shall be carried by a majority of the board members present and voting.

History:	Revised 11-19-15, 7-27-17; 12-20-18		
Legal Ref.:	W.S. 19.88; 119.02(3); 119.10(6); 119.12(1); 119.32(1); 119.36; 119.48(1), (4)		
Cross Ref.:	Board Rule	1.01	Organizational Meeting
		1.06	Quorum
		1.09	Regular Items of Business
		1.11	Amendments to the Rules
		1.12	Suspension of Rules
		1.13	Parliamentary Procedures
		1.16	Board Officers
		1.17	President’s Duties and Powers: Ex-Officio Membership
		1.24	Board Member Censure
		1.25	Board Member Removal from Office
		1.29	Code of Conduct – Board of School Directors
		2.04	Meeting Minutes
		2.06	Committee on Accountability, Finance and Personnel – Powers and Duties
		App. B	Procedure to Censure or Remove a Board Member
	Bd. Gov. Policy	2.10	Board Advisory Committees
		2.11	District Policies – Preliminary Development and Adoption
		2.12	Board Audits – Annual Plan and Coordination
		3.01	Board Appointed Officials

Admin. Policy	4.05	Budgeting/Forecasting
	3.03	Operating Reserve
	3.04	Fund Transfer

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.15 BOARD PROCEEDINGS

(1) The Board Clerk/~~Chief Officer~~~~Director~~, Office of Board Governance, shall keep, or cause to be kept, complete records of meetings of the Board. These records shall be printed and shall be called "Proceedings of the Board of School Directors." They shall include:

- (a) a record of all actions taken by the Board, with the vote of each member recorded;
- (b) resolutions, motions, committee reports, and reports of the Superintendent, ~~and~~ the Board Clerk/~~Chief Officer, Director~~, Office of Board Governance, and the Senior Director of the Office of Accountability and Efficiency in full. Special documents relating to a formal motion may be omitted if they are referred to and identified by title and date;
- (c) a record of the disposition of all matters which the Board considered but did not take action upon.

(2) Copies of the printed proceedings shall become part of the permanent records of the Board and shall be in the custody of the Board Clerk/~~Director~~~~Chief Officer~~, Office of Board Governance. Individuals or organizations wishing to receive subscriptions to the Proceedings of the Board shall be charged a fee as determined by the Board Clerk/~~Chief Officer~~~~Director~~, Office of Board Governance, which fee shall cover the cost of paper, printing, and postage.

(3) Copies of the minutes shall be ~~made available sent~~ to all board members before the meeting at which ~~the printed proceedings they are~~ are to be approved.

(4) A court reporter shall take notes at regular meetings of the Board. The notes of the court reporter shall be kept in the Office of Board Governance.

History: Revised 11-19-15
Legal Ref: W.S. 119.18 (2)

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.16 BOARD OFFICERS

(1) In accordance with the provisions of Wisconsin Statutes, the officers of the Board shall be the President, ~~and~~ the Superintendent, and the Board Clerk. These officers shall be elected, ~~or~~ appointed, or designated, as provided by law, Board Rule, and Board Governance Policy.

(2) A recorded affirmative majority vote of the Board's membership shall be necessary to elect or appoint any officer whose election or appointment is authorized by law, Board Rules, or by Board Governance Policy. Such election or appointment shall be by roll-call vote.

(3) The salaries of the Superintendent; the Board Clerk/Chief Officer-Director, Office of Board Governance; and the Senior Director, management of the Office of Accountability and Efficiency shall be fixed by the Board.

History:	Revised 11-19-15		
Legal Ref.:	W.S. 119.10 <u>(1)</u> (2) (6); 119.32 (1)		
Cross Ref.:	Board Rule	1.01	Organizational Meeting
		1.14	Voting Methods
		1.17	President's Duties and Powers: <i>Ex Officio</i> Membership
	Bd. Gov. Policy	3.01	Board-appointed Officials

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.17 PRESIDENT'S DUTIES AND POWERS: *EX OFFICIO* MEMBERSHIP

(1) The President shall appoint standing committees to serve for one year and shall appoint all special committees whose appointment is not otherwise addressed. In cases in which, because of the absence or illness of committee members, a standing committee would be unable to meet due to a lack of a quorum, the President may appoint other board members temporarily to the committee on a meeting-by-meeting basis.

(2) The President shall preside at meetings of the Board and be responsible for the orderly conduct of all Board meetings. The President shall:

- (a) call the meeting to order at the appointed time;
- (b) announce the business to come before the Board in its proper order;
- (c) enforce the Board's policies relating to the order of business and the conduct of meetings;
- (d) recognize board members who wish to speak and protect the speaker who has the floor from disturbance or interference;
- (e) explain what the effect of a motion would be if the effect is not clear to board members;
- (f) restrict discussion to the item that has been introduced;
- (g) restrict discussion to a motion that is before the Board;
- (h) answer all parliamentary inquiries or refer such inquiries to the Board Clerk/Director, Office of Board Governance, for study and reply; and
- (i) state all motions, put motions to a vote, and announce the results, referring such activities to the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, as appropriate.

(3) The President shall have the right, as other board members have, to offer resolutions, to discuss questions, and to vote.

(4) The President shall:

- (a) sign the instruments, acts, and orders necessary to carry out State requirements and the will of the Board;
- (b) consult with the Superintendent, the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, and the ~~Senior Director, management of the~~ Office of Accountability and Efficiency in the planning of the Board's agendas;
- (c) confer with the Superintendent, the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, and the ~~Senior Director~~~~management of the~~ Office of Accountability and Efficiency on crucial matters that may occur between Board meetings;
- (d) call special meetings of the Board as necessary; and
- (e) act as the public spokesperson for the Board at all times, except as this responsibility is specifically delegated to others.

(5) In the absence of, or during the disability of, the President, the Vice President shall serve as President. In the absence of both the President and Vice President, the Board shall elect a president *pro tempore*.

(6) The President shall have the power to authorize board members to visit other school systems and to attend conventions, seminars, and similar meetings at the Board's expense. Such authorization shall be certified in writing to the Board Clerk/~~Chief Officer~~Director, Office of Board

Governance, and, when pertinent, shall state the name of the organization, purpose of the trip or meeting, destination, and the period of time involved.

- (a) All Board travel must relate to achieving the Board's strategic plan;
- (b) Board travel shall be restricted only to the funds allocated to the Board itself for such purposes. No part of the funding for any trip by a member of the Board shall be taken from the budgets of any schools or departments within MPS;
- (c) The board member shall be reimbursed for eligible expenses, as described in the district's travel policies and procedures. The board member shall reimburse the district for any expenses incurred by the district that are unrelated to the trip or that are incurred due to a board member's negligence or disregard;
- (d) Rental cars are prohibited unless the use can be demonstrated to be the least expensive or most efficient mode of travel;
- (e) Board members who travel must present their travel findings to a public hearing of the appropriate committee of the Board, and that report shall be submitted to the full Board, published in the Board's proceedings, and posted on the district's [website](#) portal;
- (f) If a board member's obligations are not met on a trip, the member must reimburse the district or appropriate source of funding;
- (g) Annually, in January, a report on MPS-paid travel by individual board members, listing each trip, its purpose, and its cost, must be distributed to the Board and made available to the public;
- (h) Once it is certain that a board member will be leaving the Board (whether through resignation, retirement from the Board, or defeat in an election), no travel expenditures may be approved for that board member for the remainder of his/her term of office.

(7) The President is a member *ex officio* of the Library Board as of his/her election to the presidency. If he/she advises the Board that he/she elects not to serve as a member *ex officio* of the Library Board, the Board shall, at the next regular Board meeting and by roll-call vote, elect one of its other members to serve as a member *ex officio* of the Library Board.

History: Revised 09-29-99, 06-26-2001, 11-19-15
Legal Ref.: W.S. 43.54(1)(am); 119.10(2)
Cross Ref.: Bd. Gov. Policy 2.04 Board Member Authority and Duties

RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.18 LEGAL REPRESENTATION

(1) The City Attorney of Milwaukee shall be the legal advisor of and attorney for the Board, except that the Board may retain an attorney to represent the Board in any matter if the Board determines that it requires specialized legal expertise not possessed by the City Attorney; if the City Attorney does not have sufficient staff to adequately represent the interests of the Board; or if a conflict of interest exists. The Board shall provide the City Attorney with reasonable notice of any Board meeting at which the Board will consider retention of an attorney.

(2) It shall be the duty of counsel to provide opinions on specific legal problems presented to him/her by the following persons:

- (a) the President of the Board or designee on the Board;
- (b) the Superintendent of Schools and such members of his/her staff as he/she may designate. A copy of each request and response from the City Attorney shall be provided to the Superintendent;
- (c) the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, and such members of his/her staff as he/she may designate. A copy of each request and response shall be provided to the Board Clerk/~~Chief Officer~~Director, Office of Board Governance;
- (d) The ~~Senior Director~~management-of-the Office of Accountability and Efficiency.

(3) Copies of all requests by any of the above named persons, as well as the responses to those requests, shall be provided to the Office of Board Governance and may be made public.

(4) The Milwaukee Board of School Directors or the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, may submit requests for confidential legal opinions. Responses to such requests shall not be made public.

History: Revised 11-19-15
Legal Ref: W.S. 119.12(6)

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.19 CONFLICTS OF INTEREST

(1) No member of the Board may be employed by the Board or by the Department of Employee Trust Funds in any capacity for which a salary is paid or compensation is received for services rendered during the term for which he/she was elected or for two years after the expiration of the term.

(2) No board member, the Superintendent, the Board Clerk/~~Chief Officer~~Director, Office of Board Governance, the ~~Senior Director, management of~~ the Office of Accountability and Efficiency, other assistants, teachers, or other employees of the Board may have any interest in the purchase or sale of property by the City for the use or convenience of the schools. Any contract which is made in violation of this provision shall be invalid, and any person violating this provision shall be removed from his/her position.

History: Revised 11-19-15
Legal Ref: W.S. 119.66

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.20 INDEMNIFICATION OF BOARD MEMBERS

(1) If a board member is made a defendant in any legal proceeding pertaining to any act performed in good faith in his/her official capacity as a member of the Board, and compensatory or punitive damages are requested as a result thereof, the Board shall fully protect and indemnify him/her against any determination of judgment which may be rendered against him/her.

(2) If a board member is made a defendant in any legal proceeding pertaining to any act performed in good faith in his/her official capacity as a member of the Board, the Board shall furnish legal counsel to represent and defend such member. If the City Attorney does not provide representation, then the Board shall provide private legal counsel to defend the member.

History: Revised 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.21 BOARD ELECTIONS

(1) The Board shall consist of one member elected at-large and eight members elected from numbered election districts as determined by the Board. The election districts shall be substantially equal in population, and the boundaries of the election district shall be drawn so as to reflect a balanced representation of people in all areas within the city.

(2) A person elected to represent a district shall reside within the boundaries of the district, except that, if a person ceases to reside within the district because the boundaries of the district are changed during that person's term of office, that person may continue to serve for the balance of the term for which he or she was elected for so long as the person resides in the school district.

(3) Before taking office, the members of the Board shall take the official oath of office and file it, duly certified by the officer administering the oath, with the City Clerk and the Board Clerk.

(4) The regular term for board members shall be four years.

History: Revised 11-19-15
Legal Ref: W.S. 119.08(1)(a), 119.08(1)(c), 119.08(3)

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.22 FULFILLMENT OF UNEXPIRED TERM

A vacancy on the Board shall be filled only by special election ordered by the Board. At such election, the vacancy shall be filled for the unexpired term. The Board shall follow the procedures under Wis. Stat. § 8.50, so far as is applicable.

History: Revised 11-19-15
Legal Ref: W.S. 119.08(4)

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.23 BOARD MEMBERS' RESIGNATIONS

A board member desiring to resign his/her seat shall submit his/her resignation in writing to the Board. The resignation shall take effect at the time indicated in the resignation or upon delivery of the resignation if no date is indicated.

History: Revised 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.24 CENSURE OF A BOARD MEMBER

(1) A majority of the Board's membership (five) may censure any member of the Board for misconduct in office or for violation of Board rules.

(2) The Board shall provide a process for investigating, hearing, and disposing of complaints against a board member.

(3) The initiation of said investigation of alleged misconduct shall require a recorded affirmative vote of two-thirds of the Board's membership.

(4) Censure of a board member for misconduct in office or for violation of Board rules shall require a recorded affirmative majority vote of the Board.

History: 11-19-15

Legal Ref.: W.S. 119.12(1)

Cross Ref.: Board Rule

1.14	Voting Methods
1.25	Board Member Removal from Office
1.29	Code of Conduct — Board of School Directors
Appendix B	Procedures to Censure or Remove a Board Member

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.25

REMOVAL OF A BOARD MEMBER FROM OFFICE

(1) The Board shall provide a process for investigating, hearing, and disposing of any concerns regarding any board member.

(2) The initiation of any investigation of alleged malfeasance misconduct shall require a recorded affirmative vote of two-thirds of the Board's membership.

(3) A recorded affirmative majority vote of Board's membership shall be required to dismiss any board member from office for malfeasance.

(4) If a board member is absent for four successive Board meetings without presenting a satisfactory reason in writing to the Board, the Board shall declare his/her seat vacant and shall fill the vacancy in the manner required by law.

History:	Revised 11-19-15
Legal Ref.:	W.S. 119.10(5); 119.12(1); 119.66; 946.12
Cross Ref.:	Board Rule
	1.14 Voting Methods
	1.19 Conflicts of Interest
	1.24 Fulfillment of Unexpired Term
	1.24 r Censure of a Board Member
	1.29 Code of Conduct — Board of School Directors
	3.01 Code of Ethics — Board of School Directors
	Appendix B Procedures to Censure or Remove a Board Member

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.26 BOARD MEMBER SERVICES

Any request by an individual board member involving substantial preparation costs and considerable use of staff time shall require approval by the Board or a committee of the Board.

History: Revised 11-19-15
Cross Ref.: Bd. Gov. Policy 2.04 Board Member Authority and Duties

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.27 BOARD MEMBER HEALTH INSURANCE

(1) While in office, board members are eligible to participate in the District's group health and dental plans, subject to payment of any required premium contributions. Board members are subject to the same premium contribution calculation as are the Superintendent, the Board Clerk/Director, Office of Board Governance, and cabinet members.

(2) Board members are eligible to continue on the District's group health insurance plans upon leaving the Board, provided that they are at least 55 years old and have served a minimum of eight full years on the Board. In such case, the board member will be considered to have retired and be covered by the administrative policies governing retiree health that are applicable to cabinet members. These administrative policies include, but are not limited to, the administrative policies regarding continuous coverage, membership, premium contributions, enrollment in Medicare, and coverage of the surviving spouse of a retired employee.

(3) While paragraph (2) above terminated on the date of the Board's 2001 organizational meeting, previous board members who were in office as of January 25, 2000, and who are already qualified for this benefit as of September 1, 1999, shall be allowed to retain this benefit.

History: Adopted 9-25-79; Revised 2-26-86, 10-29-86, 2-24-93, 4-25-96, 2-26-97, 12-19-00, 11-19-15
Cross Ref.: Admin. Policy 6.20 Contracts, Employee Benefits, and Compensation Plans

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.28 BOARD MEMBERSHIPS

(1) The Board shall be an active participant in its state and national school boards associations.

(2) The Board shall also maintain appropriate memberships in other educational organizations for the benefits that can be derived for the District. These institutional memberships shall require the recommendation of the Superintendent, the Board Clerk/~~Chief Officer-Director~~, Office of Board Governance, or the ~~Senior Director, management of the~~ Office of Accountability and Efficiency, and shall be subject to approval by the Board.

(3) In regard to the Wisconsin Association of School Boards (WASB), The Milwaukee Board of School Directors, following receipt of notice of an upcoming election from the WASB, shall elect the WASB delegate for Region 14 in September, October, November, or December of the year preceding any new three-year WASB term. If a delegate is unable to fulfill his/her designated duties to the organization, the President shall be notified, and an election shall be held at the next regularly scheduled Board meeting, and, upon the Board's approval, a replacement delegate shall be assigned as the district's representative to WASB for the interim period of appointment or unexpired term, as provided under the WASB's Bylaws.

(4) Annually, the WASB Region 14 meeting will be held in Milwaukee, regardless of whether it is held separately or in conjunction with other WASB regions.

History: Revised 10-23-08, 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 1.29 CODE OF CONDUCT — BOARD OF SCHOOL DIRECTORS

(1) STAFF RELATIONS

(a) Each board member is expected to make no attempt to exercise authority over the District, except through setting and following explicit written Board Rules and Governance Policies.

(b) While the Board expects its executive officers and their staff to give individual members common courtesy, it does not require that the executive officers or staff heed any individual member's opinions or instructions.

(c) As individual board members interact with the Superintendent's staff, they must recognize that, as individual board members, they have no authority over staff and no authority to insert themselves into staff operations, except when explicitly authorized by the Board.

1. In their dealings with district staff, at all levels, board members shall always strive to be humane, fair, and dignified.
2. No board member may place himself or herself between staff members in their disputes or negotiations.
3. No board member may attend or serve on staff committees or engage in solving staff problems.
4. No board member may become directly involved in solving a parental or constituent's concern at the staff level. Board members will ensure that the Superintendent is informed of the issue so that he or she may have appropriate staff members respond.

(d) Nothing contained in the preceding section (c) is intended to restrict or discourage normal and open communication among the Board, staff, or community.

(2) CONDUCT IN MEETINGS

(a) The Board shall conduct meetings in accordance with the parliamentary procedures set forth in the latest revised edition of *Robert's Rules of Order*, unless in conflict with the state statutes or Board Rules or Governance Policies.

(b) Board members shall adhere to the standards of conduct set forth in the section of *Robert's Rules of Order* on Decorum in Debate (§43), including the following standards:

1. confining remarks to the merits of the pending question;
2. refraining from attacking a board member's motives;
3. addressing all remarks through the chairperson;
4. avoiding the use of members' names;
5. refraining from speaking adversely on a prior action not pending;
6. refraining from speaking against one's own motion;
7. reading from reports, quotations, etc. only without objection or with permission;
8. yielding the floor during an interruption by the Chairperson; and
9. refraining from disturbing the assembly.

(c) Board members shall refrain from using an official meeting of the Board for any purpose other than the business stated in the call of the meeting. Prohibited activities include election-related campaigning on one's own behalf or on behalf of others and activities prohibited in the Board's Code of Ethics.

(d) The Chairperson shall adhere to the rule against his/her participation in debate, including the making of motions, while presiding and shall relinquish the chair according to the Rules Governing Debate (§43) in *Robert’s Rules of Order*.

(e) The Chairperson shall use the powers of the chair to enforce this Code of Conduct.

(f) Board members shall have the right to request during a meeting that the Chairperson enforce this Code of Conduct and to seek further relief, including censure of the offending member, if the violation is not satisfactorily addressed at the time of its occurrence.

(3) INVESTIGATION OF ALLEGED MISCONDUCT

The initiation of any investigation of alleged misconduct, violation of Board Rules, or acts of malfeasance shall require a recorded affirmative vote of two-thirds of the Board’s membership.

(4) ACKNOWLEDGEMENT

All newly seated board members shall be asked to sign a copy of the Code of Conduct, indicating that they agree to adhere to its provisions.

History: Adopted 04-05-2005; revised 11-19-15
 Previous Coding: Board Rule 3.02: Code of Conduct — Board of School Directors
 Legal Ref.: W.S. 119.12(1)
 Contract Ref.:
 Cross Ref.: Board Rule 1.13 Parliamentary Procedures
 1.14 Voting Methods
 1.24 Board Member Censure
 3.01 Code of Ethics — Board of School Directors
 Bd. Gov. Policy 2.04 Board Member Authority and Duties

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**BOARD RULE 1.30
VIRTUAL MEETINGS**

(1) DEFINITION

A virtual meeting occurs when a quorum of the Board or its committees, regardless of location, use video and audio technology to conduct a meeting by means that allow them to share information and data in real time without being physically located together.

(2) PRESENCE IN VIRTUAL MEETINGS

(a) A quorum of the Board or any of its committees may meet virtually (digitally) when situations arise that make it dangerous for members to assemble in one place. Such situations may include:

1. natural disaster;
2. regional or national emergency;
3. a public health emergency as declared by local health officials or the state or federal government;
4. civil unrest.

(b) Should the roll call determine that a quorum of the Board or committee is not able to participate remotely, the only action that may be taken is to adjourn.

(c) Should a quorum of the body be unable to maintain its connection to the meeting, the meeting must be adjourned.

(d) Should the means by which the public may access and monitor an open session of the meeting become unavailable, the meeting must be adjourned.

(3) Conducting a Virtual Meeting

(a) No virtual meeting shall be conducted unless it has been properly noticed, in accordance with applicable state statutes and Board Rules.

(b) The parliamentary procedures as set forth in the latest revised edition of *Robert's Rules of Order* shall govern the proceedings of the Board, except where superseded by state or federal law or by Board Rule. Board members shall have the same rights and privileges as they would in an in-person meeting.

(c) Voting by proxy shall not be allowed.

(d) The platform used to conduct a virtual meeting must

1. enable the public to view and monitor any part of the meeting occurring in-open session; and
2. enable the Chair and Board Clerk to confirm the identity of members who are participating remotely.

(e) Platforms, such as texting or instant-messaging, that do not enable both the participants and the public to view and to monitor the meeting may not be used.

(4) CLOSED SESSIONS IN A VIRTUAL MEETING

(1) The Board may convene a virtual closed session only in instances of emergency.

a. After a motion has been made and seconded to conduct a closed session, but before the roll call vote has been taken, each member shall be polled to affirm that he/she has taken precautions to ensure that

1. the closed session is not being recorded; and
2. no one but the member can hear or access the discussions or other confidential information.

b. Members of the Board may take the responses to the poll into account in determining whether to vote in affirmation of conducting a closed session virtually. The virtual format of a closed session shall not negate the need to maintain confidentiality.

(2) The Board may not convene a virtual closed session without a quorum of the Board participating in the virtual meeting. Should the body lose its quorum while a closed session is in progress, the session must adjourn.

History: Adopted 6-25-2020
Legal Ref.: W.S. 19.81-98; 119.10(4)
Cross Ref.: Board Rule 1.02 Regular Board Meetings
1.03 Special Board Meetings
1.04 Executive Sessions
1.05 Public Notice
1.06 Quorum and Meeting Presence
2.02 Committee Meetings
2.03 Meeting Notices

RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.01 STANDING, SPECIAL, AND FUNCTIONAL COMMITTEES

(1) STANDING COMMITTEES

(a) There shall be five regular standing committees of the Board:

- the Committee on Parent and Community Engagement;
- the Committee on Student Achievement and School Innovation;
- the Committee on Strategic Planning and Budget;
- the Committee on Legislation, Rules and Policies; and
- the Committee on Accountability, Finance, and Personnel.

(b) The powers and duties of each of these committees are provided later in these Board Rules (see Board Rule 2.05ff).

(c) The Committees on Parent and Community Engagement; on Student Achievement and School Innovation; on Legislation, Rules and Policies; and on Accountability, Finance, and Personnel shall have five members each.

(d) All board members shall be members of the Committee on Strategic Planning and Budget.

(2) SPECIAL COMMITTEES AND SUBCOMMITTEES

(a) Special committees consisting of board members and/or other persons may be appointed by the Board or by the Board's President from time to time.

(b) All standing committees may appoint subcommittees, as needed, consisting of committee members and others.

(c) Special committees and subcommittees shall handle only such matters as are referred to them and, unless otherwise provided, shall report to the Board or, if appointed by committees, to the committees by which they were appointed.

(d) Special committees and subcommittees shall be subject to state statutes and Board Rules and district policies.

(3) FUNCTIONAL COMMITTEES

(a) Functional committees shall handle matters as set forth in a committee charge and shall consider major district initiatives or issues, making periodic reports to the Board.

(b) Functional committees may be appointed by the Board or by the Board's President.

(c) Functional committees may consist of no less than three and no more than seven board members.

(d) No more than three functional committees shall exist at any given time during a Board year.

History: Revised 6-27-02, 07-29-10, 11-19-15
Legal Ref.: W. S. 119.10(2), (3); 119.12; 119.16; 119.18

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.02 COMMITTEE MEETINGS

(1) Unless otherwise ordered by the respective chair, standing committees shall meet at 56:30 p.m., or pursuant to the according to a schedule adopted by the Board on an annual basis.

(2) The Committees on Parent and Community Engagement, on Student Achievement and School Innovation, and on Accountability, Finance, and on Personnel shall meet monthly, except in April and July.

(3) The Committees on Strategic Planning and Budget and on Legislation, Rules and Policies shall meet at the call of the chair.

(4) Special meetings of committees and meetings of special and functional committees shall be held at the call of the respective committee chairs or upon the written request of two committee members. Such request from committee members shall state the time, place, and purpose(s) of the meeting.

(5) No meetings of the Board or its Committees shall be scheduled on any election day, including days of primary elections.

(6) All meetings shall take place in the auditorium of the Central Services building unless otherwise noticed.

History: Revised 6-27-02, 7-29-10, 11-19-15, 7-27-17

Cross Ref.:	Board Rule	1.06	Quorum
		1.08	Committee Agendas and Reports
		2.01	Standing, Special, and Functional Committees
		2.03	Meeting Notices

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.03 MEETING NOTICES

(1) The Board Clerk/~~Chief Officer~~Director, Office of Board Governance, shall notify Board members of all meetings of the Board and its committees.

(2) Except in very rare and special circumstances, as allowed by Wisconsin's open meeting laws, the notice of a meeting — which shall state the time, place, and purpose of the meeting — shall be given in person, delivered, transmitted electronically, or mailed so as to reach board members not less than 24 hours before the meeting is to take place.

(3) The Board Clerk/~~Chief Officer~~Director, Office of Board Governance, shall also notify all board members of any cancelled meetings of the Board or its committees.

(4) The provisions of paragraph (2), above, relating to notices of meetings, shall also apply to notices of adjourned committee meetings when the adjournment is for a period exceeding 24 hours.

History: Revised 11-19-15
Legal Ref: Wis. Stats., §§19.83 and 19.84
Cross Ref: Board Rule 1.05 Public Notice
2.02 Committee Meetings

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.04 MEETING MINUTES

(1) An audio recording of each regular meeting of the Board and its committees shall be made, and a verbatim transcript of meetings of the Board shall be made. Additionally, where required by legal reasons or judged advisable by the committee's chair, a verbatim transcript of a committee meeting shall be made.

(2) These verbatim transcripts shall be bound and kept in the custody of the Office of Board Governance.

(3) Except for meetings of the Board, or portions thereof exempted from disclosure under state and federal law, such recordings and transcripts, although they do not constitute official actions by the Board, are nevertheless public records and shall be available for inspection or sale in the Office of Board Governance during regular office hours. The price of these recordings and transcripts shall be fixed by the Board Clerk/Chief Officer, ~~Director~~, Office of Board Governance, with the expense of duplication being given primary consideration. All such audio recordings ~~tapes~~ or transcripts sold must contain the statement that they are recordings or transcripts only and do not constitute official actions by the Board.

(3) The notes of the court reporter or of the Board Clerk, as well as audio recordings of meetings of the Board and its committees, shall be kept permanently in the custody of the Board Clerk/Chief Officer~~Director~~, Office of Board Governance.

History: Revised 11-19-15
Legal Ref.: W.S. 16.61(3)(e), 19.21(6) (7); 19.32(1); 19.35; 19.36; 19.55; 119.18(2), (22)
Cross Ref.: Board Rule 1.02 Regular Board Meetings
1.03 Special Board Meetings
1.15 Board Proceedings
2.02 Committee Meetings
Bd. Gov. Policy 4.15 Records Management
Admin. Policy 9.13 Records Retention and Destruction
MPS Records Retention Schedule

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.05 COMMITTEE ON PARENT AND COMMUNITY ENGAGEMENT — POWERS AND DUTIES

The Committee on Parent and Community Engagement shall have the following powers and duties.

(1) SPECIAL NEEDS PROGRAMS

(a) The Committee on Parent and Community Engagement shall monitor and assess the District's and schools' progress in meeting state and federal mandates, as well as the Board's goals and standards in all matters relating to serving students with special needs.

(b) The Committee on Parent and Community Engagement shall consider, evaluate, and monitor the District's and schools' compliance with legal responsibilities, reform initiatives, and recommendations of parent and advocacy groups, as well as the District's development of policy in the area of special education.

(c) The Committee on Parent and Community Engagement shall have oversight responsibility relative to the monitoring of organizational performance for all departments, functions, initiatives, schools, and district services, and activities pertaining to students with special needs.

(d) The Committee on Parent and Community Engagement shall review all reports issued relating to special education to ensure that departments, divisions, and schools implement recommendations for internal control, compliance, and program effectiveness so that the Board can assure the public that all special education programs and operations are effectively serving students with special needs.

(2) COMMUNITY AND PARENTAL INVOLVEMENT

The Committee on Parent and Community Engagement shall address all issues involving Title I, recreation, parental involvement, community learning centers (CLCs), community partnerships, and all other parental and community concerns addressed at public hearings.

History: Adopted 06-27-02; Revised 07-29-10, 11-19-15
Legal Ref.: W.S. 115, V; 119.04(1); 20 U.S.C. 1400
Cross Ref.: Board Rule 1.08 Committee Agendas and Reports
2.01 Standing, Special, and Functional Committees

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.06 COMMITTEE ON ACCOUNTABILITY, FINANCE, AND PERSONNEL — POWERS AND DUTIES

The Committee on Accountability, Finance, and Personnel shall have the following powers and duties.

(1) ACCOUNTABILITY AND AUDITS

(a) The Committee on Accountability, Finance, and Personnel shall monitor and assess the progress of the District and its schools in meeting the Board's goals and standards, including performance and program audits and other assessment reports.

(b) The Committee on Accountability, Finance, and Personnel shall consider the District's accountability plan, the district report card, monitoring of reform initiatives, and monitoring of decentralization.

(c) The Committee on Accountability, Finance, and Personnel shall have oversight responsibility relative to the monitoring of organizational performance for all department, functions, initiatives and schools.

(d) The Committee on Accountability, Finance, and Personnel shall consider financial analysis reports and financial audits and monitor compliance with executive limitations.

(e) The Committee on Accountability, Finance, and Personnel shall have oversight of all district audit activities. It shall review the reports of the Office of Board Governance/Audit Services, (including reports issued by external auditors), as well as reports of the Office of Accountability and Efficiency and of the Administration to ensure that departments, divisions, and schools implement recommendations regarding internal control, compliance, economic sufficiency, and program effectiveness so that the Board can assure the public that all operations and programs funded with public resources are operating effectively, efficiently, and economically.

(f) The Committee on Accountability, Finance, and Personnel shall have all of the Board's books and accounts audited annually by a certified public accountant and shall transmit the respective audits and reports to the Board at its regular meeting within two months after the audit is issued. The audit shall include a report by the certified public accountant on observations and recommendations relating to internal controls and other accounting, administrative, and operating matters.

(2) FINANCES

(a) The Committee on Accountability, Finance, and Personnel shall consider and make recommendations to the Board on all financial matters pertaining to the Board's Contingent Fund, contracts, bids required by law or district policy, modification of technology, student transportation, and attendance-district boundaries;

(b) The Committee on Accountability, Finance, and Personnel shall recommend fund-transfer policies, specifying those transfers that may be authorized by the Superintendent and those which require the Board's review and approval.

(3) FACILITIES

The Committee on Accountability, Finance, and Personnel shall consider and make recommendations to the Board on all facilities matters, including building repairs, alterations and improvements, improvement of grounds, purchases, development of sites, erection of new buildings, additions to buildings, and major alterations and remodeling. No site shall be purchased or leased, nor shall any building be erected or materially altered or remodeled, without resolution duly recommended

by the Committee and passed by the Board, except as the Board shall otherwise provide for in its policies.

(4) PERSONNEL MATTERS

(a) Appointments, Promotions, and Transfers

1. Overview

a. The Committee on Accountability, Finance, and Personnel shall consider and make recommendations to the Board on all personnel matters, including matters pertaining to the appointment of all full-time and regular part-time employees as required by law or district policies; approval of personnel transactions as required by law or district policies, including appointment of probationary personnel; and allocation of appropriated funds for new and vacant positions and student personnel.

b. In conformity with and subject to the provisions of sections 119.18 and 119.32 of the Wisconsin Statutes, the employment, classification, transfer, and promotion of all employees included thereunder shall be acted upon by the Board upon recommendation of an executive officer and approval by the Committee. Classifications and transfer refer to the various groups and divisions of the salary schedules.

2. Probationary Appointments

Before the monthly meetings of the Committee in December and May, and at such other times as may be necessary, it shall be the duty of the Committee to receive from the Superintendent a report of certificated and recreation and community-education personnel serving on the probationary list who are recommended for continued employment. Upon the Committee's recommendation, the Board shall consider and approve all recommendations.

3. Salary Schedules

a. The Committee shall consider all proposals or requests for revisions or changes in salary schedules and shall make recommendations thereto. Upon recommendation by the Committee, the Board shall annually determine and fix salary schedules for all of its employees — except the prevailing wage rates, which may be amended by the Board as needed. (A recorded affirmative vote of two thirds of the members of the Board shall be required for the amendment or repeal of the provision concerning the amendment of prevailing wage rates).

b. All schedules of salaries annually fixed by the Board shall be adopted for the same period and on the same year-basis as is the annual school budget adopted by the Board.

4. Salary Increases

No increase in salary without change in duties and responsibilities — other than automatic training and service increments provided for in salary schedules and increases based on Board-approved changes in the prevailing wage rates — shall be granted, except upon recommendation of the Committee and approval of the Board or by special action of the Board.

5. Teachers' Examination and Appointment

a. The examination of teachers shall be conducted by the Superintendent and his/her assistants, and the results of such examination shall be available for inspection by the Committee.

b. All appointments shall be to the unassigned list. Assignments shall be made by the Superintendent.

(b) Employee Discipline

The Committee on Accountability, Finance, and Personnel shall consider and make recommendations to the Board on all disciplinary and evaluation matters as currently set forth in the

MPS Employee Handbook, as well as those matters specified in the Administrators and Supervisors Council's grievance procedures and on the processes for evaluation of principals and teachers.

(c) Student Rights and Discipline

The Committee on Accountability, Finance, and Personnel shall review the student rights policy, student discipline, and student complaints.

(5) SCHOOL CLIMATE AND SAFETY

(a) The Committee on Accountability, Finance, and Personnel shall consider, monitor, assess, and make recommendations to the Board on all matters pertaining to school and district safety and security.

(b) The Committee on Accountability, Finance, and Personnel shall review, monitor, and make recommendations to the Board on all district safety and security plans and procedures, including emergency plans and procedures related to fire, safety, and health codes and statutes.

(c) The Committee on Accountability, Finance, and Personnel shall consider, review, and monitor all school climate and culture issues that present safety concerns, including neighborhood safety issues that could impact on schools and on the District.

(d) The Committee on Accountability, Finance, and Personnel shall receive and consider the recommendations of community partners, City departments, and other non-MPS entities that relate to district safety and climate issues.

(e) The Committee on Accountability, Finance, and Personnel shall consider and make recommendations regarding transportation safety and safe-passage matters.

History: Revised 07-29-10, 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.07 COMMITTEE ON STRATEGIC PLANNING AND BUDGET — POWERS AND DUTIES

- (1) The Committee on Strategic Planning and Budget shall consider and make recommendations to the Board on all matters pertaining to budget development;
- (2) The Committee on Strategic Planning and Budget shall consider the School Operations, Food Services, Categorical Aids, Extension, and Construction Fund budgets prepared by the Superintendent and shall make recommendations to the Board with respect thereto. Copies of the proposed budgets shall be furnished to each board member before the Board’s statutory public hearing on the proposed budgets.
- (a) Each year, the Board shall hold a public hearing on the proposed school budgets for the next fiscal year.
 - (b) The hearing shall be held at a time fixed by the Board, which shall be at least five days before making its annual budget report to the Common Council, on or before the first Monday in August each year.
- (3) The Committee on Strategic Planning and Budget shall be responsible for the development of strategic planning processes and plans.
- (4) The Committee on Strategic Planning and Budget shall have oversight relative to the annual audit plan.

History:	Revised 11-19-15	
Legal Ref.:	W.S.119.04(1); 119.16(8), (9); 119.44(1)	
Cross Ref.:	Board Rule	1.08 Committee Agendas and Reports
		2.01 Standing, Special, and Functional Committees
	Bd. Gov. Policy	2.03 Board Powers and Duties
		2.05 Annual Board Planning Cycle
		2.12 Board Audits: Annual Plan and Coordination
		4.05 Budgeting/Forecasting
Admin. Policy	4.06	Financial Condition
	3.01	Annual Operating Budget

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.08 COMMITTEE ON LEGISLATION, RULES AND POLICIES — POWERS AND DUTIES

(1) The Committee on Legislation, Rules and Policies shall consider proposed local, state, and federal legislation affecting the Milwaukee Public Schools and make recommendations to the Board relative thereto. It shall also consider proposed changes in laws, the Board's policy manual, and administrative rules affecting education generally and, to the extent deemed advisable by the Committee, make recommendations to the Board with respect thereto.

(2) In the absence of official action with respect to representation on policy matters, the chair of the Committee on Legislation, Rules and Policies, or his/her designee, shall attend meetings of city, county, and state officials and departments when the Board is to be represented at such meetings and, if deemed advisable or necessary, shall report its findings to the Committee and/or the Board. The Committee shall also consider and make recommendations to the Board on proposed amendments to the rules and codification of Board policies.

Cross Ref.: Board Rule 1.11

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.09 LEGISLATIVE REPRESENTATION

(1) The chief lobbyist shall be the Board's legislative representative, but the Committee on Legislation, Rules and Policies may arrange for such additional representation as it may deem advisable.

(2) Members of the Board and those persons authorized to speak on its behalf with respect to legislation being considered by the Wisconsin legislature or committees thereof shall be guided by the position taken by the Board — or by the Committee on Legislation, Rules and Policies in the interim between Board meetings — with respect thereto.

(3) Individual board members are free to express their personal opinions to other legislative bodies, but in doing so should clearly delineate when they speak for themselves and when they represent the Board.

History: Revised 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.10 COMMITTEE ON STUDENT ACHIEVEMENT AND SCHOOL INNOVATION — POWERS AND DUTIES

(1) The Committee on Student Achievement and School Innovation shall consider and make recommendations to the Board on emerging issues and new ideas in education and their relationship to achievement of the Board's goals and standards.

(2) The Committee on Student Achievement and School Innovation shall serve as the primary vehicle for discussing programs, initiatives, reforms, and other subjects needing public input.

(3) The Committee on Student Achievement and School Innovation shall consider instructional reform issues and plans, charter school and partnership school proposals and contracts, innovative school proposals, proposals and plans for closing/reconstituting schools, graduation standards and benchmarks, K-12 learning goals and curriculum reform; establishment of measurement criteria or standards; non-routine, futuristic instructional items; decentralization initiatives; and development in the area of its focus.

History: Revised 07-29-10, 11-19-15

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 2.11 ADVISORY COMMITTEES

The Board may create advisory committees for the purpose of establishing better communication with, and involvement of, the community in dealing with particular needs. The Board president shall have authority to appoint these committees.

History: Revised 11-19-15
Cross Ref: Bd. Gov. Policy BG 2.10 Board Advisory Committees

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 3.01

CODE OF ETHICS — BOARD OF SCHOOL DIRECTORS

Board members recognize that they are public officials who are accountable to the residents of the City of Milwaukee. As such, board members will maintain the highest standards of ethical conduct, avoiding both the actuality and the appearance of a conflict of interest. This Code of Ethics is intended to support board members in the achievement of such standards.

(1) GENERAL STATEMENT OF BOARD ETHICS

(a) The Board operates under the laws and constitutions of the State of Wisconsin and of the United States of America. Board members recognize that they represent the people within the jurisdiction of MPS for the primary purpose of educating students of the District and carrying on such ancillary functions mandated by state law, or made discretionary under the law, but authorized by the Board. Board members shall take no private action that will compromise the District, the Board, or the Administration.

(b) Board members shall further recognize that they have fiduciary responsibilities to the District. A board member shall not engage in conduct that would be likely to injure the good name of the Board or District; to hamper or interfere with the Board's work; or to expose the District to legal liability. Board members should strive to exercise their best judgment regarding the interests of the District.

(c) Board members will act cooperatively, bearing in mind the best interests of the people in the jurisdiction of MPS and of the students whom the Board serves. This ethical stance, however, should not inhibit or discourage differences of opinion among board members as they deliberate how to best serve the interests of the people or to achieve the goals to be reached; nor is this stance to be considered an inhibition of board members' attempts to improve and change state or federal laws, District policies or Board Rules, or methods employed in the educational process.

(d) Individual board members are free to express their personal opinions to other legislative bodies, but in doing so should clearly delineate when they speak for themselves and when they represent the Board.

(2) RELATIONSHIP OF THE BOARD TO ITS EXECUTIVE OFFICERS

(a) The Board recognizes that its primary function is to determine the district policies and processes by which the educational process is accomplished; to review those policies and processes from time to time; and to investigate their effectiveness, as needed. Policy determination includes, among other things, hiring personnel to administer and to operate the District and the delegation of authority to proper personnel to ensure that others follow the District's policies.

(b) Board members should adhere to the "division-of-labor" principle implicit in the organization of public education that assigns legislative, policy making, and judicial functions to the Board and that delegates administrative responsibilities and the detailed, technical duties of management to its executive officers. A board member shall not interfere with the administration or implementation of district policies by its chief executive officers, who are the Superintendent, the Board Clerk/Chief Officer, ~~Director~~, Office of Board Governance, and the Senior Director, ~~management of the Office of Accountability and Efficiency, or their designees.~~

(c) Board members should respect the Board's commitment to work through its chief executive officers by requesting desired information about the schools directly from them; referring suggestions for new district policies to them for their professional advice; giving such officers an opportunity to fully investigate and respond to concerns; refraining from making recommendations with respect to

appointment and promotions of employees; and wholeheartedly supporting approved actions of the chief executive officers.

(d) Board members are free to contact any MPS employee for information that will assist in carrying out a board member's responsibilities. Additionally, any MPS employee may contact a board member to offer information which the employee reasonably believes would aid the board member in his/her responsibilities. In all such contact, the board member shall be cognizant of the need to not interfere with the employee's job responsibilities or the chain of command. This Rule shall not be taken as permission for employees to harass Board members.

(e) The Board will seek to keep itself informed of the functioning of the school system through information received from its chief executive officers. The Board, however, may, under special circumstances, require other junior administrators to report to the Board on specific matters.

(f) Board members shall maintain the confidentiality of information that is protected from disclosure by law, including information disclosed in executive sessions that are held pursuant to the Wisconsin Open Meetings Law.

(g) The Board will also welcome public comments to learn the effect of its rules and district policies in practice. Inquiries or concerns addressed to individual board members should be shared as appropriate with the Superintendent; the Board Clerk/~~Chief Officer~~Director, Office of Board Governance or the ~~Senior Director, management of the~~Office of Accountability and Efficiency.

(3) PROFESSIONAL DEVELOPMENT

Board members will continue to keep themselves informed about developments in educational theory, policy, practice, and legislative developments. They will be alert to the nature and character of educational issues, especially within the Board's jurisdiction and in the State of Wisconsin. Board members, therefore, as a district policy, will support in-service educational opportunities for staff and participate in the work of school board associations and educational associations.

(4) MEETING ATTENDANCE

Board members recognize their responsibilities to attend regular Board and committee meetings in order to function effectively.

(5) GIFTS AND GRATUITIES

Gifts and gratuities shall be defined as any goods or services for which a monetary value may be assessed. No board member shall accept any gift or gratuity from any person, group, or firm that does business with, or is currently attempting to do business with, the District.

(6) CONSULTING AND HONORARIA

Board members meet with people, clubs, conventions, special interest groups, and school and parent groups as a regular part of their duties. As such, board members may not receive any payment or honorarium in exchange for meeting with individuals or organizations or for participating in events sponsored by them. Board members may, however, accept lodging, transportation, and refreshments. Board members receiving such items in the course of performing their duties must file a disclosure statement within 30 days, listing the circumstances under which the items were received and the approximate value thereof if the value exceeds \$25.

(7) CONFLICTS OF INTEREST

(a) Board members shall refrain from any private business or professional activity that would create conflict between their personal interests and the interests of MPS.

(b) Board members shall discharge their duties without favor and shall refrain from engaging in any outside matters of financial or personal interest that are incompatible with the impartial and objective performance of their duties.

(c) A board member may not take any official action pertaining to a matter in which the board member or a member of his/her family has a substantial financial interest.

(d) Board members shall not, directly or indirectly, seek or accept personal gain that would influence, or appear to influence, the conduct of their official duties.

(e) During his/her elected term, and for two years thereafter, no board member may be employed by the Board or by the Wisconsin Department of Employee Trust Funds (ETF) in any capacity for which a salary is paid by the Board or ETF. No board member may have any interest in the purchase or sale of property by the City for the use or convenience of the schools. Pursuant to section 119.66 of the Wisconsin Statutes, any violations within this subsection shall result in a board member's removal from office.

(f) If any Board member, or any member of his/her immediate family, is employed by, or is an agent of, a vendor who supplies or seeks to supply goods and services to MPS, the board member shall disclose this relationship on a form supplied by the Office of Board Governance.

(8) NEPOTISM

(a) No board member shall vote to employ or contract with any person who is related to him/her by blood (whole or half-blood) or who is related by marriage to that board member, or use his/her status as a board member to influence the employment, appointment, evaluation, transfer, or promotion of any such relative to a position of employment with MPS.

(b) A person "related by blood" shall be defined as father, mother, brother, sister, son, daughter, uncle, aunt, nephew, niece, grandchild, grandparent, or first cousin, and shall include legal guardianships as well as legal adoptions.

(c) A person "related by marriage" shall be defined as husband, wife, son-in-law, daughter-in-law, brother-in-law, wives of brothers-in-law, sister-in-law, husbands of sisters-in-law, father-in-law, mother-in-law, step-child, and step-parent.

(9) SANCTIONS

Board members are alerted to additional provisions in the Wisconsin Statutes governing conduct in office, which include:

- (a) Sections 946.12 and 946.13, which list activities of misconduct in public office and prohibit private interests in public contracts, respectively. An individual found in violation of either section is guilty of a Class I felony; and
- (b) Section 118.12(2), which prohibits receiving, selling, promoting, or soliciting the sale of any goods or services while on district property or at a district activity. An individual found in violation of this section is subject to a forfeiture of \$200.00 for each offense.

History: Adopted 12-18-91; Updated 4-20-95; Revised 2-26-97, 11-19-15
 Legal Ref: W.S. 19.45; 19.46(1)(a); 19, V; 118.12; 119.66; 946.12; 946.13
 Cross Ref: Board Rule 1.29 Code of Conduct – Board of School Directors

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

BOARD RULE 3.02 CODE OF CONDUCT — BOARD OF SCHOOL DIRECTORS

(1) STAFF RELATIONS

(a) Each Board member is expected to make no attempt to exercise authority over the organization except through setting and following explicit written Board policies.

(b) While the Board expects the superintendent and staff to give individual members common courtesy, it does not require that the superintendent and staff heed any individual member's opinions or instructions.

(c) Individual members' interactions with the superintendent or staff must recognize that individual members have no authority over staff and no authority to insert themselves into staff operations except when explicitly authorized by the Board.

1. In their dealings with district staff, at all levels, Board members shall always strive to be humane, fair, and dignified.
2. No member of the Board can place himself or herself between staff members in their disputes or negotiations.
3. No member of the Board can attend or serve on staff committees or engage in solving staff problems.
4. No member of the Board may become directly involved in solving a parental or citizen complaint at the staff level. Board members will ensure that the superintendent is informed of the issue so that he or she may have appropriate staff members respond.

(d) Nothing contained in the preceding section (c) is intended to restrict or discourage normal and open communication among the governing board, staff, and community.

(2) CONDUCT IN MEETINGS

(a) The Board will conduct meetings in accordance with the parliamentary procedures set forth in the latest revised edition of *Robert's Rules of Order*, unless in conflict with the state statutes or the Board's rules.

(b) Board members will adhere to the standards of conduct set forth in the section of *Robert's Rules of Order* on Decorum in Debate (§43), including the following standards:

1. confining remarks to the merits of the pending question;
2. refraining from attacking a member's motives;
3. addressing all remarks through the chairperson;
4. avoiding the use of members' names;
5. refraining from speaking adversely on a prior action not pending;
6. refraining from speaking against one's own motion;
7. reading from reports, quotations, etc. only without objection or with permission;
8. yielding the floor during an interruption by the chairperson; and
9. refraining from disturbing the assembly.

(c) Board members will refrain from using an official meeting of the Board for any purpose other than the business stated in the call of the meeting. Prohibited activities include election-related campaigning on one's own behalf or on behalf of others, and activities outlined in the Board's Code of Ethics.

(d) The Chairperson will adhere to the rule against his/her participation in debate, and will relinquish the chair according to the Rules Governing Debate (§43) in *Robert's Rules of Order*.

(e) The Chairperson will use the powers of the chair to enforce this Code of Conduct.

(f) Board members have the right to request during a meeting that the Chairperson enforce this Code of Conduct and to seek further relief, including censure of the offending member, if the violation is not satisfactorily addressed at the time of its occurrence.

(3) INVESTIGATION OF ALLEGED MISCONDUCT

The initiation of any investigation of alleged misconduct shall require an affirmative vote of two-thirds of the entire membership of the Milwaukee Board of School Directors.

(4) ACKNOWLEDGEMENT

All newly seated members shall be asked to sign a copy of this Code, indicating that they agree to adhere to its provisions.

History: Adopted 04-05-2005
Cross Ref.: Board Rule 3.01 Code of Ethics — Board of School Directors

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

APPENDIX A: PROCEDURES FOR APPEALS OF EMPLOYEE DISCIPLINARY HEARINGS

(1) FILING OF REQUEST FOR APPEAL

(a) The employee may appeal the decision of the Independent Hearing Officer (IHO) to the Milwaukee Board of School Directors (Board). The Administration, at the request of the appropriate executive officer, may also appeal the decision of the Independent Hearing Officer (IHO) to the Board. The appeal must be filed, in writing, with the Office of Board Governance within ten workdays of receipt of the IHO's decision. An appeal to the Board is permitted only in matters involving an employee's termination, disciplinary demotion, a disciplinary suspension in excess of five workdays without pay, or workplace safety issues.

(b) The appeal must specifically state the basis for the appeal, including the issues, concerns, and any information regarding why the appellant feels that the IHO's decision was arbitrary and capricious. The appeal must be based on the record before the IHO and shall not introduce evidence or arguments that were not presented to the IHO.

(2) STANDARD OF REVIEW

The standard of review for the Board is whether or not the decision of the IHO was arbitrary and capricious. A decision will be considered arbitrary and capricious if it is a willful and unreasonable action, without consideration or in disregard of facts, or without determining principle. If the decision was not arbitrary and capricious, then the Board is required to find on behalf of the prevailing party.

(3) REVIEW BY BOARD

The Board will not take additional testimony or evidence. The opposing party may file a response to the letter of appeal within ten (10) workdays of receipt of the appeal. The Board will decide whether the IHO reached an arbitrary and capricious decision based on the information presented to the IHO, the letter of appeal, and the opposing party's response. The Board shall, in each situation, assign an impartial advisor to review the paper record and, within 20 workdays of the due date of the opposing party's response, create a summary and recommendation for the Board's review.

(4) DELIBERATIONS

(a) The Board shall retire into executive session and deliberate upon and consider the impartial advisor's summary and recommendation, to determine, based upon that summary and recommendation, whether the IHO reached an arbitrary and capricious decision. The record from the hearing before the IHO will also be available to the Board.

(b) If the Board determines that the IHO did not reach an arbitrary and capricious decision, the Board will sustain the IHO.

(c) If the Board determines that the IHO reached an arbitrary and capricious decision, the Board will, in its sole discretion:

1. review the written record from the hearing before the IHO and make an independent decision based on that record; or
2. hold a Board appellate hearing and make a decision based on the arguments presented at the hearing. If the Board decides to hold a Board appellate hearing, the Board appellate hearing will be held in accordance with the guidelines set forth in the attachment to this Appendix A (*see below*).

(5) DECISION OF THE BOARD

(a) The Board’s written decision will be made within forty-five (45) workdays, or as soon as is practicable, of receipt of the impartial advisor’s summary and recommendation, or the conclusion of the written review or the Board appellate hearing.

(b) The Board’s written decision regarding the appeal will state whether the IHO is sustained, denied, or modified.

(c) The Board will decide the matter by a majority vote, and the decision of the Board shall be final and binding and shall be not subject to further review.

(6) NOTICE OF BOARD ACTION

The appellant shall be informed in writing of the Board’s decision.

(7) EX PARTE COMMUNICATIONS

Once an appeal has been filed, *ex parte* communications (contacts between the Board or one of its members and a party or a party’s representative) shall be avoided.

Attachment Follows

RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

APPENDIX A ATTACHMENT: PROCEDURES FOR EMPLOYEE APPELLATE HEARINGS

(1) PRE-HEARING INFORMATION

(a) Five (5) workdays before the scheduled start of the Milwaukee Board of School Directors' (Board's) appellate hearing, all parties shall receive the following:

1. a complete record of the hearing before the Independent Hearing Officer (IHO);
2. a copy of the appeal letter;
3. a copy of the opposing party's response to the appeal letter, if one was received by the Board; and
4. a copy of the Board Independent Advisor's summary and recommendation.

(2) PRESIDING OFFICER

(a) The Board President, or his or her designee, will preside over the hearing.

(b) The Board's presiding officer will have powers and duties subject to all applicable rules and will:

1. regulate the course of the hearing;
2. be apprised of conferences held prior to or during the hearing for settlement (if all parties so consent) or for simplification of the issues;
3. dispose of procedural requests or similar matters;
4. take other action authorized by the Board consistent with these rules;
5. direct, at beginning of hearings, that the records show the appearances of the parties or their representatives;
6. file with the Director of the Office of Board Governance a copy of the notice of Board appellate hearing which was served on the employee;
7. take full charge of the proceedings over the conduct of the participants and the orderly direction of the proceedings. The Board shall follow *Robert's Rules of Order*, except where in conflict with Board rules; and
8. limit the time of the oral arguments so that the Board may ultimately receive them.

(3) EVIDENCE

Other than the oral arguments listed below and the aforementioned pre-hearing information, no additional evidence, testimony, information, or handouts will be accepted at the Board's appellate hearing.

(4) HEARING GUIDELINES

Each party will be allowed thirty (30) minutes to present an oral argument regarding whether or not the IHO's decision was arbitrary and capricious. Each party will be allowed only to refer to information provided in the pre-hearing packet to support their argument.

(5) DELIBERATIONS

(a) The Board will retire into executive session and deliberate upon and consider the pre-hearing information and the oral arguments offered at the Board appellate hearing.

(b) The Board must again determine whether or not the decision of the IHO was arbitrary and capricious. A decision will be considered arbitrary and capricious if it is a willful and unreasonable action, without consideration or in disregard of facts, or without redeeming principle. If the decision was not arbitrary and capricious, then the Board is required to find on behalf of the prevailing party.

- (c) Otherwise, the Board may sustain, deny, or modify the IHO's decision/recommended action.
- (d) The Board will decide the matter by a majority vote, and the decision of the Board is final and binding and is not subject to review.

(6) WAIVER

The employee may waive a Board appellate hearing by oral or written communication with the Administration or Board; by failing to request a Board appellate hearing; by failing to appear in person or by representative at the Board appellate hearing; or, having once appeared, by leaving the Board appellate hearing before the hearing is concluded.

(7) NOTICE OF BOARD ACTION

All parties will be informed in writing of the Board's decision to sustain, deny, or modify the IHO's decision/recommended action.

(8) OPEN/CLOSED HEARINGS

(a) The Board appellate hearing shall be closed unless the appellant requests otherwise. To ascertain the will of the appellant and to assure such participant of his/her right to either type of hearing, the presiding officer should put the question at the beginning of the hearing to the appellant.

(b) When the hearing is requested to be closed, those permitted to remain during the course of the hearing are as follows: employee and representative(s); Board members, administrators and administrative representative(s), and hearing staff.

(c) The presence of relatives is discretionary with the presiding officer. Discretion to exclude should not be exercised unless it appears that the relatives are likely to be disruptive of the hearing. Such relatives may be permitted to stay until such disruption is manifested.

(9) DISRUPTIONS

The Board will tolerate no disruptions during the Board appellate hearing. Persons deliberately disrupting hearings will be ordered by the presiding officer to desist from disrupting the meeting or may be removed with or without the vote of the Board.

(10) SUPERINTENDENT

The Superintendent (where his/her action or recommendation is presently under review by the Board) shall not attend or be present during the deliberations of the Board following the Board appellate hearing.

(11) COUNSEL/ATTORNEY

(a) The representative presenting the Administration's recommendation to the Board may present the oral argument. The appellant or appellant's representative presenting the Appellant's recommendation to the Board may present the oral argument. Neither the representative for the Administration nor the appellant nor appellant's representative shall appear during the deliberations of the Board either on request or as a matter of routine.

(b) Neither the representative presenting the Administration's case nor the appellant or appellant's representative will, during the course of the Board appellate hearing, be the advisor of the Board. The independent advisor, acting solely as representative of the Board, may be present at the time of the Board appellate hearing and during deliberations to advise the Board relative to questions which the Board may have in their procedures or decisions.

(12) *EX PARTE* COMMUNICATIONS

Once a Board appellate hearing has been requested and a right to it established, *ex parte* communications (contacts between the Board or one of its members and a party or a party's representative) shall be avoided.

History: Revised 05-29-14; rescinded 11-19-15; reinstated 03-24-16

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RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

APPENDIX B: PROCEDURES TO CENSURE OR REMOVE A BOARD MEMBER UNDER BOARD RULES 1.24 AND 1.25

Pursuant to section 119.12(1) of the Wisconsin Statutes, the Board is required to adopt procedures by resolution, for hearing and disposing of complaints against a board member.

(1) When a complaint of misconduct in office, malfeasance, or violation of Board Rules is made by one or more board members against another board member, the Board shall appoint a committee to investigate the complaint or concern. The initiation of the investigation shall require a recorded affirmative vote of two-thirds of the Board's membership.

(2) The Board may elect to appoint a committee of at least two board members to conduct the investigation, or the Board may elect to appoint a committee of non-board members to conduct the investigation.

(a) If, after preliminary investigation, the committee determines that credible evidence does not exist to support a self-evident case of misconduct in office, violation of Board Rules, or acts of malfeasance, the committee shall dismiss the concern.

(b) If, after preliminary investigation, the committee determines that there is credible evidence to support a self-evident case of misconduct in office, violation of Board Rules, or acts of malfeasance, the committee shall set a time, date, and location for a hearing before the committee. The committee shall draft written notice of the particulars of the alleged offense.

(3) At least five days prior to the hearing before the committee, the committee shall personally serve on the accused board member, or send to the accused board member by certified mail, a written notice which sets forth the time, date, and location of the committee hearing, as well as the particulars of the alleged offense.

(4) The committee may, upon written request of the accused board member, grant a postponement of the commencement of the committee's hearing for a period not to exceed 30 calendar days.

(5) The accused board member may be represented by counsel and shall have the opportunity to present witnesses and to confront and cross-examine adverse witnesses at the committee's hearing.

(6) The Board President, or vice president in the event the President is the accused board member, shall, upon request of any committee member or the accused board member or counsel, issue subpoenas for the attendance of witnesses or the production of documents.

(7) All testimony taken at the committee's hearing shall be given under oath. A transcript and written record of the committee hearing shall be produced. After hearing evidence and arguments, the committee shall prepare written findings of fact and a recommendation for the full Board.

(8) The full Board shall review the transcript and written record of the hearing and the committee's findings of fact and recommendation. The Board may, at its discretion, hear further testimony and receive further evidence.

(9) As soon as practicable after the conclusion of the hearing, the full Board shall vote as to whether, by a preponderance of the credible evidence, the accused board member has engaged in misconduct in office, an act of malfeasance, or has violated Board Rules.

(a) If the Board finds, by a recorded affirmative majority vote of Board's membership, that the accused board member has violated one or more Board Rules, the board member shall be deemed censured.

- (b) If the Board finds, by a recorded affirmative majority vote of Board’s membership, that the accused board member has, pursuant to section 946.12, engaged in misconduct in office, the board member shall be deemed censured.
- (c) If the Board finds, by a recorded affirmative majority vote of Board’s membership, that the accused board member has committed an act of malfeasance, the board member shall be dismissed from office, and his/her seat on the Board shall thereupon be vacant and his/her term in office shall be considered unfilled.

History: Adopted 04-26-96; Revised 11-19-15
 Prev. Coding: Board Rule Appendix B: Procedures to Censure a Board Member under Board Rule 1.24 and Board Rule Appendix C: Procedures to Remove a Board Member from Office Under Board Rule 1.25
 Legal Ref: W.S. 119.12(1); 885.01(4)
 Cross Ref: Board Rule 1.14 Voting Methods
 1.17 President’s Duties and Powers: *Ex Officio* Membership
 1.22 Fulfillment of Unexpired Term
 1.24 Board Member Censure
 1.25 Board Member Removal from Office
 1.29 Code of Conduct — Board of School Directors

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