



THOMAS WEATHERSTON

STATE REPRESENTATIVE • 62ND ASSEMBLY DISTRICT

Testimony on SB 244 before Senate Committee on Education, September 8, 2015

Mr. Chairman and members of the committee, thank you for holding this hearing on SB 244.

A recent school board resignation in Racine has highlighted the need for correction in state law. In Racine, a school board member resigned in June and the board has been unable to fill the spot. Thirty-five times the board voted on a replacement, resulting in a tie. A school district's board should not be at risk of becoming paralyzed because of an inadequate method of filling vacancies. This bill will prevent this situation from happening again anywhere else in the state.

Other important votes are also being held up, as there is no majority and some members have skipped meetings to prevent a quorum. Waiting until the spring election to fill the spot has its own problems, since other votes on important issues still need to be made this year, such as on the budget and setting the tax levy. If the vacancy in Racine is not filled before next April the seat will have been empty for ten months, ten months during which the board was largely not functional.

This bill will allow a school board president to fill a vacancy on the school board if the office has been vacant for more than sixty days. The school board president does not have to appoint a member, but may choose to do so if the school board as a whole is unwilling or unable to agree on a candidate to fill the vacancy.

Except for Milwaukee, current law requires all school board vacancies to be appointed by the school board's remaining members. The appointment lasts until the next regular spring election, unless the vacancy occurred shortly before the regular election, in which case the appointment lasts until the following year's election.

This bill does not remove local control of the school board. State statutes already determine how vacancies are filled, this bill just provides a back-up option to the existing requirements. It also doesn't force an appointment, the provision is strictly optional.

In most circumstances existing procedures would suffice to fill any vacancy that arose. However, the ongoing situation in the Racine Unified School District reveals that a supplementary method is necessary. While the current method works for most school boards, there ought to be an alternative way to proceed when it doesn't.

Thank you again for holding this hearing on SB 244. I would be happy to answer any questions you may have.



Van H. Wanggaard

Wisconsin State Senator

September 8, 2015

Testimony in Support of Senate Bill 244

Thank you Mr. Chairman and members for this hearing today on Senate Bill 244 relating to allowing local school board presidents to fill certain vacancies on local school boards.

This bill is the result of the situation we have in Racine with the Racine Unified School District. Three months ago, a school board member resigned from the school board because she was not eligible to serve. Under existing state law, a school board vacancy is filled by selection by the school board itself. With the exception of Milwaukee school district, city and county, this is also how other local governments also fill vacancies.

Unfortunately, the same state law that specifies how vacancies are filled does not specify what to do in the event of a tie. That is what happened in Racine. Since June, the school board has voted 35 times in an attempt to fill the vacancy – each time they have been deadlocked. 3 months and 35 votes to fill one school board vacancy is ridiculous. As a result of this vacancy, RUSD has had multiple tie votes on other matters, and recently two members walked out of a meeting – quickly – in order to prevent a quorum and a vote.

To resolve this situation, and to prevent this situation from occurring elsewhere in the future, we have introduced SB 244. This bill will allow a non-partisan, locally-elected school board member elected by his or her peers to be their school board president to appoint someone to a vacancy that has been unfilled for a period of 60 days or longer. At certain times of year, or in certain situations it may be better to wait to fill a vacancy. It really depends on the local situation. That is why the bill allows the school board president **MAY** fill the vacancy – it does not require it. The mere availability of the school board president appointment power may also spur negotiation and compromise. Right now there is no catalyst to select a new member.

Of course, there are times, like now in Racine, when filling a vacancy is critically important. Right now, we are 60-70 days from school districts having to set their budgets and tax levies. This already difficult process is made more difficult in the current situation when people fail to attend meetings or votes. This uncertainty is not good for the community, the local economy, the school district, the teachers or students. Passing SB 244 will resolve the situation in Racine, and prevent it from recurring elsewhere in the future.

Serving Racine and Kenosha Counties - Senate District 21

Sen. Luther Olsen, Chair
Senate Committee on Education
State Capitol, Rm 313 South

Rep. Jeremy Thiesfeldt, Chair
Assembly Committee on Education
State Capitol, Rm 16 West

RE: SB 244/AB 325 – Allowing a school board president to fill vacancies

Dear Sen. Olsen and Rep. Thiesfeldt,

This letter is written to express our support for SB 244/AB 325, which will allow a school board president to fill a vacancy on a school board if the seat has been vacant for over 60 days. As current members of the Racine Unified School Board, we know very well the problems that an unfilled vacancy can cause.

There has been an empty seat on the Racine's school board since June, due to a resignation of a board member. Since that time, the board cast ballots 35 times in an effort to agree on a replacement. Unfortunately, no candidate was able to garner more than four votes, with five being needed for a majority. As a result, the spot has remained unfilled since June.

Since then, the board has also faced tied votes on other issues, with no resolution in sight. This pattern is especially troubling in light of many important votes that must take place in the coming months, such as the vote on the annual budget. The students, parents, and the taxpayers in Racine deserve to have a school board that can make decisions in a timely manner and run the school district effectively.

This bill retains local control in the process, because the school board president will be the one making the appointment. The president was first elected by the voters in the district to serve on the board, and then by the members of the board to serve as the presiding officer. As school board members ourselves, we believe this to be the best way to break a tie that cannot be otherwise resolved.

We appreciate that you are giving this bill a hearing, and urge your support of this needed reform so that this problem will never occur again in our state.

Sincerely,



Melvin Hargrove, President



Pamala Handrow, Vice President



Charles Goodremote, Treasurer



Kim Plache, Member



SCHOOL DISTRICT OF BARABOO

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To: Senate Education Committee

September 8, 2015

From: Doug Mering Policy Chairperson Baraboo School District Board of Education

Subject: Senate Bill 244 Regarding Filling of a Board Vacancy

Thank you Senator Olsen and members of the Senate Education Committee. I come to you today as a board member who has been elected three times by the citizens of the Baraboo School District. Before I was first elected I attempted to fill a board vacancy which if it occurred today may have been filled using the legislation being proposed. The board interviewed 4 applicants with the first vote resulting in a 3-3 tie between myself and another community member. The board then waited 2 weeks till the next board meeting before doing another vote. I did fall on the short end of that vote when it occurred with one board member changing their vote resulting with the other community member getting onto the board with a 4-2 resultant board vote.

The thing was it could have just as easily stayed at 3-3 with the board president being the deciding vote in that instance under today's legislation. After I got elected onto the Board we came up with a new policy which I have submitted with my testimony that in the event of a repeat tie vote the impasse would be solved via a flip of a coin. I believe the Wisconsin legislature needs to respect local control, because this is what its citizens of Wisconsin wants. This bill imposes a policy which will affect not only the Racine School Board but every other board in the state including mine. This bill does not respect the tenants of local control. If you believe in local control you will not pass it. For one it puts too much power in the hands of one board member the President. In the future this could change the dynamic of who gets chosen President. Rather than pick a President who will build consensus I had better try to pick someone who is more like me.

I have also attached a policy from North Kitsap School District School Board which resides in Washington State for this committee's food for thought. When they have a board who has not filled a vacancy within 60 days then their local agency that is similar to our CESA's choose a candidate. I also serve as a board member of CESA5. I do not purport to speak for my other board members on this issue or the CESA's of the state but this might be a viable recourse in the future. It also might be a roll that a board made up of Wisconsin Association School Board (WASB) board members could decide who the replacement is an eligible district resident is that could fulfil that vacancy.

Individual boards may choose to use the process being proposed but it should be up to those individual boards to make that decision not decreed by mandate from the state level.

cc- WASB

Baraboo Board of Education

Dr. Lori Mueller



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FILLING BOARD VACANCIES BARABOO SCHOOL BOARD PROCEDURE

133 RULE

1. The Board's desire to fill the vacancy by taking applications will be publicized in the normal posting places as well as through public service announcements in the local newspaper and on the local radio stations, noting a set deadline.
2. An advertisement of the vacancy will be published in the local newspaper at least three times previous to the deadline.
3. Interested individuals will be required to write a letter of application for the vacancy and submit it by the deadline. The deadline will include a specific date and time. If only one or no applications are received by the deadline, it may be extended by a majority vote of the Board.
4. After the deadline, special Board meetings will be held to interview applicants. All applicants will be notified of their interview time and given an equal opportunity to make statements on their behalf and answer Board questions. Each applicant will be given one appointment to appear. If an applicant cannot appear at the designated time, a second appointment can be offered at the Board's discretion.
5. After all applicants have had an equal opportunity to be interviewed, the Board will choose one applicant by written ballot. This choice will require a simple majority of the remaining Board members' votes for approval. In the event of a non-majority vote, the two applicants receiving the highest number of votes will be voted on again. In the event of a second tie, the decision will be made by coin toss.
6. The vote count will be verified by the president and clerk.
7. The appointee will receive confirmation in writing and unsuccessful applicants will also be notified in writing of the Board's decision. These written notifications will occur promptly.
8. The appointee shall execute the Oath of Office and be seated on the Board at the next regularly scheduled Board meeting. The Board President will assign the appointee to standing committees and other delegated responsibilities as necessary.

Exhibit I

BOARD MEMBER RESIGNATION AND VACANCY

Resignation

Upon receipt of a director's written resignation the board shall acknowledge and announce the resignation at its next regularly scheduled meeting. The resignation shall be effective immediately unless otherwise stated. If a future date is stated, the resignation may be withdrawn anytime prior to the effective date.

Board members who have resigned may not vote on the selection of their replacement.

Vacancy

In case of a board vacancy, the remaining board members will fill such vacancy by appointment. The board will receive applications from any qualified persons seeking to fill the position after suitable public notice. Interviews of candidates for vacant positions will take place in a meeting open to the public. The board will appoint one of the candidates to serve until the next regularly scheduled board election, at which time a director will be elected for the unexpired term, if any.

The appointment will be approved, by roll call vote, by not less than three members of the board. If there exists fewer than three members, the educational service district board members will appoint a sufficient number to constitute a legal majority of the board. Should the board fail to fill a vacancy within ninety (90) days from the creation of such vacancy, the educational service district board members shall fill such vacancy. Appointees will be United States citizens and qualified voter residents of the school district and appropriate director district, if any.

Legal References:	RCW 28A.310.030	ESD Board — Membership — Board member district boundaries
	RCW 28A.343.370	Directors — Vacancies
	RCW 28A.330.020	Certain board elections, manner and vote required — Selection of personnel, manner
	RCW 29A.04.151	Residence
	RCW 42.30.110(h)	Executive sessions — Board member interviews in open public session

Management Resources:

Policy News, June 2009

Board Member Resignations

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EXHIBIT 2

5/10/09

Reviewed: February 13, 2014
Revised: October 24, 2013
Revised: December 10, 2009
1000 Series Adopted March 11, 1999
North Kitsap School District

Exhibit 2

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