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# Wisconsin Legislative Council

## ACT MEMO

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**2023 Wisconsin Act 26**  
[2023 Assembly Bill 233]

**School Board Members as  
Volunteer Bus Drivers**

### BACKGROUND

Under the common law doctrine of incompatibility of offices, an individual may not hold multiple public positions that, due to the nature of and duties associated with the positions, present potential conflicts of interest, such as when one position supervises or controls the duties of the other position. The doctrine of incompatibility of offices generally prevents a school board member from holding any other position within the school district. However, state law provides an exception that allows a school board member to serve as a volunteer coach or extracurricular activity supervisor, provided certain criteria are met. Specifically, the school board member must:

1. Not receive any compensation for serving as a volunteer coach or extracurricular activity supervisor;
2. Agree to abstain from voting on any issue before the school board that substantially and directly concerns the activity the member coaches or supervises; and
3. Undergo a criminal background check.

### 2023 WISCONSIN ACT 26

2023 Wisconsin Act 26 creates another exception to the doctrine of incompatibility of offices that allows a school board member to serve as a volunteer bus driver. Under the act, a school board member who serves as a volunteer bus driver must satisfy all of the following criteria:

1. Be authorized by the Department of Transportation to drive a school bus.
2. Hold a valid commercial driver license.
3. Not receive any compensation for serving as a volunteer bus driver.
4. Agree to abstain from voting on any issue before the school board that substantially and directly concerns the school bus drivers.

The act clarifies that a school board member serving as a volunteer coach, supervisor, or bus driver may be reimbursed for expenses incurred in connection with providing those volunteer services; for a school board member serving as a volunteer bus driver, costs associated with training for or renewing required licensure is considered an expense incurred in connection with providing the volunteer service.

**Effective date:** August 6, 2023

For a full history of the bill, visit the Legislature's [bill history page](#).

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