

Producing Positive Changes

A close look at school board advocacy in 2011-12

Dan Rossmiller

The often contentious 2011-12 session of the Wisconsin Legislature is now finished and it will go down in history. Legislation passed this session had a dramatic impact on K-12 education, and it was a session in which a tremendous amount of management control was restored to locally elected school boards.

Even as school board members worked hard to adjust to the many changes and some of the controversy that came their way this session, they also worked hard to advocate with the WASB on behalf of their students and their schools.

With the work of the regular session complete – and with a historic recall election upon us and

control of the governor's office and both houses of the Legislature. Republicans swept into office as part of a national tide that was particularly strong in Wisconsin. As a result, numerous policy initiatives were successfully advanced by interests and organizations that had played a role in securing Republican majorities.

Many of the newly elected lawmakers and Governor Scott Walker came into office pledging not to raise state taxes.

To address the budget shortfall without new revenues, Gov. Walker

significant part of their budget — employee salaries and benefits, including health insurance.

Specific changes prevented employers from paying the so-called “employee” share of retirement system contributions and allowed school districts to make significant changes in employee health insurance, without bargaining, including having employees pick up a greater share of health insurance premium costs or copayments. (The WASB had long pushed for limits on total compensation packages and to enable school districts to unilaterally change employees’ health coverage plans.)

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regular fall election campaigns for seats with newly redrawn boundaries soon to follow – this is a good time to look back at the challenges we faced, what was accomplished, and begin planning for next year.

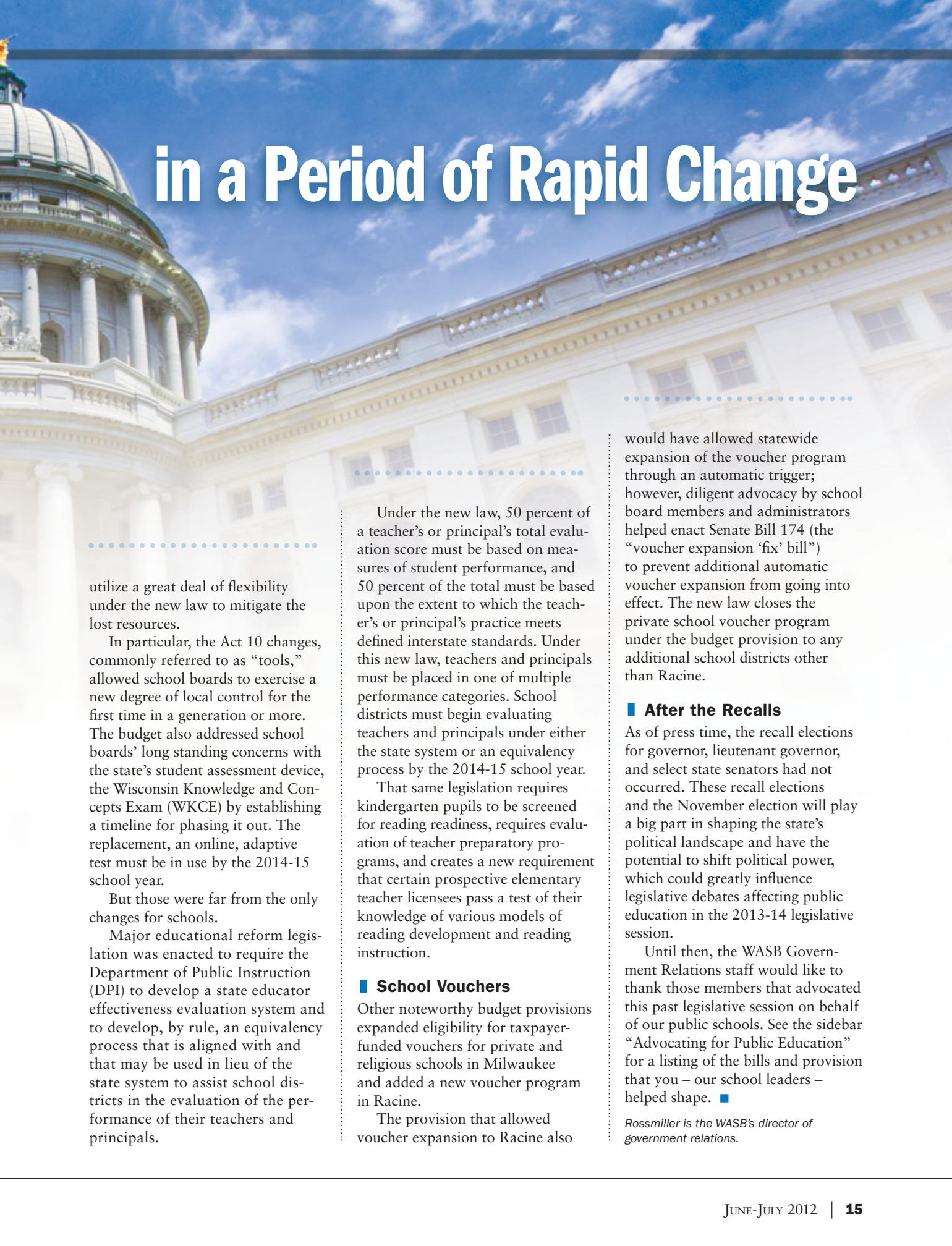
■ Political Shift

The 2011-12 legislative session began with the state facing a potential \$3 billion-plus budget shortfall and a complete change in political

proposed a set of sweeping changes to collective bargaining for teachers and other general public employees. These changes, which limited bargaining to increases in total base wages up to the rate of inflation, were intended to allow school boards and other local governments to cope with cuts in state aids without massive layoffs or deep cuts in programs. The changes gave back to school boards control over a

■ New Era

Without question, the enactment of the 2011-13 state budget (2011 Act 32) with its sharp funding cuts and revenue limit reductions coupled with the policy changes adopted in 2011 Act 10 ushered in a new era for Wisconsin schools. Both certainly had a major impact on school boards, as those that did not have collective bargaining agreements in place were able to



in a Period of Rapid Change

utilize a great deal of flexibility under the new law to mitigate the lost resources.

In particular, the Act 10 changes, commonly referred to as “tools,” allowed school boards to exercise a new degree of local control for the first time in a generation or more. The budget also addressed school boards’ long standing concerns with the state’s student assessment device, the Wisconsin Knowledge and Concepts Exam (WKCE) by establishing a timeline for phasing it out. The replacement, an online, adaptive test must be in use by the 2014-15 school year.

But those were far from the only changes for schools.

Major educational reform legislation was enacted to require the Department of Public Instruction (DPI) to develop a state educator effectiveness evaluation system and to develop, by rule, an equivalency process that is aligned with and that may be used in lieu of the state system to assist school districts in the evaluation of the performance of their teachers and principals.

Under the new law, 50 percent of a teacher’s or principal’s total evaluation score must be based on measures of student performance, and 50 percent of the total must be based upon the extent to which the teacher’s or principal’s practice meets defined interstate standards. Under this new law, teachers and principals must be placed in one of multiple performance categories. School districts must begin evaluating teachers and principals under either the state system or an equivalency process by the 2014-15 school year.

That same legislation requires kindergarten pupils to be screened for reading readiness, requires evaluation of teacher preparatory programs, and creates a new requirement that certain prospective elementary teacher licensees pass a test of their knowledge of various models of reading development and reading instruction.

■ School Vouchers

Other noteworthy budget provisions expanded eligibility for taxpayer-funded vouchers for private and religious schools in Milwaukee and added a new voucher program in Racine.

The provision that allowed voucher expansion to Racine also

would have allowed statewide expansion of the voucher program through an automatic trigger; however, diligent advocacy by school board members and administrators helped enact Senate Bill 174 (the “voucher expansion ‘fix’ bill”) to prevent additional automatic voucher expansion from going into effect. The new law closes the private school voucher program under the budget provision to any additional school districts other than Racine.

■ After the Recalls

As of press time, the recall elections for governor, lieutenant governor, and select state senators had not occurred. These recall elections and the November election will play a big part in shaping the state’s political landscape and have the potential to shift political power, which could greatly influence legislative debates affecting public education in the 2013-14 legislative session.

Until then, the WASB Government Relations staff would like to thank those members that advocated this past legislative session on behalf of our public schools. See the sidebar “Advocating for Public Education” for a listing of the bills and provision that you – our school leaders – helped shape. ■

Rossmiller is the WASB’s director of government relations.



Sen. Luther Olsen talks with Bea Dale, a member of the Lake Geneva J1 school board.

Time to ‘let the local folks’ do their work, Olsen says

Senator Luther Olsen (R-Ripon) was elected to the state Assembly in 1994 and, as a 20-year school board member, was immediately placed on the Education committee, where he has served in both houses as a member and committee chair. Olsen briefly reviewed with the WASB some of the major bills that passed through his committee this session.

Starting with Senate Bill 95, a mandate relief bill, Olsen characterized it as, “something that is going to help schools immediately.” SB 95 provides a wide degree of latitude

for school boards on varied topics including teacher evaluation, allowing local school boards to determine if a student suspended or expelled from an out-of-state school district should be admitted to their schools, and more flexibility for local boards to use Common School Fund resources, among other things.

Olsen praised the key components of the “Read to Lead” (Senate Bill 461) measure signed into law this spring, “It’s important that we’re concentrating on making sure everyone can read (at grade level)



Advocating for Public Education

Advocacy by school board members this past legislative session helped to turn back bills to create statewide special education vouchers and to create a new state agency to authorize independent charter schools throughout the state. Resolutions adopted by WASB delegates opposed both of these initiatives.

Additional advocacy by school board members helped, among other things, to:

■ **Enact a number of provisions** to give school boards greater flexibility and relief from certain mandates, including:

- Allowing districts facing shortages of certain special education service providers to contract out for those services;
- Providing greater flexibility in the purchase of school library technology using monies received from the Common School Fund;

- Allowing financially stressed districts that might otherwise have to drop schools out of the SAGE program to opt out of one or more years covered by the contract or the requirement to reduce class size in grades two or three, or both, in one or more schools in the district;
- Removing the mandate that a school board must enroll a pupil during the term of his or her expulsion from a public school in another state if the conduct that gave rise to the pupil’s expulsion (e.g., bringing firearms to school) would have been grounds for expulsion under the Wisconsin expulsion statute; and
- Moving back the date by which a school district must certify the amount of its property tax levy from Nov. 6 to Nov. 10.

■ **Clarify training requirements** for school personnel who administer prescription drugs and nonprescription drug products to students and eliminate burdensome medication storage requirements.

■ **Mitigate the negative consequences** for resident districts of a newly created, broad-sweeping alternative application process for open enrollment.

■ **Modify the statutory timeline** for non-renewing teacher contracts so a district now has until May 15th to give a teacher written notice of refusal to non-renew his or her contract.

■ **Redefine “immoral conduct”** under the DPI license revocation statute to explicitly include the *intentional* use of educational agency equipment to download, view, solicit, seek, display, or distribute pornographic material.

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when they reach third grade. Starting early with the kindergarten screener helps identify students who need help.”

Concerning Read to Lead, Olsen added, “Making sure that teachers can teach reading to students with different learning styles is a really important change” in making sure that all students leave third grade reading at grade level.

Senate Bill 461 also establishes state requirements for evaluating educator effectiveness.

Olsen contends that previous to changes in laws made this session, “It never really made much difference what kind of evaluation was used. Now, by developing a good instrument, schools can help the teachers in the middle – who really want to improve – to do great things with the boys and girls they teach.”

Olsen emphasizes that he does not view the teacher evaluation instrument as universal.

“Every school district is different. I think the evaluation will be fine-tuned to the school. (The teacher evaluation instrument) really needs to be individualized to a school district.”

Concerning school funding, Olsen sees modest at best growth on the fiscal horizon. “I’m hoping the fiscal picture changes, but things are changing very slowly.”

Olsen thinks a proposed Legislative Council study he is slated to chair on expanding student technical education opportunities merits discussion to “get a base-line understanding of what schools are doing and be able to repli-

cate successful programs elsewhere in the state.” He also believes there is a need to closely examine what schools are doing to teach fiscal literacy. “If there are holes (in the curriculum), we need to look at that. Teaching fiscal literacy is an important thing for schools to do.”

Olsen acknowledges it’s been a whirlwind of change for schools over the last year and a half. He suggested the Legislature should back off a little to let things work.

“Sometimes you just need to sit back and let the local folks do what they need to do,” the long-time, former school board member reminded his colleagues. ■

■ **Allow districts to use value-added** analyses of student results on state standardized examinations as one of several factors to evaluate, discharge, suspend, or discipline a teacher or for the nonrenewal of a teacher’s contract.

■ **Permit a school district to refuse** to employ or to terminate from employment an unpardoned felon.

■ **Allow school board flexibility** in awarding high school graduation credit, including permitting (but not requiring) a school board to:

- allow a pupil who participates in sports or in another organized physical activity, as determined by the school board, to complete an additional 0.5 credit in English, social studies, mathematics, science, or health education in lieu of a 0.5 credit of physical education;
- award 0.5 high school credit to a pupil who successfully completes either a hunter, bow hunter, or trapper education course while in high school but only for one of the three types of classes; and

- grant a technical education high school diploma to a pupil who earns the credits required for high school graduation under both state statute and as required by the school board, and who successfully completes a technical education program established by the board.

■ **Protect student health and safety** while shielding school districts from liability through legislation:

- requiring development of guidelines relating to concussions and other head injuries sustained in youth athletic contests that will apply to all youth sports activities and address both “removal from play” as well as “return to play;” and
- providing immunity from liability to a school board or the governing body of a charter school that provides public access to school grounds for certain recreational activities, and providing school volunteers with the same immunity protection currently granted to employees and agents of school districts.

■ **Allow the use of law enforcement** or juvenile court records to take disciplinary action against a pupil under a school district’s athletic code.

■ **Enact legislation** regulating the use of seclusion and restraint in public schools.

State Bill Tracking Chart

A chart summarizing bills introduced during the 2011-12 legislative session that had the potential to directly impact K-12 education is provided on the government relations and advocacy site at wasb.org. Select “Advocacy and Government Relations” and then “State Bill Tracking Chart.”

The WASB government relations staff acted on bills that were the most pertinent, basing its legislative positions on the resolutions adopted by the WASB Delegate Assemblies, which are held each year in conjunction with the State Education Convention. More information about those resolutions and the resolution process is also available on the WASB website. Select “Advocacy and Government Relations” and then “Delegate Assembly.” ■