

## Need-to-Know Information

*Legal and Human Resources Conference delivers important information regarding construction contracts, referendums, employee leave, employee misconduct and more*

At the Legal and Human Resources Conference, WASB staff members, Wisconsin school attorneys, and insurance agents presented sessions on the latest legal and human resources issues that school leaders need to be aware of to effectively govern their districts.

The conference included two tracks of sessions over the course of two days. Sessions addressed a range of topics including employee wellness programs, workers' compensation, purchasing cooperatives, liability regarding sports injuries, alternative teacher compensation plans, understanding construction contracts, school referenda, and much more.

Barry Forbes, WASB staff counsel and associate executive director, presented a session on employee leave policies and administrative guidelines. When addressing the Family and Medical Leave Act, Forbes noted that employees can take leave under FMLA for a number of reasons including the birth of a child, to care for a family member with a serious health condition, and also for any qualifying exigency arising out of the fact that a family member is on active duty.

"A 'qualifying exigency' for employees whose family members are in the military including: child-care and school activities, financial and legal arrangement, counseling, rest and recuperation, and post-deployment activities," Forbes said.

Charles LeMoine, an attorney with Dykema, delivered a session (sponsored by Arthur J. Gallagher & Co.) aimed at helping school administrators better understand construction contracts. When selecting an architect, LeMoine said school leaders need to find architects with experience specifically in school design and who are able to work

with multiple parties such as parents, teachers, administrators, and community members. Once the project has begun, LeMoine said the architect can't be relied upon to provide daily updates on the school building project. Rather, LeMoine recommends having someone who works for the school district keep daily tabs on the project.

"Architects typically have multiple projects going on at once, and generally don't consider themselves responsible for regular close supervision of construction," LeMoine said.

In another session, Ben Richter, WASB staff counsel addressed legal and policy considerations related to school referendums. Richter said school board members can advocate for school district referendums.

"Board members do not lose their first amendment rights by being a board member," Richter said. "Board members may speak for or against a referendum with certain caveats."

For instance, Richter said, board members need to make it clear when advocating for a referendum that they are acting as an individual and not as a member of the school board. This is an especially important distinction to make when writing letters to the editor, displaying yard signs, or advocating on social media.

Bob Butler, WASB staff counsel and associate executive director, presented a session on investigating employee misconduct. Butler said an employee misconduct investigation has five important phases:

- Why investigate and who will investigate?
- Laws, policies, and rules effecting the investigation.



**Attendees heard from WASB staff, school attorneys, and insurance agents present sessions on the latest school law and human resources issues.**

- Outside parties and off-duty conduct.
- Interim action and investigation.
- And due process.

One of the most important steps in the process is simply following up on a complaint. The board should refer to its policy regarding complaint procedures. The employee handbook and employee's contractual complaint procedures should also be consulted. Even if a complaint is found to be unfounded, the worst thing a board can do is disregard complaints regarding school district employees.

"Do not discount it and throw it away," Butler said.

This is a sampling of a couple of the sessions that took place at the Legal and Human Resources Conference on Feb. 26-27 in Stevens Point. To view presentation slides and resources for all of the sessions, visit [wasb.org](http://wasb.org). Select "Meeting and Events" and then "Event Recaps." Member log-in is required. ■

## Upcoming Event: **Spring Academy**

A foundation in school board governance for new and experienced school board members

School board members at all experience levels are encouraged to attend the Spring Academy, taking place May 2 in Appleton. The event features three separate tracks of programming: Introduction to Board Service, Referendum Pathway, and Developing Effective Leadership Skills.

The Introduction to Board Service track includes sessions on legal and policymaking duties for school boards, the key works for school boards, and the fundamentals of school finance. These sessions are led by experienced and knowledgeable staff from the WASB.

Experienced school board members

interested in learning more about school board leadership issues should attend the track aimed at Developing Effective Leadership Skills. This track includes sessions on communication for collaboration, establishing effective school board practices and protocol, dealing with stress to improve leadership performance, and a session on the politics of leadership.

The Referendum Pathways track features sessions on master planning, facilities and financial assessments, facilities and financial plans, and legal and policy consideration related to referendums.

At the end of the day, Dan Rossmiller, WASB director of government relations, will provide a legislative update for all attendees.

For more detailed descriptions of these sessions and to register, visit [wasb.org](http://wasb.org).



### **New Board Member Gatherings**

The WASB New School Board Member Gatherings are an informal opportunity for newly elected school board members to:

- Discuss essential information for their first board meeting.
- Meet their WASB regional director.
- Network with new and experienced school board members in their WASB region.
- Learn about WASB services that can help them in their new role.

Please remind and/or inform new board members of this opportunity. Dates and locations are below. Meetings take place 7-9 p.m. For detailed locations and directions, visit [wasb.org](http://wasb.org). *Registration is complimentary.*

<b>Region 1</b>	Tues., April 21	Spoooner High School Library
<b>Region 2</b>	Tues., April 21	Three Lakes Jr. and Sr. High School IMC
<b>Region 3</b>	Tues., April 21	Green Bay District Admin. Building Board Rm
<b>Region 4</b>	Thurs., April 23	Durand High School Cafeteria
<b>Region 5</b>	Wed., April 22	Marathon High School Library
<b>Region 6</b>	Thurs., April 23	CESA 4 (West Salem)
<b>Region 7</b>	Wed., April 22	CESA 6 (Oshkosh)
<b>Region 8</b>	Tues., April 21	Reedsville High School Library
<b>Region 9</b>	Wed., April 22	CESA 3 (Fennimore)
<b>Region 10</b>	Wed., April 22	Gerstenkorn Administration Building (Portage)
<b>Region 11</b>	Tues., April 21	Muskego-Norway District Board Room
<b>Region 12</b>	Wed., April 22	Edgerton High School Library
<b>Region 13</b>	Thurs., April 23	Badger School Admin. Center (Lake Geneva)
<b>Region 15</b>	Thurs., April 23	Pewaukee High School, Room 240

