



It's Mandate Season in Madison

As you read this, legislators will have cast their final floor votes for 2015. Activity will pick back up again in mid-January.

While things may slow down temporarily in December, lawmakers are still bringing forward new legislation, including many bills that would impose new mandates or edicts on school boards. Here's a closer look at some of these proposals.

■ Reporting Crimes

Assembly Bill 517, introduced by Rep. John Jagler (R-Watertown), would require public and private high schools participating in a parental choice program to collect and report statistics on specific crimes and safety-related incidents reported to a principal, school security, or local law enforcement that occur on school property, on transportation provided by the school, or at a school-sanctioned event beginning in the 2017-18 school year. The bill, as introduced, provides no additional funding.

Under the bill, these statistics must be reported to school board and to the Department of Public Instruction (DPI) and included on the annual school and school district accountability report. However, DPI would be prohibited from considering crime statistics reported by a school or district for purposes of determining the school or school district's performance on the annual school and district report cards.

Another similar but more limited proposal being readied for introduction by Sen. Mary Lazich (R-New Berlin) and Rep. Ken Skowronski

(R-Franklin) would set up a pilot school crime and safety incident reporting program in one urban, one rural and one suburban school district in the 2016-17 school year and would provide \$25,000 in funding for this purpose.

The WASB is concerned about the cost of staff time needed to compile and report this information to comply with a mandate that may not directly improve student safety.

■ CPR Instruction

A proposed bill (LRB 2824/2) being circulated for support from legislative colleagues Sen. Jerry Petrowski (R-Marathon) and Rep. John Spiros (R-Marshfield) would require school boards, operators of independent charter schools, and governing bodies of private schools to provide instruction in cardiopulmonary and cardiocerebral resuscitation. This bill would require this instruction in any health education course offered to pupils in grades 7 to 12 and to provide instruction about automated external defibrillators to pupils in grades 7 to 12, beginning in the 2017-18 school year. Teachers would not be required to be certified in CPR to provide this instruction.

Under current law, schools are required to offer CPR instruction and to provide defibrillator instruction to pupils enrolled in high school grades.

Although the bill provides no money for schools to do this training, the WASB and other public education

groups have been working with the American Heart Association, one of the chief backers of this proposal, to find ways to ease the financial burden on school districts. It appears the American Heart Association will be able to make \$75,000 available statewide, enough to provide 100 training mannequins and 100 training DVDs in each CESA as a shared resource for schools.

■ Financial Literacy

While not new, Senate Bill 177 and Assembly Bill 248, companion bills offered by Rep. Scott Krug (R-Neenah) and Sen. Howard Marklein (R-Spring Green), would, as introduced, direct each school board to incorporate the state's model academic standards for financial literacy into the curriculum. This would be required in grades kindergarten to 12, and require the statewide standardized examinations to assess a pupil's financial literacy to the same extent that they assess a pupil's knowledge of mathematics, science, reading and writing, geography, or history.

Following meetings with the WASB lobbying team, Rep. Krug recently introduced amendments to drop the assessment requirement from his bill, allow a district to adopt any set of model academic standards for financial literacy (not just the Wisconsin standards) and provide for a six-month delay in implementation of the bill. These are welcomed improvements.

Lawmakers are bringing forward new legislation that will affect school boards. Let's take a closer look.

■ Changing Rooms

Assembly Bill 469, introduced by Rep. Jesse Kremer (R-Kewaskum) and Sen. Stephen Nass (R-White-water), would require a school board to designate each pupil restroom and changing room (restrooms, locker rooms and shower rooms are referred to as “changing rooms”) in a public school building and accessible by multiple pupils as for the exclusive use of pupils of only one sex.

It would require a school board to provide accommodations to a pupil to use a single-occupancy restroom or changing room or the regulated use of a faculty restroom or changing room if the parent or guardian of a pupil submits a written request for accommodations.

The bill also permits a pupil or the pupil’s parent or guardian to file a written complaint regarding a violation of the requirements in the bill, and requires the school board to investigate and attempt to resolve the complaint. It further permits the pupil, or the parent or guardian of the pupil, who submitted a written complaint, to bring a legal claim for any of the following if the complaint is not resolved to their satisfaction:

1. Declaratory relief.
2. Injunctive relief.
3. Damages, including the reimbursement of reasonable attorney fees.

We are concerned about this virtually unprecedented provision allowing students and/or their parents to sue their school district.

Federal agencies responsible for interpreting federal antidiscrimination laws, including Title IX, which prohibits sex discrimination, have issued guidelines contrary to this bill and threatened to withhold federal funding for noncompliance. The WASB is concerned that bill will place schools between a rock and a hard place by forcing them to comply with either state law or federal law, but not both, with the result that school districts could wind up being sued by persons on both sides.

A number of Wisconsin school districts have already confronted similar issues and adopted local board policies. The WASB is concerned about potentially undermining those boards by endorsing a “one-size-fits-all” approach.

■ School Referendum Restrictions

State Sen. Ducey Stroebel (R-Cedarburg) and state Rep. Michael Schraa (R-Oshkosh) have proposed Senate Bill 355 and Assembly Bill 481, companion bills that would, among other things, restrict when school district referenda can be placed before voters and implement a two-year waiting period following failed referenda.

Currently, a school referendum can coincide with a primary election or a general election, or a special election can be called specifically for the referendum. Under this bill, a school district referendum would have to coincide with a regularly scheduled spring or fall general election (in odd-numbered years, there is no fall general election).

Currently, there is no limitation on whether, and how frequently, a referendum may be placed before voters. These bills would prevent a school board from bringing a new referendum request for two years if a referendum — whether for capital projects or to exceed the revenue limit — is voted down.

In some cases, according to the Wisconsin Budget Project, under these bills, some schools could be forced to wait up to three years in between referendums. These bills would also prevent a school board from accessing a number of other financing mechanisms — including promissory notes, state trust fund loans, certain types of short-term borrowing, and other small loans or bond issues, for two years in the event a referendum or attempt to use any of these funding mechanisms is voted down.

The WASB strongly opposes these two bills based on resolutions adopted by the WASB Delegate Assembly. ■

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