

## Service Associate Q&A

Von Briesen & Roper's Christine Hamiel talks about pressing school law issues and the importance of investing in legal advice



*Christine Hamiel is an attorney with von Briesen & Roper, s.c.*

**Q.** *Are there any new or “hot” legal issues that school boards need to be aware of?*

**A.** Several provisions of the 2015-2017 biennial budget, specifically 2015 Wisconsin Act 55, impact school districts. Some of these provisions include changes to teacher licensing options, the laws governing recertification elections, home-schooled students participation in athletics and extracurricular programs, fees charged to high school students for post-secondary credit, accountability reporting, notice requirements for educational opportunities, prevailing wage and real estate matters, and school choice.

Additionally, other hot topics include wage and hour law issues, teacher and administrator contracting and nonrenewal, and student issues, including student codes, transgender concerns, and alternatives to expulsion.

**Q.** *What is the number one legal issue that comes up most often for school districts?*

**A.** It is really a conglomeration of issues revolving around operations. Time and again, we have confronted issues related to vested benefits, contractual rights, grievance procedures and the like. All of these issues touch upon the primary budget-driver in schools – personnel. We have seen school districts struggle with how to maintain an environment that attracts and retains top talent without breaking the budget. If school districts take the opportunity to proactively address

which benefit programs, contract provisions and other policies are providing maximum benefit in the most economical manner, they will be able to position themselves for long-term success.

**Q.** *Regarding the last question, how can districts protect themselves?*

**A.** Although we are four years removed from the pre-Act 10 union environment, many of the remnants of collective bargaining agreements have found their way into teacher and administrator contracts. Some of these provisions simply create long-term obligations for districts, while others may violate the law. School boards should engage legal counsel to review existing contracts to ensure all contracts — teacher and administrator alike — include provisions that create flexibility, continue to attract high-quality educators, and most important, are in compliance with the law. School boards should also remember to consider nonrenewal sooner, rather than later, to ensure this option may be timely exercised by the board, if necessary, within the very strict timelines established by statute.

**Q.** *If you could give school leaders one piece of legal advice what would it be?*

**A.** You don't have to “go at it alone.” Oftentimes school boards are loathe to invest in an analysis from both a time and monetary perspective. As a result, decisions are made, and changes are implemented, that may run afoul of the law. Districts then find themselves faced with legal claims that can devastate any legal budget the district may have

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had. Engage legal counsel early on in the process if there are any red flags. A brief call with counsel at the outset could save the district thousands on the back end.

**Q.** *What kind of work is taking place at your law firm?*

**A.** Exciting things are happening with our school law group at von Briesen & Roper, s.c. Several of our attorneys will be presenting on hot legal topics at various seminars and conferences throughout the fall and winter. We look forward to seeing many of you there. If you cannot attend, please feel free to drop us an email or give us a call about any of our topics areas. We are happy to pass along information necessary for your district to continue to provide exceptional educational services to your students, teachers, staff, administrators, and the public. ■

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