

How a plan can help children feel and be more safe



BECOME EVEN MORE EFFECTIVE WITH WASB BOARDDOCS PRO!

Take your meeting management to the next level with the most robust board management tool available. Designed to fit the needs of school boards, BoardDocs Pro is faster, better and more cost-effective.

Some features include:

- Advanced document workflow with electronic approvals from an unlimited number of document submitter
- Integrated strategic plan and goal tracking
- Automatic generation of minutes and live meeting control panel for all board actions
- Integrated private annotations for executive users
- Much more!



Learn more! BoardDocs.com (800) 407-0141

October 2021 | Volume 76 Number 3

THE OFFICIAL PUBLICATION OF THE WISCONSIN ASSOCIATION OF SCHOOL BOARDS, INC.

John H. Ashley

Executive Editor Sheri Krause

Editor

Director of Communications

■ REGIONAL OFFICES ■

122 W. Washington Avenue Madison, WI 53703 Phone: 608-257-2622 Fax: 608-257-8386

132 W Main Street Winneconne, WI 54986 Phone: 920-582-4443 Fax: 920-582-9951

■ ADVERTISING ■

608-556-9009 • tmccarthy@wasb.org

■ WASB OFFICERS ■

John H. Ashley

Executive Director

Sue Todey

Sevastopol, Region 3 President

Barbara Herzog

Oshkosh, Region 7 1st Vice President

Rosanne Hahn

Burlington, Region 13 2nd Vice President

Bill Yingst, Sr.

Durand-Arkansaw, Region 4 Immediate Past President

■ WASB BOARD OF DIRECTORS ■

Linda Flottum Turtle Lake, Region 1

Bill Wipperfurth Lodi, Region 10

Capt. Terry McCloskey, **USN Retired**

Brett Hyde Muskego-Norway, Region 11

Three Lakes, Region 2

Tom Weber

Jim Bouché Wausau, Region 5

Sun Prairie, Region 12

Mary Jo Rozmenoski Black River Falls, Region 6

Sequanna Taylor Milwaukee, Region 14

Andrew Maertz Reedsville, Region 8

Cherie Rhodes Slinger, Region 15

Mike Humke

Dodgeville, Region 9

Wisconsin School News (USPS 688-560) is published 10 issues per year by the Wisconsin Association of School Boards, Inc. 122 W. Washington Avenue, Madison, WI 53703.

Contents © 2021 Wisconsin Association of School Boards, Inc. Subscriptions are available to nonmembers for \$90 per year. Periodicals postage is paid at Madison, Wis., and other additional entry offices.

The views expressed in Wisconsin School News are those of the authors and do not necessarily represent WASB policies or positions.

POSTMASTER: Send address changes to Wisconsin School News, 122 W. Washington Ave., Madison, WI 53703.



Building a Safer School Environment

Kristen Devitt, Brian Dean, Tom Wohlleber

How a plan can help children feel and be more safe.

Diversity Lessons Jennifer Erickson, Melissa Kono, Victoria Solomon

> Recruiting for locally elected offices.

Remaking Gifted and Talented

> Scott J. Peters, Ph.D., Lindsay Ellis Lee, Ph.D.

How to build a more equitable and effective program.

Planning a Money Path 20 Dan Linehan

> Program helps students chart a financial future.

DEPARTMENTS COLUMNS &

- **News Briefs**
- **Viewpoint** School Board Service Matters
- 22 **From the President** — Embracing Civility in Times of Strife
- **WASB Insurance** A Beneficial Alliance
- **Association News** Upcoming Events, Online Trainings, School Board Week, Fall Legislative Conference
- **Capitol Watch** K-12 Legislative Activity Ramping Up 28
- **Legal Comment** The Manifestation Determination Process

SE Wisconsin Faces New Teacher Shortfall

olleges and universities in southeast Wisconsin are on track to graduate fewer education majors than the projected openings in the region for teachers, according to the Wisconsin Policy Forum.

Higher education institutions in these seven counties issued about 2,062 education degrees and certificates per year from 2011 to 2019. Meanwhile, there are an estimated 2,565 openings for preK-12 teachers each year in this area.

This gap is even wider since many of those who receive education degrees and certificates don't go into teaching or are already teaching and pursuing a new certification.

Deanna Schultz, associate dean at the University of Wisconsin-Stout School of Education, says UW campus deans around the state can tell a similar story.

"We get calls from school districts all the time looking for people to fill teaching positions, and we honestly don't have enough graduates to fill those positions, and I think it's not just teachers, it's school counselors and school psychologists," Schultz says.

School districts are responding, some by setting up "grow your own" programs to identify those who need support - such as scholarships and mentorships - to pursue their teaching degree. \square

Wisconsinites Satisfied With Public Schools

ixty-nine percent of Wisconsinites say they are very satisfied or satisfied with the job public schools are doing in their community, according to an August 2021 poll conducted by Marquette Law School.

The poll last asked this question in January 2020, when 59% said they were satisfied or very satisfied.

Public school teachers were also viewed positively; 72% of respondents have a favorable view of teachers, 14% an unfavorable view and 13% don't have an opinion.

Given a choice between holding down property taxes or increasing spending for public schools, 52% said

spending on public school was more important. Special education spending was popular, with 72% favoring a major increase and 19% opposing it.

Two new questions suggest public opinion over hot-button issues is closely divided statewide.

Forty-six percent said they support expanding the number of students receiving vouchers to attend private schools and 44% oppose an increase.

A plurality (43%) of respondents said they don't know enough about critical race theory to have an opinion on its teaching in public schools. Among the rest, 30% oppose teaching it and 26% favor teaching it. □

Percentage of Wisconsinites who are very satisfied or satisfied with the job public schools are doing in their community. Source: Marquette Law School, August 2021 poll

Green Lake Starts 2nd Decade as IB School

reen Lake School District is marking its second decade as an International Baccalaureate World School, the Ripon Commonwealth Press reported.

The district includes the only school in Wisconsin that offers all three IB programs - Primary Years, Middle Years and Diploma — under one roof. The K-12

district in central Wisconsin serves approximately 300 students.

Mary Allen, who retired as superintendent in 2020, described the program as less a curriculum and more as a "framework for teaching and learning."

She credits the program with improving the school's culture and better preparing students for life afterward, "The IB program prepares students to be confident, independent, lifelong learners," Allen told the newspaper. "They will need to understand different perspectives, think critically and communicate effectively. This is what the 21st century will ask of them."

Though the IB program is now a source of pride, the district faced an uphill battle early on to implement it, according to Superintendent Gina Baxter. "It took time for the community to see the vast benefits of an IB education, especially when there was so much inaccurate information circulating from special interest groups," she says. \square

Substitute Fellowship Helps Solve Persistent Problem

inding reliable and effective substitute teachers is a perennial problem, though EdWeek reports that one Rhode Island district is solving it using an innovative fellowship program.

The Central Falls School District, where more than one in three children live in poverty, reimagined the substitute teacher position by creating the Central Falls Teaching Fellowship.

The district received 80 applicants its

first year and hired 15 of them as fellows. The substitutes, called "warrior teacher fellows," cover most of the district's absences. They commit to substitute teach for one year within a single building.

According to EdWeek, the program has generated "a steady influx of well-credentialed, long-term substitute teachers who, in turn, are guaranteed a well-paying job, training and support, and a pathway into the field of education."

School Board Service Matters



t's been a challenging start to the new school year to say the least. We've been closely monitoring the reports of harassment and personal threats directed at school boards across the state, and staff have been working overtime to provide as much assistance as possible.

To help draw the public's attention to the level of vitriol being directed at some of our local school board members, I released a public statement in September calling for meetings to be civil and respectful. We'll continue to look for ways to provide support at the local and state levels.

Sadly, these incidents are not unique to Wisconsin. There are reports of similar problems at school board meetings in numerous states as well as reports of recall organizers and those initiating lawsuits over curriculum receiving coordinated assistance.

While there may be debate as to the goals of some of those challenging school boards, there can be little debate that school board service matters.

That's a message we hope to spread during School Board Week, this year held Oct. 3-9. As the public's attention is increasingly attuned to the decisions made by their local school boards, it's an important opportunity to reaffirm the roles and responsibilities of school boards to our communities and the need for high-functioning local governance.

The WASB is here to help. Our online resources, including the Online Learning Platform, provide meeting management guidance, and our attorneys and governance consultants are available to assist and suggest best practices.

This month, in response to the ongoing pandemic as well as the increasingly divisive nature of board meetings, staff are converting the planned workshops for the fall Regional Meetings into a complimentary, three-part webinar series this month so all members can participate. No registration will be required.

The webinar series, featuring a WASB attorney and governance consultants, will focus on how to handle challenging board meetings with content divided into premeeting preparation, meeting best practices and post-meeting steps. Visit WASB.org for details and the webinar links. They will be recorded.

The change to the workshops is part of a larger adjustment to the Regional Meetings, which began in September.

We know that a major highlight of the fall Regional Meetings is the opportunity for board members to come together for a meal and fellowship. Our goal is to do everything we can to ensure there's an in-person meeting in every region despite rising COVID rates.

With that goal in mind, we streamlined the agenda and implemented additional safety measures to provide as safe of an event as possible for attendees who come together across multiple counties as well as for staff, some of whom are attending all 14 Regional Meetings.

We do not take these steps lightly. But we want to prevent having to shift to online meetings because of an outbreak among members or staff. For those not comfortable attending in person, there is a statewide online Regional Meeting on Oct. 27 available at no cost. More detail about the protocols is available on page 26. Visit WASB.org for additional information and to register.

We'll make a determination for any necessary protocols based on the best available data for the Legislative Conference in November and the State Education Convention in January as those events draw nearer.

Finally, thank you to all the districts that submitted nominations for the 2021 Business Honor Roll. We're proud to recognize these businesses. Some stepped up to help their local schools maneuver through a pandemic while others have been long-time, reliable partners. We'll highlight a few of this year's honorees in an upcoming issue of the School News. I encourage you to visit our website to learn more about them and consider nominating your business partners next year.

As always, thank you for all you do.

As the public's attention is increasingly attuned to the decisions made by their local school boards, it's an important opportunity to reaffirm the roles and responsibilities of school boards to our communities...



A Safer School Environment

How a plan can help children feel and be more safe | Kristen Devitt, Brian Dean, Tom Wohlleber

ne of the most important steps to improve school safety is to develop a safe schools plan. School district leaders in Wisconsin are required by state statute to create, review and maintain a school safety plan. But for it to be truly effective, a school safety plan should be an ongoing process that encompasses the development of crime prevention policies, in-service training, crisis preparation, interagency cooperation and student/ parent participation.

America's Safe Schools Week, which runs from Oct. 17-23, is a great time to put school safety on the agenda.

A multidisciplinary team should develop and implement the plan with representatives from all elements of the school community — board members, school staff, students, parents, law enforcement, government and business leaders, the media and local residents.

A safe schools plan (also known as an emergency operations plan, emergency response plan or crisis plan) addresses safety needs before, during and after an incident. It should take into consideration a school's specific needs and characteristics and may include severe weather events, hazardous materials incidents, mass casualty incidents, active assailants and pandemic disease or outbreaks.

Many organizations use a "preparedness cycle" of five phases preparedness, prevention, response, recovery and mitigation - to increase their overall capacity and resiliency to experience and recover from any type of threat, incident or disaster.

An important first step is to conduct a comprehensive assessment of the safety of students and staff, and the security of the campus. An assessment is key to the identification of vulnerabilities to be addressed in

the plan and provides valuable information to assist the district in prioritizing its school safety efforts.

School safety can be partially measured by how safe adults and young people feel in a particular school. The best assessments of school safety include these perceptual aspects as well as measurable, observable factors. Likewise, school climate measurements include measures of school safety. It is not surprising, therefore, that improving school safety can enhance a school's climate and, correspondingly, improving a school's climate can positively impact measures of school safety.1

According to the 2021 State of School Safety Report from Safe and Sound Schools, the most concerning safety issues tend to be mental health, active shooters/intruders, sexual assault, discrimination and bullying. Important findings from the report:

- Students feel bullving and violence are more of an issue than other groups, emphasizing the need for open dialogue to understand vulnerabilities. Students are willing to share what they see that other groups may not. Staff isn't witnessing bullying to the degree students are, which emphasizes the invisibility afforded by digital environments.
- Fear of repercussions, guilt and shame often keep sexual assault and drug and alcohol abuse secret, ultimately impacting not only students, but the entire school community.
- Schools are not perceived as violent places, which speaks highly to the physical safety technologies and protocols in place in most schools.
- There are opportunities to discuss protocols that contribute to overall safety, giving audience to students and parents to share their concerns. When threats are related to bullying, sexual assault, alcohol and drug abuse, discussions should include ways identities are protected and ways students can approach open con-

versations with friends they see experiencing these issues.2

The findings illustrate that districts should take a closer look at bullying and teen dating violence, each of which harms school climate and leaves students feeling unsafe.

A comprehensive approach to bullving prevention

High school students in Wisconsin reported being bullied at school at a rate of 22.3%, slightly higher than the national average of 19.5%. The cyberbullying rate was 17.4% for Wisconsin and 15.7% nationally.3

Beginning in 2010, with the enactment of Wisconsin State Statute 118.46, districts are required to implement a policy prohibiting bullying by pupils. To aid in the development of this policy, the Wisconsin Department of Public Instruction developed a model bullying policy for districts to use, if they chose. The DPI's comprehensive approach to bullying prevention webpage includes a model policy and other related information.

(Editor's note: WASB FOCUS subscribers can access the June 2010 FOCUS policy newsletter on bullying in the FOCUS archive on the WASB website. In addition, WASB Policy Resource Guide subscribers have access to sample policies on bullying, sample rules and additional resources.)

Prevention of bullying can be a foundational effort that not only includes an effective policy and set of procedures but should also consider school climate and the development of social emotional learning skills in students. School climate and how safe students feel in school go hand in hand; as students report feeling safer, measures of school climate go up.

It may be useful, therefore, for schools to take surveys of students and staff to determine their climate baseline, to which, future measurements can be compared. The DPI has a free survey — located at bit.ly/3EfR2qO — for districts to use in measuring school climate.

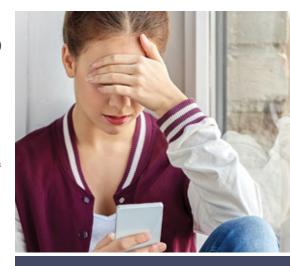
School districts may also want to look deeper at the root causes of a climate score and consider student

responses to school safety and bullying items on the Youth Risk Behavior Survey, which is now open for the fall of 2021. Finally, a good way to see the status of your district's anti-bullying work is through the DPI's Bullying Prevention Assessment Tool.

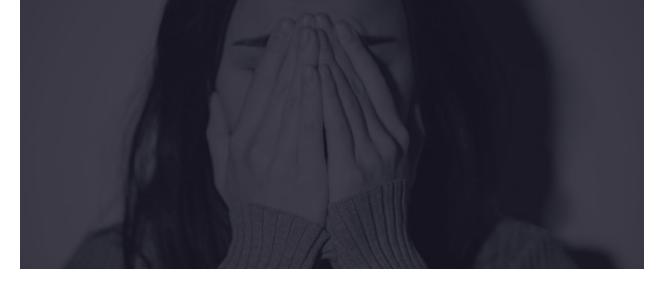
Another prevention-level strategy districts may want to consider is developing social emotional learning skills in students. According to the DPI, "Social and emotional learning is the process through which children and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions."

It's not difficult to see how students who understand themselves and have empathy for others would be less likely to participate in bullying. The Learning for Justice website has an article on this subject (see School Safety Resources sidebar) as well as many other resources.

Finally, the DPI recognizes cyberbullying as the "use of technology to harass, threaten, embarrass or target



The DPI recognizes cyberbullying as the "use of technology to harass, threaten, embarrass or target another individual or group."



Nearly 1 in 11 female and approximately 1 in 124 male high school students

report having experienced physical dating violence in the past year.

another individual or group." Most cyber bullies know their victim, likely as a classmate or online friend, but they can also be anonymous. Cyberbullying can be persistent, permanent and difficult for school staff to notice.

The DPI and the Wisconsin Department of Justice maintain a Keeping Kids Safe Online website, which is updated each October with resources and lesson plans.

Teen dating violence

It is also important to recognize that October is Domestic Violence Awareness Month. According to the Centers for Disease Control and Prevention's 2019 Youth Risk Behavior Survey, 13.4% of students in Wisconsin reported having experienced sexual

dating violence, compared to 8.2% of students nationally. Additionally, 8.3% of students in Wisconsin reported experiencing dating violence, compared to 8.2% nationally.

The DOJ Office of School Safety has partnered with Domestic Abuse Intervention Services of Dane County to develop an advanced threat assessment course that specifically addresses the threat that teen dating violence poses in schools. The course provides information on how to identify teen dating violence and how to use the Wisconsin School Threat Assessment Protocol to assess the risk of harm associated with a relationship.

According to the CDC, teen dating violence is common. Data from its Youth Risk Behavior Survey and National Intimate Partner and Sexual Violence Survey indicate that:

- Nearly 1 in 11 female and approximately 1 in 124 male high school students report having experienced physical dating violence in the past year.
- About 1 in 8 female and 1 in 26 male high school students report having experienced sexual dating violence in the last year.
- 26% of women and 15% of men who were victims of contact sexual violence, physical violence and/or stalking by an intimate partner in their lifetime first experienced these or other forms of violence by that partner before the age of 18.

SCHOOL SAFETY RESOURCES

WI Department of Public Instruction Resources

- A Comprehensive Approach to Bullying Prevention: bit.ly/3zEFmva
- 2021 State of School Safety Report from Safe and Sound Schools: bit.ly/2Y2UMLx
- Youth Risk Behavior Survey: bit.ly/3ztdWbn
- Bullying Prevention Assessment Tool: bit.ly/3zAA6s6
- Keeping Kids Safe Online: bit.ly/3jtzJKy

Social and Emotional Learning: bit.ly/2Y88UTL

Other Related Resources

- Safe Schools Week strategies, ideas and activities: schoolsafety.us/safe-schools-week
- WI DOJ Office of School Safety: bit.ly/3BpTlzV
- WI DOJ Comprehensive School Security Framework: bit.ly/3jx1CBt
- End Domestic Abuse Wisconsin: endabusewi.org/get-help

- Learning for Justice article "Empathy: The Antidote to Bullying": bit.ly/3kAEJfE
- CDC Preventing Teen Dating Violence: bit.ly/3yuxjPX
- Family Justice Center Alliance Teen Relationship Violence Toolkit: bit.ly/3BtdDxT
- WI Circuit Courts Clerk Contact Information: bit.ly/3DuWpIH
- Love is Respect: loveisrespect.org

In addition, the CDC reports that "Some teens are at greater risk than others. Sexual minority groups (people whose sexual orientation, gender identity, or sexual characteristics are different from the presumed majority of the population) are disproportionately affected by all forms of violence, and some racial/ ethnic minority groups are disproportionately affected by many types of violence."

How can educators, behavioral health providers and law enforcement officers help students that are experiencing dating violence? The first step is recognizing behaviors that indicate a power/control dynamic in a relationship. The National Center on Domestic and Sexual Violence lists the behaviors that are indicators of an abusive dynamic on its website, NSVRC.org.

The next step is to proactively help students who are suspected to be involved in dating violence. Local domestic violence shelters can provide victim advocacy free of charge and can often provide low- or no-cost therapeutic interventions for survivors. County providers are listed on the End Domestic Abuse Wisconsin website. In addition, parents in Wisconsin can petition for restraining orders on behalf of their minor children. Information regarding how to contact a county circuit clerk is on the Wisconsin Court System website.

Districts also need to be aware that when any dating violence or related conduct, such as sexual assault, stalking or other sexual harassment occurs within a school program or activity, the school district needs to consider the potential

application of the federal Title IX regulations and the district's obligations under that law. The Wisconsin Association of School Boards provides training for school staff on Title IX and the civil rights of students and staff. More information is available at WASB.org.

Finally, the DOJ Office of School Safety has partnered with the Wisconsin School Safety Coordinators Association and the DPI to develop the Wisconsin Comprehensive School Security Framework, which is available on the Office of School Safety website. ■

Kristen Devitt is the director of the Wisconsin Department of Justice, Office of School Safety. Brian Dean is a consultant at the Wisconsin Department of Public Instruction. Tom Wohlleber is executive director of the Wisconsin School Safety Coordinators Association.

- 1. Comprehensive School Security Framework: Making Wisconsin Schools Safer, 1st Edition, March 2019, Wisconsin Department of Justice
- 2. 2021 State of School Safety Report: Issues of Critical Importance Impacting Safety as School Resumes During COVID Evolution, Summary of Findings p. 11-13, Safe and Sound Schools
- 3. Centers for Disease Control and Prevention Youth Risk Behavior Survey, 2019





PROTECTING SCHOOLS SINCE 1974

Your classrooms deserve the security of solid coverage and local expertise. You can Count on EMC® to provide the resources you need to keep your schools safe.

Make the smart choice—choose EMC.



EMC Milwaukee Branch 262-717-3900 milwaukee@emcins.com www.emcins.com



SafeSchools Training

©Copyright Employers Mutual Casualty Company 2021. All rights reserved.



DIVERSITY LESSONS

Recruiting for locally elected offices

Jennifer Erickson, Melissa Kono, Victoria Solomon

ocal government officials focus their time, thoughts and energy on creating a better future for their communities. Each spring, identifying the next generation of leaders takes center stage as communities think about who could assume leadership roles. Elected officials want to have confidence that qualified candidates will be willing to step up and take on the role when they are ready to leave office. Officials directly involved in local government, because of their recognized roles as leaders and influencers, find themselves in the best positions to recruit that next generation of leadership.

Recruiting candidates who will lead the local government into the future may not be as simple as it initially appears. Research tells us that diverse governing bodies make better decisions. Research from the private sector indicates, "Corporations that embrace diversity are more open to thinking in a broad way

about their mission, more connected to their customers and more open to new approaches to how and why they operate." Yet, locally elected boards in Wisconsin do not necessarily reflect a community's diversity.

According to a recent Wisconsin Women's Council report, of the 13,000 elected offices in Wisconsin, women held only 23% of the seats overall, including 14% of leadership positions. School boards are generally closer to gender parity, with women

FINDINGS

dding 40% of school board seats.

weever, diversity means more than order. Other ways to look at diversuch, such as racial, cultural and linistic, are also important. This icle provides a systematic approach

STRATEGY 1: Identify the position and be clear on why you are recruiting for that particular position.

Consider starting with a vacant position. Women expressed more concerns about running

against an incumbent.It may be easier to recruit women to boards/councils where there is already one woman serving.

STRATEGY 2: Build trust with the candidate.

- Make "the ask" comfortable, face-to-face and informal.
- Find someone who has a previous relationship with the recruit.
- Include different kinds of people in the recruitment process local elected officials, friends, influential people and/or family members. In addition, it may be beneficial to find other women to help recruit women.
- Conduct a one-on-one with the possible candidate without a request. This approach is an opportunity to get to know someone better — what their interests are, what their concerns are and where their passions lie. This approach could take the form of asking them what they would look for in a good candidate for the position you are targeting.

STRATEGY 3: Be persistent.

- The candidate may never have considered running for office.

 The recruitment process may be similar to planting and nurturing a seed. You will likely need to give them time to internalize the idea of running and seeing themselves in the position.
- Ask multiple times in multiple ways. Consider a step-by-step approach, including encouraging different people to make "the ask."

STRATEGY 4: Make it clear that you believe in them.

 Candidates need to hear that the public views them as leaders, Below are conclusions drawn from the University of Wisconsin-Extension Local Government Center's research.

- Women perceive many more barriers to running for office than do men.
- While both men and women
 who have never run for local
 elected office view many of the
 same barriers as a challenge,
 women are more likely than men
 to view the barrier as significant.
- Women cite several confidence and perception barriers that do not seem as troublesome to men.
- In general, people who have never run for office view the process of running and holding office as more daunting than those who ran and were elected. In other words, elected officials view the process quite differently from those who have never run.

For more information about the barriers to women running for local office, please see the article entitled "Political Ambition: Why Don't More Women Run?" in the February 2016 edition of *The Municipality* published by the League of Wisconsin Municipalities.



holding 40% of school board seats. However, diversity means more than gender. Other ways to look at diversity, such as racial, cultural and linguistic, are also important. This article provides a systematic approach to encourage more women and people with diverse racial, cultural, linguistic and experiential backgrounds to run for office. It may be part of the solution to identifying the next generation of leaders, electing more diverse governing bodies, and giving voice to citizens otherwise lacking advocates.

For the past seven years, the University of Wisconsin-Extension Local Government Center has undertaken research, Recruiting the Next Generation of Local Elected Officials — Recruiting Diverse Local Elected Officials, led by Jennifer Erickson, Dan Hill, Melissa Kono, Victoria Solomon. This research demonstrates why relatively few women run for local office in Wisconsin and identifies recruiters' approaches to encourage more women to run. This article centers on research and learnings focused on women in elected office. Readers are encouraged to think about how these strategies may work more broadly to encourage diverse people to run for office.

According to the Center for American Women and Politics, when women serve, they provide a different perspective, more likely raising concerns about safety in the community, gender equity issues, education, and economic issues related to children and families. Women officeholders are also more likely to involve the public in decision-making processes, and they are typically more persistent in following through on constituent concerns.

Strategies

The research team created the following strategies from focus groups of women who have successfully run for and served in local elected office in Wisconsin. Focus group participants were asked about their experiences and perspectives on what effectively and successfully got them interested in running and serving in the office.

Emphasize the potential for reshaping the current position to address

neglected concerns and issues in the jurisdiction.

- competent, skilled, successful and respectable.
- Successful candidates have indicated that it means a great deal to them to be asked to run.
- Convey that you are interested in them as a candidate because you believe in their strengths and what they would bring to elected office — it's not just about filling a position.

STRATEGY 5: Emphasize the candidate's ability to make a real difference.

• Focus group participants indicated that they want to make a positive difference in their communities. Therefore, they are less interested in simply holding a particular position. For this reason, it's essential to know

- what their priorities are.
- Many women in the focus groups referred to themselves as advocates. This thinking can be a selling point in recruiting women; they can advocate for a cause, a group and a community.
- Emphasize the potential for reshaping the current position to address neglected concerns and issues in the jurisdiction.

STRATEGY 6: Assure the candidate that she can learn on the job.

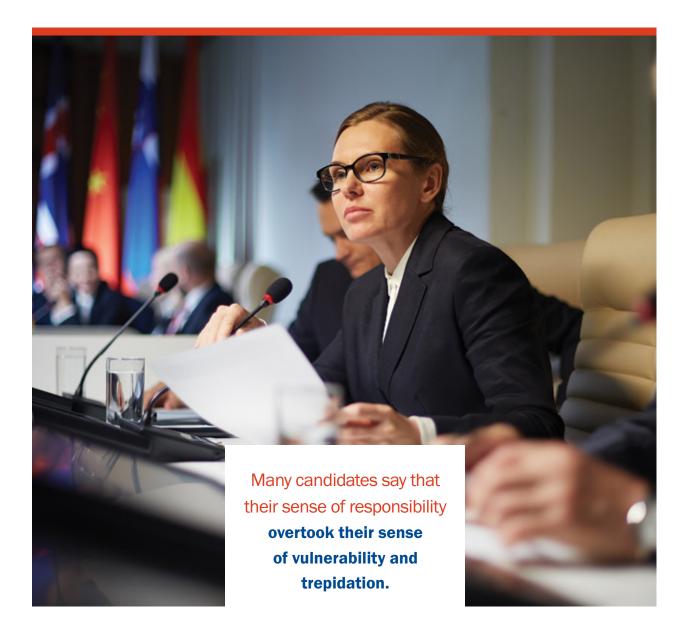
- Assure her that she is already qualified to begin the job.
- Focus on the candidate's strengths and not on what the candidate does not know — parliamentary procedure, zoning codes, curb and gutter dimensions, etc.

• There is plenty to learn, but that comes with time in the position, and many resources exist to help support elected officials.

STRATEGY 7: Be prepared to commit to supporting the candidate.

- Help figure out the nuts and bolts of getting on the ballot, campaigning, building a support network, fundraising, etc. As an example, door-to-door campaigning, while enjoyed by many women candidates, can be an intimidating thought for some.
- Remember that support will be needed before, during and after the campaign. Placing your name on the ballot puts you in a vulnerable position; candidates need to feel supported. Yet, many candidates say that their sense of





responsibility overtook their sense of vulnerability and trepidation.

Reframing concerns

Women likely have a very different understanding of the process of campaigning and holding office. Unfortunately, their different understanding often creates barriers to participation. The goal is to provide different perspectives on campaigning and holding office, i.e., reframe the questions and barriers.

Following are some suggested responses to some of those barriers that may be standing in the way of a potential candidate:

She lacks interest or willingness to ask for campaign funds and/or she has concerns about a negative impact on her personal finances.

- Let the candidate know that she would not have to raise funds (most local elections require little, if any, campaign expenditure).
- For campaigns that require funding, you and others will help with/take care of fundraising.
- Be honest and realistic about the financial commitment.

She is concerned about the amount of time it will take from family and home.

- Make sure that the candidate has a realistic understanding of the time commitment — it may be less than she thinks.
- In the case of mothers, some women stated that this could be a win-win with the children getting a better appreciation of local government. For example, this creates opportunities to get the children involved with the campaign by taking them along when canvassing. This can also set an example for the children in pursuing elected office and leadership roles.

RESOURCES

Election resources available at WASB.org.

PUBLICATIONS

Guide for Candidates provides an overview of school board member responsibilities and outlines the pertinent election dates (publicly available).

New School Board Member Handbook provides a more in-depth look at the legal and governing responsibilities of school board members (publicly available).

Election Schedule includes a schedule-at-a glance, an overview of ballot access documents, key tasks and deadlines, and related forms for the election of school board members (login required).

ONLINE WEBINARS

Upcoming webinars, Nov. 9 and Nov. 16, 2021 - Elections **Notices and Procedures**

School board clerks and school staff responsible for school board elections are encouraged to register for the two-part Elections Notices and Procedures webinars. which will cover key deadlines, required notices and post-election processes. Registration required.

Recorded online workshop -**Onboarding New Board Members**

This online workshop provides an overview of best practice methods to ensure high-quality board member participation. It includes pre-election orientation ideas and necessary post-election orientation topics as well as suggestions for ongoing, yearlong options to help new board members become great board members. Registration required.

Webinars are included as part of the WASB Online Learning Platform.



She lacks a willingness to meet voters door-to-door.

- Tell candidates that many women who dreaded this later report that this was their favorite part of running for office (though there are "moments").
- Offer to find people to accompany her.
- Do not go door-to-door when the Packers are playing (or when other major sporting or other events are occurring.)

She fears a hostile political atmosphere.

- Tell the candidate that she has the interpersonal skills to change that atmosphere.
- It may not be what she thinks; often, the local situation looks nothing like the state and federal landscape.

She has concerns about criticism.

• Dissent is a sign of respect. Disagreement indicates that your ideas have merit that has earned a response.

She perceives a lack of support for her candidacy.

• Test the waters, find out what others think of her as a possible candidate.

- Reiterate her strengths that are important to the job — listening, communicating, problem-solving, resolving conflict, taking collaborative approaches to tackling issues, engaging in respectful dialogue, displaying wisdom, etc.
- Challenge her right then and there to write down the names of two dozen people who would support her. You do the same. Now you have nearly 50 people you can call for support.

She does not think she would do a good job.

- Emphasize that no one starts in these positions knowing all there is to know.
- Everyone engages in on-the-job training.
- Reiterate her strengths.
- Talk about the cross-over skills (from business or nonprofit to government) that the candidate

She fears losing the election.

- Research shows that women and men win elections at the same rate.
- Losing is always a possibility. But talk about her strengths.



- Focus on the difference the candidate can make; "it's worth the risk."
- Running for office is a good learning experience for the next time you run.

She does not want to run against the incumbent.

- Many incumbents want to step down but keep running because no one else will run.
- Emphasize the idea that this is not an athletic competition. It is about providing choices to the voters.
- Emphasize the public service aspect of running and the impact she can have.
- Find an open vacant position.

Other avenues

Increase women's engagement in local government by getting women appointed to local commissions and boards for which they do not need to campaign. Previous involvement in local government was cited by many of the women in our focus groups.

Conclusion

Local government decisions influence everyone. Women in elected office provide representation to women in the community that they otherwise would not have received. Additionally, research shows that more diverse groups make better decisions. Having more women on local boards could change the dynamics of how things operate for the better by having more balanced conversations and decisions, challenging tradition and conventions, and obtaining outcomes that are different than they otherwise would

have been. To increase diversity on local boards, candidate recruiters will need to take a strategic approach that includes more systematic efforts targeted at qualified female candidates who might not otherwise consider running.

Jennifer Erickson, Melissa Kono and Victoria Solomon are county-based community resource development educators with the University of Wisconsin-Extension.

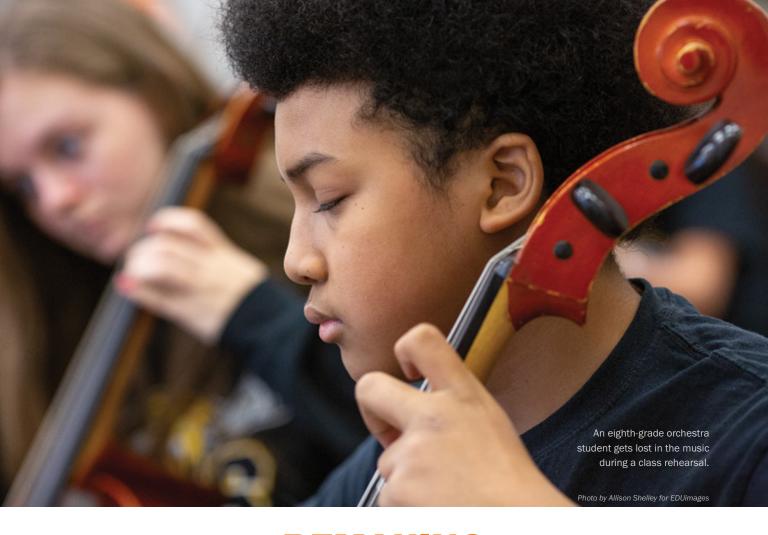
- Pre-Referendum Services
- Specializing in Secured Entrances
- New Construction
- Renovations / Additions
- Mechanical System Upgrades

Over 52 Districts
Over 158 School Projects

Superior Craftsmanship, Uncompromising Values since 1948

608.546.2411 · kraemerbrothers.com

KRAEMER



REMAKING **GIFTED & TALENTED**

How to build a more equitable and effective program

Scott J. Peters, Ph.D., Lindsay Ellis Lee, Ph.D.

isconsin statutes and the Department of Public Instruction legally mandate that all school districts identify those in need of - and provide access to — gifted and talented services in kindergarten through 12th grade. Despite this long-standing mandate, as of the 2017-18 school year, only 48% of Wisconsin schools reported

having identified any students as gifted or talented.

Arizona and Indiana, states with similar mandates, have larger numbers of schools providing access to gifted and talented services (69% and 84%, respectively). Wisconsin also has a smaller percentage of its students identified — only 5% compared to Arizona's 6% and Indiana's 12%.

Even worse than these numbers are the inequalities that lay within.

While the state itself collects no data, the U.S. Office of Civil Rights does. (Look up any school or district in the United States online at ocrdata.ed.gov.) Black and Hispanic students in Wisconsin are underrepresented by one-third and onequarter, respectively.

Too often, gifted and talented programs are searching for "gifted" students instead of **those who are underchallenged.**

Gifted and talented education in Wisconsin has a problem with equitable access. There are districts and individual schools that are phenomenal at championing equity-driven initiatives in their gifted programs, but the majority of Wisconsin schools provide no gifted and talented services. In schools that provide services, the gifted and talented population served does not mirror their larger student population.

An introduction to gifted education

Gifted and talented services exist to challenge students who need content that is developmentally advanced. For example, a 2013 study using nationally representative data found that 7% of starting kindergarteners were already able to add and subtract. Similarly, a 2017 paper found that 2% of fifth-grade students demonstrated mastery of ninth-grade math content. In reading, it was 10%. All schools, regardless of their "average" level of academic achievement, have students who are underchallenged and would be better served by learning content more often taught to older students.

It would seem intuitive that gifted and talented services are meant to challenge these students. Too often, gifted and talented programs are searching for "gifted" students instead of those who are underchallenged. This might seem like a distinction without a difference, but it turns out to be quite consequential.

Many other states and individual districts have changed their gifted programs to be more equitable and more effective. Rather than relitigate all the shortcomings of historical practices of gifted and talented services, this article will outline what Wisconsin schools can do differently to provide greater, more personalized levels of instruction to a wider range of students. Not only does this asset-based approach challenge more

students, but it does so in a way that will yield a more diverse gifted and talented population and narrow excellence gaps.

What should Wisconsin schools do?

1. Stop identifying "the gifted" and start identifying unmet learning needs.

Gifted and talented education exists because there are some students who are ill-served and/or mismatched with the grade-level curriculum. Children vary both in their natural talents and in the opportunities they've had to develop those talents. This second part is hard to overstate. Some students have had every opportunity and resource to develop their talents while others, despite substantial potential, have had few opportunities. Gifted and talented services are one pathway through which students can receive a personalized learning experience, no different from special education or bilingual education services.

But too often in gifted and talented programs, the otherwise uncontroversial goal of personalizing learning and assuring growth gets immersed in discussions of identification. Which student is "truly" gifted as opposed to "just" bright? Is Angelo advanced in math because he has a natural talent or because his father is an engineer who worked with him on his math? None of this matters. Schools are places for students to grow and develop. To do so, they need developmentally appropriate and appropriately challenging learning experiences. If Angelo has mastered pre-algebra, put him in algebra. If Keisha can read books at Fountas and Pinnell level F independently, let her move on to level G. All of this can happen without any discussion of who is or is not gifted.

Some might rightly object that Wisconsin requires schools to identify and serve gifted students. But in proactively searching out students who might be underchallenged in their current school experience, schools are identifying gifted students. Wisconsin defines "gifted" as follows:

"...gifted and talented pupils" means pupils enrolled in public

YOUR GOALS.OUR MISSION.

Wisconsin public school districts face unprecedented challenges and opportunities. The attorneys at Strang, Patteson, Renning, Lewis & Lacy, s.c., are dedicated to helping you meet the challenges and take advantage of the opportunities.





Green Bay - Toll Free: (844) 833-0830 Madison - Toll Free: (844) 626-0901 Oshkosh - Toll Free: (833) 654-1180

strangpatteson.com



Schools should use any data at their disposal to scan for unmet learning needs — whether advanced, remedial or different in kind.

schools who give evidence of highperformance capability in intellectual, creative, artistic, leadership or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities.

This means that schools are supposed to seek out students who need services not currently being provided in order to grow and develop. It doesn't really matter what we call them. What matters is that we are assuring advanced learners are appropriately served. Every year, schools should review the data from report cards, standardized tests, curriculum-based assessments and teacher feedback to identify students who might be ready for additional challenge. This is the very definition of an asset-based approach to education.

2. Proactively screen for advanced, unmet learning needs. One of the most important tenets of Response to Interventions and multi-tiered systems and support is the component of universal screening. Rather than waiting for students to struggle, schools should proactively seek out students who need additional services. The same should happen for advanced learners. Schools should use any data at their disposal to scan for unmet learning needs — whether advanced, remedial or different in kind (e.g., bilingual). Rather than wait for a student to become bored and start acting out in class, schools should be on the lookout for these students and have potential interventions ready.

Schools have all types of data that should be mined for this information even before considering collecting new data. But this need not be solely standardized test data. Classroom teachers should look out for kids who show signs of being ready for more. Principals should pose these questions to teachers and let parents know what to do if they think their kids are being underchallenged. Having students who are developmentally advanced is not a criticism of a teacher or school. Children vary in aptitude and educational systems need to be responsive to individual needs.

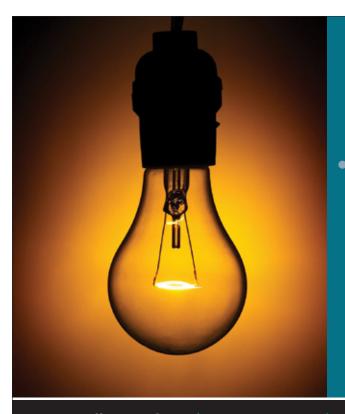
3. Use local norms to identify advanced learners. Traditional gifted and talented identification relies on comparing students to national norms. This comparison informs the school what percentage of other same-grade students this student is scoring above. But that information is not terribly useful when it comes to knowing who requires advanced

content in this school, this year. Instead, schools should look for which students are the highest performing in a given content area in their school. Knowing if James is the highest performing third-grader in his school in math is much more important than knowing if James is performing above 60% of the nation's third-graders in math. Looking for the top performers within a given context is a better way to identify who might need additional challenges.

In addition to local norms being a better way to identify students, it also has another attractive benefit: it's far more equitable. A 2019 study found that local norms resulted in a 238% increase in the gifted and talented representation rate for African American students in reading. It was 300% in math. For Latino students, the increases were 157% and 170%, respectively. Similarly, another study found that local norms would eliminate dispro-

portionate representation for Latino and English language learners in one of the largest school districts in the country. Using local norms for gifted and talented identification makes more sense given the purpose of gifted education and results in a more equitable service population. There are some implications of a change from national to local norms, but given the upsides, it is a clear best practice.

4. "Gifted" services are good and defensible if they benefit the kids who receive them but would not benefit others. This point requires some nuance. Too often gifted and talented services are seen as "the good school" where the chosen few go while everyone else is left behind. If schools are going to provide an opportunity to some students and not others, there must be a clearly communicated, iron-clad rationale for why this is acceptable. For example, the Algebra for All (in eighth grade) movement is widely regarded as a failure because not all



Policy Consulting Services

Want help... Creating a new or revised policy? Clarifying a policy's wording? **Ensuring** your policies meet legal requirements? Updating your policy manual?

The WASB Policy and Legal Services staff can help. We provide customized policy consulting services to meet local needs.

Contact the WASB today.



Policy Services

608-257-2622

877-705-4422

Visit wasb.org



Student council. drama club, **Lego robotics** are all learning opportunities that are open to anyone who wants to participate.

students are ready for algebra in eighth grade. Instead, studies in California and North Carolina found that when provided to students who had mastered prerequisites, eighthgrade algebra has benefits. There is a clear rationale for why a service is provided to some students and not to others, and clear evidence that some would benefit and others would not. But too often the service is general enrichment or critical thinking skills - something all students would benefit from but is restricted just to "gifted" kids. That's not defensible.

There is a simple rule when it comes to making defensible identification or placement decisions. Would all (or more) students benefit from it? Could all students do it? Or should all students do it? (An adaptation from A. Harry Passow.) When looking at

any opportunity or intervention, these questions should be asked. If more students would benefit from it, be able to do it or should learn it, then it's not an appropriate intervention and should not be restricted just to "gifted" students. Student council, drama club, Lego robotics — these are all learning opportunities that are open to anyone who wants to participate. If a school is going to offer a learning opportunity, but restrict it to a subset of students, then there must be a clear, defensible rationale for doing so.

5. Think proactively about equity. Any identification or placement system will miss some students it was designed to find. Colleges and universities have long struggled to recruit and retain students from diverse backgrounds. One solution

has been to universally administer college readiness assessments (e.g., ACT and SAT). By testing everyone, schools don't rely on students to sign up for the test, have a parent who encourages a student to do so, or have a counselor who believes the student is "college material." Administering the ACT or SAT universally has been a clear success. This is an example of a system thinking proactively about equity. What are all the barriers that are preventing a certain population from participating at higher rates? Are there challenges to accessing the admissions tests? Do some groups not know about the opportunity because of language or internet barriers? Are there financial barriers that can be overcome?

Whether the underrepresented group is students of color, students

- 1. Peters., J., and Carter, J. S. (2021). Predictors of access to advanced learning: What makes for a successful school? (EdWorkingPaper: 21-403). bit.ly/3A3lwJD
- 2. Engel, M., Claessens, A., & Finch, M. A. (2012). Teaching students what they already know? The (mis)alignment between mathematics instructional content and student knowledge in kindergarten. Educational Evaluation and Policy Analysis, 35(5), 157-178. bit.ly/3rQOTMd
- 3. Peters, S. J., Matthews, M. T.,

- Rambo-Hernandez, K., Makel, M. C., & Plucker, J. A. (2017). Should millions of students take a gap year? Large numbers of students start the school year above grade level. Gifted Child Quarterly, 61(3), 229-238. bit. ly/3Cbr72g
- 4. Peters, S. J. (July 8, 2014). The bright vs. gifted comparison: A distraction from what matters. The Creativity Post. bit.ly/3A1PKfZ
- 5. Peters, S., Rambo-Hernandez, K.E., Makel, M., Matthews, M., & Plucker, J. (2019). The effect of local norms on

- racial and ethnic representation in gifted education. AERA Open, 5(2), 1-18. bit.ly/3rOzRGO
- 6. Carman, C. A., Walther, C. A. P., & Bartsch, R. A. (2018). Using the Cognitive Abilities Test. 7 Nonverbal Battery to identify the gifted/talented: An investigation of demographic effects and norming plans. Gifted Child Quarterly, 62(2), 193-209. bit.ly/3je7T3A
- 7. Domina, T., McEachin, A., Penner, A., & Penner, E. (2015). Aiming high and falling short: California's eighth-grade Algebra-for-All effort. Educational

from low-income families, students whose primary language is not English, or students with physical disabilities, every school has groups that will be harder to properly identify for advanced learning opportunities, most often because of unintentional barriers to access.

Conclusion

Regardless of what we call them, gifted and talented or academically advanced learners are no more deserving of an appropriately challenging education than anyone else. But they are also no less deserving. All students deserve to learn, regardless of their financial circumstances or zip code. There are a range of changes that can be made in Wisconsin to make gifted and talented services more equitable and more effective. The 2021-23 state budget includes a provision by Rep. Warren Petryk (R-Town of Washington) and Sen. Kathy Bernier (R-Lake Hallie) to double the funding for the Gifted and Talented Grant program to \$474,400 per year. Now is the perfect time for school districts to apply for these funds (applications due every May) and use them to enhance their gifted and talented services into a more effective and equitable direction.

Scott J. Peters, Ph.D. is a professor at the University of Wisconsin-Whitewater. Lindsay Ellis Lee, Ph.D. is a research assistant professor at East Tennessee State University.

- Evaluation and Policy Analysis, 37(3), 275–295. bit.ly/3ynOd3q
- Doughtery, S. M., Goodman, J. S., Hill, D. V., & Litke, E. G. (2017). Objective course placement and college readiness: Evidence from targeted middle school math acceleration. Economics of Education Review, 58, 141-161. bit.ly/3A03kRa
- 9. Dynarski, S. M. (2018). ACT/SAT for all: A cheap, effective way to narrow income gaps in college. brook.gs/37cN3Mk



When the Sheboygan Falls School District decided to build a new middle school to address their immediate needs and aging facility, they trusted it to CG Schmidt to build it right — completing it on time, on budget, and with the high level of quality to make a building that will last for generations.

Whether you're building a new middle school, updating spaces for a new curriculum, or just renovating the front office, find out why CG Schmidt has been Wisconsin's most trusted building partner since 1920.



MILWAUKEE // MADISON // CGSCHMIDT.COM // (414) 577-1177



Planning a MONEY PATH

HELPING STUDENTS CHART A FINANCIAL FUTURE

s a junior at Milton High School in southern Wisconsin, Mandy Sullivan wanted to eventually enroll in a four-year college and enjoy campus life.

She knew it would be more expensive than starting at a two-year school, but didn't know exactly how much more until she took Nic Manogue's business class. Sullivan then saw her choices laid out in stark dollars and cents: about \$17,000 to live on campus compared to \$4,000 to live at home and commute.

When COVID-19 hit and reshuf-

fled campus life, Sullivan knew exactly how much money she'd save by staying home while attending the University of Wisconsin-Whitewater.

"Seeing that number change from living at home versus living in a dorm, oh my gosh, I can't believe it's \$13,000," she remembers thinking.

Sullivan understood her choice more clearly thanks to Money Path, a web-based personal finance program from the nonprofit Secure Futures. The program helps students map out their entire financial lives, from post-secondary education to major purchases and retirement.

Manogue, a business teacher in Milton for 22 years, says he uses Money Path because the engaging software allows students to peer into and reshape their financial futures. Some change their path as a result while others emerge more confident.

He remembers a girl who wanted to be a veterinarian, but "She was blown away by the costs." Now, according to Manogue, she loves her job as an ultrasound technician.

Taught by about 100 teachers in Wisconsin, Money Path is intended to help young people make smart choices and start their adult lives on sound

financial footing.

"Our goal is to get this into the hands of every (Wisconsin) high school student," says Pat Rorabeck, business director at Secure Futures, which operates Money Path.

Free for Wisconsin teachers and students, Money Path's appeal is in the breadth of real-world data it draws upon. Students can compare in- and out-of-state tuition at different universities. They can map out their post-college budget with starting salaries in a given field and realistic prices in the city they'll live in.

They can begin to see how the choices they make now, as teenagers, may echo through their lives.

"You might have to wait to get a house if you're carrying lots of student debt," Manogue notes.

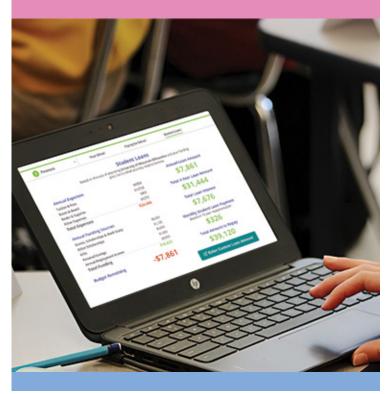
For Sullivan, planning means delaying gratification. Limiting her debt by staying at home broadens her options after graduation. She's always wanted to leave her hometown, and that will be easier to do without student debt holding her back.

The goal of Money Path isn't simply to amass wealth, says Rorabeck. Instead, it asks students how they want to live — to plan an education and career — and offers them the data they need to balance their needs and wants.

Money Path is also used by counselors and others in one-on-one discussions about students' futures.

Before changing jobs in August,

Money Path can also help students map a **REALISTIC PATH THROUGH HIGHER EDUCATION**, perhaps including scholarships.



Carly Weckworth was site director at the Milwaukee Public Schools College and Career Center at South Division High School. The school uses Money Path in a program called



a financial mentoring program that pairs students with mentors to build strong money management habits.

Many of Weck-worth's students were forced to grow up early and live on their own as 16-year-olds. They may be the only person in their family to have a bank account.

"I can't say how helpful it is for our students to learn this in high school," Weckworth says.

Money Path can also help them map a realistic path through higher education, perhaps including scholarships. Weckworth believes it helps students realize, "This is expensive but it's not fully out of reach."

Some students look back at the program later, mea-

suring how their plans stacked up against real life.

Sullivan revisited Money Path recently to look back on her first year of college and revise her plan. As she begins her sophomore year at UW-Whitewater, she's decided to continue living at home and commuting.

Now, she's using Money
Path to see if she can afford
an apartment her junior year.
She's changed over the past three
years, and so have her priorities.

"I matured a little bit more, and realized it was better for me personally to just hold off," Sullivan says.

Money Path is free to Wisconsin districts and schools. To learn more, email Secure Futures Business Manager Pat Rorabeck at pat@securefutures.org.

Dan Linehan is a communications and marketing specialist with the Wisconsin Association of School Boards.

Embracing Civility in Times of Strife

bout eight years ago, I had the opportunity to become a part of The Door County Civility Project. As a former school counselor and having heard a California school district present its civility program at a conference, I thought the project would be of interest. So, I volunteered for training and to serve on the core committee for our county. At that time, there were some meetings in our community that were lacking in civility, and we believed that all of us could benefit from some of the basic principles as discussed by P.M. Forni, who cofounded the Johns Hopkins Civility Project in 1997.

The vision of the Civility Project is an engaged community that values the opinions and ideas of others and is committed to civil behavior and discourse. We all know that it is easy to be civil with those with whom we agree and who think like we do, but not so easy with those with whom we disagree. We are all human!

Little did any of us realize at that time that our society would be faced with today's world in which we're seeing increasing examples of uncivil behavior. I recently took a family member to the hospital emergency room and was struck by a sign in the lobby that read, "Aggressive behavior is not tolerated," and then went on to provide examples of what that behavior would look like: physical assault, verbal harassment, abusive or foul language, threats and failure to respond to staff instructions. The sign stated that these behaviors may result in removal from the facility and could lead to arrest. I was taken aback by the need for this type of signage in a hospital



ER, where staff members provide care for all in times of need and expressed that to the person at the reception desk. Her comment was, "You would be surprised at the kinds of behaviors we see here."

Unfortunately, these types of behaviors seem to be all too frequent in too many settings in our current polarized society. I know that school staff and school board members around the state have been dealing with a variety of contentious situations involving mask wearing, vaccinations, equity, legislation and curriculum.

As I hear and read about these happenings, I struggle with how we can address them and model behaviors of a kinder, gentler society for all of our public school students. Now, more than ever, we need to

2,640,070

2,669,639

4,143,001

29,569

2021 REPORT TO THE MEMBERSHIP

Unrestricted

Temporarily Restricted

Total Net Assets

Total Liabilities and Net Assets

Condensed Statement of Activities for the Year Ending June 30, 2021				
REVENUE				
Membership Dues	\$	1,989,119		
Program Revenue	\$	1,567,290		
Interest and Investment-Related Income	\$	79,271		
Other Income	\$	\$42,720		
Total Revenue	\$	3,678,400		
EXPENSES				
Program Expense	\$	\$2,458,895		
Management and General	\$	1,108,652		
Total Expenses	\$	3,567,547		
Change in Unrestricted Net Assets-Operating	\$	110,853		

Wisconsin Association of School Boards, Inc.

Wisconsin Association of School Boards, Inc.	
Condensed Statement of Financial Position, June 30, 20	21

ASSETS	
Current Assets	
Investments, Cash and Cash Equivalents Accounts Receivable	\$ 3,671,631 137,190
Deferred Costs and Prepaid Expenses	\$ 224,107
Accrued Interest Receivable	272
Total Current Assets	\$ 4,033,200
Long-Term Investments	\$ -
Property and Equipment, Net	\$ 109,801
Total Assets	\$ 4,143,001
LIABILITIES & NET ASSETS	
Current Liabilities	
Deferred Revenue	\$ 1,084,641
Accounts Payable, Payroll Taxes and Benefits Payable	\$ 322,209
Accrued Lease Liability	\$ 14,577
Short-Term Portion of Capital Lease	\$ 18,152
Total Current Liabilities	\$ 1,439,579
Long Term Liabilities	
Long-Term Portion of Capital Lease	\$ 33,783
Total Liabilities	\$ 1,473,362
Net Assets	

come together to ensure that our schools and communities are more resilient and uplifting. We need to remind ourselves that, despite our disagreements with others, we really have the common goal of preparing all our students to be successful citizens in our global society.

The idea of civility is not to end all disagreements, but rather to make it safe to disagree.

Here are some of principles of civility that can be a start to getting us on the path of working through our disagreements:

- Listen. Much of the conflict in our lives can be explained by one simple but unhappy fact: we don't really listen to each other. Focus on others in order to better understand their point of view. Listen more, talk less. Ask clarifying questions with a spirit of curiosity.
- Respect. Honor other people and their opinions, especially in the midst of a disagreement. Honor everyone's time and physical space. Respect includes recog-

- nizing that others are entitled to look at the world differently.
- Give constructive criticism. When disagreeing, stick to the issues and don't make a personal attack. Sharing an opposing point of view is a civic responsibility, but the intention must be to help, not to humiliate.
- Take responsibility. Don't shift responsibility and blame onto others. Own your behavior and your part in the problem. Admit when you are wrong.

I recently read a new guiding statement from an Oregon school district: "Portland Public Schools reImagined: Preparing Our Students to Lead Change and Improve the World." I think all of us would agree that our society needs some changes, even though we might not agree about what those changes should be. This is what we need to grapple with in the months ahead.

As we continue to educate all our students in these challenging times,

we carry a heavy burden as educational leaders. The staff and board of directors of the WASB continue to be dedicated to helping all of us meet the needs of all Wisconsin public school students. Our staff members work with a variety of education-related associations in the state, legislators and others to provide much needed services to our districts.

We have tools to help with community engagement, social-emotional learning, stress management, educational gaps, board governance, Title IX, civil rights, legislative updates and many more current topics. We are stronger together. We can bring about the change needed for kinder, more resilient and more civil communities for all. We can and must be the role models that our students so desperately need in these challenging times.

Sue Todey is a member of the Sevastopol School Board, representing Region 3 on the WASB Board of Directors and serving as the 2021 WASB president.

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION					
Publication Title: Wisconsin School News	Extent and Nature of Circulation	Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies Published in September		
Publication No.: 688-560 Filing Date: October 2021	Total No. Copies (Net press run)	4,380	4,376		
Issue Frequency: 10 issues/year No. of Issues Published Annually: 10	Paid/Requested Outside-County Mail Subscriptions Stated on Form 3541	4,156	4,073		
Annual Subscription Price: \$90 non-member / \$9 member Mailing Address:	Paid/Requested In-County Mail Subscriptions Stated on Form 3541	98	97		
122 West Washington Avenue, Suite 400, Madison, WI 53703-2178	Other Classes Mailed through USPS	0	0		
Publisher: Wisconsin Association of School Boards, Inc. 122 West Washington Avenue, Suite 400, Madison, WI 53703-2178	Total Paid and/or Requested Circulation	4,255	4,185		
Executive Editor: John Ashley 122 West Washington Avenue, Suite 400, Madison, WI 53703-2178 Editor: Sheri Krause	Free Distribution by Mail- Other Classes Mailed through USPS	16	24		
122 West Washington Avenue, Suite 400, Madison, WI 53703-2178	Free Distribution Outside the Mail	0	0		
Owner: Wisconsin Association of School Boards, Inc. 122 West Washington Avenue, Suite 400, Madison, WI 53703-2178	Total Free Distribution	16	24		
The purpose, function and nonprofit status of this organization	Total Distribution Copies not Distributed	4,272	4,209		
and the exempt status for federal income tax purposes have not changed during the preceding 12 months.		108	167		
I certify that all information furnished on this form is true and complete.	complete. Total	4,380	4,376		
Sheri Krause, editor.	Percent Paid and/or Requested Circulation	99	99		

A Beneficial Alliance

Integrating Risk Management and Employee Benefits to Improve Employee and Community Well-being

ducators know better than anyone that collaboration promotes success. Just as students need to develop the ability to coordinate with others to attain a goal, school districts need to do so when it comes to their employee benefits and property and casualty insurance programs.

Employee benefits and property and casualty insurance programs are often siloed, with different decision-makers at the helm and different brokers in the driver's seat. Money and progress are left on the table without insight and collaboration between these two arms of an organization.

A coordinated approach to employee benefits and property and casualty risk management can not only improve overall well-being of students and staff, but also reduce costs for a district.

■ What are the benefits of a coordinated approach?

When districts focus on the wellbeing of their students and staff, they can lower workers' compensation costs, lower health care costs and decrease absences, thereby increasing student achievement. It's a circular cause and effect that starts with prioritizing well-being.

According to the Harvard Business Review, "It turns out that a comprehensive, strategically designed investment in employees' social, mental and physical health pays off."

Prioritizing well-being in your school district

Many school districts already have a well-being program that focuses on fitness and nutrition, but there are four key drivers that make school

districts especially successful when it comes to well-being: a focus on obesity and chronic disease management, a vision for success, leadership and the creation of a well-being committee.

When these drivers are in place, well-being programs are often more comprehensive, focusing not just on weight and physical health, but also on work/life balance, mental health and financial health to create a holistic result for students and staff.

Fostering a holistic well-being program can have a major effect on staff's health, and, consequently, the desirability of a district and its workers' compensation costs.

How does well-being impact workers' compensation?

Staff who struggle with well-being are often absent

From physical well-being to mental and financial well-being, staff who feel that their needs are not being met can experience lost productivity, which impacts workers' compensation costs.

"Personal health risk does impact future lost productivity in workers' compensation claims even after adjustment for demographic, health factors and job type," according to the Journal of Occupational and Environmental Medicine. "Employers wishing to reduce the impact of lost productivity should consider a workers' personal health risks as predictors of future lost productivity and may want to address this in broad risk reduction programs."

We know this to be true. Fully insured workers' compensation costs are largely determined by a district's experience modification. Loss time cases, which are claims that result in an employee being unable to work, have a disproportionate effect on this statistic and increase workers' compensation costs at the outset.

When a district focuses on the well-being of its staff, it benefits students, staff and the district. Healthier employees are more likely to return to work before indemnity payments start, in which case their claims would fall into the medical-only category, where claims are reduced by 70% in the experience modification calculation.

Districts who prioritize well-being among their staff can positively affect workers' compensation, reducing time away for teachers and creating an environment that highly soughtafter educators want to work in.

Loss in productivity impacts your district beyond workers' compensation costs

There are also soft costs to a lack of focus on well-being. According to a study by the Occupational Safety and Health Administration, indirect workplace injury costs are three to seven times that of direct costs, and a recent research report by the Society for Human Resource Management indicated that unplanned absences result in the highest net loss of productivity per day.

When a lack of well-being results in absenteeism from staff, student achievement falters as well. A study by the National Bureau of Economic Research in conjunction with Harvard University estimates that every 10 days of teacher absence reduces students' achievement by 3.3% of a standard deviation.

The verdict is in — helping employees achieve a more positive lifestyle through well-being programs that focus on obesity and chronic disease is not only a sign of caring about employees, but also a sound business decision.

What should my district do to better integrate employee benefits and property and casualty?

The problem still stands — seeing employee benefits and property and casualty as two unrelated aspects of a district's operations means that money, staff satisfaction and student achievement are left on the table.

There are many ways for a district to better integrate employee benefits and property and casualty, including working with one broker on both sides of the house to encourage knowledge-sharing and

provide deeper access to data, which results in statistic-driven decision-making and strategy.

Other ideas include hosting vendor summits to bring carriers and service providers into one room where they can discuss how they can work together to reduce costs, and adding property and casualty risk management to create a safer work environment that improves employee well-being and keeps teachers in the

We've seen the integration of employee benefits and property and casualty work wonders before.

(An Oregon Health & Science University Meta Data Study noted that integration of health, well-being and workers' compensation can lead to an overall cost reduction of 25%.) Genuine collaboration can reduce the cost of programs, support healthier employees, lower health care and workers' compensation costs, discourage absenteeism, and even generate higher student achievement.

Marty Malloy is a senior account executive, director of education and government practice and partner at M3 Insurance. Bec Kurzynske is an account executive and director of education and government for employee benefits at M3.

- 1. What's the Hard Return on Employee Wellness Programs? Berry, Mirabito and Baun. Harvard Business Review. December 2010
- 2. Employee Health and Frequency of Workers Compensation and Disability Claims. Kuhnen, Burch Shenolikar and Joy. Journal of Occupational Health and Environmental Medicine, September 2009
- 3. Do Teacher Absences Impact Student Achievement? Longitudinal Evidence from One Urban School District, Miller. Willet & Murname. National Bureau of Economic Research, August 2007



Celebrating Our School Boards

SCHOOL BOARD WEEK | OCT. 3-9, 2021

UPDATED:

Fall 2021 Regional Meetings SEPTEMBER 28-NOVEMBER 3

Network with colleagues and WASB staff

Join us at your Regional Meeting this fall to network with area board members, celebrate accomplishments, and learn about the WASB's activities and plans. The Regional Meetings will feature a networking opportunity, legislative update and report from WASB Executive Director John Ashley.

Due to rising cases of COVID-19, the WASB is modifying the Regional Meeting agenda and protocols to help ensure the health and safety of members and staff. With a priority on allowing members to come together to enjoy a meal and network, the following changes have been made:

- All attendees must show proof of being fully vaccinated or the results of a negative COVID test taken within 72 hours of the Regional Meeting to attend the dinner.
- Members can opt to attend the meeting portion only at no cost without showing proof of being fully vaccinated or a negative COVID test.
- All attendees must wear a face mask.
- The in-person, pre-meeting workshops have been replaced with a three-part, online complimentary workshop series open to all members (see below for details).
- The director elections will be held online at 12 pm the day of the Regional Meeting in the affected regions.

The Oct. 27 Online Regional Meeting remains available to all members at no cost.

Regional Meeting Online Workshop Series: Managing Challenging School Board Meetings

Sometimes board members know ahead of time that an upcoming school board meeting will be challenging. In those situations, thoughtful planning for the meeting logistics as well as pre- and post-meeting activities can help ensure a successful meeting.

During this online workshop series, a WASB staff counsel will be joined by WASB consultants to review best practices for establishing the board agenda, structuring the public comment period for productive input, ensuring accessibility and determining other meeting logistics. They will also discuss ways to manage conflict and engage with community members and staff before, during and after the meeting to promote productive dialogues.

Tuesday, Oct. 5, 12 pm Workshop 1: Pre-meeting steps Thursday, Oct. 14, 12 pm Workshop 2: Meeting management Tuesday, Oct. 19, 12 pm Workshop 3: Post-meeting activities

No registration required. All workshops will be recorded.



FALL 2021 REGIONAL MEETINGS SCHEDULE

Region 1* | Sept. 29 - Spooner, Spooner Civic Center

Region 2 | Sept. 28 - Minocqua, Norwood Pines Supper Club

Region 3 | Oct. 6 - Green Bay, Rock Garden/Comfort Suites

Region 4* | Oct. 12 - Menomonie, Off Broadway (by Stout Ale House)

Region 5 | Oct. 13 - Rothschild, Holiday Inn

Region 6 | Oct. 28 - Onalaska, Stoney Creek Hotel La Crosse-Onalaska

Region 7 | Oct. 7 - Neenah, Bridgewood Resort

Region 8 | Oct. 5 - Kiel, Millhome Supper Club

Region 9* | Oct. 26 - Fennimore, Southwest Tech

Region 10* | Oct. 21 - Wisconsin Dells, Trappers Turn

Regions 11 & 15 | Oct. 19 - Pewaukee, The Ingleside Hotel

Region 12 | Nov. 3 - Verona, Verona Area High School

Region 13* | Oct. 20 - Elkhorn, Monte Carlo Room

Region 14 | TBD - Milwaukee, Milwaukee Public Schools Administration Building

Online | Oct. 27 - Open to all members

*Denotes regions with elections for the WASB Board of Directors



Online Learning Platform Expands

A comprehensive source of online training for Wisconsin education leaders, the WASB's Online Learning Platform is a living library, changing as new resources are added. New sessions include content on:

- Community engagement
- Policy development

Access to the Online Learning Platform is available as an annual subscription based on board size. Districts can choose access to the full Platform or the Board Officers series only. \square

School Board Week Planning Kit Available

Oct. 3-9 is School Board Week in Wisconsin.

Head to WASB.org to find a Wisconsin School

Board Week Planning Kit. It includes:

- Activity ideas
- Sample resolutions
- Sample news releases
- Social media posts
- Sample opinion column
- Graphic templates to help you recognize your school board
- And more!



Upcoming Legal Webinars

Oct. 7 | Administrator Contracts

Oct. 13 | WASB Legal and Legislative Video Update

Nov. 9 | School Board Elections,
Part 1 on Election Procedures

Nov. 16 | School Board Elections,

Part 2 on Campaign Finance

Dec. 9 | Family and Medical Leave Act

Visit WASB.org to learn more and register.

Fall Legislative Conference

November 6 - Stevens Point

At the Fall Legislative Conference, we'll assemble some of the state's top minds in politics, public opinion and other areas to share their expertise. Learn from these thought leaders and from each other.



Join us at the Holiday Inn Hotel & Convention Center in Stevens Point on Saturday, Nov. 6 to participate in the following sessions:

- Will My Referendum Pass or Fail? Recent doctoral dissertation research focused on the factors affecting the success of rural school referendums.
- The Looming Teacher Supply Challenge: What Can be
 Done to Combat It? Explore the findings of a recent report that delved into the threat to the teacher workforce posed by fewer education graduates.
- What ARE They Thinking? A Closer Look at Public Opinion in Wisconsin Examine the latest Marquette Law School Poll findings with a nationally noted pollster and political scientist.
- Making Sense of the Political Environment for Public K-12 Education Get special insight from a "pundit panel" of keen-eyed Capitol observers who will go beyond the headlines to discuss the political climate surrounding K-12 public education in Wisconsin.
- A Look at School Funding and Other Hot Topics
 Hear from the key leaders of the state Legislature's majority party.

WASB CIVIL RIGHTS TRAINING

The WASB partnered with the law firm Boardman & Clark to create a series of training modules to help districts navigate legal and practical civil rights issues for their students and employees. Subscribe to receive access to all webinars and presentation materials in the series. □

To learn more about a training package that fits your district, visit WASB.org.

The WASB/Boardman & Clark Title IX Training continues to be available as well to help districts adapt to the 2020 changes to sex discrimination laws. Visit WASB.org to learn more.

K-12 Legislative **Activity Ramping Up**

The WASB takes its position on significant bills

ctober will be a busy month at the state Capitol. Committees have been readying bills for the final days that the Senate and Assembly will meet this year. Lawmakers face pressure to get their bills through at least one house during the fall if they hope to get those bills passed into law before the 2021-22 session ends next March.

The legislation that advances will also now be viewed through the lens of the 2022 election races, including the gubernatorial race.

With former Republican Lt. Gov. Rebecca Kleefisch's official announcement that she is challenging incumbent Gov. Tony Evers, the race is officially on. The two sides will be looking to define each other through the bills that are passed and those that are vetoed.

Here are some of the significant bills affecting K-12 education that are moving through the legislative process:

Bills the WASB supports

Senate Bill 355 (Tobacco 21) This bill proposes raising the legal age for sale, purchase and possession of cigarettes, nicotine and tobacco products and vapor products to 21.

Raising the age would help keep these products out of K-12 schools. The WASB supports this bill based on WASB Resolution 6.02, Tobacco-free, Nicotine-free and Vaping-free Schools, which states: "The WASB supports school learning environments free of tobacco, nicotine and vaping products and devices."

Assembly Bill 216 (school report cards) This bill (and its identical companion Senate Bill 235) requires the DPI, for purposes of measuring a school district's improvement, to exclude data derived from a juvenile detention facility or secured residential care center for children and youth if 50% or more of the pupils residing at the facility do not reside there for the entire school term.

The WASB supports Assembly Bill 216 based on a resolution adopted by the membership at the 2020 Delegate Assembly.

Assembly Bill 378 (Financial information) This bill (and its identical companion Senate Bill 373) requires the DPI to create a school district financial information portal in a format that allows the public to download, sort, search and access the information at no cost. The bill also creates an advisory committee (including a WASB appointee) to advise the DPI on the portal. The bill requires no new data collection at the school or district levels.



Bills the WASB opposes in their current form

Assembly Bill 446 (Reading readiness overhaul) This bill (and its identical companion Senate Bill 454) proposes a massive overhaul of the reading readiness program including a laundry list of new state mandates related to screening, assessments, interventions, parental notifications and reporting requirements.

The WASB has concerns about the prescriptive nature of the bill, its heavy reliance on additional assessments and the lack of resources for interventions needed if these assessments reveal certain reading deficits among students. The lack of resources for such things as professional development of teachers regarding proper interventions in response to assessment results, instructional coaches, curriculum and instructional materials suggested by particular assessment outcomes reflects an unfunded mandate.

Assembly Bill 435 (Cursive writing)

This bill (and its identical companion Senate Bill 431) requires the state superintendent of public instruction to incorporate cursive writing into the model academic standards for English language arts. The bill also requires all school boards, independent charter schools and private

Lawmakers face pressure to get their bills through at least one house during the fall if they hope to get those bills passed into law before the 2021-22 session ends next March.

THE LEGISLATION THAT ADVANCES will also now be viewed through the lens of the 2022 election races, including the gubernatorial race.

schools participating in a parental choice program to include cursive writing in its respective curriculum for the elementary grades. Specifically, each elementary school curriculum must include the objective that pupils be able to write legibly in cursive by the end of fifth grade.

The WASB believes this bill is unnecessary. Cursive writing was added to the state model academic standards for English language arts in 2020, including that students proficiently write in print and cursive in the fifth grade.

For more information about the progress of these bills, please check the WASB bill tracking chart and/or the WASB Legislative Update Blog.

Resolution process begins

Finally, we've reached the deadline for boards to submit resolutions for consideration by the WASB Policy and Resolutions Committee.

The resolution process plays an integral role in setting the policy positions of the WASB.

Each year, the committee reviews the resolutions submitted to the WASB and determines which resolutions are advanced to the Delegate Assembly in January.

This is a member-driven process; the WASB membership that decides the fate of each resolution. The WASB staff does not advocate for or against submitted resolutions during this process.

The committee evaluates resolutions based on three criteria:

- Is it timely?
- Is it worthy of debate?
- Does it need consideration by the full WASB membership?

In deciding whether a resolution meets these criteria, the committee looks at whether the resolution's objective is already covered by an existing resolution or whether new and different language is needed.

The committee forwards resolutions that meet the criteria, not just ones they agree with. The committee does not pronounce judgment on the merits of the resolution. That job is for the delegates at the Delegate Assembly.

Ultimately, the fate of these resolutions is determined by the WASB Delegate Assembly, which meets annually at the time of the State Education Convention in January.

The Delegate Assembly is comprised of one delegate from each member school board and CESA board of control as well as the 15 members of the WASB Board of Directors. A majority of these delegates constitutes a quorum.

The delegates vote on the resolutions advanced by the Policy and Resolutions Committee. Delegates may also propose and adopt amendments to the resolutions that come before them. Resolutions are often amended on the floor of the Delegate Assembly.

If a resolution was turned down by the Policy and Resolutions Committee, it may still be brought to the Delegate Assembly if two-thirds of the delegates vote in favor of bringing it to the floor for consideration.

The resolutions adopted by school board member delegates at the Delegate Assembly become official positions of the WASB and give the WASB Government Relations staff direction on legislation. They remain in force until amended or repealed.

Watch for more information about the proposed resolutions in early December. The WASB Resolutions book is available at WASB.org.



The Manifestation **Determination Process**

chool boards have the authority to expel a student from school if the student engages in conduct that meets one or more of the statutory criteria for expulsion.1 Boards and administrators must comply with the numerous expulsion procedure statutory requirements. When a student with a disability is involved in the expulsion process, districts must provide additional procedural safeguards to ensure that the student is not expelled for conduct that is caused by the student's disability or that is the direct result of the district's failure to implement the student's special education program. One of those safeguards is the manifestation determination, which happens at the school level without the board's involvement. Nevertheless, boards should be aware of districts' important obligations with respect to disciplining students with disabilities because those obligations can have significant implications for districts.

This Legal Comment will discuss the additional procedural requirements involved when a district seeks to expel a student with a disability, focusing heavily on the manifestation determination process. It will also review recent administrative decisions that provide guidance on manifestation determinations and other disciplinary requirements applicable to students with disabilities.2

The timeline for manifestation determinations

A district must conduct a manifestation determination within 10 school days of any decision to change the student's placement for disciplinary reasons. A "disciplinary change of placement" is defined as a disciplinary removal that exceeds 10 consecutive school days within a school year or multiple disciplinary removals that exceed 10 cumulative

school days within a school year if those removals constitute a pattern.³

State law only allows a district to suspend a student from school for five consecutive school days unless a notice of expulsion is sent to the student and parents, which then allows the district to suspend the student for up to 15 consecutive school days. Therefore, in most instances, the sending of the notice of expulsion starts the timeline to conduct a manifestation determination.4 The district then has 10 days to complete the manifestation determination and, if the district wants to avoid potential unintended complications, the expulsion proceeding as well.**

■ The manifestation determination

A manifestation determination is a process whereby members of a student's Individualized Education Program team meet to determine the relationship between a student's conduct, the student's disability and the district's implementation of the student's IEP. Specifically, relevant members of a student's IEP team, which includes the parent or guardian, must meet and review the student's education records, teacher observations and information provided by the parent before answering the following questions:

- **1:** Was the conduct in question caused by, or did it have a direct and substantial relationship to, the student's disability?
- 2: Was the conduct in question the direct result of the school district's failure to implement the student's IEP? If the answer to either of these questions is yes, the conduct is considered a manifestation of the student's disability, and, except as noted below, the district may not expel the student and must return the student to the placement from which they were removed. In most instances, this

means the student returns to school.

There are three exceptions to the aforementioned requirement. A district may remove a student from school and the student's IEP team may place the student in an "interim alternative educational setting" for up to 45 school days, regardless of the outcome of a manifestation determination if a student engages in any of the following conduct:

- Carries or possesses a weapon, as defined by law, at school, on school premises, or to or at a school function.
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function.
- Inflicts serious bodily injury, as defined by law, upon another person while at school, on school premises, or at a school function.5

Additionally, if maintaining the current placement of the student is substantially likely to result in injury to the child or others, a district might consider obtaining a Honig injunction from a state or federal court, which is a court order to change a student's placement.6

The threshold in satisfying the three exceptions above or for obtaining a Honig injunction is very high, and districts should exercise caution in using those exceptions to place students in an interim alternative educational setting.

If no exception applies and a district finds that the conduct was not a manifestation of the student's disability, a board can proceed with an expulsion hearing. At that hearing, while the board is permitted to see the written manifestation

determination, it has no authority to alter that decision. If a parent disagrees with a manifestation determination, the parent may file a complaint with the Wisconsin Department of Public Instruction or request a due process hearing under the federal Individuals with Disabilities Education Act before an administrative law judge to challenge the district's determination.

Conducting manifestation determinations when not required

A manifestation determination must be conducted when there is a disciplinary change in placement as discussed above. Some districts also conduct manifestation determinations when a student is removed for less than 10 days or is otherwise not required to be conducted by law. In some circumstances, the DPI has apparently allowed this practice, but in others the DPI has found this practice to be improper. If a district chooses to engage in such a practice, the decisions discussed below illustrate that the manifestation determination must be conducted in a procedurally sound manner and, even then, may have unintended consequences.

DPI IDEA Complaint Decision 20-014 demonstrates a potential consequence of conducting a manifestation determination when one is not required by law.7 In this case, the district conducted a manifestation determination after just four days of suspension, which did not amount to a disciplinary change of placement. The team determined that the student's conduct was a manifestation of the student's disability. Despite that determination, the district changed the student's placement to address the conduct by reducing the length of the student's school day. The DPI determined that the change of placement violated the IDEA and concluded that the student should have been returned to a full school day when the team determined the student's conduct was a manifestation of his disability.

In DPI IDEA Complaint Decision

20-003,8 a district also conducted a manifestation determination in response to a student's four-day suspension. The team determined that the student's conduct was not a manifestation of the student's disability. However, the DPI found that during the meeting, the district did not discuss implementation of certain aspects of the student's IEP and also did not properly consider information provided by the parent. Based upon those errors, the DPI ordered the district to submit a corrective action plan and ordered that the manifestation determination be removed from the student's record. According to the DPI, "[w] hile school personnel were within their authority to suspend the student, the manifestation determination held on December 17, 2019, was unnecessary and must be removed from the student's record."

DPI IDEA Complaint Decision 20-027 demonstrates that when a manifestation determination is not required, but is conducted and used for an improper purpose, it is inappropriate.9 Here, the DPI found that the district made multiple errors when conducting manifestation determinations after the student had been suspended for eight and a half days. The DPI noted that the student had not experienced a disciplinary change of placement and that the manifestation determinations were used as information gathering tools to "'test the waters' to determine whether proceeding with disciplinary action ... would be worth the administrative effort." Further, the DPI noted that introducing the manifestation determination into the IEP meeting created confusion and misunderstanding, particularly with respect to discussions and decisions regarding placement. Finally, the DPI found that the district erred in determining that the student's conduct was not a manifestation of his disability. The DPI noted that the team based its decision on the fact that the student's impairment was an "other health impairment," which, the team reasoned, is an impairment that does not "directly involve

behavioral concerns." The DPI noted that the required analysis must be broader and more individualized and not "limited to a particular impairment area."

Lack of consensus at manifestation determinations

The goal of the manifestation determination is to reach a consensus on the answers to the two mandatory questions discussed above. However, consensus is not always achievable. The analysis of the administrative law judge in a recent due process hearing decision shows that, even without consensus, a district's decision will be upheld if based on clear and cogent reasoning.10

In this case, a student with an emotional behavioral disability physically assaulted another student. The administration suspended the student and notified the student that his conduct was subject to expulsion pursuant to the district's code of conduct. The district conducted a manifestation determination meeting at which the student's special education teacher, high school principal, assistant principal and director of pupil services all expressed their opinion that the student's conduct was not caused by or directly related to the student's disability. Conversely, the parent, the student, the school psychologist and the regular education teacher expressed their belief that the student's conduct was a manifestation of the student's disability. During the manifestation determination meeting. no participant asserted that the district failed to implement the student's IEP. Due to the lack of consensus, the director of pupil services, acting as the district representative, made the final determination that the student's conduct was not a manifestation of his disability. The parent requested a due process hearing challenging the determination.

At the hearing, the parent testified that the student had a history of aggression, difficulty in "letting situations go" and lack of self-regulation. The parent further testified that those attributes indicated that the student's

act of assaulting another student after extended conflict with that student was a manifestation of his disability. The student's special education teacher testified that the student's conduct was premeditated, which differed from the student's behavioral history consisting of primarily impulsive or "in the moment behaviors." The principal testified that the student had not previously engaged in physical assault during his time at the high school and noted that the planned nature of the assault was inconsistent with the student's typical "impulsive behaviors." The director of pupil services testified similarly and noted that the student's typical "deregulated behaviors" consisted of "swearing, acting disrespectful towards staff and pacing the hallways."

The administrative law judge upheld the district's determination despite the lack of consensus. In doing so, the judge determined that the district engaged in all appropriate procedures associated with manifestation determinations. Specifically, the district conducted the meeting within the appropriate timeline and relevant members of the student's IEP team participated in the meeting. Further, the manifestation determination team reviewed relevant information in the student's special education file, including a historical review of the IEP file and behavior plan; discussed the investigation of and information related to the conduct in question; and considered information provided by the parent. The judge stated, "opinions of the school officials must be given due weight as the education experts, and I cannot substitute my own opinion for theirs."

Conclusion

Districts should be cautious about conducting manifestation determinations when no disciplinary change in placement is contemplated and a meeting is not legally required. As reflected in the reviewed decisions, the DPI will likely review a district's motivation for doing so and apply a

higher level of scrutiny, especially when it appears that a manifestation determination is being conducted to facilitate a change of placement or as an exploratory pre-expulsion inquiry. If a district does conduct a manifestation determination meeting, even if not required, the district must be prepared to abide by the results of that determination. Thus, if the conduct reviewed at that meeting is determined to be a manifestation of the student's disability or the direct result of the district's failure to implement the student's IEP, the district will be precluded from unilaterally changing the student's placement.

When conducting manifestation determinations, districts must strictly adhere to all procedural requirements associated with those determinations. Specifically, the team must consider all relevant information in the student's file, teacher observations and information provided by the parent. The district must also ensure that the team conducting the manifestation determination is comprised of all relevant members of the student's IEP team, including a district representative and the parent.

Finally, to ensure deference is afforded to a district's determination, each member of a manifestation determination team should be prepared to provide a rationale for their decision. Determinations should be based on sound reasoning, including knowledge of the student's disability, the characteristics of the student's day-to-day behavior and a clear understanding of the behavioral incident under review. In particular, the team must not make decisions based upon assumptions regarding general characteristics associated with a particular disability category. Instead, the team must review the student's individualized disability-related needs and how the disability is manifested by that student. Boards and administrators should review the district's practices and procedures with respect to disciplining students with disabilities, including with

respect to manifestation determinations, so they understand their respective roles in the process.

Endnotes

- 1. See Wis. Stat. §§ 119.25, 120.13(1)(c).
- 2. Although this Comment focuses on students with disabilities under the Individuals with Disabilities Education Act (IDEA), the requirement to conduct a manifestation determination and the associated procedures and timelines are equally applicable to students with disabilities identified under Section 504 of the Rehabilitation Act of 1973.
- 3. 20 U.S.C. § 1415(k); 34 C.F.R. §§ 300.530, 300.536(a).
- 4. Wis. Dep't of Pub. Instruction, Information Update Bulletin 14.02: **Manifestation Determinations** (Dec. 2014). However, when there is a pattern of removals, the timeline to conduct a manifestation determination might start sooner than or even without the issuance of the notice of expulsion.
- 5. 20 U.S.C. § 1415(k)(2); 34 C.F.R. § 300.530(g).
- 6. Honig v. Doe, 484 U.S. 305 (1988).
- 7. IDEA Complaint Decision 20-014. Wis. Dep't of Pub. Instruction (Apr. 3, 2020).
- 8. IDEA Complaint Decision 20-003, Wis. Dep't of Pub. Instruction (Mar. 16, 2020).
- 9. IDEA Complaint Decision 20-027. Wis. Dep't of Pub. Instruction (July. 7, 2020).
- 10. In the Matter of Anonymous Student, DHA Case No. DPI-20-0014 (Wis. Dep't of Hearings & Appeals Apr. 26, 2021).

*This Legal Comment was written by Michael J. Julka, Brian P. Goodman, and Matthew W. Bell of Boardman Clark, WASB Legal Counsel. For related articles, see Wisconsin School News: "Compensatory Education Services for Students with Disabilities" (May 2020); "District Disciplinary Proceedings Involving Students with Disabilities" (Oct. 2016); "Providing Equal Opportunities to Students with Disabilities in Extracurricular Athletics" (Oct. 2014).

Legal Comment is designed to provide authoritative general information, with commentary, as a service to WASB members. It should not be relied upon as legal advice. If required, legal advice regarding this topic should be obtained from district legal counsel.

^{**}Sentence added after print publication.



Educational Services And Products

2021 WASB SERVICE ASSOCIATES

Architecture, Engineering and Construction

▶ Bray Architects

414-226-0200 mwolfert@brayarch.com brayarch.com

Architecture, interior design, planning, referendum support.

► C.D. Smith, Construction, Inc.

920-216-9081 tmuellenbach@cdsmith.com cdsmith.com

Serving districts of any size, C.D. Smith has over 80 years of diverse experience building stateof-the-art educational facilities.

CG Schmidt

608-255-1177 sarah.dunn@cgschmidt.com cgschmidt.com

Construction management, general contracting, design-build.

▶ Eppstein Uhen Architects

414-271-5350 ericd@eua.com, eua.com

Architectural design and service leader known for inspired design.

► Hoffman Planning, Design & Construction, Inc.

800-236-2370 jandres@hoffman.net, hoffman.net Planners, architects and construction managers.

J.H. Findorff & Son Inc.

608-257-5321 cmlsna@findorff.com, findorff.com

With offices in Madison and Milwaukee, Findorff is one of Wisconsin's leading builders.

▶ JP Cullen

608-754-6601, jpcullen.com

A family-owned, full-service construction management firm that specializes in budgeting, planning and constructing the tough jobs.

► Miron Construction Co., Inc.

920-969-7030 craig.uhlenbrauck@miron-construction.com miron-construction.com

A leader in the educational market, having completed over \$1 billion in K-12 construction. Services include; construction management, design/build, facilities master planning, pre-construction services & referendum planning services.

▶ Performance Services

630-461-0780 jwede@performanceservices.com performanceservices.com

Providing complete referendum services to Wisconsin K-12 schools including pre-planning, design and construction with a guaranteed learning environment.

▶ Plunkett Raysich Architects LLP

414-359-3060 skramer@prarch.com, prarch.com Architectural and interior design

► Scherrer Construction Company, Inc.

262-539-3100 customsolutions@scherrerconstruction.com scherrerconstruction.com

General contractor/construction manager for over 90 years. Specializing in K-12 school construction, our services include master planning, referendum support, pre-construction services and construction management.

► The Boldt Company

920-225-6216 theboldtcompany.com

A leading sustainable construction firm in the nation providing professional construction services in a variety of markets.

► VJS Construction Services

262-542-9000 cbathke@vjscs.com, vjscs.com

A top-10 construction company in southeastern Wisconsin with 65 years of experience.

Computer Hardware, Software, Consulting

► Skyward, Inc.

715-341-9406 hollyl@skyward.com, skyward.com Skyward is an administrative software company serving over 2,000 K-12 school districts around the world. Our goal? To foster a more productive, collaborative,

Financing, Banking, Consulting

and successful environment.

► Baird Public Finance

800-792-2473
BBrewer@rwbaird.com
rwbaird.com/publicfinance
Baird's Public Finance team provides
school financing solutions including: long
range capital planning, services related
to debt issuance, investment advisory
services and referendum assistance.

Insurance and Employee Benefits

Community Insurance Corporation

800-236-6885, josh@aegis-wi.com communityinsurancecorporation.com

Dedicated to providing school districts with the tools they need to economically and efficiently address today's changing insurance and risk management environment.

► EMC Insurance Companies

262-717-3900, emcins.com philip.lucca@emcins.com Property and casualty insurance.

Gallagher

262-792-2240
nancy_moon@ajg.com, ajg.com
Specializing in serving the risk management and insurance needs
of public schools.

► Key Benefit Concepts LLC

262-522-6415, keybenefits.com info@keybenefits.com

Actuarial and employee benefit consulting services.

M3 Insurance

800-272-2443 marty.malloy@m3ins.com M3ins.com

The dedicated education specialists at M3 Insurance provide over 50% of Wisconsin school districts with the very best in risk management, employee benefits, and insurance services.

National Insurance Services of Wisconsin, Inc.

800-627-3660 slaudon@nisbenefits.com NISBenefits.com

Over 82% of Wisconsin school districts are already working with NISI Since 1969, we've helped school districts find creative solutions to their employee benefit plans. We offer health, dental, disability, life, insurance, worksite benefits, retirement income solutions, full benefit consulting, exclusive proprietary arrangements, and our own our online enrollment and benefit administration system, NIS Enroll.

► R&R Insurance

262-574-7000 jeff.thiel@rrins.com myknowledgebroker.com

Our School Practice Group has more than 25 years of educational institution experience and a dedicated resource center designed with school district's risk and claims management needs in mind.

► TRICOR Insurance

855-904-1618 jgibson@tricorinsurance.com tricorinsurance.com

We now insure over 150 public schools. Our School Practice Team is made up of a diverse group of experienced individuals who are extensively trained and specialized in school insurance products, risk management, support services, loss control, human resources and claims advocacy.

UnitedHealthcare

414-443-4735 jessica_a_daun@uhc.com uhc.com

UnitedHealthcare is dedicated to helping people live healthier lives and making the health system work better for everyone. We are committed to improving the healthcare experience of K-12 teachers, staff, retirees and their families in the state of Wisconsin.

► USI Insurance Services

608-259-3666 al.jaeger@usi.com, usi.com

Our focus is financial security options that protect and assist growth. We go beyond simply protecting against the loss of assets and property.

Leadership Consulting

▶ Studer Education

850-898-3949 info@studereducation.com

We support the critical work of school district leaders through coaching around an Evidence-Based Leadership framework to increase student achievement, employee engagement, parent satisfaction, district support services, and financial efficiency.

Legal Services

Buelow Vetter Buikema Olson & Vliet LLC

262-364-0300 jaziere@buelowvetter.com buelowvetter.com

We have decades of experience in representing school boards across Wisconsin. We advise school boards and administrators on a variety of issues from labor and employment to student discipline and expulsion.

► Strang, Patteson, Renning, Lewis & Lacy, s.c.

844-626-0901 kstrang@strangpatteson.com strangpatteson.com

We provide legal counsel on a full range of issues that school and higher education institution clients confront on a regular basis.

▶ von Briesen & Roper, s.c.

414-287-1122 aphillips@vonbriesen.com vonbriesen.com

We're dedicated to ingenuity and creativity in helping schools solve their most complex legal and organizational problems. Challenge us to help you challenge the status quo.

► Weld Riley, s.c.

715-839-7786, weldriley.com sweld@weldriley.com

We provide a wide variety of legal advice and counseling to help Wisconsin school districts, colleges and CESAs address corporate-related, body politic and unique legal issues.

School/Community Research

► School Perceptions, LLC

262-299-0329 info@schoolperceptions.com schoolperceptions.com

An independent research firm specializing in conducting surveys for public and private schools, educational service agencies, communities and other state-level organizations.

Transportation

▶ Dairyland Buses, Inc.

262-544-8181, ridesta.com mjordan@ridesta.com

School bus contracting provider, managed contracts, training, maintenance.



SUPPORTING, PROMOTING AND ADVANCING PUBLIC EDUCATION

