



# PROPOSED RESOLUTIONS FOR THE 2022 DELEGATE ASSEMBLY

**Submitted by Member School Boards**

**WASB Policy & Resolutions Committee  
October 2021**

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# 1. Safe Harbor

## Submitting School Board:

Superior

## Description of Resolution:

The School District of Superior urges WASB, our legislators, DPI, Wisconsin CESAs, and other school districts in Wisconsin to support the passage of Safe Harbor legislation (2021 SB 245 and AB 185) to protect youth from criminal repercussions.

## Related WASB policies:

- None

## Background:

Senate Bill 245 and Assembly Bill 145 are identical, companion bills that would create a “Safe Harbor” for child sex trafficking victims. These bills would eliminate the crime of child prostitution from state statutes and prohibit the charging of a minor with the crime of prostitution.

By adopting such a Safe Harbor law, Wisconsin will no longer conflict with the federal Trafficking Victims Protection Act, which treats coerced children as victims, even if they have engaged in criminal prostitution activity. The bill also aligns the discrepancy in current Wisconsin statutory rape and child enticement provisions which declare children unable to consent to sexual activity.

Under current Wisconsin law, the Department of Children’s and Families is permitted, but not required to investigate reports of child abuse when the abuse is carried out by a “non-caregiver.” This legislation would require an investigation by a child welfare agency, in cases where a child is suspected of being forced to engage in prostitution.

A [co-signer memo](#) circulated in February 2021 by the authors described the intent of the bills:

“Sex trafficking is a prevalent problem in Wisconsin:

- All 72 Wisconsin counties have reported cases of sex trafficking.
- Between June 2017 and August 2018, there were 99 reported cases of child sex trafficking in Wisconsin.
- On average, children are only 13 years old when they are trafficked for the first time.
- Traffickers are experts at targeting vulnerable children.
  - o One out of every three homeless teenagers are lured toward victimization by traffickers within just 48 hours of leaving home.
  - o An estimated 70 to 90 percent of youth victims of sex trafficking have histories of sexual abuse.

“This bill takes another step in recognizing children as victims of exploitation by removing the ability to charge a child with prostitution. By changing this statute, Wisconsin law will no longer conflict with the Federal Trafficking Victims Protection Act, which treats coerced children as victims, even if they have engaged in criminal prostitution activity.

“The bill ensures child victims of sex trafficking are not treated as criminals. Furthermore, by eliminating the threat of prosecution, traffickers will no longer be able to use the threat of criminalization as a way to keep children inside the cycle of abuse they undergo while being trafficked. After Minnesota passed their Safe Harbor law, convictions of traffickers quadrupled, as children were more likely to testify against their abusers. It is critical that our state step up and show children that law enforcement is available to help them find needed services, not treat them as criminals for the crime committed upon them.

“It is time for Wisconsin to join 30 other states in ensuring child victims of sex trafficking are referred to services, not the criminal justice system.”

**Federal Law:**

The federal Trafficking Victims Protection Act (TVPA) of 2000 [[22 USC Ch. 78](#)] established methods of prosecuting traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The act, as reauthorized several times since 2000, establishes human trafficking and related offenses as federal crimes.

Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. Congressional findings included in the 2006 reauthorization of the TVPA, cited statistics from the National Runaway Switchboard, that every day in the United States, between 1.3 million and 2.8 million runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.

In addition, human trafficking and forced labor criminal cases are often complicated and lengthy legal proceedings that require additional resources for prosecutors as well as for victims. Many of these victims require comprehensive case management provided by victim services organizations to see them through their recovery, help them navigate the legal system, and provide assistance to law enforcement, all of which are necessary to prosecute criminal enterprises involved in human trafficking.

**Staff Comments:**

The bills have strong bipartisan support based on the number of lawmakers from both parties who have signed on as co-sponsors.



## 2022 WASB DELEGATE ASSEMBLY

Date: 2021-09-15 11:01:54

Subject of Resolution: Support the passage of Safe Harbor SB 245 and AB185 to protect youth from criminal repercussions (sex trafficking)

Submitted by the School Board of: Superior School District

RESOLUTION: The School District of Superior urges WASB, our legislators, DPI, Wisconsin CESAs, and other school districts in Wisconsin to support the passage of Safe Harbor SB 245 and AB185 to protect youth from criminal repercussions.

RATIONALE: RESOLUTION RELATING TO SUPPORT FOR THE PASSAGE OF SAFE HARBOR SB245 and AB185 WHEREAS, The Trafficking Victims Protection Act of 2000, as amended (TVPA) states commercial sexual exploitation is inherently harmful and defined as sexual abuse of someone through the act of commercial sexual activity. Commercial sexual activity occurs when anything of value or a promise of anything of value, (such as money, drugs, food, shelter, protection, or anything else) is provided to a person by any means in exchange for any type of sexual activity. A survivor need not be physically transported from one location to another for the crime to fall within this definition. A third person may or may not be involved; and WHEREAS, sex trafficking and CSE is a market built on force, fraud, coercion, and manipulation. Traffickers profit by linking sex buyers to people they consider are "for sale". People who buy sex use money and power to exploit others, and drive the demand for purchasing sex. Both the trafficker and exploiter use power and control to continue systematic exploitation of specific needs and vulnerabilities; and WHEREAS, Under current law, a person who is under the age of 18 may be prosecuted or adjudicated delinquent for committing an act of prostitution, a Class A misdemeanor. Under the Wisconsin proposed bills (SB245 and AB185), a person who is under the age of 18 may not be prosecuted or adjudicated delinquent for committing an act of prostitution. This bill eliminates the option under current law in cases where a person under the age of 18 has committed an act of prostitution for a court to enter a consent decree under the Juvenile Justice Code, or a deferred prosecution agreement under the Juvenile Justice Code or adult criminal statutes, if the court determines that a consent decree or deferred prosecution agreement will serve the best interests of the person being prosecuted and will not harm society. WHEREAS, the best approach to human trafficking and CSE of youth is to follow the United States' Department of Children and Families advice to address these societal issues as a public health crisis and must be addressed within a multidisciplinary team response. NOW, THEREFORE, BE IT RESOLVED, the School District of Superior urges WASB, our legislators, DPI, Wisconsin CESAs, and other school districts in Wisconsin to support the passage of Safe Harbor SB 245 and AB185 to protect youth from criminal repercussions.

## 2. State Standardized Testing

### Submitting School Board:

Sun Prairie Area

### Description of Resolution:

The WASB calls on the governor, state legislature, and the Wisconsin Department of Public Instruction to reexamine public school accountability systems in this state, and to develop a system based on multiple forms of evidence that does not require extensive standardized testing, more accurately reflects the broad range of student learning, and is used to support students and improve schools.

The WASB further calls on the U.S. Congress and Federal Administration to reduce the federal testing mandates, and promote multiple forms of evidence of student learning and school quality.

### Related WASB policies:

- **1.02 (c) Waivers**
- **3.10 Student Assessment**
- **3.114 Assessment Stability**
- **3.125 Measuring College- and Career-Readiness**
- **3.13 Uniform State Data**
- **3.185 School and School District Report Cards**
- **3.186 Assessment and Report Card Waivers**

### Background:

Both federal and state law require the regular assessment of K-12 students. The Department of Public Instruction (DPI) oversees the state assessment system and ensures that every school board, independent charter school, and private school participating in a parental choice program annually administers required assessments.

**Federal Assessment Requirements:** Federal law requires states to assess public school students in certain subject areas and grade levels in order to receive federal education funds. The Wisconsin DPI must ensure that all public school students in the state are regularly assessed in math, reading, and science. [See [20 U.S.C. s. 6311 \(b\) \(2\) \(B\) \(v\) \(I\).](#)]

Federal law specifically requires all states to test all students in English language arts (ELA) and mathematics in grades 3-8 and once in high school. It also requires students be assessed in Science at least once each of the following grade spans: 3-6, 7-9, and 10-12 grades. Student performance on these assessments is reported in proficiency categories and used for accountability determination at the school, district and state levels. Federal law also requires the annual assessment of English proficiency for all English learners. Wisconsin fulfills this requirement by annually assessing English learners through the [ACCESS for ELLs](#) assessment.

**State Assessment Requirements:** State law also requires school districts to assess students in certain subject areas and grade levels. Some of the state law assessment requirements align with federal assessment requirements, while others are different. Wisconsin law requires the following additional assessments not mandated by federal law: (a) assessments of reading readiness in 4-year-old kindergarten through 2nd grade; (b) administration of a standardized third grade reading test; (c) assessment of attainment of knowledge and concepts in grades 4, 8, 9, 10, and 11; and (d) successful completion of a civics test as a condition of high school graduation.

The Wisconsin Student Assessment System (WSAS) includes the following:

- The Wisconsin Forward Exam at grades 3-8 in English Language Arts (ELA) and Mathematics, at grades 4 and 8 in Science, and 4, 8, and 10 in Social Studies;
- Dynamic Learning Maps (DLM) administered to students with the most significant cognitive disabilities at grades 3-11 in ELA and Mathematics, at grades 4 and 8 - 11 in Science, and at grades 4, 8, and 10 in Social Studies;
- ACT Aspire at grades 9 & 10,
- The ACT with Writing at grade 11 for Reading, English, Mathematics, Science, and Writing.

Wisconsin's assessment system is described in greater detail in this [Informational memorandum](#) from the non-partisan Legislative Council staff.

**Federal Accountability Requirements:** Federal law prescribes specific accountability measures that fulfill requirements for a federal system of identification for schools in need of improvement. The accountability system scores were first reported in the 2018-19 school year. Scores result in schools identified for Continuous Support & Improvement (CSI), Targeted Support & Improvement (TSI) or Not Identified. More information is available [here](#).

**State Accountability Requirements:** As part of the state accountability system, the DPI produces report cards for every publicly funded school and district in Wisconsin. Beginning with the 2011-12 school year, all public schools received an annual School Report Card. In addition to the School Report Cards, the following year, in 2012-13, districts began receiving annual District Report Cards.

These Accountability Report Cards include data on multiple indicators for multiple years across four Priority Areas (Student Achievement, Growth, Closing Gaps, and On-track and Post-secondary Success). In addition, given the impact on student success, the Accountability Report Cards also measure chronic absenteeism and dropout rates.

When state report card scores are calculated, the components of a school's or district's score that are based on state assessment results (i.e., standardized tests) are calculated using full academic year students. However, full academic year student status is not used in the calculations of attendance, absenteeism, dropout, and graduation rates; these measures apply to all students. Thus, under certain conditions, students who attend school within a district for a relatively short period of time may strongly affect a district's report card score if, for example, they drop out or fail to graduate.

**The Impact of the Pandemic on Assessments and Accountability:** In response to the pandemic, the Wisconsin Legislature met and enacted 2019 Wisconsin Act 185, which suspended the state testing requirements for the 2019-20 school year and prohibited the DPI from issuing school and district report cards in the 2020-21 school year.

In March 2020, the U.S. Secretary of Education Betsy DeVos wrote to the chief state school officers of each state inviting states to request a waiver, for the 2019-2020 school year, of the assessment requirements of the federal Every Student Succeeds Act (ESSA), the accountability and school identification requirements of ESSA, and certain reporting requirements related to assessments and accountability in ESSA).

Through these waivers, states would not need to administer its statewide assessments to all students, to make annual accountability determinations, to identify schools for support and improvement, or to provide data on its State and local report cards for assessment and accountability information for the 2019-20 school year. Wisconsin applied for and received these waivers.

Neither state nor federal waivers were available for the 2020-21 school year and statewide assessments were administered as in-person examinations, with somewhat uneven participation levels across districts due to the disruptions in in-person instruction that occurred throughout the 2020-21 school year.



## 2022 WASB DELEGATE ASSEMBLY

Date: 2021-09-09 19:57:56

Subject of Resolution: State Standardized testing

Submitted by the School Board of: Sun Prairie Area School Board

**RESOLUTION:**

WHEREAS, our nation’s future well-being relies on a high-quality public education system that prepares all students for college, careers, and lifelong learning, and strengthens the nation’s social and economic well-being; and

WHEREAS, the Sun Prairie Area School District Board of Education (hereinafter referred to as the “Board) believes that assessing student learning needs requires development of relationships and authentic assessments and the time used on standardized testing takes away from mitigating pandemic related learning challenges and creates an environment where students may only feel valued by a test score and not as individuals as the only face to face contact they may have had this past year was to take a standardized test; and

WHEREAS, the Sun Prairie Area School District (hereinafter referred to as the “District”) continues to assess student learning through various methods (e.g. common formative assessments and curricular assessments), including the use of standardized tests as mandated by law; and

WHEREAS, the Board firmly believes that standardized test scores should not be the ultimate goal of measuring student achievement because they fail to measure the primary goal of student learning which is to challenge students to think critically and deeply in multiple contexts and to transfer their knowledge and skills successfully into a variety of environments and opportunities; and

WHEREAS, our nation’s school systems have been spending growing amounts of time, money and energy on high-stakes standardized testing in which student performance on standardized tests is used to make major decisions affecting individual students, educators and schools; and

WHEREAS, the Board is very concerned with the resources being diverted to standardized testing in classrooms and in districts across the state and the overuse of standardized tests which disproportionately impacts our most vulnerable children: students of color, low-income students, students with disabilities, as well as students who do not speak English as their first language; particularly when those tests are used to determine ranking, admission, and graduation of students or to evaluate teachers and school staff and overall school performance; and



WHEREAS, the overreliance on high-stakes standardized testing in state and federal accountability systems is undermining educational quality and equity in U.S. public schools by hampering educators' efforts to focus on the broad range of learning experiences that promote the innovation, creativity, problem solving, collaboration, communication, critical thinking and deep subject-matter knowledge that will allow students to thrive in a democracy and an increasingly global society and economy; and

WHEREAS, it is widely recognized that standardized testing is an inadequate and often unreliable measure of both student learning and educator effectiveness and more post secondary institutions are eliminating ACT and SAT scores as part of the admission process as these scores are generally not considered predictors of success in colleges or universities; and

WHEREAS, the U.S. test-prep and private tutoring industry which grew to \$12 billion dollars in 2014 and was projected to reach \$17.5 billion dollars in 2020 is predominantly concentrated in Asian and White communities, who score the highest on standardized tests; and

WHEREAS, the Board is further concerned about how standardized testing is not aligned with the multiple efforts by this District regarding equity, anti-racist and culturally and linguistically inclusive and sensitive curriculum and related staff professional development; and

WHEREAS, the Board is also concerned about other possible consequences of standardized testing, including: the loss of learning opportunities; the stress placed on our students; the triggering of behaviors that may interfere with learning; the interruption of schedules of our special education's students and students in our ELL programs; the time spent on professional development for testing that could be put to other purposes; and, the potential for implicit bias in the testing process that would disproportionately affect students of color;

THEREFORE BE IT RESOLVED, that the Sun Prairie Area School District Board of Education supports locally developed, authentic assessments as drivers of instruction, to give more time for educators to teach and students to learn and encourages our staff to continue to develop systems that measure student learning without having to rely on standardized tests; and

BE IT FURTHER RESOLVED, that the Board calls on the governor, state legislature, and the Wisconsin Department of Public Instruction to reexamine public school accountability systems in this state, and to develop a system based on multiple forms of evidence that does not require extensive standardized testing, more accurately reflects the broad range of student learning, and is used to support students and improve schools; and

BE IT FURTHER RESOLVED, that the Board calls on the U.S. Congress and Federal Administration to reduce the federal testing mandates, promote multiple forms of evidence of student learning and school quality.

IN WITNESS WHEREOF, this Proclamation was unanimously adopted by the members of the Board of Education of the Sun Prairie Area School District present on the 10th day of May, 2021.

RATIONALE:

We have long held that standardized tests don't tell us anything that we don't already know and that they are biased against students of color, students in poverty, and students with disabilities. Our district even makes a concerted effort to provide snacks for students before and during testing so we know that all kids have a full stomach and aren't hungry while taking tests.

While testing has its place in ways of assessing students, it should not take precedence and be used in a way to penalize our teachers and students. There are many more authentic ways to assess students that could allow for voice and choice in a classroom and help teachers spend time building relationships with students rather than prepping for tests.

The Sun Prairie Area School Board has resolved to do what is required by the state and federal government but to not make that the main priority. It is time to make a change and push back against what the legislators have required us to do and then punished us for.

We would like to see other school districts make a vocal stand and work together to move away from mandated standardized testing and allow teachers to build relationships with their students and measure their learning and success in more meaningful ways. Our district has committed to working through what those measurements would look like and coming up with new ways to show how our district is succeeding.

Checking the box (at left) confirms that this submitted resolution was duly approved by the School Board.

Checking the box (at left) and typing in the name of the board president (below) confirms that the board president signed this resolution.

Board President:

Date of Approved Resolution:

### 3. School Funding

#### Submitting School Board:

South Milwaukee

#### Description of Resolution:

Therefore, Be It Resolved, the School District of South Milwaukee School Board calls on the Wisconsin Legislature and the Governor to support the following investments in public education: \$200 per pupil revenue limit adjustment in 2021-22 and \$400 per pupil in 2022-23; and 50% reimbursement for special education programs, funded as a sum sufficient allocation.

#### Related WASB policies:

- **2.07 Necessary Resources**
- **2.19 Predictable Aid Growth**
- **2.31 Funding for Children with Disabilities**
- **2.41 Modification of Revenue Limits (u)**

#### Background:

The 2021-23 state budget included no increase in revenue limits largely in response to the influx of federal COVID relief funds for schools.

The 2021-23 state budget provided \$86 million in additional special education categorical aid over the biennium (\$17.8 million in 2021-22 and \$67.6 million in 2022-23) and amount estimated to reimburse eligible special education costs at the current level of 28.2% and 30% in those fiscal years, respectively. These rates are “estimated” as special education categorical aid is currently funded from a sum-certain appropriation. If costs increase at a greater rate than estimated, the percentage reimbursement will go down from the estimate.

#### Staff Comments:

The 2021-23 state budget was signed into law on July 8, 2021.

**Special Education:** Regarding special education funding, current WASB Resolution 2.31 states: “The WASB supports increasing the special education categorical aid reimbursement level to not less than 60 percent of prior year eligible costs and maintaining funding at not less than this percentage each year thereafter.”

The committee may want to consider whether the sum sufficient appropriation aspect of the proposed resolution by South Milwaukee would strengthen resolution 2.31.

Making special education aid a **sum sufficient** appropriation would guarantee the specified or promised level of support is met. Sum sufficient means the amount of funding needed to meet the promised reimbursement percentage level of support is actually provided. Currently, special education aid is provided via a **sum certain** appropriation meaning it is a fixed dollar amount. Under the current sum certain approach, the amount required to fund a given percentage of anticipated costs is estimated and may or may not be enough, based on actual reimbursement requests, to fund reimbursements at the promised levels (e.g., 28.2% & 30% in this budget). If the sum certain appropriation is not large enough to fully fund the promised percentage, actual payments are reduced on a pro-rated basis so that every district receives the same percentage, albeit a smaller percentage than the promised percentage.

**Revenue Limits:** Under current law, the state imposes a limit on the annual amount of revenue each school district can raise through the combination of general school aids, computer aid, and property taxes. Districts can exceed the revenue limit if district voters approve at a local referendum. A district that exceeds its revenue cap in any year is penalized under current law, resulting in the return of state general equalization aid to the state’s general fund in that same year.

The statutory revenue limits first applied in the 1993-94 school year and have been in place ever since (29 years). During the first 18 years that revenue limits were in place, from 1993-94 through 2010-11, the Legislature, by statute, provided for an annual per pupil adjustment in revenue limits. These adjustments allowed all school districts the opportunity to increase their per pupil revenue limit authority by no less than \$190 (in 1992-93) and adjustments were roughly linked to increases in the Consumer Price Index (CPI).

However, in 2011-12, revenue limits were reduced 5.5% per pupil. A \$50 per pupil adjustment was allowed in 2012-13, and a \$75 per pupil adjustment was allowed in both 2013-14 and 2014-15. No increase was provided in any of the next four school years (2015-16, 2016-17, 2017-18 and 2018-19).

That pattern was broken in the 2019-21 state budget, when an upward adjustment of \$175 per pupil was allowed in the 2019-20 school year and another upward adjustment of \$179 per pupil was provided in the 2020-21 school year.

However, in the 2021-23 state budget, no increase in revenue limits is provided for either the 2021-22 or 2022-23 school years.

**Per Pupil Categorical Aid:** As an alternative to raising revenue limits, the Legislature has, in recent years, provided per pupil categorical aid to school districts. Providing additional per pupil aid provides districts with additional spendable revenue (since this aid is received outside the revenue limit). This funding approach may also hold down property taxes to the extent that any concurrent adjustment in the revenue limit (and thus a district’s ability to generate revenues locally) is kept small or simply not provided at all.

Per pupil categorical aid first appeared in 2012-13. The 2011-13 state budget established a one-time categorical per pupil adjustment aid appropriation under which a district was eligible for a \$50 per pupil matching aid payment in 2012-13 if it utilized the revenue limit authority generated by the \$50 per pupil adjustment under revenue limits in that year. An ongoing per pupil aid appropriation was established in the 2013-15 state budget, and continues to the present, under which each district receives a statutorily-specified per pupil aid payment outside of revenue limits. A district’s current three-year average enrollment under revenue limits is used to calculate the aid payment. The amounts received each year are shown in the table below.

Per Pupil Categorical Aid Payments (By Year)		
Year	Payment Amount	Increase Above Prior Year
2012-13	\$50	--
2013-14	\$75	\$25
2014-15	\$150	\$75
2015-16	\$150	\$0
2016-17	\$250	\$100
2017-18	\$450	\$200
2018-19	\$654	\$204
2019-20	\$742	\$88
2020-21	\$742	\$0
2021-22	\$742	\$0
2022-23	\$742	\$0

An obvious funding dilemma arises when schools receive neither a revenue limit adjustment nor a per pupil categorical aid increase. As a result, schools are allowed neither any additional spending authority nor any additional taxing authority. That scenario is the case in both 2021-22 and 2022-23. Thankfully for schools, federal COVID relief (in the form of ESSER funds) is available, although it is one-time money.

**Combined Impact of Revenue Limit Adjustments and Per Pupil Categorical Aid Increase:** Just as policymakers have sometimes provided no increase in either revenue limits or per pupil aid to limit school funding, they

have sometimes combined raising the revenue limit with an increase in per pupil categorical aid as a way to provide school districts with spendable dollars while holding down property tax increases. A good example can be seen in the 2019-20 school year where schools received a \$263 per pupil increase (a \$175 per pupil increase in revenue limits and an \$88 per pupil increase in per pupil categorical aid, the latter thanks in part to a partial veto by the governor).

A question the committee may wish to ask itself is whether it wishes to accept the resolution as is, (i.e., narrowly calling for additional annual spending authority in the form of a revenue limit adjustment only) or perhaps broaden it to call for an annual increase in “spendable” dollars in the form of a revenue limit adjustment, an increase in per pupil categorical aid, or some combination of the two.

The committee may also wish to consider whether the WASB Resolutions should recognize per pupil categorical aid as a funding mechanism given that per pupil aid appears to be here to stay.



## 2022 WASB DELEGATE ASSEMBLY

Date: 2021-08-27 14:02:20

Subject of Resolution: School Funding

Submitted by the School Board of: South Milwaukee

**RESOLUTION:**

Whereas, the school board, administrators, teachers, staff, parents and community members of the School District of South Milwaukee are united in our effort to provide all children with the highest quality educational opportunities possible; and

Whereas, School Districts throughout Wisconsin and the Nation have worked hard and continue to work hard to fulfill the educational needs of our students throughout the COVID-19 pandemic; and

Whereas, the federal COVID-19 funds were created to address the additional stressors due to the pandemic, and were not created to supplant state and local funding; and

Whereas, revenue limits are the single biggest factor putting stress on the School District of South Milwaukee’s operational budget and ability to fund student learning; and

Whereas, revenue limit challenges are further worsened by the COVID-19 pandemic as enrollments have decreased; and

Whereas, the School District of South Milwaukee transfers over \$4 million from the general fund to the special education fund thus limiting opportunities for all students; and

Whereas, the 2021-23 State Biennial budget has defunded our public schools by not providing inflationary adjustments to sustain student programs and services; and

Whereas, the State has funds available to invest in public schools; and

Whereas, inflation is trending over 4% for the current year which will cause significant hardship on public schools that have been defunded through the 2021-23 biennial budget; and

Therefore, Be It Resolved, the School District of South Milwaukee School Board calls on the Wisconsin Legislature and the Governor to support the following investments in public education: \$200 per pupil revenue limit adjustment in 2021-22 and \$400 per pupil in 2022-23 50% reimbursement for special education programs, funded as a sum sufficient allocation.

**RATIONALE:**

Schools throughout Wisconsin have dealt with and continue to deal with a pandemic that challenges our finances and ability to execute our mission. Further, the 2021-23 Wisconsin Budget has starved schools of important spendable resources to maintain our programs. We are also aware of the CPI trending above 4% for 2022-23 negotiations which will further stress a system that is receiving no increase to revenue limits in the state budget. It is also important to relieve the pressure of special education on the Fund 10 budget.

Checking the box (at left) confirms that this submitted resolution was duly approved by the School Board.

Checking the box (at left) and typing in the name of the board president (below) confirms that the board president signed this resolution.

Board President:

Doug Perry

Date of Approved Resolution:

08/25/2021

## 4. Advanced Learning

### Submitting School Board:

Oregon

### Description of Resolution:

The WASB encourages districts to provide a variety of advanced programming opportunities for students K-12, including acceleration options, and to offer opportunities to individuals such that students from every background are able to achieve at their highest possible levels.

### Related WASB policies:

- **2.37 Funding for Gifted and Talented Programming**
- **3.26 Advanced Placement Programs**

### Background:

Gifted and talented programs are a key source of enriched and accelerated learning opportunities for students identified as high achieving.

### **The Wisconsin Framework:**

According to the Department of Public Instruction (DPI), “giftedness, intelligence, and talent are fluid concepts and may look different in different contexts and cultures. Even within schools you will find a range of beliefs about the word “gifted,” which has become a term with multiple meanings.”

### **Statutes:**

The state statute ([s. 118.35](#), Wis. Stats.) outlining requirements for programs for gifted and talented students defines “gifted and talented pupils” to mean “pupils enrolled in public schools who give evidence of high performance 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.”

Section 118.35 (2), Wis. Statutes, provides that “The state superintendent shall by rule establish guidelines for the identification of gifted and talented pupils.”

Section 118.35 (3), Wis. Statutes, provides that “Each school board shall ensure that all gifted and talented pupils enrolled in the school district have access to a program for gifted and talented pupils.”

In addition, section [121.02\(1\)\(t\)](#), Wis. Statutes, relating to school district standards, provides that “Each school board shall...Provide access to an appropriate program for pupils identified as gifted or talented.”

### **Administrative Rules:**

The DPI has promulgated Administrative Rules relating to gifted and talented programming under PI 8 Those rules, in section [8.01\(2\)\(t\)2](#), state:

“Each school district board shall establish a plan and designate a person to coordinate the gifted and talented program. Gifted and talented pupils shall be identified as required in [s. 118.35 \(1\)](#), Stats. This identification shall occur in kindergarten through grade 12 in general intellectual, specific academic, leadership, creativity, and visual and performing arts. A pupil may be identified as gifted or talented in one or more of the categories under [s. 118.35 \(1\)](#), Stats. The identification process shall result in a pupil profile based on multiple measures, including but not limited to standardized test data, nominations, rating scales or inventories, products, portfolios, and demonstrated performance. Identification tools shall be appropriate for the specific purpose for which they are being employed. The identification process and tools shall be responsive to factors such as, but not limited to, pupils’ economic con-



ditions, race, gender, culture, native language, developmental differences, and identified disabilities as described under [subch. V of ch. 115](#), Stats. The school district board shall provide access, without charge for tuition, to appropriate programming for pupils identified as gifted or talented as required under ss. [118.35 \(3\)](#) and [121.02 \(1\) \(t\)](#), Stats. The school district board shall provide an opportunity for parental participation in the identification and resultant programming.”

Under those administrative rules, key terms are defined as follows:

“Access” means an opportunity to study through school district course offerings, independent study, cooperative educational service agencies, or cooperative arrangements between school district boards under s. 66.0301, Stats., and postsecondary education institutions. (See section [PI 8.001\(1\)](#), Wis. Admin. Code.)

“Appropriate program” means a systematic and continuous set of instructional activities or learning experiences which expand the development of the pupils identified as gifted or talented. (See section [PI 8.01\(2\)\(t\)1.a.](#), Wis. Admin. Code.)

### **Funding for Gifted and Talented Programs:**

The state provides a limited amount of aid specifically for gifted and talented programs. The costs of gifted and talented programs not covered by this aid must be paid from other state aid (i.e., general aid and per pupil categorical aid) or from local property tax levies.

Gifted and talented aid began in 2005-06. Under 2005 Act 25, \$182,000 was provided annually as a grant program for advanced curricula and assessments for gifted and talented pupils. Initially, grants of \$14,000 each were awarded to all 12 CESAs and Milwaukee Public Schools (MPS).

Over time, the grants were made available to non-profit organizations as well as CESAs, and Milwaukee Public Schools, either individually or as collaborative projects. In 2010-11 and 2011-12, nine CESAs and MPS received grants. By 2010, budgeted funding for gifted and talented aid had increased to \$263,500 annually. This budgeted amount was reduced under the 2011-13 biennial budget (2011 Act 32) to \$237,200 annually, and it remained at that level for nearly a decade (see below). Grant utilization dropped from \$230,400 in 2010-11 to \$189,200 in 2011-12.

Currently, this aid is provided annually as a grant program to provide gifted and talented pupils with services and activities not ordinarily provided in a regular school program. Grants may be awarded to school districts, nonprofit organizations, CESAs, and institutions within the University of Wisconsin System, either individually or as collaborative projects. In 2019-20, four school districts and five CESAs received grants.

The recently enacted 2021-23 Biennial Budget (2021 Wisconsin Act 58) doubled state funding for the gifted and talented (GT) grant program from \$237,200 to \$474,400 annually.

### **Staff Comments:**

Despite the statutory mandates cited above, there is little state oversight or enforcement of gifted and talented requirements. For many years advocates for gifted and talented students, such as the Wisconsin Association for the Talented and Gifted (WATG), have decried that having a state mandate for identification and services for gifted and talented students does not guarantee their availability. The WATG is currently talking with legislators about drafting legislation to strengthen accountability requirements for gifted and talented education. Additionally, the WATG argues that there is lack of clarity in the definition of “gifted and talented” and that schools should identify “needs” not “children.”

Among the possible reasons for the lack of availability of services for gifted and talented students may be the lack of training that teacher candidates receive with respect to identifying students who may be considered “gifted and talented” or providing services to those students. No teacher preparation program in Wisconsin currently requires teacher candidates to either take or pass a course in gifted and talented education in order to graduate. UW-Stevens Point was the last teacher preparation program to require this of its teacher candidates but no longer does. Prior to that, UW-Whitewater suspending its course offerings on gifted and talented.

It is not necessary to hold a gifted and talented teaching license to teach in a gifted, talented, and creative education program. Section [PI 34.081 \(1\)](#), Wis. Administrative Code, explicitly states: “A license issued under this section *is not required* to teach in a gifted, talented, and creative education program.” (emphasis added)

Wisconsin offers gifted and talented teacher and coordinator licenses as an add-on license. (To receive an add-on license, the applicant must already hold a valid Wisconsin teaching license in another subject area.) The gifted and talented teacher license is issued under PI 34.081, Wis. Administrative Code, and is considered a supplementary license.

Similarly, it is not necessary to hold a gifted and talented coordinator license to serve as a gifted and talented coordinator, although some position descriptions and job postings will ask for this credential. It is our understanding that most gifted and talented teachers and gifted and talented coordinators do not hold a specific gifted and talented license.

A gifted and talented coordinator license is issued under [PI 34.072](#), Wis. Administrative Code, as a category of Administration license, specifically as an instructional program coordinator. It is basically available to anyone who holds a teaching license at any grade level or holds a pupil services professional license (other than a school nurse license) and who meets the requirements set forth in the rule.

With regard to the second part of the resolution concerning “offer opportunities to individuals such that students from every background are able to achieve at their highest possible levels,” we note that a January 2018 study by the Fordham Institute (entitled “*Is There A Gifted Gap?*”) looked at 1,586 urban, suburban and rural elementary and middle schools in Wisconsin. It found that 57.1 % of those Wisconsin schools have a gifted and talented program and that low-poverty schools are somewhat more likely to have gifted and talented programs than high-poverty schools.

The Fordham Institute study found that of students who attend schools with gifted and talented programs, 8.4% participate in those programs. However, students in low-poverty schools are more than three times more likely to participate in gifted and talented programs than students in high poverty schools. Only 2.9 % of students in high-poverty schools with gifted and talented programs participated in gifted and talented education.

The Fordham Institute study also noted differences in enrollment across racial groups in Wisconsin’s high-poverty schools. Asian students constituted 4.0 % of the overall student population and 5.1 % of students enrolled in gifted and talented education in these schools. Black students comprised 34.5 % of the student population and 22.2 % of students enrolled in gifted and talented education. Hispanic students constitute comprised 35.2 % of the student population and 33.8 % of students enrolled in gifted and talented education. Finally, white students constituted 22.0 % of the student population and 34.8 % of students enrolled in gifted and talented education.

The Fordham Institute study offered three general policy recommendations (not specific to Wisconsin) for states wishing to boost participation of students who participate in gifted and talented programs:

1. Consider universal screening and other ways to streamline identification processes.

Schools could improve participation rates by optimizing policies for identifying students and implementing universal screening. A universal screening policy assesses all students to determine which are eligible for gifted and talented services and is one of the best ways to boost participation of under-represented minority students, as well as less affluent students, English language learners, and female students.

2. Identify students for gifted and talented programs using local norms.

Districts should consider identifying the highest achievers at each school as opposed to across the district. Although students at different schools will meet different standards for inclusion, this identification process is likely to yield greater socioeconomic and ethnic diversity in the district’s gifted and talented programs.

3. Counter bias in identifying and serving minority gifted and talented students.

To the extent that bias plays a role in the underrepresentation of black and Hispanic students in these programs, employing a more diverse teacher force and deploying interventions shown to counter unconscious bias and help teachers recognize giftedness among all students could lead to greater representation for unrepresented students.



## 2022 WASB DELEGATE ASSEMBLY

Date:

Subject of Resolution:

Submitted by the School Board of:

RESOLUTION:

RATIONALE:

Checking the box (at left) confirms that this submitted resolution was duly approved by the School Board.

Checking the box (at left) and typing in the name of the board president (below) confirms that the board president signed this resolution.

Board President:

Date of Approved Resolution:

## 5. Broadening the Scope of Mental Health Services

### Submitting School Board:

Algoma

### Description of Resolution:

The WASB supports legislation to address unfunded mental health needs in Wisconsin schools by broadening the scope of DPI-issued pupil services licenses [in the mental health services area] to include licensed mental health social workers, licensed mental health counselors, licensed mental health psychologists, and community mental health coordinators. This would enable schools to better meet student needs and could enable school district expenditures to qualify for state categorical aid for school mental health programs.

### Related WASB policies:

- **4.61 (c) School Social Worker Certification and Licensure**
- **4.635 DPI Licensing of Clinical Counselors**
- **6.06 Mental Health Supports**
- **6.065 Mental Health Categorical Aid**
- **6.115 Comprehensive School Safety Legislation**

### Background:

Currently, the state provides two types of aid assistance for school-based mental health programs. One form of state assistance provides aid for school mental health programs. The other form provides grants to school districts, consortia or school districts and independent charter schools for school-based mental health services provided in collaboration with community mental health agencies.

**Aid For School Mental Health Services:** Under current law, categorical aid for school mental health programs is funded at \$12 million per year and reimburses eligible districts and schools for expenditures on social worker services as follows: (a) 50% reimbursement of the increase in expenditures for school social worker services from one year to the next; and (b) a proportion of unreimbursed expenditures for social workers, based on the amount remaining in the appropriation after payments are made under (a). Eligible districts and schools are defined as school districts, independent charter schools, and private schools participating in a choice program that increased their expenditures on social workers from one year to the next.

**School-Based Mental Health Collaboration Grants:** Under current law, the grant program is funded at \$10 million per year. This funding is used for grants to school districts and independent charter schools for collaboration with community partners to provide mental health services to pupils.

In 2019-20, 106 grants were awarded to recipients including 97 individual school districts, eight consortia representing an additional 23 districts, and one independent charter school.

In the DPI's 2021-23 biennial budget request the department asked for a \$46.5 million increase in funding over the biennium (\$22.5 million in 2021-22 and \$24 million in 2022-23) to expand the School Mental Health Categorical Aid Program to include reimbursement for expenditures made for pupil services generally, rather than just for social worker services. ("Pupil services professionals" include school psychologists, school counselors and school nurses, in addition to school social workers.)

The department also proposed to modify the program so that all school districts, independent charter schools, and private parental choice schools with expenditures for pupil support staff would be eligible to receive funding. The department estimated the proposed funding increase would be sufficient to reimburse 10 percent of estimated total pupil services expenditures.

While the department's proposals were included in the governor's proposed budget, the Joint Finance Committee and the Legislature approved only an additional \$6 million per year in program funding but did not approve any of the proposed statutory modifications (language changes) to the program.

**Staff Comments:**

Even before the pandemic, stressors like academic achievement, school safety, poverty, and social media were contributing to increasing rates of mental health disorders among adolescents over the last decade. These disorders include major depression, suicidal thoughts, and psychological distress.

Pupil services staff—nurses, psychologists, social workers, and counselors—are regularly the first to identify students in need of assistance. And, more often than not, they offer the only professional aid those students will receive. Of youth who receive mental health assistance, 70 to 80 percent receive their mental health services in their schools.

The ratio of pupils to pupil services professionals in Wisconsin schools for each of the four pupil services categories significantly exceeds the recommended staffing levels suggested by national organizations.

- o For school counselors, the recommended pupil-to-counselor ratio is 250:1. Over the most recent four years for which data are available (2016-2019), the reported ratio in Wisconsin has varied from 399:1 to 444:1.
- o For school psychologists, the recommended pupil-to-psychologist ratio is 500-700:1, depending on which organization is making the recommendation. Over the most recent four years for which data are available (2016-2019), the ratio in Wisconsin has varied from 934:1 to 1,073:1.
- o For school social workers, the recommended pupil-to-social worker ratio is 400:1. Over the most recent four years for which we were able to find data (2016-2019), the reported ratio in Wisconsin has varied from 1,418:1 to 1,528:1.
- o For school nurses, the recommended pupil-to-nurse ratio is 750:1.<sup>1</sup> Over the most recent four years for which data are available (2016-2019), the reported ratio in Wisconsin has varied from 1,721:1 to 1,911:1.

The School Mental Health Categorical Aid program was first established in the 2017-19 state budget (2017 Wisconsin Act 59). Beginning in the 2018-19 school year, \$3 million per year provided for a new categorical aid program to reimburse eligible districts and schools for expenditures on social worker services (either through district employees or contracted services). Districts’ initial aid amounts were calculated based on the increase in social worker expenditures from 2016-17 to 2017-18.

When DPI first proposed creating this aid, it tried to target the limited amount of aid to the area of greatest need. It targeted the money toward school social workers because, at the time, school social workers were the category of pupil services professional in which the greatest number of school districts were reporting no expenditures. (See table below.) That remains true today.

**School Districts Reporting NO Fund 10 Expenditures for Pupil Services Positions (By Year)**

	2016		2017		2018		2019	
	# of districts	% of districts	# of districts	% of districts	# of districts	% of districts	# of districts	% of districts
<b>Social Worker</b>	328	78%	328	78%	308	73%	287	68%
<b>School Psychologist</b>	189	45%	189	45%	176	42%	175	42%
<b>School Counselor</b>	3	1%	3	1%	5	1%	4	1%
<b>Health*</b>	108	26%	108	26%	53	13%	45	11%

1 To be clearer, recommended ratios are ratios of 750:1 for students in the general population, 225:1 in the student populations requiring daily professional school nursing services or interventions, 125:1 in student populations with complex healthcare needs, and 1:1 may be necessary for some students who require daily and continuous professional nursing services (National Association of School Nurses, 2010).

Note: While school social worker and school psychologist were far in front as the position categories for which the greatest number of school districts reported no Fund 10 expenditures, when expenditures for special education services (Fund 27) were factored in, only about 5% of districts showed no school psychologist expenditures.

Since school mental health categorical aid was initiated, there have been a couple of attempts to expand the categories of pupil service professionals for which expenditures could be used in calculating.

In the DPI's 2019-21 and 2021-23 biennial budget requests, the department proposed expanding the program (i.e., the aid calculation) to include expenditures for all four pupil services job categories instead of only social workers. In its 2021-23 budget request, the department offered this rationale:

“School counselors, psychologists, social workers, and nurses all provide essential services to students, including those related to mental health. The department’s proposal focuses on providing aid for all types of pupil services professionals (rather than just social workers), as a way to increase the number of professionals providing mental health services and support to students, for two reasons:

- o The ratio of pupils to pupil services professionals in Wisconsin all significantly exceed the national recommendations for all four pupil services professional groups; and
- o All four pupil services professional groups possess the expertise to work across systems and with community-based professionals and families.

In its 2021-23 budget request, the DPI also asked that this aid be renamed “Mental health and student wellness aid” to reflect that all pupil support staff expenditures would be eligible for aid, and to reflect a larger, overall goal of promoting student wellness.



## 2022 WASB DELEGATE ASSEMBLY

Date: 2021-09-03 12:29:45

Subject of Resolution: Broadening the scope of mental health services

Submitted by the School Board of: Algoma

**RESOLUTION:**

Resolution in Support of Broadening the Scope of Mental Health Services in Wisconsin Administrative Code PI34, Sub Chapter VII

WHEREAS, there is a significant unmet mental health crisis in our state and in our schools; and

WHEREAS, early recognition and intervention strategies can help avoid serious consequences to those struggling with mental health issues; and

WHEREAS, the WI School Mental Health Framework recognizes the need for an intensive level of mental health supports; and

WHEREAS, easy access to care is the key to successful treatment; and

WHEREAS, services from community partners with appropriately trained professionals often have wait times and complicated paperwork creating barriers to timely treatment; and

WHEREAS, offering appropriate mental health services in the school setting would increase the access for our students in need; and

WHEREAS, current licenses listed in Chapter PI 34, sub chapter VII do not include trained mental health professionals; and

WHEREAS, staff with the currently listed educator licenses of school counselor, school psychologist, and school social worker neither have the time or the professional training to give appropriate mental health therapy to students; and

WHEREAS, with no license category, districts with student mental health expenses cannot count the expense as pupil services and are caught between trying to meet a significant need and having no funding opportunity; and

WHEREAS, having a mental health professional category in PI 34 sub chapter VII would allow districts a mechanism to receive some reimbursement for pupil mental health expenses through general or categorical aids; and

WHEREAS, determination of the percentage of reimbursement given through the aids is on the legislative side limiting the potential to have a large impact on the state school budget;



RATIONALE:

THEREFORE, be it resolved that the Algoma School Board calls on the WI State Assembly and the WI Senate to address this unfunded mental health need in the schools and broaden the scope of mental health service licenses in the pupil service area of Chapter PI 34 sub chapter VII to include licensed mental health social worker, licensed mental health counselor, licensed mental health psychologist, and community mental health coordinator.

Checking the box (at left) confirms that this submitted resolution was duly approved by the School Board.

Checking the box (at left) and typing in the name of the board president (below) confirms that the board president signed this resolution.

Board President:

Barbara Rodgers

Date of Approved Resolution:

08/23/2021