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COCHRANE-FOUNTAIN CITY SCHOOL DISTRICT PARTNERS WITH WINONA COMMUNITY FOUNDATION— page 4

4 WASB Business Honor Roll 2021

School districts and businesses partner up to support and create opportunities for students.

16 Getting to Great Governance

Fran Finco

On the importance of board/superintendent relationships.

10 The Insatiable Quest for Literacy

Brandon P. Fleming

In this book excerpt, a 2022 convention keynote shares life-changing lessons he learned as an undergraduate.

20 Setting Library Policies

Dan Linehan

As book challenges proliferate, library planning can lower the temperature.

DEPARTMENTS & COLUMNS

2 News Briefs

3 Viewpoint — Serving Wisconsin School Boards

24 WASB Insurance — Accessing Health and Wellness

26 Association News — WASB Directors Elected, Legislative Conference Continues Virtually, Important New Webinars Available Online, WASB Connection Podcast

28 Capitol Watch — Revamp of Reading Instruction Is Unfinished Business

30 Legal Comment — Common Questions About the Student Expulsion Process

Indoor Air Quality Guide Offers Strategies

The American Lung Association has released a guide for schools to improve their indoor air quality.

The U.S. Government Accountability Office recently found that 41% of schools need to update or replace their ventilation systems. And previous research has tied the quality of a school's air to the health and academic success of its students.

Air pollution, dirty air filters and an odorless gas called radon can harm children's lungs and affect how they learn.

The American Lung Association's "How To" guide tells schools how to measure their indoor air quality, provides steps they can take to improve it and more. The guide also includes information about how to use federal COVID stimulus funds to make indoor air improvements.

Visit [Lung.org/IAQ-in-Schools](https://www.lung.org/IAQ-in-Schools) to access the guide. □

Preschool Attendance Plunges Amid Pandemic

The percentage of 3- and 4-year-olds in school dropped by 25% in 2020, according to new census data reported in EdWeek.

The decline — from 54% of children in preschool to 40% — threatens to "derail decades of improvements in school readiness, particularly for the most vulnerable children," EdWeek says.

The data showed children of working mothers saw the steepest reductions. Their preschool enrollment fell by 35%, compared to 10% of 3- and 4-year-olds whose mothers did not work outside the home.

A separate EdWeek analysis found that pre-K enrollment dropped by 16% in Wisconsin in the 2020-21 school year.

The National Institute for Early Education Research surveyed parents about their motivations behind this reduction. Their top three reasons were a lack of in-person options, concern about the safety of in-person options and cuts to preschool funding. □

Poll Finds Majority Support for Public Schools

An October poll found that a solid majority of Wisconsin's registered voters are satisfied with public schools, though support dipped slightly in recent months.

The Marquette Law School Poll found that 60% of respondents said they are very satisfied or satisfied with the public schools in their community. This is down nine percentage points when compared to an August poll, and similar to support from a January 2020 poll (59%).

Meanwhile, 31% of parents in the most recent poll said they are dissatisfied or very dissatisfied, up from 21% in August.

There was widespread concern about children falling behind academically due to disruptions from the

coronavirus pandemic. Fifty-seven percent of respondents said they are very concerned and 31% are somewhat concerned.

There was also majority support for mask mandates in schools, with 55% in support and 40% opposed.

Only a small minority of respondents, 9%, favor a proposal to amend the state constitution so the state superintendent of public instruction would be appointed by the governor instead of being elected.

The poll interviewed 805 registered voters between Oct. 26-31 using a combination of randomly selected cell phones and landlines. The margin of error was plus or minus 3.9 percentage points. □

STAT OF THE MONTH

60%

Percentage of respondents who were very satisfied or satisfied with the public schools in their community, according to an October Marquette Law School Poll — down from 69% in an August poll but similar to the 59% from January 2020.

Source: Marquette University Law School

Two Wisconsin Teachers Win National Award

High school vocational education teachers in Kaukauna and Seymour received a prize for teaching excellence, WFRV-TV reported.

Jay Abitz, a teacher at Freedom High School in Kaukauna, and Staci Sievert, who teaches at Seymour Community High School, were two of 18 winners of the 2021 Harbor Freight Tools for Schools Prize for Teaching Excellence.

Sievert had been a social studies teacher at the high school for 22 years before moving into industrial technology, where she revised the entire program curriculum. She says

the shop brings her father to mind.

"I remember him often heading out to his shop and saying, 'I wonder what mistakes I will make today.' Problem-solving in the shop is a way of life," she says.

Abitz also said problem-solving is at the core of his classroom. "In my classes, students are challenged, they struggle, they are required to figure it out on their own," he told the TV station.

Both prizes are worth \$50,000, of which \$35,000 goes to the teacher's program and \$15,000 to the teacher. □



Serving Wisconsin School Boards

In early November, the WASB Board of Directors voted to withdraw the association's participation in the National School Boards Association's programs and activities.

The next step is for the WASB membership to consider a resolution at the Delegate Assembly to grant the Board of Directors greater discretion to determine which, if any, national organization for the WASB to be affiliated with.

WASB delegates should watch for more information in the Delegate Assembly packet, which will be available this month.

The Board of Directors did not take this action lightly.

A core responsibility of local school boards is to promote community engagement and foster relationships.

The NSBA caused substantial controversy this fall, negatively impacting relationships among school boards, parents and community members, and failed to appropriately respond to the controversy.

Those actions do not align with WASB policies and programs nor its mission to support, promote and advance public education.

The recent NSBA actions, combined with ongoing issues due to other NSBA decisions, led to the WASB Board of Directors' vote.

In the coming months, the board will closely monitor the actions and conduct of the NSBA to ensure that the federal association is supporting the core mission of state school board associations and their local school boards.

The WASB Board of Directors will be particularly focused on ensuring quality representation for Wisconsin school boards with congressional representatives, federal agencies and the judicial system.

The board's recent action does not impact the ability of any Wisconsin public school board to interact directly with the NSBA. As always, the WASB supports local control and seeks to provide the support and resources needed to enable every Wisconsin school board to make decisions in the best interests of their students and communities.

If any member has a question or concern about the recent board action, please contact me so we can discuss it further.

Meanwhile, the WASB remains focused on serving our members and planning for the 101st Wisconsin State Education Convention in January.

We're delighted about the developing lineup of convention keynote speakers. In this month's issue of the Wisconsin School News, we're highlighting Brandon Fleming, our Thursday keynote speaker.

A former at-risk student and college dropout who became an award-winning educator, Fleming is an assistant debate coach at Harvard University and founder/CEO of the Harvard Diversity Project. Fleming recruits underserved youth with no prior debate experience and trains them to compete against hundreds of elite debaters from more than 25 countries.

Since the program's inception in

2017, every cohort trained by Fleming has won the international competition, with one group achieving a remarkable undefeated record as global champions.

Fleming has established a groundbreaking organization that is pipeline Black youth into Ivy League and elite colleges and universities, including Harvard, Yale and Stanford, on full scholarship. Fleming's story, erudition and achievements have enabled him to use his voice to inspire and impact lives in places ranging from federal prisons to the United Nations General Assembly.

You'll want to hear his story.

And we all need a little more laughter in our lives. So, we've invited Karyn Buxman — a self-described neurohumorist who lives at the intersection of humor and the brain — to be the keynote of the WASB Breakfast at the convention.

She'll help you learn how to use humor to improve your communication and boost your physical resilience. In addition to her work studying the brain, Buxman is a former school board member and understands your work. She'll get you laughing and thinking about how to use humor strategically. It'll be a great way to start the day.

Visit the WASB website for more information and to register.

Finally, check out this month's Association News column for more information about the ongoing, online Legislative Conference and other upcoming programs and events. ■

A core responsibility of local school boards is to promote community engagement and foster relationships.

WASB Business HONOR ROLL

2021

School districts and businesses partner up to support and create opportunities for students



Stratford Public Schools
ZALESKI SPORTS



Madison Metropolitan School District
FORWARD THEATER COMPANY

Stratford Public Schools

ZALESKI SPORTS

Stratford Public Schools had been working with Zaleski Sports to livestream athletic events for a few years when COVID-19 struck and added new relevance to the broadcasts.

With attendance limited at games, the livestreams became the only way for friends and extended family to watch. Soon, the district asked Zaleski Sports to livestream other events, including graduation and senior award night.

Because it sells advertising space, Zaleski Sports does not charge the district for the broadcasts.

The livestreams have expanded the audience for district events and are likely to continue after the pandemic, according to Superintendent Scott Winch. One way livestreams help, regardless of social distancing, is by allowing family members to watch the Stratford football team, which often travels at least an hour to away games.

It's not just for family and friends.

The ability to watch games on demand, and the ease of watching streamed content on television, has expanded the audience for high school sports.

"People disconnected from high school sporting events became reconnected because they were able to flip through all these games on a given night and explore high school sports again," Zaleski Sports owner Jason Zaleski said.

The company has also offered youth apprenticeships to two Stratford students, including Matthew Dickinson, now a college student and part-time employee.

During Dickinson's senior year at Stratford, he began providing play-by-play commentary of basketball games for Zaleski Sports.

Dickinson says he's working toward a career in sports radio opinion commentary, and this position helped him build his speaking skills and gain experience in the industry.

"I think it's helped my confidence," he says. "Being able to put myself out there calling games improved my speaking ability and vocabulary."

Zaleski Sports has also provided scholarships to graduating seniors and helped the district develop commercials to share other district news during sports broadcasts.

Winch said the partnership benefits students and their families.

"It really provided a good service when we had limited seating, and continues to be a good service for our community moving forward," he said.

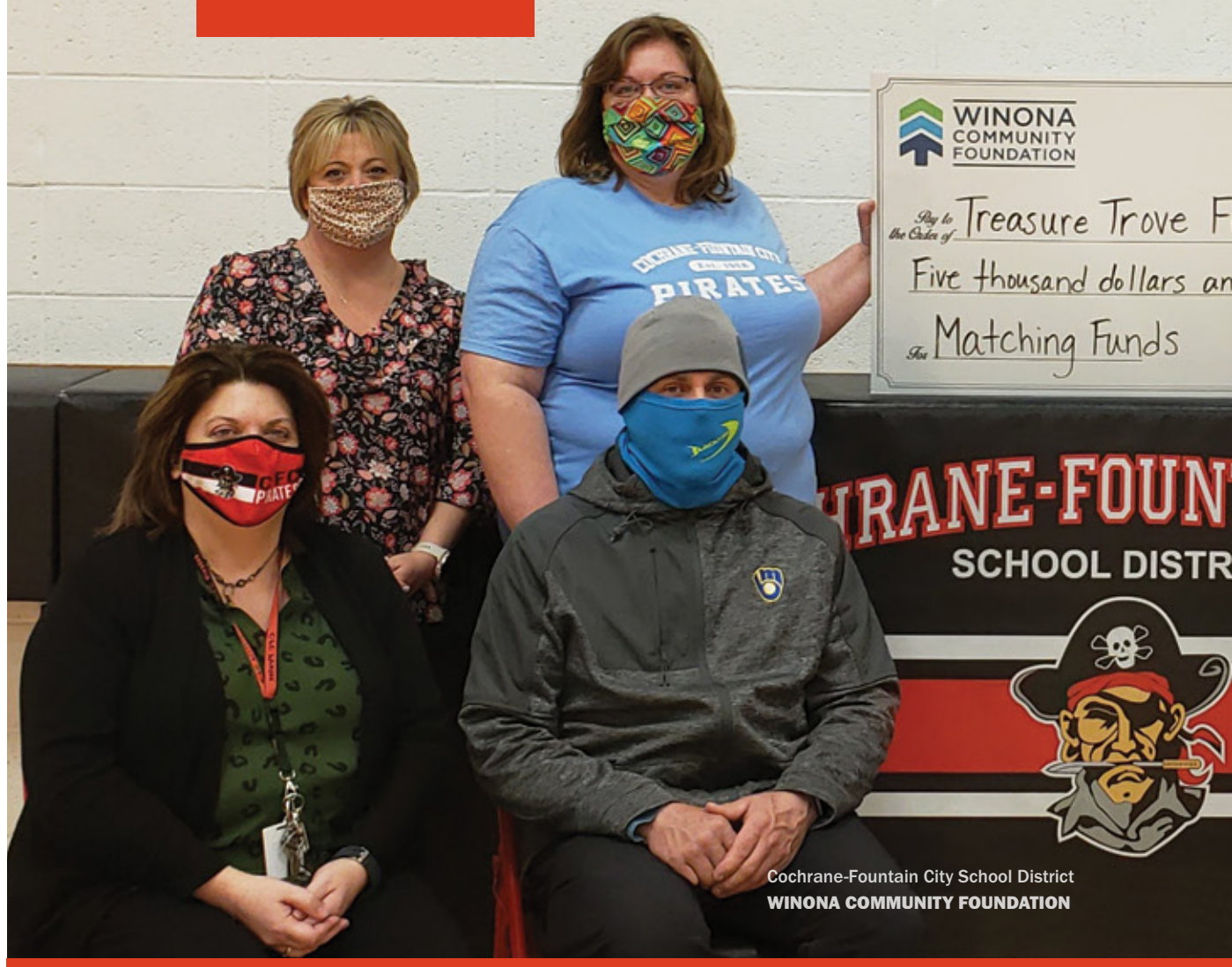
Madison Metropolitan School District

FORWARD THEATER COMPANY

Major partnerships often have humble beginnings. Jen Uphoff Gray, artistic director at Forward Theater Company in Madison, was invited in 2019 to watch a rehearsal of La Follette High School's spring musical.

She saw a group of students with energy and enthusiasm but lacking resources and technical support.

"It just felt like an obvious match of a specific need with the support and resources we easily had to offer from Forward," Uphoff Gray said in a



video recorded about the partnership.

After her visit, she participated in a Madison Public Schools Foundation event, called “A Principal Experience,” in which community leaders shadow the district’s principals. The partnership grew from there, as Uphoff Gray soon realized they may be a good fit for the Foundation’s Adopt-a-School program.

Forward offered workshops for students on auditioning, and provided professional mentors in stage management, lighting, marketing and other subjects. Joshua Brown, who directed the 2020 La Follette musical, said the students learned a wide breadth of skills from Forward staff.

“They received training on the artistic side of things, but also the logistical side of, ‘How do you go from reading a script to the lighting design? And how do you keep track of everything and the process behind

it?’” Brown said in the video.

Mary Bartzen, community partnerships director at the Madison Public Schools Foundation, said the partnership is a signal to students that there are people in the community who care about and value them.

“The partnership was on a great trajectory,” Bartzen said. “Then COVID hit.”

Theater productions halted in the spring of 2020. La Follette High School does not have a theater teacher or director on staff (Brown had been hired only to direct the spring 2020 musical) and, as the school opened virtually to start the 2020-21 academic year, the fall production was in peril.

That’s when Forward stepped in to provide a director for the 2020 fall/winter production of “What I Want To Say But Never Will.” The organization also directed the

spring 2021 musical and continues to help with the school’s next major project — referendum-funded improvements to the high school, including its theater.

Forward is working with the district and vendors to help direct the work and ensure the new funds are put to their best use.

Bartzen’s experiences with partnerships like this have helped her focus on a particular program instead of an entire school.

“All different kinds of organizations and businesses, no matter their size, really have gifts, talents and assets they can share with our public schools,” she said.

ONLINE: Read this story online at [WASB.org](https://www.wasb.org) to watch a video about the partnership.



Cochrane-Fountain City School District

WINONA COMMUNITY FOUNDATION

Soon after she was elected to the Cochrane-Fountain City School Board in 2017, Kalene Engel developed an interest in starting a school foundation.

With about 560 students, the district lacked the staff or expertise to start its own foundation. Moreover, its small staff made it more difficult to coordinate gift-giving, especially during the pandemic.

“COVID created a situation where we had people wanting to donate everything from water bottles and face masks to money,” Engel said. “But matching up what the school needed with what people wanted to provide was challenging.”

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Gala and his team promoted two vaccine clinics at the high school in May and June with marketing support from Prevea Health.

Howard-Suamico School District
PREVEA HEALTH

So they decided to explore a partnership with a community foundation. These organizations collect donations and give out grants, often to improve the quality of life in a given area. There are about 30 community foundations in Wisconsin.

After speaking with several foundations in their region, the Cochrane-Fountain City School District decided to partner with the Winona Community Foundation. Though it is based in Minnesota, the foundation's service area extends into Wisconsin.

"The Winona Community Foundation has been a great partner for us and has done a lot to ease the

administrative burden," Engel said.

Under the partnership, the Treasure Trove Giving Fund, a "donor-advised fund," was created. A nine-person board of directors accepts grant requests from teachers and others connected to the district. The board then advises the foundation on how to spend the money.

Though the community foundation has the final say on how the money is handed out, Engel says the board's recommendations are likely to be followed as long as the board adheres to its own bylaws.

They kicked off the fund with a capital campaign in late 2020. They raised \$25,000 in 25 days, enough

to earn them \$5,000 in matching funds from the Winona foundation.

In the year since, the fund's board of directors has discussed how they'd like the money to be spent. Instead of replacing the school's budget, they want donor money to be spent on new, innovative items that would otherwise go unfunded.

For example, earlier this year, the district hired a new technical education instructor after the 2021-22 budget had been set. So the fund approved a grant request from the new instructor for 10 small engines for his class.

In the past, the school used donated small engines, though Engel said the

inconsistency meant that not all students were working with the same parts. The grant and the new engines helped streamline learning.

Engel's recommendation to other districts looking to start a donor-advised fund is to talk to a community foundation in their area. She's happy to answer questions about their experience.

Howard-Suamico School District

PREVEA HEALTH

Earlier this year, Bay Port High School senior Rohan Gala decided to do more than watch as COVID-19 case counts rose in the Green Bay area. He wanted to help organize a vaccination clinic.

"I realized there was a lack of vaccine access within (the school district)," he said, considering the nearest clinic was 15 miles away.

Gala emailed the CEO of Prevea

Health, a Green Bay-based health care provider, but was skeptical that he'd get a response.

"He actually emailed me (back) within an hour," says Gala, a senior in the Howard-Suamico School District. They met and mapped out a plan: an education campaign about the vaccine and a school-based vaccination event.

Gala and a team of students created a poster campaign and held a virtual informational meeting. He credits the meeting, a video from which was later shared with the school community, as effectively informing them about the vaccine's effect on public health and our bodies.

Gala and his team promoted two vaccine clinics at the high school in May and June with marketing support from Prevea Health.

In total, the student-led clinics vaccinated more than 100 people

against COVID-19.

"I think I learned a lot about the impact that a public school and private company's partnership can have on the community," says Gala, who said he's interested in a career in public health. ■

Dan Linehan is the WASB Communications and Marketing Specialist.

Thank you to the school districts that nominated businesses for the 2021 WASB Business Honor Roll. The full list is available at WASB.org.



If your district is interested in reviewing sample policies on encouraging school-business partnerships, contact the WASB.



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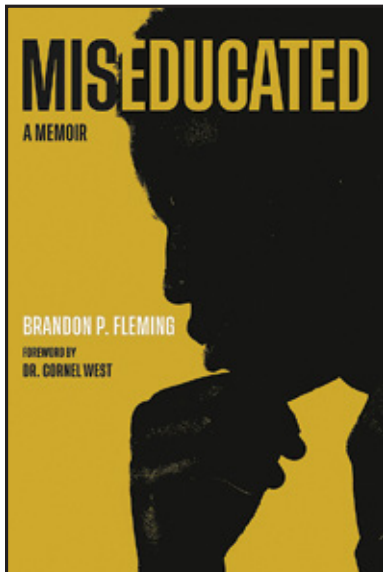


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The Insatiable Quest for LITERACY

► Life-changing lessons of an undergrad

Crossing campus to DeMoss Hall, it felt like I was walking the green mile. A marble fountain guards the giant four-story edifice. Roman columns tower above an Olympian staircase ascending to an imposing entranceway. Once inside, it took me a minute to find the offices for



the English and Modern Languages faculty, which were tucked away in a side hallway behind an anonymous double door. I walked the main hall of this building nearly every day, but I had never noticed the faculty offices. Nor had I ever looked at the wall of display cases filled with trophies or read the four words emblazoned above the exhibit: LIBERTY UNIVERSITY DEBATE CENTER. It meant nothing to me.

When Professor Nelson saw me at the open door of her office, she gestured toward a chair that was perhaps the only uncluttered surface in the room. Huge bookcases were crammed with shabby paperbacks and pristine hardbacks, and unsteady stacks of books rose from the floor like a city skyline. Her desk was littered with typewritten pages bleeding red ink, empty coffee mugs rested on stained napkins, and a formal, gold-framed portrait of what must have been her family looked disappointingly down at the mess.

After I sat and shucked off my backpack, she reached into a laptop bag and extracted a sheaf of dou-

ble-spaced pages with my name at the top. She slid the sheets toward me and let silence settle for a minute.

"Did you write this?" she asked. Her tone was calm, not accusatory, leaving the door open to candor. I considered my next lie, thumbing through the pages before nudging them back to a neutral position.

"Yes, ma'am," I said.

Time froze as various scenarios played in my mind. She might pick up the essay and say, "Brandon, this is superb!" Or maybe she'd turn sarcastic and say, "You sure fooled me; there's no way I could have ever detected that you stole this peer-reviewed essay from JSTOR." But she did neither. Instead, she set the essay aside, as if it was not the most important matter. She looked calmly at me, her elbows resting on the desk and her fingers interlaced. She leaned forward and said, "I want to know more about you."

Minutes passed and it was as though the essay was forgotten. She asked about my family, my aspirations, my struggles. Not as though she was interrogating me, but as

Excerpted with permission from MISEDUCATED: A Memoir by Brandon Fleming. Copyright © 2021. Available from Hachette Books, an imprint of Hachette Book Group, Inc.



Brandon P. Fleming

will be the keynote speaker
Thursday, January 20 at the
2022 State Education Convention





Photo credit: bpfleming.com

**“Faulkner, Homer, Dante
— I didn’t understand
a word of their books.
I admitted to plagiarism.”**

though she cared to know. As we talked, my lie lingering unattended between us, I felt my wall of wariness begin to crack. But I didn’t recant.

In the course of an hour, we exchanged tears, laughter and promises. She was vulnerable with me: she told me about having surgery for cancer. I was vulnerable with her: I told her about my history of drugs and violence. She made me feel safe. We laughed at stories about her childhood. I told her stories about my own. We went from chuckling to whooping with laughter, like old friends chatting under ideal circumstances.

It made sense to assume that I was stranded in my lonely foxhole, and that no reinforcements or rescue party would ever come.

I never thought that I could bond with an older white woman. Then our conversation suddenly shifted. There was a natural pause in our exchange as she softly smiled at me like I was her own child. Then came the blindsides.

“Brandon,” she said, “just tell me the truth.”

She’d tricked me. Soon as I had let her in. I should have seen this coming. My childhood, my secrets, her stories that she used like bait to draw me in—it was all a ploy to make me defenseless. I felt exposed, like I had been meat-checked by an old white lady. I was furious and glared at her across her trashy desk, my fingernails sinking into my palms as I clenched and unclenched my fists because I did not know what else to do.

“You can tell me,” she said, seemingly unaffected by the shift happening before her eyes, my anger falling apart into confusion and pain. Her steady gaze spoke volumes. “I’m not your enemy,” she added softly.

But I did not believe her. My view of the world was so fractured that everyone was my enemy, out to expose my vulnerability and fraudulence. It made sense to assume that I was stranded in my lonely foxhole, and that no reinforcements or rescue party would ever come.

“Fine,” I said angrily. “The truth is I can’t read this stuff.”

Faulkner, Homer, Dante—I didn’t understand a word of their books. I admitted to plagiarism. I admitted to cheating on the five-question quizzes. I admitted to being just as dumb as she and my classmates supposed. I admitted that I was one F or W away from flunking out of college for the second time. My voice rose and cracked with stress and hopelessness. And when I wound down—before I could bolt from the room—she rose from her chair. She walked over to me. She wrapped her frail arms around my body and promised me that I was safe. I closed my eyes, and I rested my head on her shoulder as her empathy calmed my spirit.

“I understand if you have to fail me,” I said, head sunken.

“I’m not going to fail you,” she said, refusing to accept my surrender. “We are going to redo it.”

I didn’t understand what she

meant by “we.” In this instance, simply allowing me to redo it would be an act of grace. But when I explained that English was too hard, that I wasn’t cut out for it because I was so many miles behind everyone else, she wouldn’t allow me to wallow in self-pity. She told me that I was not in it alone. She was willing to get down into the trenches and struggle with me until I figured it out. She went beyond the call of duty for me.

Over the next several months, she spent weekends and time outside of her office hours to help teach me how to read and write. But the way she did it was, perhaps, the most impactful. She met me where I was, as a Black man. She talked about two other Black men who’d charted their own journeys to literacy. Their names are Frederick Douglass and Malcolm X. But I brushed aside these well-meaning comparisons, certain that my deficiencies were far worse than any shortcomings these men ever had. But she did not enable my self-pity. I saw everything that I wasn’t. But she saw everything that I had the potential to be.

“You have two decisions you can make,” she said to me one day. “You can moan about your disadvantages, or you can do something about them. The choice is yours.”

Representation is the lens through which we aspire.

Suddenly, it struck me that I had been here before—not as a student, but as an athlete. When I was in middle school, I realized that I was not going to grow tall. I was fast, I was strong, I was skilled, but I was short. Yet as an eighth-grader, I was recruited to play on the high school level of the Amateur Athletic Union, a national

league for elite travel basketball. I'd send defenders crawling on the floor with swift crossovers, plow through the lane with agility and spring in the air for a layup—only to have my shot deflected to the rafters by a six-foot-something giant who would stare me down as the crowd cheered. My confidence about my skill was undermined by worries about my height. I concluded that I was out of my league.

But Coach would have none of that. With a piece of gum flapping in the corner of his mouth, he'd step to my face and in his drill sergeant voice say, "We don't complain, son. We compensate." Excuses weren't allowed. And if I, or any of us, ever tried to use them—it didn't matter what point of practice we were in—he'd halt and roar, "You makin' excuses, boy?" Then the whistle

would blow as he screamed, "Assume the position!"

Fifteen wheezing bodies would hit the floor and, while doing push-ups, we'd chant in chorus: "Excuses are tools of incompetence, which build monuments of nothingness. And those who specialize in them seldom specialize in anything else."

So, I'd stopped making excuses on the court and invested in a pair of strength shoes, training sneakers with a platform in the front that forces your calf muscles to bear the strain of keeping your heels elevated. For an entire year, I spent hours in my garage—mornings, after school, weekends—jumping rope and doing plyometric training. By the time I reached the ninth grade, I could soar above the rim—dunking and jumping higher than most guys who

were older and taller than me. It was this discipline—and the intense labor—that allowed me to play much taller than I was.

I realized that Coach and Professor Nelson were sending me the same message. There was probably no academic equivalent of strength shoes, but I wanted to know more about the two Black men she had mentioned. Of course, I'd heard their names before, thanks to dutiful Black history programming in school every February. Those learning modules were meant to engender respect for Black history, but they actually oversimplified and diminished it. Douglass was famous as an abolitionist and the sainted Black friend of Abraham Lincoln, but I knew nothing of him as a self-taught scholar and rhetorician. And when

“ You can moan about your disadvantages, or you can do something about them. **The choice is yours.** ”



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our textbooks or teachers made any mention of Malcolm X, he was positioned as the violent antithesis to Dr. King—not celebrated as a revolutionary and an autodidact.

I purchased the two books. I struggled to read them and it took a long time. My eyes watered, I fell asleep

“If they could rise above their disadvantages to become scholars, there was no excuse for me.”

often, and I gave up several times. Not because I was uninterested. I was not conditioned to sit and read for extended periods. I spent more time looking up words than actually reading the books. I read through entire paragraphs and pages, then had to go back and read them again for understanding. It was tough, but there was something new and unusual pushing me through. As I read deeper, I was lost in the best way. And I was found in the same way. The feeling was euphoric, and foreign. Eventually, I finished. And it all made sense. If they could rise above their disadvantages to become scholars, there was no excuse for me.

Douglass was an illiterate slave. Malcolm was a dope-dealing gangster. Douglass had a teacher who barely taught him phonetics, and he took it upon himself to become a voracious and critical reader. Malcolm went to prison, and his journey to literacy began with his decision to copy thousands of words and definitions from the dictionary. They were me. I, too, was enslaved by ignorance. I, too, wanted to be delivered from the prison of my inferiority. I, too, felt the nakedness of being unlearned.

Rage mounted in me as I devoured these books. A certain fire is sparked when you realize that you’ve been deceived. All my life I’d believed that Black scholars didn’t exist. Maybe



they existed somewhere in the world, but not in mine. They weren’t in my neighborhoods. They weren’t on my television. They weren’t in the textbooks that teachers wanted me to read. All I saw was Black gangstas and Black drug dealers and Black athletes. So that’s what I wanted to be, because that’s what I thought Black people did. Representation is the lens through which we aspire.

I saw Allen Iverson—with his cornrows and tattoos and urban swag—and I thought I could be him, because he looked like me. Sure, I had heard that only three of every 10,000 high school players ever make it to the NBA. But representation impacted me more than probability. When I saw Iverson, Stephon Marbury and Vince Carter, I saw myself. And that was all that mattered for a kid who was learning how to dream.

Why is it that basketball was all I ever wanted? It’s because passion is born through exposure and affirmation. My mother had put a ball in my hands. She’d showed me what to do with it. Then she’d told me that I was good. But what if someone had put a book in my hands instead of a ball? What if someone had showed me how to read and then told me that I was smart? What if that book had exposed me to something great about my people and my identity

that I could be proud of? What if it had showed that I was a part of a rich legacy of greatness? What if it had exposed me to my heritage and native land in a way that did not depict Africa as the quintessence of poverty? What if it had showed me something about my culture that is inspiring, not injurious, and that did not pretend that Black history began with slavery, or that did not relegate Black achievement to a 400-year freedom struggle?

As I kept on reading, I soon realized that history is told by the victor. Told from the perspective of the person who wields the pen like a spoil of war. And the oppressed are left with a narrow study of their own defeat, left out of the story or indoctrinated with the fiction of inferiority. My life would have been completely different had I known these truths. But I knew them now. And I was ready to do the work of undoing my own miseducation. ■

Brandon P. Fleming is the assistant coach of debate at Harvard University and founder of the nationally acclaimed Harvard Diversity Project. In 2020, Fleming was recognized by Forbes magazine on the Forbes 30 Under 30 list. Fleming was also recognized by The Root magazine as one of The Root 100 Most Influential African Americans in 2020.



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GETTING TO Great GOVERNANCE

The importance of strong board/superintendent relationships | *by Fran Finco*

Developing a positive relationship between board members and the superintendent is one of the five core skills effective school boards practice in order to reach their ultimate goal of high levels of achievement for all students.

There are three essential aspects of forming great governing relationships. To start, before you can be an effective board member, you need to know yourself. The second factor is understanding what it means to work collaboratively. The third is determining the roles and responsibilities of the board and superintendent, and

identifying the best governance model for your school district.

■ Examine yourself

School board members are expected to work together without a high degree of training. Because of that, it is important for board members to take a close look at themselves and try to blend their strengths into the board relationship. In “Self-Examination is the Key to Personal Growth,” author Shara Ryan stated, “Self-awareness allows us to look at ourselves in a way that we can evaluate and compare our current behavior to our internal standards and values.”¹

If a board member wants to be a contributing member, they need to first examine themselves. What are their strengths? And what do they have to check at the door in order to be a contributing partner? Each individual board member brings their personality, internal beliefs, personal and professional backgrounds, preferences and needs to the board table. How does each member make sure that knowledge of their own strengths and weaknesses is a benefit to how the board functions?

Simple, self-reflective questions for board members to consider that can be thought-provoking:



A high-functioning board makes a concerted effort to
develop the skills to work together for the common good.

■ Understanding the dynamics of a good team

One method boards can use to develop their ability to work together is through common learning. When boards take time to have discussions about new ideas, persistent problems or the understanding of everyday educational concepts, they learn how to participate in a collective conversation, share ideas, and agree or disagree in a helpful way.

These conversations can also lead to a clearer vision of why people wanted to run for the board. Once they develop a deeper understanding of board member work, they should understand that working collectively is more effective than working as individuals.

Whatever method board members use to get to know one another and deepen their understandings of the collective work of the board, the intent is to strengthen their knowledge, relationships and trust in one another. This growing trust and confidence in the good intentions of one another will help the board have a common focus, and function in a positive and productive manner.

A high-functioning board makes a concerted effort to develop the skills to work together for the common good. Once board members make the effort to know themselves better, it's time for the entire board to sit down and examine how they interact as a team. Each member brings a unique set of beliefs and needs to the table, and boards can use that knowledge to ensure that their interactions will lead to reaching their collective mission, vision and goals.

One way to start is to examine

the self-reported personalities of each board member. There are a number of different exercises that a board can go through to do this. The Personality Compass, for instance, takes the board members through simple prompts to help understand each other's leadership and decision-making styles.²

A second method to understand board roles is encouraged in "The Governance Core." Authors Michael Fullan and Davis Campbell suggest that if board members understand the concepts of systems thinking, strategic focus, deep learning and the impact of their manner, they can make a shift from "I" to "we." They stress that making this shift will lead to an "internal balance" between the often conflicting and different values, positions and core beliefs of other board members.³

■ The governance team

A final key element of effective governance is the overall quality of the board/superintendent relationship. Working together as partners, the board and superintendent become the governance team. Fullan and Campbell state that the school board and superintendent have leadership roles that are interconnected but different.

Therefore, effective school boards must lead as a united team with the superintendent, working together with strong collaboration and mutual trust. They further stress that a collective governance mindset between the board and superintendent is the most important characteristic that can lead to an effective school district. Governance mindset can be defined simply as all leaders working together toward the same goals.

- What are the principles I absolutely will not waiver from?
- What can I contribute to the board?
- Can I disagree without being disagreeable?
- Am I able to share my thoughts in the presence of others?
- What are the basic requirements of a school board member? And do I have those?

When members get to consider these questions, they are able to use that information to become better board members.



A strong board/
superintendent
relationship is
**professional, fair,
objective, honest,
open and comprised
of team players.**

How does a board ensure that the governance relationship with their superintendent will move the school district forward? First, they both have to understand their roles and responsibilities. A board and superintendent must have a shared understanding of the superintendent's level

of leadership. Where along the continuum of leadership — from the superintendent having complete authority to the board allowing the superintendent some degree of input in the decision-making — can they agree to allow the superintendent to function?

Second, they need to understand that the success of this collaborative team is all about relationships. Trust has to be mutual. A strong board/superintendent relationship is professional, fair, objective, honest, open and comprised of team players. In short, the board and superintendent need to



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work together for the common good of the district. They need to care about doing the right things for children, treat each other peaceably and amicably, and be able to disagree without making it personal.

Third, they must make collective commitments to one another to ensure role confusion doesn't occur. Examples of such commitments are:

- Understanding and respecting the differences between governance and management.
- Operating with trust and integrity.
- Recognizing and respecting differences of perspective and style on the board and among

staff, students, parents and the community.

■ Behavior matters

It cannot be overstated that the manner in which board members act and treat one another makes a difference. The school board/superintendent team sets the tone for the rest of the district. The staff members and all the district stakeholders know how well the board members treat one another, how they get along with the superintendent and whether they function as a collaborative team or not.

The culture in which the board and superintendent function sets the

example for the entire district. If the board and superintendent set the tone with high expectations for themselves, and act with integrity and trust, the culture of the district can become one of a commitment to continuous improvement and, ultimately, high levels of learning for all children.

To learn more about the governance team relationship, attend the Developing Strong Governing Teams breakout session at the 2022 State Education Convention in Milwaukee in January or contact a WASB consultant. ■

Fran Finco is a WASB Search and Governance Consultant. He specializes in continuous school improvement and building board/administrator relationships.

1. "Self-Examination is the Key to Personal Growth," Shara Ryan, 2019

2. "The Personality Compass," Thelma Turner and Diane Greco, 1998

3. "The Governance Core," Davis Campbell and Michael Fullan, 2019



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Setting Library Policies

As book challenges proliferate, library planning can lower the temperature

When a school library is asked to remove a book, emotional responses can clash with measured, well-reasoned policy.

“Strong, established policies can prevent impulsive reactions when confronted with actual, difficult situations, including ignoring policies altogether,” said Monica Treptow, school library media education consultant at the Wisconsin Department of Public Instruction.

Requests to ban school library books are hardly novel. They ebb and flow over decades, and a heavy flow is currently underway according to Treptow.

Having an overall library plan in the first place is a crucial step. These plans are far wider in scope than library material challenges; they answer the bigger questions about what the library will accomplish for the district’s children.

“Your library program isn’t a silo. It is most effective as an integrated, essential part of the school community,” Treptow said. “The district library plan should be aligned to the needs of your district.”

Having such a plan is required by

state law, but most schools don’t have one. According to the 2020-21 Wisconsin Digital Learning Survey, only about one in five districts have either a stand-alone, long-term library plan or have integrated the library into their general digital learning plan.

Districts across the country are seeing more concerns and challenges to library books, Treptow said. Strong policies and procedures, combined with district staff who understand and follow the protocols, can promote effective responses to these challenges.

Accusations that children are being exposed to material inappropriate for their age can spur charged, emotional conversation. Policies and procedures can help everyone understand the work in question, how it was chosen and the parents’ role in selecting materials for their own child.

Policies and procedures can, in other words, add shades of gray to a situation that is often first described as black and white. A good place to start is by understanding how librarians think about their libraries, and how the thought process differs from that of classroom teachers.

How a challenge works

From the perspective of a librarian, not all book challenges are the same.

The distinction lies in the difference between the classroom, where students generally share a common curriculum, and a library, where students select material for themselves.

“Not everything in a school library is for everyone, but everyone should be able to find something that meets their needs,” Treptow said.

As easy as it is for a child to opt in to a book, it’s typically just as easy for a parent to opt out.

It’s important for school librarians to listen to the concerns a family member has about a book. In many cases, parents can agree that their child will not read a book while keeping that option open to others.

“It’s always about listening and hearing concerns and not trying to defend the item,” Treptow said.

Assuming a parent’s good intentions can go a long way in resolving concerns before an official challenge begins.

In many cases, the initial, informal conversation might end with a mutual decision by the

Policies and procedures can, in other words, add shades of gray to a situation that is often first described as black and white.

Books can be both windows — so students can see themselves in their pages — and doors, which can give them a glimpse into the larger world they'll join.

parents and school staff regarding the individual child's access to the book or other media.

If this initial discussion about the parents' concerns is not enough, a formal challenge may begin. The formal process is often referred to as the materials "reconsideration" process.

That's where the school district policy — and the procedures that it triggers — is critical. Each policy will be different, but the first steps of a formal challenge typically involve filling out an official form and having the district review the material via a designated committee.

Such committees, whose meetings may be subject to the Wisconsin open meetings law, generally conduct a structured evaluation of the challenged

material(s) using policy-based or other professional standards. It is not simply an up-or-down, remove-or-retain decision. For example, the material could also be supplemented with additional resources on the relevant topic, substituted with an alternative resource, or moved to a different setting. The recommendation or decision of the committee is often subject to a review or appeal step.

Even if a challenge does not turn out as expected, this process can help the parents feel heard and educate them about how and why the material was chosen.

Collection management policies and procedures are only a small part of an overall library plan. Creating or updating such a plan can help school libraries better serve their purpose.

■ Why a plan matters

Emily Zorea could not have known that finding an old copy of her district's library plan would propel her into a year-long overhaul of the plan.

She's a library media specialist in the Ithaca School District, a largely agricultural community in the Driftless region, where internet access is often spotty and the nearest public library is 15 miles from the school. The school library is often a student's only way to find books and access the internet reliably.

Zorea found a paper copy of her district's library plan, last revised in the 1990s, at the bottom of a desk drawer. She began revising and expanding it to bring it in line with best practices in the field, and to reflect how libraries have changed.



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Zorea added the goal of creating a makerspace where children can indulge their creative sides with hands-on activities. She also created a digital literacy curriculum for children as young as kindergarteners with lessons such as what a username and password are.

To a young child, a username is “the name your computer recognizes you as,” while a password is “a super-secret piece of information that a computer and I know.”

The library plan became a vehicle to improve accountability as Zorea added or updated policies on how materials are selected.

She took her proposed changes to a policy committee and then to the full school board, which supported the updates.

Their library materials challenge policy was updated in a few ways, including to specify how records of these challenges would be maintained and shared. Since the policy was updated, there haven’t been any challenges in Ithaca.

If and when it happens, she’ll not only have the new policy; she’ll also have staff and a school board who are aware of it.

“There was a lot more communication about what needs to happen,” Zorea said. “That was a relationship-building opportunity.”

This planning is also a requirement by the DPI, which mandates

that each school district “have on file a written, long-range plan for library services development which has been formulated by teachers, library and audiovisual personnel, and administrators, and approved by the school district board.”

Such a plan is typically more than just a collection of cross references to existing school board policies. For example, plans often establish goals and define key action steps to guide the future direction of the district’s library media services, and often establish a procedure and timeline for evaluating progress on those goals.

The DPI’s “Future Ready Librarians” web page can guide the library planning process. In addition, the WISELearn Resources School Library Planning Group includes several different samples of school district library program plans.

In addition to requirements to have a library plan in state law, discussions about library planning can put everyone on the same page. In today’s era of increasingly common book challenges, Treptow said it can be tempting to ignore a policy if leaders aren’t invested in it.

■ Libraries change with us

Library policies can also help explain why some books belong in students’ hands. Librarians have long turned to an analogy to help

explain their philosophy.

Books can be both windows — so students can see themselves in their pages — and doors, which can give them a glimpse into the larger world they’ll join.

“Our books have changed alongside society,” Treptow said. “We want to have collections that represent all the diversity and cultural polarity of our society.”

Indeed, this requirement is seen in statutes, which require libraries to reflect the pluralistic nature of society. Overzealous removal of specific kinds of books could be discrimination.

No matter the specific case, the discussions prompted by well-used library policies and procedures can reveal the complexity of why a book is selected, but, as Treptow says, “It’s never a simple solution.” ■



WASB Policy Resource Guide Subscribers:

Sample Policy 362 can help districts meet the requirement to have a long-range plan for

library services development approved by the school board.

There is also a sample policy about reconsideration requests, called “Library Media Center Material Selection and Reconsideration.”

Accessing Health and Wellness

Leading a happier and healthier staff during a post-pandemic era

School districts today need leadership that is doing more with less in the face of adversity. Without the umbrella of collective bargaining agreements, paired with the heightened emotions and challenges around COVID-19 response policies and budget shortfalls, there is an increased need for proactive solutions and communications from district leaders.

If you react to these challenges as they appear, you are unlikely to find solutions that lead to a specific destination. But with proper planning, district leaders can take control of the process. Demonstrating best practices will help district, staff and community members respect the approach.

Kalise Horst, CEO of Steeping Wellness, sees opportunities to make changes in these unique times.

“What we’re seeing right now are school district employees who are completely burned out and overwhelmed, making their overall health worse,” Horst says. “By providing simple opportunities and shifts, we can help create environments that better their well-being and engagement while increasing retention and decreasing the long-term cost of health care.”

■ Changes in delivery of care

The largest variable in overall cost has continued to be health care. Districts have an opportunity to take more control due to changes that have occurred in health care, particularly with technology and primary care, in response to the pandemic.

Traditional health care models focus on treating conditions, not improving health to prevent claims. But when complex claims are driving up costs in prescriptions and care delivery, traditional, reactionary models are not fiscally sustainable. Engaging plan members in improving their health not only reduces costs, it helps create a culture that demonstrates you are doing something for them instead of simply reacting to health conditions and challenges as they come up.

■ Successful implementation

Before getting started, it is important for districts to assess their employees’ openness to change and vet local providers for their ability to provide convenient health care at lower costs.

STEP 1: Understand employees’ openness to change.

When surveying two districts, we found that 85% of employees rarely or occasionally sought health care, if at all. But we did find that 87% of employees were comfortable with using technology to access health care. We assisted the districts in setting up remote care options to help employees better access and engage with their own health and well-being. After using remote care for several months, data showed employees were actively using online services to communicate with their provider, set appointments and follow up on lab work. This improved engagement helps ensure employees get the health care they need on their terms.

STEP 2: Conduct a gap analysis of local providers

Review local providers for their ability to provide convenient health care in a structure sustainable to the district and health plan. Once you have identified providers willing to work with your district, you can begin to build a care model convenient for your staff and the health care provider.

For example, the districts of East Troy, Elkhorn and Randall adopted a direct primary care model via NICE Healthcare, partnering with health care providers willing to accept an alternative pricing structure. The districts access primary care on a flat-fee basis charged to the district instead of a fee-for-service basis charged to individual plan members. Plan members now have access to a variety of convenient care options, such as on-site clinics as well as in-home and virtual visits. Convenient, cost-free access to care has shown to improve population health, overall claim levels and plan sustainability.

These are just two examples of successfully implemented alternative health care delivery methods that have improved engagement and overall population health, and reduced health plan costs.

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Legislative Conference Continues **Virtually**

Registrants of this fall's Legislative Conference have so far learned about potential solutions to the teacher shortage, why referendums pass and fail, and public opinion on education in Wisconsin. And there's more to come.

The virtual conference, held over five Fridays from October through December, continues this month with a panel of journalists and legislators as well as a session with the state superintendent of public instruction. Subscribers can attend live online and receive recordings to watch on their schedule. As of press time, the following recordings are available to registrants:

- **Will My Referendum Pass or Fail?** Learn about 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.



WASB Directors Elected to 3-Year Terms

Please join the WASB in welcoming Alan Tuchtenhagen of River Falls to the WASB Board of Directors and congratulating Mike Humke of Dodgeville, Linda Flottum of Turtle Lake, Bill Wipperfurth of Lodi and Rosanne Hahn of Burlington on their re-election. They will begin their three-year terms in January during the State Education Convention.

Thank you to the members in WASB regions 1, 4, 9, 10 and 13 who met online this fall to elect their directors.

Our newest member, Tuchtenhagen, has been a member of the River Falls School Board for 13 years and is the associate vice chancellor emeritus at UW-River Falls. He replaces Bill Yingst, Sr. of the Durand-Arkansas School Board as the WASB Region 4 director.

We thank Yingst for his dedicated service to the WASB. He served three consecutive three-year terms as regional director, the maximum allowable under the WASB Bylaws, and served as the association's president in 2020. □



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WASB Connection Podcast

The latest episode of the WASB Connection Podcast explores research into efforts to encourage more diversity in locally elected office, including school boards. We talk to the researchers about strategies to encourage participation as well as a school board president about educating potential candidates about the role.

“Victoria (Solomon) spoke to diversity of perspectives and just how important it is to include lots of different people at different stages in life when it comes to decision-making processes and especially when it comes to decision-making on school boards ...”

— Melissa Kono, community resource development educator in Clark County

Find the episode on the WASB website or wherever you find podcasts.

How to Manage Challenging Board Meetings and Cybersecurity Webinars Available

In October, the WASB held several complimentary webinars that may be of particular interest to members.

The first was a three-part webinar series focused on managing challenging board meetings. Each hour-long webinar includes an interesting conversation among WASB consultants and an attorney. The first in the series addressed preparing for a meeting that is anticipated to be challenging. The second was on conducting the meeting and the final webinar in the series addressed post-meeting activities.

The WASB Insurance Plan held a webinar in October that focused on cybersecurity. Board members and administrators are encouraged to view the recording to stay abreast of ongoing threats to their districts.

Recordings of these webinars are available on the WASB's Online Events page □

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UPCOMING WEBINARS

■ FAMILY AND MEDICAL LEAVE ACT WEBINAR

December 9, 12 p.m.

This webinar will review requirements under the Wisconsin and federal Family and Medical Leave Act, including eligibility for leave for birth or adoption; serious health conditions of employees, parents, spouses and children; and the various leaves available to military service members and their families. Registration required.

■ RECURRING WEBINAR: WASB LEGAL AND LEGISLATIVE VIDEO UPDATE

December 15, 12 p.m.

WASB attorneys and government relations staff provide a complimentary, monthly update on recent legal and legislative issues to answer members' most pressing questions. No registration required. Visit WASB.org for the link.

■ INDIVIDUAL CONTRACTS AND THE NONRENEWAL PROCESS WEBINAR

February 15, 12 p.m.

This presentation will focus on the statutory process in section 118.22 of the statutes that school boards must use to renew and non-renew full-time teaching contracts and include recommendations on which individual contract provisions school boards should include and which provisions they should avoid. Registration required.

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Revamp of Reading Instruction Is Unfinished Business

Developing a plan to improve student literacy levels



Lawmakers have concluded their floor activity for the year but pause with significant unfinished business in the area of K-12 education, including how to improve Wisconsin students' reading proficiency levels.

Gov. Tony Evers, a Democrat, recently vetoed a Republican-backed "reading readiness" bill (Senate Bill 454). It was a highly prescriptive bill that the WASB opposed and graded as "incomplete" because, among other things, it would have tripled the number of required reading assessments without providing any additional resources or training.

The veto likely sends policymakers, advocates and the Department of Public Instruction back to the drawing board when it comes to improving Wisconsin's stagnant scores on measures of reading proficiency.

While theoretically possible, an override of the governor's veto doesn't appear likely. Enough Democratic lawmakers in each house are likely to side with the governor to prevent that from happening.

For that reason, this column will explore some of the options policymakers could consider as they tackle this challenge. But first, some background on the scope of the challenge is in order.

For decades, the debate over how to improve reading instruction and results has been a messy struggle

between advocates of "balanced literacy" ("whole language") approaches and advocates of the "science of reading" ("phonics-based") approaches. These prolonged policy battles have been dubbed the "reading wars" by education observers.

To his credit, former Gov. Scott Walker sought to halt the "reading wars" by convening a bipartisan task force in 2011. He brought the two sides together to address improvement. He enlisted then-Senate and Assembly Education Committee chairs Sen. Luther Olsen (R-Ripon) and Rep. Steve Kestell (R-Elkhart Lake) and Evers in his former role as state superintendent to chair the Read to Lead Task Force.

The task force heard weeks of testimony and came up with an aggressive action plan with recommendations including:

- Early literacy screening for all four- and five-year-old kindergartners.
- Improvements to teacher preparation programs around early reading, including a new, more rigorous reading exam for reading educators.
- Enhanced professional development to improve the skills of current reading educators, including an online professional

development portal and an annual reading conference.

- Creation of a public-private partnership to engage Wisconsin philanthropies and businesses around the goal of ensuring every child can read by the end of third grade.
- Requiring school districts that underperform in reading to implement targeted improvements, including a science-based reading program.

Unfortunately, some of the key recommendations were not implemented. Others did not produce the intended result. The effort was not sustained over time as policymakers moved on to address other concerns.

Nevertheless, the Read to Lead Task Force report provides a blueprint to consider.

Noting that professional development is essential for all teachers to help them strengthen and improve their skills and knowledge, and should be high quality, relevant and targeted, the task force recommended:

- Reforming teacher preparation programs.
- Making significant investments at the state level to enhance the level of skills and knowledge of practicing educators.

The DPI task force must also look at properly resourcing reading improvement efforts, including professional development and instructional resources.

- Creating an easy-to-use portal for all teachers to access high-quality, science-based online professional development.
- Requiring new teachers' professional development plans to include a component focused on the development of reading and writing instructional strategies appropriate for the level of license and content taught.
- Requiring professional development in reading instruction for teachers with students who continually show low levels of achievement and/or growth in reading.

State Superintendent Jill Underly, a critic of the approach taken by lawmakers in the recent legislation, has pledged to create a new task force to address improving reading instruction in Wisconsin schools.

The new task force should be bipartisan and aim to build buy-in from all stakeholders, including the business community.

The DPI task force should also look at properly resourcing reading improvement efforts, including professional development and instructional resources.

During the public hearings on SB 454, lawmakers focused attention on Mississippi's literacy efforts. However, Tennessee's recent \$100 million investment in a comprehensive literacy initiative may also be a model in how to balance the need for assessment with the need for professional development and instructional resources.

Tennessee provides free K-2 reading diagnostics for all districts as well as two weeks of professional development for all educators who provide reading or reading intervention instruction.

Teachers complete a five-day course focused on developing a deep understanding of phonological awareness, phonemic awareness, phonics, fluency, decoding and vocabulary development. At the end of that course, participants who demonstrate proficiency receive a literacy certificate. The second five-day course

focuses on implementing foundational skills. After completing that course, K-2 teachers receive classroom kits with decodables, manipulatives and sounds-first resources.

Any Tennessee educator responsible for reading instruction or remediation, and associated administrators, must participate in the training. This includes classroom teachers, special education teachers, paraprofessionals, etc.

Those who successfully complete the professional development sequence receive a state-funded stipend commensurate with their role and aligned to their district's compensation practices.

Teachers who master the content can serve as a mentor for those who do not. Those unable to demonstrate mastery are assigned a mentor teacher and are encouraged to retake the training but do not risk losing their licenses — something critically important in an era of teacher supply challenges.

Tennessee also provides a free, open-source PK-2 supplemental curriculum — a set of instructional materials focused on the science of reading.

Districts that are "early adopters" (implementing similar and approved materials for at least two years) may apply for a waiver to continue using their existing materials.

In comparison, Wisconsin lawmakers invested only \$5 million in new dollars towards literacy programs from one-time federal funds in 2021. At a time when Wisconsin has a budget surplus of over \$930 million and \$1.7 billion in its rainy day fund, the fact that a significant investment in this area was not made is a missed opportunity.

Other states are making investments to improve reading proficiency and show us different models for addressing the issue. Tennessee and Mississippi are only two examples.

Now it's time for Wisconsin stakeholders to roll up their sleeves and work toward a comprehensive solution. ■

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Common Questions About the Student Expulsion Process

School boards have significant discretion in the exercise of their authority to expel students, subject to compliance with procedural requirements.¹ However, the Wisconsin Constitution guarantees children ages 4 through 20 a free public education.² This creates a property right to education under the due process clause of the 14th Amendment to the United States Constitution. Therefore, a student's right to attend school may not be taken away through the expulsion process without adherence to certain minimum procedures. Wisconsin's expulsion statute and decisions interpreting it have established specific procedures a board must follow in order to expel a student. Compliance with these procedures also satisfies the requirements of procedural due process under the 14th Amendment. Additionally, the Department of Public Instruction generally only overturns expulsions on appeal if there are procedural errors during the expulsion. Therefore, procedural compliance is critical.

This Legal Comment will address common questions about the expulsion process from the board perspective. This Legal Comment is not an exhaustive discussion of all the issues relevant to expulsion. In particular, it does not detail those processes which generally apply only to the administration's role. Also, students with a disability under the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973 have

additional rights; while this Legal Comment addresses some of those rights, it does not address all of them. Finally, this Legal Comment will not discuss the applicable procedures if a board authorizes an independent hearing panel or hearing officer to determine pupil expulsions.

■ For what conduct can a board expel a student?

The expulsion statute only permits expulsion for specific types of student misconduct which have a direct link to school safety and order. In particular, the grounds on which a pupil may be expelled are:

- Repeated refusal or neglect to obey district rules;
- Knowingly conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
- Engaging in conduct while at school or while under the supervision of a school authority which endangers the property, health or safety of others, which includes making a threat to the health or safety of a person or making a threat to damage property;
- While not at school or while not under the supervision of a school authority, engaging in conduct which either endangers the property, health or safety of others at school or under the supervision

of a school authority, or endangers the property, health or safety of any employee or school board member of the district in which the pupil is enrolled, which includes making a threat to the health or safety of a person or making a threat to damage property; or

- Provided the pupil is at least 16 years old, repeatedly engaging in conduct while at school or while under the supervision of a school authority that disrupts the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority, and such conduct does not constitute grounds for expulsion under any other statutory basis.

If the student's conduct meets any of these grounds, the board must also determine if, under the circumstances, the interests of the district "demand" the student's expulsion. When possession of firearms by a student is at issue, the board must also make an additional finding that the student possessed a firearm while at school or while under the supervision of a school authority.

■ What time limits apply to expulsion hearings?

Because of due process and statutory considerations, the scheduling of expulsion hearings takes place quickly. It is typical for the administration to contact board members to

Because of due process and statutory considerations, the scheduling of expulsion hearings takes place quickly.

check on expulsion hearing availability with one to two weeks' notice in order to secure a quorum of the board for the hearing.

Under the expulsion statute, the administration can suspend a student for no more than five school days, which can be extended to 15 school days if a timely notice of expulsion has been sent to the student and the parent/guardian. The notice of expulsion must be sent before the end of the five-school-day suspension period or else the student must be allowed to return to school until the expulsion hearing can be held. The expulsion hearing must be held at least five calendar days after sending the notice of expulsion. If the expulsion hearing is not conducted within the 15-school-day suspension period, the student must be allowed to return to school until the expulsion hearing can be held. For students with disabilities under IDEA or Section 504, an expulsion hearing must generally be held within a 10-school-day suspension period to avoid potentially unintended consequences and legal complexity.

How many board members must attend expulsion hearings?

The board must have a quorum present during the entire expulsion proceeding. A board member cannot miss part of the evidentiary portion of the hearing and engage in the deliberations without creating legal challenges. A board member who misses the beginning of the evidentiary portion of the meeting has a statutory right to be present,³ but such a board member has no right to participate in the remainder of the evidentiary portion of the hearing, board deliberations or to vote on an expulsion motion.

Who can attend expulsion hearings?

Expulsion hearings are almost always closed to the public, and neither the student nor the student's family has a right to demand that the hearing be open. The student and family have a right to be repre-

sented at the hearing by counsel. Sometimes the student or family requests to have a non-legal representative or advocate present, for example a friend or counselor. Boards are generally comfortable with that, provided the non-legal representative or advocate is not disruptive. The administration typically has the superintendent and/or the student's principal present, along with any administrators who will testify during the hearing. Other potential witnesses for either party should remain outside the hearing room and be allowed to enter only during their testimony. If the board is represented by an attorney, the attorney assists the board in running the proceedings. The attorney stays with the board during the hearing and the board deliberations.

What happens at expulsion hearings?

An expulsion hearing typically begins with an overview of the process and an outline of some of the important rights of the student and family. Generally, expulsion hearings have four distinct phases: the presentation of evidence related to the conduct giving rise to the hearing, the presentation of evidence related to the past conduct and record of the student, an administrative recommendation to the board, and board deliberation.

During the first phase, the administration presents evidence to the board about the student's conduct for which notice of expulsion has been given. The student and family then have the opportunity to cross-examine the administration's witnesses. At the conclusion of the administration's presentation, the student and family are afforded the opportunity to present facts about the incident. The student and family are not required, and cannot be compelled, to testify. The administration has a right to cross-examine the student's witnesses. Board members may ask questions of all witnesses.

During the second phase, the administration has the opportunity

to present evidence of the student's academic, disciplinary, attendance and other student records. That evidence is relevant to the board's decision as to whether the interests of the district demand the student's expulsion and, if so, whether to offer early reinstatement and what conditions will be placed on that reinstatement. However, these records are not to be used for purposes of determining whether the student engaged in the conduct for which expulsion is sought. The second phase generally follows the same steps as the first phase.

At the conclusion of the first two phases, the administration makes a recommendation to the board for consideration, in particular the length of any proposed expulsion, whether to provide for early reinstatement, and what conditions will be placed on that reinstatement. The student and family have the opportunity to respond to the recommendation or propose their own recommendation. The parties are then excluded from the room while the board deliberates. The board must keep written minutes of the hearing.

What form can the evidence take at expulsion hearings?

The formal rules of evidence are not generally followed in expulsion hearings. One example of this is the admission of hearsay evidence. Hearsay testimony alone may constitute sufficient evidence to support an expulsion when there are factors establishing the reliability and probative value of such testimony. However, hearsay testimony of a speculative or unsubstantiated nature, if relied on extensively, may rise to the level of a constitutional deprivation of due process.⁴

In most expulsion cases, the administration gives a summary of the events giving rise to the expulsion, usually in the form of a report of the administration's investigation of the incident. This is done in lieu of calling students and other witnesses to the incident. In cases where law enforcement is involved, it is not unusual for a police officer to testify

and submit his or her report into the expulsion record. Law enforcement records may not be used as the sole basis for expelling a student.⁵

What if a board member knows the student, the family or the circumstances of the conduct?

It is not unusual for a board member to know the student, the family or the facts or circumstances giving rise to the expulsion proceeding. However, prior board member knowledge of events or circumstances relevant to the expulsion hearing cannot be the basis for any board decision. Only the facts presented to the board on the record at the hearing can support a board expulsion order. There should be no discussion during deliberations about facts known by board members that were not made part of the record.

In addition, due process requires that the hearing be conducted by an impartial tribunal. While it is presumed that board members will act fairly, impartially, and in good faith,⁶ a board member who believes he or she cannot act impartially should disclose that fact and discuss whether to recuse him or herself from the hearing.

What findings does a board have to make in order to expel a student?

In order to expel a student, a board must generally determine, based only on the evidence presented at the hearing whether the student was a student in the district at the time of the alleged conduct and whether the student is guilty of the conduct alleged in the notice of pupil expulsion hearing. If so, then the board must determine whether the student engaged in conduct that met the stated ground for expulsion and whether the interest of the school demands the student's expulsion.

Each of these findings must be voted on and passed by a majority of the members present at the expulsion hearing and made part of the written board findings and order of expulsion. If any of these findings is

not made by the board, the student is not expelled. This document is signed by the board president and/or clerk and mailed in separate envelopes to the student and to the family of a minor student.⁷

Does a board have the power to expel a student and reinstate that student at any time?

A board may decide to impose an expulsion of a particular length but allow the student to return earlier if the student meets certain conditions prior to being reinstated and during the period of reinstatement.⁸ The conditions must be related to the reason for expulsion. For example, a student expelled for hitting another student cannot be required to submit to an assessment for drug abuse as a condition of reinstatement, unless it is alleged that drug usage led to the violent behavior. Conditions can only be enforced during the term of the expulsion itself. Therefore, the board should be sure the duration of the expulsion period is long enough to cover the entire duration for which the board wants to impose conditions on the student.

If the board establishes conditions for early reinstatement, the district administrator decides whether a student has met those conditions and the terms imposed during the period of reinstatement. The board plays no further role in the process. If the district administrator determines that the student has violated the early reinstatement conditions, the district administrator may revoke the early reinstatement, and the student must serve the remainder of the expulsion term.

Does a student receive educational services during the period of expulsion?

Educational services are not required for students without disabilities during the period of expulsion of a lawfully expelled student. However, under state and federal law, during

the term of expulsion, a student with a disability generally has certain rights to continue to receive educational services.

Conclusion

The expulsion of a student is a serious matter, both legally and with respect to the interests of the student and the district. For this reason, the Wisconsin statutes impose certain processes that districts must follow in order to comport with due process and ensure the interests of all parties are fairly considered. Boards have broad discretion to determine whether the interests of the district require an expulsion and, if so, whether to allow for early reinstatement and on what terms. In exercising this discretion, boards should have a common understanding with the administration of both the legal processes that must be followed and the types of conduct that the board believes warrant referral to the board for expulsion. ■

Endnotes

1. Wis. Stat. s. 120.13(1).
2. Wis. Const. art. X, s. 3.
3. Wis. Stat. s.19.89.
4. Antonio M. by Kenosha Unified Sch. Dist. No. 1, Decision and Order No. 176, Wis. Dep't. of Pub. Instruction (April 18, 1991).
5. Wis. Stat. s. 118.127.
6. *Heine v. State Chiropractic Examining Bd.*, 167 Wis. 2d 187, 481 N.W.2d 638 (Ct. App. 1992).
7. Wis. Stat. s. 120.13(1)(c)3.
8. Wis. Stat. s. 120.13(1)(h).

**This Legal Comment was written by Michael J. Julka, Steven C. Zach, and Brian P. Goodman of Boardman & Clark LLP, WASB Legal Counsel. For additional information related to this topic, see Wisconsin School News, "Expulsion for Firearms" (May 1999); "Judicial Review of Expulsion Decisions" (March 2000); "Early Reinstatement of Expelled Students" (October 2000); "Expulsion Decisions of Note" (December 2019); and "The Manifestation Determination Process" (October 2021).*



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