

# WISCONSIN SchoolNews

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Official publication of the Wisconsin Association of School Boards, Inc.

PERSPECTIVES from the

2024

Teachers  
Year  
OF  
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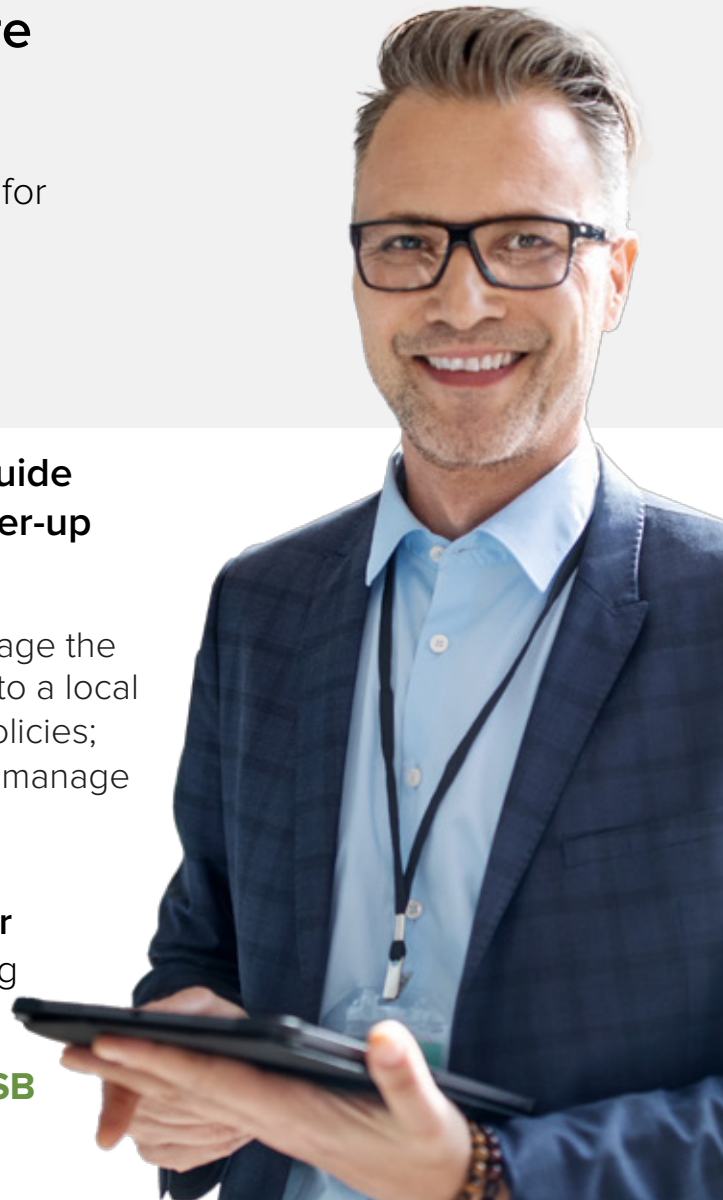
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## Report Analyzes State's 'Grow Your Own' Strategies

Wisconsin's rural school districts are implementing a mix of national and homegrown "grow your own" educator strategies to address chronic educator shortages, according to a new study by the Wisconsin Center for Education Research.

These districts "are not waiting on state or federal policymakers to solve longstanding staffing challenges for them," the report stated.

The study identified a range of successes and challenges that emerge as rural districts attempt to launch, sustain and scale up "grow your own" initiatives such as Educators Rising.

Educators Rising, which exposes high school students to careers as educators, shows "significant promise," the report said, in part because of the low costs to create and operate the clubs.

"Most current Educators Rising students across the rural schools we visited indicated a clear desire to be a teacher, and many alumni of the program had actually completed training/licensure requirements and taken teaching positions in rural schools," the report stated.

The report called for more funding of "grow your own" programs, including further analysis of their evaluation and impact. □

## Teacher Pay Hasn't Kept Pace With Inflation

Wisconsin's teacher salaries have failed to keep pace with inflation, according to a report from the Wisconsin Policy Forum.

A teacher earning median pay — meaning half were paid less and half paid more — earned an inflation-adjusted \$67,539 in 2009. But, by 2023, the median teacher earned only \$59,250, a drop of 12.3%.

Teachers in small and rural districts were generally paid less than their urban and suburban counterparts.

The report, "Wisconsin's Teacher Pay Predicament," explores the complex factors contributing to stagnant teacher salaries in the state.

It attributes the pay predicament to a combination of factors,

including limited revenue growth for school districts, declining enrollment and rising health care costs. These challenges, compounded by local property tax constraints, create a financial squeeze for school districts, affecting their ability to offer competitive salaries.

The report notes that the 2023-25 state budget granted a revenue limit increase amounting to about 2.7% this year, "far below the allowable wage increase for teachers of 8.0%."

The report concludes with a call for comprehensive solutions, urging policymakers to address the structural issues impacting teacher compensation in Wisconsin. □

### STAT OF THE MONTH

# 12.3%

**Decline in median teacher pay** in Wisconsin from 2009 to 2023

Source: Wisconsin Policy Forum

## WISCONSIN CYBER RESPONSE TEAM GROWS

Wisconsin's Cyber Response Team, which defends schools and other small public entities against cyber attacks, has seen an influx of volunteers in the past few years, Government Technology magazine reported.

The team, administered by Wisconsin Emergency Management, has grown from 119 volunteers to 457 in the last two years. As of October, the team had responded to 27 incidents in 2023, compared with 19 in all of 2022.

Small school districts are the most common beneficiaries of the volunteers' help. Even if they don't have the money to hire a third-party cybersecurity forensics team, small districts and others can quickly receive assistance.

"Quite frankly, our membership base has exploded mostly because of word of mouth," Eric Franco, the cybersecurity preparedness coordinator for Wisconsin Emergency Management, told the magazine. "A lot of the districts and counties have either received direct services or someone they knew received direct services, and they want to be involved in some way, shape or form."

Franco credits professionalism and accountability with the team's success.

"We don't blame the victim, right? I mean, we're there to support that person as if that person's network was indeed our own," he said. "That's the kind of ownership we take with each of these incidents." □



## What Are Teachers Telling Us?

This will be my first State Education Convention as WASB executive director, and I'll be as excited as a kid on Christmas morning to see so many of you in Milwaukee. I can't wait. We have an amazing program planned for you.

In addition to offering great opportunities to advance your learning through dozens of breakout sessions, this year's convention will pay tribute to those on the front lines of our students' learning — our teachers.

There is ample research suggesting that the most important in-school variable in student learning is the effectiveness of the classroom teacher. And having a series of highly effective teachers can supercharge a student's learning.

However, it is becoming increasingly difficult to attract and retain good teachers in our classrooms. Although pay and benefits are certainly factors, working conditions, including school culture, are also keys to keeping teachers happy. And, especially in an environment of teacher supply challenges, it is important that we seek out and welcome feedback and input from educators.

I'm pleased that this year's State Education Convention will include examples of positive collaboration between teachers and school boards. It will also include sessions featuring Wisconsin's Teachers of the Year, including a panel of all five of this year's honorees.

Turn to page 4 to start reading

about what each of them would like school board members to know

Having worked in government relations for many years, I know something about the challenges public schools have faced in seeking necessary resources. Ever since the Great Recession caused support for schools to be decoupled from inflation, the quest to achieve a school funding system that is fair and equitable to all students, irrespective of their school district of residence, has often seemed out of reach.

For more than a decade, school leaders have bemoaned the twin problems of spendable resources, (revenue limits and per pupil aid) lagging inflation and inequities in per pupil spending across district lines.

These spending disparities have become more critical in an era of widespread staffing shortages, where all districts, but especially low revenue districts, struggle to attract and retain teachers and staff. Many districts, especially those experiencing declining enrollment, have faced challenges in this environment as operating referendums have become a "do-or-die" proposition for too many. And the situation is made worse for all schools when spendable resources fail to be adjusted for inflation.

Now, we have documentation of the extent of this problem. On page 24, go in-depth on the increasing reliance on school referendums. Study author Dale Knapp displays considerable insight as he shares his new

research about voter-approved spending and how dependent many districts have become upon such referendum approval to remain afloat.

On page 30, examine how state policymakers have addressed disparities in spending across districts, with a particular focus on providing tools to raise up spending in the state's lowest revenue districts.

Improving your skills as leaders is a key reason school board members attend the convention. On page 10, convention keynote Sean Covey outlines four strategies leaders can use to produce breakthrough results.

This issue also includes an article about what school board members should know about the state's 12 Cooperative Educational Service Agencies, typically called CESAs. Whether or not you're on your first term, we think every school board member should know what CESAs offer school districts.

We often hear questions from board members about social media. Starting on page 16, read about some practical advice from an expert in her field.

We're all in the education field. And educating ourselves is one of the most important things we can do to ensure that our districts are on a path toward continuous improvement. That's why I hope you'll enjoy reading this issue, and why I hope to see you in Milwaukee. Please say hello. I'd love to meet you and hear your feedback. ■

Many districts, especially those experiencing declining enrollment, have especially faced challenges in this environment as operating referendums have become a "do-or-die" proposition for too many.

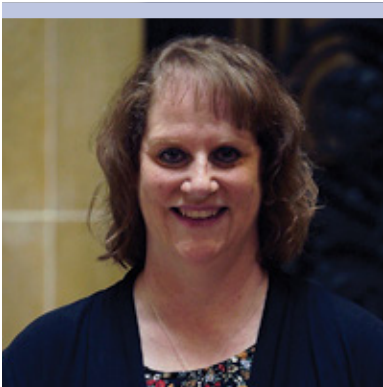


*Wisconsin's five  
2024 Teachers of  
the Year join State  
Superintendent  
Jill Underly, third  
from left.*

2 0 2 4 W I S C O N S I N

# Teachers OF THE Year

**We asked the teachers to write about what school board members need to know about our schools.**



**RACHEL KUMFERMAN**

*School Social Worker*

McKinley Elementary School,  
Wauwatosa School District

“Our student, Claire, has been diagnosed with terminal cancer.”

I remember that day very well. It was life-changing, not only for Claire and her family, but for our school family. Even when my own heart was breaking, I did what school social workers are trained to do: rise to every occasion.

Serving as a school social worker, I’m trained in mental health, trauma and restorative practices, so I have a unique, student-centered perspective. I serve on evaluation teams for students with potential disabilities, monitor attendance and teach social-emotional skills, all while providing basic needs to students. I proactively try to build a safe environment where all students feel a sense of belonging.

Meeting with students in small groups or individually gives me the unique opportunity to build trust and positive relationships with students, many of whom might struggle to feel understood or seen. I also serve as the district’s homeless liaison, working with some of our most vulnerable students who lack a

fixed or adequate living situation. I advocate so that they can continue their education while the rest of their world might be in upheaval. By providing free meals, fee waivers, transportation, and needed resources, these students can feel safe to continue to learn and stay connected to something stable.

Since I serve in a leadership role, I serve on many committees and I’m also part of our crisis team. I help with drills, debrief after a lockdown, and help de-escalate situations where student behavior is dysregulated. I provide resources for staff, students and families after difficult situations arise in the community and around the world including talking points and counseling services.

But nothing ever prepared me for the death of a student. Never in my schooling did we ever talk about this difficult part of our jobs. With the news of Claire’s diagnosis, I now became in charge of planning to help support her as her classmates watched with concern. I helped make accommodations so she could participate with peers, even though our school wasn’t fully accessible.

I cried with her parents. I supported by facilitating difficult con-

versations. As her condition progressed, she eventually became homebound, and I began making weekly home visits to sit with her and hold her hand. I supported her family by being present and offering to help with any needs.

Claire passed away after the bravest 18-month battle a 10-year-old could ever fight. And through my own grief, I knew that in my role, I still needed to be there for everyone else. The death of a student, staff member or student’s parent would repeat itself many times in my career. This is school social work. The good, and the heartbreaking.

School social workers serve as an essential piece to student success, even though much of what we do is behind the scenes. We endlessly advocate and support the whole child — whether that be socially, emotionally or academically. We have many skills and are asked to deal with extremely “heavy” things on a daily basis.

Our support is critical. With our unique skills and expertise, we need to make sure that school social workers are a part of every school team, and we have a seat at the table during all decision making, critical conversations and in district initiatives.

Compassion fatigue is very real, and there aren’t enough of us to serve all the needs that are present every day in our schools. We can’t possibly handle all that is asked and still provide a proactive and preventative approach. Much of what we have done the last several years is provide responsive services. It’s not enough.

I worry that schools will lose wonderful, experienced educators from burnout. Like all educators, school social workers need acknowledgement and support. The future of our students depends on it. □

**School social workers serve as an essential piece**

to student success, even though much of what we do is behind the scenes. We endlessly advocate and support the whole child — whether that be socially, emotionally or academically.

— Rachel Kumferman



**BRIAN COLLINS**

*Biology Teacher*

Unity High School,  
Unity School District

**A**fter more than two decades teaching biology, I still find that kids are curious, enthusiastic about getting out in nature, and overall strong learners. The lens has changed, however. Students seem to process more information daily but retain less of it.

They are trained on short reads, short answers and moving on to the next thing. My efforts to slow down the process and engage students in challenging, multi-step thought processes are taking more creativity and more persistently hard work. Students are still strong investigators and builders of knowledge, but every year they seem to need more coaching to get there.

Our students represent a population living through an unprecedented mental health crisis. Many students are now entering our classrooms in search of basic survival, safety and reassurance. Stressors of compassion fatigue, heightened challenges to teaching and learning, and ever-present questions of professional success and failure among teachers result in high burnout, job turnover and unfilled positions.

As students attempt to cope in the short term, many deal with addiction. Stressed parents are increasing their demands for school actions and immediate accountability, and the demands on staff

continue to increase. The usual day-to-day approaches to the classroom exist within a battle for student attention, intention, momentum and direction.

In the bigger picture, schools need renewed and intensified support enough to bring so many students back to that circle of health wherein they experience authentic learning. Teachers work in trauma-informed practices, creating safe spaces and blending empathy and protection with high expectations. Teaming with school counselors, teachers and principals, school boards need to become more culturally responsive and more empathetic to student needs. In addressing the addiction crises that go hand in hand with trauma and depression, we are becoming more creative in developing opportunities for restorative justice and restitution, keeping more students in education instead of expelling them out of it.

As school boards seek to partner with legislators and guide the educational leadership of the near and distant futures, they will need to advocate for increased funding in order to gain access to resources, better pay for support staff, and larger teams to handle what used to be a regular workload. Increased staffing and improved staff retention build the responsiveness and flexibility needed to adapt to modern education challenges.

All teachers, no matter our curric-

ulum, are in a people-first career. We build a strong foundation of curriculum, but our best work is in building supportive relationships. We are engaged in a practice that helps to shape lives. We reassure our students' efforts, we nurture talents, coach excellence, heal heartbreak and lift our students up. I believe we help to give our students the tools for success first and foremost by addressing their humanity and bringing them into a community of trust and compassion. Students learn from people they trust and respect. This is more important now than ever in my memory.

The current state of education can still be filled with joy, optimism, success, adventure and celebration. To overcome the new level of crises felt by American youth, we all need to create a supportive educational community. Together, we must model and share friendship, laughter, belonging and inclusion. □

I believe we help to give our students the tools for success first and foremost by addressing their humanity and bringing them into a community of trust and compassion.

**Students learn from people they trust and respect.** This is more important now than ever in my memory.

— Brian Collins





**SAGHAR HOMAYOUNPOUR**

*Computer Science Teacher*

New Berlin West High School,  
School District of New Berlin

Getting into universities and graduating from a good program used to be the optimal goal of many students when I was attending high school. It seemed like getting a university degree was a gateway to a successful and prosperous career. While many high schools were trying to get their academically strong students to the best universities in the country, there were no programs offered for students who weren't planning on post-secondary education. It felt like they were all forgotten, and the education system had failed to help them tap into their potential.

Education has certainly evolved drastically since then. When I started working for our district, I was most impressed by how the focus had shifted from college readiness to college and career readiness; from one size fits all, to personalized planning. It was amazing to see how the whole school community was working together tirelessly to provide equitable and personalized opportunities for each student.

Our multi-level system of support includes a wide range of programs, such as college readiness, service-based learning, skills engagement, social-emotional learning and behavioral intervention. These programs are all carefully designed based on the strengths, interests and

needs of each student.

For example, students planning to continue a four-year post-secondary education have the opportunity to take many advanced classes, early college credits, dual enrollments and they can even participate in internship programs while still in high school. These opportunities not only give them a head start in life, it also gives them a better understanding of the field they are planning to pursue.

On the other hand, our career and service-based learning program is designed for students planning to enter the workforce after graduation. Students are trained through hands-on experiences and learn the skills necessary to prepare for employment. I know many students who benefited from this program, and are now successful electricians, technicians and construction workers.

Developing soft skills is as essential as learning content-based skills. The skills engagement, social-emotional learning and behavior intervention programs have helped our students develop the basic, but necessary skills to be successful in life.

Focusing on basic skills such as showing up to class on time, learning how to study for a test, working independently and handling stress and anxiety are all important skills that students will carry with them throughout their lives. Unfortunately, after the pandemic we see even more students in need of these skills.

Our clubs and extracurricular activities are another example of support in promoting inclusion and breaking social barriers. Our Best Buddies club has helped students, especially the ones who feel isolated and out of social interactions, develop strong friendships.

Now, after witnessing all the positive changes in the education system, I sometimes wonder how the high school graduates of my generation would have turned out if the same types of support existed back then.

We all know the vital role of education in shaping the future of our students. By providing equitable opportunities, we aren't only preparing the next generation for a better future, but also empowering them to create a more inclusive and prosperous world for all.

As the renowned American journalist Sydney Harris once said, "The whole purpose of education is to turn mirrors into windows." We need to open as many windows as possible, so every student regardless of race, gender, economic status and cognitive abilities, can equally benefit from the education system.

After all, every student deserves equal opportunity, and in a world that can be unfair, our education system should keep the promise that in this land of opportunities, any dream is possible. They just need to dream big, work hard and believe in themselves. □

**By providing equitable opportunities, we aren't only preparing the next generation for a better future, but also empowering them to create a more inclusive and prosperous world for all.**

— Saghar Homayounpour

I know we all believe deeply in our children and in the future of our state, and that is why I believe that school boards across Wisconsin need to take a close look at class sizes.

— Claudia Heller de Messer



**CLAUDIA HELLER DE MESSER**

*English as a Second  
Language Teacher*

Milwaukee Parkside School for the Arts,  
Milwaukee Public Schools

Looking back at my philosophy on education from my undergraduate years, “take time” was my motto. Even as an undergraduate student I knew that learners were more successful when enough time was allocated for them to explore, to grow to celebrate learnings. What I didn’t recognize until I was in the classroom was that class size matters.

In an era where inclusive classrooms are available for all our layers of special education students as well as our multilingual learners, class size matters. At a time when we recognize the importance of building community and relationships while using small group targeted instruction, class size matters. Knowing that teacher feedback and project-based learning are critical in an environment where choice is given, class size matters. While securing opportunities for students’ voices to be heard and collaboration to take place, class size matters.

However, in Wisconsin, class sizes fluctuate according to what zip code or what district students happen to live in.

Yet, smaller class sizes matter for all students. All students benefit when their peers, in or out of the same district, have smaller class sizes. What is happening in other zip

codes of my city affects me living in the city, regardless of my zip code. What is happening to students in the suburbs and rural towns affects me because we are all interconnected, geographically, fiscally and energetically.

I know we all believe deeply in our children and in the future of our state, and that is why I believe that school boards across Wisconsin need to take a close look at class sizes. In fact, I think classroom sizes must be capped. We can look at what other considerably successful schools are offering for class sizes, schools our politicians and wealthy counterparts send their children to, and we can emulate those institutions in our public schools.

Smaller class sizes make it possible for educators to meet the needs of our students by offering small-group instruction. In a classroom with 32 third-graders, small group instruction for the students not on level can be 12-13 students big! That’s not a small group, but with the constraints of the schedule and the current class size, the third grade teacher is pigeonholed into having a 13-student “small group.”

Smaller class sizes make it possible for teachers to give their students written and verbal feedback as they conference about their project or their written piece. Small classes offer an increase in the standard of service educators are able to offer their students, and in turn, the greater community.

Smaller class sizes make it possible for students to collaborate on projects as they explore their voice, and their creativity as they build their relationships with their educa-

tors, peers and themselves.

Smaller class sizes make it possible for all of our students to be their best learners. And teachers to be their best teachers.

Let’s demand a balanced budget from our school administrators that includes optimal class sizes. Let’s expect the school administrators to find a way to offer a quality education to their community’s children by securing small class sizes. Let’s ask teachers, families and students what a maximum class size should be to meet daily, weekly, monthly and annual student goals.

Finally, let’s offer incentives to schools that are committed to small classes. Perhaps those incentives are monetary. Perhaps they are time allotments for planning and preparation. Perhaps the incentives take the form of new furniture to secure true small group instruction.

What will be the benefit for all of us in the state of Wisconsin? First and foremost, increased academic achievements that will be evident in classroom-based assessments, district-wide assessments, and state assessments. Improved attendance where students belong and want to attend school. Lowered disciplinary issues where students and teachers are able to address problems at a classroom level with ease. District-level initiatives that can actually be implemented with fidelity by our educators in the classrooms.

I encourage you as elected education leaders to take on this real problem. Once committed and implemented with fidelity, I guarantee we will see results, especially among our most vulnerable populations. □



**KATELYN WINKEL-SIMMERMAN**

*Mathematics Teacher*

Cedar Grove-Belgium Middle School,  
Cedar Grove-Belgium School District

**W**e're teachers because we love seeing kids succeed, because we find joy in watching a child learn something new. Because we love seeing students grow into leaders. Because we love seeing our students make new friendships. We are teachers because we love seeing a student become the best version of themselves. That's why the most important thing school board members should know is that teachers love their students and strive to meet the needs of every student.

All these things that we love about teaching require support from school board members and an environment conducive to success. I want school board members to know that the vision and goals they set for the district are important to the entire staff. All teachers want to increase student achievement, but this means supporting staff with funding for high-level curriculums, supporting student and staff mental health and providing enough resources. When my district looked into purchasing a new curriculum, it was empowering that teachers were a part of the decision-making process. Teachers want to have a voice, and I felt that I had a voice as an integral part of the curriculum adoption process.

As a classroom teacher, I want

school board members to know that the number of students in each classroom is important. It's crucial that schools have the necessary amount of staff in order to meet the needs of every student to give each student the support and instruction that they need.

At the end of each class period, my goal is to think of a specific instance of "touching base" with every student. I think about how I impacted that student and the connection I made with them. Many students have so much happening outside of school, and learning about them and their life helps me build positive relationships with each student. It shows them how much I care and that their learning is important to me. Teaching goes beyond teaching standards.

It's also important for school board members to know that test scores are only one way of measuring student achievement. While test scores are important, student achievement can be measured in other ways.

Community involvement should also be celebrated. School boards (and all staff) seek every opportunity to talk about the positive experiences happening in their school district.

Teachers not only care about students in the classroom, but we care about them outside of the classroom too. Teachers volunteer their personal time creating opportunities for stu-

dents to build positive relationships with staff and peers after school hours. As the student council advisor, I plan activity nights for students to go GLOW roller skating, play three-on-three basketball tournaments or snow tube at a local ski hill. There are many ways that teachers donate their time to better students' educational journey.

Finally, I want to make sure school board members know that the time they give to helping every student in the district is appreciated. Just like teachers want to feel supported, board members should know they're supported. Education is tough. It's tough for everyone. We need to work together, because our kids deserve it. □

**Many students have so much happening outside of school,**

and learning about them and their life helps me build positive relationships with each student. It shows them how much I care and that their learning is important to me. Teaching goes beyond teaching standards.

— Katelyn Winkel-Simmerman

# Closing the EXECUTION

Tired of not accomplishing your school improvement plan?



# GAP

Try this instead...

**Execution, or the ability to accomplish goals and plans, is one of the greatest challenges organizations face.** Businesses, government agencies, nonprofits, and schools are generally competent at developing strategies, but they often struggle to execute those strategies and produce concrete results.

*by Sean Covey and Lynne Fox,  
FranklinCovey Education*

**O**ur company, FranklinCovey, has studied the topic of execution within all types of organizational settings for more than 15 years. In 2012, we distilled our collective learning into a book titled “The 4 Disciplines of Execution.”

Our research has taught us that there are two types of strategies. The first type, which we call “stroke of the pen” strategy, is easy to execute because it involves a one-time decision. Consider, for example, a company acquiring a new business or a district selecting a new curriculum. These strategies are accomplished with a “stroke of the pen.”

The second type of strategy, however, involves a change in human behavior. Consider, for example, a company trying to get frontline employees to provide better customer service, or a school encouraging teachers to build stronger relationships with students. The execution of these strategies is dependent on workers doing something different than they had before. It is in the execution of these strategies that we find a significant “execution gap.”

The 4 Disciplines of Execution® (4DX®) is a methodology that helps organizations close the execution gap. It is based on timeless, universal principles of human effectiveness, and on deep insights into why organizations fail to achieve their objectives. 4DX has been used in tens of thousands of organizations worldwide, including schools, districts, and state-level education departments. In fact, the Leader in Me community of schools uses them on a daily basis.

The four disciplines are described in detail on the following pages.

# DISCIPLINE 1

## Focus on the wildly important

How many goals can an organization accomplish at a time with excellence? In our experience, no more than two or three. Most organizations, however, have dozens of goals they are pursuing concurrently. An average school improvement plan, for example, may contain many goals, with no clear prioritization of which are most important. For example, if you ask members of a typical school's faculty or staff to identify the one or two most important goals their school is trying to accomplish, chances are you will hear a variety of answers.

To address this lack of focus, we advise principals to narrow their focus to between two and three "Wildly Important Goals" (WIGs) each year.

To address this lack of focus, we advise principals to narrow their focus to between two and three "Wildly Important Goals" (WIGs) each year. While each person within the school may be pursuing individual goals as well, elevating a few schoolwide goals helps everyone align their actions toward the highest priorities.

WIGs should be specific and measurable. We recommend writing them in the format "From X to Y by When," where X represents where you are today and Y represents the target you hope to achieve within a specific time frame.

### DISCIPLINE 1 IN ACTION

A school wants more students to read at or above grade level. After considering its curriculum and an available formative assessment tool, the school chooses to focus on reading levels and begins to align grade-level teams, classroom teachers, and students toward the goal.

**School WIG:** Increase percentage of students reading at or above grade level from 60% to 75% by a given date.

**Grade-Level WIG:** Grade 3 will increase the percentage of students reading at or above grade level from 40% to 75% by a given date.

**Class WIG:** Mrs. Smith's third-grade class will help 100% of students achieve their academic WIG and thereby increase the percentage of students reading at or above grade level from 50% to 75%.

**Student:** I will improve from reading level D to reading level F by a given date.

# DISCIPLINE 2

## Act on the lead measures

Once schools have narrowed their focus to just two or three WIGs, the next step is to understand which key behaviors will help them accomplish those goals. These behaviors, which we call "lead measures," lead to the accomplishment of the WIG, or the "lag measure." If Discipline 1 is about focus, then Discipline 2 is about leverage.

The following example illustrates the difference between lead and lag measures. Imagine a man with a WIG to "drop from 180 pounds to 170 pounds by August 1." One hundred seventy pounds is the lag measure—the ultimate target. To achieve that target, however, he must identify strategies that, if implemented consistently, would lead to his accomplishing the lag measure. These are his lead measures. In this example, diet and exercise would be prime candidates for lead measures.

Because it's not always clear how to accomplish a lag measure, identifying lead measures can take time, experimentation, and insight. We recommend concentrating on only two or three lead measures at a time for each WIG.

Because it's not always clear how to accomplish a lag measure, identifying lead measures can take time, experimentation, and insight. **We recommend concentrating on only two or three lead measures at a time for each WIG.**

### DISCIPLINE 2 IN ACTION

The classroom teacher brainstorms with colleagues to identify lead measures for the reading level WIG, such as:

- Increase differentiated practices during reading lessons.
- Create intervention and enrichment groups that meet twice a week.
- Schedule one extra guided reading session per week with at-risk readers.

The student who had the WIG to "improve from reading level D to reading level F by December 15" will work with a teacher to identify lead measures such as:

- Read every night for at least 20 minutes.
- Share what I read with my parents or a reading buddy.

## DISCIPLINE 3

### Keep a compelling scoreboard

Have you ever been playing a sport casually when someone suggests keeping score? Immediately, the exertion and determination levels increase for all involved. People naturally want to perform well and win, and a scoreboard keeps track of this performance. The scoreboard at a high school basketball game, for example, can tell you whether your team is winning or losing, what the gap is, and how much time is left.

The same principles apply to goal achievement in schools. Using a scoreboard to track progress toward the school's WIGs and lead measures allows teachers and students to visualize their progress and motivates everyone to perform at their best. Most importantly, it viscerally shows students that work and effort lead to accomplishment.

### DISCIPLINE 3 IN ACTION

Using a scoreboard to track progress toward the school's WIGs and lead measures allows teachers and students to visualize their progress and motivates everyone to perform at their best.

#### School scoreboard:

The school may put a scoreboard in a public area, using bar graphs to demonstrate how the entire school is improving each quarter in its reading level WIG.

**Grade level:** Grade-level teams generally review scoreboards in private, in an area

that's inaccessible to everyone but grade-level teachers and administrators. Such privacy allows them to track the growth of small groups and individual students on scoreboards that can be color-coded by student, grade, intervention strategies, etc. These scoreboards allow the teams to see patterns, collaborate to find solutions, and make every child visible.

**Classroom teachers:** A classroom teacher may have two types of scoreboards:

- Private scoreboards showing the WIGs and lead measures for their class. These allow them to track the progress of the group.
- A classroom scoreboard designed to motivate students to work together and individually to accomplish their WIGs.

**Student:** The student uses a private notebook to track his or her efforts on the lead measures and progress toward the WIGs.

## DISCIPLINE 4

### Create a cadence of accountability

The final discipline promotes continual progress by helping teams develop a "cadence of accountability" that is regular and consistent. For example, the first 15 minutes of staff or grade-level meetings could be devoted to reviewing the progress toward WIGs and lead measures, celebrating growth, adjusting as necessary, and making future commitments. Imagine identifying WIGs and lead measures, developing scoreboards to track progress, and then never talking about it again. A cadence of accountability ensures people feel accountable for their efforts and results.

### DISCIPLINE 4 IN ACTION

**Classrooms and teachers:** Hold weekly or biweekly meetings to review the score boards and discuss progress toward WIGs and lead measures.

**Students:** Some schools have established "accountability buddies" so that students can check up on each other and motivate each other to accomplish their goals.

Schools can also involve parents by having students share their WIGs and scoreboards at parent-teacher conferences or on a more regular basis.

Achieving strategic goals that require changes in human behavior is never an easy task, but following some simple guidelines can help you succeed.

- 1:** Focus on a few critical goals.
- 2:** Identify and carry out high-leverage activities to achieve those goals.
- 3:** Use scoreboards to increase engagement and monitor progress.
- 4:** Hold people accountable through regular check-ins.

As you apply the timeless principles embodied in "The 4 Disciplines of Execution," you will discover greater capacity to both accomplish your school's objectives and help your students learn goal-achievement skills they can use throughout their lives to accomplish their own great purposes.

*Sean Covey is president of FranklinCovey, co-author of "The 4 Disciplines of Execution" and author of "The Leader in Me: How Schools Around the World Are Inspiring Greatness, One Child at a Time." He will be a keynote speaker at the 2024 Wisconsin State Education Convention.*

*Lynne Fox is the former FranklinCovey director for international education.*

*This article was originally published in the May/June 2018 issue of Principal magazine, a publication of the National Association of Elementary School Principals®, NAESP.*

# How CESAs Support Public Education in Wisconsin

by Anne Davis

What works quietly behind the scenes to support public education in Wisconsin and doesn't get the recognition it deserves? Brandon Robinson, agency administrator of Cooperative Educational Service Agency 11 in Turtle Lake, can answer that question.

"CESAs are the best-kept secret in education in Wisconsin," says Robinson, who came to that conclusion after taking over at CESA 11 in July 2023.

He had a long career in public education and previously served as a school district administrator, but he had never realized the extent of what CESAs provide to their local districts.

While founded to provide services to districts within a specific geographical area, Wisconsin's 12 CESAs now frequently provide services to districts throughout the state. They receive no public tax support or state aid. Rather, they are funded by state and federal grants that are used to provide services, as well as by fees that districts pay for these services.

"We're owned by our members and serve our school districts," Robinson says. "It's our job to provide services that they find valuable and are willing to purchase."

CESAs provide all sorts of services, including professional development for school staff, administrative search services, regional career path-

ways and shared staffing in hard-to-fill areas like school nursing and special education.

## Responding to needs

The agencies develop services in response to current district needs.

"CESAs are really built around having very responsive services — what districts need now and what they may need in the future," says Allen Betry, agency administrator of CESA 9 in Tomahawk.

Several years ago, Betry's agency projected a teacher shortage due to a coming flood of retirements. In response, they set up an alternative licensing program for adults who had college degrees. The Excellence in Teaching program started with seven students. This year, there are over 70.

Another way CESAs help support their districts is by hosting networking events where administrative staff from different districts can meet with each other and share resources and techniques.

"We work hard to bring people together to make them successful," Betry says.

CESAs also provide information about new state and federal requirements, including instructions about how to implement the mandates.

"We are the filter between DPI (the Wisconsin Department of Public Instruction) and districts," Betry says.

Luther Olsen, CESA Statewide Network liaison and a former legislator, compared CESAs to a hardware store stocked with "just about everything a school needs." If a CESA can't immediately provide a service one of their districts need, Olsen says they will find a way to make it happen.

## School boards, CESAs linked

CESAs also provide forums where school administrators can meet with their legislators and help them understand their challenges. Closely linked to local school boards, CESAs are governed by Boards of Control consisting of representatives from school boards within a CESA's geographic area. The Boards of Control hire CESA administrators, so the school board representatives have a very important responsibility, Olsen said.

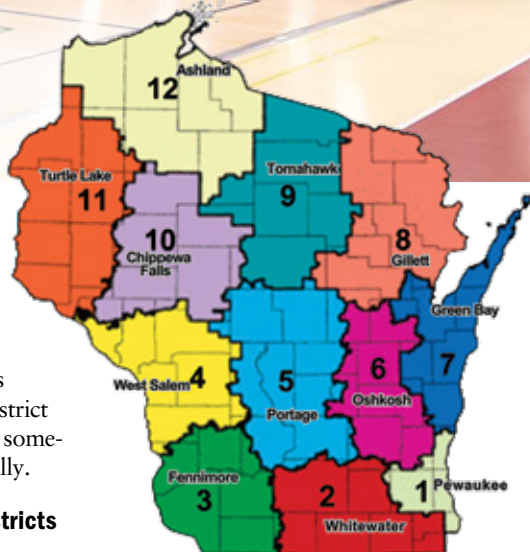
Debbie Peterson, who has been on the Unity School District Board of Education for 35 years, became a member of the CESA 11 Board of Control last September. Despite her years of service at the district level, she was admittedly "in the learning curve" about CESA 11 and its services.

"I think there's a lot more that districts should know that CESAs offer," she says, noting CESA 11's Head Start program that's available to families in seven northwestern Wisconsin counties.





Almost 1,000 educators attended a Common Professional Development Day sponsored by CESA 9. The session was held in October in the Northland Pines School District.



Wisconsin CESA Regional Map

CESA 11 also offers analysis of student performance data, which Peterson says was invaluable to Unity School District administrators because it was something they couldn't do internally.

**Saving money for small districts**

Peterson believes CESA's programs and services are particularly important for small, rural districts like Unity that don't have the budgets for these kinds of services. With budgets tight, she sees CESAs as offering ways for districts to share services and reduce costs, such as sharing a business manager or auditing services.

"I think there's a lot of savings that districts could do," she said.

Sandie Anderson, a longtime member of the Wild Rose School District Board of Education, has been a member of the CESA 5 Board of Control for 16 years. She believes there are opportunities for school board members to learn more about their CESAs.

Each board receives an annual report on its CESA's activities, and more information is available at the annual State Education Convention. The Board of Control shares meeting minutes with all its member districts. CESA 5 also publishes a monthly newsletter that is available online.

"The exposure is there," Anderson says.

CESA 5 helps districts with services to students with special needs, including physical therapy, occupational therapy, speech, language, hearing, vision and a birth to 3 program. It also offers help with curriculum, information technology and business office services.

If a district needs something CESA 5 doesn't offer, staff direct them to another CESA that can help.

"Not every CESA offers the same tools," Anderson says. "Anything you need, one of the other CESAs is there to help you."

She offers advice to school board members who want to learn more about CESAs: when different services are offered, ask questions about them and where they came from.

Sue Sorenson, a member of the Green Lake School District Board of Education, is a member of the CESA 6 Board of Control. She's amazed at

the way CESA 6 Administrator Ted Neitzke and his staff help schools and students, in particular how they've helped the Green Lake School District with human resources and payroll services.

CESA 6 also devotes a lot of resources to districts' college and career readiness needs, with 2,000 students involved in youth apprenticeship programs.

Neitzke and his staff also hold annual trainings for school board members, highlighting board member basics and the path to being a better board member.

In addition to working with local districts, CESA 6 has worked with schools across the state, even reaching out to charter, private and parochial schools.

Being aware of CESAs is more important than ever, according to CESA 11 Administrator Brandon Robinson, who cites CESAs' ability to help districts facing financial challenges, staffing shortages and other issues.

"Now more than ever, the mission of CESAs is more critical to the success of students," he says. "We want all of our students to receive the services they need, and the quality education they deserve." ■

*Anne Davis is a freelance writer who has been covering public education in Wisconsin for over 30 years.*

# Navigating the Digital Landscape

by Andrea Gribble, #SocialSchool4EDU



**Find Andrea at the convention.** Andrea Gribble will be co-presenting a session about social media, “A Decade of Social Media Storytelling,” at the State Education Convention.

Social media. Love it or hate it, it's here to stay, and your school should be using it to celebrate the great things happening in and out of your classrooms!

I've been working with Wisconsin schools regarding social media management and training since 2014. In that time, I've seen platforms come and go, capabilities change, comment control options shift, and an increase in people who say “whatever they please” on social media.

It's tough, but I'm even more convinced that using social media is still worthwhile! It has become a pivotal platform for schools to engage with students, parents, and the community.

Today, we are going to first cover how you use social media personally as a board member or administrator. We'll end with a few helpful strategies for how your school district can use channels like Facebook and Instagram.

## ■ Personal use of social media by board and administrators

Do you have a guideline or policy about how board members can use social media? It might be time to create one! Here are some things you should include:

- 1: Think before you post.** Is this something that you do not mind seeing on the front page of the newspaper? Will this be something that you would want your own children or the students of the school district to see as a good example of the way to communicate or comment? Post responsibly.
- 2: Be careful of what information you share.** Do not share personal information about students, employees, yourself, other board members, and citizens. Likewise, do not share information that the school district has contractually agreed to keep confidential; for example, proprietary information, trade

secrets, and security information unless required by state or federal law. Think before sharing legally protected, privileged information, such as attorney-client, physician-patient, and other privileged information recognized by a court a court or state or federal law.

- 3: Social media is not for private conversations.** Face-to-face meetings or telephone conversations may be more appropriate.

- 4: Don't let negative emotions drive you to post or respond.** Anger may cause you to post information that you will be sorry for later. Is this something that you would be ashamed of if you read it months or years from now? Remember that what you place on social media sites — and in emails, text messages, and chat rooms — can spread quickly and permanently remain on the Internet or in someone's posses-

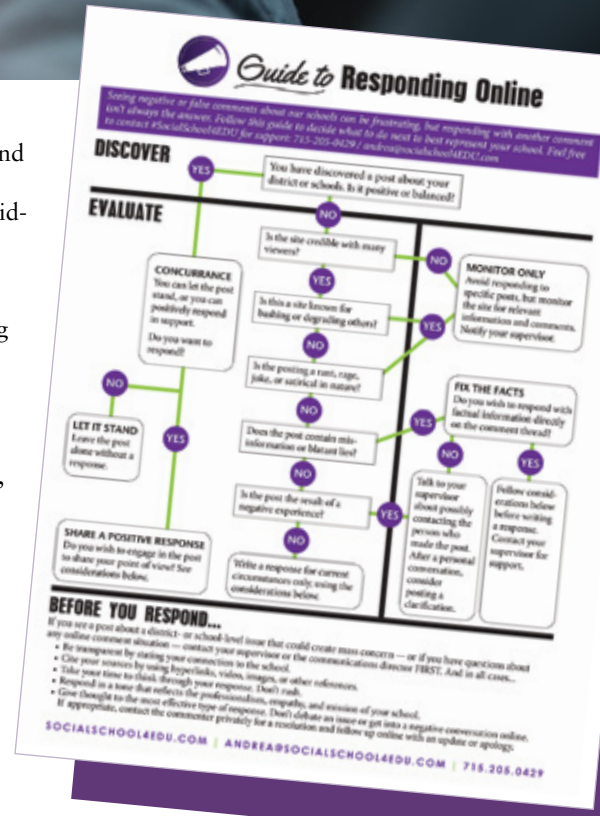
# How Wisconsin Schools Can Overcome Social Media Challenges



sion. Statements that are harassing, discriminatory, defamatory, and terroristic are not suitable and could subject board members, and possibly the school district, to legal action. Be polite.

- 5: Use appropriate language.** Do not use abusive, profane, threatening, or offensive language.
- 6: Do not post on behalf of the school district.** Do not post self-promotions, items for sale, commercial messages, and advertisements that are associated with the school district.
- 7: Use social media for listening.** Do not conduct board business on social media sites. Instead, use these sites for listening or reading about others' opinions, making announcements, having conversations, and obtaining feedback.
- 8: Comply with the law** and relevant policies including school districts' policies regarding acceptable use,

student records, harassment and discrimination, and copyright laws; the internet service provider's terms; the website disclaimers, terms of use, and privacy policies; and federal, state, and local laws, including the open meetings act and public records act. Also, respect the rights of other users to an open and hospitable technology environment, regardless of race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, gender expression and identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.



Find a copy of this guide at [socialschool4edu.com/resources/](http://socialschool4edu.com/resources/).



### Can you delete social media comments?

The guidelines above are a great start, but beyond this list, some school leaders are still wondering whether it's possible to delete comments that you don't like or turn comments off, on your personal posts.

If you use your personal profile to share information about the school, then I would recommend that you talk to your legal counsel first. School districts are subject to public record laws that dictate retention periods and these rules may prevent you from deleting comments.

If you determine you can delete comments, then I recommend taking a screenshot of the comment before you delete it. This may, however, raise legal issues, not limited to potential first amendment claims, therefore a board member should check with their legal counsel before taking this path.

What happens when you delete a comment? The comment is gone from your profile page — no one can see it, not even you. There is no record of the comment on Facebook. The person who made the comment is NOT notified; however, if they revisit the post, they will not see their comment.

Another option is to manually hide the comment. This also hides all replies to that comment. As mentioned previously, this may, however, raise legal issues, not limited to potential First Amendment claims, therefore a board member should check with their

legal counsel before taking this path.

What happens when you hide a comment? You can still see the comment but it will be grayed out or you will see three dots. Most people who visit your profile will not be able to see the comment, either. However, the person who made the comment AND anyone they are friends with, on Facebook, can still see the comment.

When you receive a negative comment, distinguish between constructive criticism and trolling. Address valid concerns promptly and professionally, using them as opportunities for improvement. If the comment makes threats or personally attacks you, other board members, students, or staff, you may consider deleting it or hiding the comment (keep the legal disclaimers above in mind).

### Can you block all social media comments?

Most social media platforms have the ability to control who can comment on your posts. For example, Facebook provides options on who can comment on a post-by-post basis. You can essentially turn comments off if you select "Profiles and Pages you mention." This means that if you don't mention or tag others in a specific post, no one will be able to comment.

Remember, social media is a great place for listening!

For school board members and administrators, it's crucial to maintain open channels for feedback to build trust and transparency with the community. Your connections know when comments are turned off, and this may lead them to think you are hiding something. If you know something you are about to post is controversial and might draw negative comments, think twice before posting.

### How should you interact with the official school social media channels?

Can you as an administrator or board member make comments on

your official school district posts? Yes! But check to see whether your board may have a policy that spells out who should publicly comment on a given issue.

Every social media post on your school's account is subject to an algorithm that limits or promotes content based on engagement. The more likes, comments, and shares each post on your school account receives, the more people it will reach!

In other words, in order to reach more people with your school's great stories, the posts have to score more "points." Here's how it breaks down:

- 1 point** – like (or love or any reaction)
- 7 points** – comment
- 14 points** – share

As you can see, a share is 14 times more helpful than a like! The more interaction a post receives, the more people are going to see it. Here's an example:

If post #1 has 100 likes, but zero comments or shares, its score would be: **1 point x 100 likes = 100**

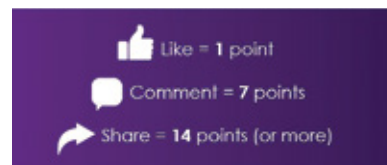
Compare this to post #2 which received 50 likes, 5 comments, and 20 shares. Its score would be:

- 1 point x 50 likes +**
- 7 points x 5 comments +**
- 14 points x 20 shares = 350**

OK — I know I've got you doing math, but it's easy to see, right?

Post #2 is going to be seen by a lot more people because its total score is 350 versus the first post, which scored only 100. Even though the total number of interactions (100 likes) is more than the total number of interactions on post #2 (75 total likes, comments, and shares) — post #2 reached more people. All interaction is not created equal!

### FACEBOOK ENGAGEMENT SCALE





Do share the posts that the school puts out on social media. **It will help those posts be seen by more people.**

So, how can you use this to help your school's Facebook page?

Let people know about this scoring system! If your staff realizes that hitting the share button (which takes exactly the same amount of time as hitting the like button) will result in a better reach for your school, they'll do it!

In the same way, you can share this knowledge with your PTO or PTA group, or other involved community members. They want to help the school — and interacting on social media is free and takes very little time.

**Can you post on social media regarding a referendum or other campaign that the school is running?**

Schools often wonder if they can use social media to communicate information about referendums. The key here is to provide factual information without advocating a particular stance. There are legal standards for schools to follow. But what does this mean about your personal use of social media?

Do not make posts while you are working at school that pertain to the ballot question. This is specifically for school administrators and other staff. You can post on your personal time. There could be questions about supporting a ballot measure using a district-issued device. You need to use caution. Non-pervasive language like “please vote” would not be an issue. As discussed in previous sections, you should consult your legal counsel about their opinion.

Do share the posts that the school puts out on social media. It will

help those posts be seen by more people (remember, you just learned about that magic formula above and a share is worth 14 points). I think adding a comment of “If you have questions, please reach out to me

directly” could help encourage those who may not fully understand the reason for the ballot measure to get facts from you versus making an uninformed decision on voting day.

**Conclusion**

Social media is a powerful tool for school board members and administrators, but it requires thoughtful strategies to navigate its complexities. By establishing guidelines, engaging responsibly, and maintaining a clear line between personal and professional use, schools can effectively leverage social media. It's all about creating a balance between open communication and maintaining a positive, respectful digital environment! ■

*Andrea Gribble is an author, podcast host and founder of #SocialSchool4EDU. Her mission is to help schools celebrate their students and staff, and connect to their communities through social media. She is the author of “Social Media for Schools: Proven Storytelling Strategies & Ideas for Celebrating Your Students & Staff – While Keeping Your Sanity” and hosts a weekly podcast, “Mastering Social Media for Schools.”*

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# ACTIVATE YOUR ROLE AS A **Charter School Authorizer**

*by Sarah Hackett, Wisconsin Resource Center for Charter Schools*

## \$58 Million Ought to Help, Right?

In late September, the federal government announced a \$58 million grant awarded to the state of Wisconsin for new, expanding or replicating high-quality charter schools. Why is this a big deal? And what does it have to do with you as a superintendent or school board member?

I'm glad you asked, because it could mean a lot for you and your district. Whenever the federal government awards millions of dollars to a

state's public schools, there are always some big questions. In the case of the charter schools grant, you'll want to know more about creating high-quality charter schools first.

### **The 'what' and 'why' of charter schools in Wisconsin**

First, let's take a quick snapshot of Wisconsin, where there are more than 200 charter schools serving more than 50,000 students. All

charter schools in Wisconsin are tuition-free public schools that do not discriminate and are not merit-based. They participate in state testing, are required to have licensed staff and must be able to serve all students with any needs. The vast majority of these schools are authorized by their local school district. In fact, about one-quarter of Wisconsin's school districts authorize at least one charter school.

Charter schools must be authorized to exist, and it's the norm that the authorizer is the school district in which the charter is located. Districts that authorize charter schools are

If you read Wisconsin Policy Forum's October 2023 report about **Wisconsin losing 32,000 students to private and homeschool enrollment since 2019**, you can understand why providing innovative options and adequate funding are more important now than ever.

giving students, parents and employees an innovative option within their own community. If you read Wisconsin Policy Forum's October 2023 report about Wisconsin losing 32,000 students to private and homeschool enrollment since 2019, you can understand why providing innovative options and adequate funding are more important now than ever.

Do you already have charter schools in your district? If you do, understanding your role as an authorizer is exceptionally important, not just for the sake of your students and families, but for the good of the district. As you make decisions about charter schools grant applications, learn how high-quality authorizing effectively starts that process.

### ■ \$58 million in funding

Who's eligible to receive the \$58 million in federal funds? There are three types of applications that can be written for these grant funds:

- The implementation of a new charter school.
- The expansion of a current charter.

- The replication of a current charter school (e.g. The STEM charter in your town has outgrown itself and plans to open a STEM East campus).

Schools apply for and may be awarded a subgrant of the federal grant from the Wisconsin Department of Public Instruction. Subgrantees will make subgrant reimbursement claims from pre-approved budgets, generally including these main categories:

- Professional development for staff, authorizers, governance board members and other stakeholders.
- The purchase of equipment, supplies and materials to fulfill the school's project.

The DPI will be posting an application in the next couple months, which will likely be due in spring, with funds becoming available next summer.

### ■ A tale of two districts

Consider your role as an authorizer. Imagine these two scenarios and

examine how you would handle making charter school authorizing decisions in each case.

### **District A established a Montessori charter school back in 2014.**

Focused on reengaging families that were leaving the district for private schools, the superintendent and business manager wanted to give community members another option. The school serves about 120 students from 4K through fifth grade. This is about 13% of the overall district's population.

In recent years, the superintendent and most district administrators either retired or accepted positions outside of the district. The school board has also almost completely turned over in last five years. Most are somewhat aware of the Montessori school, but do not understand their role or responsibilities as authorizers of this school.

At a recent board meeting, a group of parents approached the microphone during the "public comment" portion and began asking questions about the district's only charter school. The board was

## Where can I go for more information?

**The Wisconsin Resource Center for Charter Schools** has information, resources, templates and professional development opportunities for you as a district leader or school board member.

Visit [wrccs.org/authorizer](http://wrccs.org/authorizer) for more information and resources.

You can also sign up to join the WRCCS Professional Learning Network for District Authorizers to strengthen your understanding of authorization. Sign up at [wrccs.org/events](http://wrccs.org/events).

Reach out anytime for personalized discussions, trainings and guidance (most of which is already paid for by the federal grant). For more information, call 715-453-1079 or email [support@wrccs.org](mailto:support@wrccs.org).

*We will also be at the 2024 State Education Convention, so we look forward to sharing more with you at that time as well. Thank you for all you do!*

## Activating your role as an authorizer is more than simply developing an understanding of the charter school in your community.

informed by one parent that there was a waiting list of 75 students to get into the charter and wanted to know if the board was considering expanding or replicating the charter school, especially considering the ability to write a grant and bring hundreds of thousands of dollars into the district. Many of the board members felt these parents were talking to the wrong people, only to be told later that they were the authorizers of the charter school and had a voice in such matters.

**District B has two established charter schools:** a Montessori school serving grades 4K through fifth grade and a STEM school serving grades 6-8. Both schools enroll approximately 10% of the overall population of the district's students.

It had been established early on that, along with the superintendent,

the school board would attend annual high-quality training sessions on their role as authorizer of these schools. All new board members were given onboarding training that included guidance in their role as the charter authorizer. Twice a year, the school board and the two governance councils come together to look over the charter contracts. Questions and answers were exchanged between all parties, and roles and responsibilities were regularly discussed. Each board member also attended a virtual training session offered by the Wisconsin Resource Center for Charter Schools and would report back to the board with new information they gleaned.

Charter school financials and performance measures were regularly updated to the board and application/enrollment numbers were given each spring and fall to understand staffing and building needs.

At a recent board meeting, a group of parents approached the microphone during the "public comment" portion and began asking questions about the district's two charter schools. They requested a discussion point at the next meeting, asking whether the district ought to expand the charter schools due to the long waiting lists. The well-informed board members understood the concerns of the parents and felt confident in putting that on their next meeting's agenda.

Which of these two schools had high-quality authorizers? Which school board do you want to be a part of? Which school board does your community need?

### High-quality authorizing

A percentage of the \$58 million will go toward establishing a center for high-quality authorizers in Wisconsin. This offers increased support and education for authorizers by providing district leaders and school board members with the training and resources they need. In turn, these authorizers will only authorize high-caliber schools that meet the performance measures laid out in the charter school contract.

This is especially important for our district administrators and board members because, as authorizers, it will offer resources and training as well as allow you to join a network of other high-quality authorizers throughout the state.

DPI collaborated with the Wisconsin Resource Center for Charter Schools to write this work into the grant. All authorizers who have



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schools funded with the new charter school subgrants will be required to have the core authorizing systems in place, and DPI encourages all authorizers to follow these practices. The documents are and will be rooted in the principles and standards recommended in our statutes, from the National Association of Charter School Authorizers, and include models of a charter school application process, charter school contract, charter school facilities guidance and monitoring/renewal guide.

### Resources and partnerships

The WRCCS Center for High-Quality Authorizing will be developed in partnership with a network of school district authorizers, other Wisconsin authorizers and national organizations, such as the National Network for District Authorizing, that are experts in this field.

WRCCS will also be creating resources and templates, providing one-on-one support and developing a network that will be supporting each other through best practices. This network will not just look at academics, but also at the operational and financial performance of the schools. Becoming high quality begins with understanding a community's needs and developing a strong knowledge around charter schools. Please join WRCCS and over 20 superstar authorizing districts as we develop what this new network will look like.

### Activate your role as an authorizer

Activating your role as an authorizer is more than simply developing an understanding of the charter school in your community. High-quality authorizing includes, but is not limited to:

- Ensuring your ability to support and maintain knowledge of your charter contract.
- Understanding the relationship between the school district and the charter's governance board.
- Gaining useful insight through a network of other high-quality authorizers.
- Making informed decisions about charter school needs, applications, contracts and oversight.

With Wisconsin public schools losing 32,000 students in the past four years, we must have the tools and resources to handle a world that's looking for quality options that also ensure a high level of accountability. ■

*Sarah Hackett is the director of the Wisconsin Resource Center for Charter Schools at CESA 9.*

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USING REFERENDA TO FUND PUBLIC SCHOOLS

# K-12 on the **BALLOT**

*by Dale Knapp, Forward Analytics*

Note: This report has been edited to fit the available space. To read the full report, visit [bit.ly/47YpdkT](https://bit.ly/47YpdkT).

In April of last year, 52 of the state's 421 school districts asked voters for permission to exceed their state-mandated revenue limits for operating purposes. Two districts — Elkhorn and Fort Atkinson — asked for both a temporary and a permanent increase. Just over half of the 54 referenda were passed.

In many ways, there was nothing unusual about 2023's numbers. The referendum option was created in the 1993-95 state budget as part of school revenue limit legislation. Since 1998, Wisconsin has averaged 57 revenue limit referenda per year, with an average approval rate of 59%.

The result of these annual referenda is that in 2022, just over 5% of statewide educational spending was funded via dollars approved in a referendum. That figure significantly understates the reliance on referenda dollars in many districts. Nearly a quarter of Wisconsin school districts relied on referenda dollars to fund at least 10% of their costs. In 14 school districts, referendum-approved funds paid for more than 25% of educational spending.

This annual ritual of voting on local school funding raises at least two important questions.

- Does Wisconsin's current system of funding K-12 education provide sufficient dollars to educate our children to the standards expected by today's public?
- Is the funding of local schools too state-centric, or does the

referendum option provide sufficient local control over school spending?

To even begin to answer these questions, one needs some understanding of how Wisconsin schools are funded.

### School finance basics

In the 2021-22 (2022) school year, Wisconsin's 421 public school districts spent more than \$14 billion on K-12 education. These dollars came from four broad revenue sources: State government, local property taxes, local fees and charges, and the federal government.

#### State government's large role

State government is the largest funder of public K-12 schools. In 2022, it provided \$6.4 billion, an amount that was nearly 46% of total school revenues (see Figure 1).

State funding consists of two types of aid: general and categorical. General aids totaled more than \$5 billion in 2022 and are distributed via a formula that accounts for district spending and property wealth. These dollars come with no restrictions on how they are spent.

By contrast, most categorical aids must be spent in particular areas, such as special education or transportation. The one exception is per pupil categorical aid which was created in 2011 and, like general aid, is unrestricted.

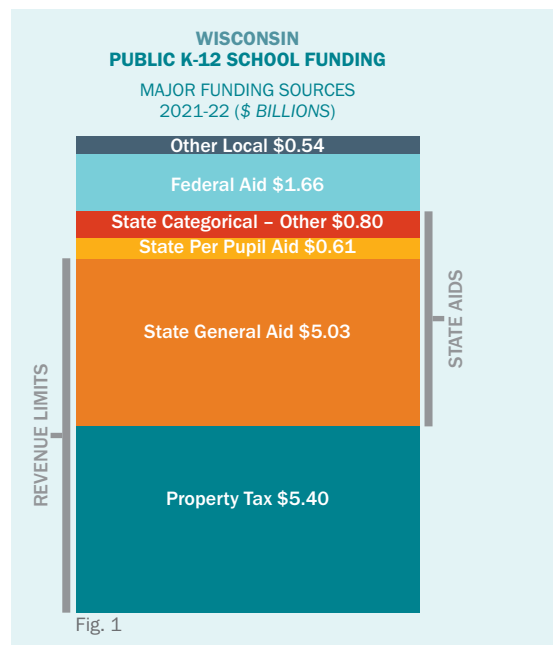


Fig. 1

#### Local property taxes

The second largest funding source of public schools is the local property tax, accounting for just under 39% of 2022 school revenues. In 2022, school levies totaled \$5.4 billion. Most of the revenue from the property tax funds school operations. However, about \$856 million paid the borrowing costs for referendum-approved capital investments, such as new buildings, school renovations, athletic facilities, etc.

#### Other revenues

The remainder of school funding comes from other local revenues (3.8% of the total), such as various fees and charges, and from the federal government (11.8%).

State government is the largest funder of public K-12 schools. In 2022, it provided \$6.4 billion, **an amount that was nearly 46% of total school revenues.**

Revenue limits were first imposed in 1994 as a way to hold school property taxes in check. In the five years leading up to the law, school levies **increased an average of 9.1% per year.**



### State revenue limits

While the property tax is a local revenue source for school districts, local officials have limited control over it. Wisconsin's school revenue limit law caps the amount school districts can collect from the combination of state general aids and the property taxes that fund operations. For the typical district, these "limited revenues" fund about 80% of non-capital spending.

Revenue limits were first imposed in 1994 as a way to hold school property taxes in check. In the five years leading up to the law, school levies increased an average of 9.1% per year. The limits are calculated on a per student basis, with lawmakers setting an allowable per student increase in each biennial state budget. Thus, the amount a district can raise under these limits is tied in part to whether it was a low- or high-spending district in 1993, the base year for the first limits, and whether its student population is growing or declining. Districts can exceed these limits via a voter-approved referendum.

### Early inflationary growth

For the first 16 years, allowable increases in the limits grew steadily, rising from \$190 per student in 1994<sup>1</sup> to \$274.68 in 2009. With the state facing budget deficits heading into the 2009-11 biennium, lawmakers reduced annual growth to \$200 per

student for both 2010 and 2011.

In addition to these annual increases, the state provided additional help for the lowest revenue districts. Lawmakers created a minimum per student limit of \$5,300 for the 1995-96 school year, helping 30 low revenue districts move closer to the average district. By 2007, that floor had reached \$8,400 and helped 87 districts climb nearer to the statewide average.

During the 1994-2011 period, the median annual increase in limited revenues per student, excluding any referenda approved, was 3.4%. During these years, 14 districts had average increases less than the average inflation rate of 2.5%.

### A cut, then lagging increases

After 2011, allowable increases lagged. Facing large deficits in the 2011-13 state budget, lawmakers cut per student revenue limits 5.5% for the 2011-12 school year. This was paired with minimum health and retirement contributions for school staff that were designed to reduce school district costs. Some districts generated sufficient savings to offset the reduction, others did not.

Since then, revenue limits have been allowed to grow much slower than they did during 1994- 2011. In six of the 11 years since 2012 the limits were not raised, including 2022 and 2023. In the other five years, allowable increases ranged from \$50

per student to \$179 per student.

During these years the state provided districts with additional dollars to supplement revenue limits. Recall that state per pupil aid has no restrictions on how it can be spent. Thus, it acted like a revenue limit increase and filled some of the gaps. The state provided \$50 per student in 2013. In six of the ensuing 10 years this aid grew, with increases ranging from \$25 to \$204 dollars. The last increase of \$88 per student occurred in 2020. In that year and subsequent years, districts received a total of \$742 per student.

While these dollars were helpful, the sum of limited revenues (excluding those approved by referendum) and per pupil categorical aids still increased slowly. For the median district, per student revenues increased an average of 1.2% annually from 2012 through 2023. For 392 districts, average annual increases lagged the average annual inflation rate of 2.4%.

### The referendum option

The previous analysis removed all approved referenda to highlight the effects of annual per student increases, revenue floors, and per pupil categorical aid on school district finances. However, since the revenue limit became law, school district officials have asked voters to approve referenda allowing the district to exceed the limits.<sup>2</sup> This option is explored in depth here.

### Taking advantage of the option

Since 1994, most of Wisconsin's K-12 school districts have used the referendum option to exceed their revenue limits. Of the 434 unique school districts<sup>3</sup> during the revenue limit era, 356 (82%) have used the referendum option at least once. Most have used the option three times or less: 65 have used it once, 67 twice, and 68 three times.

Nearly 20% of districts have used the referendum option six times or more, with fifteen using it at least 10 times. Washington Island School District in Door County is one of the smallest public schools in the state and has put a referendum on the ballot 18 times. Six other small districts (Cuba City, Florence, Gibraltar, Lake Holcombe, Siren, and Wheatland) have done the same at least 10 times. Several of the state's largest districts have also used this option many times. Racine, Stevens Point, and Sun Prairie have each use the referendum option 10 times or more.

Not all districts have had success with voters. Sixty-eight districts asked voters to approve more spending but were turned down. Among them, 33 held just one referendum, 18 held two, and 17 held three or more, with all of them failing.

### Referenda by year

Since 1994, 356 districts have put 1,513 operating referendum questions<sup>4</sup> to voters, with 877 (58%) of them approved. Only a few referenda questions were put to voters during the first three years of revenue limits. That number jumped to 27 in 1997 and to 71 in 1998. Since then, the state has seen an average of 56 questions per year with a low of 33 in 2013 and a high of 92 in 2022 (see line in Figure 2).

Although approval rates varied from year to year, Figure 2 shows a consistent uptick in approval (orange line) beginning in 2011. During 1997- 2010, 44% of all

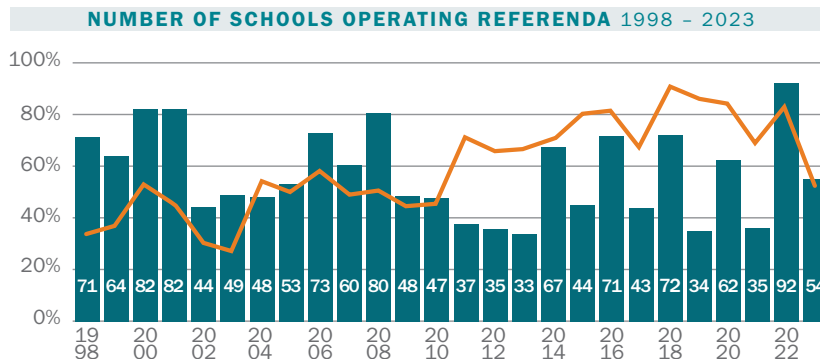


Fig. 2 NUMBER OF SCHOOLS OPERATING REFERENDA 1998 - 2023

referenda were approved. After that the rate jumped to 76%.

Two factors drove the shift. First, districts can ask for a temporary increase in revenue or a permanent (recurring) one. Approval rates for recurring referenda consistently lagged those asking for a temporary increase. During 1997- 2010, just under half of all referenda questions were for permanent increases which brought down overall approval rates. Since then, just 25% were of this type.

The second factor is a general increase in approving referenda after 2010. Approval of recurring referenda increased from 34% prior to 2011 to 72% since then. For temporary (nonrecurring) referenda, rates rose from 53% to 77%.

### Low revenue districts less likely to use referenda

Someone with little knowledge of Wisconsin school finance would probably guess that districts with relatively low per student revenue limits would be more likely to seek additional funds via referendum. However, that is not the case. In fact, the top 90% of districts in terms of per student revenues were twice as likely to use the referendum option as those in the bottom 10%.

There were two primary factors driving this. First, any allowable per

student increase is a greater percentage increase for low-revenue districts compared to those with higher limits. For example, a \$200 dollar bump for a district spending \$12,000 per student is 1.7% compared to 2.0% for a district spending \$10,000 per student. Second, and maybe more importantly, many of these districts received larger dollar increases as the revenue limit floor was increased in most years.

While low-revenue districts were less likely to use the option, they were also less likely to get referenda passed. Over the entire period studied, 58% of all referenda passed. For low-revenue districts, less than half were approved.

### Declining enrollment districts use the option

Districts with declining enrollments face a unique challenge. As student counts fall, these districts are allowed the same per student increase as those with rising enrollments. However, their total revenues can begin to stagnate and even fall as their allowable per student revenues get multiplied by fewer and fewer students.

One of many examples would be the Wisconsin Heights School District during 2005-09, a period in which allowable increases consistently grew. During this period, the

TABLE 1: REFERENDA AND 4-YEAR ENROLLMENT CHANGE 1994 – 2023

DISTRICTS WITH RISING ENROLLMENTS

Enrollment Change	% Going To Referendum	% Approved
>10%	6.9%	42.9%
7.5% to 10%	8.9%	51.5%
5.0% to 7.5%	8.1%	51.2%
2.0% to 5.0%	10.8%	44.3%
0% to 2.5%	13.4%	63.7%

DISTRICTS WITH DECLINING ENROLLMENTS

Enrollment Change	% Going To Referendum	% Approved
0% to 2.5%	8.5%	59.6%
2.0% to 5.0%	13.7%	61.3%
5.0% to 7.5%	14.4%	56.1%
7.5% to 10%	15.3%	68.6%
>10%	16.1%	65.2%

number of students in the district declined 15.7% from 504 to 425. While the district’s per student allowable revenues rose over the period, its total allowable revenues dropped by about \$500,000.

The challenge for these types of districts is finding savings of that magnitude. Eliminating a teaching position may have saved at most \$60,000 to \$80,000 per year, a fraction of the needed savings. Districts also have many fixed costs (utilities, school maintenance, etc.) that only decline if a school is closed.

After failed referenda in both 2007 and 2008, Wisconsin Heights temporarily “solved” its problem in 2009 by passing a referendum to exceed the limits in 2010 and 2011. Since then, it has passed four more referenda to exceed the limits on a temporary basis.

The Wisconsin Heights experience is not unique. The number of districts with a four-year decline in enrollment climbed from 41 in 1994 to 287 in 2022. The number with declines of at least 5% rose from 10 to 140.

Declining enrollment districts were 1.3 times more likely to go to referendum than those with rising enrollments. The likelihood rises even further for those with large declines in their student populations: 1.6 times more likely for those with declines of at least 5% and 1.7 times for those with student losses of more than 10%.

Districts that are losing students also passed referenda at higher rates.

Those with declining student counts approved 62% of their referenda compared to 53% for those with gains. Districts with four-year declines of more than 7.5% approved two thirds of their referenda.

“Rich” vs. “poor” districts

An important question to try to answer is this: Are “rich” districts more likely to approve school referenda than “poor” districts? Surprisingly, the answer appears to be “no.”

To examine this question, rich and poor are defined in two ways: equalized property value per student and median household income. The first measure allows examination of all referenda; the second allows analysis for only those from 2005 forward.

Since revenue limits were implemented, 58% of operating referenda have been approved. The top 30% of districts with the most property value per student approved 56% of their referenda. However, districts in the bottom 30% approved 63% of their referenda.

The results are similar when household income is used to measure rich and poor. Since 2005, 66.6% of operating referenda were approved. The 30% of districts with the lowest household income approved operating referenda at a 70% rate, compared to a 62% approval rate for the richest 30% of districts.

Operating referenda dollars

The amount of referendum-approved dollars funding K-12 schools has grown rapidly over the years. This funding increased from \$32 million in 2000 to \$180 million in 2010 and to \$650 million in 2023. For perspective, the \$650 million in 2023 is \$783 per student and an estimated 5.6% of education spending.<sup>5</sup>

Those figures, though, mask the extent to which many districts, particularly small ones, rely on referenda to fund their schools. In 2023, 258 of the state’s 421 school districts used referenda dollars to help fund K-12 education. That is up from 197 in 2010 and 71 in 2000.

The use of referenda dollars varies slightly by district size. As Table 1 shows, 69% of the smallest districts in the state used referenda funding in 2022, which was a bit more than the 64% of the largest districts. Districts with enrollments between 500 and 1,000 used the option the least with 52% accessing these funds.

However, referendum dollars fund a much larger portion of spending in

TABLE 2: REFERENDA USAGE BY ENROLLMENT 2021 – 2022

Students	Districts	USING REFERENDUM		REFERENDUM > 10% OF EXPENDITURES	
		Number of Districts	Percentage	Number of Districts	Percentage of Users
<500	110	76	69.1%	51	67.1%
501 - 1000	120	62	51.7%	27	43.5%
1001 - 3000	123	72	57.7%	18	25.4%
>3000	67	43	64.2%	4	9.3%

small districts compared to medium-sized or large districts. In 51 of the smallest districts, referendum dollars paid for at least 10% of educational expenditures. Those 51 districts represented 67% of small district users. That compares to 44% in districts with 500 to 1,000 students, 25% in districts with 1,000 to 3,000 students, and less than 10% in the state's largest districts.

### Final thoughts

There is no easy answer here. The revenue limit law tries to balance sufficient school funding with limited local property tax growth. At the heart of the problem is finding agreement on what is "sufficient" funding.

This report raises an additional one: Is it good public policy to fund a significant portion of school revenues by referendum? It is unlikely that the creators of the revenue limit law anticipated such widespread use of the referendum option. Part of the explanation for higher usage is that

for declining enrollment districts, these limits tend to reduce revenues faster than districts can cut costs. Moreover, the smallest districts have almost no ability to reduce spending.

Maybe the answer after 30 years of the limits is an in depth review of the law to see how it can be improved to continue protecting taxpayers and ensure adequate funding of our schools. ■

*Dale Knapp is director of Forward Analytics.*

1. In the first two years of the limits, allowable increases were the maximum of a set dollar amount or a percentage. For 1994, districts could increase per student

limits by the greater of \$190 or 3.2%.

2. The analysis here does not include referenda that ask to exceed the limits to pay for borrowing for new buildings or capital improvements. Only referenda to pay for additional operating spending are analyzed.
3. This includes 13 districts that existed in 1994 but have since merged into seven new districts.
4. On some occasions, districts put forth multiple referendum questions.
5. Educational spending excludes capital and food service expenditures. Spending for 2023 was not available and is estimated at 3% more than 2022 spending.

In 2023, 258 of the state's 421 school districts used referenda dollars to help fund K-12 education. **That is up from 197 in 2010 and 71 in 2000.**



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# REVENUE Limits

## Troubled Past, Hopeful Future

by John Humphries, Wisconsin Association for Equity in Funding

How does a system of unfair and inequitable funding for schools get perpetuated for 30 years?

More importantly, how does it get changed? I want to start with background about how we got revenue limits, share more about the impact they have had, and close with information about the progress we have made and what we hope comes next.

### How did we get here?

In the 1993-1995 budget process, Governor Tommy Thompson created a monster.

Revenue limits were intended to be temporary limits on the revenues that school districts could raise from state and local sources.

The August 16, 1993, issue of the WASB Connection (then a WASB newsletter) noted that the revenue limits would be in place for five years, and that “Legislators also promised future modifications in the school aid formula to ensure equity in school financing.”

At the bill signing, Governor Thompson stated, “I can assure you we will continue to look at the equity question this fall and come up with a plan for the next biennial budget.”

Less than two years later, the governor had changed his plan, saying “Cost controls work, and I want to see them made permanent.” However, he suggested “new flexibility” under revenue limits to bring low revenue districts closer to the state average.

### Twenty-five difficult years: 1994-2019

When the revenue limits were set, no one knew they were coming and there was nothing districts could do to prepare.

The state average revenue limit

was \$5,817/pupil, with limits ranging from as low as \$4,117 per pupil to more than \$11,000 per pupil. Long-standing disparities were suddenly locked in place by revenue limits.

Policy makers soon recognized that these pre-existing disparities would not only continue but would likely widen over time if low spending districts could not persuade voters to approve referendums at the same rate as higher spending districts.

So, lawmakers enacted a “low-revenue ceiling” adjustment as part of the 1995-97 biennial budget aimed at reducing disparity in spending between low-revenue and high-revenue school districts. This provided the lowest revenue districts with additional revenue limit authority over and above the inflationary increases given to all districts. This allowed the lowest spending districts to annually raise property taxes and state aid combined by a higher dollar amount per pupil than higher spending districts could.

In each of the next several biennial budgets, the low-revenue ceiling was increased by a dollar amount larger than the general dollar amount increase allowed to all districts. All districts received inflationary increases while the lowest spending districts received larger increases.

The system began to break down, however, when state budgets did not prioritize annual inflationary increases, beginning in 2008-09. It broke down further after 2011. Acts 10 and 32 cut both revenue limits for all districts and the low revenue ceiling.

For nearly a decade, only minimal increases in the low revenue ceiling were provided. In 2017-18, the low revenue adjustment was set at \$9,100 per pupil, barely above where it had been in 2010-11.

### Signs of progress

Progress continued in the 2019-21 state budget. Raising the low revenue ceiling to \$9,700 per pupil in 2019-20, and to \$10,000 in 2020-21 and each subsequent school year. Clearly, low revenue ceiling increases were politically possible once key legislators understood the problem.

To promote further progress, AEF appeared at every hearing of the 2023 Joint Finance Committee and created a revenue limit “cheat sheet” for legislators pointing out the different revenue limits in their legislative districts. They listened!

Further, the increases in revenue limits and the low-revenue ceiling were accompanied by significant increases in state tax credits and equalization aid, blunting the impact on local property taxes.

Raising the low revenue ceiling allows all districts to access increased funding without reducing the amount districts at the top of the revenue limit system have available to them. The 2023-25 state budget raised the low revenue ceiling from \$10,000 to \$11,325.

### The final push: Reducing revenue limit disparities

Where do we go from here?

If the next state budget simply does the same thing again, adding \$1,325 to the minimum revenue per student, over 90% of districts would be funded within 10% of each other.

That could close a sad chapter in the history of Wisconsin school funding, finally killing off the monster created 30 years ago. ■

*John Humphries is executive director of the Wisconsin Association for Equity in Funding.*





## WASB Connection Podcast

Sean Covey, a keynote speaker at the 2024 State Education Convention, has spent decades helping education leaders improve their schools.

A recent episode of the WASB Connection Podcast features a wide-ranging conversation with Sean about transforming schools through educational leadership. Listen to a discussion about accountability, how to focus on big goals amid our everyday demands and much more.

Sean, once the starting quarterback for Brigham Young University, also talks about how a practice more commonly seen on the field can unite a school team behind a critical goal.

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— Sean Covey, 2024 State Education Convention keynote

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- OpenAI in Education: Dodging Detention in the Legal Playground
- Title IX: What’s Coming Next
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- Panel: Hot Topics and Your Burning Questions in School Law

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## WASB Remembers Dan Nerad



**The Wisconsin Association of School Boards joins the state’s education community in mourning the passing of Daniel Nerad** and remembering him as a courageous and thoughtful voice for students.

In 1975, Nerad began his career as a school social worker for the Green Bay school district. He finished his Green Bay career as superintendent, holding that role from 2001-08 before taking the same role in Madison and Birmingham, Mich.

In 2018, he joined the WASB, where he

helped numerous boards and districts improve their governance practices.

Nerad believed in the ability of public education to improve our lives, and his open-mindedness made him an effective advocate and teacher.

Nerad’s family invites friends, colleagues and all who knew him to a memorial service in the summer of 2024. The family will share details about the memorial closer to the date and encourages anyone interested to email [DanNeradMemorial@gmail.com](mailto:DanNeradMemorial@gmail.com).

# Legislature Considers Flurry of K-12 Education Bills



*Educator licensure, competitive bidding, library materials among topics*

As we move into a new year, the 2023-24 session of the state Legislature is expected to wind to a close by mid-March 2024.

Lawmakers only have a few months to put their stamp on a particular bill or enact legislation to cite in their reelection bid. We have seen a flurry of activity related to K-12 education this fall and we expect the action to be likewise hectic in these final weeks of the session.

Before we get to legislation, we should note that the governor is invited to speak at the State Education Convention on Friday, Jan. 19 at the 10:30 a.m. general session. Earlier that morning, at 8 a.m., the WASB Government Relations Team will provide a legislative update breakout session. The governor's speech may offer a preview of what he will say in the State of the State address, which has been scheduled for the following week (Tues., Jan. 23, 7 p.m.).

## Financial literacy graduation requirement

Governor Evers recently signed Assembly Bill 109 into law as 2023 Wisconsin Act 60, which requires students to complete a half credit of personal financial literacy in order to

graduate high school. The WASB registered as neutral on the bill this session based on improvements made from the previous session's version of this legislation (which we opposed in part because the previous version required a full credit). The bill passed both the Assembly and Senate by votes of 95-1 and 29-4 respectively.

## Competitive bidding mandate

**AB 723/SB 688** increases to \$50,000, with an exception for certain highway projects, the threshold governing sealed, competitive bids that is applicable to a local unit of government. Under current law, if the estimated cost of a public works project exceeds \$25,000, the state or local unit of government must solicit bids and award the public works contract to the lowest responsible bidder.

The bill also requires a school to comply with these bidding requirements if the estimated cost of a contract exceeds \$150,000 and the contract is for the construction, repair, remodeling or improvement of a public school building or for the furnishing of supplies or materials.

The bill provides an exception to the bidding requirements for

donated improvements and if the school board determines that damage or potential damage to a public school building endangers the public health or welfare.

## Teacher workforce proposals

**Assembly Bill 640/Senate Bill 608** creates an alternative licensure path for paraprofessionals. It requires the Department of Public Instruction to issue a provisional license to teach to a paraprofessional who meets certain criteria including that they worked as a paraprofessional for at least three days per week for at least one school year in a classroom and is recommended for licensure by the principal of the school, the director of teaching and learning, and the school district administrator of the school district in which the individual worked as a paraprofessional. This provisional license authorizes the license holder to teach only in the school district that recommended the individual for the license. Additionally, during the first school year, the license holder must be mentored by a teacher who has taught for at least three school years in the school district. Finally, the bill specifies that DPI must issue a lifetime license if the license holder successfully completes six semesters

**AB 723/SB 688** increases to \$50,000, with an exception for certain highway projects, the threshold governing sealed, competitive bids that is applicable to a local unit of government.

**AB 644/SB 605** intends to assist districts in recruiting and retaining teachers by providing an open enrollment spot for pupils whose parent is a teacher in a school district that they are not residents of.

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of teaching experience.

The Assembly Education Committee held a hearing on the bill on Dec. 5. After questioning, the bill authors indicated they will be amending the bill. As of this writing, it is unclear what the amendments will take the form of, but members indicated that they may move away from a lifetime license.

**AB 644/SB 605** intends to assist districts in recruiting and retaining teachers by providing an open enrollment spot for pupils whose parent is a teacher in a school district that they are not residents of. The alternative open enrollment procedure created in the bill is available at any time during the school year and, if a pupil is accepted under the procedure, the pupil may immediately begin attending public school in the nonresident school district. The bill would provide districts flexibility in allowing them to provide seats for these pupils.

However, if the pupil's parent is no longer employed by the nonresident school board as a teacher or an administrator, the nonresident school board may require the pupil to reapply using the standard or existing alternative Open Enrollment

Program application procedure.

The Assembly Education Committee held a hearing on the bill on Dec. 5. After questioning, the bill authors indicated they will be amending the bill.

#### ■ Library materials

**AB 308** would remove immunity for employees at school libraries and allow them to be sued if they are accused of possessing obscene materials. Under current law, no person who is an employee, a member of the board of directors or a trustee of certain educational institutions and libraries is liable to prosecution for an obscene materials violation for acts or omissions while in his or her capacity as an employee, a member of the board of directors or a trustee of such an institution.

Under current law, obscene material means a writing, picture, film, or other recording that the average person, applying contemporary community standards, would find appeals to the prurient interest if taken as a whole; that under contemporary community standards describes or shows sexual conduct in a patently offensive way; and that lacks serious literary, artistic, political, educational

or scientific value, if taken as a whole.

**SB 597** requires school boards to develop and implement a policy under which the parent or guardian of a pupil who is under the age of 16 is notified of material the pupil checks out from a school library as soon as is practicable, but no later than 24 hours after the checkout.

The bill also requires a school board to annually notify parents and guardians of pupils enrolled in the school district of whether the school board provides pupils access to the electronic collection of resources known as Badger Link that is maintained by the Division for Libraries and Technology in the DPI.

The Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families held a hearing on the bill on Nov. 28.

If you have questions or would like more information on these or other proposals, tune into the monthly Legal and Legislative Video Update webinars, subscribe to the WASB Legislative Update Blog, or contact Chris Kulow (ckulow@wasb.org) or David Martin (dmartin@wasb.org) directly. A full list of legislation the WASB is tracking can be found on the State Bill Tracking Chart on WASB.org. ■



## Complying With Wisconsin's Conviction Record Discrimination Law When Hiring

School board members play a role in the hiring of district employees as established by law or applicable board policy. In practice, board members often hire employees based on the recommendation of the administration. Nevertheless, the board, as the ultimate hiring body, must comply with all employment laws. One such law is the state law prohibiting employers from discriminating against job applicants based on criminal convictions.<sup>1</sup> This law contains several exceptions that are relevant to school districts, but can also make complying with this law complicated. This Legal Comment will answer several questions about Wisconsin's conviction record discrimination law in an effort to help board members understand and comply with the law when hiring employees.

### Does the law provide an exception if a job is substantially related to an applicant's conviction?

Yes, the state law contains a major exception that allows employers to refuse to hire an applicant if the circumstances of a conviction have a "substantial relationship" to the job for which the applicant is applying. To determine if a substantial rela-

tionship exists, an employer must determine if the circumstances of the workplace would present an unacceptable level of opportunity for the applicant to reoffend in the workplace. By its nature, the substantial relationship test is incredibly fact specific. In order to determine if a substantial relationship exists, an employer must review all of the elements and nature of the crime for which the applicant was convicted in order to determine the character traits of the applicant that are revealed through the conviction, and then apply those to the specific duties of the potential job.

Because the substantial relationship test is so fact specific, employers can ask the applicant for more information surrounding a conviction. Employers can also verify the accuracy of that information using publicly available documents such as police or court records, or the results of a properly administered background check. If an applicant is not truthful to the employer on a job application or during the hiring process, that dishonesty would provide the employer with a non-discriminatory basis for refusing to hire that applicant.

For example, assume an applicant for a payroll clerk job has been

convicted of misdemeanor theft. In reviewing the conviction, the administration learns that the crime involved the applicant using a computer to transfer funds from a previous employer's bank account to the applicant's personal bank account. This conviction reveals relevant character traits such as untrustworthiness and a willingness to take items that belong to an employer. The position of payroll clerk would give the employee access to the district's bank accounts. The prior conviction for theft, especially given that it was theft from a prior employer, allows the district to determine that the risk of the applicant reoffending is unacceptable given the character traits revealed by the conviction and the duties of a payroll clerk. Therefore, the district would not have to hire the applicant as payroll clerk, even if the applicant was otherwise the most qualified applicant for the position.

If this applicant also failed to disclose this conviction on a job application when asked, and the district learned of the information through a properly administered background check, that would only further support the district's decision not to hire this applicant.

To determine if a substantial relationship exists, an employer must determine if the circumstances of the workplace would present an unacceptable level of opportunity for the applicant to reoffend in the workplace.

Additionally, the court stated that employers should also consider the seriousness and number of convictions, how recent the convictions were, **and whether the convictions showed a pattern of behavior.**

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**How has the law changed recently regarding the Substantial Relationship Test?**

In 2022, the Wisconsin Supreme Court issued a decision in *Cree v. LIRC* that affirmed an employer's ability to look broadly at the circumstances of the crime when identifying the character traits revealed by the conviction. Additionally, the court stated that employers should also consider the seriousness and number of convictions, how recent the convictions were, and whether the convictions showed a pattern of behavior.

Prior to the *Cree* decision, it was difficult for employers to establish that an applicant's conviction for crimes of domestic violence substantially related to a job. The reason for this was that courts and state agencies often held that crimes of domestic violence were specific to personal, intimate relationships and not as relevant to employment relationships. However, in the *Cree* decision, the court found such a distinction improper. It reasoned that an applicant's conviction for criminal domestic violence evinced a propensity to exert control and dominance. The applicant had applied for a job that required him to travel to customers' facilities for consultations, work collaboratively with customers and coworkers, and sometimes travel overnight and stay in a hotel. The job did not have much direct supervision and the large facilities in which he would work had secluded areas that were not monitored by people or surveillance cameras. In light of this, the court held that the job had a

substantial relationship to the applicant's conviction for criminal domestic violence, and the employer did not discriminate based on conviction record when refusing to hire the applicant. Going forward, the *Cree* case likely expands a district's ability to establish a substantial relationship between a conviction and a given job, even potentially beyond domestic violation convictions, including in situations where past court or agency decisions might not have found a substantial relationship existed.

**Does a school district have to hire an applicant who has been convicted of a felony?**

No, the state law provides a specific exception that allows school districts not to hire an applicant who has been convicted of any felony, and who has not been pardoned for that felony. The circumstances and nature of the felony are irrelevant in this analysis. However, a district is not required to automatically reject all applicants with felony convictions. In fact, the Equal Opportunities Employment Commission (EEOC) has cautioned employers against doing so because it might create a disparate impact based on race in violation of federal law. Instead, districts often evaluate the circumstances of felony convictions in a manner similar to the "substantial relationship" test discussed below.

Ultimately, the exception in the law permitting school districts not to hire an applicant that has been convicted of a felony is a somewhat narrow exception because it applies exclusively to felonies. Unless

another exception applies, such as the substantial relationship test, state law still prohibits districts from refusing to hire individuals who have been convicted of a misdemeanor or "other offense" such as a civil forfeiture. The law also defines "conviction" broadly to prohibit employers from discriminating based on information indicating that an applicant "has been adjudicated delinquent, has been less than honorably discharged, or has been placed on probation, fined, imprisoned, placed on extended supervision or paroled pursuant to any law enforcement or military authority," unless an exception applies.

**What legal defenses do school districts have if someone sues a district for "negligent hiring" of an applicant with a conviction record?**

The state recognizes a potential cause of action if someone can prove that an employer was negligent in its hiring. This requires an individual to prove that the employer breached a duty of care to that individual by acting unreasonably in hiring. The individual also has to prove a causal connection between the employer's decision to hire and an injury to the individual that resulted in actual losses or damages to the individual. Whether a given hire of an employee with a conviction record is unreasonable will vary based on the facts at issue, including the nature of the job and the foreseeable risks associated with the position. Additionally, if the employee's conviction was not sub-

stantially related to the employee's job, a district's obligation to comply with Wisconsin's conviction record statute is likely strong evidence that the district's hire was not negligent.

Furthermore, in *Kimpton v. New Lisbon School District*, the Wisconsin Court of Appeals explained that district hiring decisions were discretionary, and that districts were therefore immune from suit for negligent hiring under the state's governmental immunity statute. As a result, districts are unlikely to have their hiring decisions second-guessed in court if a hiring decision potentially results in injury to another individual.

### Conclusion

The decision to hire an individual with a criminal conviction is a sensitive one. School boards first and foremost have to comply with the parameters of the law and not improperly refuse to hire someone solely based on a non-felony conviction record. However, it is important to note that school boards remain free to hire employees with conviction records (including felonies), and there are times when doing so is appropriate, especially in a challenging hiring market. Such hiring decisions should always be done

thoughtfully and in consultation with legal counsel. ■

### Endnotes

1. State law also prohibits employers from discriminating based on arrest records, but the details of and exceptions to that law is outside the intended scope of this Legal Comment.

*This Legal Comment was written by Michael J. Julka and Brian P. Goodman of Boardman & Clark LLP, WASB Legal Counsel. For related articles, see Wisconsin School News: "Discrimination Standards Involving Arrests and Convictions of School District Employees" (March 2016); and "Discrimination Against Job Applicants Based on Criminal Convictions" (Oct. 2001).*

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

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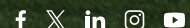
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