

WISCONSIN

# SchoolNews

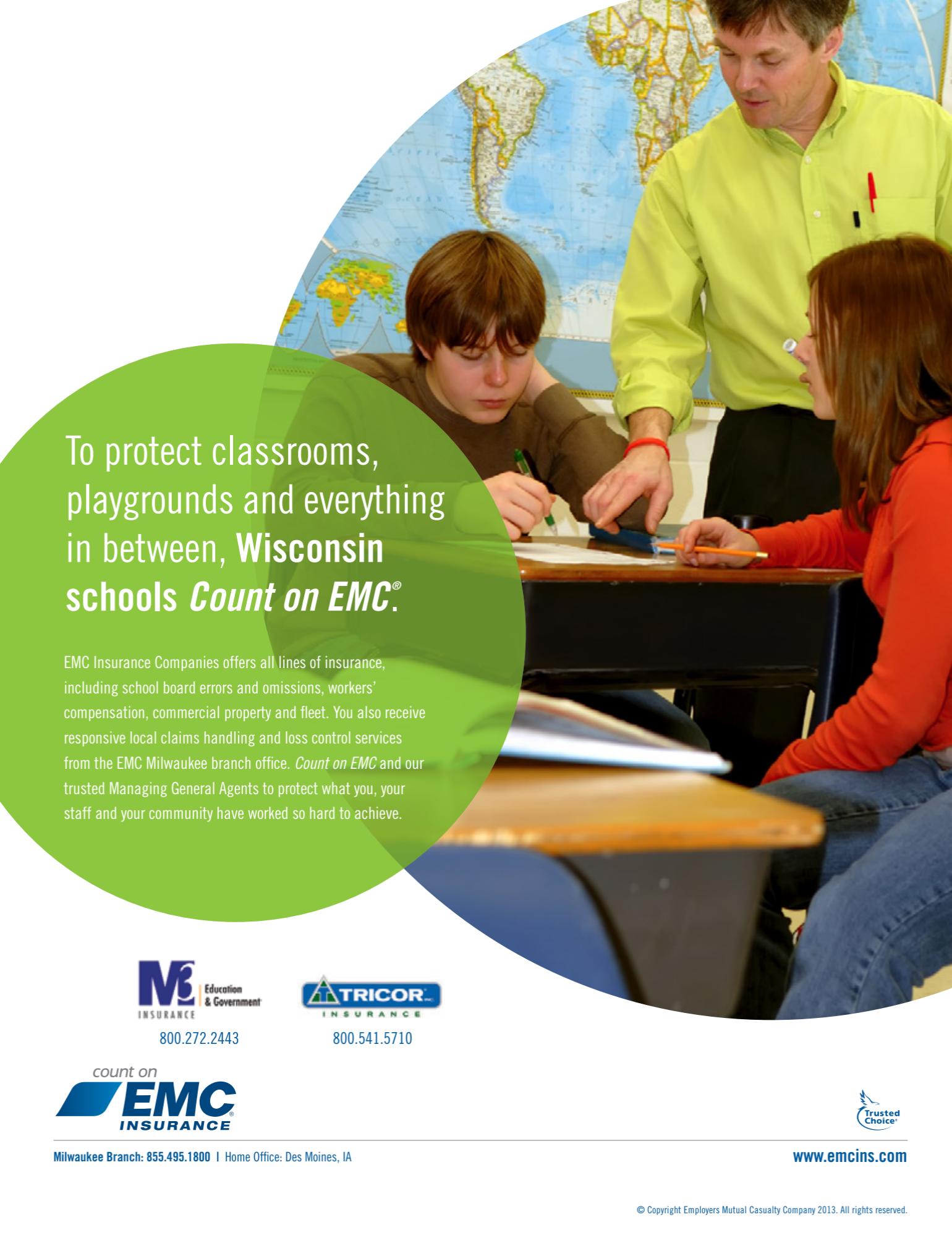
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A look at  
**Student  
POPULATION  
TRENDS**

Projections from UW researchers point toward  
an overall increase in the state's  
public school enrollment

A circular inset image showing a male teacher in a light green shirt standing and pointing at a desk, while two students, a boy and a girl, sit at the desk looking at a book. A world map is visible in the background.

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# WISCONSIN SchoolNews

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## Elk Mound Receives National Honor for Board Leadership

The Elk Mound Area School District was selected as a winner in the 2014 Magna Award program sponsored by the National School Boards Association's *American School Board Journal*. Elk Mound was recognized in the honorable mention category for the district's board leadership efforts to improve technology in the district.

Through the board's support, the Elk Mound Area School District has implemented an effective and accessible technological presence at its schools. Each year, the school board designates dollars to its short-range plans, which, in recent years, have

included purchasing and installing an underground fiber network with a direct link to the internet connecting to multiple platforms available for students and staff. In addition, the board backed up these resources by creating incentives through the district's innovative compensation plan for staff to expand their knowledge and use of technology.

"On behalf of the school board and the Elk Mound Schools community, I am honored that we have been recognized with this Magna Award," said School Board President Tim Sivertson. "Our board is committed to improving

with the ultimate goal of continual growth in our students' achievement. It is a pleasure to work with a board that always keeps the best interests of its students in mind."

Elk Mound was also recognized as a Magna Award winner in 2008. The School District of La Crosse was a Magna Award winner in 2010.

The Magna Awards recognize school boards across the country for outstanding programs that advance student learning and encourage community involvement in schools. □



### April is 'Month of the Military Child'

Operation Military Kids, an organization devoted to providing support to military families and their children, and members of the Wisconsin Council for the Interstate Compact on Educational Opportunity for Military Children asks Wisconsin schools to plan special activities during April to support and recognize military children in your schools.

A list of activities and resources can be found at: [ssp.wi.gov/ssp\\_militarychild](http://ssp.wi.gov/ssp_militarychild) or [operationmilitarykids.org](http://operationmilitarykids.org). Or you can contact Sue Curtis, Wisconsin Operation Military Kids Liaison, at [sue.curtis@ces.uwex.edu](mailto:sue.curtis@ces.uwex.edu). □

### STATISTIC OF THE MONTH

# 59%

**Percent of Wisconsin school districts** that experienced enrollment decline between 2008-09 and 2013-14.

Source: University of Wisconsin Applied Population Lab

## Sleep Deprivation Linked to Low Achievement

According to an international study from Boston College, the United States has the highest percentage of sleep-deprived students. The study found that 73 percent of 9- and 10-year-old students and 80 percent of 13- and 14-year-old students were identified as lacking sleep.

Researchers found that countries with high percentages of sleep-deprived students are also among the world's wealthier countries: New Zealand, England, Saudi Arabia, Ireland, and, among others, France. The study concludes that increased amounts of time in front of laptops, tablets, and smart phones, especially in students' bedrooms late at night, are a cause of

sleep deprivation. Light from computer screens and other devices late at night can disrupt sleep.

"It's going to tell your brain to stay awake," says Karrie Fitzpatrick, sleep researcher at Northwestern University in Illinois. "That light can reset the whole circadian rhythm system and say, 'Wait a minute, it's not time to go to bed.'"

This is a problem in the classroom because without sleep, the brain struggles to absorb and retain ideas.

"I think we underestimate the impact of sleep," said Chad Minnich of Boston College. "Our data show that across countries internationally, on average, children who have more sleep achieve higher in math, science and reading." □



## Find Common Ground

This month, we welcome new school board members and thank departing members for their service. With new board members joining many of our districts, now is a good time to refocus our energies.

I read recently that our neighbors in Minnesota have set a state goal of cutting their achievement gap in half by 2017, and they are making progress. I don't know all of the details and I'm sure there are controversies and critics, but what was striking is that it is a state goal to close the achievement gap — with state and local leaders on board.

What are they doing? According to national reporting, they are “elevating the importance of small subgroups of at-risk students, issuing progress reports to districts on achievement gaps, and relying on regional centers to help struggling schools.” It's serious work that takes time and commitment by everyone involved. There are no gimmicks or short cuts. And if the reports are accurate, by working together, they are making progress.

The achievement gap in Wisconsin is even worse than in Minnesota — in fact, by most measures, ours is the worst in the nation. But instead of focusing on improving it, we've been distracted by partisan

politics and adjusting to a myriad of state-imposed reforms coupled with cuts to state school funding.

Educators, administrators, and school leaders in Wisconsin must be able to focus their attention on what matters — improving the achievement of every student in this state. Issues like the achievement gap are broad, complex problems that involve numerous facets of society. We need serious partners, an improved school funding system, and stability from the state.

Something interesting and instructive occurred this past winter as the legislator-members of the Assembly Speaker's Rural Schools Task Force were able to view schools outside of their own districts. The school tours were a real eye-opener for these legislators, with many expressing surprise at the numerous challenges faced by rural schools.

This situation impresses upon us the need to redouble our efforts to get local lawmakers into our classrooms — rural, urban and suburban. Show legislators your success stories — there are many — as well as your challenges.

After a school tour, have a sit-down with parents, business leaders and other public school advocates in your community to discuss with legislators the important education

issues for your community. As the school year winds down, and legislators being campaigning for re-election, craft a legislative advocacy plan for the 2014-15 school year that involves community outreach. Make certain legislators and candidates for state office have the opportunity to visit your schools — it's never too late to do so and it's vital information we must provide them. Review your communication efforts — are they telling the story of all of the great things that are happening in your schools as well as your challenges?

As some of the articles in this issue discuss, internal and external relationship building is key. And those relationships with your community members are vital in your advocacy efforts. Help them understand the importance of a fair and equitable school funding structure and why the state Legislature must give schools a chance to put all of the recent reforms into place before making further changes. If community members understand your needs, they can speak up on your behalf and be a powerful voice for public education.

By working together, we can make progress in narrowing our achievement gap and ensuring that every child succeeds. ■

Educators, administrators, and school leaders in Wisconsin must be able to focus their attention on what matters — improving the achievement of every student in this state.

# A Look at Student POPULATION TRENDS

Projections from UW researchers point toward overall increase in state's public school enrollment

*Shelby Anderson*



**W**hen it comes to Wisconsin's student population projections, there's good news and bad news. The good news is that the state's overall student population is expected to increase. The bad news is projections predict declining enrollment will continue to plague many rural schools.

While declining enrollment is expected to continue to affect many Wisconsin school districts, most suburban districts are expected to continue to experience student population growth. In the next couple of years, some urban districts are also projected to grow as minority student populations increase. In fact, the largest growth among student groups is expected to be among Hispanic/Latino students.

## ■ Student Boom of the 70s

As of the 2013-14 school year, about 874,000 students were enrolled in Wisconsin public schools. While this is a healthy number, Wisconsin actually had almost one million (999,921) public school students in the early 1970s when the baby boom generation was in school. Student population then declined sharply from the mid-70s to the mid-80s as the baby boomers graduated. Predictably, student population again climbed from the mid-80s to the mid-90s as the millennial generation (children of the baby boom generation) entered schools.

Since the mid-90s, the overall student population has remained relatively steady at right around 874,000. In fact, between the 2008-09 and 2013-14 school years,

the overall student population in Wisconsin declined by only 0.1 percent. However, as school leaders know, this slight decline hasn't been shared equally by districts.

## ■ Declining Enrollment and Rural schools

Despite the fact that the overall student population has remained relatively steady, 59 percent of Wisconsin school districts experienced declining enrollment between the 2008-09 and 2013-14 school years.

Some districts hit by declining enrollment during this period (Chetek, Weyerhaeuser, and Glidden) consolidated with other districts. Chetek and Weyerhaeuser combined to form the Chetek-Weyerhaeuser Area School District in northwestern Wisconsin in 2007. Similarly, in

The largest growth among student groups is expected to be among Hispanic/Latino students.



2010, the Glidden School District joined with Park Falls to form the Chequamegon School District in northcentral Wisconsin.

Projections indicate that for many rural school districts, declining enrollment will continue. A research brief from the University of Wisconsin Applied Population Lab reports, “Districts that are particularly white, older, and rural or districts with less ability to build new housing may see more prolonged enrollment decline.”

#### ■ 4K Boost

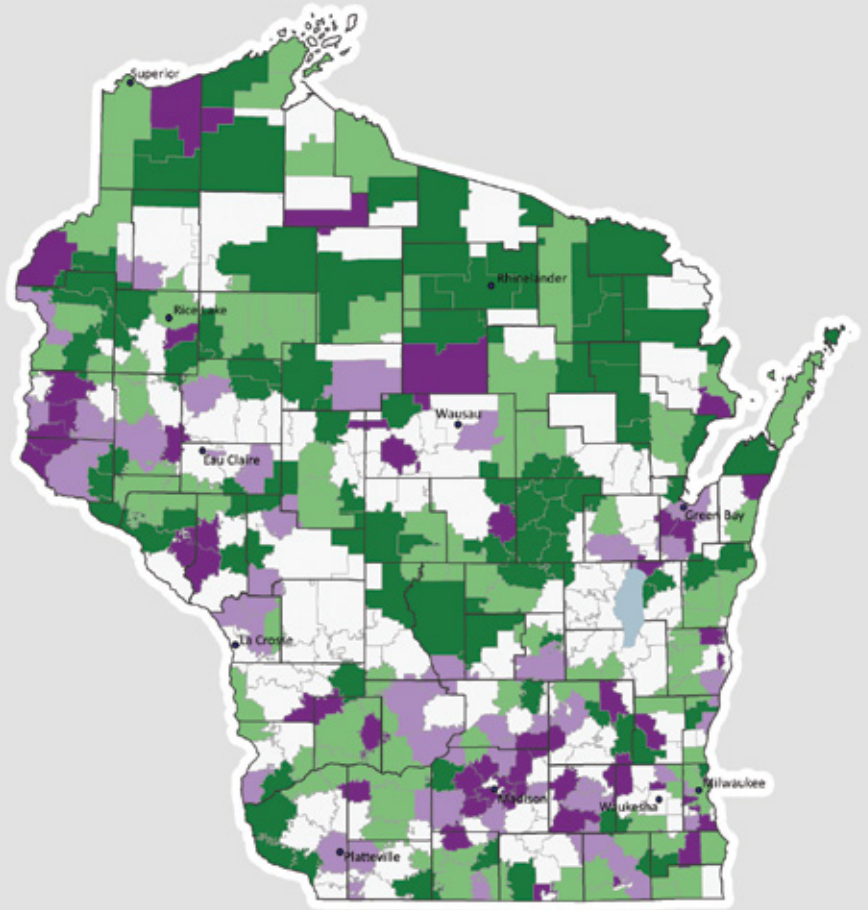
In recent years, the number of kindergarten students beginning school hasn’t replaced the number of students graduating from high school. However four-year-old kindergarten programs have helped cover this discrepancy. Districts have experienced a sharp increase in the number of pre-K students they are enrolling as these programs become more established.

During the 2005-06 school year, about 18,000 students were enrolled in public four-year-old kindergarten programs. That number has grown

## School District Enrollment Change

2008-09 to 2013-14

Source: University of Wisconsin-Madison  
Applied Population Laboratory



- Declined 10% or more
- Declined 4% to 9.9%
- Declined or increased less than 4%
- Increased 4% to 9.9%
- Increased 10% or more

to about 46,000 students during the 2012-13 school year.

“The growing popularity of the four-year old kindergarten program in many districts throughout the state has meant that recent declines in enrollment have not been as severe as it may have been without the program,” researcher Sarah Kemp reported.

## ■ Gainers

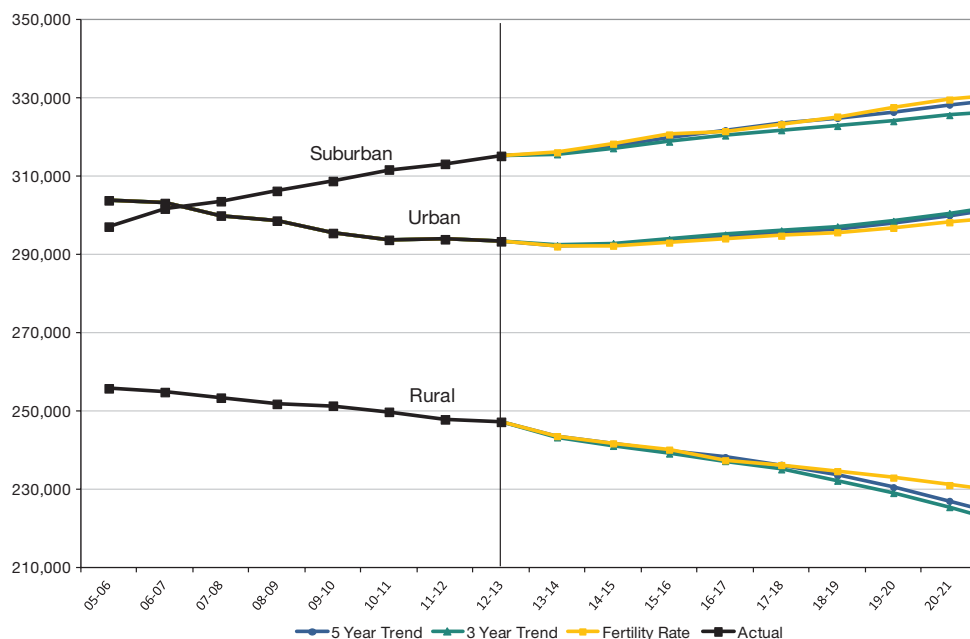
As some districts have lost students, other have experienced student population explosions. Based on percentage of its students, the McFarland School District, the Paris J1 School District, and the Union Grove UHS School District gained the most students out of all Wisconsin districts between the 2008-09 and 2013-14 school years.

Open enrollment has certainly been a factor in student gains for some districts. During the 2012-13 school

# Enrollment History and Projections

Urban, Suburban and Rural School Districts

Source: University of Wisconsin-Madison Applied Population Laboratory



## Migrant Education

*Providing opportunities to transient students*

About 26 school districts in the state have a migrant education program in one form or another. These programs help students of transient families, who work temporary agriculture jobs, attend school and ultimately graduate from high school.

Providing education for this group of students has been a challenge as these families move often.

The Ripon School District, located in central Wisconsin, began a migrant education program last summer. In its first class, it had six students. The students' families moved from Texas to work a seasonal job at a food processing plant in Ripon.

In Ripon, the program is open to migrant students entering grades 9-12 who are credit deficient and/or at-risk of not graduating from high school. Students in the program have an opportunity to earn credit for their work in math and language arts. Access to Netbooks and/or iPads at Ripon High School allows students to conduct research, use online mathematics tools, or complete other school-related tasks.

Myrna Toney, migrant education consultant with the



Photo courtesy of Ripon Commonwealth Press

Department of Public Instruction (DPI) said about 900-1,200 students each year enroll in a migrant education program in Wisconsin. The number of students and location can change each year because migrant families follow the job opportunities. The goal of migrant education programs is to keep students engaged in school work.

“Because of how often the students' families move, the students don't get a regular education,” Toney said. “The goal of migrant education is to close those gaps and encourage the students to stay in school and graduate.”

For more information about migrant education, visit [www.osymigrant.org](http://www.osymigrant.org) or [titleone.dpi.wi.gov/ttlone\\_mig\\_index](http://titleone.dpi.wi.gov/ttlone_mig_index).

year, more than 44,000 students opted to open enroll. Union Grove High School grew more than 31 percent between the 2008-09 and 2012-13 school years with much of that growth attributed to open enrollment.

Other factors that have led to student increases are virtual schools. For instance, the McFarland School District added a non-instrumentality virtual school that increased the district's enrollment by 2,020 students.

### ■ Student Population Trends by Groups

Across the country, states are becoming more diverse as minority groups are growing. Projections from researchers at the University of Wisconsin's Applied Population Lab show certain minority populations are also increasing in Wisconsin.

Districts with diverse populations, especially Hispanic or Latino students, can expect to see those numbers increase. During the 2005-06 school year, Hispanic/Latino students made up about 7 percent of student enrollment. That percentage had increased to 10 percent by the 2012-13 school year, and continues to rise.

"Projections by race/ethnicity point to the growing influence of the Hispanic population on Wisconsin's public school enrollment," Kemp reported. "The numbers of Hispanic and Asian students are projected to increase."

Projections show that the numbers of African American and Native American students are expected to remain steady. The non-Hispanic white population is projected to decline fairly significantly over the next five years.

Partly due to the expected increase in minority populations, student populations in most Wisconsin urban school districts are expected to decline slightly and then

enrollment will steadily increase in the foreseeable future.

### ■ Takeways

Since each district is unique, general statements about school district sub-groups (rural, suburban, and urban) may not always be accurate. Individual projections can help districts make informed decisions

about future facility needs and other financial considerations.

For more information about student population data trends, visit [www.apl.wisc.edu](http://www.apl.wisc.edu) or contact Sarah Kemp, associate researcher at the University of Wisconsin Applied Population Laboratory at [kemp@wisc.edu](mailto:kemp@wisc.edu). ■

*Anderson is editor of Wisconsin School News.*

## The Changing SCHOOL LANDSCAPE

**O**ur schools' student population is changing and along with it our students' and parents' needs. More and more districts need to accommodate students and parents whose first language is not English. For districts, this means everything from providing school newsletters in different languages to rethinking assessments and classroom instruction. While many districts have established practices and policies to support these students and their families, an increasing number of districts are facing these issues in a significant way for the first time.

One of the greatest strengths of public schools is that they admit all students no matter their abilities, background, or socio-economic status. There is no question that an increasing number of students and their families have had to depend more and more on the help of their public schools.

Recent figures from the Department of Public Instruction show that most districts have seen an increase in the number of students that qualify for free and reduced-price school meals. During the 2003-04 school year, 29.5 percent of students were eligible. That number increased to more than 43 percent in 2012-13. As of the last school year, there were 110 districts that have 50 percent or more of their students eligible for free or reduced-price school meals. While many of the state's urban districts have high percentages of students who qualify for subsidized school meals, it is also a challenge for many rural schools. In fact, the district with the highest percentage of eligible students is the Lac du Flambeau School District with more than 91 percent.

At the same time, as school leaders know, state funding for public education has been reduced in recent years. School leaders are encouraged to contact their legislators and give them a clear picture of how much your community relies upon your public schools to support and provide services to your students.

If applicable, share with them the percent increase in the number of students eligible for free and reduced-price school meals. Make it clear to them that supporting these students is about more than providing meals. Schools are also increasingly providing services for homeless students, and providing resources and help to their families.

As public school leaders, we take pride in increasing student achievement any way we can. In recent years, this work has involved more and more resources as we support students with an array of needs. Call on your lawmakers to do their part to support our public schools. □



# Relationships, Dialogue, and Input

## School board members share how Act 10 has shaped relationships in their districts

**It has been two years since Governor Scott Walker signed the Budget Repair Bill**, known as Act 10, into law. The law effectively removed collective bargaining from salary negotiations. Districts adopted employee handbooks and restructured employee benefits with the goal of funneling more resources into the classroom. We asked school board presidents to provide their perspective on what Act 10 has meant for relationships in their districts.

### Keeping the Dialogue Open

CYNTHIA SCHMAHL — Kiel Area School District

**N**ot long ago, we anxiously anticipated every update regarding the pending changes due to Governor Walker's Budget Repair Bill known as Act 10. The anxiety of teachers, administrators, and board members ran high as many did not know the ramifications these changes would have on their positions, responsibilities and budgets. Though the changes promised more "tools" for districts to address budgetary concerns, many perceived these "tools" as threats to the security that collective bargaining provided.

Yes, Act 10 created more flexibility in many areas; however, conversations around the impact to collective bargaining certainly received the most attention. In retrospect, I cannot help but to recall a conversation I had with one of our veteran teachers, who retired last year.



One evening we both happened to be perusing materials at our local library when we began to talk about the impending ramifications of Act 10. She emphatically expressed deep concern for the whirlwind of

changes districts would make given their release from collective bargaining guidelines. As I listened carefully to her concerns, I encouraged her to consider our board's respectful actions throughout the Kiel Area School District's long history of negotiations with our support staff that had no official union affiliation.

We talked briefly, yet poignantly, about the fact that the Kiel Area School District always treated both teaching and support staff with the utmost respect, listening to their needs and desires with openness and a dedicated commitment to meet those needs and desires while balancing all the demands on our limited budget. I encouraged her to trust that the same respect would continue to permeate all of our efforts to work cooperatively as we seek to provide our best for our students.

Since then, we continue to work cooperatively with all our staff and particularly our teaching staff

through our teacher advisory council. This council regularly dialogues with administration over many topics including those that were formerly considered mandatory subjects of bargaining.

We regularly seek the input of our teacher advisory council on decisions that directly impact their effectiveness and efficiency in the classroom, including, but not limited to the calendar, snow days, staff development days, staff recognition, and morale.

This month, the teacher advisory committee and the school board scheduled a joint meeting specifically

to discuss the board's role in supporting staff, positively influencing morale and recognizing their classroom parent/community volunteers.

These cooperative efforts continue to support our mission to provide an opportunity for each student to receive a comprehensive, personal, future-focused education in a safe, supportive environment for the purpose of achieving excellence in their life-long pursuits through a partnership of family, school, and community. ■

*Schmahl is president of the Kiel Area School Board.*

**Cooperative efforts**  
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*Cynthia Schmahl,  
Kiel Area School District*

## ..... Promoting Supportive Relationships .....

CAROL CRAIG — Eau Claire Area School District

**A**s I began reflecting upon the impact of Act 10 in the Eau Claire Area School District, it became apparent that a lasting impact of ACT 10 was not primarily a fiscal matter, but rather a major shift in relationships among all stakeholders in the district.

Act 10 gave the Eau Claire Area School Board (and every other school board in the state) complete authority to change the foundations of employee contracts, thus relationships, and indirectly impacted parent and community relationships with public school employees.

Years of negotiated agreements that served to create respectful relationships and expectations were negated by Act 10 and replaced with employee handbooks — handbooks that leave sole authority to school boards to determine new compensation packages, work assignments, changes in hours, disciplinary considerations, promotions, health insurance, etc. Certainly this is a tremendous 'shift' in the working relationships among public school employees, citizens and the school board.

Research supports the crucial role of respectful relationships in public

schools on almost every documented educational measure: student achievement, graduation rates, staff retention and community support of referenda, etc. The plain truth is that student success is contingent on relationships: teachers' relationships with students, the community's relationships with public employees, internal relationships among employee groups and relationships among student-parent-teacher.

It doesn't take a rocket scientist to conclude that Act 10 caused a signifi-

cant 'shift' in the working relationships among public school employees and school boards. The result of this shift was evidenced in Eau Claire as well as around the state — many school employees felt vulnerable, disrespected and frustrated.

After the passage of ACT 10, a major challenge for the Eau Claire Area School Board was to defuse, to the extent possible, the feelings of vulnerability, disrespect and frustration so that staff would continue to put the students first.





## Relationships, Dialogue, and Input

The Eau Claire Area School Board chose to move slowly and cautiously with changes incorporated in the employee handbook in order to acknowledge the trust and communication forged with staff and community over many decades.

However, as a result of Act 10, that trust and mutual communication has become dependent solely on the majority of a school board — boards that change every year.

Statistics show that after just five years, between 40 and 50 percent of all beginning teachers have left the profession. Almost 40 percent of these departing teachers cite low salaries and lack of support as primary reasons for leaving. The University of Wisconsin-Eau Claire has seen a dra-

matic reduction in the number of students aspiring to be professional educators since Act 10, as have almost all teacher training programs in Wisconsin. The residual effects of ACT 10, feelings of vulnerability, disrespect and frustration certainly contribute to such a ‘brain drain’ in Wisconsin.

Perhaps one of the most crucial lessons of Act 10 was that school boards must ‘do their relationship homework’ — board members must investigate how public school cultures of professional respect and collaboration improve student achievement. Do your homework on the importance of promoting supportive relationships among parents and community members.

School board members need to reach out to their communities for financial and social support of public

**A lasting impact  
of ACT 10 was not  
primarily a fiscal matter,  
but rather a major shift in  
relationships among all  
stakeholders in the district...**

*Carol Craig,  
Eau Claire Area School District*

schools. We must invest in our children, the most precious and important natural resource, for a secure and productive future. That investment starts with strengthening relationships. ■

*Craig is president of the Eau Claire Area School Board.*

### ..... Seeking Staff Input .....

*TANYA GENDREAU — Gale-Ettrick-Trempaleau School District*

**L**ike all school districts, the Gale-Ettrick-Trempaleau School District had to make many adjustments due to the passage of Act 10. However, it had almost no impact on the quality of education that we provide to the students of our district.

The largest issues Act 10 created for the board was how to maintain staff morale, implement a handbook, and make health insurance changes. These are still issues that continue to be worked on by the board, administration, and staff.

As far as working with staff, the board made sure to include staff input in decision-making. Just because things could no longer be negotiated, did not mean we should not solicit staff input on issues. The employee handbook was developed with input from three committees. These committees dealt with insurance, working conditions and alternative pay. The committees were

composed of board members, administrators, and certified and non-certified staff. The working conditions committee has been replaced by a general handbook committee. These committees continue to meet today as needed.

The general handbook committee meets several times a year to deal with different issues that arise. It's impossible to predict every situation that can occur, so our handbook is an evolving document. This year, we have chosen to add a section to cover administrators. This committee provides a chance for the various groups to bring up issues that concern them. It's the hope that the handbook committee can increase the dialogue among various stakeholders.

A concern of the board is how to retain quality staff with our limited budget and declining enrollment. We are currently trying to find a system to replace the step and lane. It's

difficult for us to provide competitive salaries with some of the larger, wealthier districts nearby.

Staff moral continues to increase as time passes and the fears that Act 10 generated do not materialize. Act 10 did give us more control of insurance, working conditions and alternative pay. The board had a good relation with the staff before Act 10. There were years when we froze pay or step and lanes because of financial conditions.

We continue to spend resources on handbooks, Common Core curriculum, educator effectiveness, etc. The requirements of these laws and mandates seem to continually change, sometimes daily. They all continue to reduce the local control of a school board. ■

*Gendreau is president of the Gale-Ettrick-Trempaleau School Board.*





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# Cooperative Engagement



Working with and engaging educators to improve school district culture and trust

*Peter Vedro*

A recent study by Harvard and Columbia University economics professors found that the single most important element in a student's past, present, and future success is the caring given by their teachers.

Around the world, the label of "teacher" is an honorific title. The person and the profession are honored because most people affected by teachers recognize their incredible, life-long value.

Dr. Stephen Paine, co-author of the landmark McGraw-Hill Research Foundation study on educational competitiveness, suggests that, "The most important lesson the U.S. can take from the countries that have been most successful in achieving high PISA scores for their students is to begin investing in the preparation and development of

high-quality teachers, while at the same time taking steps to elevate the status of the entire profession to a higher level of respect and regard."

With this in mind, it's best to treat our educators as we would any precious commodity. Given their institutional knowledge and understanding of systems and structures, who better to engage in finding best practices for their given education environment?

However, in the current political atmosphere, getting teacher input in district-level decisions can be challenging. Arriving at a sustainable system of shared responsibilities and rewards between teachers (and their unions) and administrators and school boards, rests on reevaluating our understanding of the concept of negotiations. (Of course, since Act 10, negotiations are limited to negotiations over base wages and meeting

and conferring with staff on issues other than base wages.)

Although both parties may have good intentions, negotiations almost always devolve into a competitive and adversarial power struggle. David Sarnoff, the founder of RCA, the now defunct electronics company, once said, "Competition brings out the best in products and the worst in people." Anyone who has ever participated in the leadership game "Win As Much As You Can" (see sidebar) knows this for fact. As in the game, it is the unconscious meanings we attribute to words that drive our behavior.

## ■ New Approaches

In the Baraboo School District, we have made a conscious effort to engage our teachers and level the

Who better to engage in finding best practices for their given education environment than teachers?



playing field, so-to-speak, not just in negotiations but in day-to-day conversations with our teachers. This is part of a methodology I'm calling "cooperative engagement." Cooperative engagement starts with honoring a set of core principles that guide discussion and behavior. Again, these are important not just in negotiations but in regular interactions with school district staff.

#### **Cooperative Engagement:**

- Honor "rice bowls" (economic):
  - No one should go "backward" in compensation, everyone should be made as "whole" as possible.
- Honor "perspectives" (people):
  - The best solutions do not come from the board, the administration, or the teachers union or

teachers as separate entities; the best answers surface from "cooperative engagement" of all parties.

- The people doing the work usually have the best perspective on where the real "obstacles" to success are as well as how to move forward effectively and efficiently.
- Honor "change" (incremental progress to the goal):
  - Ask three questions:
    - What should we start doing to make things better?
    - What should we stop doing that's getting in the way of making things better?
    - What should we continue doing that's working great?

#### **In Practice**

District Administrator Dr. Crystal Ritzenthaler, along with her leadership team and school board,



## **"Win As Much as You Can!"**

#### **The "Win as Much as You Can!" game**

(sometimes called the "X" or "Y" game) is a staple in leadership development programs. Usually played in units of four (either solo, with a partner, or as a team), the goal of the game is the same as its name, "Win as Much as You Can!"

It's played in 10 consecutive rounds, each increasing in value. At the beginning of each round, players secretly choose and write down on their own scorecard either an "x" or a "y" and at a given signal, all call out their choice at the same time — the "win" (or "lose") is then determined by what each member of the game has chosen. At selected rounds, the players can talk to their partners and later to the entire group about what they believe is the best choice to make on the next round to fulfill the goal of the game, which of course is to "Win as Much as You Can!"

We know the stated "goal" of the game, but what is its

deeper objective? Why is it included as a fundamental part of leadership training? Playing the game, it becomes clear that the choice each person makes — including our own — is driven (consciously or unconsciously) by how we define the terms "Win" and "You."

If we see the game as "zero-sum" (there can be only one "winner" and it is going to be "me"), we act by making certain choices. If we see it differently, we act by making other choices. In the absence of clarity, our behavior tends to be driven by our own unconscious set of criteria (not good or bad but maybe incomplete). At the selected rounds when players are able to talk to each other, these differences in definition become the basis for discussion and the opportunity to understand the multiple ways in which both "win" and "you" can be defined as well as the various situations in which they can be appropriately applied. It also becomes clear that the choices we make have consequences. Just ask any one that coaches — in sports, arts, business, and family — individually we may "win" the game but "lose" the bigger prize.

is moving to fulfill our potential by utilizing this process.

“We are sitting around the table together to share our guiding principles with one another and problem solve together,” Ritzenthaler said. “This collaborative engagement takes place not only within negotiations, but more importantly as part of our day to day interactions.”

As Ritzenthaler said, “we are sitting around the table together.” When meeting with staff in negotiations or other instances, it’s important to think about how the different parties are arranged at the table or meeting space. Rather than allowing people to sit on opposite (opposing) sides of the table, try intermingling. Rather than facing-off nose-to-nose with each other, try standing side-by-side facing the problem. These slight changes in physical relationship begin to reinforce the psychological reality: we are in this together and it is our problem to solve together.

These changes have made a noticeable difference. According to our Board President Kevin Vodak, following the principles of cooperative engagement has made this year’s negotiations not only the least contentious, but the most productive as well.

There seems to be a trickle-down effect to our schools as well. Paul Kujak, a veteran middle school teacher said, “I have a hard time thinking back in my 32-plus years here at Baraboo to a time when the status of the middle school was more positive. There has been a new emphasis that we are ‘all’ in this together; there is a culture of effective collaboration amongst the staff ... that promotes extensive vesting in each other. One can feel the genuine concern and respect that staff members have for one another. This then trickles down to the students as



well and thus we have as wonderful of a learning atmosphere in the building that I can ever remember.”

However, we still have a long way to go to fulfill the promise of cooperative engagement. We are still occasionally hostage to our habits and our past. But without cooperative engagement or some other process that recognizes with substance the value of all in our educational community, we are doomed to continually recreate the past. ■

*Vedro is a member of the Baraboo School Board and president and CEO of VisionQuest International ([www.visionquestinternational.org](http://www.visionquestinternational.org)) and a former vice president and senior managing consultant with The Covey Leadership Center (Seven Habits of Highly Effective People and Principle-Centered Leadership).*



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# A Graceful Exit

A superintendent retirement plan to consider | *Dr. James Fitzpatrick*

**A**s a superintendent in the School District of Fort Atkinson for 14 years, it was important to me that I gracefully exited this role when I was ready. This meant carefully timing my retirement announcement, completing my tasks before my final days, and establishing my post-superintendency plan.

This isn't a process that happens overnight; rather it takes time and careful planning. In fact, if you are a superintendent who is considering retirement within the next five years,

I would recommend planning your transition.

## ■ Making the Decision

Upon reaching the age of 60, I still felt energetic enough to continue as superintendent. However, I also knew I was fooling myself to think I could continue the demanding schedule and workload of a superintendent. I have known superintendents and principals, who stayed too long, only to be remembered more for mistakes or poor decisions they made in their final year, than for the stellar leadership that should have defined their legacy.

At the same time, retiring doesn't mean you have to completely remove yourself from

school leadership work. Before retiring, I knew I wanted to return to the University of Wisconsin and secure an educational leadership appointment. Working with aspiring principals and superintendents and giving back to the profession is something I wanted to do, just as my mentors had for me.



## LEADERSHIP TRANSITION

Steps to take to welcome and set-up new superintendents for success

**W**hether a district's superintendent is retiring or leaving for another opportunity, there is much work that school district leadership can do to ensure a smooth transition from one superintendent to the next.

WASB Consultants Louis Birchbauer and Dennis Richards presented a special session on this topic at the Legal and Human Resources Conference in February in the Wisconsin Dells. Birchbauer and Richards lead the WASB Superintendent Search Services team and are available to help WASB member districts conduct a superintendent search and ensure a smooth leadership transition.

As school leaders know, strong leadership is critical for a district's success. Selecting a superintendent requires thoughtful deliberation by the entire school board and adequate time should be given to the board to make its decision.

Before a candidate is offered the job, school leaders should have a plan of action to address leadership transition. In fact,

Birchbauer says, "Your transition period starts as soon as your superintendent announces they are leaving the district."

In ideal situations, outgoing superintendents give their school boards adequate time for the search and transition process.

"The more the superintendent trusts the board, the earlier they will let the board know," Birchbauer says.

In some situations, a superintendent will let the board know their plans of leaving one year in advance. However, most districts are given much less time than that.

Leadership transition will look slightly different from district to district, but overall, once a new superintendent is hired, there are several steps any district should take to transition the new superintendent.

One of the first steps is to announce the new superintendent. While this may seem like an obvious step, district leadership sometimes overlooks or doesn't give this step the

## ■ Informing the School Board

The timing of informing the school board of your decision is a key consideration. In my case, I wanted to be fair and upfront with our board. As you know, one of the most important responsibilities local school boards have is selecting a superintendent.

I announced my retirement plans in October. We were well into the first quarter of the school year, and had a good start on our plans and initiatives. In Fort Atkinson, this gave the board enough time to select my successor by March, which allowed for a smooth and successful transition period. (The timing of when you announce your retirement is important — see below for more information.)

I did offer the school board a timeline for the new superintendent search that I thought might be helpful. The timeline included hiring a consultant, establishing timelines for posting the position, screening candidates, selecting finalists, and ultimately hiring the next superintendent. From that point on, I excluded myself from any further involvement in choosing my successor.

## ■ The Search

The Fort Atkinson School Board handled their search and hiring process extremely well. With the help of WASB consultants Louis

Birchbauer and Dennis Richards, the board president and board members actively sought out to publicly engage citizens per the selection of the next superintendent. Five full months was just the right amount of time per the due diligence needed in selecting the right candidate.

In my experience, the longer a search goes on, the more susceptible it is for misinformation to spread



attention it needs. An announcement needs to be given to all district staff and also to your community and local media. A proper introduction of the new superintendent to your community is an important step.

After announcing the candidate, school leaders should schedule a meeting with the new superintendent to go over the district's vision and direction.

"Once you have selected your superintendent, immediately sit down with them and lay out district goals," Richards said.

If circumstances allow, it can be valuable for your new and outgoing superintendent to meet and discuss the job. Again, this may not always be an option, but if it is, it can help orient the new superintendent and give him or her valuable information about the job. In some instances, a district may be able to have a window of overlap between the incoming superintendent and the outgoing superintendent to help ease the transition. However, this may not be a viable option for districts because of the financial aspect and also because of criticism it may draw from the community.

Leadership transitions are designed to serve the school community, the school system, and the new employee. A successful leadership transition requires support for new leaders and their followers along with a focus on trustworthy communication and clear decision-making processes. No matter how your district approaches a superintendent transition, the school board needs to support the leadership transition and the public should be informed of the transition plan.

### ■ Four points to remember about an individual's transition:

- A leadership transition is among life's most difficult personal challenges.
- A successful transition requires different ways of thinking for the individual if moving up within a school system or to a new level of leadership. The biggest shifts in thinking are in the areas of communicating, planning, and building the team.
- Leaders indicate that dealing with internal politics is a significant challenge.
- Leaders in transition sometimes look for support in unexpected places. □



and candidates ultimately feeling vulnerable per their job security with their current school districts. A board must be focused and sensitive in their search and hiring process. Again, as the retiring superintendent, I believed the best role was to be totally removed from the process. Even if you have a great relationship with your school board and are requested to participate in the superintendent search, it is very important to remain separate from this process. Let the board do its work.

### ■ Resisting Lame Duck Label and Getting Closure

The thought of leaving any tasks undone before I retired haunted me. Some retiring superintendents, who

are exhausted, and counting the days, openly admit they are side-stepping some of the big issues and leaving them for the incoming superintendent. It was very important to me that all labor agreements were resolved and the next strategic plan was approved and adopted. The new superintendent, amidst all other transition changes, would not have to worry about completing these tasks.

Furthermore, I wanted to make sure the annual meeting was set, the budget was balanced, the proposed property tax levy was favorable to taxpayers, and teaching positions sorely needed for programs and keeping class sizes reasonable were approved prior to my leaving. In short, I wanted to leave the district in sound shape for my successor.

As your retirement draws near, both internal and external stakeholders will ask for favors — these may range from letters of recommendation, to hoping you will give support to some of their special interests before you leave. Similar requests came during my superintendent tenure, but be prepared for many more as people know you are on your way out.

### ■ Transitioning with Your Successor

In addition to updating the district's superintendent job description, I compiled a list of all monthly tasks. I thought back to my first year as superintendent and remembered worrying that I might make a major blunder or neglect to handle an important task. In creating the list of monthly tasks, I hoped to help the incoming superintendent.

After a grueling finalist selection process, the principal of Fort Atkinson High School, who had served in that role with distinction for 13 years, was selected to be the new superintendent. Hiring internally helped make the transition process easier. We already had a standing luncheon meeting every second Friday of the month to discuss high school issues. Now these meetings, in addition to high school matters, included transition topics and all pertinent matters pertaining to his assuming the superintendency and transitioning to central office.

However, if an outside candidate had been chosen, I would have followed a similar transition plan. If distance would have been an issue, email or phone conferences could have been planned. I believe a retiring or outgoing superintendent can be a great asset to an incoming superintendent and should do whatever possible for the school board, and the learning community, in assuring a smooth transition.

### ■ Cleaning out Your Office

I had plenty of time to think about cleaning out my office and I waited as long as I could. I think that it is important to remain active in your position over the course of the final weeks — you don't want to be in danger of becoming a 'lame duck.' However, at the same time, you want to get out of your successor's way. He or she is sure to have some angst in making the transition and will probably want to get into the office as soon as possible. In your

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## The thought of leaving any tasks undone before I retired haunted me...

final weeks and days, including your last day, you will likely have many people stopping by wishing you well and making final requests.

However, one thing caught me off guard. I did not foresee how emotional I would feel. I wanted to be alone the last few hours of my last day after people left work. It really hits you that this is it as you put your keys on the table for the last time. Before leaving, I jotted a short handwritten note for my successor wishing him the very best. I finally left my office at 9:30 pm on my last day Friday, June 28, 2013.

### ■ Post Retirement Plans

I didn't want to begin planning what to do after retiring from the superintendency. Rather, I wanted the next stage in my career to be something I planned for in advance.

Advice I received from retired superintendent friends varied from telling me to take a year to decom-

press to suggestions of taking time to travel, golf, read, and take-up some hobbies. I love to read and travel so there was a lot of appeal per those suggestions. As I write this piece, I had three months to decompress and my wife and I had a wonderful vacation trip.

I also taught a politics of education course at the University of Wisconsin in the fall semester of the 2013-2014. I continue to enjoy opportunities to teach and train those interested in a career in educational leadership and administration.

Retiring from the superintendency is a big step and taking control of your exit plan is an important part of the process. I left very gratified that I would be remembered fondly. To me, that is the ultimate satisfaction any public servant can hope for! ■

*Fitzpatrick served as superintendent in the School District of Fort Atkinson for 14 years.*

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# School District “MASTER PLANNING”

Make sure your district has a clear sense  
of self-awareness before going to referendum

*Roger Price*

**Planning for a referendum begins long before the question is put on the ballot.** Successful referendums are the result of long-range planning, partnership building, and carefully assessing your district's needs. In this special article, Roger Price, a consultant with the WASB Organizational Consulting program, discusses the types of analysis and district assessments a district should take to develop fiscally responsible financial and facilities plans — plans that are essential to have in place before a district decides whether or not to go to referendum.

**E**ducation faces several significant challenges in the decade to come. The impact of technology, environmental issues, changing demographics and societal expectations will shape what resources are available and how they will be deployed. Adding the reality of already aging and, in many cases, outdated facilities, educational leaders are faced with how best to direct limited resources.

Schools are a community asset and the facilities provided are often the cultural center for the residents of the communities. It is a district's obligation to its community to conduct an objective assessment and analysis resulting in long-term, fiscally responsible plans.

Whether a district is seeking a referendum for operational funds or a referendum to add or improve facilities, the same careful planning and

forethought is needed. Similarly, an investment in facilities should be managed as any other part of the financial picture. The return on investment should be measured in terms of how the plans and investment furthers the mission and vision of the school district.

Decisions cannot be made sereniditously or with unchecked influence of special interest groups. Clearly understanding its current state, estab-

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WASB organizational consultants work as partners with the school district to build and strengthen trust between school board members and administrators as they work to provide excellence in education. For more information about their full range of services, visit the WASB website — [wasb.org](http://wasb.org).

■ **Louis Birchbauer, Ph.D.**, has dedicated 35 years to working with Wisconsin public school districts. He has a strong educational background, including a Ph.D. from the University of Wisconsin-Madison, which complements his experience. Dr. Birchbauer served as superintendent for nearly 30 consecutive years in the districts of Cambria-Friesland, Mosinee, Germantown, and Greenfield.

■ **Al Brown, Ed.D.**, has served Wisconsin school districts and students for more than 35 years as a teacher, principal, and superintendent. He earned his doctorate degree from Bethel

University in Minnesota. Governance, leadership, collaboration and school district reorganization are subjects of current interest. Currently, he also serves as an education consultant for CESA #11 in the area of educator effectiveness and educator professional evaluation.

■ **David Carlson, M.A.**, has 35 years of experience in public education at both the local school district and state levels. He has been a junior high classroom teacher, a K-12 principal and a superintendent in three school districts. He retired from the Department of Public Instruction as Director of the School Financial Services Team. His education includes a bachelor's degree in English and political science and a master's degree in curriculum and instruction.

■ **Mary DeYoung, Ph.D.**, has dedicated more than 30 years working in Wisconsin public school districts. She earned her doctor of philosophy degree from the Educational Administration program at the University of Wisconsin-Madison. Dr. DeYoung has worked as a regular and special education teacher, school business manager, and district administrator.

■ **Roger Foegen, M.S.**, has served Wisconsin school districts

lishing plans that are achieved through systematic, comprehensive, and analytical processes, and communicating the priorities will maximize the ability of the district to assure maximum student achievement and excellence.

## ■ The Process — Master Planning

The master planning process includes four major components that establish the foundation for determining short-term and long-term goals and plans. The process includes a needs analysis, an academic/strategic plan, a comprehensive facilities assessment, and a financial assessment. These four components are then integrated into a master plan with subsequent implementation strategies.

**1. Needs Analysis** — When starting your master plan, school leaders should begin with a general overview that examines where the district is now (discovery), where the district wants to be (dream), and what is in the way of closing the gap between where your district is and where you want it to be (gap analysis). During this portion of developing your master plan, the district

should engage with internal and external stakeholders. Make sure you know what your community's dream is for your district.

### 2. Academic/Strategic Plan

— The goal of the academic/strategic planning process is to gather information that can help inform your district's future actions 5 to 10 years into the future. The academic/strategic plan needs to examine your district's projected demographics, economic trends, education trends, and even the prospective world of work of your graduates. Another piece of the plan is understanding labor market issues related to recruitment, compensation, and benefits.

## Learn More

**The WASB Spring Academy,** May 3 in Wisconsin Dells, includes a special track of sessions addressing a wide range of referendum topics and issues:

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The academic/strategic plan should highlight trends that will most significantly affect how the district will meet the educational needs of its students and the training needs of the district's staff. It should also build a model for future programming and outreach activities by making recommendations on how to maximize the effectiveness of the district's delivery options (such as virtual schools and other options).

### 3. Facilities Assessment

**(Comprehensive)** — The facilities assessment includes assessment of all owned and leased properties to ascertain the extent of deferred maintenance, remaining facility life, and renovations needed. It should also evaluate:

- transportation and parking issues;
- future land uses including outlying properties;
- academic facilities and support facilities;
- sports and recreation facilities, athletic fields, open space, landscaping, general infrastructure (water, sewer, surface water management);



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for 40 years. Mr. Foegen earned both his master's degree in educational administration and his Sixth Year Degree in educational leadership from Winona State University. Mr. Foegen serves as an adjunct professor at Viterbo University and is the superintendent practicum/capstone coordinator in the field of educational administration.

■ **Roger Price, RSBA**, has spent his career of 35 years involved in all aspects of educational operations and business management in K-12 and higher education. He earned his master's degree in education administration from the University of Wisconsin-Madison and his master's in school business management from the University of Wisconsin-Whitewater. He received the Wally Zastrow (lifetime achievement) Award from the Wisconsin Association of School Business Officials (WASBO). Mr. Price serves as an adjunct professor at the University of Wisconsin-Whitewater.

■ **Dennis Richards, Ph.D.**, has devoted over 35 years to working with Wisconsin school districts, including serving as superintendent in Washington-Caldwell, Albany, and Black River Falls. He has a Ph.D. in educational administration from the University of Wisconsin-Madison. He also served as president of the Wisconsin Association of School District Administrators (WASDA) and the Wisconsin Interscholastic Athletic Association (WIAA).

■ **George Zimmer, Ed.D.**, has provided instructional and administrative leadership in Wisconsin for over 35 years. His background is in cultural diversity, leading research-based education practices, and practical systems analysis. He received his doctorate of education in educational leadership and policy studies, from Loyola University of Chicago. Dr. Zimmer is an adjunct professor at Concordia University of Chicago. □

- energy management, including utilities costs and efficiencies;
- intergovernmental coordination; and,
- capital improvements.

A good deal of this information may already exist. If not, then time and resources will need to be allocated to collect it. The assessment needs to include processes to organize, understand and communicate the data in a truly transparent manner.

**4. Financial Assessment** — Considering that the goal of a master plan is to provide the district with long-term, fiscally responsible plans, a thorough and honest review of the district's current financial state is crucial. The financial assessment includes your district's:

- operational budget and levy projections;
- capital improvement plan;
- technology improvement plan;
- maintenance investment plan;

- analysis of debt; and
- determination of roles of legal (bond counsel) and financial advisors.

### ■ Drawing it all Together — The Master Plan

With the needs analysis, academic/strategic plan, facilities assessment, and financial assessment complete, it's time to bring it all together for your master plan.

The Master Plan establishes the framework for implementing what the district needs to do in order to meet its goals and objectives. This will include identifying project priorities, sequence, relationships, and costs. Additionally, a process to perpetually update the Master Plan needs to be put into place.

The plan should be written in a manner to capitalize on the school districts strengths and mitigate any shortcomings. It should include a clear direction that mirrors the overall vision of the district, clear principles

that guide development of specific projects, goals for the next 5, 10 and 15 years, protocols for measuring and celebrating success, and specific policy statements that would reflect the board's commitment to the plan.

### ■ Here to Help

Completing or updating a master plan is an arduous process, yet it is crucial to a district's success. The WASB Organizational Consulting Services can assist in this process in various ways from facilitation, conducting assessments, process education, or any other manner that would assist in the ultimate goal to assure maximum student achievement and excellence in education.

A culture that recognizes the internal skills and work already in place and marries them with targeted external expertise should lead to a more transparent process and the identification of real needs. ■

*Price is an organizational consultant with the WASB. Contact the WASB for more information or to schedule a consultation.*

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# Legal and Human Resources Conference

*School leaders gain information on employee contract issues, compensation essentials, bargaining and labor law update and more*

School leaders are faced with a number of new and updated laws that are impacting the way school districts do business. The WASB Legal and Human Resources Conference, which took place Feb. 27-28 in Wisconsin Dells, provided 16 in-depth sessions over the course of two days to provide guidance and the latest information on issues including employee contracts, compensation, employee and retiree benefits, online instruction, Affordable Care Act, and much more.

Bob Butler, WASB associate executive director and staff counsel, led a session on “Individual Employee Contract Issues.”

Among other topics, Butler addressed the issue of teachers migrating between districts, which has raised a number of issues for districts. Since teachers don’t have to turn in their contracts and formally commit to teaching another school year until June 15, that can sometimes leave districts with a very short window of time to find replacements. In other instances, teachers have been offered a contract with a new district while still under contract in their original district.

“A district can’t legally offer a contract to a teacher if that teacher is under contract with another district,” Butler said.

Archie Vorwald and Brent Straka of TRICOR Insurance presented a session on updates pertaining to the Patient Protection and Affordable Care Act (PPACA). Vorwald and Straka acknowledged that new laws allow districts to restructure and overhaul employee benefits, however, they warned districts that cutting back on benefits could cause a departure of skilled teachers from the district.

“Surveys overwhelmingly show

that employees like good benefits more than an increase in pay,” Vorwald said.

Barry Forbes, WASB associate executive director and staff counsel, led a session on “Compensation Essentials.”

Forbes outlined types of employees and their roles and responsibilities under the Fair Labor Standards Act (FLSA). Forbes pointed out that the law can get tricky when it comes to school employees who also serve as volunteers in the school. The law states that, “An individual shall not be considered a volunteer if the individual is otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.”

For example, Forbes said a school cook can volunteer to be a timer at a swim meet but may not volunteer to prepare food for an athletic banquet.

Katherine Rainey, DPI Director of Educator Effectiveness, provided updates on the state’s Educator Effectiveness initiative. Rainey said that DPI is looking into the possibility of adding student surveys into the equation when evaluating teachers.

“Research shows that students are actually very honest and that their feedback can be helpful in evaluating educators,” Rainey said.

Rainey added that the DPI Educator Effectiveness system should not be used for high-stakes decisions



**Brent Straka**, senior benefits specialist for TRICOR Insurance, led a session along with colleague Archie Vorwald (not pictured) on the Patient Protection and Affordable Care Act (PPACA).

related to staff. Instead, Rainey emphasized that the system is being built and continually improved to help improve teachers, not compare one educator to another.

“The biggest part is that we need to be using this data positively,” Rainey said. “It was built for individual teachers, it’s not designed to be used to compare teachers to one another.”

This is just a quick look at some of the sessions that made up the Legal and Human Resources Conference. To view PowerPoint presentations and resources from all sessions, visit [wasb.org](http://wasb.org). Select “Meetings and Events” and then “Event Recaps.” ■

## Upcoming Event: **Spring Academy**

*A foundation in school board governance for new and experienced school board members*

The 2014 Spring Academy, taking place May 3 in Wisconsin Dells, features tracks of sessions geared toward new and experienced board members.

Track 1 provides an introduction to board service for new school board members. Sessions include, “School Board Policy Development,” “Fundamentals of Wisconsin School

Finance,” “Board Member Resources at the DPI,” and “Legal Authority and Duties of Wisconsin School Boards.”

Experienced school board members interested in learning more about school board leadership issues should select track 3. This track includes sessions on “How Do you Get Things Done?,” “Leadership through School Board Governance” (special two-hour session), and “Brain Theory and its Impact on Curriculum Design.”

There will also be a special track covering referendum issues. Sessions in this track will cover preparing for a referendum, facilities and financial plans, and legal and policy considerations related to referendums. This track will also include a special panel discussion featuring construction and finance professional on steps if your referendum passes.

At the end of the day, Dan Rossmiller, WASB director of government relations, will provide a legislative update for all attendees.

For more detailed descriptions of these sessions and to register, visit [wasb.org](http://wasb.org). ■



## **New Board Member Gatherings**

The WASB New School Board Member Gatherings are an informal orientation for newly elected school board members. The meetings provide an opportunity for new school board members to:

- Discuss essential information for their first board meeting.
- Meet their WASB regional director.
- Network with new and experienced school board members in their WASB region.
- Learn about WASB services that can help them in their new role.

Please remind and/or inform new board members of this opportunity. Dates and locations are below. Meetings take place 7-9 p.m. For detailed locations and directions, visit [wasb.org](http://wasb.org). Registration is complimentary.

<b>Region 1</b>	Tues., April 22	Spoooner High School Library
<b>Region 2</b>	Tues., April 22	Three Lakes Jr. and Sr. High School IMC
<b>Region 3</b>	Thurs., April 24	Green Bay District Admin. Building Board Rm
<b>Region 4</b>	Thurs., April 17	Durand High School Cafeteria
<b>Region 5</b>	Thurs., April 24	Athens High School Library
<b>Region 6</b>	Tues., April 22	CESA 4 (West Salem)
<b>Region 7</b>	Tues., April 22	CESA 6 (Oshkosh)
<b>Region 8</b>	Wed., April 23	Kohler Public/School District Library
<b>Region 9</b>	Wed., April 23	CESA 3 (Fennimore)
<b>Region 10</b>	Thurs., April 24	Gerstenkorn Administration Building (Portage)
<b>Region 11</b>	Wed., April 23	Kettle Moraine High School
<b>Region 12</b>	Wed., April 23	Rome Corners Intermediate School (Oregon)
<b>Region 13</b>	Tues., April 22	Lake Geneva District Administration Center
<b>Region 15</b>	Thurs., April 24	Pewaukee High School, Room 240



# 2013-14 Legislative Session Winds Down

## Common Core, charter schools, school accountability and more

A long and tumultuous legislative session is coming to a close. It may well be a session that is remembered more for what *was* not enacted than *what* was enacted.

In this month's column we take a look at some of the significant proposals that *did not* pass. Next month we'll highlight those that made it into law.

There were a number of important issues on which lawmakers were unable to reach a consensus needed to pass legislation through both houses as the 2013-14 session wound down.

As a result, the session will end without any legislative changes that would disrupt the adoption or the implementation of the Common Core State Standards or create a process for adopting state standards that would give lawmakers the final say over the content of state standards.

A strong showing by school leaders who testified at a Senate hearing on a bill (Senate Bill 619) to create a model academic standards board, played a key role in side-tracking such proposals, if not permanently, at least until the next Legislature convenes in January.

The session also ended without any significant expansion in how non-district charter schools (known as independent charter schools) are authorized.

*(An independent charter school is a public school authorized by an entity other than a school district. Currently, independent charter school authorizers in Wisconsin are limited to Milwaukee and Racine. In the rest of the state, the only way to create a charter school is to receive the approval of a local school board.)*

Legislation to allow independent charter schools to be located anywhere in the state and to broadly expand the list of entities that can authorize such charters did not pass.

One factor blocking independent charter expansion was concern over how these schools are financed. Currently, independent charters are funded through a reduction in general school aid to every school district in the state that occurs before any aids are distributed. In 2012-13, for example, every district in Wisconsin saw its school aids reduced by 1.4 percent to fund the roughly \$60 million independent charter school program. Because each district is allowed to raise its property tax levy to offset the aid reduction, independent charter expansion has the effect of raising property taxes.

Related proposals that would have eliminated district-authorized instrumentality charters and

required independent charter school authorizers to grant requests from charter school operators and allow the "replication" (creation of brand new charters modeled on existing schools run by the same charter operator) did not pass. Again, the latter proposal may have been thwarted by the funding concern noted above.

Lawmakers stopped short of enacting proposals to establish a comprehensive school accountability system for all publicly funded schools (public schools, independent charter schools, and private voucher schools) that would include sanctions (penalties) for low-performing schools.

In the end, lawmakers scrapped proposals to revamp the state's existing school report cards and to establish a council of political appointees to determine the consequences for low performance on those report cards.

Instead, a more modest proposal was adopted that will require the state superintendent to ensure that every private school that accepts voucher students and every independent charter school supplies DPI with student performance data using the student information system or a compatible system by the 2015-16 school year. It also authorizes the state superintendent to withhold state payments from a private voucher school that fails to comply.

Lawmakers stopped short of enacting proposals to establish a comprehensive school accountability system for all publicly funded schools that would include sanctions for low-performing schools.

Bills to create special education vouchers failed to generate momentum, surprising in light of the state Assembly's passage of a bill to create such vouchers in the 2011-12 session. Although bills to create special edition vouchers were introduced in both houses, they were not voted out of committee. Concern about expanding any voucher program in the absence of an accountability framework may have played a role.

School leaders should understand that many of the issues that were set aside in the current legislature will almost certainly be revisited in the 2015-16 session, and many of them are very likely to be debated early on as part of the state budget. Knowing this, public school leaders need to begin making advocacy plans now.

A Rural Schools Task Force appointed by Assembly Speaker Robin Vos (R-Rochester) spent several months examining the needs of Wisconsin's rural schools. Rural

superintendents and school board members who addressed this task force were clear about the need for mandate relief and a revised school aid formula that addresses rural concerns — such as transportation costs, technology infrastructure needs, and attracting and retaining talented teachers.

The task force has yet to release its final report, which means it will come out too late to be acted upon by the current 2013-14 Legislature. But that doesn't mean rural school leaders shouldn't seize upon it to build their legislative agenda for the 2015-16 session.

Rep. Rob Swearingen (R-Rhineland), chairperson of the task force, says the report could address maintaining or increasing state aid for transportation costs, greater access to broadband connectivity and creating an incentive for better teacher retention, such as loan forgiveness.

Perhaps the most welcome turn of events that occurred due to the

Task Force is that many legislators were able to view schools outside of their own districts. These school tours were a real eye-opener for many legislators, with several expressing surprise at the challenges faced by rural schools. We need to redouble our efforts to get local lawmakers into our classrooms to see the real-world impact of their decision-making in Madison.

One of our challenges is to ensure that a legislator never utters, 'Gee, I didn't know their needs were so dire.'

We already know what many of the issues and challenges facing public schools will be in the next legislature.

As the school year winds down, and legislators begin returning home to campaign for re-election, every school board should begin to craft a legislative advocacy plan for the 2014-15 school year. The time to start is now. ■



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## Share Your Message

*Show your community the great work taking place*

**W**e educate every child, every day.” That was the theme of my address at the State Education Convention in January as the incoming president of the Wisconsin Association of School Boards.

I am honored to serve as your president this year, whether you represent a small rural district, a growing suburban district or a large urban district, like mine in Green Bay.

Yes, we all have varying needs and challenges in our individual districts — all 424 of them in Wisconsin — but we all agree on our bottom line: Ensuring that each and every one of our students is successful.

Many of our graduates will attend four-year colleges or universities. Some will be better served by attendance at a two-year technical college. Others will choose the military or immediately enter the workforce.

Wisconsin has the second highest graduation rate in the country. Of that we should be enormously proud. However, we also have some of the highest achievement gaps in the country between our students of color and our white students. We also need to do better with our students who have special needs. The impact of poverty on our students’ learning ability is also troubling and needs greater community-wide attention.

Those are significant challenges. But let’s get back to my central theme: We educate every child, every day.

Nationwide, the attacks on public

education are unrelenting, and often the arguments advanced by critics of public education bear little resemblance to the truth. Yes, we have our challenges. But public schools across Wisconsin have never been more vibrant as we customize our educational offerings to ensure that all our students are successful.

Those who demonize public education think the answers to challenges faced by public education are private school vouchers, special education vouchers and charter schools run by private companies.

But we all take great pride that in public education we educate every child who attends our schools. We have a constitutional obligation to provide a high-quality education to every child and our teachers and staff members do that every day, to the best of their ability.

The naysayers of public education attempt to compare the quality and accessibility of private education with public education without similar student demographics or comparable accountability.

These attacks on public education have forced many of us to be reactive. No longer. We must become more proactive about the quality of public education and the opportunities we provide to all our students.

Share your message of innovative programming in your schools, not just with your parents but others in your community. Invite them into your schools. Build partnerships, especially

with your business leaders. Continue to advocate with your legislators.

But all this can be overwhelming in your part-time role as a school board member. WASB stands ready to help you become an advocate for public education. Visit [wasb.org](http://wasb.org) and click on Stand Up for Public Education. Learn how to share your success stories.

Also, the National School Boards Association (NSBA) has recently launched a similar effort. Search [standup4publicschools.net](http://standup4publicschools.net) to see how NSBA can assist you.

Remember in your messaging: We educate every child, every day. Every child, every day.

Dr. Lillian Katz is a renowned early childhood educator. This comment of hers typifies what we do in public education, “I believe that each of us must come to care about everyone else’s children. We must come to see that the well-being of our own individual children is intimately linked to the well-being of all other people’s children.”

“The good life for our own children,” Katz said, “can only be secured if it is also secured for all other people’s children.”

Every child, every day. Every child, every day.

Best of luck with your messaging! ■

*Blecha is 2014 president of the WASB and a member of the Green Bay Area Public School Board.*

We have a constitutional obligation to provide a high-quality education to every child and our teachers and staff members do that every day, to the best of their ability.

# Students Threats and the First Amendment



It is well-established that students do not shed their First Amendment rights at the schoolhouse gate.

The First Amendment protects students' rights to express their religious, social, and political opinions in public school, orally, in writing, through their dress, or using other expressive conduct intended to convey a particular message.

However, First Amendment rights are not absolute. In some instances, school districts may regulate student speech, depending on the circumstances and nature of the speech involved.

In this respect, school officials are often faced with situations where they need to address speech that is threatening in nature. When addressing such speech, school officials must often balance student free speech rights against competing concerns, including the need to provide a safe and productive educational environment for all students. This *Legal Comment* will review the various principles that apply when considering whether threatening speech is entitled to First Amendment protection and will examine recent cases addressing such speech (both on and off campus) under the First Amendment.<sup>1</sup>

## First Amendment

First Amendment rights for students in the school setting are not the same as the rights outside of the school setting. Within the school setting,

courts balance the individual rights of a student with the legitimate educational interests of the district. To this end, the U.S. Supreme Court has set forth legal principles for school officials to follow in regulating student speech.

One legal principle that has been established in regulating speech, including speech that is threatening in nature, is that schools may prohibit student speech or conduct that would substantially disrupt the educational process or that would impinge on the rights of others. This legal principle was established in the landmark case, *Tinker v. Des Moines Independent Community School District*.<sup>2</sup> In *Tinker*, the Supreme Court considered a case involving students who planned to protest the Vietnam War by wearing black armbands to school. Upon learning about the plan, the principal adopted a policy that any student wearing an armband to school would be asked to remove it and would be suspended for refusing to do so. When students arrived at school wearing the armbands, they were sent home and suspended from school until they came back without their armbands. Students filed a lawsuit challenging the suspensions. The U.S. Supreme Court held that the students had a First Amendment right to display the armbands at school. School districts cannot punish students for causing discomfort, but they can punish conduct that would “materially and substan-

tially interfere” with education or discipline, or that would interfere with the rights of others. Because the school officials in *Tinker* could not reasonably conclude that the black armbands would cause a substantial disruption at school, they could not discipline students for wearing the armbands.

A second legal principle that has been established in regulating speech that is threatening in nature is that school districts may prohibit “true threats” that communicate an intent to inflict harm to a person or property.<sup>3</sup> The Wisconsin Supreme Court has explained that a “threat” is a nebulous term that may describe any generalized menace, whereas a “true threat” is a constitutional term of art.<sup>4</sup> Speech amounting to a “true threat” is not protected by the First Amendment. A threat is unprotected speech if an objectively reasonable person would interpret the speech as a serious expression of intent to cause present or future harm in light of all the surrounding circumstances. In determining whether a threat is true or hyperbolic, courts consider (1) the reaction of the recipient of the threat and of other listeners; (2) whether the threat was conditional; (3) whether the threat was communicated directly to its victim; (4) whether the maker of the threat had made similar statements to the victim in the past; and (5) whether the victim had reason to believe that the maker of the threat had a propensity to engage in violence.<sup>5</sup>

First Amendment rights for students in the school setting are not the same as the rights outside of the school setting.

### ■ Student Threats On-Campus

Several recent cases have examined discipline for behavior by students relating to threatening speech on-campus or at school-sanctioned events. For example, in *Cuff v. Valley Central School District*,<sup>6</sup> the court reviewed whether a school district violated an elementary school student's free speech rights when it suspended him for drawing a picture in class expressing a desire to commit violence against the school and teachers. During a class activity, a fifth-grade student produced a crayon drawing depicting an astronaut stating that his "wish" was to "[b]low up the school with the teachers in it." The student shared his picture with other classmates. Another student told the teacher, who asked the student what his drawing meant. The student did not answer. Prior to this, the student had been disciplined for misbehaving at school, had drawn a picture depicting gun violence, and had written a story involving destruction of all schools and adults by a "big wind." After the student's parents were informed of the picture, the student stated that he did not mean what he had written in the picture and that he had been kidding. Nevertheless, the school district suspended the student for the drawing. The parents filed a lawsuit in federal court, claiming that the school had violated the student's First Amendment rights.

The U.S. Court of Appeals for the Second Circuit reviewed the issue and held that the school district did not violate the student's free speech rights by suspending him for the drawing. The court did not rely on the principle of "true threats." Instead, the court relied on the *Tinker* principles. The court held that, because school officials reasonably forecasted that the student's picture would result in substantial disruption at the school, the school district was permitted to suspend the student. The court stated that the test should be an objective one, focusing on the reasonableness of school officials' response, rather than

the student's intentions. In this case, the school officials forecasted that a substantial disruption could occur as a result of the drawing by the student.

In another case, *Saad-El-Din v. Steiner*,<sup>7</sup> a court examined whether a school district violated a student's First Amendment rights by suspending him for threatening to blow up the school. In that case, a ninth-grade student told a number of students and a teacher in the student center that he was "going to just blow this place up" and warned them "don't come to school on Friday." The teacher reported the student's statements to an administrator, and the student was charged with engaging in conduct that was "(1) insubordinate, disorderly, violent, disruptive and/or a danger to the safety, morals, health or welfare of himself and/or others; and (2) a violation of the high school's code of conduct." The district held a disciplinary hearing before a hearing officer who found the student guilty of the charge. The hearing officer recommended that the student be suspended, and the superintendent and board adopted the recommendation.

The student appealed to the New York Commission of Education, which upheld the board's decision and dismissed the appeal. The student then filed an action in state court to vacate the Commissioner's dismissal. The case was transferred to the Appellate Division, where the court upheld the Commissioner's decision. The court relied on the "materially and substantially" disruptive standard in *Tinker* and concluded that it was "reasonably foreseeable that such a threat to blow up the school would create a substantial disruption within the school." The court found as significant that the threats were made on school grounds during school hours to a teacher and other students. The court held that whether the student was joking and never intended to carry out the threat was irrelevant.

### ■ Student Threats Off-Campus

School officials also frequently face the question of whether they can

control off-campus threatening speech, particularly involving social media. Several courts have recently addressed this issue. These decisions provide guidance for school officials.

In one case, *Wynar v. Douglas County School District*,<sup>8</sup> the court examined whether a school district violated a student's free speech rights by suspending him for sending violent and threatening instant messages from his home to his friends about planning a school shooting. A high school student engaged in a string of increasingly violent and threatening instant messages sent to his friends via MySpace. In the messages, the student bragged about his weapons, threatened to shoot specific classmates, and suggested he would "take out" other people at a school shooting on the date of the Virginia Tech shooting. The student's friends were alarmed and notified school officials, who expelled the student based in part on the instant messages. The student filed an action challenging this expulsion on First Amendment grounds.

The U.S. Court of Appeals for the Ninth Circuit upheld the expulsion, concluding that when school officials are "faced with an identifiable threat of school violence, schools may take disciplinary action in response to off-campus speech that meets the requirements of *Tinker*." The court had no difficulty concluding that the school district's expulsion of the student was a lawful exercise of its constitutional authority under *Tinker*. The court rejected the student's arguments that he was only joking and that he had no disciplinary history.

In another case, *D.J.M. v. Hannibal Public School District*,<sup>9</sup> a court examined whether a school district violated a student's free speech rights when it suspended a student for off campus instant message communications with a classmate. A high school student sent an instant message on his home computer to a classmate on her home computer saying that he was going to get a gun and kill other students at school. The student listed

a specific type of gun that he could use and specific students that he would like to get rid of, including his older brother and some individual members of groups he did not like, namely, “midget[s],” “fags,” and “negro bitches.” The recipient of the message notified school authorities who told local law enforcement. The student was detained briefly and subsequently referred by the juvenile court to a hospital for psychiatric treatment. The school district suspended the student for the remainder of the year. He filed suit, alleging violation of his First Amendment free speech rights.

The U.S. Court of Appeals for the Eighth Circuit held that the school district did not violate the student’s rights because the student’s speech constituted unprotected “true threats.” The court noted as significant that the student had expressed that he had access to weapons, that there were particular students he planned to shoot, and that he was depressed. The district was also justified in disciplining the student under *Tinker’s* standard. In this case, there had been substantial disruption in the school because concerned parents had called and asked about removing their children, and the school district had increased its security significantly.

Finally, in a third case, *Nixon v. Hardin County Bd. of Education*,<sup>10</sup> a court considered whether the school district violated a middle school student’s First Amendment rights by requiring her to serve time in alternative school as punishment for tweets that she made while off campus. The student, A.N., and her friend had a falling out regarding a boyfriend with another student, K.N., and had posted comments about K.N. on Twitter. The comments included statements about shooting K.N. in the face, followed by pictures of a face with a gun.

Some of the tweets included smiley faces and some did not. A.N. conceded that an outsider reading the tweets would not have known whether they were joking. K.N.’s mother found out about the tweets and called the assistant principal at his home, stating that she was concerned about sending her daughter to school the next day. The assistant principal told the principal, who informed the school resource officer. At school, the assistant principal interviewed A.N. about the tweets. A.N. said the tweets were jokes and that she was never going to hurt K.N. The assistant principal told A.N. and her mother that A.N. would serve 45 days in an alternative school. A.N.’s mother appealed, and A.N.’s punishment was reduced to 10 days in an alternative school. A.N. had trouble in the alternative school and stopped attending. Eventually, she transferred to a new school.

A.N.’s mother filed suit, contending that the school official’s reaction to the tweets violated A.N.’s First Amendment rights. The U.S. District Court for the Western District of Tennessee held *Tinker* did not justify the school district’s actions because the district had no evidence that the tweets disrupted school activities in any way. Unlike some of the other cases involving off-campus speech that was directed at the school or that had in fact caused disruption, the tweets in this case had no connection to the school, beyond the fact that both the speaker and target were students. The speech was not made at school, directed at school, and it did not involve school time or equipment. The court then dismissed all claims. This case is currently on appeal.

## Conclusion

The above cases highlight how courts may respond when presented

with regulation of threatening speech by students. It is apparent from these rulings that courts seek to balance student speech rights against the legitimate interests in a disruption-free educational environment. Under these principles, it is important to keep in mind that every case is fact-specific, and whether school officials have the constitutional authority to regulate threatening student speech depends on both the nature of the speech and the context in which it is delivered. Litigation arises most frequently in reaction to disciplinary actions taken by school boards and officials, so it is important for decision makers to be aware of the developing case law in this area to insure that school policies and discipline keep pace with the emerging law.

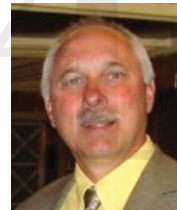
## Endnotes

1. For additional information related to this topic, see *Wisconsin School News*, “Student Free Speech Rights” (May 2011), “Regulating Off-Campus Student Conduct” (July 2009), and “Disorderly Conduct and Students’ First Amendment Rights” (July 2001).
2. 393 U.S. 503 (1969).
3. *Virginia v. Black*, 538 U.S. 343 (2003).
4. *In re Interest of Douglas D.*, 2001 WI 47, 243 Wis.2d 204, 626 N.W.2d 725.
5. *Doe v. Pulaski County Special School District*, 306 F.3d 616 (8th Cir. 2002).
6. 677 F.3d 109 (2d Cir. 2012).
7. Case No. 514071, 101 A.D.3d 73 (N.Y. Sup. Ct. App. Div. Oct. 25, 2012).
8. 728 F.3d 1062 (9th Cir. 2013).
9. 647 F.3d 754 (8th Cir. 2011).
10. Case No. 12-1125, 2013 U.S. Dist. LEXIS 180591, 2013 WL 6843087 (W.D. Tenn. Dec. 27, 2013).

*This Legal Comment was written by Michael J. Julka and Richard F. Verstegen of Boardman & Clark LLP, WASB Legal Counsel.*

## Service Associate Q&A

### Seminole Energy's Steve Grams discusses energy cost savings options



**Steve Grams** is a regional account executive with Seminole Energy Services.



*Editor's note: Each issue, we pose questions to a WASB Service Associate to share the good work that these businesses do with Wisconsin public schools.*

**Q.** What does Seminole Energy provide to school districts?

**A.** Seminole Energy Services provides a cost-effective alternative to school districts' local natural gas utility company. Our natural gas monthly supply rates have been consistently below local utility company rates. As a budgeting tool, we offer school districts the opportunity to lock in their gas rates for up to three years. Seminole Energy Services provides reliable delivery. Since our inception in 1998, we have never failed to deliver nominated quantities to our customers. We serve school districts across 25 states.

**Q.** Could you give an example of how Seminole Energy has helped a school district?

**A.** This winter proved to be the perfect storm for volatile energy markets. Low supply and high demand triggered sharp price increases. In designing a risk management strategy with one of my district customers, we locked in 50 percent of their historical gas needs for this school year. The other 50 percent floated with the market. While the floating rates were competitive, the locked rate significantly beat the natural gas market during the mid-winter price spikes. The district saved a significant amount of money while enabling them to budget for their energy expenditures.

**Q.** What is an important issue in your field that school leaders should be aware of?

**A.** There are alternatives to your local utility company's system supply service. Understanding how the gas transportation system works can save money and provide budgeting tools for your district.

**Q.** What are some strategies schools can use to keep energy costs down?

**A.** Beyond energy efficiency measures: make sure you review your utility bills for accuracy. Items affecting your bill can include: incorrect rate class; meter calibrations; 'lost or unaccounted for gas.' Consider locking in a portion of your gas needs.

**Q.** What were some of the causes in the increase in natural gas prices this past winter?

**A.** The gas market fundamentals are supply and demand driven. In simplest terms, prices increased higher this winter mainly due to inventory reductions and increased heating load demand. The country's gas inventories dropped to a 10-year low. Some reasons for this included well freeze-ups reducing volumes into the infrastructure, a Canadian pipeline explosion on a pipe that serves the upper Midwest, and colder than normal temperatures increasing demand.

With currently known gas reserves in North America, refilling the storage facilities to near normal levels should

occur, however, this winter displayed the vulnerability of supply and demand and how easily it can effect a school district's energy budget. Developing a risk management strategy will help to protect your district's expenditures when the next volatile event occurs..

**Q.** Are there any new strategies or products that can help schools save money on energy costs?

**A.** If you are currently working with a marketer, periodically entertaining competitive offers ensures you are receiving the best price and service to suit your needs and budget.

**Q.** Anything else Wisconsin school leaders should be aware of?

**A.** Due to a colder than normal winter, price volatility has returned to the natural gas market. Many energy budgets were negatively affected this school year. Seminole Energy Services can assist your district in developing a risk management strategy, energy budget and we will monitor your daily gas usage for any inconsistencies. We are here to help. ■

*The WASB Service Associates Program includes more than 20 businesses and organizations that have been recognized by the WASB Board of Directors as reputable businesses and partners of public education in Wisconsin. For more information, visit [wasb.org](http://wasb.org) and select "Service Associates."*

**This winter proved to be the perfect storm for volatile energy markets.**



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superkidsreading.org  
info@rowlandreading.org

*Rowland Reading Foundation is a nonprofit organization dedicated to improving reading instruction in the primary grades.*

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www.keybenefits.com

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*TRICOR now insures over 150 public schools. TRICOR's School Practice Team is made up of a diverse group of*

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www.uhctogether.com/schoolsinWI  
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www.buelowvetter.com

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# 2014 SPRING ACADEMY

## *TRAINING FOR NEW & EXPERIENCED BOARD MEMBERS*

**DATE: MAY 3, 2014**

**LOCATION: CHULA VISTA RESORT,  
WISCONSIN DELLS**

- New board members - get the basics of school board service.
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