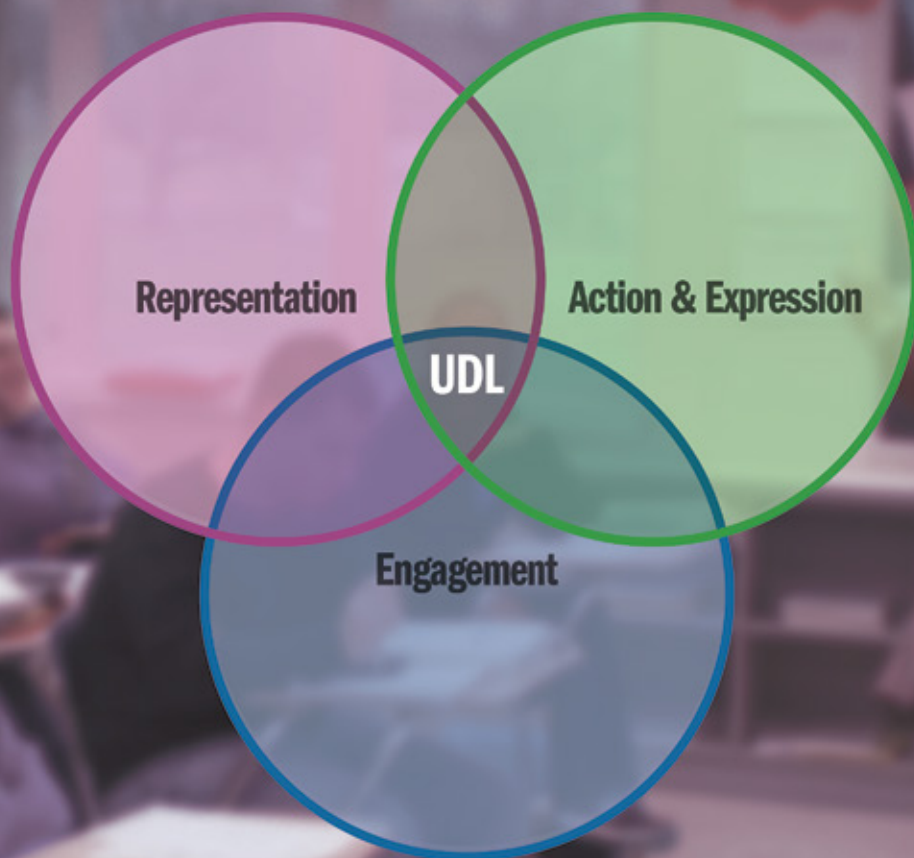


# WISCONSIN SchoolNews

June-July 2014 | wasb.org

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



## REMOVING LEARNING BARRIERS

Universal Design for Learning makes knowledge accessible for all different learners

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# WISCONSIN SchoolNews

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## Three Wisconsin Students Named Presidential Scholars

**W**isconsin will be well represented at a White House ceremony on June 22 recognizing the 2014 Presidential Scholars.

Wisconsin recipients are Eden H. Girma of Middleton High school, Samuel C. Schendel of Janesville Parker High School, and Kelsee C. York of Muskego High School.

As part of the ceremony, teachers, who the scholars named as being the most inspiring and challenging, will also be honored. Girma named Brad Schneider, Middleton High School music

teacher, as her most influential teacher. Schendel named Andrea Brehm, a French teacher at Janesville Craig High School, and York selected Laura Barbieri, an English teacher at Muskego High School.

“Congratulations to these students and the teachers they considered influential in their lives. It means a great deal for students to receive this award and for teachers to have a student appreciate their efforts to help them learn,” said State Superintendent Tony Evers.

In total, 141 high school students



from across the nation were selected as 2014 Presidential Scholars. More than 3,900 candidates were selected to apply — a process that includes essays, school evaluations, transcripts as well as evidence of leadership and community service. □

## Study Highlights Lack of Minority Teachers

**S**tudies from the Center for American Progress and the National Education Association (NEA) found that about 18 percent of the nation’s teachers are minorities. Meanwhile, the latest statistics report that about 48 percent of the students in public schools are minorities. U.S. Education Secretary Arne Duncan announced that projections show that, for the first time, the majority of public school students this fall will be nonwhite.

Kevin Gilbert, a member of the NEA’s executive committee, told the Associated Press that having minority teachers is important for all students.

“Even in a place like North Dakota, where the students aren’t particularly diverse relative to the rest of the country, it’s important for our social fabric, for our sense as a nation, that students are engaging with people who think, talk and act differently than them but can also be just as effective at raising student achievement in the classroom,” Gilbert said.

Of the approximately 3.3 million teachers in the classroom in 2012, according to the National Center for Education Statistics, about 82 percent were white, 8 percent Hispanic, 7 percent black, and 2 percent Asian. □

## Wisconsin Again Leads Green Ribbon School Program

**For the second year in a row,** Wisconsin led the nation with the most schools recognized through the U.S. Department of Education’s Green Ribbon Awards program. Four Wisconsin schools and one school district were recognized.

The Wisconsin schools honored were:

- **Park Elementary School** – Middleton-Cross Plains Area School District,
- **Tomorrow River Community Charter School** – Tomorrow River School District,
- **Hurley K-12 School** – Hurley School District,
- **Conserve School** – private school located in Land O’ Lakes.

In addition, the Greendale School District was one of only nine districts in the nation to receive the program’s District Sustainability Award. In an article recognizing the district, *Greendale Now* Reporter John Rasche wrote, “The district was recognized for its work in reducing its environmental impact, improving student and staff health, and implementing effective sustainability and environmental education over the past several years.”

Greendale and Wisconsin’s other Green Ribbon Award nominees were selected by the Department of Public Instruction after attaining a high level of achievement in the state’s Green and Healthy Schools program. □

## STAT OF THE MONTH

# 88%

**Wisconsin’s 4-year graduation rate** for the 2012-13 school year. This ties Wisconsin for second in the nation with Nebraska, Texas, and Vermont. Iowa had the top graduation rate in the nation with 89 percent.

*Source: Department of Public Instruction*



# Promoting Diversity and Understanding Starts in Our Schools

We've come a long way since the "separate but equal" doctrine was overturned in the historic *Brown vs. Board of Education* decision 60 years ago. But we have a long way to go.

At the time of the decision, only half of all Americans expressed support for integrated schools and in several states National Guard units were mobilized to block protesters of desegregation. In the years that followed, the courts and lawmakers approved steps to encourage diversity by, among other moves, approving busing strategies and prohibiting discrimination of students with mental or physical impairments. School integration for black students peaked in 1988 with nearly 45 percent of black students attending majority-white schools.

Court rulings in the early 1990s began limiting desegregation efforts while the Latino population expanded and suburban schools grew. By 2011, only 23 percent of black students attended white-majority schools even though white students are now more likely to attend racially diverse schools.

Today, one in three Milwaukee Public School students attends a school that is considered intensely segregated — up from one in eight students 20 years ago.

According to the Associated Press, "Civil rights data recently released by the Education Department showed glaring disparities remain in all aspects of education. Among the findings: minority students are less likely to have access to advanced

math and science classes, and to have new teachers. Black students of any age — even preschoolers — are more likely to be suspended. And, there continue to be gaps between the performance on national assessments between whites and black and Hispanic students, with whites scoring higher."

Schools in which students are highly racially isolated — even those with high levels of poverty — can and do achieve. But our democracy and our economy will be much stronger if we find ways to promote diversity and understanding, and ensure that every student has a quality education with meaningful enrichment opportunities.

Locally elected school boards need to lead the way. We have an obligation to the children of this state to stand up for public education and advocate for the resources and policies we need to do the job right in every school district.

We face challenges as student poverty rates continue to climb. In the 2013-14 school year, 43.3 percent of students were eligible for free and reduced-price meal eligibility — a nearly 14 percent increase over the past 10 years. The links between poverty, hunger and lower academic achievement are well known.

Today, despite the lack of compelling evidence that vouchers have improved student achievement, efforts are under way to continue expanding vouchers and privately run charters throughout the state. Unfortunately, these initiatives may contribute to segregation, especially among disabled students, and diminish efforts to

ensure that every student has a great public school no matter where they live or what their circumstances are.

Voucher advocates are fond of arguing that we need more "choices" in publicly funded education. What we need is to ensure that there are great public schools in every community that any parent would be happy to send their children to, and that meet the needs of local families. Because, in truth, students and parents don't really have a choice at all if our local *public* school is not a high-quality option.

Public school leaders need to celebrate our successes — such as the recent improvement in high school graduation rates, but we also must help the public understand the ramifications of turning the K-12 education system over to the private sector with little to no public accountability for meeting the needs of all learners.

We've fought hard in this nation to try to end the two-tiered education system that the *Brown* decision ruled as unconstitutional. We need to keep moving forward, promoting ways to lift all students up and preventing a return to the days of "separate but equal."

At a small ceremony commemorating the *Brown* decision at a Milwaukee school in May, a fifth-grade student offered her opinion, "What I like about being at a diverse school is that I get to see people from different backgrounds, learn about their personalities, learn about acceptance." Well said. ■

We've come a long way ... but we have a long way to go.





**T**ake a look around any public school classroom today and you will notice one thing they all have in common: *diversity*. Today's classrooms have students of varying race, ethnicity, economic status, religion, gender, disability, etc.

Now imagine a different form of diversity, one that is not visible from outward appearances but that is

completely different from one student to the next. The greatest diversity in today's classrooms has always existed but has not been widely recognized: it is the diversity in the way we learn.

Modern neuroscience and brain research tells us that the way we learn is as unique as our fingerprints and just like no two people have the same fingerprints, no two people learn in exactly the same way. So how can teachers possibly meet the

learning needs of all the students in their classrooms? One particular tool for teachers to take advantage of is called Universal Design for Learning.

Universal Design for Learning was developed by CAST (the Center for Applied Special Technology), a nonprofit research and development organization in Massachusetts that works to expand learning opportunities for all individuals. The basis for the framework comes from the



**Imagine** a different form of diversity, one that  
is not visible from outward appearances but is  
completely different from one student to the next.

# REMOVING LEARNING BARRIERS

Universal Design for Learning  
makes knowledge accessible  
for all different learners

*Jolene Troia*

concept of universal design in architecture where buildings are proactively designed to meet the needs of the broadest range of users. Examples of this are things like curb cut outs in sidewalks or automatic faucets, which have specific benefits to certain populations, but also have benefits for the greater population and are commonly used by everyone. Universal Design for Learning takes this concept from architecture and applies it to the world of education.

Universal Design for Learning is based on three learning networks in the brain:

- 1. Recognition Network.** The “What” of learning — how students gather facts and categorize what they see, hear, and read such as identifying letters, words, or an author’s style.
- 2. Strategic Network.** The “How” of learning — how students organize and express their ideas such as writing an essay or solving a math problem.

- 3. Affective Network.** The “Why” of learning — how students get engaged, stay motivated, are challenged, excited, or interested.

Universal Design for Learning in Wisconsin can be defined as a “scientifically valid framework that provides multiple means of access, assessment, and engagement and removes barriers in instruction to achieve academic and behavioral success for all.” The three main principles of Universal Design for Learning as developed by CAST according to the three learning networks in the brain are:

- 1. Provide Multiple Means of Representation** — such as having audio books or eBooks available in addition to print versions.
- 2. Provide Multiple Means of Action and Expression** — for instance, making choices available at the end of a unit for students to show what they’ve



learned, such as creating a video, making a poster, giving a presentation, etc.

- 3. Provide Multiple Means of Engagement** — for example, using Google Earth to explore a region versus a map in a textbook, or going on a virtual field trip of the Arctic instead of just reading about it (see figure on page 7).

In Wisconsin, Universal Design for Learning is in the beginning stages. Informal data gathered on educator familiarity showed that about 65 percent of Wisconsin educators rated themselves at the beginner level, 30 percent at the intermediate level and only 5 percent rated themselves as advanced in familiarity to Universal Design for Learning.

Many schools and districts have been investigating the framework and attending overview trainings

# REMOVING LEARNING BARRIERS



held by the Department of Public Instruction/Wisconsin RtI Center in various locations around the state. During the training, participants gain background knowledge of Universal Design for Learning, explore the various framework components, discover resources to utilize and take back to their districts, and find out about next steps towards integration and implementation. Over 230 educators, coaches and administrators from over 33 districts have attended trainings so far. In addition, the trainings were offered to pre-service student teachers at no cost. With plans to repeat these overviews during the 2014-15 school year in different locations around the state, it is fair to say that the Universal Design for Learning wheels are turning.

The Department of Public Instruction views Universal Design for Learning as a critical part of the planning and development of resources around standards implementation, assessments, and instructional practices and has included it in the state's Elementary and Secondary Education Act (ESEA) waiver. The goal at the department is to integrate the concepts and principles of Universal Design for Learning into all facets of work coming from the department. A team of consultants from various divisions and teams at the agency meet on a regular basis, discussing various topics around Universal Design for Learning. In addition, the department has a group of outside stakeholders that also meet several times a year for strategic planning.

The agency uses representatives from CAST to help with this statewide implementation process. CAST research suggests that it takes at least five to seven years for full implementation of Universal Design for Learning.

The benefits for students are easy to understand. However, there are many benefits for teachers as well. Most importantly, Universal Design for Learning ties together many of the educational reform efforts that are going on in Wisconsin. In fact, sometimes Universal Design for Learning is referred to as the "intersection of initia-



## Universal Design for Learning in Action

A look at how the Oconomowoc Area School District began implementing Universal Design for Learning in its classrooms this school year

**F**or the past year, the Oconomowoc Area School District (OASD) has begun work to bring a Universal Design for Learning framework into its schools. Kimberly Schiefelbein, facilitator of teaching and learning and the district Universal Design for Learning coach, said school leaders believe the framework can help students reach the next level.

"We want to represent, assess, and engage students in the ways they learn best from the beginning," she said. "With Universal Design for Learning, the idea is that when planning lessons and delivering curriculum, we plan with all students in mind: various learning styles, social diversity, disabilities, strengths, and removal of barriers. It also includes consideration of physical environment and social and emotional factors."

OASD has been in the "Explore phase" of Universal Design for Learning this past school year. This has involved professional development time, district-level coaching, principal leadership, and storytelling from teachers, focused on implementation.

"Storytelling from our teachers about student engagement and impact is proving to have the most powerful influence," Schiefelbein said. "We started by celebrating all of the

positive and effective strategies our teachers currently use and built off of that."

The district is preparing for the next stage which is district-wide implementation. School leaders at OASD are learning there is no one correct way to implement Universal Design for Learning. Each school and each educator has to find what works for them and their students.

"Each district has to find their own way and that is where we are now, finding our way," Schiefelbein said.

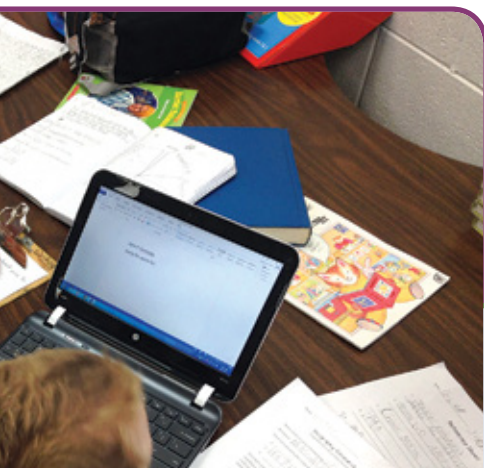
This school year, the Universal Design for Learning framework has been piloted in many OASD classrooms and is already changing the way educators in the district represent instruction, engage for optimal learning, and assess students. Teachers are even changing their physical environment of the classroom to better meet the needs of students.

"One of our elementary schools is starting a pilot project where they are literally tearing down walls and redefining what a learning environment looks like," Schiefelbein said.

At OASD, implementation of Universal Design for Learning has involved teachers and staff in the classrooms as well as



tives.” It has connections to the Common Core State Standards, the new Educator Effectiveness systems in Wisconsin, RtI, PBIS, Culturally Responsive Practices, Personalized Learning, new state assessments, and the list goes on. Teachers should not view Universal Design for Learning as one more thing being thrown their way, but as a tool to incorporate all facets of good teaching and a way to achieve many of the new requirements placed upon them. It can be referred to as the “How” that so many teachers are struggling to find in education today.

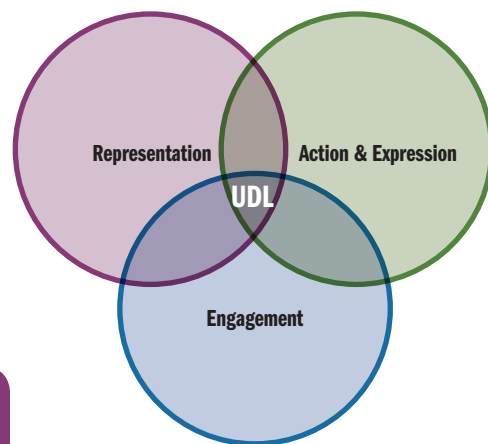


administration and school board members who make curriculum decisions. Additionally, the district has learned that Universal Design for Learning implementation is a recursive and continuous cycle — always changing and improving and adjusting to student needs.

For the classrooms that have been trying Universal Design for Learning, Schiefelbein said the early reviews have been positive.

“Teachers report that students are more motivated than ever before to learn and sustain that interest throughout units when Universal Design for Learning is used,” she said. “When given instruction in a manner that speaks to them as a learner, and being allowed to have choices in how they demonstrate what they know, and removal of barriers, students excel.” □

Universal Design for Learning does not just apply to K-12 education. There is language in the Higher Education Opportunity Act of 2008 around Universal Design for Learning as it applies to post-



### UDL Principles

*Providing multiple means of representation, action and expression, and engagement in the classroom are the three main principles of Universal Design for Learning.*

### Learn More About UDL

Here are some resources to help you further explore Universal Design for Learning.

■  
National Center on Universal Design for Learning  
[udlcenter.org](http://udlcenter.org)

■  
Center for Applied Special Technology (CAST)  
[cast.org](http://cast.org)

■  
Maryland Learning Links  
[marylandlearninglinks.org/950](http://marylandlearninglinks.org/950)

■  
Free technology toolkit for Universal Design for Learning  
[udltechtoolkit.wikispaces.com](http://udltechtoolkit.wikispaces.com)

■  
Interactive Universal Design for Learning wheel  
[udlwheel.mdonlinegrants.org](http://udlwheel.mdonlinegrants.org)

secondary education. This includes post-secondary staff using teaching methods and strategies consistent with Universal Design for Learning in an effort to make education as accessible as possible to a variety of students, as well as language pertaining to teacher preparation programs that includes it as part of their reform implementation. ■

*Jolene Troia is an education consultant with the Wisconsin Department of Public Instruction Special Education Team.*

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# It's About Time

New state law removes outdated 180-day requirement, adds summer school flexibility options

Shelby Anderson

**IT WAS A LONG WINTER**, just ask Mike Richie, superintendent of the Northland Pines School District in Eagle River. “We had seven inclement weather days this year,” Richie said. With so many snow days this year, the district was looking at the possibility of extending the school year two days — from June 10 to June 12. **But then, in April 2013, Act 257 was signed into law...**

**T**he new law removes the mandate that required districts to schedule 180 school days per year and establishes the existing minimum instructional hours requirements, which vary by grade level, as the exclusive time-based standard that school districts must meet. As was the case prior to Act 257, schools are required to provide at least 1,137 hours of direct instruction to students in grades 7-12, 1,050 hours for grades 1-6, and 437 hours for kindergarten students who do not attend a full-day program.

While schools will likely calculate and document the number of school days that are held for other purposes, the repeal of the 180-day requirement provides school leaders with greater latitude to create and adjust school calendars to meet local needs. In some situations, provided that the minimum hours requirements are being met, this might mean scheduling fewer total days on

which school is held for all or a portion of the day. In the case of making up instructional time lost due to inclement weather, school officials have the freedom to consider lengthening the remaining school days without adding additional days. (Note: School districts that have authorized virtual charter schools should be aware that Act 257 did not alter the days and hours requirements applicable to virtual schools.)

Jerry Fiene, executive director of the Wisconsin Rural Schools Alliance, testified in favor of the bill to remove the 180-day requirement. Fiene said moving from days to hours could provide some benefit to rural schools.

“Transportation costs are a major expense for rural districts that drain resources from the classroom,” Jerry Fiene said. “Reducing district-wide transportation for just a single day would save thousands of dollars.”

Some school board members and

superintendents in school districts with year-round schools are also supportive of the bill because it creates “interim” sessions. Districts that offer year-round school can hold an interim session, which, under the new law, can count toward summer school membership as long as all current law requirements and prohibitions pertaining for summer school are met. As a result, districts with year-round schools can receive state aid (including transportation aid) for those interim sessions. In the past, year-round schools generally missed out on summer school revenue.

Randy Nelson, superintendent of the La Crosse School District, said this is good news for his district, which has one elementary school operating on a year-round schedule.

“This statute will allow us to recoup revenue that we lost because we started school in July, and the students in the year-round school



Photo courtesy of the Kettle Moraine School District

## Moving from days to hours could provide some benefit to rural schools.

were no longer summer-school-aid eligible,” Nelson said.

Additionally, all school districts will be able to offer aidable online courses during their summer and interim sessions for students in grades 7-12. Districts will be able to count, for summer school membership and state aid purposes, the minutes that pupils receive instruction for certain online summer school or interim session courses. Districts will be permitted to include open enrolled, non-resident pupils in their summer school counts for qualifying online courses. One of several limitations that school officials should be aware of is that state aid can be claimed for these online courses (even for seventh and eighth

grade students) only if the class fulfills a requirement for high school graduation. These changes are effective this summer.

### ■ More Flexibility

Like a lot of districts, the Brown Deer School District uses a school calendar that exceeds the state’s requirement for number of hours, minutes and days of instruction. However, Deb Kerr, superintendent of the Brown Deer School District, said removing the 180-day requirement provides more flexibility in how districts schedule their school calendar.

“Eliminating the 180-day requirement allowed us to add professional development days, build in snow

make-up days and add daily collaboration time for teachers,” Kerr said.

Randy Guttentburg, superintendent of the Waunakee Community School District, agrees that the bill gives districts more local control.

“As a result of the law passing, we were able to add an additional day of professional development for our staff,” he said. “If the state had stuck with the 180-days requirement, we would have had to add a day on to the calendar.”

Peggy Hill-Breunig, school board president of the Waunakee Community School District, said, from a school board perspective, the bill returns some local control to the district.

“The bill now gives us some





flexibility to develop a school calendar that more effectively addresses our local educational needs,” she said.

### **In Action**

For the upcoming 2014-15 school year, the School District of Brown Deer used the new law to add professional development days for teachers (one per month). Additionally, the new scheduling flexibility will save the district about \$100,000 because the district will be able to end on June 12 instead of June 19, which would have been the district’s end date if the 180-day requirement was still in effect.

In the Northland Pines School District, Richie says his district will schedule 180-days as it has in previous years but says he can see how the new law will benefit other rural districts.

“I would envision some districts would extend the school day 10 minutes or start minutes early because that would save them about

four to five school days,” Richie said.

Nelson voiced a concern for his teachers, noting that longer school days and an increase in professional development days would mean more time for his staff.

“We may have further discussions about making the days longer; however, I am resistant to do so if we are not able to compensate our staff appropriately for the additional time,” Nelson said.

### **Out-Dated Law**

Kerr, who was one of many superintendents who spoke in support of 2013 Act 257, said, that to move forward and continue to improve public education in Wisconsin, the state had to move away from the traditional 180-day school calendar.

“To eliminate the achievement gap, we need to have a calendar that provides ample and varied learning times to personalize learning for all students,” Kerr said. “Additionally, our teachers need job-embedded staff development to best support their learning to implement new

college- and career-ready standards, progress monitor students, and plan for assessments.”

State Superintendent Tony Evers has weighed in on the issue as well, noting that the interim session option might attract more interest in a year-round schedule

“It helps us modernize our calendars in that it’s going to provide opportunities to customize learning a lot easier than we have in the past,” Evers said. “It’s going to allow for schools to actually consider going year round.”

More importantly, Kerr said the law change can allow districts to shift the focus of the school calendar from seat time to what actually works to improve student achievement.

“In terms of flexibility, our schools needed this to truly transform public education into a learner-centered environment,” Kerr said. “Changes in structure and policy should be made to support teaching and learning where learning is the constant not the variable.” ■

*Anderson is editor of Wisconsin School News.*

## **School Leaders Target Another Mandate for Repeal**

# **SCHOOL START DATE**

Every school leader interviewed for this article said that they are in favor of removing the mandatory Sept. 1 school start date that has been in effect since the 2002-03 school year (the Sept. 1 start date was unchanged by Act 257). Bills to remove the school start date have been proposed by Democrats and Republicans, but have been blocked successfully by the tourism industry.

Randy Guttenburg, superintendent of the Waunakee Community School District made his district’s case for removing the start date in the August 2013 Legislative Update.

“Given when school ends, trying to fit in a six-week summer school pushes us into early August,” Guttenburg said. “So for teachers who both teach summer school and coach fall sports, it can be a challenge to fit in a vacation. Eliminating the start date...would give our school board greater ability to work with teachers and administrative staff [to better attract and retain quality people]. The more flexibility we have, the more creative we can be.”

This past session, Rep. Jim Ott (R-Mequon) proposed an unsuccessful bill to remove the school start date.

“To this day,” Ott says, “I have yet to hear from anyone associated with schools, whether administrators or board members, say that giving control over the start date back to local boards is not a good thing.” □

## Later School Start for Student Achievement

**Another school scheduling conundrum** has to do with the sleep patterns and needs of adolescents. Studies have found that melatonin is released later at night in the adolescent brain, making it difficult for teens to go to bed early and be alert early in the morning. The 2011 Youth Risk Behavior Survey conducted by the Centers for Disease Control (CDC) found that nearly 70 percent of high school students are sleep deprived.

Researchers at the University of Minnesota studied eight high schools in three states before and after they moved to a later start time. The *New York Times* covered the release of the study, "The results showed that the later a school's start time, the better off the students were in many measures, including mental health, car crash rates, attendance, and in some schools grades and standardized test scores."

Sleep is crucial to learning. During the rapid eye movement phase, researchers have found that the brain is busy "sorting and categorizing the day's data." Simply put, the more sleep an adolescent gets, the better that information is absorbed.

However, according to the National Center for Education Statistics, 43 percent of U.S. public high schools start before 8 am. Researchers like Mary Carskadon of Brown University, think the early start hurts students.

"These early school start times are just abusive. These kids may be up and at school at 8:30, but I'm convinced their brains are back on the pillow at home." □



Photo courtesy of the Kettle Moraine School District

## Stepping up to give back to our communities.

UnitedHealthcare is supporting and educating children in Wisconsin by:

- Educating children from Boys & Girls Club of Greater Milwaukee on how to be more active and make better snack choices.
- Working with the Hunger Task Force to introduce children to new fruits and vegetables.
- Supporting LIVE54218's Farm to School Program providing fruits and vegetables, nutrition education, and school gardening opportunities to eight school districts in Brown County.

See how UnitedHealthcare is stepping up to help schools in Wisconsin at [uhctogether.com/schoolsinWI](http://uhctogether.com/schoolsinWI).



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## PROMOTING

# Positive Behavior

How PBIS is improving student behavior  
and raising achievement

*Shelby Anderson*

About five years ago, Dan Miller, principal of the two elementary schools in the Medford Area School District, looked into an anti-bullying program for his schools in Medford and Stetsonville. However, Miller and his staff were quickly turned off by the program's focus on negative student behaviors.

"The program didn't fit our schools' nature," Miller said. "It's not about what we shouldn't do, it's about what we should do. We can prevent bullying by focusing on positive behaviors."

About this time, the state was beginning to roll out a new initiative — Positive Behavioral Intervention and Supports (PBIS) — aimed at creating positive school cultures by supporting positive behavior. PBIS and RtI (Response to Intervention) are often linked together — they both use a multi-tier framework and both are more of a process of change and implementation of best practices than a program.

"RtI is generally referred to as the academic equivalent of PBIS," said Justyn Poluos, Wisconsin PBIS Network Coordinator. "They are really the same process as they both focus on increasing student achievement through a multi-level system of support that includes such things as high-quality, evidence-based instruc-

tion and interventions, collaboration between staff and with families, and use of data to measure implementation as well as student outcomes."

The Department of Public Instruction describes PBIS as "a systemic approach to proactive, school-wide behavior based on a Response to Intervention (RtI) model. PBIS applies evidence-based programs, practices and strategies for all students to increase academic performance, improve safety, decrease problem behavior, and establish a positive school culture."

"We teach math, we teach reading but we haven't always taught behavior," Miller said.

Under Miller's direction, the Medford Area Elementary School and the Stetsonville Elementary School were among some of the first to dive into the PBIS training and begin to adopt it. Since then, nearly 1,200 Wisconsin schools have received training.

To get PBIS started, a PBIS Support Team was formed and Miller and his staff attended PBIS trainings. This got Miller and his staff thinking about what PBIS could look like at their school.

"When Medford first got involved, we looked at universal issues like instruction, our discipline checklist, and rewarding students with positive behavior," Miller said.

### ☐ Focusing on Positive Behavior

In the first year, Medford's focus was on rewarding positive behavior on a universal or school-wide level (Tier 1). Each PBIS school rewards positive behavior differently, but at Medford, teachers give students little paper shields when they do something good or follow expectations. Students then tape their shields onto a large, school-wide shield in the hallway where students, staff and visitors can see the number of students meeting school expectations. When the school shield is full, the students are rewarded with a school-wide celebration, like an ice cream party.

A big part of a successful PBIS program is setting expectations and communicating them to students and parents. In other words, to reward positive behavior, every student needs to know what positive behavior is and what is expected of them. At the Medford and Stetsonville elementary schools, the expectations are posted around the school and repeatedly shared with the students. These expectations can range from the schools' general expectation matrix (respect, responsibility, safety, and fun) to specific expectations, such as the correct behavior for using the bathroom.

"Not every student comes to school with the same set of rules and



expectations,” Miller said.

In the second year, the Medford PBIS program began reaching out specifically to students who were struggling (Tier II). PBIS strategies for helping students who are not doing well focus on the students taking ownership of their work. Struggling students check in and out with their teachers each day, students have daily progress reports, and, at home, the parent signs off on their child’s progress. At Medford, only about 10 percent of students are on the check-in and check-out system and by the end of the year, most are off of it. Under the check-in, check-out system, Sue Eloranta, guidance counselor at Medford Area Elementary School, said that as students track their learning and behavior, they begin to understand what they need to do to improve and, ultimately, get off system.

“They can see what they need to do to get back on track,” Eloranta said. “It gets the students to turn around their behaviors themselves.”

The final step of full PBIS implementation at Medford was instituting functional behavior assessments (Tier III). This is a fairly new process that involves working with guidance counselors, meeting with the parents and student to, among other things, identify factors regarding student behaviors that may not be obvious and provide data for developing an effective behavior plan. This work is outside of the typical special education work, which Richelle Crank-Woller, Medford special education teacher, says helps students who may have fallen through the cracks in the past.

“We now have a system in place to serve these students that are in that gray area,” Crank-Woller said.

#### ☐ Role of Data

In Medford, data plays a big role in their effective PBIS programs. The district uses a database (SWIFT) to track everything from individual

student data (such as referrals) to progress of the schools’ students as a whole. This data has been crucial for not only helping individual students, but also guiding the work of the schools.

Miller remembers in one instance, the data showed that one of the elementary schools could benefit from another staff person. Miller showed this data to the school board and the board approved his request. Later, Miller was able to come back to the board and show them that the number of referrals in the school dropped dramatically, which was, in part, due to the new staff person.

“I took that data to the board and was able to tell them ‘What you guys did as a board worked and it’s directly benefitting our students,’” Miller said.

The school also uses the data to monitor its PBIS program and make adjustments when needed. “You may see things aren’t working,” Miller said. “You can use the data to fine tune them.”

On an individual student basis, the data is helpful in not only tracking the progress of a student but also identifying students who need help. This can be useful when working with parents.

For example, Miller said he spoke with a parent whose child was being disruptive. The parent disagreed. Miller was able to present the parent with data to show exactly how many more referrals her child was receiving than the average student. Seeing the data helped the parent understand that her child needed help.

“It can help parents see their child’s behavior objectively,” Miller said.

#### ☐ Why PBIS?

In addition to hearing positive feedback from schools, numerous studies have supported the work of PBIS schools. In the *Advances in School Mental Health Promotion Journal*, researchers Catherine P. Bradshaw, Elise T. Pas, Asha Goldweber, Michael S. Rosenberg, and Philip J. Leaf, found that well-run PBIS schools have an increase in perceived school safety,

## 5 Stages of PBIS Implementation

### **STAGE 1: Purpose Building**

(Exploration) The goal of the purpose building stage is to select the right evidence-based program.

### **STAGE 2: Infrastructure**

(Installation) Refers to making the structural and instrumental changes necessary to implement PBIS within a school.

### **STAGE 3: Initial Implementation**

During the initial implementation stage, individuals begin to put into practice all that has been planned for during exploration and installation.

### **STAGE 4: Full Implementation**

Occurs when PBIS is integrated into the school and district systems.

### **STAGE 5: Sustainability**

Can and should be planned for early in the implementation process and examined at each stage.

reductions in overall problem behaviors, and less bullying.

A study of Canadian schools in 2011, found links between active PBIS schools and high levels of student achievement. When students feel safe at school, they perform better academically.

In 2013, the Medford Area Elementary School and Stetsonville Elementary School, along with 86 other Wisconsin schools, were named to the list of Wisconsin PBIS Network Schools of Distinction.

One thing that sets PBIS apart from other student discipline strategies is that it focuses attention on all students, not just the students with behavior problems. For instance, in Medford, the elementary schools give

out approximately nine shields (positive) for every referral (negative).

"We know we are reaching every student at a universal level," Miller said.

Now in the fourth year of its PBIS program, the Medford elementary schools are seeing other positive changes. With clear expectations in place for students, Miller said staff feel supported in their efforts to curb negative behavior and data shows that the number of student infractions is decreasing. More importantly, PBIS is changing the school's culture.

"Rather than hearing about the bad things that happen in a day, we tend to hear about the positive things," Miller said. "Students get excited and enjoy being here; and families that move to our school comment how the culture here is different and more focused on the good things kids do." ■

*Anderson is editor of Wisconsin School News.*



## WASB BUSINESS HONOR ROLL



### Recognize the local businesses that support your schools - Nominate them for the 2014 WASB Business Honor Roll

The WASB invites member school boards to submit the names of up to **five** local businesses, including newspapers or other media, that have been helpful to your school district over the past year.

Tell us who they are and what they have done for your schools, and we will help you promote your business partnerships.

- *All nominated businesses will be posted on the WASB website for one year.*
- *Districts will be provided a sample press release and a personalized certificate to present to the business(es).*
- *Select nominees and the stories of their successful partnerships will be featured in the Wisconsin School News.*

***Submit your Business Honor Roll nominations at [wasb.org](http://wasb.org) by Friday, August 15, 2014!***



# FACILITY ASSESSMENT

**A district master plan will require a comprehensive facility assessment of all owned and leased properties**

*Roger Price*

**T**he impact of technology, environmental issues, changing demographics and societal expectations will shape what resources are available and how they will be deployed in our school districts. 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 those communities. An investment in facilities should be managed as

district's facilities is critical to establishing plans that are created through systematic, comprehensive and analytical processes. Communicating the priorities will maximize the ability of the district to assure maximum student achievement and excellence.

A district's obligation to its community is to conduct an objective assessment and analysis of WHAT YOU KNOW about your district. This includes the full understanding of educational trends, student performance data and the current state of the districts program structure, finances and facilities. The condition

The assessment should evaluate:

- building codes issues,
- access and potential safety/security issues,
- existing facilities plans,
- transportation and parking issues,
- future land uses including outlying properties,
- academic facilities and support facilities,
- sports and recreation facilities, athletic fields, open space, landscaping,

**Clearly understanding the current state** of the district's facilities is critical to establishing plans that are created through systematic, comprehensive and analytical processes.

any other part of the financial picture. The return on investment should be measured in terms of how they further the mission and vision of the school district.

Decisions cannot be made serendipitously or with unchecked influence of vendors or stakeholders. School boards are responsible for these decisions. Clearly understanding the current state of the

and planned use of facilities is a critical part of this self-evaluation.

## ■ Facilities Assessment — Comprehensive

The process to fulfill this part of the assessment includes evaluation of both internal and external conditions, existing intergovernmental coordination, and the history of capital improvements.

- general infrastructure (water, sewer, surface water management),
- energy management, including utilities costs and efficiencies,
- intergovernmental coordination, and,
- capital improvements.

**The first step** is to ascertain the extent of deferred maintenance,

**The WASB Can Help!** Completing a facility assessment is an involved process with many moving parts. Consultants from the WASB's Organizational Consulting Services can help districts complete in-depth facility assessments along with a host of other services. For more information, visit [wasb.org](http://wasb.org) or contact Louis Birchbauer at 414-218-2805 or [lbirchbauer@wasb.org](mailto:lbirchbauer@wasb.org).

**Schools are** a community asset and the facilities provided are often the cultural center for residents of those communities.



remaining facility life, and renovations needed. It includes evaluation and documentation of:

■ **Site Conditions:** What is the condition of driveways, sidewalks and parking lots? Are there transportation and parking issues? Is there a plan for future land uses of sites including outlying properties? What is the status of storm water drainage systems, including the municipal plans and effects to and by your neighbors? What is the condition of landscaping and general site infrastructure? What is the status of signage?

■ **Building Exterior:** What is the construction history? What are the general conditions of exterior doors, cladding, and roofs? Has the brick, overhangs and flashings been inspected for needed maintenance? Is there a schedule of regular roof replacement and maintenance? Is exterior lighting adequate?

■ **Building Interior:** What is the history of updates and remodeling? What is the condition of the interior infrastructure: plumbing systems and fixtures, electrical systems, interior lights?

■ **Security Systems:** What is the status of existing systems for fire prevention and alarms, access control, and surveillance?

■ **Telecommunications Systems:** What is the status of communication systems including intercom and telephone? What is the status and capacity of data distribution systems, within facilities, between facilities, and with the outside world? Is there an integrated,

synchronized clock system in place? Is there an existing technology plan?

■ **Sports and recreation facilities, athletic fields, open space:** What is the status of these facilities related to the demands of the district and community programs?

■ **Energy, environmental, and utility management:** What is the status of existing systems including heating plant, air conditioning, emergency power, including utilities costs and efficiencies? At what level is the building functioning related to environmental guidelines?


■ **Code Compliance and Accessibility:** Are all buildings, installed systems and equipment in compliance with all applicable fire, safety, building codes and required standards appropriate for the building age?

■ **Support Spaces:** Are there adequate restroom spaces throughout the building? What space is available and dedicated to services such as housekeeping, recycling, receiving, and maintenance? What is the current state of space available and used for auxiliary services such as food service?

**The second step** of facility assessment is to understand the use of the facilities within the existing academic program. Evaluating the effectiveness of programs and departments use of current facilities is needed. This includes evaluation and documentation of:

■ **Capacity:** How many rooms are there? What is the scheduled and real use pattern? Is the use over or under specified capacity?

■ **Instructional Tools:** What is the



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# FACILITY ASSESSMENT

current capacity to support the educational process, including appropriate connectivity, teaching accessories, computers, and other equipment?

■ **Furniture and Fixtures:** What is the condition of existing furniture and fixtures? Is it ergonomically appropriate?

■ **Functional Adequacy:** How are the rooms configured as to size, flexibility, and safety?

■ **Room Finishes:** What is the condition of the floors, ceilings and walls? Are they easily cleaned and maintained in a neat and orderly manner? Are color schemes and finishing materials conducive to teaching and learning?

**It may be necessary** for the district to engage additional expertise ... to complete the comprehensive assessment of facilities.

■ **Room Environment:** What are the existing conditions in the classroom related to acoustics and sound, climate, lighting, electrical capacity, and installed furniture and fixtures?

It would also be prudent to evaluate and document community spaces and/or spaces used outside of district's mission, whether or not they are dedicated or shared.

In addition to internal staff and/or a consultant to coordinate the assessment, it may be necessary for the district to engage additional expertise such as surveyor, geotechnical engineers, environmental consultant, traffic consultant, food service consultant, architects, mechanical/struc-

tural/electrical/HVAC consultants, roofing consultant, and others to complete the comprehensive assessment of facilities.

The citizens of the district need to be ensured of responsible stewardship and public accountability. This can be accomplished by providing careful assessment and inclusive planning to provide sustainability of its physical and fiscal resources for current and future generations. The end result will focus financial resources on projects that help attain the district's vision for its students. ■

*Roger Price is an organizational consultant with the WASB.*

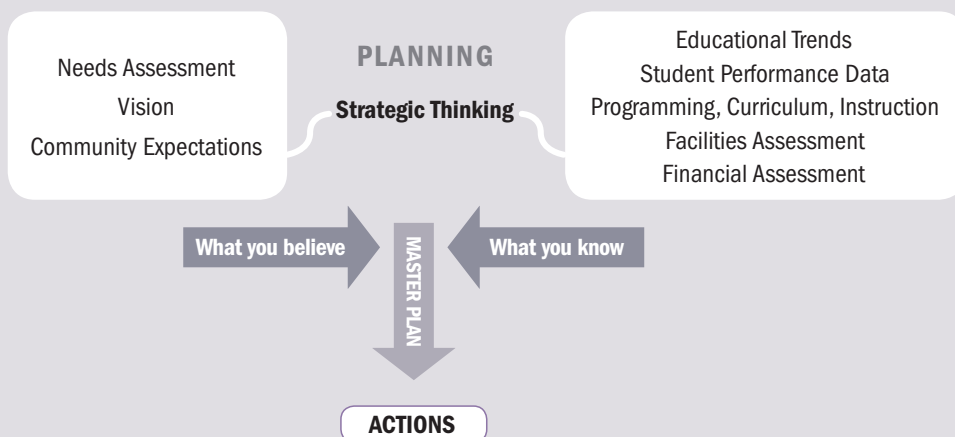
## PLANNING with Strategic Thinking

**It's a district's obligation** to its school community to conduct an objective assessment and analysis of **what you know** about your district. This includes the full understanding of educational trends, student performance data and the current state of the district's program structure, finances, and facilities.

It's also imperative to have a clear understanding of **what you believe**, and most importantly, having a clear ear to what your community believes are their expectations.

Inclusive processes around listening, accumulating data/information and communicating lead to collaborative strategic thinking. This information then assists in forming a comprehensive master plan for the future. The results are long term — fiscally responsible planning for educational, operational, financial, and facilities in the future.

Only then can the district move forward together with shared goals and objectives that assure excellence in education and that all students achieve success. □







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# WASB at Work for You

## WASB REPORT TO THE MEMBERSHIP

**T**he WASB works for Wisconsin school boards through our events, advocacy efforts, policy services, board governance, legal services, and publications. The WASB is here to serve school boards and the students they educate.

We are again proud to report that all public school boards and CESA boards of control are voluntary members of the WASB. We thank you for your commitment and look forward to working with you in the upcoming year.

Below are highlights of the 2013-14 Report to the Membership outlining the many services and benefits that your membership provides for your district. The complete *Report to the Membership* is available on the WASB website, [wasb.org](http://wasb.org).

For more information about WASB services, publications and events, visit [wasb.org](http://wasb.org) or contact us toll-free at 877-705-4422.



### HIGHLIGHTS FROM THE 2013-14 REPORT TO THE MEMBERSHIP



Responded to more than **5,500** legal inquiries from members in **389** districts.

Provided fee-for-service legal services to **107** districts.

More than **200** citations of the WASB in the news media.

Collectively more than **4,500** school board members and superintendents participated in at least one of more than 50 WASB conferences, workshops, webinars, gatherings, and seminars.

**26** Service Associates recognized as reputable, valuable partners of public education.



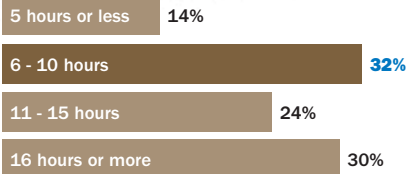
Responded to more than **1,200** individual requests from member districts for sample policy information.

**23** districts utilized Policy Manual Quick Check Service.

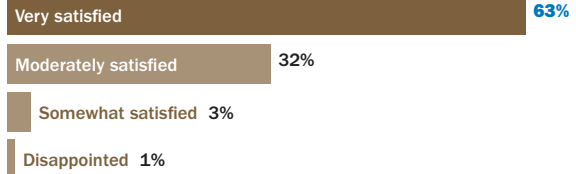
## HIGHLIGHTS FROM THE 2013-14 WASB MEMBER SURVEY

**In January**, the WASB asked members to give their impression of WASB services, events and products. Below are some highlights from the survey results. **View the complete survey results at [wasb.org](http://wasb.org).**

**How many hours do you devote each month to school board service?**



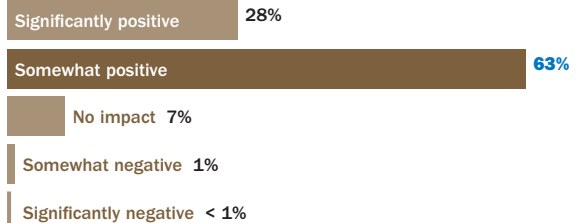
**Please rate the satisfaction level you have with your position.**



**In 2013, did you or someone from your district contact the WASB and/or utilize any WASB services (not including WASB events)?**



**What kind of impact does the WASB have in helping your board?**



**WASB Services and Events:** Of all WASB services, survey respondents placed the highest importance on individual contact with a WASB attorney, individual contact with a WASB policy consultant, and access to sample policies.

Of all WASB events, survey respondents placed the highest importance on the State Education Convention, School Finance Seminar, New Board Member Gatherings, and Legal Workshop.

## A NOTE ON LEGAL AND POLICY SERVICES

As indicated by the numbers in this report, the WASB is happy to assist member school districts with legal and policy-related questions. Providing assistance and support to all of our members is the top priority of the WASB.

The WASB is willing to address all legal and policy questions and inquiries from our member districts. However, not all legal and policy inquiries can be handled or resolved with a simple

phone call or email. Many questions involve a greater level of involvement beyond the typical phone call or email.

Because the amount of WASB staff time needed, more involved inquiries will be billed to the member district under the regular WASB legal and policy services fee.

If you have any questions, please contact the WASB at [info@wasb.org](mailto:info@wasb.org) or call toll free at 877-705-4422.

**6** successful superintendent searches completed and many other districts helped by WASB superintendent search consultants via presentations and advice.

**9** school districts directly served by organizational consultants.





# The Pros and Cons of a Consortium

## *Is a healthcare cooperative right for your district?*

Anybody who has heard of Costco knows about receiving lower prices for buying in bulk. This is the basic concept behind healthcare cooperatives, also known as insurance consortiums or insurance purchasing groups.

While this approach works well with retail goods, it may not be the best strategy to control health insurance costs for some districts. Al Jaeger, senior benefits consultant, SVP, with the Associated Financial Group, advises districts to examine the options carefully, objectively and thoroughly.

### ■ Cooperative Considerations

**Shared claims experience.** In the standard insurance market, the premium each employer pays is largely based on their total claim costs, with adjustments for low-frequency, catastrophic claims that are less statistically credible for a given group size.

The smaller the group, the more likely they are pooled into a larger population's claims experience when calculating premiums.

School districts may not like or understand the typical rating process the insurance company uses as it may result in some districts paying more or less than other districts for the same insurance. The more money a given health plan costs the insurance company, the more they are likely to charge in premiums.

"This is what ultimately attracts districts with poor claims experience to cooperatives while dissuading districts with favorable experience" explains Troy Vander Pas, senior consulting actuary, VP, for the Associated Financial Group. In an

existing consortium, this can lead to dissatisfaction over time for the 'good' districts in the pool.

**Multi-year commitment.** "When a district improves its claims experience, they start outperforming the claims experience of the rest of the pool which could allow them to get a better rate on their own and leave the pool," says Jaeger.

As a result, many cooperative arrangements hold each district to a multi-year commitment, *i.e.*, districts with effective employee wellness programs and good claims experience can't just leave the group to seek a better rate. But they eventually do and the resultant 'selection spiral' can lead to a consortium's demise.

Associated Financial Group's Employee Benefits Practice Group Leader, SVP, Jay Scott worked with a cooperative solution in the 90's.

"Districts banded together on the eastern shore of Wisconsin and had nice growth in membership for the first two or three years," Scott said. "Soon after, the districts with favorable claim experience left the pool because they could do better on their own. The remaining districts faced large premium increases that were not manageable."

### The Challenge

Jaeger explains the *concept* of a consortium — joining forces to increase purchasing power and lower insurance costs — is powerful and effective if connected to the right strategy.

A consultant with strong relationships with multiple insurance companies can leverage this group purchasing power to negotiate health plan features and rates that benefit each district. Associated Financial Group has

worked with several Cooperative Educational Service Agencies (CESAs) throughout Wisconsin to provide districts with consistent value in price, plan design and provider quality.

"CESA 2 districts have had statewide bragging rights to the best healthcare for over a decade," Jaeger said. "Before that, member districts were experiencing increases that simply were not sustainable."

A CESA 2 review of 25 school districts over a four-year span starting in 2000 reported the following increases:

- Avg. monthly rates, 2000 to 2001:  
Single: \$330.10 / Family: \$723.30
- Avg. monthly rates, 2004 to 2005:  
Single: \$538.15 / Family: \$1,423.41

That is a rate increase of 63 percent for a single plan and 98 percent for a family plan.

"When we partnered with Associated Financial Group in 2002, I knew a statewide pool with one carrier was not the solution and change was needed," said Dr. Gary Albrecht, CESA 2 agency administrator.

### ■ Solutions and Results Without a Consortium

Many CESA 2 districts averaged a savings of 20 percent after moving from a statewide pooling arrangement to a local purchasing solution.

"These districts, both large and small, continue to demonstrate the lowest premiums and highest coverage quality in the state," Jaeger said.

Some districts are paying the same or less in 2014 than they paid in 2004, while maintaining a Platinum Plus health plan. These impressive results have been achieved by leveraging the collective purchasing power

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Joining forces to increase purchasing power and lower insurance costs is powerful and effective if connected to the right strategy.

of several districts through CESA 2 and negotiating with insurance companies to develop customized solutions for each district. This includes:

- **Competitive rates.** When faced with the possibility of acquiring several new districts as clients, the insurance companies started competing with one another by offering lower premium rates.
- **Multi-year premium rate increase caps.** In an effort to stabilize current and future healthcare budgets, some districts have been able to negotiate multi-year premium rate increase caps. Waunakee School District recently established an agreement with their insurance carrier that premiums would not increase more than 5% per year for 3 years without any additional plan design changes for a three-year commitment from the district.
- **Support or funding for wellness initiatives.** To sustain affordable costs and generous health plans, successful districts implement a

variety of workplace wellness strategies. Insurance carriers and providers have been willing to provide services such as on-site nurse practitioners or assist in establishing on-site or near-site clinics for district employees. These services help reduce claims by providing affordable quality care that is easily accessible for employees.

School districts in Albany, Juda, Monticello, Brodhead, Parkview and Beloit Turner are smaller districts that are outperforming many large employers on their plan pricing because they have been able to leverage their combined purchasing power.

"The total premiums paid by these area districts are less than our collective claims over the past seven years. If claims had been pooled, we would have each paid higher rates. This arrangement provided the benefits of group purchasing without the strings of a formal consortium," explains Dr. Steven Guenther, superintendent of the Albany School District.

Dr. Albrecht adds, "The collabora-

tive approach required an understanding of how to use the knowledge and resources, such as a different way of leveraging buying groups, relationships and experience to apply it in a manner that produced outstanding results in different geographies."

Ultimately, each district must examine all of their options and determine the best solution to meet their needs. Conducting a complete financial analysis before making any type of multi-year commitment should be done.

Wilmot School District compares and contrasts their options with other area districts. Multiple surrounding districts continually review their insurance financial reports and evaluate their best options before Wilmot makes any decisions.

"It just makes sense to me to make an informed decision," says Dan Kopp, superintendent, Wilmot School District. ■

*Associated Financial Group is an endorsed agency through the WASB Insurance Plan. For more information, please contact Associated Financial Group at 800-258-3190 or [info@associatedfinancialgroup.com](mailto:info@associatedfinancialgroup.com).*



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## **WASB Employee Handbook**



### ***Easily customized for local school district needs***

#### **Cover your district employees' terms and conditions of employment**

The WASB attorneys have created a model employee handbook to cover district employees' terms and conditions of employment. The handbook is an annual subscription with updates coming out, as needed, during the year.



#### **The Employee Handbook includes:**

- Employment law
- Statutorily required grievance procedures
- Work stoppages
- Conformity to laws
- Teacher discipline, termination and nonrenewal
- Leave benefits

***The Employee Handbook is easily customized. Districts receive an electronic version of the draft handbook and can modify it as they wish.***

For information about this and other WASB services, visit [wasb.org](http://wasb.org) or contact the WASB at 877-705-4422.

**WASB.org**

**(Toll-Free) 877-705-4422**

# New Board Members, Referendums, and Leadership

*WASB Spring Academy focused on issues for new and experienced school board members*

The WASB Spring Academy, which took place May 3 in Wisconsin Dells, covered a variety of topics and issues crucial to board service. The event featured three separate tracks of programming – Introduction to Board Service, Referendum Pathway, and Leadership.

The Introduction to Board Service track included sessions focused on school board basics. Sessions covered policy development, Wisconsin school finance, board member resources at the Department of Public Instruction, and the legal authority and duties of Wisconsin school boards.

In the session on school board policy development, WASB Legal and Policy Services Counsel Dan Mallin pointed out that successful policy development work requires both content expertise and process expertise. In other words, school board members need to understand not only what issues must be covered in its policy book but also how to best address those issues through effective policy making.

“The value of process expertise is often overlooked,” Mallin said.

“One important function that a good process serves is to ensure that an appropriate level of content expertise is applied to each policy challenge.”

In a recent survey of WASB members, referendum planning was cited as one of the most important communication/public relations topics facing districts this year. To help with this issue, the WASB held a Referendum Pathway at the Spring

Academy. A two-part session, led by WASB consultants, examined facility and financial assessments and plans, which are crucial to complete before deciding whether or not a district is ready to go to referendum.

This track included a session on legal and policy considerations related to school referendums. In discussing advocacy of a referendum question, WASB Staff Counsel, Ben Richter, reminded attendees that school board members, as individuals, can advocate for a referendum.

“While a board as a whole may not spend public funds to advocate one way or another for a referendum, individual board members do not give up their right to advocate or campaign for or against a referendum on their own time,” Richter said.

WASB Consultants Louis Birchbauer, Dennis Richards, Al Brown and George Zimmer led three sessions as part of a Leadership track for experienced school board members. The sessions delved into strategies for effective board leadership, school board governance, and a session on new brain research and what it means for curriculum.

**“Individual board members do not give up their right to advocate or campaign for or against a referendum on their own time.” — Ben Richter**

In his session on strategies for effective board leadership, Birchbauer laid out three main components for success.

“School board leadership has three basic components: communication — giving and receiving of information; relationships — making connections; and trust — firm belief or

confidence by others in your honesty, integrity, reliability, and justice when dealing with issues,” Birchbauer said. “All other board member traits are enhanced by these three components.”

WASB Executive Director John Ashley opened the event with a brief welcome message that included insight into the elements necessary to

provide a positive environment for effective governance to take

place. Dan Rossmiller, director of government relations, wrapped up the 2014 Spring Academy with an update on legislative issues related to school boards.

To view presentations from this event, visit [wasb.org](http://wasb.org). Select “Meetings & Events” and then “Event Recaps.” □



WASB Consultant Roger Price leads a session at the WASB Spring Academy. The event featured separate tracks of programming focused on new school board members, school referendums, and leadership issues.





## Recognize Your Business Partners

**The WASB is accepting nominations** for the 2014 Business Honor Roll. Recognize businesses or organizations that have supported your schools in the past year.

Member school boards can nominate up to five local businesses, including newspapers or other media, that have been helpful to your school district over the past year.

Nominated businesses will be posted at [wasb.org](http://wasb.org). Districts will be provided a press release and certificate to present to your partner businesses.

To nominate a business, visit [wasb.org](http://wasb.org). Select "Communications" and then "Business Honor Roll." □

**Nominations close Friday, August 15, 2014.**

## Upcoming Event: Summer Leadership Institute

*Event will focus on accountability, finance, and governance issues*

**T**he Summer Leadership Institute, taking place August 2 at the Crowne Plaza in Madison, aims to provide school board members with the tools and knowledge to successfully lead your school district and improve board governance.

This all-day event provides school leaders with an opportunity to network with colleagues from around the state and get up-to-date information on a range of school leadership issues. The Summer Leadership Institute will have three separate tracks of programming: "School Finance," "Accountability," and "Governance."

The School Finance track will begin by having attendees participate in the Investing in Wisconsin Public Schools interactive tool that helps participants comprehend the variables, stakeholders and nuances of financing Wisconsin's public schools. Other sessions in the school finance track include in-depth sessions on the school district budget cycle and Wisconsin's school finance system.

The Accountability track features experts from the Department of Public Instruction and the WASB. Sessions will provide an update on the educator effectiveness

initiative and discuss implementation of the Common Core State Standards. Other sessions include what school board members need to know about assessments and evaluations, and take a look at school and district accountability. This track will wrap up with a session led by WASB Consultants Al Brown and Louis Birchbauer on effectively interpreting, presenting, and using data.

School board members interested in developing leadership strategies to lead your school board or to improve school board governance should attend the Leadership track. WASB consultants, who have many years of experience in school leadership positions, will provide insight on important issues and strategies. One session will address how different leadership styles affect the quality and impression of your decision making. Other sessions will examine school board practices and protocols to keep school boards focused on key leadership roles and issues, and communicating and building trust.

Attend one track or sessions in multiple tracks to customize your learning. For more information, visit [wasb.org](http://wasb.org). □

# Rural Schools Task Force Calls Attention to Technology and Funding Issues

*Recommendations include broadband Internet service for rural schools and more state aid for transportation*

Dan Rossmiller

The Legislature has concluded its final legislative floor period, but work continues on a number of issues relating to K-12 education. The 2013-14 session ended without the passage of a comprehensive school accountability system for all publicly funded schools; however, a new effort is under way to develop such a proposal for consideration in January, when the 2015-16 session begins.

Senator Paul Farrow (R-Pewaukee) and Rep. Jim Steineke (R-Kaukauna) have reopened discussions on creating a state school accountability system that likely will include a more comprehensive school report

card, perhaps with weighted measurements, and could include sanctions for schools that fail to meet expectations. Representatives of various education groups, including the WASB, were invited to an initial conversation in mid-May. Further discussions are anticipated over the summer.

Issues likely to be at the center of these discussions include: clearly defining the purpose of school report cards; selecting multiple measures of student performance that strike a balance between student proficiency and student growth and include measures of college- and career-readiness; providing transparency

across the public and private voucher sectors; and providing data that informs curricular and instructional improvements and parent choices.

In early May, the Assembly Speaker's Task Force on Rural Schools completed its work and released an official report following eight months of study, six public hearings and numerous school tours. Recommendations of the 12-member bipartisan task force (8 Republicans, 4 Democrats) were presented as recommendations of its chair, state Rep. Rob Swearingen (R-Rhinelanders).

A key recommendation calls for revamping the Technology for Educational Achievement (TEACH)

## Summer ADVOCACY HOMEWORK

Here are some critical steps you can take to keep education issues on the top of your lawmaker's list of priorities.

**STEP 1:** Identify the critical issues for your district and the "stories" you will tell about them.

### Examples:

- Declining enrollment under the revenue limits, coupled with an inability to pass recurring referendums, is forcing your district to go to referendums where the amount voters are asked to approve is growing larger with each successive referendum, threatening the district's long-term sustainability.
- Your district lacks adequate broadband connectivity to offer 1:1 computing, limiting your ability to provide students with interactive learning experiences that are effective, challenging and motivating. Further, many students lack access to high-speed Internet connections at home, placing them at a competitive disadvantage.

Think about how your board can communicate your concerns in a way that will help legislative candidates understand the problem as well as the solution you seek. Explain how the rural schools task force recommendations (see article above) help address these issues.

Make sure the "stories" you tell provide specific examples of how each critical issue will affect students in your district.

When most bills are debated in the Legislature, it is typical for a lawmaker to stand before their colleagues and tell a story about how a constituent might be affected by the proposal before the body. Legislators tell stories — you should, too.

For example, don't talk merely in terms of dollar cuts, but put a human face on what those cuts mean — large class sizes, fewer academic and extracurricular opportunities for students, reduced teaching staff that translates into fewer opportunities for one-on-one tutoring to help struggling students.

Finally, agree beforehand what your "ask" will be (e.g., Will you vote to support the "TEACH 2.0" proposal?).

program (a “TEACH version 2.0”) to provide more funding for broadband access and networking equipment as well as for training to facilitate technology-empowered learning in rural schools. A separate recommendation encourages the Legislature to explore incentives to get Internet providers to extend broadband service to rural areas that currently lack it.

Other key task force recommendations include proposals to:

- Provide more state aid for pupil transportation;
- Allow districts to calculate the revenue limit using their highest enrollment in the past five years rather than the current three-year rolling average;
- Exempt one-time technology purchases (e.g., netbooks, tablets or software) from revenue limits;
- Weight enrollment in small school districts when determining state aid and revenue limit authority;
- Authorize districts to adopt whole-grade sharing agreements as an alternative to consolidation; and
- Create a college loan forgiveness program for rural teachers or grant program to help rural districts attract and retain quality teachers.

The full task force stopped short of endorsing changes to the equalization aid formula, recommending instead that the Legislature “review the shortcomings of the equalization aid formula and consider actions to address those shortcomings.”

The timing of the release of the task force report, with the Legislature adjourned until January, means no legislative action is likely on the recommendations until 2015 at the earliest.

Nevertheless, many of the recommendations represent progress in bringing the problems of rural schools to the attention of the full Legislature.

The four Democrats on the committee offered an alternative report as a report of the vice chair, state Rep. Fred Clark (D-Baraboo). They were critical of the “official” report for its lack of proposals for overall school funding reform and lack of discussion about further expansion of taxpayer-funded private school vouchers, which they labeled a serious threat to rural schools.

The challenge for rural school leaders will be to ensure that the recommendations on which there is a consensus are enacted and funded.

Together, we will need to make a push on these issues now (see “Summer Advocacy Homework” below) through the end of the state budget session next year. This will require working with legislators on both sides of the aisle, and particularly rural Republican lawmakers (because the GOP is likely to retain its majorities) to keep these issues alive and moving forward. ■

*Dan Rossmiller is director of WASB Advocacy and Government Relations.*

## ■ **STEP 2:** *Develop a plan for how to talk to candidates and the public about these priority issues.*

The legislative campaign season is upon us. The deadline for legislative candidates to file nomination papers and other ballot access documents was June 2.

Think about how best to get the attention of those likely to represent you in the Legislature come January and how to get your message across to them. For example, if a legislator who currently represents your school district isn't seeking reelection and multiple candidates are seeking that office, hosting a candidate forum may make sense. (See last month's *Legislative Update* for suggestions on how to hold a candidate forum.) On the other hand, if an incumbent legislator is unopposed or if only one person is running for the seat, setting up a meeting may be more productive.

## ■ **STEP 3:** *Talk to candidates about your key issues and concerns.*

What we're talking about is a conversation. You can always invite legislative candidates to meet with you to get to know you and your district. Be polite but persistent. Understand

that candidates are busy, with lots of demands on their time. Pick a time that works for both of you. Keep trying. If you can't get them to come to you, find out where they will be and ask them personally for a chance to talk.

Don't assume a candidate understands your district's concerns. Don't expect them, for example, to understand that your need to pass revenue limit referendums is growing. You need to communicate this.

If you can get a candidate to your school and time permits, it's always good to take candidates on a brief school tour that allows you to celebrate your successes, but also illustrates your challenges.

After the school tour, it can help to have a sit-down with parents, business leaders, school staff and other public school advocates in your community to discuss the important education issues for your community. Stories from parents, students and local business people are more apt to stick with a candidate than budget numbers — although both can be important.

If you've prepared the “stories” you want to tell, your part in this should be easy. After all, if you don't tell your district's story who will? □





# Religious Dress and Grooming Practices By Employees

Appearance and grooming by employees are important issues in many workplaces, including within school districts. In this respect, school districts generally have the right to establish standards regarding employee appearance in the workplace and must notify new employees, at the time of hiring, of any grooming or dress requirements.<sup>1</sup> However, this right is not unlimited. In some instances, a dress code or appearance standard may present legal concerns, including questions related to whether a standard discriminates against an employee based on a protected class, such as religion. Workplace dress and grooming restrictions that impinge on an individual's exercise of religion are subject to challenge by employees under state or federal law.

Recently, the Equal Employment Opportunities Commission (EEOC) — the federal agency that addresses various claims of discrimination in the workplace — noted that religious discrimination claims to the agency have steadily increased. In fiscal year 2013, the EEOC received 3,721 charges alleging religious discrimination, more than double the 1,709 charges received in fiscal year 1997. To combat this increase in claims, the EEOC recently issued a publication that provides employers guidance on addressing religious issues in the workplace, particularly as it relates to employee appearance. The publication, “Religious Garb and Grooming in the Workplace: Rights and Respon-

sibilities,”<sup>2</sup> provides guidance on how federal employment discrimination law applies to religious appearance practices and what steps employers can take to meet their legal responsibilities in this area. This *Legal Comment* will review the EEOC guidance and consider its impact on school districts.<sup>3</sup>

## ■ Title VII and Religion

Title VII of the Civil Rights Act of 1964<sup>4</sup> prohibits employers (including school districts) with at least 15 employees from discriminating, harassing, or retaliating in employment based on various protected classes, including on the basis of religion. In this respect, employers are prohibited from treating employees differently in recruitment, hiring, terminating, promoting, training, or assigning job duties on the basis of religious practices or beliefs. Title VII also prohibits workplace harassment or retaliation for requesting accommodations in light of religious practices or for participating in or filing discrimination complaints. Wisconsin law also contains similar legal requirements that prohibit discrimination based on religion.<sup>5</sup> The Wisconsin Fair Employment Act generally follows Title VII requirements, including similar definitions and religious accommodation provisions.

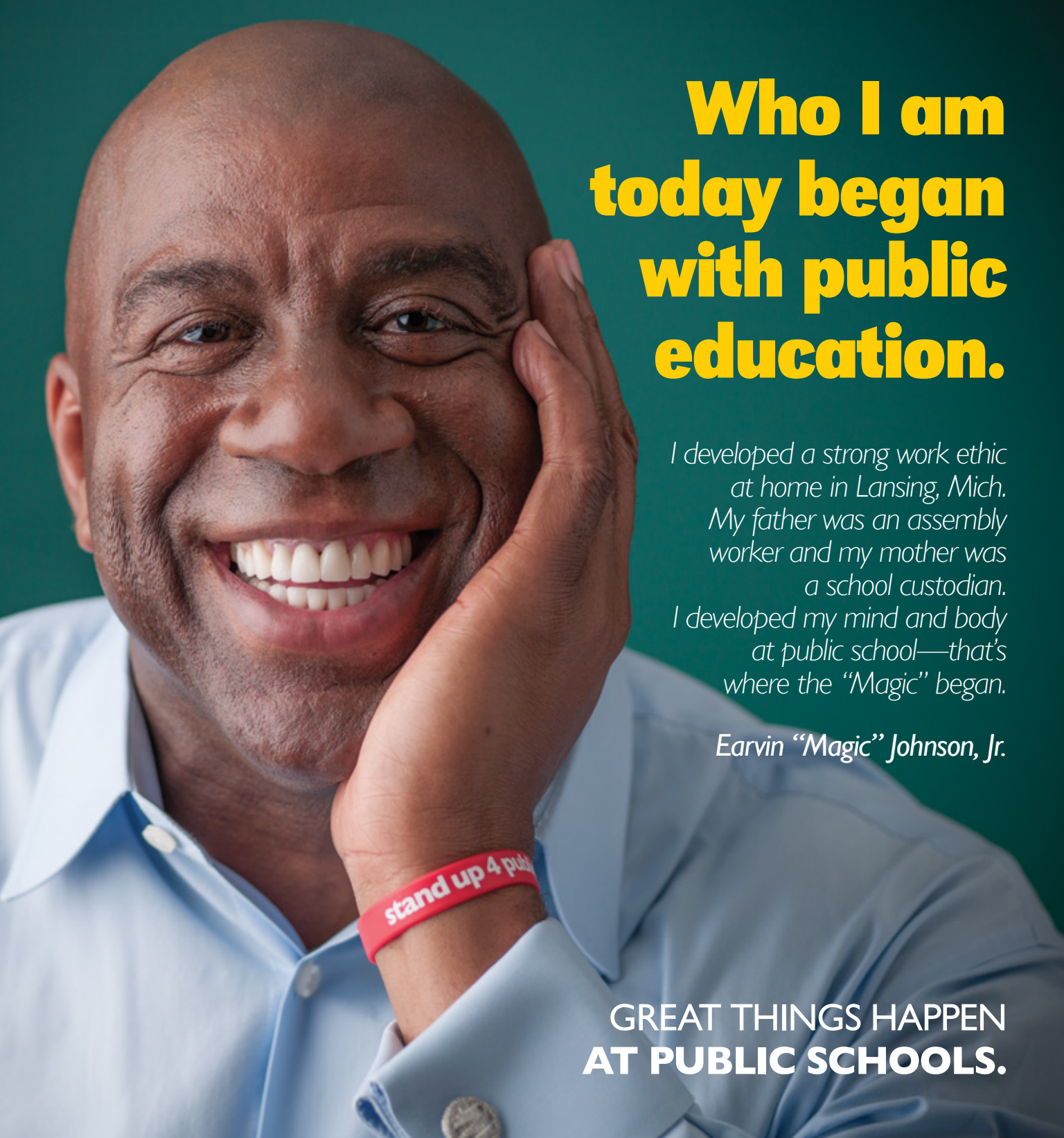
Title VII defines religion very broadly and protects all aspects of religious observance, practice, and

belief. Religious observations or practices include, for example, wearing religious clothing or articles (e.g., a Muslim hijab [headscarf]); observing a religious prohibition *against* wearing certain garments (e.g., an Orthodox Jewish woman's practice of not wearing pants or short skirts), or adhering to shaving or hair length observances (e.g., Sikh uncut hair and beard). Title VII does not limit religion to those “traditional” organized religions (e.g., Christianity, Judaism, or Islam), but may also include religious beliefs that are not part of a formal church or sect. Beliefs may be “religious” under Title VII even if they are not followed by all others in the same sect, denomination, or congregation. Further, the religious practices and beliefs need not be based on theistic beliefs in order to be protected. Because of this broad definition, an assertion that a belief or practice is religious is typically difficult to challenge.

## ■ EEOC Guidance

The recent EEOC publication does *not* create any new obligations under the law. Instead, the publication attempts to clarify several important and complex issues regarding how Title VII applies to issues of religion in the workplace. In short, the publication includes: (1) the basics of the application of Title VII to religious dress and grooming in the workplace; (2) what it means for a religious practice to be “sincerely held;”

For school districts, religious dress questions must be addressed cautiously by analyzing both constitutional provisions and Title VII requirements.



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*Earvin "Magic" Johnson, Jr.*

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(3) what an employer should do if an applicant's or employee's religious garb violates an employer's appearance policy or dress code; (4) examples of appropriate accommodations for an employee's religious dress or grooming practice; (5) what constitutes retaliation against an employee for requesting a religious accommodation; and (6) what constitutes religious harassment under Title VII, and what obligations an employer has to stop it. The publication provides answers to employer questions and gives examples for each question. Below is a discussion of key points from the publication.

**Religious Practice Must Be Sincerely Held.** Title VII's accommodation requirement only applies to religious beliefs that are "sincerely held." A religious practice that deviates from commonly followed tenets of the religion or a practice that the individual has just begun can be sincerely held. Considering the broad nature of this definition, an employer will often not have a basis for denying that an applicant's or employee's religious belief or practice is "sincerely held." However, if an employer has a legitimate reason for questioning the sincerity or the religious nature of a belief or practice for which accommodation has been requested, it may ask an applicant or employee for information reasonably needed to evaluate the request. Indeed, there may be cases where an employee is not able to establish a sincerely held religious belief.<sup>6</sup>

**Employers Must Provide Reasonable Accommodations.** Title VII requires an employer to make reasonable accommodations for an employee's religious beliefs or practices, unless to do so would constitute an undue hardship. An applicant or employee does not need to use particular words such as "accommodation" or "Title VII" when requesting a religious accommodation; however, the employer must have knowledge that the requested accommodation (for example, wearing religious dress or long hair) is necessary for the employee's religious beliefs or prac-

tices. An employer should carefully analyze each accommodation request on a case-by-case basis and may request additional information from the employee to fully understand the requested accommodation. Employers may not automatically refuse to accommodate an applicant's or employee's religious dress or grooming practice even if the dress or practice would violate the employer's appearance or dress policy.

One of the most commonly sought religious accommodations is an exception to an employer's dress and grooming policy. If an applicant or employee requests an accommodation for a sincerely held religious belief, practice, or observance that conflicts with the employer's dress and grooming policy, the employer must make an exception to allow the religious practice unless doing so would cause an undue hardship. For example, a food server applicant wears long hair for religious beliefs. The employer requires its servers to wear their hair short and neat. During the interview, the food service manager informs the applicant that, if offered the position, he will need to cut his hair. After explaining that he wears his hair long for a religious belief, the applicant offers to pull his hair up in a ponytail. The manager refuses to allow the applicant to wear his hair in a ponytail and declines to offer him a position. Since the applicant could have been accommodated without an undue hardship, the manager has violated Title VII.

**Undue Hardship Must Be More Than De Minimis.** For purposes of religious discrimination, undue hardship is defined as more than a de minimis cost or burden on the employer. For example, if a religious accommodation would impose more than ordinary administrative costs, it would pose an undue hardship. However, deviating from an employer's preferred image is not considered an undue hardship. An employer may not assign an employee requesting a religious accommodation to a non-contact position if the requested

accommodation does not meet the employer's desired image or if the employer fears that others will have a biased response to the religious dress or grooming.

**Employers Must Prevent Harassment.** An employer must not permit harassment based on religion to occur in the workplace. Religious harassment occurs when an employee is subjected to unwelcome statements or conduct based on religion, where the conduct is so frequent or severe that it creates a hostile or offensive work environment, or where the conduct leads to a tangible employment action, such as termination. Harassment may include offensive remarks or verbal or physical mistreatment that is motivated by the victim's religious beliefs or practices. An employer may be liable for harassment by co-workers and third parties where the employer knew or should have known about the harassment and failed to take prompt and appropriate corrective action. An employer can also be liable for harassment by its supervisor if the harassment results in a tangible employment action, such as the harassment victim being fired.

## ■ Constitutional Concerns

For public employers (such as school districts), religious dress and grooming by employees may also raise concerns under various constitutional provisions, including the First Amendment to the U.S. Constitution. The First Amendment states, in pertinent part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Under the Establishment Clause, public employers are precluded from endorsing a particular religion or religion at all. Therefore, to avoid violating this provision, some school districts may be inclined to prohibit all religious dress by employees, thereby not allowing any argument that the district is "establishing" a religion. However, under the Free Exercise Clause, citizens are entitled



to profess their faith freely, which may include a prescribed dress based on a religious practice. If a school district prohibits all religious dress, it may be accused of violating both an employee's Free Exercise rights and Title VII rights to a reasonable accommodation. For school districts, religious dress questions must be addressed cautiously by analyzing both constitutional provisions and Title VII requirements.

In this respect, in some instances, school districts may attempt to address a dress issue by refusing to grant an exception to a dress code for an employee who raises religious concerns. School districts may contend that granting a requested accommodation would pose an undue hardship because it would constitute a government endorsement of religion in violation of the Establishment Clause. However, the EEOC publication cautions public employers on taking such an approach. Instead, the EEOC publication states that it is advisable in all instances for public employers to make a case-by-case determination of any needed religious exceptions.

The EEOC informs us that public employers must generally allow exceptions to dress and grooming codes as a religious accommodation, although there may be limited situations in which the need for uniformity of appearance is so important that modifying the dress or grooming code would pose an undue hardship. One example provided by the EEOC is where a librarian at a public library wears a cross as part of her Catholic religious beliefs, and her new supervisor directs her not to wear the cross in the future while on duty. Because the librarian's duties require her to interact with the public, the supervisor fears that her cross could be mistaken as a government endorsement of religion. However, because the librarian's cross is clearly personal to this situa-

tion, it would not cause a perception of government endorsement, and accommodating her religious practice is not an undue hardship.<sup>7</sup>

Indeed, in some cases, allowing school district employees to wear distinctive religious clothing may be unconstitutional and a violation of the Establishment Clause.<sup>8</sup> However, in other cases, wearing religious items may not be prohibited, particularly where there is no undue hardship, or where similar forms of secular expression are permitted.<sup>9</sup> For example, a municipal bus driver advised her supervisor that, due to her tenets of her faith (Apostolic Pentecostal), she needed to wear a skirt rather than pants required by the transit agency dress code. She was terminated. This termination violated Title VII because, absent evidence that the type of skirt would pose a safety hazard, no undue hardship would have been posed by allowing this exception.<sup>10</sup>

## Conclusion

The EEOC publication does not create any new obligations under the law. Instead, the publication clarifies issues regarding how Title VII applies to religion dress and appearance in the workplace. It also signals the EEOC's commitment to vigorously enforcing Title VII's prohibition on religious discrimination. School district officials therefore must be very aware of the requirements under Title VII, as well as the additional legal requirements imposed by state law and constitutional provisions.

To reduce the risk of religious discrimination claims, school districts should have a process in place for addressing religious accommodation requests, which also considers any constitutional issues that may be implicated. School district officials should also articulate a commitment to providing reasonable accommodations and carefully evaluate when a religious accommodation would or

would not be an undue hardship. Officials should also take note of any applicable local laws addressing religious discrimination and harassment, which may be broader than required by federal law, and seek advice from legal counsel as necessary. ■

## Endnotes

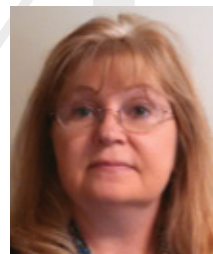
1. Wis. Stat. s. 103.14.
2. "Religious Garb and Grooming in the Workplace: Rights and Responsibilities" (March 6, 2014).
3. For additional information related to this topic, see *Wisconsin School News*, "Religion in Schools, Sexual Harassment, ADA" (July 1997), "Teaching in Religious Dress" (April 1991), "Religious Discrimination and the Duty to Accommodate" (Nov. 1981), and "Regulation of Teachers' Attire" (Sept. 1978) and WASB Legal Notes "Public Schools, Religion, and the Establishment Clause" (Winter 2010-2011).
4. 42 U.S.C. s. 2000e et seq.
5. Wis. Stat. ss. 111.31-111.395, 118.20.
6. See *Sidelinger v. Harbor Creek Sch. Dist.*, 2006 U.S. Dist. LEXIS 86703 (W.D. Penn. Nov. 29, 2006) (concluding that a teacher failed to establish a prima facie case of religious discrimination after he was terminated in part for refusing to wear a photo identification badge at school, which he claimed was against his religious beliefs).
7. *Draper v. Logan County Pub. Library*, 403 F. Supp. 2d 608 (W. D. Ky. 2005); see also *Nichol v. Arin Intermediate Unit 28*, 268 F. Supp. 2d 536 (W. D. Pa. 2003).
8. See *Downing v. West Haven Bd. of Educ.*, 162 F. Supp. 2d 19 (D. Conn. 2001) (school officials acted appropriately in prohibiting teacher from wearing shirt with the words "JESUS 2000 - J2K" because the school's interest in a potential Establishment Clause claim outweighed any interest of the teacher). See also *Daniels v. City of Arlington, Texas*, 246 F.3d 500 (5th Cir. 2001).
9. See *Booth v. Maryland*, 327 F.3d 377 (4th Cir. 2003).
10. *U.S. v. Washington Metro. Area Transit Auth.*, No. 1:08-CV-01661 (RMC) (D.D.C. consent decree entered Feb. 2009).

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

## Service Associate Q&A

### Linda Mont of Key Benefit Concepts LLC takes on tough benefit questions

*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.*



**Linda Mont** is a senior benefit consultant with Key Benefit Concepts LLC, which provides actuarial and employee benefit consulting services.

**Q.** Generally speaking, what do employees value more: good benefits or higher pay?

**A.** That is a difficult question. I don't think there is a flat answer that applies to all employees. Younger employees tend to look for more pay as they have student loans and growing families. As employees age, and go through various stages in life, they find a greater need for the benefits and come to appreciate their value more and more.

Employees — young and old — look at the total package a firm is offering at the time of employment. Having a quality, comprehensive benefit package is an important recruitment and maintenance tool for all employers.

**Q.** What is a strategy districts can use to control benefit costs?

**A.** Establishing and using a benefits committee comprised of employees from all classifications and campuses provides a means for regular review and interaction with employees so that there is an understanding of benefits and costs. It also provides a platform for evaluating the cost sharing via employee contributions as well as deductibles, copays and maximums. We have found that via committee meetings and better understanding of the benefits and costs, that employees have suggested modifications in cost sharing to maintain benefits and to

help others understand the value of the benefits.

**Q.** Making any changes to benefits is, understandably, a sensitive area for employees. What can districts do to make these changes easier for employees to accept?

**A.** It is important for all employers to educate employees and their families to understand their benefits and how to effectively use them. Establishing and sharing the benefit strategy and long-term vision is a key to employee engagement, acceptance and assistance to making benefit alterations. Year-round communications explaining benefits, the total costs and the portion of the cost paid by the employee is an important aspect of plan management. Changes are understandable and accepted more readily when there is consistent communication with your audience. This provides for smoother transition.

**Q.** What are some benefit-related issues that you think might be big issues for school districts in the future?

**A.** Post-employment benefits are definitely a big benefit issue for school districts. Some have made changes to the benefits and have found that the changes may have solved one problem, but created another. We assist the districts in looking at the long-term costs and expectations of the current benefit as well as proposed



changes before changes are made. Wellness is another benefit-related issue that is changing. For many employers, wellness is seen as only biometric screenings and health risk assessments. Wellness is not just about exercise and diet; it encompasses all aspects of well-being — physical, social, and emotional. Wellness must meet an employee where they live (*i.e.*, status in life — financial, family, stress, health conditions, etc.) No employer or district is able to do this on their own — good partners are necessary. An environmental evaluation is needed to identify the direction of wellness goals and activities. It will be different for every employer and must be geared to meeting employees where they are at today. Wellness must become a way of life! ■

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Wellness is not just about exercise and diet; it encompasses all aspects of well-being — physical, social, and emotional.



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