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Manufacturing academies are giving students real world experience, college credit, and high-tech manufacturing skills while still in high school







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John H. Ashley Executive Editor

Sheri Krause

Director of Communications

Shelby Anderson Editor

■ REGIONAL OFFICES ■

122 W. Washington Avenue Madison, WI 53703 Phone: 608-257-2622 Fax: 608-257-8386

132 W. Main Street Winneconne, WI 54986 Phone: 920-582-4443 Fax: 920-582-9951

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608-556-9009 · tmccarthy@wasb.org

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Wisconsin Schools Nominated for Green Ribbon Awards

hree Wisconsin schools and one district were nominated by the Department of Public Instruction for the U.S. Department of Education's Green Ribbon Schools awards. The nominated schools are: Colby Elementary School (Colby School District), Columbus Elementary School-Discovery Charter Schools (Columbus School District), and Lake Mills Elementary School (Lake Mills School District). In addition, the Middleton-Cross Plains Area School District was nominated.

Colby Elementary School was nominated for its efforts to increase efficiencies and promote behavior change. The school was also selected by CESA 10 to be part of an environmental initiative aimed at sustainability and environmental education.

Students at Columbus Elementary School-Discovery Charter School are involved in hands-on environmental projects. One project involved evaluating an ailing Norway spruce tree on school grounds. When it was determined the tree wouldn't survive another season. students voted to cut it down. After finding a worm in one of the tree pieces, students consulted with a UW-Madison entomologist and learned that it likely contributed to the tree's demise.

Lake Mills Elementary School is the only K-12 school in the nation to meet the strict standards of LEED v4, the newest version of the LEED green program. The school includes daylighting, geothermal heat, solar panels for electricity and heating water, and building materials free of volatile organic compounds.

The Middleton-Cross Plains Area School District was nominated for its work across the entire district. Two of its schools have been honored as Green Ribbon Schools and the district continues to pursue green and healthy practices in all of its schools.

Winners of the Green Ribbon Schools program will be announced April 22.

Kenosha Students Get National Attention

tudents on the Lincoln Middle School basketball team in the Kenosha Unified School District were in the national spotlight for standing up for a student who was being bullied during a basketball game. Members of the team noticed that other students were making fun of Desiree Andrews, a cheerleader with Down syndrome. Three of the basketball players — Miles Rodriguez, Scooter Terrien, and Chase Vazquez — stepped off the court and asked them to stop harassing her.

"We were like, 'Can you guys just stop? That's not right,'" said Rodriguez. Since the incident was reported by local media in southeastern Wisconsin, it soon went viral and was reported by USA Today, The Washington Post, National Public Radio and the UK's Daily Mail.

"It's been a great experience," said Principal Star Daley. "Everyone has just been so overwhelmed and filled with pride."

Last school year, the school started a Positive Behavioral Intervention and Supports (PBIS) program focused on empathy. Students take a pledge each morning in which they state that they will act responsibly and be caring.

"Our push was we wanted them to care, to have empathy, we wanted them to support one another and we pushed that a lot last year," Daley said.

TAT OF THE MONTH

Number of Wisconsin school districts with a referendum

(or referendums) on the April 7 ballot.

Source: Department of Public Instruction



Helping 'Military Children'

April is "Month of the Military Child." Operation Military Kids, an organization devoted to providing support to military families and their children, and members of the Wisconsin Council for the Interstate Compact for the Education of Military Children asks Wisconsin schools to plan special activities

during April to support and recognize military children in your schools.

A list of activities and resources can be found at sspw.dpi.wi.gov/ sspw_militarychild or operationmilitarykids.org. Or you can contact Sue Curtis, Wisconsin Operation Military Kids Liaison, at sue.curtis@ces.uwex.edu.



Make Your Voice Heard

elcome to our new school board members who will be taking the oath of office this month and finding their place at the board table alongside their fellow school board members. We congratulate you on your election and look forward to working with you!

To our experienced board members who will be leaving office, thank you for your service, your commitment and your dedication to public education. Whether you served for three years or 30, you strengthened democracy by taking an active role in local government. I encourage you to continue your advocacy efforts as private citizens in supporting public education and the efforts of your school board.

As our current school board members and administrators know, our new board members are joining at a crucial time for public education.

We need everyone — current, incoming and alumni school board members — to speak up on behalf of public education and the public's investment in our young people. A perfect storm of partisan politics, voucher school expansion, and public school funding cuts is creating a new reality of what Wisconsin school districts face.

Public schools would see a net decrease of \$130 per student in state funding in the proposed budget. The vast majority of our school-aged children in Wisconsin attend public schools. We need to make sure lawmakers in Madison are concerned about their futures and the futures of our communities, and invest in public education appropriately.

As the state budget debate continues and legislators tackle education-related issues during the 2015-16 legislative session, I also encourage you to ask your legislators to support initiatives that are backed by research and focused on what is best for student learning. Initiatives such as: investments and improvements in early childhood, children's mental health services, technology, and professional development for teachers and administrators.

Just like we use data to inform our decisions on local school boards. we need to urge our lawmakers to refocus on sound, practical, research-backed education initiatives that have proven results.

You — our state's school board members — can play a key role in ensuring that the voices of our public schools are heard in Madison. If you haven't already, contact your local lawmaker and establish a relationship. As one locally elected official to another, your input can have a direct impact on your lawmakers' outlook and view on public education. We also encourage districts to educate their communities about the impact of diverting funding away from their public schools. Find ways for community members to speak out. Now is the time to make your district's voice heard.

There is a lot of work ahead of us. During the third week of April. the WASB will be holding New School Board Member Gatherings throughout the state to help get new members orientated. On May 2 in Appleton, we'll be holding the WASB Spring Academy with tracks for new and experienced school board members. And on July 18, the Summer Leadership Institute will allow members to delve more deeply into topics. In addition, the WASB offers many publications, events, and other services aimed at helping school board members become better informed leaders.

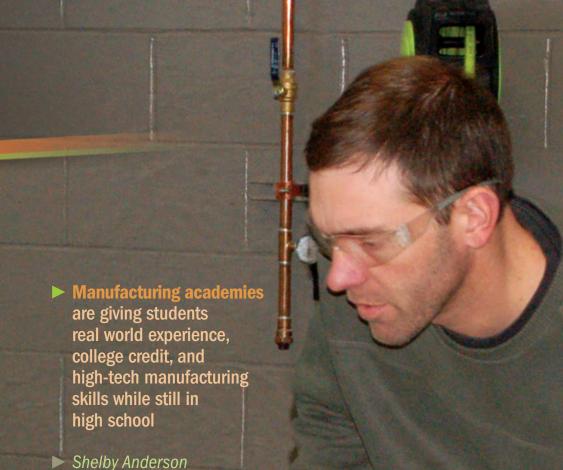
Again, I welcome our new school board members and thank those outgoing members for their service. I encourage our new board members to attend a New Board Member Gathering and visit our website (wasb.org) to get acquainted with the information and expertise that is at your fingertips.

Another way to access the information and resources available from the WASB is to download our new mobile app. It includes links to education news, notifications from the WASB, event information, Legislative Updates and much more. To download, search "WASB" in the iTunes or Google Play stores.

School board service is an important responsibility with many complicated issues surrounding public education. As you begin your work, remember that we're here to serve you.

We need everyone — current, incoming and alumni school board members — to speak up on behalf of public education...





hat better way to teach students about business and manufacturing than to have students

run their own manufacturing business? Student-run businesses are taking off in school districts across Wisconsin — including Algoma, Green Bay and Hurley.

Student-led manufacturing labs in these districts offer students an opportunity to earn college credit, gain business experience, and develop the skills and knowledge to be successful in the manufacturing industry. In some cases, students are being offered jobs before they graduate high school

or developing their own innovative products and businesses.

Opportunities like these are made possible because of school leaders and teachers who go the extra mile and through partnerships between local technical colleges and manufacturing businesses. These partnerships are benefiting school districts, businesses, and most importantly, students.

Algoma Wolf Tech

Four years ago, the technology education department at Algoma High School was average. Students did woodworking, learned how to weld and that was about it.

"It was kind of run-down, not much was happening," said principal/superintendent Nick Cochart.

That all changed when the school district entered into a partnership with local manufacturers and Northeast Wisconsin Technical College in Green Bay. Under this new partnership, the technology education department tripled in size and was fitted with state-of-the-art manufacturing machines. Soon, a student manufacturing business based right in the school was born.

The business — Algoma Wolf Tech — is made up of juniors and seniors who meet for three hours each afternoon

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and fill orders, manufacturing custom-made parts for local manufacturers and products such as decorative fire rings. Students are programming, designing, engineering, manufacturing, welding, 3D-modeling, fabricating and machining as well as learning how to work as a team and with customers.

Business has been good for Algoma Wolf Tech. The student-led business helps fill a niche role in the local economy. As Cochart explains it, Algoma Wolf Tech helps local manufacturers be more efficient by producing small orders of custom parts. When a manufacturing company needs a custom metal

fabricated piece, it is inefficient for it to shut down a large machine to produce a small piece. This is where the school comes in.

"That set-up and take down time is beneficial to us," Cochart said. "It allows our students to get more practice and experience setting up and running the machines."

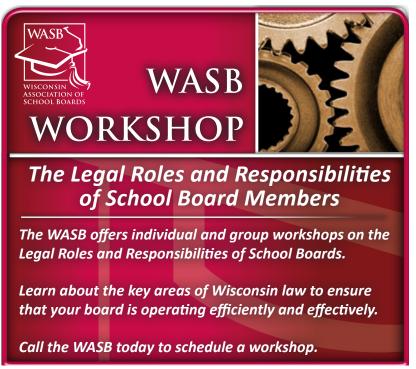
Students at Algoma Wolf Tech earn college credit and, so far, all of the students in the business have been offered jobs by local manufacturers before they even graduate high school. In some cases, companies even offer to pay for a student's technical college tuition.

"It's not that different from an athletic scholarship," Cochart



Students at Algoma Wolf Tech

earn college credit and, so far, all of the students in the business have been offered jobs by local manufacturers before they even graduate high school.





explained. "Except that these students are not only getting an education but also a good job."

Students have also started their own businesses. Cochart said one student noticed that many of the custom metal fabricated pieces that Algoma Wolf Tech produced were being sent off to another business to finish the product — such as applying a powder coat or special glaze. The student began experimenting with applying finishes to metal pieces in his garage at home; using an old oven his mom threw out. Since then, the student has built a large walk-in oven to accommodate the number of orders he is filling.

Working at Algoma Wolf Tech, allows students to be innovative and work with different technology. "There are so many things you can try here," Cochart said. "We don't want students to worry about failure.



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We want them to experiment."

Algoma Wolf Tech has also been successful financially. The business is close to funding itself, which would be a tremendous accomplishment considering the costs involved with manufacturing. In the end, though, Cochart said, it's about giving students opportunities. He said he hopes that students will see that good jobs exist right in the community.

"One problem we have is that many of our best and brightest students leave after graduation," Cochart said. "They don't know about what's going on around here. We have manufacturing companies doing business internationally and we want our students to be a part of that success." □

Bay Link Manufacturing

The Green Bay Area Public School District undertook an extensive community engagement effort that addressed many aspects of the school district including career and technical education. Out of this effort, the district started Bay Link

Manufacturing, a manufacturing academy located in Green Bay West High School.

This is the first school year that Bay Link has been in existence. Last year, juniors and seniors in the school district were invited to apply. About 15 students went through the application process, which included an interview with teachers and representatives from manufacturing companies, and 12 students were selected.

For three hours in the afternoon of each school day, the students work as a team completing orders for manufacturing companies, working on student-developed products and ideas, and developing the business. In addition to the manufacturing work, students make sales calls and visit with manufacturing leaders. Teacher Andy Belongia said the business side of Bay Link was daunting at first to students.

"You can see the confidence building in the students," Belongia said. "Now they can sit down in a conference room with representatives from big companies."

Students earn high school credit



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and, through a partnership with Northeast Wisconsin Technical College, they get three college credits. In addition, some of the revenue that Bay Link Manufacturing brings in gets distributed to the students at the end of the school year in the form of scholarship money. "Students have a little stake in the game," Belongia said.

Bay Link is run like a business. Students are graded based on their work but also employability skills such as the ability to meet deadlines and work with others.

"We wanted to do more than just teach students how to weld," Belongia said. "We have a rubric of employability skills and hard skills, such as showing up on time. At the end of each grading period, students have a review just like you would have at any job."

Like Algoma Wolf Tech, much of the work that Bay Link does is for larger manufacturing companies that need a small, custom job completed. Area manufacturers send blueprints to Bay Link and the students calculate how much the order would cost Bay Link is run like a business.

Students are graded based on their work but also employability skills such as ability to meet deadlines and work with others.

to produce. Students at Bay Link then send a bid sheet back to the company and wait for their response.

Belongia said an advantage of Bay Link is that it can complete small-scale manufacturing orders quickly. "Manufacturing is moving faster and faster," he said. "These companies can't wait weeks or months to get a part from overseas."

Bay Link hopes to be self-sustaining in three years. Until then, it will continue to receive support from the school district, NEW Manufacturing Alliance, Northeast Wisconsin Technical College and a host of donors.

"They know they're helping to build the manufacturers of tomorrow by working with us," he said.

For school districts that are interested in starting a manufacturing academy or student-led business, Belongia said the most important step is to make sure your school district is 100 percent supportive. Another key component is developing a relationship with a local technical college so that participating students can earn college credit while in high school. Finally, Belongia said partnerships with local manufacturing companies are essential. "You have to have someone from the manufacturing industry who will be a champion for your district." ■

Shelby Anderson is editor of Wisconsin School News.



Chosen by the Association of Educational Service Agencies as a primary

partner in ESA executive searches.



Now, with the right equipment in place, students complete work orders from local industry partners and community members and organizations.

Northwoods Manufacturing

hanks to donations and support from local industry, community members, and the Hurley School District, Northwoods Manufacturing, a student-run business based in Hurley High School, opened its doors at the beginning of the 2013-14 school year.

Students learn how to develop a good work ethic, do advanced machining on metal and wood, and enter into the workforce in a manufacturing career. Northwoods Manufacturing was made possible when Hurley High School's technical education department underwent a complete overhaul. With support from industry partners, the school purchased manufacturing equipment. Students also helped by building new work tables and welding booths, and repainting the facility's walls.

With the right equipment in place, students in Northwoods Manufacturing complete work orders from local industry partners, organizations and community members. Northwoods Manufacturing has a metals division and a woods division, which provide students with a variety of manufacturing experiences and its customers with a range of products and services. Examples of the products and services include: machine parts for local industries, coffee/end tables for local furniture vendors, trailers, custom hitch plugs, grills, and fireplace mantels — to name a few.

"Our mission is to provide students with real world manufacturing experiences that will prepare them to enter the work force with production skills and work ethic to make them desirable candidates for industry," said Teacher Roger Peterson.

At Northwoods Manufacturing, the emphasis is on

"real world application." Students are learning manufacturing skills by producing products for their business.

"This type of program has been great for student morale and skill level as they see an immediate purpose to the skills they are being taught," Robertson said.

In only its second year of operation, the business is gaining recognition. In January, Northwoods Manufacturing received the 2014 Business of the Year Award from Iron County. Students and staff are continually refining their curriculum and business to find ways to make it more efficient and effective. \square



New Board Members!

School Board Leadership Matters

Board members' background, beliefs, training, and focus impact student achievement Amber Northern & Dara Zeehandelaar

s researchers in an education-policy think tank, we usually focus our energies on where education policy originates — at the state and federal level. Yet policymakers housed in state and national governments are often far removed — physically and mentally — from the teachers, principals, and youngsters who labor diligently in our schools and districts daily. Let's face it: When all is said and done, it's up to local leaders to adopt and implement smart policies — and avoid the dumb ones! - in an effort to drive district success.

Thus attention must inevitably turn to the local school boards, presumably elected because voters believe they're able to effectively balance student needs with community demands and state and federal mandates. Plus, unlike their state

and national brethren, local policymakers are close enough to the schools to have an impact on student performance. Or are they? That's the question we recently sought to answer in a groundbreaking study that, for the first time, linked district achievement to school board data to see were they linked.

After all, school boards, like most other educational institutions, have their share of supporters and critics. The former characterize them as key partners in improving student learning and advancing the education aims of their local communities. The latter describe them as foes of productive education reforms, structural relics of early-twentieth-century organizational arrangements that have little effect on what actually happens in the classrooms.

So which is it? When it comes to

the elected leaders of most of the 14,000 school districts in the U.S., are board members critical actors in enhancing student learning, protectors of the status quo, or simply harmless bystanders?

Until now, nobody had much evidence one way or the other. So, building on a large-scale survey (done in collaboration with the National School Boards Association and Iowa School Boards Foundation), we set out to see whether school board members' personal characteristics, knowledge, and priorities could be linked to district performance. To explore these questions, we enlisted Arnold F. Shober, associate professor of government at Lawrence University, and Michael T. Hartney, researcher in political science at the University of Notre Dame. Both have conducted signifi-

Policymakers housed in state and national governments are often far removed — physically and mentally — from the teachers, principals, and youngsters who labor diligently in our schools and districts daily.

cant previous research into the politics and policy surrounding the sometimes confounding world of education governance.

The present study is, to our knowledge, the first large-scale effort to gauge the capacity of board members to lead America's school districts effectively. The authors started with the aforementioned survey data (published in 2010) and combined it with detailed demographic and pupil achievement data. They probed four big questions:

- Do school board members have the capacity — accurate knowledge, academic focus (i.e., the belief that improving student learning is important), and work practices — to govern effectively?
- Do districts with higher-capacity board members do better than otherwise similar districts?
- What characteristics of board members are associated with greater capacity?
- Is a district's method of selecting board members associated with its ability to beat the odds?

What We Learned

Here is what we learned from each of the above questions.

First, board members, by and large, possess accurate information about their districts and adopt work practices that are generally similar across districts. Yet there is little consensus about goals and priorities.

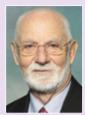
U.S. school board members are fairly knowledgeable about district conditions. They demonstrate accurate knowledge in four of the five areas that we examined (school finance, teacher pay, collective bargaining, and class size). They're less knowledgeable, however, about the rigor (or lack thereof) of academic standards in their respective states.

Board members are also quite divided in the priorities that they hold

Advice for New Board Members

Capt. Terry McCloskey, USN Retired, a member of the Three Lakes School Board and WASB 2nd Vice President, and Stu Olson, a member of the Shell Lake School District and WASB 1st Vice President, share some advice for school board members taking office.

■ What advice would you give to a new school board member?



McCloskey: The school board sets policy and the administrator carries it out. These lines are very clear and should not be crossed. It is often difficult for school board members to avoid 'tinkering' with school items but they must always remember that their job is policy. School board members should also avoid becoming issue oriented (some run for that reason). Remember, you must address all aspects of policy as it applies to education.



Olson: First, good for you for stepping forward, and congratulations on being elected! That said, there's a learning curve. Enjoy the climb! Hopefully your board president will designate a mentor for you - take full advantage of that. Ask all of your questions. My best tip: Attend WASB training events, starting with your area New Board Member Gathering (see page 27). You have plenty of expert support at your disposal.

■ What do you think are the qualities of a successful, productive school board member?

McCloskey: School board members must have an open mind and always try to increase their knowledge of all aspects of education. They should prepare for the board meetings by reviewing meeting material. They also should strive to attend educational events in an effort to increase their knowledge and learn of 'cutting edge' educational concepts and ideas.

Olson: Integrity, competence, positivity, and patience.

■ What have you learned in your years serving as a school board member?

McCloskey: My view of our school and the role of the school board is different today than when I was first elected. I did not understand the need for consensus on the board. Split votes are alright but there is the power of unity with 5-0 votes on our board. We all come at issues from different directions, but we work our way through them, with the student in mind, and strive for 5-0 votes. I am pleased to say on our board that we seldom have split votes.

Olson: Trust is paramount. Between board members, between board and superintendent, and teachers, and the community – throughout the school district. It starts with the board. Most relationships in our society are based on trust. Even our financial system is based on trust, and public education is also based on trust. Without it, even the best systems splinter and factionalize. Building and maintaining trust is key to a thriving public school system.

for their districts. There is little consensus that improving student learning is paramount. They often focus on other priorities, such as the "development of the whole child" and not placing "unreasonable expectations for student achievement" on schools.

Board members have similar work practices, such as participating in training in budgeting and student achievement issues, but most devote fewer than four full days per month to board matters, and most are not paid for their work. (This finding is perhaps not surprising, considering that members were originally viewed as upstanding lay citizens who serve part-time without compensation but hire capable school managers to do the heavy lifting.)

Knowing that board members have reasonably accurate knowledge and similar work practices, but are divided with it comes to their focus on academics, is one thing. But is any of this actually related to student achievement? Yes.

It turns out that school boards with more members who focus on academics are, all else being equal, more

likely to govern districts that "beat the odds" — *i.e.*, to have students perform better academically than one would expect, given their demographic and financial characteristics. Thus, our second finding: Districts that are more successful academically have board members who assign top priority to improving student learning. (We also find that members who devote more hours to board service are likelier to oversee districts that beat the odds — although we don't know what that time-on-task entails).

A Board Member's **Background Matters**

Next, we sliced the data relative to board members professed political ideology and background. We found that political moderates tend to be more informed than liberals and conservatives when it comes to money matters; educators and former educators are less informed.

In other words, whether board members self-identify as conservative, moderate, or liberal is linked to whether they have accurate knowledge of their districts. Members who

describe themselves as conservatives are less likely than liberals to say that funding is a barrier to academic achievement, regardless of actual spending in the district. Conversely, liberals are likelier than conservatives to say that collective bargaining is not a barrier to achievement, regardless of actual collective bargaining conditions.

Political moderates are most likely to have accurate knowledge regarding school funding and class sizes in the district.

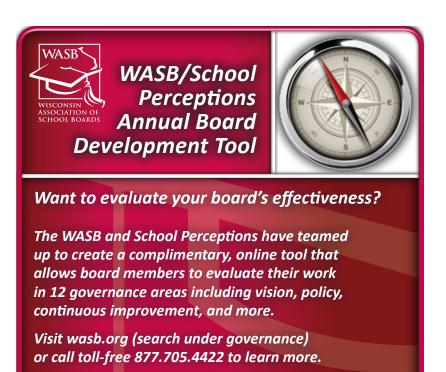
The background of a board member also shapes his or her knowledge. Rather surprisingly, those with a professional background in public education (former teachers or other school-system employees) are less knowledgeable about true district conditions than those who are not former educators, particularly with regard to finance and teacher pay.

Last, we examined whether the type of board election had any relationship to district achievement. We found that districts that elect a larger percentage of board members from at large (from the entire district rather than from subdistricts or wards) and in on-cycle elections (held the same day as major state or national elections) are substantially likelier to beat the odds. Merely holding board elections concurrently with state or national elections is associated with a student proficiency rate about 2.4 points higher than in comparable districts with off-cycle elections.

Successful Board Members **Focus on Student Learning**

In summary, board members who focus on improving student learning, and who are elected at-large and on-cycle appear to lead districts that beat the odds. Which naturally begs the question: In places where it is not the case, how do we improve upon it? A few thoughts.

First, board members as a group are clearly not ignorant of what is going on in their districts. They have a reasonably accurate understanding of school finance, teacher pay, collec-



tive bargaining, and class size. While this is certainly encouraging, it's also disquieting to see that accurate knowledge isn't universal, even after board members receive training on the topics we explored (and nearly all of them did). A member's background and political beliefs matter.

This is worrying not because ideology or experience shapes board member opinions — that is unavoidable — but because voters in today's polarized climate might favor strong conservatives or liberals over moderates ("At least they have an opinion!") and former educators over system outsiders ("They know what it's really like.") Voters need to be more aware of these tendencies and respond accordingly. (So far in what we take to be a good sign — school board members as a group are more "moderate" than the U.S. population as a whole.) At the same time, board members need to be responsible for acknowledging and addressing their biases. It's the duty of a diligent board member to self-inventory the ideas he brings to the table. He must determine which ideas are based on careful reasoning and evidence versus limited personal experience, anecdote, or gut feelings. It's also the responsibility of boards to raise these issues and remind their members to engage in such selfreflection often.

Second, the data suggest that a district's success in "beating the odds" academically is related to board members' focus on improving student learning. Yet not all board members have this focus. Some prefer developing the "whole child," not placing unreasonable academic expectations on schools, and celebrating the work of educators in the face of external accountability pressures. Nothing is wrong with those other priorities, but they ought not displace the primary goal of presidents, governors, employers, myriad education reformers, and a great many parents in twenty-first-century America: boosting children's learning. Responsible board members ought not overlook that.

Third, how we elect many board

members may affect whether the best and brightest take on these key roles. Off-cycle elections have a noble intent: isolating board elections from partisan politics. So do ward elections: attracting board members who reflect the demographics of the electorate. But given the importance of recruiting board members who give top billing to student learning, perhaps communities should rethink how elections for those roles are structured.

Finally, we find that training, compensation, and time spent on board business are related to beating the odds. Our data are unable to show the quality of board member training, how they actually spend their time, and other important questions, so we're not able to offer concrete guidance about how best to maximize board time and service. Still, we can offer commonsense board-level advice: 1) hire well; 2) hold senior managers accountable for running the system effectively and efficiently, in accord with board-set priorities; and 3) provide responsible oversight without micromanaging.

More than anything, what we take from this study is that school board members and their attitudes do matter — and therefore, it's important to take seriously who gets elected and how that is done. Most board members are neither ill-informed nor incapable of leadership. Regrettably, however, that's not true of all. As U.S. public education continues to debate structural reforms and governance innovations, we should also be working to get the best results that we can from the structures that most communities have today, which means getting the very best people elected to school boards.

Amber Northern is senior vice president for research at the Thomas B. Fordham Institute. Dara Zeehandelaar is the national research director at the Thomas B. Fordham

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More Change Coming

Shifting demographics will impact economy, government, and education

Todd Berry

any aspects of the economy
— tax collections and stock
prices, for example — are
difficult to predict. But arguably
Wisconsin's most pressing economic
challenge has been known, and
largely ignored, for decades: a major
population shift that could adversely
impact employers, government revenues, and the state economy's
capacity to grow.

In a nutshell, the massive baby boom population is beginning to exit the labor force, and the size of the working-age population that follows is smaller. One need look no further than the last 15 years of Wisconsin's falling school enrollments to understand what lies ahead.

A kindergartener in 1997 is now 22 years old and entering the permanent workforce. And that means our labor force has years of stagnation or decline ahead of it.

Politicians are quick to promote "economic development" and "job creation," but if worker counts are not growing, they may miss the forest for the trees. One cannot create jobs if there are no available people to hire.

Modern economic history confirms the strong tie between growth in the working-age population and job creation. Between 1980 and 2011, in states where the working population expanded rapidly, job creation was robust. In states like Wisconsin and its neighbors, the working-age cohort grew less, and job creation was moderate.

The combined effect of a no-growth workforce and a near doubling of retirees goes well beyond employers and job numbers. Consumer markets will be impacted. The elderly tend to purchase more services and fewer goods than young people. Their need for health and social services is greater while demand for new consumer items, such as vehicles and appliances, is less.

As "boomers" retire, they will also trade larger homes for smaller condominiums or apartments. Prices for smaller residences should rise with increased demand; however, the market for larger ones should be soft.

Aging Population, Falling Incomes

Population shifts will also impact state incomes. Average earnings generally rise with age, before falling at retirement. But the number in the former group is not growing, while the number in the latter is surging. Over the next 30 years, total income in the state is projected to increase just 15 percent, or an average of just 0.5 percent per year, far less than averages of 6 percent in the 1990s or even 4.3 percent during the pre-recession 2000s.

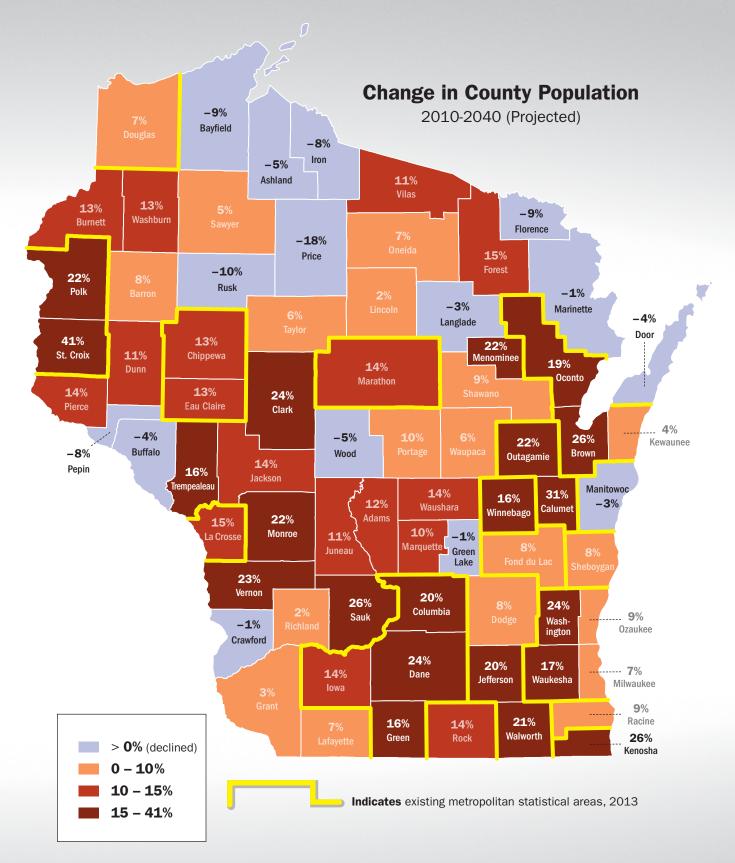
An aging population has major revenue implications for state and local governments. Individual income and sales taxes provide more than 80 percent of state general fund revenues. Slower income growth from a shrinking workforce will inhibit income tax collections. Moreover, a growing share of all income will come from Social Security, which Wisconsin exempts from taxation.

Since mature consumers purchase fewer taxable goods and more food, drugs and services that are not taxed, a boom in seniors will affect sales tax collections. And, to the extent that seniors rely on government services more than others, their increasing numbers will put mounting pressure on state-local spending.

State population trends will affect local property tax revenues, as well.



"A kindergartener in 1997 is now 22 years old and entering the permanent workforce. And that means our labor force has years of stagnation or decline ahead of it."



Source: University of Wisconsin Applied Population Laboratory



Because state-mandated revenue limits are directly tied to student

counts, little or no increase in enrollments makes it more difficult for schools to increase revenues, unless they ask for approval via referendum.

Yet, approving referenda will likely become more difficult over the next 30 years, as the number of fixed-income retirees swells. That is especially true since older citizens have a greater propensity to vote than their younger counterparts.

Varied Population Growth

Although the population dynamics Wisconsin is beginning to experience is a statewide phenomenon, some parts of Wisconsin will be more affected than others. Total state population will increase 14 percent over the next 30 years. However, only 25 counties will grow more than that; 47 will grow less.

What's more, between 2010 and 2040, the working-age population is expected to fall 0.2 percent. Yet, in the 11-county area that spans from Barron in the west to Langlade in the east to Bayfield and Iron in the far north, a near-20 percent drop in the number of working-age residents is projected.

Growth will generally follow major highways from Brown County south to Kenosha, then northwest through Dane and Sauk counties, before leapfrogging to St. Croix County. Kenosha and St. Croix benefit from growth in the Chicago and Minneapolis-St. Paul metro areas.

The pattern of region-specific decline is expected to continue beyond 2040, given pending school trends. During 2010-40, the school-age population is expected to drop more than 30 percent in Bayfield and Price counties, and more than 20 percent in Ashland, Lincoln, Pepin and Rusk counties.

Economics aside, this raises questions about how to educate children in sparsely populated areas. More than 60 northern districts already have fewer than five students per square mile, making transportation of children costly.

Back in 2004, the Wisconsin Taxpayers Alliance warned that over the succeeding 15 to 30 years, "unprecedented changes in Wisconsin's population will impact the state's economy and government." What was once crystal-ball gazing a decade ago is now becoming reality.

The sobering question is: Are Wisconsin's leaders any better prepared now to meet the challenges of population change than they were then?

Todd Berry is president of the Wisconsin Taxpayers Alliance.

This article originally appeared in the Chippewa Valley Business Report. Reprinted with permission.



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Keep Speaking Up for Education

Advocacy work continues as school leaders push to restore school funding

Dan Rossmiller

s you read this, we've entered the month of April. The Legislature's Joint Committee on Finance has completed its series of four public hearings on the proposed 2015-17 state budget and is poised to begin voting. This is a crucial period as those committee votes may reshape the proposed budget significantly.

In general, school leaders have done a good job testifying at the hearings, adopting resolutions, sending letters and speaking up to inform the public and their legislators about the impact the proposed budget would have on their districts. That important work needs to continue throughout the budget process.

Tell Your Story

Dollars are tight in this budget and there are a number of competing priorities vying for additional funding. For public schools to move to the head of the list and remain there, school leaders need to tell compelling stories about how opportunities for students will be affected by the proposed funding cuts and not rely solely on data and figures.

You know best how to tell the particular stories that reflect your district's situation. You might explain how larger class sizes will make it harder for struggling learners to get the amount of one-on-one teacher attention and extra help they need to succeed; or explain

how the cuts may make it difficult for you to expand your STEM programs or maintain your gifted and talented programs and what impact this will have on students.

Before lawmakers can be expected to begin fashioning solutions to problems like the loss of \$150 per-pupil in every district in the state next year and a two-year freeze on school district revenues, they have to be educated on what problems that combination of fiscal constraints will cause for you and your district.

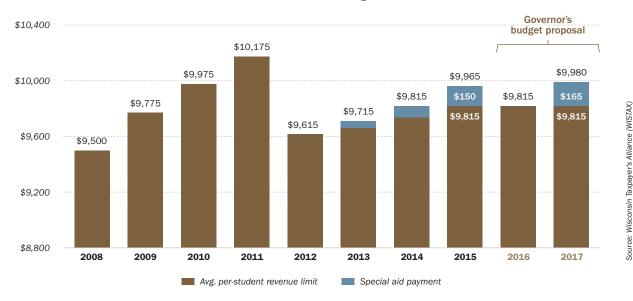
State Budget Update

At this stage, the proposed 2015-17 budget is about three weeks ahead of schedule compared to the typical deliberations over previous state budget proposals. The Joint Finance Committee likely will start taking votes in early April. But there still is time for you to communicate with your legislators. Votes in the Joint Finance Committee on school funding typically come toward the end of the committee's deliberations. Following those votes, the budget goes to each house of the Legislature



Jim Bowman, school board member from the Appleton Area School District, testifies before the Legislature's Joint Finance Committee in Brillion.

Per-Student Revenues for an "Average" School District



where some additional, although likely only minor, changes will be made.

If and when proposals to address schools' fiscal situation surface, it will be important for school leaders to express their support and gratitude for those proposals.

We don't know yet how far those proposals will be able to go in addressing the situation. School board members who attended the WASB's Day at the Capitol heard lawmakers indicate that they want to do something to help schools. Many heard their legislators say they are willing to commit to fix the \$150 cut in per-pupil aid if estimates of state revenues expected in late April or early May show greater than anticipated growth. While that is a wonderful first step, it leaves unanswered the question: "What happens if hoped-for state revenue growth does not materialize?"

So we have to keep pressing the issues that we care about. If we allow lawmakers the out of saying, "I'm sorry, but revenues just aren't as large

as we had hoped they might be," we will have accomplished little for our schools.

There is money in the proposed budget that could be used to increase direct funding for schools. For example, there is money dedicated to providing additional property tax credits, about \$211 million in total. The job will be convincing lawmakers that this money would be better spent as an investment in our children's education than in providing a \$5 per-year reduction in the typical homeowner's property tax bill. And, if those late revenue re-estimates should predict that additional state funds will be available, so much the better.

School leaders are doing a good job so far. We need to continue those efforts through the end of the budget writing process, which is likely to last another two to three months. The WASB and its government relations team are here to help you.

School Accountability

One of the issues lawmakers had set

as a priority as the legislative session began was school accountability. As of this writing, the two houses seem to be quite a ways apart in their preferred approach to this issue.

The Senate position, which the WASB has favored, is to maintain current law. All publicly funded students, including voucher students, would continue to take the same state assessment, and the current narrative descriptions of school performance would be maintained without specifying any particular sanctions for low-performance.

The Assembly position is to demand sanctions that would take away local school boards' authority over low-performing schools, allow schools to select from a variety of student assessments to measure student performance for accountability purposes, and to assign letter grades to schools on state report cards (along with narrative descriptions). The latest version of the Assembly accountability bill also included a provision where the school board would cede authority to the

district administrator to unilaterally control low-performing schools and potentially rewrite board policies.

The governor also put forth an accountability proposal in his proposed state budget. That plan calls for assigning letter grades to schools and allowing private voucher schools to select from a variety of student assessments to measure performance for accountability purposes, but would not impose sanctions. The governor's proposal would also require the DPI, when calculating school report card scores, to adjust the weight given to the measures of pupil achievement and pupil growth in reading and mathematics based on the number of economically disadvantaged pupils enrolled in the school or school district. (The latest Assembly version

also incorporates this requirement.)

Unless an agreement can be worked out between the houses to resolve these differences through separate legislation, it appears likely that the whole question of accountability will either be worked out through the budget process or not at all.

Complicating matters is that the state appears headed toward discontinuing the use of the Smarter Balanced Exam (a/k/a Badger Exam) as the state assessment in grades three through eight after this year. The governor recommends scrapping the test after this year as part of his proposed budget.

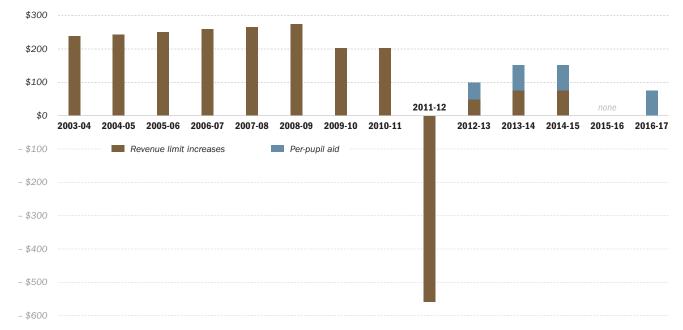
This test, an online assessment, which is aligned to the Common Core State Standards, has encountered both political opposition and

technical glitches in addition to being more expensive to administer than anticipated. This means students will be assessed using a different test in 2015-16, which may make measuring student growth, a key component of the report card score, more difficult and less reliable.

Given the many changes occurring to testing and academic standards, it seems wise to delay making "high-stakes" decisions, including sanctioning schools. The WASB supports the Senate version of accountability (Senate Bill 1), which is less intrusive and does not call for sanctions. We encourage members to support the Senate version as well.

Dan Rossmiller is the WASB director of government relations.

Per-Pupil Revenue Limit & Per-Pupil Aid



Source: Wisconsin Taxpayer's Alliance (WISTAX)

Educating Hearts and Minds

2015 WASB President emphasizes importance of character as well as academics

s I begin my year as the WASB president, I reflect on the words of Mike Blecha, immediate past president, as he passed the president's gavel to me at the WASB Convention in Milwaukee: "She is an avid believer in a quality education for all students, passionate and committed to service."

I serve on the Barneveld School Board. Barneveld is a small, rural district located on Highway 18-151 about half way between Madison and Dubuque. We serve 465 students.

The first night that I served as a member of the Barneveld School Board was the night of June 7, 1984. As I walked the four blocks home at about 11 pm that night, a few large rain drops fell from the sky. Little did I know that in less than two hours an EF5 tornado would blow

right down Main Street and destroy Barneveld as we knew it. My initiation was not by fire, but rather by wind and rain.

Some of my first experiences and duties as a board member were walking through water to remove books from the library, climbing up on the roof of the school to look at large, gaping holes, and meeting with insurance companies and contractors. Despite the damage, we had a building mostly ready for the start of school in the fall. We will forever be indebted to the volunteers and everyone who provided help, both manual and financial, and to our neighboring district for the use of their facilities.

I will never forget my first few days as a school board member and I look forward to beginning a new

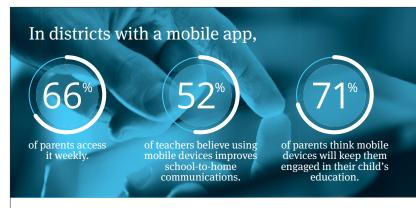
chapter as a public school leader. As your new president, I am eager to work with the WASB staff, and all of you to build on WASB's efforts to "move forward together" educating "every child, every day" as our association focuses on the whole child.

This year, my focus will be on ensuring that our association continues to educate not only the minds of Wisconsin's students, but also their hearts. By this I mean helping our schools to develop the thoughtful, considerate young people who will lead us to a kinder, gentler world. It is essential that we continue to build on our partnerships with the Wisconsin School Music Association and the Wisconsin Art Education Association to encourage school districts to offer music and fine arts programs to their students.

There are so many challenges facing public education today. All of you — whether you're a school board member, superintendent, school business official or teacher play a critical role every day in providing Wisconsin students the very best education. They are our future and they are depending on all of us to help them reach their goals.

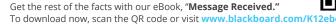
As this year's president of the WASB, I pledge my personal commitment to supporting you. I look forward to meeting as many of you as possible. Please feel free to contact me with your ideas and suggestions for our great association.

Owens is the 2015 WASB President and a member of the Barneveld School Board.



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Need-to-Know Information

Legal and Human Resources Conference delivers important information regarding construction contracts, referendums, employee leave, employee misconduct and more

t the Legal and Human Resources Conference, WASB staff members, Wisconsin school attorneys, and insurance agents presented sessions on the latest legal and human resources issues that school leaders need to be aware of to effectively govern their districts.

The conference included two tracks of sessions over the course of two days. Sessions addressed a range of topics including employee wellness programs, workers' compensation, purchasing cooperatives, liability regarding sports injuries, alternative teacher compensation plans, understanding construction contracts, school referenda, and much more.

Barry Forbes, WASB staff counsel and associate executive director, presented a session on employee leave policies and administrative guidelines. When addressing the Family and Medical Leave Act, Forbes noted that employees can take leave under FMLA for a number of reasons including the birth of a child, to care for a family member with a serious health condition, and also for any qualifying exigency arising out of the fact that a family member is on active duty.

"A 'qualifying exigency' for employees whose family members are in the military including: childcare and school activities, financial and legal arrangement, counseling, rest and recuperation, and post-deployment activities," Forbes said.

Charles LeMoine, an attorney with Dykema, delivered a session (sponsored by Arthur J. Gallagher & Co.) aimed at helping school administrators better understand construction contracts. When selecting an architect, LeMoine said school leaders need to find architects with experience specifically in school design and who are able to work

with multiple parties such as parents, teachers, administrators, and community members. Once the project has begun, LeMoine said the architect can't be relied upon to provide daily updates on the school building project. Rather, LeMoine recommends having someone who works for the school district keep daily tabs on the project.

"Architects typically have multiple projects going on at once, and generally don't consider themselves responsible for regular close supervision of construction," LeMoine said.

In another session, Ben Richter, WASB staff counsel addressed legal and policy considerations related to school referendums. Richter said school board members can advocate for school district referendums.

"Board members do not lose their first amendment rights by being a board member," Richter said. "Board members may speak for or against a referendum with certain caveats."

For instance, Richter said, board members need to make it clear when advocating for a referendum that they are acting as an individual and not as a member of the school board. This is an especially important distinction to make when writing letters to the editor, displaying yard signs, or advocating on social media.

Bob Butler, WASB staff counsel and associate executive director, presented a session on investigating employee misconduct. Butler said an employee misconduct investigation has five important phases:

- •Why investigate and who will investigate?
- Laws, polices, and rules effecting the investigation.



- Outside parties and off-duty conduct.
- Interim action and investigation.
- And due process.

One of the most important steps in the process is simply following up on a complaint. The board should refer to its policy regarding complaint procedures. The employee handbook and employee's contractual complaint procedures should also be consulted. Even if a complaint is found to be unfounded, the worst thing a board can do is disregard complaints regarding school district employees.

"Do not discount it and throw it away," Butler said.

This is a sampling of a couple of the sessions that took place at the Legal and Human Resources Conference on Feb. 26-27 in Stevens Point. To view presentation slides and resources for all of the sessions, visit wasb.org. Select "Meeting and Events" and then "Event Recaps." Member log-in is required.

Upcoming Event: Spring Academy

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

chool board members at all experience levels are encouraged to attend the Spring Academy, taking place May 2 in Appleton. The event features three separate tracks of programming: Introduction to Board Service, Referendum Pathway, and Developing Effective Leadership Skills.

The Introduction to Board Service track includes sessions on legal and policymaking duties for school boards, the key works for school boards, and the fundamentals of school finance. These sessions are led by experienced and knowledgeable staff from the WASB.

Experienced school board members

interested in learning more about school board leadership issues should attend the track aimed at Developing Effective Leadership Skills. This track includes sessions on communication for collaboration, establishing effective school board practices and protocol, dealing with stress to improve leadership performance, and a session on the politics of leadership.

The Referendum Pathways track features sessions on master planning, facilities and financial assessments, facilities and financial plans, and legal and policy consideration related to referendums.

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

For more detailed descriptions of these sessions and to register, visit wasb.org.



New Board Member Gatherings

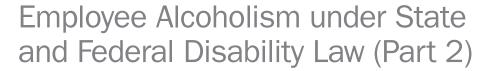
The WASB New School Board Member Gatherings are an informal opportunity for newly elected school board members to:

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

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

Region 1	Tues., April 21	Spooner High School Library
Region 2	Tues., April 21	Three Lakes Jr. and Sr. High School IMC
Region 3	Tues., April 21	Green Bay District Admin. Building Board Rm
Region 4	Thurs., April 23	Durand High School Cafeteria
Region 5	Wed., April 22	Marathon High School Library
Region 6	Thurs., April 23	CESA 4 (West Salem)
Region 7	Wed., April 22	CESA 6 (Oshkosh)
Region 8	Tues., April 21	Reedsville High School Library
Region 9	Wed., April 22	CESA 3 (Fennimore)
Region 10	Wed., April 22	Gerstenkorn Administration Building (Portage)
Region 11	Tues., April 21	Muskego-Norway District Board Room
Region 12	Wed., April 22	Edgerton High School Library
Region 13	Thurs., April 23	Badger School Admin. Center (Lake Geneva)
Region 15	Thurs., April 23	Pewaukee High School, Room 240





his is the second of a two-part Legal Comment exploring some of the key considerations for a district dealing with the complex legal issues surrounding state and federal disability law as they relate to alcoholism. The first installment addressed when an employee with alcohol issues may be considered "disabled" under the law, and a district's obligations under such circumstances. This article reviews a district's obligation to provide reasonable accommodation to an employee with a disability related to alcoholism.1

What Types of Reasonable **Accommodations Should** a District Consider for an **Alcoholic Employee?**

Generally speaking, if an employee has an established disability, the employer must provide a reasonable accommodation to that employee. A reasonable accommodation is assistance to an employee or changes to a job that will enable an employee to perform the job despite the disability. The type of reasonable accommodation that will work for a particular employee depends on the facts and circumstances in each distinct situation. With respect to a disabled alcoholic employee, a district will need to consider how the employee's alcoholism impacts the employee's

employment, as well as the type of position the employee holds. It may be necessary for the district to communicate with the employee's healthcare provider, or to consult with its own independent medical expert, to understand how the employee's alcoholism may impact the ability of the employee to perform job duties and what types of reasonable accommodations might be appropriate under the circumstances.

There is a great deal of guidance under both the Wisconsin Fair Employment Act ("WFEA") and the Americans with Disabilities Act ("ADA") regarding what types of accommodations are considered "reasonable." For an employee with alcoholism, a reasonable accommodation might include a leave of absence or a job reassignment for a period of time that would permit the employee to pursue treatment. However, the ADA and the WFEA differ in terms of what constitutes a reasonable accommodation. Under the ADA, an accommodation is reasonable only if it permits the employee to perform the "essential functions" of the job.2 The WFEA, on the other hand, does not recognize the concept of essential functions. Rather, an accommodation under the WFEA is considered reasonable if it allows the employee to "adequately" perform the employee's job responsibilities.3 This potentially creates a broader employer obligation under the WFEA. For example, an employer may be required to modify an employee's job duties by removing some tasks which under the ADA would be considered essential, and, therefore, not subject to modification. Judicial guidance regarding reasonable accommodations under the WFEA and the ADA has made this distinction clear.4 It is, therefore, important for a district to understand which law applies and to seek legal guidance in assessing accommodation obligations, and in particular, those involving issues of job modification.

Although both an employee and a district may propose potential reasonable accommodations during the interactive process, a district is not legally required to provide every potential accommodation that is identified. First, the obligation to provide an accommodation applies only if that accommodation is "reasonable." This means there must be an indication that the accommodation will actually be successful in allowing the employee to adequately perform the employee's job responsibilities. If there is no indication that a particular proposed accommodation will be effective, the accommodation likely would not be considered "reasonable" and the district would have no legal obligation to provide it. For example, if an employee proposes

In circumstances where an employee's disability interferes with their ability to adequately perform the job or presents a safety risk, a district must carefully consider the facts and circumstances before acting in reliance on the job-relatedness defense.









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(A)n accommodation under the WFEA is considered reasonable if it allows the employee to "adequately" perform the employee's job responsibilities.

intermittent leave to pursue counseling for alcoholism, but the employee's health care provider is of the opinion that counseling is unlikely to be effective, the district would not be legally obligated to grant intermittent leave as an accommodation.

The courts and the Wisconsin Labor and Industry Review Commission ("LIRC") have identified a number of particular types of accommodations that districts are not legally obligated to provide in any circumstances because they are never reasonable. These include, among other things, granting indefinite leaves of absence, long-term lowering of job standards, and creating a new job position for an employee. Furthermore, an employer is also generally not required to repeatedly excuse prohibited behavior on the job. However, under the WFEA a district may in some cases be required to temporarily tolerate improper on-the-job conduct if that conduct is caused by an employee's disability.5

Second, under both the WFEA and the ADA, a district is not required to provide a reasonable accommodation if doing so would pose an undue hardship to the district.6 A reasonable accommodation may pose an undue hardship if it would involve significant expense to the district or create a significant disruption in the district's operations. Determining whether a particular reasonable accommodation would pose an undue hardship, therefore, requires an analysis of the facts and circumstances at issue, including the expense of the proposed accommodation, the financial resources of the district, the impact of the accommodation on the district's operations and workforce, and whether the district has offered similar accommodations to other employees. While disruption of employee morale has not been found sufficient to establish an undue hardship, there is some suggestion in recent case law that the impact on employee morale can be considered a factor in the undue hardship analysis.⁷

Third, even if a proposed accommodation is reasonable and does not constitute an undue hardship, a district is not required to provide an employee with the employee's preferred accommodation as long as the district offers a reasonable accommodation that will adequately accommodate the employee's disability.8 For example, if an employee requests intermittent leave to pursue treatment, but the district can accommodate the employee's disability without intermittent leave by other reasonable means, a district would not be required to provide the requested accommodation of intermittent leave. In this example, however, the district may have to consider whether the employee is entitled to intermittent leave for the employee's own serious health condition under the Wisconsin or federal Family and Medical Leave Acts.

Finally, in circumstances involving an employee who suffers from alcoholism that has impacted the employee's job performance, a district may want to consider including a "last-chance agreement" as part of the reasonable accommodation. If an employee would otherwise be terminated for the alcohol-related conduct at issue, a last-chance agreement may be an appropriate reasonable accommodation under both the WFEA and the ADA. For example, a last-chance agreement might require the employee to take a leave of absence to pursue treatment, successfully

comply with the terms of the treatment program developed by the employee's medical provider, and adequately perform the job duties and meet the district's reasonable performance standards upon returning from leave. From the district's perspective, a last-chance agreement has the advantage of providing additional clarity regarding when the employee's conduct, whether related to alcohol or not, would provide a basis for termination that would not run afoul of the WFEA or the ADA.⁹

A provision in a last-chance agreement that prohibits an employee from any future use of alcohol, however, may violate the ADA's reasonable accommodation requirements or the WFEA's prohibition on taking an adverse employment action against an employee for the off-duty use of a legal product. ¹⁰ Inclusion of such provision in a last-chance agreement must be carefully assessed on a case-by-case basis.

What if an Employee's Alcoholism Interferes with Job Performance?

Under both the WFEA and the ADA, if an employee's alcoholism prevents the employee from adequately performing the job or poses a significant safety issue for the employee, the employee's coworkers or the public, a district may have a lawful basis to terminate the employee's employment. This is known as the "job-relatedness" defense.

To avoid liability under the ADA, a district is required to demonstrate that, even with a reasonable accommodation, the employee will not be able to perform the essential functions of the job or will pose a significant risk of substantial harm.¹¹ Similarly, to avoid liability under the

WFEA, a district must demonstrate that, even with a reasonable accommodation, the individual will not be able to adequately perform the job or would pose a present or future safety hazard.¹²

Because both of these standards require a district to rule out the possibility of a reasonable accommodation before relying on the job-relatedness defense, a district should engage the employee in the interactive process to attempt to identify a reasonable accommodation before it terminates the employee. In these circumstances, a district should consider placing the employee on paid administrative leave while engaging in the interactive process. This will allow a district to temporarily address the job performance or safety issues while the district and the employee explore whether there are any reasonable accommodations that may be effective. A district should consult with legal counsel before placing an employee with a disability (or suspected disability) on paid administrative leave because, depending on how the situation is handled, taking this step could constitute an adverse employment action that could give rise to a disability discrimination claim.

If a district does not engage in the interactive process before terminating a disabled employee on the basis of the job-relatedness defense, it may harm the district's ability to defend against a discrimination claim. Without having actually explored potential reasonable accommodations with the employee, a district will have a more difficult time establishing that there were no reasonable accommodations that would have worked. The employee, on the other hand, will be free to propose any number of potential reasonable accommodations and claim that had these been considered at the time, they would have been

successful in allowing the employee to successfully perform the job. A district is in a much better position (both in terms of evidence and credibility) if it can show that it went through the exercise of exploring reasonable accommodations with the employee and it ruled out all of the proposed reasonable accommodations that were identified through that process before making a termination decision.

In circumstances where an employee's disability interferes with the employee's ability to adequately perform the job or presents a safety risk, a district must carefully consider the facts and circumstances at issue before acting in reliance on the job-relatedness defense. It is also advisable to involve legal counsel in the analysis of the situation, because the successful defense of a disability-discrimination claim based on the job-relatedness defense will hinge on a district's ability to establish proof of the specific legal elements of that defense.

Conclusion

The handling of disability issues related to a district employee with alcoholism presents many legal issues for districts. Two disability laws apply to such situations and they have different provisions which are not completely aligned. In addition, each disability situation presents districts with different facts and circumstances which require each case to be assessed and handled on an individual and unique basis. Districts should be careful at each step in the process, including identifying whether the employee is disabled under the law, engaging in the interactive process to understand the employee's conditions and possible accommodations, and determining what, if any, accommodations will be provided. ■

Endnotes

- 1. For additional information related to this topic, see Wisconsin School News. "Employee Alcoholism Under State and Federal Disability Law (Part 1)" (March 2015); "Reasonable Accommodations for Employees with Mental Disabilities' (December 2009), "Employee Disability Discrimination" (February 2002), "Determining Essential Functions under the ADA (June 2000); see also WASB Legal Notes "Implementing the American with Disabilities Act Amendments Act of 2008 (Summer 2011), "Employees with Mental Disabilities and the ADA (Spring 2004), "Disability-Related Inquiries and Medical Examinations under the ADA (Fall 2000), "EEOC Issues Guidance on Reasonable Accommodations under the Americans with Disabilities Act. Part I and Part II, (Spring 1999 and Summer 1999), "Mental Impairments and the ADA" (Winter 1997), and "An Overview of the Americans with Disabilities Act: Employment Provisions" (November 1992).
- 2. 42 U.S.C. s. 12111(8)-(9); 29 C.F.R. s. 1630.2(o).
- Wis. Stat. s. 111.34; Target Stores v. LIRC, 217 Wis. 2d 1, 10 (1998).
- 4. Crystal Lake Cheese Factory v. LIRC, 264 Wis. 2d 200 (2003).
- 5. Stoughton Trailers, Inc. v. LIRC, 2007 WI 105, ¶ 67.
- 6. 42 U.S.C. ss. 12111(10), 12112(b) (5)(A); 29 C.F.R. ss. 1630.2(p), 1630.9(a); Wis. Stat. s. 111.34(1)(b).
- 7. Schulz v. Wausau School District, (LIRC Apr. 30, 2012).
- 8. Stoughton Trailers, 2007 WI 105,
- For additional information related to last chance agreements, see Wisconsin School News, "Last Chance Agreements" (Convention Reporter 2004).
- EEOC Office of Legal Counsel, ADA: Qualification Standards; Permanent Abstention from Drinking Alcohol (Aug. 28, 2014), available at http:// www.eeoc.gov/eeoc/foia/ letters/2014/ada_qualification_ standards_8_28.html; Wis. Stat. s. 111.321.
- 11. 42 U.S.C. s. 12113; 29 C.F.R. s. 1630.15.
- 12. Wis. Stat. s. 111.34(2).

This Legal Comment was written by Michael J. Julka, Steven C. Zach and Andrew N. DeClercq of Boardman & Clark LLP, WASB Legal Counsel.

Legal Comment is designed to provide authoritative general information, with commentary, as a service to WASB members.

It should not be relied upon as legal advice. If required, legal advice regarding this topic should be obtained from district legal counsel.

Service Associate Q&A

Chad Bathke of VJS Construction talks school design trends, benefits of athletic turf fields and other school design issues

Are there any new products or • design features that are changing the way schools are being built and/or designed?

The way that teachers teach, students learn, and the tools that enable each of these continues to evolve. Technology has played a major role in this change. Currently, many of our clients are interested in flexible, innovative, comfortable learning environments. The goal is to create an environment where learning happens not just in the classroom but throughout the building, where it makes the most sense and is most comfortable for the teachers and students.

Building security has remained a top priority for all of our clients. Secure entrance designs that include electric door strikes, cameras and visitor flow through the main office are common themes. Designs are also evolving to create safe areas within the schools which limit the ability of anyone entering the school to access student populated areas.

Q School districts are increasingly moving to a turf surface for their football/athletic field. What are the advantages and disadvantage of a turf field?

A. There are several advantages to a turf field including increased playability which minimizes game cancellations due to excessive rain because you can immediately play on a turf field after a heavy rainfall, claims that there are fewer injuries, faster game pace and conservation of water.

What should districts be aware of when considering a turf field is that the field provides a warmer playing surface. Also, depending on the use of the field, there is a life expectancy of the turf. You will need to groom the field at least once a week. Grooming the field stands up the fibers, balances the infill and picks up any trash that is in the infill. You will most likely need to do a more detailed field cleaning twice a year. You will also need to add infill to areas over time. You may want to buy more sophisticated groomers along with having the proper equipment to pull the groomers. Ensure that these costs are incorporated into your projected field costs.

Q. How have school district facilities changed over the past 20 or so years?

A. School district facilities are moving toward larger spaces to accommodate an expanding student population, more flexible learning environments, the need for technology, safety and accessibility upgrades, the need to upgrade facilities with more sustainable designs and a way to provide career exploration opportunities for students.

More classroom space seems to be a high priority for the school districts we have been working with recently. Multi-purpose or flexible learning spaces are also becoming more of a trend and help to create more collaborative space for both teachers and students and provide areas that can be used for different academic outlets.



Chad Bathke is a partner and chief operating officer for VJS Construction



You Can Build on That

Q. From a design standpoint, what do you think the ideal school would look like?

A. When constructing a school for our clients, we look at all the efficiencies that can be incorporated into the school. We want to work with districts to provide a school that accommodates the unique learning needs of every student and helps them develop academically. We also want to help the districts construct a facility that will evolve with learning spaces adaptable to future changes and needs.

The ideal school would be designed to have the best working environment for teachers, the flexibility and adaptability for students to learn and grow, and a place where everyone feels safe. It would foster an environment that promotes creativity, the desire to learn and an atmosphere where students would strive to do their best.

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