

WISCONSIN SchoolNews

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Study Finds Some Gender Achievement Gaps Depend on Location

A study from Stanford University analyzed gender achievement gaps in the U.S. and found that boys' and girls' test scores differ depending on their location. For instance, the study found that boys perform better than girls in science and math in mostly white, rich suburban districts. These findings suggest that location or the culture of these districts somehow influences students' academic achievement.

"It could be about some set of expectations, it could be messages

kids get early on or it could be how they're treated in school," said Sean Reardon, professor of poverty and inequality in education at Stanford, who helped conduct the study. "Something operates to help boys more than girls in some places and help girls more than boys in other places."

An article from the *New York Times* analyzed the results and pointed to studies indicating that while high-earning parents say they have egalitarian views about gender

roles, they are more likely to act in traditional ways, such as having a father serve as the main wage-earner and a mother as caregiver.

The study also found that girls outperform boys in English no matter the location of the district. In fact, there wasn't a single district studied where boys on average scored better than girls in English and language arts. Additionally, in less affluent districts that have a majority of black students, girls perform better than boys in math. □

STAT OF THE MONTH

45%

Percent of teenagers who say they are online on a near-constant basis.

Source: Pew Research Center report "Teens, Social Media & Technology 2018"

Oregon (WI) Schools Recognized as Green Ribbon Schools

Two schools in the Oregon School District were recognized by the U.S. Department of Education as Green Ribbon Schools,

an award given for reducing environmental impact, improving health and wellness of staff and students, and increasing environmental literacy.



Brooklyn Elementary School: At this small school in rural Dane County, the school garden serves as a cornerstone of Brooklyn Elementary School's culture. Filled with lettuce, kale, tomatoes, cucumbers, marigolds and more, the garden has become so much more than a class project, allowing all students to experience hands-on learning while improving their knowledge of health and wellness.

Oregon Middle School: For the past 15 years, Oregon Middle School (OMS) has been implementing their green and healthy initiatives for which they have received numerous awards, recognitions, and grants. Growing and eating food from their own gardens is important for OMS. The school has a greenhouse and a hoop house to involve students in the process of growing the food that supplies their cafeteria with fresh produce about 10 months of the year. □

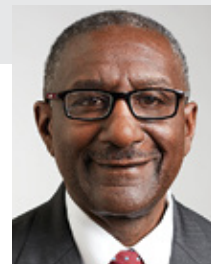
Survey Finds More Than 15 Percent of Students Report Concussions

In a survey by the Centers for Disease Control (CDC), 15 percent of nearly 15,000 students in grades 9 through 12 reported having suffered a concussion in the past school year. The survey was conducted during the 2016-17 school year but the CDC just released the results earlier this summer.

In addition, 6 percent of students reported that they had suffered two or more concussions in the previous school year. Despite these worrying numbers, experts still believe concussions are being underdiagnosed.

"The public needs to understand that you don't have to lose consciousness to have a concussion," said Dr. Robert Glatter, who works at Lenox Hill Hospital in New York City. "In fact, body impacts that transmit force to the head and neck can also result in concussive symptoms."

For more information and resources, visit: familydoctor.org/concussions-in-kids or wiaawi.org/Health/Concussions.aspx. □



Equity in Education

"We affirm in our actions that each student can, will, and shall learn. We recognize that based on factors including, but not limited to, disability, race, gender, ethnicity, and socio-economic status, not all students receive equitable educational opportunities. Educational equity is the intentional allocation of resources, instruction, and opportunities to meet the specific identified needs of students and staff in the local school community."

At their June meeting, the WASB Board of Directors adopted the statement above to publicly reaffirm their commitment to educational equity.

As school leaders, we agree that no matter where a child lives, they are entitled to a strong public education. Students in Ashland should have similar opportunities as students in Beloit. Likewise, all our students — no matter their background, race, gender, culture or socioeconomic status — should have equal opportunity to succeed in our schools.

Unfortunately, research shows that students from different backgrounds have different experiences in our education systems. Analysis of public school funding by The Education Trust found that most states provide less funding to school districts that serve large populations of students of color and students from low-income families.

In the U.S. today, school districts serving the largest populations of Black, Latino, or American Indian students receive roughly \$1,800, or 13 percent, less per student in state and local funding than those serving the fewest students of color. This may seem like an insignificant amount, but it adds up. For a school district with 5,000 students, a gap of \$1,800 per student means a shortage of \$9 million per year. (*"Funding Gaps 2018," The Education Trust*)

There is an opportunity gap in how our education system delivers

education to different groups of students. The differences can lead to the inequitable distribution of opportunities and resources, which, in turn, can lead to very different academic outcomes for our students. Unfortunately, in Wisconsin, we know all too well about the achievement gap — the academic disparity between groups of students.

To be clear, equity in education is about serving all of our students. It's about ensuring that we are meeting the educational needs of students regardless of disability, race, gender, and socio-economic class. It's about making sure that all students are welcome in all courses, including for instance, our science, technology, engineering and math (STEM) offerings.

Focusing on educational equity is becoming increasingly important as our state and nation becomes more diverse and poverty levels rise. In 2000, 17 percent of children under age 18 in the U.S. lived in families below the poverty level. In 2015, that number had increased to 22 percent and reports indicate that it will continue to climb.

In this issue of *Wisconsin School News*, we want to help start the conversation around educational equity if it is not already taking place at your board table. The article on page 14 provides some best practices used in districts that strive for educational equity and some practical advice on what school boards can do.

Governing for educational equity isn't just the right thing to do, it's also in our state's best economic

interests. The more we can support all students in our schools, the more likely they will be to succeed and grow into productive adults. If we hope to move forward as a state, we need all our students to achieve their potential.

As always, improving the effectiveness of your board sets the stage for tackling issues like equity. Later this month, we will be holding four governance workshops led by WASB consultants that focus on effective governance and developing strong board/administrator relationships. The workshops will take place in Turtle Lake (Aug. 7), Whitewater (Aug. 8), Tomahawk (Aug. 14), and Fennimore (Aug. 15)

The WASB Regional Meetings, which begin in late September, provide an opportunity to connect with members and celebrate our wonderful school leaders in each part of the state. The pre-meeting workshops will be led by experienced WASB attorneys and will focus on running effective board meetings. We will also be holding a series of advocacy workshops at various locations across the state in November.

We've also begun looking ahead to the annual State Education Convention, taking place Jan. 23-25 in Milwaukee. The convention's theme is Leading for Excellence and Equity.

For more details on all of these upcoming events, visit WASB.org or see Association News on pages 25.

We look forward to seeing you at our upcoming meetings and working with you to improve educational equity in our state. ■



Students work on a hands-on project at the Waukesha STEM Academy.

THE SCHOOL Leader PERSPECTIVE

Principals of the Year
discuss leadership
and school success

Each year, the Department of Public Instruction and the Association of Wisconsin School Administrators (AWSA) recognize outstanding school leaders as Wisconsin's Principals of the Year. Research shows that school leaders, specifically principals, have an enormous impact on a school's success.

"School leadership has a profound impact on the climate of a school and the teaching and learning that goes on in the classroom," said State Superintendent Tony Evers. "Our Principals of the Year take this fact to heart as they work to ensure every student is learning and progressing toward college and career readiness."

"More than being a leader of a school, principals serve to provide support for teachers to shine every day in their jobs as instructors," said AWSA Executive Director Jim Lynch. "It is an honor to have so many exceptional leaders in our schools."

We reached out to the 2017 Wisconsin Principals of the Year, who were honored at the 2018 State Education Convention, and invited them to share their perspectives on public education and school leadership.

2017 PRINCIPALS OF THE YEAR

JAMES MURRAY

Waukesha STEM Academy – Saratoga
Campus, Waukesha School District
(secondary principal of the year)

DANIEL H. WESTFAHL

Brookfield Elementary School,
Elmbrook School District
(elementary principal of the year)

DOUG CROWLEY

DeForest Area High School,
DeForest Area School District
(associate principal of the year)

JAMES MURRAY

2017 Secondary Principal
of the Year, Waukesha

“At the Waukesha STEM Academy, we have completely flipped the way that we “do school” on its head.”

A New STEM

When students walk through the doors of the Waukesha STEM Academy, they begin to embark upon a new journey in their lives — they begin to Solve Today’s Everyday Mysteries (STEM). While most educators and professionals in the field consider STEM to represent science, technology, engineering and mathematics, at the Waukesha STEM Academy, we have completely flipped the way that we “do school” on its head.

Visitors who make the journey to our school have been overheard saying, “When you go to some schools, you have to look for STEM but when you come here, you have to watch out for it and step over it!

It’s everywhere you look.”

The truth in this statement couldn’t be any more powerful and accurate to the students and teachers who spend their time inside our school. For one thing, our school looks different than others. It’s a deconstructed facility with open and flexible learning spaces where our students have created some of the most fascinating inventions and projects ever seen in a school setting. Many of these projects have won statewide and national competitions, such as the Future City Competition, STEM Forward, the Google Science Fair, the Chicago Toy and Game Fair and several other innovative events across the nation.

In a seminar-based course catalog named STEM-Pathways, our students

are able to choose which track of learning they want to explore based on their own interests and their potential college and career choices. Students are able to choose from seminars such as Fab Lab, the Business and Marketing of Video Games, Jewelry and Metalsmithing, and a world cultures seminar named Global Social Action. Students are able to explore not only the areas of focus that are interesting to them, but more importantly, those that are relevant to their own personalized, life-long goals.

We want to enable students to explore areas of interest to see if they want to continue to pursue courses within this track. If courses within a certain subject area are not a great fit for their personalized



2017 Secondary Principal of the Year
James Murray with State Superintendent
Tony Evers (left) and AWSA Associate
Executive Director Joe Schroeder (right) at
the 2018 State Education Convention.



learning experience, students are able to take an interest inventory, along with a selection survey that helps them to choose other courses.

Our course and seminar-selection setup is very similar to choosing courses in a collegiate and technical school setting, but they are also condensed to six-week sessions, so students are able to enjoy up to six seminars per year. Not only does this enable students to explore and pursue pathways of interest and relevance with not just breadth, but some serious depth while also covering all requirements for state mandates that are set for middle school students.

The least common denominator and bare minimum is that our students will leave our school with the same baseline knowledge of any middle school student across the country. The accelerant and key benefits are that students will also participate in collaborating, thinking about, planning, innovating, creating, testing and finding an overall need for the application of these skills on a daily basis in order to truly master each skill. We are not just creating masters of content, we are growing experts in context.

Students can also propose their own project ideas as part of their capstone project, which takes place every 12 weeks. Students who are not interested in the capstone project topics that are offered can propose

their own project ideas and dictate how they share their project and demonstrate mastery in what they are researching, designing and creating.

Each round of capstone projects culminates with a STEaM Gallery Night, where the “a” in STEaM represents the application of skills and demonstration of knowledge to a public audience. The power in the STEaM - Gallery Nights, is that these events allow for students to receive feedback from their peers, parents and teachers while encouraging them to present and teach others publicly, all while the potential of a risk of failure is present. This is real life and this is preparing them for the world

that extends beyond the walls (or lack thereof) of our school.

To support project-based learning and collaborative efforts to succeed both in and out of school, our students have also seen a steady increase in service learning and social action opportunities. These activities include donating vegetables grown in the school’s gardens to local food shelters, weeding and cleaning up local farmlands, raising money and collecting food and clothing for local women’s centers, partnering with nearby businesses to volunteer at retirement homes, as well as partnering up with mentoring programs with younger students.

It’s more than just completing some homework, taking a test, or creating a project for a grade on your report card that drives these students to go above and beyond. It’s about learning about life, working with others and taking an idea and creating a product to help increase the quality of life around them that reigns supreme and fuels the fire for knowledge, building relationships, fostering a strong community and creating an ecosystem of trust that flows through the building, organically. Welcome to the Waukesha STEM Academy, where every student deserves, discovers and helps create their very own, unique personalized learning experience. □



Students collaborate on a project at the Waukesha STEM Academy.

DANIEL WESTFAHL

2017 Elementary Principal
of the Year, Elmbrook

“My work at Brookfield Elementary School has allowed me to grow as an educator, inspire as a leader, and continue to live the dream that I had as a child.”

Call Me Principal

Ten years ago, a well-respected colleague guided me from the classroom to the principalship by stating these simple words: “It’s time to make your classroom bigger.” After serving for more than 16 amazing years as a first-grade teacher, I took the leap to administration, and am now completing my ninth year as a principal. My work at Brookfield Elementary School has allowed me to grow as an educator, inspire as a leader, and continue to live the dream that I had as a child.

There was never a doubt what I would be when I grew up. I was enamored by my grade school teachers and revered them as most young boys honor sports figures. While others were playing GI Joe, I was building school houses out of Lego bricks. In high school, I returned to my middle school to help some of my favorite teachers, and while my friends were debating what they would study in college, I knew I would end up in a classroom.

I loved being a teacher. In addition to reading stories, playing math games, dressing as a silly scientist, and helping all children grow and

succeed, I held numerous leadership positions in our school and district. I developed our school schedule and assisted our principal with budgeting. I wrote curriculum for science, spelling, and reading and started a number of programs and events that continue today.

More than just teaching children to read and write, it was my job to help children to think deeply, to problem solve, to care about themselves and others, and to love learning. I approached each day with reverence, ensuring that joy and novelty were a part of our routines just as morning meetings and read

aloud. I knew that I was successful as a teacher when students informed me that they were entering the education field because of the influence I had on them in our first-grade classroom.

As a building principal, I hope to bring this same joy and inspiration to the 75 adults and nearly 600 children with whom I am privileged to work. In addition to the staggering array of varied administrative duties, I view each day as an opportunity to connect and inspire. Whether it is providing an article for a teacher to read on a topic of interest or discussing a classroom observation, I hope my experiences in the classroom help our teachers to continue to grow and improve. Sharing stories and conferencing with students during writing workshop time help me to connect with kids and keep me grounded in the most effective teaching practices.

I find joy each day in sharing silly lunches with students or wearing silly socks to celebrate a school-wide milestone. A closet full of costumes means our families get to see Zero the Hero or the Cat in the Hat visit our hallways. Every day is an opportunity to create moments with our students and staff, and a chance to observe our school from the inside out.



2017 Elementary Principal of the Year Daniel Westfahl with State Superintendent Tony Evers (left) and AWSA Associate Executive Director Joe Schroeder (right) at the 2018 State Education Convention.

My time is best spent outside of the office and inside our classrooms, engaging with students and families, learning from and with our outstanding teachers, and identifying areas we can continue to grow.

I will always be a teacher, and because of that I will always be a student. I draw inspiration from learning something new every day, from reading and studying, discussing and debating. As the world of education continues to grow, it is my job to maintain current with research and

practice, and to share this information with our staff at every opportunity. It is also my responsibility to be visible for our students and teachers, and to do whatever I can to ensure that their time in front of students is maximized and efficient. It is vital that I am able to practice what I preach, and to help our teachers find inspiration in the areas they deem necessary.

Joe Schroeder, associate executive director of AWSA, recently quoted John Saphier in stating that, “The greatest leaders are vulnerable and

strong at the same time. And they use those qualities to mobilize irresistible collective action.”

This seemingly contradictory dichotomy is another reason the role of a principal is engaging and exciting. Every day, I seek to find balance in leading our schools without knowing the answers, modeling what we hope to happen without being able to predict the results. It is this juncture that compels us to find areas of improvement while still celebrating successes. □

DOUG CROWLEY

2017 Assistant Principal
of the Year, DeForest

“At DeForest Area High School, the “titled” leaders have worked hard to create a culture where staff *and* students feel comfortable...”

The Layers of Leadership

Leadership (noun) is defined by Merriam-Webster as the “capacity to lead” or “the act or an instance of leading.” As a principal, an assistant principal, or director at the district office, leadership is “there” for your taking; you are viewed as a leader by virtue of your title. At DeForest Area High School, though, the “titled” leaders have worked hard to create a culture where staff *and* students feel comfortable and, I dare say, entitled to find ways to lead.

It’s taken years of building trust, allowing staff to try things and, possibly, fail, and letting them know that we, the principals, are OK with that. It’s taken time after time of asking staff to “just try this” or saying, “The district office has asked a building to pilot this. I said we would do it!” It’s taken meeting upon meeting of sharing data with staff (numbers don’t lie) so staff members understand that a problem exists and we all need to be part of a solution. But, in the end, that time is well spent and there is a sense of empowerment in the building.

In the last three years, staff have identified problems, developed

solutions, and then, after the fact, asked administration if it is okay to go forward and do something. For example, our academic data as well as our discipline data was disproportionate with various subsections. What should we do? Well, staff created a Cultural Diversity Committee (CDC) to identify where the gaps fell, what our options were, and what to do to try to improve them.

Uneven Growth

Leaders grow in uneven spurts, we know that. The CDC group looked to make changes quickly, but soon realized they needed to adjust their thinking from wanting to make changes in how some students thought (not being culturally sensitive, for example) to making sure we had all staff members “on board” and trained in culturally sensitive teaching practices.

All the while, CDC leaders gave tips on what staff could do in classrooms to be more inclusive, got students to share their stories in a panel discussion format, and continued to gather data. Now, today, our leaders are leading multiple book studies, have dedicated time in each staff



meeting for a report, and have started to stretch their arms around other buildings in the district to develop teacher leaders at each level.

This group’s goals have bled into other teacher-piloted groups and we are seeing a great deal of cross-committee growth. We have a “Transparent Teaching” group that is encouraging (and demonstrating) other teachers to get into classrooms across the building to see what colleagues are doing with some of our initiatives and how they are working with students they may share. Additionally, we have an Advisory Lesson group that is looking to our CDC for ideas on what to teach students

in terms of culturally sensitive practices.

■ Student Leaders: Yes!

What about our students? We have dedicated leaders like any high school: the class presidents, the club leaders, the Student Council. But our student leadership doesn't end there.

Taking a cue from our CDC, a group of students from last year's panel came forward looking for a way to call students to action and discuss "real world" topics impacting them. After their meeting, the students' advisor wrote me that, "There was an hour-plus discussion around goal, purpose, recruitment and whether or not it would be open to all. Students changed the name to Ethnic Student Union (ESU) after wanting to encompass all students." Our students need to learn how to find a passion, find a voice, and find solutions. At DeForest Area High School, we try to cultivate this.

Finally, we have a group of junior and senior students (Norski Mentors) that lead our freshmen orientation (held this year on the last day of school). These students apply and are from all social circles in our building — they are a pretty true representation of our student body. With help from their advisor, students planned a three-hour "Welcome to DAHS" including a tour, a walk through of freshmen schedules, and a lesson on how to not get crushed in the Homecoming victory cheer.

Leadership (noun) can also be defined by Merriam-Webster as "the leaders of an organization, country, etc." At DeForest Area High School, we are most proud of that definition of the word as it really captures the essence of what everyone (students and staff) are hoping to be or are helping to do already. Developing a community of leaders should be a goal of any school. ■

2018

PRINCIPALS OF THE YEAR

Earlier this year, the Department of Public Instruction and the Association of Wisconsin School Administrators announced the 2018 Wisconsin Principals of the Year. They will be recognized at the 2019 State Education Convention.

Secondary Principal of the Year

Mike Kruse, Stoughton High School, Stoughton School District

Elementary Principal of the Year

Scott Walter, Riverside Elementary School, Menomonee Falls School District

School District Assistant Principal of the Year

Justin Szews, Lakeland Union High School, Lakeland Union School District



"The EMC Milwaukee Branch is so responsive. It's nice to call a local Wisconsin number instead of a national number. It really feels like EMC is a Wisconsin-based company."



Luke Francois
Mineral Point School District
Superintendent

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From Treaty Rights to Cultural Sensitivity

New resources and programs are reenergizing American Indian studies in Wisconsin

Events in northern Wisconsin during the 1970s, '80s and '90s brought American Indian treaty rights to the forefront in the state. The treaty rights that were under question were those that allowed American Indians in Wisconsin to hunt, fish, or gather within reasonable limits off of the reservations. American Indians who were fishing or spearfishing were facing discrimination and, in some cases, criminal prosecution.

One case involving members of the Lake Superior Band of

Chippewas (or Ojibwe) went to a U.S. federal court. In 1983, the court made a ruling that reaffirmed the Ojibwe's treaty-based right to hunt, fish, and gather within the ceded territory of northern Wisconsin.

While treaty rights of the state's American Indians were reaffirmed, the lingering resentment and lack of knowledge on treaty rights made it clear that the state needed to do something. The fundamental misunderstanding of Ojibwe treaty rights and tribal sovereignty in Wisconsin ultimately led to development of

the statutory requirements in 1989 Wisconsin Act 31.

■ Addressing Educational Needs

Wisconsin Act 31 was adopted as part of the 1989-91 biennial budget bill. David O'Connor, American Indian Education consultant with the Department of Public Instruction (DPI), writes that Act 31 "addressed several educational needs and included provisions requiring the study of the American Indian history, culture, and tribal

While treaty rights of the state's American Indians were reaffirmed, the lingering resentment and lack of knowledge on treaty rights made it clear that the state needed to do something.

sovereignty of the 11 federally recognized nations and communities in the state of Wisconsin.”

The act is actually composed of five state statutes, the fifth of which many consider to be the heart of Wisconsin Act 31 — it requires K-12 social studies instruction on American Indian history and culture.

When Act 31 was adopted, some school districts struggled to meet the educational requirements. While several school districts and educators did an exemplary job integrating American Indian studies into their classes, a number of school districts said they needed more resources. Fast forward 25 years later and a survey found that resources were still needed to help teach American Indian history. In 2014, teachers and administrators across the state were surveyed on how they teach American Indian history and culture. The survey found that most teachers were relying on textbooks, and about 7 out of 10 administrators said their school needed additional instructional materials and resources for teaching and learning about American Indian culture in Wisconsin.

Since that survey in 2014, the state has been working to connect Wisconsin educators with resources and programs on American Indian history and culture.

■ Integrating American Indian Studies

O'Connor emphasizes that schools that successfully teach American Indian history and culture don't necessarily create new lessons or classes. Instead, they are integrated into existing curriculum in a variety of subjects such as art, literature, history, math, music, science, and among others, sociology. However, this continues to be a challenge for some schools. According to the 2014 survey, only 4 out of 10 teachers said they integrate American Indian content throughout their curriculum.

Some current programs and resources include:

■ **Native Knowledge 360 (NK360°)**
nmai.si.edu/nk360 — From the National Museum of American Indian, NK360° provides educators and students with new perspectives on Native American history and

cultures. NK360° provides educational materials and teacher training that incorporate Native narratives, more comprehensive histories, and accurate information to enlighten and inform teaching and learning about Native America. “Each week we choose one day to talk about current events in ‘Indian Country’ and many times students will choose stories/articles from this site. The site has been very beneficial for students. It's an excellent source,” says Jeff Ryan, social studies teacher at Prescott High School.

■ **Lessons of our Land**
lessonsofourland.org — Lessons of Our Land teaches the Native American story of this land from historical to modern times. The developed curriculum provides students with broader insight and understanding of land, cultures, inherent rights and tribal sovereignty. The larger goal of the initiative is to have people identify with the land they live on and be better prepared to solve the difficult issues that impact communities on or near reservations today. Although Lessons of Our Land positions

DPI and Lac du Flambeau Sign MOU

In May, the Department of Public Instruction and the Lac du Flambeau Band of Lake Superior Chippewa signed an memorandum of understanding (MOU) committing both parties to work together to improve educational outcomes for students. Lac du Flambeau Tribal Education Department Director Ashley Maki told Wisconsin Public Radio that the goal is to improve communication and coordination of programs for tribal kids.

“The Wisconsin Department of Public Instruction commits to providing ongoing cultural responsiveness training to all of its staff to ensure improved communication, service and understanding in working with the Lac du Flambeau tribe in serving our students,” Maki said.

In addition to supporting American Indian students, State Superintendent Tony Evers said the MOU is

meant to help recognize the sovereignty of the nation.

“Our MOU is one of the first of its kind between a state education agency and one of our state's federally recognized American Indian nations and tribal communities,” Evers said. “Making sure we have the relationships and formal systems in place puts us in a better position to serve our students.”

The DPI hopes to establish similar MOUs with all 11 of the state's tribes and help them continue making academic strides.

The state's Indian students have seen improvements in graduation rates in recent years. For the 2009-10 school year, the four-year graduation rate for the state's 799 American Indian students was 66.7 percent. That improved to 78.8 percent of 590 American Indian students for the 2016-17 school year. □



ONLINE RESOURCES

- **Department of Public Instruction**
dpi.wi.gov/amind/resources/lesson-planning
- **Wisconsin First Nations** – WisconsinFirstNations.org
- **Wisconsin Public Television Tribal Histories Project**
wpt.org/community/reel-to-real/collection/tribal-histories
- **Wisconsin Indian Education Association** – WIEA.net
- **National Congress of American Indians** – ncai.org

Native American tribal issues and values at the forefront, the curriculum emphasizes the fundamental relationship between land and people in general, not just Native Americans.

▪ **Guiding for Tomorrow** (G-WOW) *g-wow.org* — The G-WOW curriculum is a unique approach to increasing awareness of environmental issues impacting and affecting Lake Superior's coastal environment, people, cultures, and economies. It is organized into four seasonal units corresponding to the traditional Ojibwe lifeways: Maple Sugaring and Birch Bark Harvesting (spring),

Fishing (summer), Wild Rice Harvesting (fall), and Respecting Our Culture (winter).

▪ **We Look in All Directions** *ojibwe.org* — “Waasa Inaabidaa — We Look In All Directions” is a documentary series showcasing the vibrant Ojibwe culture in six, hour-long episodes. Each episode spans nearly 500 years of history, from pre-contact to contemporary times. The six programs focus on Ojibwe language, leadership, economic development, education, health, and the Ojibwe relationship to the environment. Teacher guides for each episode are accessible through their

educational website. “This video series and the book are outstanding resources. We watch the entire series throughout the semester. I would argue it is a crucial resource for understanding the Ojibwe People of Wisconsin,” says Ryan.

▪ **Culture-Based Arts Integration** *intersectingart.umn.edu* — The Culture-Based Arts Integration Curriculum website seeks to enhance interest, understanding, enthusiasm, and performance in standards-based subjects among American Indian and non-American Indian students in grades K-8. The website supports student and teacher understanding of Ojibwe culture and art. Project staff designs lesson plans in order to assist teachers with integrating this knowledge into their existing curricula. The lesson plans are available on the link above.

Exemplary Teacher

The Menominee Indian School District is fortunate to have an exemplary teacher modeling best practices. Benjamin Grignon, one of the 2018 Wisconsin High School Teachers of the Year, is a traditional arts teacher at Menominee Indian High School in Keshena.

“I work with students not only on the art forms of our people, but the language and cultural practices that go along with these arts,” he said.

Grignon focuses on his native culture and language but also on helping other teachers integrate it into their classes. For instance, he

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GCHJUJDN 1017

works with science teachers to incorporate plant and mushroom identification and the chemistry of mordants and plants for dying, weaving and basketry projects. Students learn geometry formulas as they design loom beadwork based on the geometric forms that are part of ancient Menominee aesthetics.

"I am constantly finding opportunities to use our culture to reinforce other subjects in our school," he said.

As a traditional arts teacher, Grignon teaches a variety of classes covering beadwork, traditional pottery, basket weaving, and film. He introduced a new class this year that he describes as wood, stone and bone. "We look at some of the traditional artifacts and artifacts in museums, and we try to recreate them," Grignon said. "It's more of an experimental archaeology, where we try to figure out how it was done."

Grignon is also focused on language immersion not only in his

school but his community. As vice chairman of the Menominee Language and Culture Commission, he helps oversee immersion efforts at the Menominee Tribal Daycare, which is using a program based on the Language Nest idea developed by the Maori of New Zealand. The program starts the tribe's youngest children out by learning English and Menominee. Only about five elders in the tribe still speak Menominee fluently.

Additionally, by working with the University of Wisconsin Extension, Grignon was able to establish a

Menominee Immersion Club at the high school that uses language to cook healthy foods.

"I'm really grateful to be a part of this school district and to be able to share the arts that I've grown up learning," Grignon told *The Shawano Leader*. "I think that's important for our people. I tell my students all the time that you need to go out and learn these things and bring them back to share what you've learned. That's vital to keeping our community strong and resilient." ■

AMERICAN INDIAN EDUCATION EVENTS

Wisconsin American Indian Studies Summer Institute

July 30 – August 3, Black River Falls

Wisconsin Indian Education Association (WIEA) Act 31 Celebration

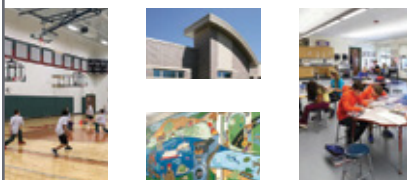
August 9, Green Bay

National Indian Education Association Convention

October 10-13, Hartford, Connecticut

Wisconsin Indian Education Association (WIEA) Conference

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Fostering Equity in Education

Research and guidance offers practical advice to schools on ensuring and building a school culture where all students can succeed

This article is intended to start a conversation around education equity in Wisconsin school districts. The ideas and strategies presented in this article are by no means an exhaustive list. We also recognize that many school districts in our state have been implementing these strategies and have made education equity a focus.

Earlier this summer, the WASB Board of Directors adopted a statement on equity and its role in public education:

We affirm in our actions that each student can, will, and shall learn. We recognize that based on factors including, but not limited to, disability, race, ethnicity, and socio-economic status, not all students receive equitable educational opportunities. Educational equity is the intentional allocation of resources, instruction, and opportunities to meet the specific identified needs of students and staff in the local school community.

— Approved by the WASB Board of Directors, June 2018

As school leaders, we continually strive to create environments where all students are supported and can be successful. We have much to be proud of in Wisconsin's public schools, let's make sure all of our students are getting the education they deserve.

The article that follows is gathered from a collection of resources and guidance from education organizations. The introduction of this article was excerpted from the Center of Public Education's research brief "Educational Equity: What Does It Mean? How Do We Know When We Reach It?"

The section titled "Best Practices in Educational Equity" section was excerpted from a report of the same title from Hanover Research, a global research and analytics firm that provides custom research. The last section, "What Can School Board Members Do?" is from the Panasonic Foundation, which provides direct technical assistance to support system effectiveness with attention focused on equity challenges in the school system.

As school leaders, we continually strive to create environments where all students are supported and can be successful.



It's been more than 60 years since the U.S. Supreme Court declared education "a right which must be made available to all on equal terms." In ruling that separate was in fact not equal, *Brown v. Board of Education* forced federal, state and local governments to open public schools to all children in the community. The decision marked a huge victory for the civil rights movement.

Yet integrating school buildings would prove to be just the first step in an ongoing journey toward educational equity in the nation. There remained — and still remain — structural and social barriers to making a world-class public education "available to all on equal terms." In addition, our ideas about equity have evolved to encompass more than a guarantee that school doors will be open to every child. Advocates are increasingly concerned with allocating the resources and opportunities to learn that will equip all students for success after high school, recognizing that some students require more support than others to get there.

This has led many to argue for a view of equity that sets the goal as "adequacy," that is, the principle that all students should receive "an adequate education" whatever it takes to provide it (Brighthouse & Swift, 2008). As an example of what the difference means in practice, consider a district that has a policy of one reading specialist per elementary school. Everyone would agree that this is an equal distribution. However, School A has 15 students who are reading below grade level whereas School B has 250 below-grade-level readers. Equal distribution is therefore not providing adequate services to the children in School B because the needs in that school are obviously much greater.

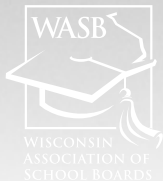
■ Best Practices in Educational Equity

Teachers can ensure that students of all backgrounds receive equitable instruction by acknowledging students' cultural heritage and accommodating multiple modes of learning. By recognizing and integrating multiple

perspectives into instruction, teachers help students feel comfortable in their classroom environment and enhance learning for all students. Districts should encourage honest discussions among teachers about how to best support students with diverse needs, and provide training on culturally responsive teaching practices.

Schools can create welcoming environments for diverse families by showcasing student diversity and offering parent education activities. For example, schools can post signs in multiple languages, create a parent room with bilingual resources, and increase the visibility of bilingual staff. In particular, districts should make efforts to explain complex school operations, such as standardized testing, selection for gifted and talented programs, and the college application process. Some districts embrace a "community school" model and engage diverse families by offering English classes, housing support, and job coaching to extend the services provided to families.

Some districts embrace a "community school" model and engage diverse families by offering English classes, housing support, and job coaching to extend the services provided to families.



WASB Policy Resources

For more than 40 years, WASB Policy Services staff have been highlighting ways in which school boards can adopt local policies that promote student achievement and address the educational and other needs of students from a variety of backgrounds in an equitable way. This work continues through the dissemination of sample school district policies, WASB policy publications (Policy Perspectives and The FOCUS), and through other resources such as the Policy Resource Guide. The WASB encourages Wisconsin school boards to base their school district policies on local community needs, interests and requirements. Not every school or school district is the same or has the same problems, issues or needs. Local school board policies should reflect the needs of the district and their students and should be able to be implemented using the resources available in the district.



Schools can engage hard-to-reach families by communicating in their home language, meeting them in their own communities, and taking steps to make family participation easier. For example, schools can prepare welcome DVDs in multiple languages, hold events in local communities, build parent networks for families who speak the same language, and provide transportation to school-based events.

Experts find that some types of parent engagement programs are more impactful on student learning than others. For example, meet-and-greet forums like celebrations, fundraisers, and performances have a lower impact on student learning than more consistent communication that focuses on parent empowerment. This kind of communication may include positive phone calls home, classroom observations, weekly data-sharing folders, and modeling learning support strategies.

Educators can support high-mobility

students by ensuring timely transfer of records, creating welcome packets for new families, and taking steps to ensure that new students feel welcome. To welcome new families to the school, school leaders should create orientation materials for new families and follow up with parents during their child's first few weeks at school to ensure the transition is going smoothly. Further, student "ambassadors" can assist in building community and provide a buddy system at the school or classroom level to support new students.

Districts can promote equitable discipline by implementing tiered disciplinary policies. In contrast with zero-tolerance policies, tiered disciplinary policies enact consequences of misbehavior that are proportional to the harm caused. Experts encourage schools to implement positive disciplinary programs, such as restorative justice, and focus on improving school climate in order to facilitate equitable disciplinary practices.

Experts recommend that schools use scores on standards-based tests administered to all students as part of the process to identify students who are likely to succeed in advanced courses. Prerequisite courses, minimum grade point averages, and teacher or counselor recommendations may all serve as barriers to enrolling underrepresented students with potential to succeed in advanced courses. Once students are identified as high-potential, schools must communicate the benefits of participation in these programs to students and their families. This is especially important for students from underrepresented groups who may be otherwise unaware of the programs available. Districts use a variety of strategies to engage underrepresented groups in these discussions, such as sending information home in multiple languages, providing transportation and food for evening information sessions, and following up with families who are unable to attend information sessions. ■



What School Boards Can Do



According to the Panasonic Foundation school boards that lead for equity...

1. Adopt, support and implement an equity-based vision, mission, system goals and policies to provide a framework for the work of school district staff;
2. Maintain effective communications and relationship with the superintendent and hold the superintendent responsible for student achievement;
3. Demonstrate leadership, courage and the will to govern the district on behalf of the entire community;
4. Allocate resources equitably to ensure that all students have the opportunity to learn and succeed academically and socially;
5. Educate and engage the community to create a sense of system- and community-urgency to aggressively do "whatever it takes" for every student to achieve success;
6. Enable all students in all classrooms to engage in mastering rigorous academic content;
7. Act to hold the school board and all adults accountable for the improvement of student outcomes based on multiple and varied measures;
8. Monitor system performance of all students to assess, report and communicate the academic performance of all students;
9. Ensure that every student is taught by a high-quality teacher and that every school is led by a high-quality principal;
10. Strategically engage students, families, communities, residents, businesses, elected and appointed municipal officials, community-based organizations and others to increase the effectiveness of collaborative efforts to support the academic and social success of all students;
11. Establish clear board of education work plans that align with system improvement priorities, invest in their own development, reflect on their effectiveness throughout the calendar year and annually engage in a formal self-assessment; and
12. Model high standards of ethical practices both individually and as a full board.

Investing for the Future



Members of the Black River Falls High School Tiger Investment Club (along with school leaders and community members) celebrate another successful year at their annual spring luncheon.

Student-led investment club in Black River Falls gives back to the school district

Shelby Anderson

In 1997, Milt Lunda, president of Lunda Construction in Black River Falls, donated \$50,000 each to three school districts in Jackson County to start student-led investment clubs.

Today, only one of the schools — Black River Falls High School — still maintains its club. The Tiger Investment Club (TIC) is not only surviving but thriving.

Last school year, the club was able to donate \$11,000 to the school. Students within the club decide how to allocate the money. Interested teachers submit a grant request and students in the investment club vote on which requests they want to fund.

“That’s really fun,” said Club President Ethan Anderson. “That’s really the main focus of the club — to make improvements to the school.”

From the \$11,000, the club awarded 13 grants. Those grants helped purchase first aid kits, a light camera, Microsoft Office certifica-

tions, Lego manipulatives, and, among others, a Tibetan student scholarship. Isaac Cowles, vice president of the investment club, said one of the highlights of participating in the club is seeing all the different projects the club has funded. For instance, the club helped fund a hydroponic growing system in one of the science classrooms.

“It was cool walking in there and seeing the tomatoes growing and we can say we helped purchase that,” Cowles said.

The students take the investment club seriously. Depending on the market, they are responsible for more than \$100,000. The TIC portfolio hit a record high of \$120,000 in February. This responsibility is what makes the club special to students.

“I think it’s cool because we’re working with real money and our decisions actually have an effect on the school,” Anderson said. “It’s not like you just throw around fake money. We really put the best interest of the club first.”

► Policy Resources on Student Clubs

The WASB Policy Resource Guide (PRG) has a host of information and sample policies related to the administration of student clubs such as student activity funds management, volunteer coaches/advisors, and, among others, student fundraising activities. For more information, visit WASB.org (select “Publications & Products” and then “Policy”). The PRG is a subscription service providing in-depth policy information. All members have access to sample policies from other Wisconsin districts by contacting the WASB.

Club officers present the annual report: (from left) Ethan Anderson, Isaac Cowles, Chase Handy, and Rebecca Ross.



Real World Investing

The club meets every Tuesday during the school year with almost 60 students participating in the club this past school year. “We discuss our current stocks, market trends, etc.,” said club advisor Jared Plaza. “Much of this is student-led, which makes it very easy for me because the students want to succeed.”

Plaza took over as club advisor two years ago when teacher Kris Wrobel retired. Wrobel advised the club for almost 20 years and helped it become successful.

love analytics due to my math education background,” Plaza said. “After the first meeting, I was hooked and Kris let me attend all of the meetings just like the students.”

When Wrobel decided to retire, Plaza was offered the position. “I felt very nervous advising a club that I wasn’t an expert on. Thankfully, Kris stayed on as a consultant for two years and helped me through a lot of the background work and preparation.”

Near the end of each school year, the club’s officers report on the previous year’s investments. School leadership, including the superintendent and school board, attend along with parents and some community members.

In addition to the investment club, Plaza advises another financial literacy club for students who are just starting in investing. Students learn about the stock market and investing through real-time stock market games and apps. This past school year, Plaza had 30 students in the beginning investing club.

Milt Lunda passed away in 2008 but his family continues to support schools in Jackson County. Milt’s son, Larry Lunda, said his father made the donation to the schools to get students interested in investing and financial planning.

“He thought students would be more interested if they were using real money rather than Monopoly money,” Lunda said. “I think it certainly gets them involved in investing. So much of life is just

about being exposed to and learning about different things.”

Benefits of TIC

The club not only helps improve the school district but it can change students’ lives. Chase Handy, one of the club’s officers, said that when he began participating, he didn’t have any intention to study business or financial planning.

“Once I got into investing and learning about the market, it kind of helped me figure out what I want to do in the future,” he said. “Now I’m looking to go into business and financial advising.”

However, students don’t have to go on to study business to benefit from participating in the club.

“Students benefit in many ways from being in TIC,” Plaza said. “From being able to take responsibility and ownership for the actions that transpire, to building relationships and having discussions about the current trend in the market and how it ties into the economy and current events, TIC is extremely beneficial.”

Cowles added that one of the hallmarks of the club is that investment decisions are really made by the entire club.

“Our discussions are really good,” he said. “Everyone votes and we decide what is best for the club for each individual investment.”

Plaza added that the reason he loves advising this club is the students. “The officers are always involved and we are in constant contact about our portfolio,” Plaza said. “The members have ideas all the time and do research to determine which stock to invest in next. The amount of responsibility and professionalism in this club is astounding.”

‘Raising an Awareness’

Superintendent Shelly Severson said financial literacy and investing is not something that very many students learn about at home. So a club like TIC is a good opportunity for students.

“It raises an awareness of what investing your money does for you



“We are so lucky in this community to have the generosity of the Lundas and have the foresight to make financial literacy a priority,” Wrobel said. “We want our kids to know how to save and invest.”

Plaza said he got involved with the club as a first-year teacher when he sat in on the meetings. “I didn’t know much about the market but I

“They’re leaving our school district with their own financial goals. They feel confident investing their own money. I’m so impressed with these students. When I talk with them, you can tell they have a deep knowledge in investing.” — Mary Jo Rozmenoski, school board president

and what possibilities exist,” she said.

This is especially important for a district like Black River Falls, which is located in one of the poorer counties in the state. Severson said one of the big lessons that students learn is that you don’t need a lot of money to start investing. Additionally, Severson is proud that the club attracts a cross section of students from different backgrounds.

“We have a very thriving and active investment club that crosses all economic groups,” she said. “I think that’s a huge credit to the program. It’s not just a club for the wealthy, it’s important knowledge and information for everyone.”

Mary Jo Rozmenoski, school

board president and WASB 2018 president, echoed Severson’s comments, adding that the club teaches students life-long lessons and skills.

“They’re leaving our school district with their own financial goals,” Rozmenoski said. “They feel confident investing their own money. I’m so impressed with these students. When I talk with them, you can tell they have a deep knowledge in investing.”

The Black River Falls School District actually has a long history of focusing on financial literacy. Wrobel pointed out that the district was one of the first school districts in the state to require an economics class. At that time, less than 10 percent of the schools in Wisconsin required eco-

nomics as a graduation requirement.

The club should continue on for some time. Financially, it’s sound, but more importantly, students and staff are proud of it. Anderson, who plans on studying business and financial planning in college, said he realized just how special the program was when he did his college visits. Many of the college programs he visited boasted that they had student-led investment clubs funded with real money.

“I learned that our club actually has more than a lot of college investment clubs,” he said. “I thought that was pretty cool for a small town like Black River Falls.” ■

Shelby Anderson is editor of Wisconsin School News.



Policy Resource Guide

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How Waunakee School District achieved a 5-year rate hold on health insurance

It's often difficult to tie an employee wellness program to a solid return on investment, but when your commitment to health and wellness results in an unprecedented 5-year rate freeze for health insurance, the task becomes much easier.

"This is really unheard of in the education industry," said Waunakee School District Business Manager Steve Summers. "The rate freeze represents a strong, long-term commitment to the district from our insurance company, Dean/SSM Health."

The rate freeze means that while health insurance rates are increasing by double digits for many employers, the Waunakee School District will enjoy no increase for at least five years. The estimated savings exceed \$2 million, according to Al Jaeger, Waunakee's benefits consultant from Associated Benefits and Risk Consulting (ABRC).

"This is much better than the usual year-to-year renewal arrangement, of course," Summers said, "where you just hold your breath and wait to see what your renewal will be."

How did the district earn this commitment?

Summers and Jaeger described various tactics and strategies they employed to prove that the district deserved the rate freeze. However, Summers emphasized the importance of focusing on the big picture.

Jaeger and Summers partnered with Dean/SSM Health to share their strategy and big picture philosophy to earn such a valuable, long-term commitment.

"I see two fundamental paths when looking at healthcare benefits," Summers said. "You can focus on health plan design changes and cost shifting or employee wellness to reduce health plan costs. While you can do both, we chose to focus on

employee well-being and stabilizing our claims experience. Our long-term strategic plan and commitment to improving employee health helped us earn the 5-year rate freeze."

Jaeger added, "A strategic plan using tactics that stabilize healthcare costs by addressing the root cause produces long-term results. There are no quick fixes or magic bullets. Meaningful change takes time, transparency and commitment from all stakeholders — staff, board members and providers."

In other words, focusing solely on plan design changes and cost shifting is like rearranging the deck chairs on the Titanic, as the old idiom goes, which is to say it's a futile act in the face of impending catastrophe. Improving employee wellness and reducing medical claims, on the other hand, gets closer to the heart of the matter.

Commitment to employee health: The wellness clinic

Waunakee School District partnered with Dean/SSM to establish a wellness clinic for their health plan members. Waunakee is currently the only school district in Dane County that has its own wellness clinic for staff and their families.

The school board approved the Dean/SSM wellness clinic proposal on a trial basis through June 30, 2019. During that time, the board's insurance committee will review the wellness services and programs available to staff. District officials are looking at usage at the wellness clinic and how it affects the number of health insurance claims made by staff. Summers said claims will be a "huge factor" five years from now when the district goes out again for health insurance proposals. So far, the numbers are looking good.

In the second quarter of this

school year, 13.2 percent of eligible members visited the clinic. That number rose to 21 percent in the third quarter and spiked again to 26 percent in the fourth quarter. Total visits also increased, going from 229 in the second quarter and 231 in the third quarter to 306 in the fourth quarter.

The clinic has resulted in a cost reduction as well. The district's gross retail savings in the fourth quarter were \$77,271, compared to \$39,812 in the second quarter and \$48,010 in the third quarter. The district also experienced an estimated \$34,772 in health plan savings, as opposed to \$21,556 in quarter three and \$18,234 in quarter two. A total of \$4,680 was avoided in out-of-pocket costs.

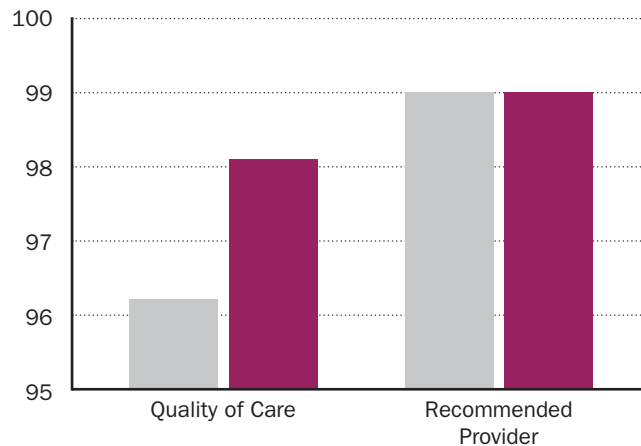
Other employee wellness resources

While the employee clinic is a large component of Waunakee's plan, it is surrounded by several other resources. Many tools and resources exist to improve employee health and wellness, such as health risk assessments and biometrics, disease management programs, medical claims analysis, on-site clinics, employee education — the list goes on. The district understands the importance of utilizing resources collectively to greatly boost their value and effectiveness. When all the "moving parts" are working, they can form a program that is greater than the sum of its parts

- **Health risk assessments.** It's not enough to simply offer health risk assessments. Waunakee School District also seeks to reduce touch points and streamline the assessment process to give employees and spouses a convenient screening experience. It can be challenging to persuade

Patient Satisfaction

■ Qtr 2 ■ Qtr 3



employees to fill out a risk assessment and, more important, to persuade them to use the resulting insights to become proactive about their health. A proven incentive is a reduction in employee contributions to health insurance premiums.

- **Improved accountability.** Effective healthcare requires a strong partnership between the patient (employee), the employer (school district), the healthcare provider and the insurance company. Therefore, accountability is key. Waunakee School District uses a benchmarking tool or “scorecard” that assigns and keeps track of the various responsibilities and “moving parts.”
- **Biometrics.** The multi-year agreement with Dean/SSM Health includes biometric screenings. “Our approach is not just to tell health plan members we’re doing biomet-

rics,” Summers said. “Our goal is to really engage them and make the screenings meaningful — to connect staff members to medical professionals in a real, concrete manner and look at their numbers.”

Biometrics top the list of wellness tools that employers use today, according to MetLife’s “U.S. Employee Benefit Trends Study.” There are a range of possible plan design options. For example, the employer can choose which biometrics to measure as well as the targets that must be achieved to earn the incentive. Commonly measured biometrics include tobacco use, body Mass Index (BMI), cholesterol, glucose and blood pressure.

- **Nurse liaison.** This person is a key resource for health plan participants to help them understand and use the health services available to them. The liaison is also responsible for a variety of health communications for the district that engage plan members.
- **Employee wellness committee.** This committee leads many wellness initiatives including a very successful steps program. This team is also a critical component of the communication plan and members serve as wellness champions.

■ The importance of engaging employees

The district’s insurance committee surveyed employees in December 2017 to find out what they valued, and to ensure the district’s employee benefits and wellness programs would continue to satisfy those needs. The success of this employee-centered approach was evident in subsequent participation rates as well as both formal and informal feedback from

employees. For example, the wellness clinic survey shows that satisfaction is high and increasing over time.

Summers said that such positive engagement not only helps the district’s employee benefits and wellness programs succeed, but also helps the district ultimately provide quality education to its students.

“There’s a real impact on teaching,” Summers said. “For example, consider a first-grade teacher who has a three-year-old daughter with an ear infection. She knows she has access to a nurse practitioner after work hours so she doesn’t need to miss class to bring her in. This reduces her stress level about having to miss instruction and increases her effectiveness as a teacher — not to mention her job satisfaction and morale. There’s a domino effect that ultimately improves our culture. Our commitment to health and wellness is about much more than reducing costs — it’s about helping to achieve many of our district’s other goals as well.”

ABRC has helped several school district clients achieve these results by focusing on collaboration, accountability and transparency. This approach can be implemented by any district to stabilize healthcare costs and boost their benefit program. For more, contact us at 800-258-3190 or info@AssociatedBRC.com. ■

At A Glance

BUSINESS CHALLENGE

Increasing healthcare claims costs led to increases in health insurance rates not matched by overall increases in revenues for the school district

SOLUTIONS

Strong, long-term partnership with health insurance company and provider

Wellness clinic to promote wellness, consumerism and reduce confusion about healthcare

Staff engagement at all levels, not just wellness or disease management

Discussing the Future of Public Education

Analyzing the Blue Ribbon Commission on School Funding's public hearings



For this month's column I've been asked to share some thoughts regarding my service representing the WASB on the Blue Ribbon Commission on School Funding. The 16-member panel was created to take a comprehensive look at our state's preK-12 education funding system and develop recommendations to be considered for the 2019-2021 state budget.

It is both an honor and humbling to have been asked to be a part of this commission, chaired by state Sen. Luther Olsen (R-Ripon) and state Rep. Joel Kitchens (R-Sturgeon Bay) — both of whom are former school board presidents.

Aid to public schools comprises one-third of the state's general fund expenditures, by far the largest single program. School funding has serious implications for our school children, our communities and our state's economic vitality.

The commission's first meeting, an informational session at which testimony was heard only from invited speakers, was held in December 2017 in Madison.

Eight hearings followed, at which testimony from members of the public was heard — in Milwaukee, La Crosse, De Pere, Fennimore, Oshkosh, Tomahawk, Turtle Lake

and Madison (again) — from February through June.

In total, 23 school board members testified at those hearings and I thank them all for their input. Commission members heard a lot of excellent testimony from board members, district administrators, school business officials, parents, grandparents and concerned citizens.

Somewhat surprisingly, most who testified advocated fixing the existing funding formula to address particular issues. Few advocated scrapping the general aid (a/k/a "equalization aid") formula and starting over with a new approach. [Among those advocating a new approach were out-of-state "experts" who find our funding system to be very different from most other states. If one had to identify a common theme to their testimony, it was that Wisconsin's funding system focuses too little on children's needs in the allocation of dollars.]

■ Common themes

A theme commonly heard was that schools are not being provided enough money.

Coincidentally, this mirrors general public sentiment expressed in a recent Marquette University Law School Poll. Respondents were

asked, "Which would you prefer, lowering property taxes or increasing spending on public schools?" In response, 59 percent favored public schools, while 35 percent said lower property taxes.

Complaints about the way the state distributes money included the following:

- There is a general lack of predictability from year to year, and some question whether existing levels of per-pupil categorical aid, let alone continued increases in that aid, are sustainable.
- The state general aid formula with its three-tiered tax base guarantees and five formula factors is complex, hard to understand and difficult for school officials to explain to ordinary citizens.
- Some districts receive little or no general aid. Witnesses from these districts advocated that some minimum level of state aid be provided to all districts and generally supported the trend toward distributing equal per-pupil amounts of per-pupil categorical aid to all districts. Not surprisingly, districts receiving substantial amounts of

School funding has serious implications for our school children, our communities and our state's economic vitality.

general aid advocated for distributing more state funding through the general aid formula.

- State special education categorical aid, frozen since the 2008-09 school year, should be increased to reduce the need for local districts to transfer money from their regular education (Fund 10) budgets to their special education (Fund 27) budgets. Many witnesses advocated for increasing the level of reimbursement provided by this aid to 33 percent from the current level of less than 26 percent. The additional aid would be received outside the revenue limits.
- The method by which private school vouchers are being funded lacks transparency. Many witnesses advocated that the increase in local property tax levies attributable to voucher funding should be shown on property tax bills.

Perhaps the greatest unanimity centered on complaints about state-imposed revenue limits on school districts, and especially their impact on districts experiencing declining enrollment, including that:

- Revenue limits have essentially been frozen (with no per-pupil adjustment) since the 2014-15 school year. With no way to raise additional funds locally except via referendum, local district revenues in many cases have not kept pace with inflation. Some witnesses called for indexing per-pupil increases in revenue limits to inflation to provide predictability and regular increases.
- There is a lack of revenue limit equity with great gaps between the highest and the lowest revenue districts in the state that is worsening teacher supply problems. Some witnesses called

for bumping up per-pupil limits in low-revenue districts.

- Revenue limits are tied to district's 1992-93 spending levels; however, the "market basket" of goods and services school districts purchase has changed dramatically as technology has evolved and demand for costlier career and technical education offerings has increased.
- Declining enrollment reduces the resources available to a district under revenue limits. This causes many districts to find themselves tethered to an ongoing need to pass operating referenda or cut programs. This problem is felt most acutely in our state's smallest and most rural districts, which may have few places left to make cuts and still provide adequate educational programs. Some witnesses suggested making the declining enrollment exemption recurring so it doesn't go away the following year.

■ The impact of declining enrollment

The long- and short-term impact of declining enrollment is perhaps the most vexing school funding issue we face. In any given year, roughly 60 percent or more of Wisconsin school districts are experiencing enrollment declines, with districts in the northern, southwest and central portions of the state experiencing the biggest declines over time.

Another impact of declining enrollment is that, other things being equal, it causes a district to look more property wealthy on a per-pupil basis. This, in turn, may cause such a district to lose general aid under the formula, further increasing the pressure on local property tax levies and making it harder to pass referenda. And, of course, if enrollments in certain districts continue to

decline, one has to wonder for how long they can sustain themselves before they must seriously consider options such as whole grade sharing or consolidation.

Wisconsin's funding system has been criticized at various times and to various degrees on the ground that it distributes dollars without regard to children's educational needs. Instead, it distributes dollars in an effort to provide property taxpayer equity.

Unlike other states that set a base level of funding beneath each student (a foundation amount) or attach weightings to students with special educational needs, our formula counts every pupil the same. Critics say our funding system assumes that every child in the state begins his or her educational journey from the same starting point regardless of their needs and continues to treat them the same throughout their schooling.

In a state that is home to the widest gaps in achievement and graduation rates between students of different subgroups in the nation, the commission presents an opportunity to address our funding system's lack of focus on students' needs.

Our state constitution's "uniformity clause" (Wis. Const. Art. X, §3) imposes a duty on the Wisconsin legislature to "provide by law for the establishment of district schools, which shall be as nearly uniform as practicable."

Decisions by the Wisconsin Supreme Court have consistently interpreted this provision to be concerned with the substance (or character) of the education delivered in districts and not how district boundaries are constituted or assembled.

In its most recent opinion regarding the constitutionality of the school finance system (*Vincent v.*

Voight, 2000), a splintered Wisconsin Supreme Court upheld the funding system. However, four of the seven justices articulated a standard by which to assess future challenges, stating that, “An equal opportunity for a sound basic education (guaranteed under the constitution) is one that will equip students for their roles as citizens and enable them to succeed economically and personally.”

Importantly, under this standard, the court opined that an equal opportunity for a sound basic education acknowledges that students and districts are not fungible and takes into account districts with disproportionate numbers of disabled students, economically disadvantaged students, and students with limited English language skills.

In the 18 years since this decision was rendered, the state has not moved to address and fund the needs of these particular categories of students in a substantial way. Addressing this issue will surely be part of the commission’s discussions.

■ What’s next

From here, the commission co-chairs, along with staff from the non-partisan Legislative Fiscal Bureau (LFB), will meet individually with commission members in mid-to late-August to gather their individual recommendations. *(My recommendations will be based on resolutions adopted by school board member delegates to the WASB Delegate Assemblies over the years and the testimony the commission heard at the public hearings.)*

Sometime after that, and with the benefit of the LFB staff’s analysis of the potential fiscal implications of each proposal, the commission will reconvene as a group to discuss individual recommendations and make recommendations to the legislature and governor.

One still-to-be answered question is what level of state resources will be available to finance the school funding reforms recommended and how much it might cost to hold all districts harmless (*i.e.*, ensure that no district loses resources) under the commission’s recommendations.

The state began the current

2017-19 biennium with a projected beginning budget balance of approximately \$580 million. This enabled the governor and legislature to fund a roughly \$510 million increase in per-pupil aid (\$200 per pupil in 2017-18 with an additional \$204 per pupil in 2018-19) with relatively minimal impact on other budget priorities. While we won’t have updated figures on spending until mid-October, based on currently available revenue estimates, it appears the projected beginning balance for the 2019-21 biennium is likely to be considerably smaller — somewhere in the neighborhood of \$180-185 million.

A smaller opening balance would likely reduce the flexibility to dedicate resources to school funding reform without affecting other budget priorities. For example, to increase special education categorical aid so that it reimburses 33 percent of prior-year aidable costs rather than the current 25.7 percent, each one percent increase would cost roughly \$14.3 million. If this change were implemented all at once in the first year and continued in the second year of the next budget, it would cost more than \$200 million dollars over the biennium. Phasing in the increase would be a way to reduce its cost in the short term. It’s worth noting that an increase in per-pupil categorical aid comparable to the increases provided in the 2017-19 budget would add more than \$500 million to the price tag.

I remain optimistic that the commission’s discussions will be robust and that solid recommendations will emerge. Whether they can be implemented sooner rather than later remains to be seen. ■

Dan Rossmiller is the director of the WASB’s department of government relations.

Welcome Back, Brian!



Buelow Vetter Buikema Olson & Vliet is pleased to announce that attorney Brian Waterman has rejoined the firm after five years of successfully expanding a business he owns with his business partner and wife, Julie.

Brian counsels public school clients on student discipline, public records/open meetings, board policies and other school law matters. His practice also focuses on advising clients on a variety of labor and employment issues, and Brian looks forward to using his entrepreneurial experience to help other employers navigate these complex areas of law.



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School Safety and Leadership

School Safety Seminar and Summer Leadership Recap tackles important issues for school leaders

The WASB held a joint School Safety Seminar and Summer Leadership Institute, July 13-14 in Green Bay.

The School Safety Seminar took place July 13 and started with an inspiring keynote from Dr. Dipesh Navsaria, associate professor of pediatrics at the University of Wisconsin School of Medicine and Public Health. Navsaria talked about early child development and how toxic stress and early adversity can impact a child's ability to learn and develop. In his work, Navsaria has emphasized the important role reading and literacy plays in early childhood development.

"Without developing adequate reading fluency, the promise of education's benefits becomes progressively more remote as time passes, even with significant efforts at remediation," Navsaria wrote in a column for *The Capital Times*. "The outcome is an adult with limited skills in the workforce, and a high likelihood of dependency as a result."

John Stangler, director of buildings and grounds for the Pewaukee School District presented a compelling session on digital threats.

"If you don't educate your kids on proper social media usage, they are out on a digital playground while no one is on recess duty," Stangler said.

In another session, Kristen Devitt, the newly appointed director of the Office of School Safety in the Wisconsin Department of Justice, discussed the state school safety grants, which is awarding \$100 million to Wisconsin school districts to help improve school safety. Devitt was joined by Glenn Rehberg, the interim director of the Office of School Safety. They discussed application requirements and fielded questions. School leaders can contact Rehberg with follow-up questions at rehbergga@doj.state.wi.us or 608-266-7783.

The Summer Leaderships Institute (July 14) covered a wide variety of leadership topics, including Wisconsin school board laws, superintendent evaluation, board governance and policymaking, school finance, strategic planning and more.

Guy Leavitt, director of the WASB's Organizational Consulting Services, presented the session on evaluating the superintendent. Among

other points, Leavitt emphasized the importance of viewing superintendent evaluations as a continuous improvement conversation between the superintendent and the board.

"Superintendent evaluation is about the conversation and dialogue that occurs during the process," Leavitt said. "It is part of relationship building."

In another session, Leavitt and Barry Forbes, associate executive director and staff counsel for the WASB, covered school board governance and policymaking. Forbes noted that school boards must understand what the law requires and what choices must be made locally.

"Two recent court decisions changed the rules governing public access to school facilities, public comments at board meetings and board-created advisory groups and committees," Forbes said. "School boards should review and update relevant policies in light of those decisions."

WASB members can view presentation slides from these sessions on the WASB website WASB.org. Select "Trainings & Events" and then "Event Recaps" (log-in required). □

UPCOMING WEBINARS

The WASB hosts a series of webinars throughout the year. Here is a look at the upcoming webinars from the WASB.

■ SCHOOL DISTRICT REFERENDA – LEGAL & POLICY CONSIDERATIONS

Aug. 8, 12 – 1 pm | Presenter: Barry Forbes, Associate Executive Director and Staff Counsel

More and more school districts are going to referenda for funding and facilities. This interactive webinar will cover the legal and policy considerations that you should consider before going to referenda. The webinar will provide detailed analysis of the different types of referenda, the procedure and timing of referenda, the use of district funds and resources during a referendum, the roles of the

board, individual board members and staff during a referendum, and how districts, staff, and boards may interact with third party groups, e.g., "vote yes," "vote no," etc.

■ PUPIL EXPULSION

Sept. 12, 1:30 – 2:30 pm | Presenter: Bob Butler, Associate Executive Director and Staff Counsel

This webinar presentation covers state and federal laws relating to the pupil expulsions. The presentation will provide a roadmap for considering the expulsion of pupils and to help avoid common pitfalls when doing so. The presentation will focus on procedures for

(continued on next page)

WASB Governance Workshops

In August, the WASB is hosting a series of WASB Governance Workshops.

The workshops will take place at CESA offices at locations across the state. The events begin with dinner at 6 pm and the workshop program 6:30-9 pm.

FUNDAMENTALS OF EFFECTIVE BOARDS

August 7 — CESA 11, Turtle Lake

August 15 — CESA 3, Fennimore

Al Brown / Rachel Schultz, WASB Consultants

School boards and administrators are most effective when there is a culture of active communication, collegial relationships and trust. How does this translate into board operations and interactions? In this workshop, school board members will learn from each other and from the research on how to turn the philosophy of “effective school board” into actual leadership actions. School boards that are effective contribute to strengthening and improving teaching and learning outcomes.

THE POWER OF THE PACT

August 8 — CESA 2, Whitewater

August 14 — CESA 9, Tomahawk

Louise Blankenheim, WASB Consultant

Effective school board members and superintendents

must work together as a team to make the difficult decisions and establish standards of leadership performance. Practicing teamwork, establishing team protocols, and developing an accountability process are key to supporting a strong partnership between the school board and superintendent. Designed for school board members and superintendents, this workshop will engage participants in developing their individual team “power pact” by learning about one another, setting a vision, establishing common goals, and committing to adhering to by-laws and operating principles identified by the team. ■



Recognize Your Business Partners

The WASB is accepting nominations for the WASB 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 on the WASB website, districts will be provided a press release and certificate to present to your partner businesses. To nominate a business, visit WASB.org. Select “Services & Resources” “Communication Services” and then “Business Honor Roll.” **Nominations close August 17, 2018.**

WEBINARS (CONTINUED)

administrators as well as for boards that conduct their own expulsion hearings.

ADMINISTRATOR CONTACTS

Oct. 10, 12 – 1 pm | *Presenter: Ben Richter, Staff Counsel*

This presentation covers all aspects of administrator contracts, including the drafting of contracts, contract terms, application of section 118.24 Wis. Stat. to administrator nonrenewals and more. State and federal court decisions on administrator contracts, including the *Klaus v. Eau Claire School District* case will be covered.

ELECTION NOTICES & PROCEDURES

Nov. 7, 12 – 1 pm | *Presenter: Dan Mallin, Legal and Policy Services Counsel*

Wisconsin school districts must comply with numerous statutory obligations related to elections, and this presentation will cover key deadlines, required notices, and post-election processes. This webinar will be of particular interest to school district clerks and to superintendents’ administrative assistants (who often assist with election duties).

Please note: These and all previous webinars are recorded and available on demand. WASB members can purchase any webinar and watch when their schedule allows. Upcoming live and pre-recorded webinars are listed on the WASB Webinars page at WASB.org. In addition, links to past webinars are available in the Policy Resources Guide.

UPCOMING EVENTS

Regional Meetings & Workshops

New date for Region 15 meeting!

Join us as at your Regional Meeting this fall to recognize school board members, hold elections for the WASB board of directors, discuss activities of the WASB and more.

The meetings will include an in-depth legislative update from WASB Government Relations staff. The meetings also give us an opportunity to recognize school board members who have reached a new level in the WASB Board Development Program. School board members earn points by attending WASB and National School Boards

Association (NSBA) programs and activities.

WASB Executive Director John Ashley will wrap up the meeting with the Executive Director's Report, which will inform members about the future activities and direction of the WASB.

Please note, the date for the Regions 11 and 15 Meeting is now Oct. 25 in Pewaukee to allow for an election in Region 15 due to an unexpected vacancy on the WASB board of directors. □

Region 1 | Oct. 3 – Trego*

Region 2 | Oct. 4 – Minocqua

Region 3 | Oct. 16 – Green Bay

Region 4 | Sept. 27 – Eau Claire*

Region 5 | Sept. 25 – Rothschild

Region 6 | Sept. 26 – Whitehall

Region 7 | Oct. 17 – Neenah

Region 8 | Oct. 18 – Kiel

Region 9 | Oct. 10 – Fennimore*

Region 10 | Oct. 9 – Wis. Dells*

Region 11 | Oct. 25 – Pewaukee

Region 12 | Oct. 23 – Monona

Region 13 | Oct. 24 – Elkhorn*

Region 14 | TBD – Milwaukee

Region 15 | Oct. 25 – Pewaukee*

** Denotes regions with elections for WASB Board of Directors*



2018 FALL REGIONAL MEETINGS & WORKSHOPS

SUPPORTING, PROMOTING AND ADVANCING PUBLIC EDUCATION

DATES: SEPT. & OCT. – VARIES PER LOCATION
LOCATIONS DETERMINED BY REGION



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PRE-REGIONAL MEETING WORKSHOP

Coming to Order: How to Plan and Conduct Effective School Board Meetings

All school boards conduct their business in similar meetings. However, the effectiveness of their meetings can vary widely. How a board sets its agendas and plans for and conducts its meetings can impact the board's success in moving the needle on student achievement. In this workshop, a WASB attorney will review the legal requirements for meetings and board member roles as well as how to

structure meetings to achieve different purposes, conduct an effective board meeting, record meetings appropriately, and accommodate public participation.

Workshops will be held immediately prior to the Regional Meetings (above) from 4:30-6 pm at the same facility. Members are welcome to attend workshops in any region. Regional Meeting registration is not required. Registration begins at 4 pm, the workshop starts at 4:30 pm. □



Closed Sessions

As a matter of transparency, schools boards should conduct business in open session in places reasonably accessible to members of the public and open to citizens at all times.* This principle is embodied in Wisconsin's Open Meetings Law ("WOML"), which requires that any meeting of a "governmental body" occurs in open session¹ unless the WOML explicitly authorizes a closed session when the nature of an issue is not compatible with conducting such business in open session. The WOML recognizes that confidentiality concerns may at times outweigh the public's right to access meetings and, therefore, contains specific, limited exceptions to the general requirement of open sessions.

This *Legal Comment* will address the circumstances under which a "governmental body" can meet in closed session, the process it needs to follow to do so, and the ramifications for failing to comply with these requirements. A "governmental body" includes not only the school board, but also authorized committees², and their subunits (collectively referred to herein as "board").

■ Permitted Closed Sessions

The WOML itemizes the circumstances that allow boards to convene in closed session. Even when the WOML allows for a matter to be discussed in closed session, a board is not required to go into closed session for that purpose. Boards have the discretion whether to discuss such matter in open or closed session. Furthermore, the WOML does not give any individual who may be the subject of a potential closed session matter the right to demand that the matter be

held in closed session, except for expulsion hearings.³

Among the subjects which permit a board to convene in closed session are the following:⁴

- To conduct quasijudicial hearings. In order to fall within this exemption, there must be a "case" that is subject to a quasi-judicial proceeding.
- To consider the dismissal, demotion, licensing, or discipline of or the investigation of charges against a district employee, and/or the taking of formal action on such matter. If a board contemplates taking evidence or final action on an employment matter, the employee subject of the hearing or final action must be given notice of the meeting and the opportunity to request that the matter be held in open session. If the employee requests that final action take place in open session, the board may convene in closed session to discuss or deliberate the matter, and then return to open session to take final action.
- To consider the hiring, promotion, compensation, and performance evaluations of specific persons. This includes interviewing applicants for district positions. It does not include general discussion regarding employment policies, budgetary compensation, or employment positions. This exemption does not cover elected officials and, thus, a board may not use this exemption to fill board vacancies.
- To consider the financial, medical, social or personal histories, or

disciplinary data regarding, or the investigation of charges against, specific persons which, if discussed in public, would be likely to have a substantial adverse effect on the reputation of the person referred to in such discussion.

- To deliberate or negotiate the purchase of public property or the investment of public funds, or to conduct public business with competitive or bidding implications which require a closed session. The Wisconsin Attorney General has advised that mere inconvenience, delay, embarrassment, frustration, or speculation as to the probability of success is an insufficient basis to close a meeting.⁵ Competitive or bargaining reasons permit a closed session where the discussion will directly and substantially affect negotiations with a third party, but not where the discussions might be one of several factors that indirectly influence the outcome of those negotiations.⁶ A private entity's desire for confidentiality does not in and of itself warrant a closed session under this exemption.⁷
- To confer with legal counsel either orally or in writing concerning litigation which the district is (or likely will become) involved. The presence of legal counsel or the rendering of legal advice is not sufficient to move into closed session. Legal counsel must be present and render advice specifically related to potential or actual litigation involving the district.

Wisconsin's Open Meetings Law requires that any meeting of a "governmental body" occurs in open session unless the statute explicitly authorizes a closed session.

- To consider strategy with respect to crime detection or prevention. This would include board discussion about potential school safety plans which, if held in open session, would undermine the district's attempts to keep safety strategy confidential so as to not allow individuals to plan around those strategies.
- To consider a request for confidential written advice from applicable governmental bodies regarding ethics issues.
- To collectively bargain or conduct specific business, including strategy sessions, directly related to collective bargaining.⁸

These exceptions are strictly construed. If there is any doubt about whether the subject matter of a meeting satisfies an exception, it is advisable to hold the meeting in open session.⁹

■ Process

Notices must be published for both open and closed meetings and must include the time, date, and place of the meeting. Notices, including those for closed sessions, must also describe the subject matters in a form that will give sufficient information about the business to be conducted so that the public can make an informed decision about whether to attend.¹⁰ Mere citation to the statutory provision under which a closed session will be held is not sufficient. The level of descriptive detail required in a meeting notice, however, varies depending on the matter. The Wisconsin Supreme has indicated that districts must balance the public's right to information and the district's need to efficiently conduct its business and has identified the following factors as relevant in this balancing: the burden of providing detailed information, whether the subject is of particular public interest, and

whether the meeting involves non-routine action that the public is unlikely to anticipate.¹¹ For example, a closed session notice referencing "personnel matters" or "employment matters" is wholly noncompliant with the WOML's requirements.

Every meeting of a governmental body must convene initially in open session. The WOML imposes strict requirements on the process used by boards to move into closed session. Before a board votes on a motion to move into closed session, the presiding officer must announce in open session the nature of the governmental business to be discussed in closed session and the specific statutory exemption(s) which authorizes the closed session.¹² It is not sufficient to simply recite the statutory citation as the basis for the closed session; the presiding officer must describe the subject matter to be discussed in closed session with enough specificity to give board members the ability to



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vote intelligently on the motion to convene in closed session. If there are different closed session topics on the agenda, the presiding officer's announcement and the motion should make it clear which statutory section applies to each subject of the closed session.

In order to move into closed session, a board must pass a motion by majority vote. The vote should be taken by roll call; however, if the vote is unanimous, there is no legal requirement to record the individual votes in the minutes and the minutes can simply reflect that the motion passed by unanimous vote.¹³

A board may not commence a meeting, convene into closed session, and subsequently reconvene into open session within 12 hours after completion of the closed session unless the agenda includes language that the board may convene into open session after the conclusion of the closed session. Therefore, if a board intends to reconvene into open session, including to take action on any item discussed in closed session,

the agenda should include that possibility although it need not specify a time when such would occur.

■ Attendance

The WOML gives a board discretion to determine who to admit to the closed session as long as that person's presence is required for consideration of the subject matter of the discussion. In addition, district support staff necessary for the administration of the meeting can attend. A board member cannot be excluded from the closed session, even if the subject matter of the discussion involves the board member.¹⁴ In addition, a board member has the right to attend the closed session of any of the "sub-units" of the board unless the rules of the board provide to the contrary.¹⁵

■ Discussion and Voting

Discussion in closed session can only involve the topic which forms the basis for the closed session by reason of the agenda, announcement, and motion.

The WOML requires that "[t]he motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection..."¹⁶ This applies to both open and closed sessions. Wisconsin courts have suggested that a board may vote in closed session on matters that are the legitimate subject of deliberation and consideration in closed session.¹⁷ However, the Attorney General recommends that boards vote in open session unless doing so would compromise the need for a closed session.¹⁸ Furthermore, the WOML provides that a board must vote on the ratification of a collective bargaining agreement in open session.¹⁹

■ Minutes

The district clerk is responsible for recording the minutes of all board meetings, including open and closed sessions, and for entering the minutes of the meetings in the record book provided by the board.²⁰ The minutes are the legal record of board meetings



Legislative Update

Stay up-to-date on the latest state and national legislative news by following the WASB Legislative Update website. The mobile-friendly site is regularly updated by WASB staff and includes a "Follow" tool that allows you to receive email updates when a new item is posted.

Visit the WASB Legislative Update website by visiting wasb.org. Select "Advocacy & Government Relations" and then "Legislative Update."



and are presumptive evidence of all official acts of the board. Minutes of a closed session should only reflect the statutory basis for entering the closed session, the time the board went into closed session, the fact that discussion occurred, any motions and roll call votes, the motion to return to open session or adjourn, and the time of return to open session or adjournment.

Closed session minutes may be approved in open session; however, the Attorney General has advised that boards should publish the proceedings of a closed session in a manner that preserves the confidentiality of the closed session if the public interest still weighs in favor of keeping the proceedings confidential.²¹ Accordingly, as long as the need for confidentiality exists, it is advisable for a board to approve closed session minutes in closed session and to withhold publication of them.

Minutes from closed sessions may be subject to disclosure under the Public Records Law; however, certain information may be protected from disclosure if there is a continuing need for confidentiality. In addition, the Wisconsin Supreme Court has held that the WOML does not create a blanket privilege shielding closed session contents from discovery in legal actions and that the content of those sessions is generally subject to disclosure in litigation.²²

■ Violations of the Open Meeting Law

Actions taken at a meeting may be voided if the meeting is found to be in violation of the WOML. Additionally, the WOML establishes monetary fines for board members who have an awareness of the high probability that the meeting is illegal.²³ A district may pay for the legal defense of board members accused of violating the WOML; however, if it is concluded that a member violated the WOML, the district may not reimburse that member for any fine.²⁴ Board members are protected from WOML liability if they vote against going into an unlawful or unauthorized

closed session. If a board member does so, the board member can still attend the closed session.²⁵

The intent of legal closed sessions is to keep the information, discussion, and votes made in closed session from public dissemination. Accordingly, those in attendance should keep such information confidential. The WOML, however, does not contain any enforcement mechanism to penalize closed session attendees who disseminate closed session information. Intentional disclosure of closed session information may constitute “misconduct in office” which is a felony.²⁶ Such a breach can also be addressed through board policy and/or sanctions. Additionally, board members risk losing their qualified immunity from legal action if the disclosure of confidential closed session information results in litigation against the district, board, or individual member.

■ Conclusion

Under limited circumstances, boards can meet in closed session to discuss and take action on matters which require the confidentiality that such sessions afford. The WOML provisions which authorize closed sessions are narrowly construed and boards must follow specific procedures to legally conduct business in closed session. In order to assure that any action taken in closed session is valid and to avoid potential legal ramifications, boards should consult with legal counsel if there is any doubt as to whether the reason for going into closed session is covered by one or more WOML exceptions and to make sure that the notice and process used by the board comports with the WOML requirements.

■ End Notes

For additional information regarding this topic, see *Wisconsin School News*: “Courts Decide Significant Cases Involving Open Meetings Law” (August 2007); “What is a Governmental Body Subject to the Open Meetings Law” (May 2006; “Compliance with Wisconsin’s Open Meetings Law (Parts 1 and 2)” (September/October 2004).

1. Wis. Stat. s. 19.81(2).
2. In a recent case, the Wisconsin Supreme Court concluded that a curriculum review committee, which was established pursuant to district rule regarding the process for curriculum review and was to make recommendations to the school board, was subject to the WOML. *State ex. rel. Krueger v. Appleton Area Sch. Dist.*, 2017 WI 70, ¶ 43, 376 Wis. 2d 239, 898 N.W.2d 35 (June 29, 2017).
3. Wis. Stat. s. 120.13(1)(c)3.
4. Wis. Stat. s. 19.85(1)(a)-(h).
5. *Gempeler Correspondence* (Feb. 12, 1979).
6. *Henderson Correspondence* (March 24, 1992).
7. *Wisconsin ex. rel. Citizens for Responsible Development v. City of Milton*, 2007 WI App 114, 13, 300 Wis.2d 649, 731 N.W.2d 640.
8. Wis. Stat. s. 19.82(1).
9. *State ex. rel. Hodge v. Turtle Lake*, 180 Wis. 2d 62, 71, 508 N.W.2d 603 (1993); 74 Wis. Att’y Gen. Op. 70 (1985).
10. Wis. Stat. s. 19.84(2).
11. *State ex. rel. Buswell v. Tomah Area School District*, 2007 WI 71, 301 Wis.2d 178, 732 N.W.2d 804.
12. Wis. Stat. s. 19.85(1); 66 Wis. Att’y Gen Op 93 (1977).
13. *State ex. rel. Schaeve v. Van Lare*, 125 Wis. 2d 40, 51, 370 N.W.2d 271 (Ct. App. 1985).
14. Wis. Stat. s. 19.89.
15. *Id.*
16. Wis. Stat. s. 19.88(3).
17. *State ex. rel. Cities Serv. Oil Co. v. Bd. of Appeals*, 21 Wis. 2d 516, 538, 124 N.W.2d 809 (1963).
18. Wisconsin Department of Justice, Attorney General Brad D. Schimel, *Wisconsin Open Meetings Law Compliance Guide* (2018).
19. 81 Wis. Att’y Gen. Op. 139 (1994).
20. Wis. Stat. ss. 120.11(4) and 120.17(3).
21. *Litscher Correspondence* (March 30, 1981).
22. *Sands v. Whitnall Sch. Dist.*, 2008 WI 89, ¶ 47, 312 Wis. 2d 1, 754 N.W.2d 439.
23. Wis. Stat. s. 19.96; *State v. Swanson*, 92 Wis. 2d 310, 319, 284 N.W.2d 655 (1979).
24. 66 Wis. Att’y Gen. Op. 226 (1977).
25. Wis. Stat. s. 19.96.
26. Wis. Stat. s. 946.12.

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

Tackling Tough Benefit Challenges

SERVICE ASSOCIATE Q & A

Q. *What are some ways that school districts can use active and post-employment benefits to attract and retain teachers?*

A. Most new teachers are not thinking about retirement, but rather about how to pay back student loans and cover the cost of a young, growing family. Instead of retiring early, many districts are encouraging teachers to stay longer in the district as replacements are difficult to find. Further, many find that retiree health coverage is driving district health plan trends. The culmination of these situations results in benefit changes.

Changes vary between districts based upon their philosophy regarding post-employment benefits. Some see it as a health care benefit while others choose to eliminate retiree health benefits and provide a post-employment benefit that is a cash-related benefit. Some districts even split the benefit into partly health care-related and partly a cash-related benefit.

Further, districts vary on whether the benefit should be paid at retirement or include a vesting schedule wherein the longer an employee stays, the greater the vested portion he/she will receive upon severance.

Coordinating the post-employment benefit with how the salary schedule is designed provides for a cohesive compensation program that can then meet the goals of the employer and provide an attractive and meaningful benefit to the employee.

Q. *Conversely, what strategies are school districts using to balance good benefits with the budget?*

A. In an effort to control health plan costs (both active and retiree), districts have established high-deductible medical plans, allowing for a lower

premium rate and (hopefully) lower increases from the carrier in future years. Since, statistically speaking, only a percentage of employees will have claims exceeding higher deductibles, the employee and their families are bearing the cost of these deductibles — not the carrier.

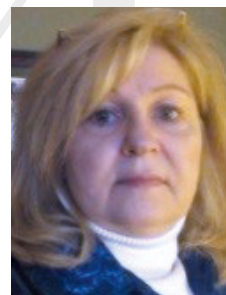
In an effort to attract and retain employees, districts have added a health reimbursement arrangement (HRA) that is tied to the health plan and may be equal to a portion of the deductible or even 100 percent of the deductible amount. In essence, the district is self-insuring a portion of the plan costs.

What happens to funds when the employees do not access/use the entire HRA balance in the health plan year? Here are some common provisions:

- What is unused is forfeited and next year employees receive a new HRA balance of the same amount.
- What is unused is rolled over and added to the next year's additional employer HRA contribution. Now the total HRA balance is available for other eligible out-of-pocket expenses such as copays and eye glasses.
- What is unused is rolled over into a post-employment HRA and the employer provides a new HRA contribution for the next health plan year. This is a unique way of having the employee help to create their own post-employment benefit (or add to a post-employment benefit provided by the district).

Q. *Have you seen good examples or strategies that school districts are using to manage their employment benefits?*

A. Creating meaningful and sustainable benefits are the most important goals. This can mean something



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different for each district. When it comes to post-employment benefits, many districts are looking at the ability to fund the benefit via a trust — either through contributions to the trust for paying benefits in retirement or possibly creating a benefit based upon an amount or formula to fund per year of service, as the benefit is earned.

Besides the HRA benefit, districts are also using the 403(b) benefit. It can be an annual amount paid into a 403(b) for the retiree in retirement, a benefit funded each year during active years or service, or a 403(b) match benefit. Eligibility may be tied to retirement or based on a vesting schedule. Some benefits are funded as earned, leaving no unfunded expenses while others are funded via a post-employment trust or general assets.

Districts have many options available and much flexibility to design a program to meet their needs. However, every benefit has specific guidelines that must be followed to avoid violations. ■

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VARIOUS LOCATIONS

2018 Governance Workshops

6 pm - Dinner

6:30-9 pm - Program

Fundamentals of Effective Boards

Tuesday, Aug. 7 - CESA 11, Turtle Lake

Wednesday, Aug. 15 - CESA 3, Fennimore

The Power of the Pact

Wednesday, Aug. 8 - CESA 2, Whitewater

Tuesday, Aug. 14 - CESA 9, Tomahawk



SEPTEMBER-OCTOBER,
2018
VARIOUS LOCATIONS

2018 REGIONAL MEETINGS & WORKSHOPS

2018 Regional Meetings Highlights:

- School Board Member Recognition Awards
- WASB Director Elections - (Regions 1, 4, 9, 10, 13 and 15)
- Legislative Update
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Pre-Meeting Workshop (Optional):
Planning and Conducting Effective School Board Meetings

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