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

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AVID/TOPS Program is Making a Difference

A report from the University of Wisconsin-Madison found that the AVID/TOPS program has helped students enrolled in the program in the Madison Metropolitan School District (MMSD).

According to the Madison West High School website, AVID (Advancement Via Individual Determination) is a college readiness program for elementary through higher education students. MMSD pairs AVID with TOPS (Teens of Promise), a program sponsored by the Boys and Girls Club of Dane County. TOPS provides tutors, school supplies and field trips to the AVID/TOPS students. AVID, a national program, is designed for students who are in the academic middle who need a little extra support and encouragement to be successful. Students in the program have a dream of attending a four-year college and the goal of

AVID is to help them get there. More than 1,300 students are enrolled in AVID/TOPS in MMSD.

The report studied data from the 2014-15 school year and found that students enrolled in AVID/TOPS did better than their peers. Some of the findings include:

- 83 percent of students who were enrolled in AVID/TOPS in all four years of high school attended college (compared to 63 percent of students who weren't in the program).
- 94 percent of male students of color in AVID/TOPS graduate from high school on time, compared to 78 percent of their peers not in the program.
- Students who participated in AVID during eighth grade were less likely to have unexcused absences in ninth grade (about 1.5 days overall). ■



Report Finds Technology Skills Lacking Among U.S. Adults

A report from **Change the Equation**, a non-profit organization devoted to promoting technological literacy in schools, found that “the U.S. education system isn’t adequately preparing students to use technology for problem-solving.”

The report analyzed data from the 2012 Program for International Assessment of Adult Competencies and found that millennials (those born between the early 1980s and early 2000s) are competent with the basic use of technology but struggle to use technology to solve “high-level problems.”

According to an article from *Education Week*, “58 percent of millennials struggle to use digital tools and networks to solve relatively simple problems that involve skills like sorting, searching for, and emailing information from a spreadsheet, the study found.”

Among developed countries, U.S. adults’ use of technology ranked last after Poland.

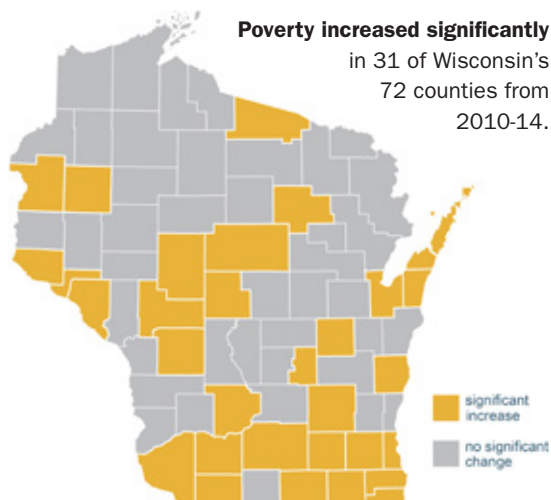
“Clearly, we have some work to do in this country,” Peggy Carr the acting commissioner of the National Center of Education Statistics told NPR. ■

STAT OF THE MONTH

13%

Percent of Wisconsin residents living in poverty — the highest the rate has been in 30 years.

Source: University of Wisconsin-Madison



Source: UW-Madison Applied Population Laboratory

More Black and Latino Students in High-Poverty Schools

A study from the **Southern Education Foundation** reports that the percent of students of color in high-poverty schools is increasing. Meanwhile, the percent of white students in high-poverty schools has remained relatively unchanged, leading to increasing isolation of students of color in high-poverty schools.

Data shows that black and Latino students are especially over-represented in high-poverty schools. More than 47 percent of black students and 48 percent of Latino students attend a high-poverty school. In comparison, 6.7 percent of black students and 7.7 percent of Latino students are enrolled in low-poverty schools.

In addition, the report found that 50 percent of all public school students in the U.S. were from low-income families. ■



Leading for Our Students

With the current session of the state Legislature coming to an end, I want to thank school board members and administrators for your advocacy efforts. Because of your work, legislation such as Assembly Bill 481, which would have placed restrictions on school referenda, and Assembly Bill 469, an unfunded state mandate dictating school restroom and locker room access, were rejected. Both bills would have infringed upon local control and your ability to make decisions that best meet the needs of your students and your schools. You raised concerns and you were heard.

We want to continue to give a strong voice to our public school leaders. In the *Wisconsin School News*, we've called for school board members and administrators to step forward and offer their vision and perspective on issues and topics important to public education. In this issue, Ed Hughes, a member of the Madison Metropolitan School District Board of Education, provides a history lesson on public school funding and makes a strong case for why revenue limits are outdated. We encourage other school leaders to contact us and share their take on an important issue facing public education.

It is April and that means hundreds of new school board members join us this month in governing our state's public schools. Welcome! We look forward to working with you.

To help new school board members transition into their roles, the WASB offers New School Board Member Gatherings. These informal, evening gatherings take place in each WASB region between April 18 and 21. The meetings are free and open to new and experienced board members and superintendents. If you will have a new school board member in your district, please inform them of the gathering in your respective WASB region (see page 27).

Another WASB event geared toward both new and experienced board members will be taking place in May with a new format. Spring Academy Workshops will be offered in the evening in six locations across the state. We hope the selection of multiple locations will make it easier for members in every corner of the state to attend. The events will begin with a dinner and include presentations on the Key Work of School Boards and the legal roles and responsibilities of school board members. These events provide opportunities to meet other school leaders in your area and gain practical knowledge to help you govern your school district.

Unfortunately, April also means we will have members leaving us. For those who will no longer be serving, thank you for your public service and your diligent efforts on behalf of your students, your schools and your communities. If you are an outgoing school board member, please consider joining the WASB Alumni Program. Any former school board member who served at least six years is eligible to be an alumni member. For an annual fee of \$25, alumni members receive the *Wisconsin School News*, the weekly eConnection newsletter and can attend WASB events. If interested, contact Ingrid Frank at ifrank@wasb.org.

While serving on a school board can be challenging, it can also be incredibly rewarding. School leadership is not an easy job and I thank our school board members and district administrators for all that you do for our students. Please know that you can find support and resources at the WASB. We are here to help you. ■

School leadership is not an easy job and I thank our school board members and district administrators for all that you do for our students.

Are You Receiving Our Emails?

The WASB wants to ensure you are receiving all of the timely legislative updates, legal and policy notices, and meeting invitations that you are entitled to receive with your membership. If you are not receiving WASB emails or would prefer they be sent to a different email address, please contact us at info@wasb.org or toll-free at 1-877-705-4422.

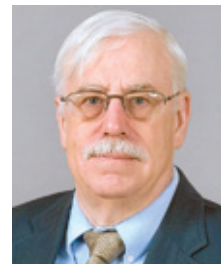


A member of the Prescott High School Forensics team practices a speech.

EVERY STUDENT MUST Communicate

Despite evidence that public speaking skills improve academic success, few schools teach public speaking

Terrence Falk



Too often speech education consists of little more than a student, standing before the class, reading from a paper and never looking at the audience nor interacting with those seated only a few feet away. Classroom debate means trying to shout down those with different points of view. But schools can do better. Why do too many of our public schools spend so little time and resources on public communication?

Part of the problem is that school districts are not directly rewarded for fostering oral communication skills. After all, no state-sponsored test in speech is administered that becomes a part of the school report cards. The

college entrance exams, ACT and SAT, do not directly measure such skills.

Yet there is compelling evidence that public speaking skills correlate with how well students do academically. Students who participate in structured academic debate tend to do better in college because debate teaches necessary skills such as the development of a thesis and defending it through well-researched documentation. Studies have shown that students who participate in public speaking in high school often do better on college entrance exams such as the SAT.

Scott Baker is a lecturer at UW-La Crosse and his doctoral dissertation directly addresses the

value of speech activities in developing other academic skills.

"I have never seen a standardized writing test that cannot have the scores improved by speech and debate competition or speech course work," says Baker. "With the ability of a student to do an oral interpretation event, that student has to be able to read, criticize and analyze."

■ Academic Benefits

Adam Jacobi is the executive director of the Wisconsin High School Forensic Association (WHSFA) and a former communications and English teacher and debate and forensic coach at Milwaukee's Rufus King High School.



Students from the Lodi High School Forensics team display their hardware after a competition.

Part of the problem is that school districts are **not directly rewarded** for fostering oral communication skills.



“Public speaking occupies two whole literacy zones beyond reading and writing, that is listening and speaking, that are never taught as directly as reading and writing in the K-12 curriculum,” says Jacobi.

Poor test performance may not always be related to a lack of skills. We have all seen the individual who does well in practice but freezes up when the test is at hand. This is a classic example of performance anxiety, and this anxiety may be

exhibited on stage, in front of class, in a job interview, or on the football field.

Wade Labecki is assistant executive director at the Wisconsin Interscholastic Athletic Association (WIAA). Before that, he was a school administrator, business teacher, and football coach. He also served on the board of the WHSFA. According to Labecki, “The two — speech and athletics — complement each other; they give the student

self-confidence.”

At his high school of Baldwin-Woodville, all sophomores were required to take a semester of public speaking. Students who learned how to cope with stage fright were less likely to freeze up in the classroom or on the football field. As a former business teacher, Labecki understands that the ability to communicate through the spoken word often impacts our ability to secure employment and advance to the

Students who learned how to cope with stage fright were **less likely to freeze up** in the classroom or on the football field.

management ranks.

The more we can get students involved in extracurricular activities the better, reflects Labecki, whether it be through sports, speech or whatever. “Any time you can get kids involved in their school community, it’s going to benefit them and the school community tenfold.”

In addition to their own school community, students who become involved in extracurricular activities get a chance to interact with students from other schools, other backgrounds and other communities.

■ Foster Public Speaking Skills

Larger secondary schools can make sure that at least one teacher is a certified speech communication teacher. Smaller high schools may believe they cannot afford to have a certified speech teacher yet Labecki’s own Baldwin-Woodville High School of only 300-400 students had a teacher dedicated to teaching speech and drama.

Unfortunately, it is becoming harder to find certified speech communication teachers, says Kay Neal, professor of communication studies at UW-Oshkosh. Hardly any Wisconsin colleges or universities offer

a dedicated communication certification program any longer. Because of the cost of a college education, fewer prospective English teachers pick up the additional communication certification.

But even if your school can afford to hire someone with that background, public speaking skills can’t just be relegated to a single teacher. Public speaking skills should permeate the entire curriculum. Just as we have demanded that writing and reading be a part of every academic offering, whether it be science, social studies or math, so should public speaking. And that means something more than a student getting up in front of a class and reading a paper. It means actually looking at the audience, interacting and answering questions. “Teachers can integrate



MORE INFORMATION

Does your school system wish to participate in or enhance its extracurricular speech activities?

Begin by contacting:

Adam Jacobi, Executive Director
Wisconsin High School
Forensic Association
PO Box 509,
Ripon, WI 54971
920-710-1895
whsfa.org

While the following organizations are not directly affiliated with the WHSFA, Adam Jacobi can direct you to the organizations most likely to meet your needs:

National Speech and Debate Association
(formerly the National Forensic League)

**21st Century Debate Association
Milwaukee Debate League**
(part of the National Association of Urban Debate Leagues)

Wisconsin Forensic Coaches’ Association

Wisconsin Debate Coaches’ Association





A member of the Madison West High School Forensics team delivers a speech.

School districts can support extracurricular speech activities such as **drama, speech and debate** in the same way they support athletic activities.

communication across the curriculum,” says Neal.

Don’t assume that your teachers, even your English teachers, know how to teach oral communication skills.

“As a former speech and English teacher, I understand there is a lot of crossover,” says Jacobi, “Yet we need to encourage our English teachers to incorporate as much public speaking as they can.” He adds, “Not all English teachers have that background.”

“English teachers probably had one basic speech class when they were freshmen in college,” says Neal. “Probably not much more beyond that.”

We will need to provide in-service and training for our teachers just as we have done with other necessary academic skills. The school board can make sure that speech communication is a part of its district strategic plan or at least an element within the school’s curriculum.

School districts can support extracurricular speech activities such as drama, speech and debate in the same way they support athletic activities. If a school can afford some of the more expensive sports teams, it can certainly field a forensic team at a fraction of the cost if they participate in the local and state contests of the WHSFA. Some more competitive leagues that culminate in national competitions may require a greater commitment of time and financial resources.

Jacobi sees added teacher training in speaking skills for schools that participate in extracurricular speech activities. Many of the speech coaches and judges are not trained speech teachers. They learn speech education skills through competitions and training programs of the various speech organizations. Those skills can be transferred back to the classroom whether the teacher teaches social studies, math or science.

The goal should not be just to field a speech, forensic, or debate team for a handful of students. The goal is to get every student involved in some aspect of speech activities. And the beauty of speech, says Labecki, is that public speaking “Touches everyone, from the top student, to the student who needs accommodations, and everyone in between.” ■

Terrence Falk serves on the Milwaukee school board and is the WASB region 14 director. He taught communications and English and coached debate and forensics in Milwaukee Public Schools.





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Questions Board Members Should Ask

ABOUT PROGRAM SUCCESS

Sonal Bhuchar & Cynthia Knox

Editor's note: While the example given in this article is specifically about a reading intervention program, the questions posed and thought process involved, can be applied to nearly any program evaluation.

School board members are charged with making reasoned decisions that support school district success. As school board members, we sought our positions based upon our keen interest in supporting student achievement and academic excellence. However, the work of governance of a school district is focused on many issues: financial stewardship, operational management of available resources and growth, construction, facilities management, and more.

Often imbedded within this large-scale framework, student achievement and response to intervention requires a sharp, singular focus on evaluating and supporting the strongest programs to help bridge the

achievement gap.

No decisions are more important than those related to instruction, especially those related to interventions for a district's most at-risk students. This article presents three important questions that we believe will help board members as they make these critical decisions.

As an example, we were asked to make a decision with regard to an intervention for first graders who were struggling in reading. The intervention being proposed for expanded implementation was Reading Recovery, a school-based intervention program with a reputation for success in several countries. We were also aware that this program had both supporters and detractors.

QUESTION 1: *What is the need for this program?*

As board members, we often felt that we were presented with “laundry lists” of programs. We were also aware of the fact that schools are somewhat notorious for implementing and shortly thereafter, discarding programs in a merry-go-round type of cycle. In our minds, there had to be a compelling need in order for our district to expend limited funds on some new product or program or to maintain and/or expand one that was already in place.

In our example, we knew instinctively that reading is critical to learning success, but it was important for us to hear the research supporting that belief. Articles clearly documenting the critical need for children to learn to read in the early grades were important to our consideration

when comparing the priority need for an early reading intervention versus, for example, a secondary remedial reading program.

With research information in hand supporting early intervention for struggling readers, we next wondered what the scale of need was in schools that were requesting this intervention. Given the diversity of our district, we wondered if we had children in all of our elementary schools who entered first grade with significant challenges in learning to read. The data we sought was to know, by school, how many children entering first grade were nonreaders. Before considering an early reading intervention, we needed to know numbers. We were surprised to learn that in every elementary school we had more than a handful who were significantly challenged in learning to read. In other words, there appeared to be a need for some type of reading intervention districtwide.

Since, in our example, we were considering expansion of a program, it was also important to find out the

data on numbers of children who qualified for the intervention in schools that were early implementers. Naturally, a follow-up question was the extent to which that need had been met. If our early implementation of an intervention did not show results in terms of meeting needs, it would be difficult to vote for an expansion. The answers to our second question provided further insight in this regard.

QUESTION 2: *What is the research base for effectiveness for this intervention, and what are the measurable outcomes?*

As board members, we were certainly not experts on effective reading interventions, and we knew there was debate across the country on what types of reading programs work best. We expected the district's instructional leadership team to be informed of best practices and programs that work. So it seemed logical for them to support a program request with research that

backed up its potential for success.

In reviewing many requests for instructional interventions over time, we realized that some publishers present "research" that proudly displays the effects of their products. However, it is important that board members also seek out independent sources of research results that confirm the effectiveness of programs. We expected the district to have that information available to us, and if it was not available, to be able to defend "effectiveness" as described by the program publisher or originator.

In the case of the decision before us, it was informative to be provided with results from the What Works Clearinghouse (WWC), an initiative of the U.S. Department of Education's Institute of Education Sciences. The WWC reviewed research related to 26 beginning reading programs and rated them comparatively based upon results. As board members, we



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wondered why the district had selected the particular program under consideration as compared to other similar programs, and the information at this research site helped us make our own comparisons between available programs.

Other pieces of data were also important to our decision making. For example, did the intervention under consideration have results over time and in settings similar to our own? Were the results robust? In particular, it is of interest to board members whether the positive outcomes children experience in the proposed program are lasting. If the results produce a short-term “bump” in performance but children then fall behind again, chances are board members will be faced with making a decision regarding the purchase of other interventions in the future for

these same students.

In other words, do the children who succeed in the proposed intervention continue to make gains as they progress through the grades? In our example, the district provided third-grade reading results on the state’s required assessment for children who had received the intervention in first grade.

If, as in the case of our consideration of expanding a program, there is already data available of the intervention’s effectiveness in one’s own district, this information is especially salient. District personnel should be able to provide that data and provide findings relative to the extent of progress disaggregated by ethnicity, income, etc. As well, the district should be able to provide any secondary benefits accrued through the implementation of an intervention, such as an increase in teachers’ overall instructional expertise based upon training they may have received.

Of note, board members should expect to receive information annually on the impact of implemented

interventions on student success. Board members also need to be confident that the program will be continuously monitored and that students will be evaluated in a meaningful and timely manner.

QUESTION 3: *What are the costs associated with this intervention, and how does that compare to its effectiveness?*

The question of costs for an intervention is one familiar to all board members, and most would agree that costs need to be reviewed within the context of effectiveness. A modestly priced program may be appealing from a budgetary viewpoint, but if it does not produce results, it is expensive. A program considered expensive may raise eyebrows, but if it is a short-term, highly effective intervention that improves student success over time, it may be the most cost-effective option.

Detailed budget information, clearly defining costs associated with implementing a proposed program,



We talked to several experienced school board members in Wisconsin about how they make decisions on their board.

from Wisconsin School Board Members

Why is using data important in school board decision-making?

Howard Kruschke (Saint Croix Central School District): For years, efforts were made to improve student achievement based on WKCE test results. Not enough data was available in a timely fashion to affect necessary changes. In 2010, our board adopted the Key Work of School Boards as well as implementing MAP (Measures of

Academic Progress) testing to get a better idea of where we were performing. The data showed we had weaknesses in reading, math and science. We used that data and realigned our curriculum. By 2014, we had made a major jump in those keys areas.

Tom Steiner (Trevor-Wilmot Consolidated School District): Data is essential for us. It helps us make sure we are serving our students. In our classroom, our teachers are reviewing MAP scores to see what lessons took. Our teachers automatically review the data and check what elements need more attention. This has been huge for us. It has produced incredible results.

provides essential data for board decision making. In our example, costs were projected for staff salaries, books, instructional supplies, and training. This was necessary information for us, but it was not sufficient for determining cost effectiveness.

Two areas of questioning proved beneficial to us in our decision making. First, since salaries were involved in the proposal we received, we wanted to know how many students would be impacted by the teachers. In this instance, the intervention teachers did not spend all day working in the program but rather spent half of their day in a general education classroom and half within the intervention setting. This raised a second question of potential “spill-over” benefit to the general education students based upon the additional expertise the teachers gained from training in the specialized program. It was also important for us to note any other potential impact these teachers might have on the school as a whole, such as training for other teachers.

In other words, was there benefit in the half salary per teacher beyond the students they served in the intervention itself? Again, it is important to know numbers served, but it is also essential to compare costs for those served within the framework of outcomes that can be expected — both to those served and beyond.

Secondly, length of program for the served students in the intervention may also have bearing on cost effectiveness. Board members will want to note whether, for example, students are in the program for only a few weeks, a year, or longer. Ideally, the program will be short-term and upon exit, students will return successfully to their general education classrooms with no additional outside instruction required.

In our example, we learned that potentially eligible students currently not served by the proposed intervention were likely to be retained or referred to a long-term special education placement. Based on that knowledge, we compared costs for serving students in the proposed program

versus costs for retention or special education. Subsequently, we determined cost effectiveness by comparing these two program options to the intervention under review in terms of cost and effectiveness.

In closing, we are confident that if board members will utilize these questions as they consider whether to approve a proposed intervention for struggling students, they will be well-prepared to make that decision and to defend it, if necessary. In our example, we were provided with ample information to answer our questions, and as a consequence, we voted with confidence. ■

Sonal Bhuchar served on the Fort Bend ISD (Texas) school board from 2006 to 2012 and on the Texas Association of School Boards (TASB) board of directors from 2009 to 2012. Cynthia Knox served on the Fort Bend ISD board from 1996 to 2008 and on the TASB board of directors from 2006 to 2008.

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What questions do you think about when your district is considering a new product or program?

Kruschke: The first thing we ask is ‘What is it going to do to help student achievement?’ We ask ourselves ‘Are these products going to achieve what we want? What are the benefits versus the costs? How will it align with our K-12 curriculum?’

Steiner: Does it address a need? Would it benefit the students? Do we have the resources to implement and maintain it? Are there opportunity costs involved? If we adopt it, will it cause us to suffer in other areas? As a board, we try to look at how everything ties together and works on a district-wide level.

How do you weigh costs of a new program versus the potential benefits?

Kruschke: We recently looked into purchasing Chromebooks for each of our students for a 1:1 program. We formed a technology committee and looked at what it would cost to implement the program, how would it impact

student achievement, what policies we would need to consider, cost of care, maintenance and other factors. The committee weighed the costs and benefits and with school board approval, we decided to go with it. Early indications show that the Chromebooks are helping boost student engagement and enhance achievement in the classroom.

Steiner: When we think of costs, we not only think of funding but we also think about our staff time and resources. We want to make sure we’re not overburdening our staff. There are a lot of extra things that teachers are required to do now with educator effectiveness and other initiatives. We want to make sure that they are able to keep their focus on the students. □

WASB Peer Mentoring Program: The school board members interviewed above are peer mentors in WASB’s new peer mentor program. If you’re a new or experienced school board member, the program can help you learn about school board governance and practical information from an experienced school board member. More information is available on the WASB website at wasb.org. Click on the “Governance” tab.



The Time for Revenue Limits Has Passed

In this post-Act 10 world,
revenue controls are not necessary

Ed Hughes

There was a reasonable argument for revenue limits when they were first imposed more than 20 years ago. However, that justification was swept away with the collective bargaining rights eliminated under Act 10. Today, despite no danger of runaway school district spending, the current governor and state legislators have chosen to impose increasingly stringent revenue

limits, handcuffing school districts' fiscal management of their schools.

School districts have responded by turning to referenda to exceed the revenue limits with increasing frequency and increasing urgency.

■ Where Revenue Limits Came From

Following the searing Hortonville teacher strike of 1974, Wisconsin adopted a mediation-arbitration law to resolve collective bargaining

impasses between teachers unions and school districts. The unions generally made out better than local taxpayers under the new system. The school portion of local property tax levies increased an average of 7.6 percent per year between 1985 and 1993.

In 1993, Governor Tommy Thompson and the state Legislature adopted a strategy to address the surge in school property tax levies and side step the mediation-arbitration law.

Editor's note: This article is an opinion piece from a Wisconsin school board member. We thank him for taking the time to share his perspective. We invite school board members and administrators to join in the conversation and to share their vision for public education in Wisconsin. Contact Wisconsin School News editor Shelby Anderson at sanderson@wasb.org.

They established the qualified economic offer, or QEO, enabling school districts to avoid arbitration if they offered their teachers a 3.8 percent increase in salary and benefits. To provide an incentive for school districts to rely on the QEO, the Legislature imposed revenue limits that set caps on annual increases in school district expenditures. To make the package more appealing, the state also agreed to pick up two-thirds of the cost of school funding. The changes became known as the three-legged stool of school finance.

The first leg of the stool gave way in 2003, when Governor Jim Doyle and the Legislature abandoned the two-thirds funding pledge. The second collapsed in 2009 with the repeal of the QEO. The last leg of the stool — revenue limits — remains with us today.

■ How Revenue Limits Became Unnecessary

2011 Wisconsin Act 10 reflected a different strategy for addressing perceived flaws in the mediation-arbitration process. Rather than adjust the statutory standards for resolving a collective bargaining

impasse, the law simply eliminated collective bargaining for anything other than base wages. And, short of a referendum, increases in base wages cannot exceed inflation.

The upshot is that revenue limits no longer serve their original purpose. They were established as part of a strategy to prevent school districts and local taxpayers from getting hammered by adverse arbitration rulings arising from collective bargaining. That is no longer possible. Today, there are no outside forces driving up school district spending that revenue limits are necessary to contain.

■ The Revenue Limit Vise Is Tightened

Even as the problem that revenue limits were adopted to address has evaporated, the restraints they impose on all the state's school districts have become more binding. The Legislature has not let the obsolescence of revenue limits' original purpose dampen their enthusiasm for the policy.

From the start of revenue limits in 1993 through the middle of the Doyle administration, revenue limits increased every year by a per-pupil amount between \$190 and \$275. Roughly speaking, this translated

into annual spending limit increases of 2-3 percent.

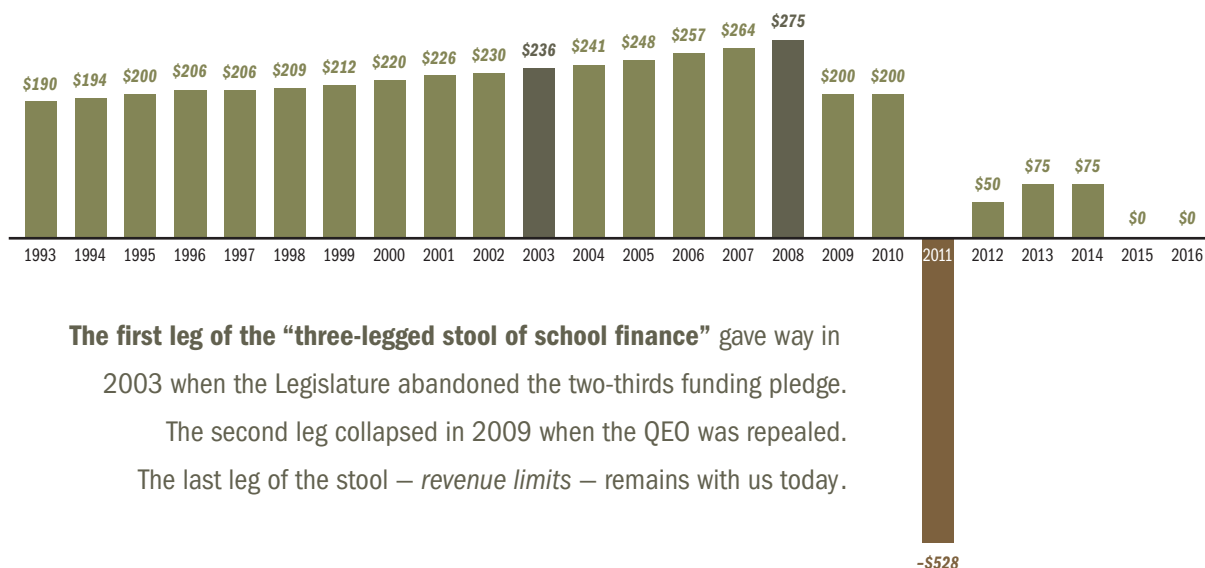
Current leadership has taken a different approach. Governor Walker's first biennial budget called for a revenue limit decrease of 5.5 percent per pupil, more than \$550 per student, on average, for the first year, and a small \$50 increase the second year. School districts were directed to manage the cut in their spending authority through the Act 10 "tools," which primarily entailed requiring employee contributions for retirement accounts and an increased sharing of health insurance costs.

In Walker's second budget, school district spending authority went up \$75 the first year and an additional \$75 the second year. This represented annual increases of less than one percent. In the most recent biennial budget, covering the 2015-16 and 2016-17 fiscal years, revenue limits are held constant — no increase at all.

In Fig. 1 below, you can see how the annual changes in revenue limits have looked over the 24 years they have been in place.

When revenue limits were imposed in 1993, school districts started with a base of their then-current per-pupil

FIG. 1: Annual Change in Revenue Limits





spending. Over the years, increases in revenue limits have nudged up the amount of allowable spending. The

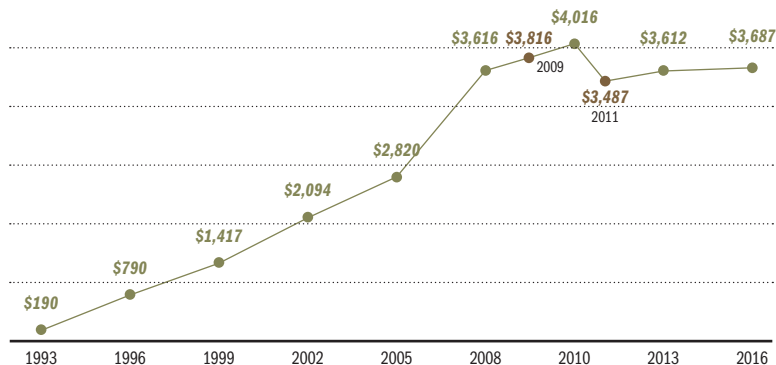
chart (Fig. 2) shows,

how much more school districts could spend per pupil than their 1993 base amount. As Fig. 2 indicates, after 18 years of steady growth in revenue limits, the state reversed course. Those limits are less today than they were in 2009.

The negative impact of the very tight limits of the last few years has been offset to some extent by increased categorical aid payments to school districts outside of revenue limits. These payments started out at \$75 per pupil in 2013-14, increased by \$75 to \$150 per pupil in 2014-15, remain the same in 2015-16, and go up \$100 to \$250 per student in 2016-17.

Even considering the special categorical aid payments, school district spending cannot increase at all during 2015-16 and can go up only \$100 per student in 2016-17, which hovers slightly below the one percent level for most districts.

FIG. 2: Cumulative Annual Change in Revenue Limits



Schools Are Not Immune to Increased Costs

School districts have been slashing their budgets in response to revenue limits for more than 20 years. Districts are forced to cut even more deeply than usual this year and next if they are to accommodate the rising costs they face without increasing their overall spending.

Schools are a labor-intensive operation. The costs of salaries and benefits make up 70 to 80 percent of an average school district budget. Like other workers, teachers reasonably expect that they'll see some bump in their pay over time if they continue to meet the expecta-

tions of the job. The cost of benefits, like health insurance, increase over time no matter what kind of a job teachers are doing.

Cost increases are not limited to salaries and benefits. Utility expenses rise each year as do other costs of operation. In Madison, we received a surprise this year when our property insurance costs soared from \$212,000 to \$449,500 as a direct result of a proposed biennial budget provision that would have ordered the shutdown of the Local Government Property Insurance Fund. Although the proposal was not part of the final bill, it had the effect of triggering policy premium increases and other structural changes by the Funds Advisory Committee.

While costs inevitably increase for a school district simply trying to maintain the status quo, budgets get even more challenging for districts that take seriously their obligation to attack achievement gaps and otherwise improve the quality of education they offer their students. Not all improvement strategies cost money, but most do. Revenue limits tie the hands of school districts interested in investing in innovative approaches to meet their students' needs.

Referenda Are a Symptom of the Problem, Not a Solution

The law provides a relief valve for school districts pinched by revenue limits. Districts can go to referendum to ask their voters to authorize their district to exceed their limits. School districts are scheduling

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referenda with increasing frequency.

Far from a panacea, referenda are an unavoidable burden for cash-strapped school districts. Our government does not operate by plebiscite. While voters deserve to have their voices heard at the annual meeting, we shouldn't require our school boards to win voter approval for their annual budgets any more than we should hold a statewide referendum every other year so that voters can weigh in on the state's biennial budget.

Budgeting by referenda also engenders uncertainty, complicates planning, and can be disastrous in those districts where referenda fail.

■ What's a School Board to Do?

Revenue limits trample on local control so that the governor and legislators can claim credit for barring school boards from raising additional property taxes to invest in their schools. But there is zero

evidence that, in this post-Act 10 world, revenue controls are necessary to rein in excessive spending by school districts.

As restrictive and unnecessary as they are, revenue limits are not going to be repealed by the Legislature anytime soon. So long as the Legislature does not erect new referendum roadblocks, we can expect to see more and more school districts go to referendum year after year in order to win authority to spend the funds necessary to carry out their educational mission.

A more audacious strategy is available to school boards that are confident of the support of their communities. They could schedule a referendum to effectively eliminate revenue limits. This could be accomplished by winning voter approval for recurring authority to exceed revenue limits by some extremely large amount — say \$100 million, \$200 million, or more. (A strategy like this should be cleared with the district's

legal counsel and DPI to ensure that the district is merely authorized, and not obligated, to exceed the revenue limit by the amount set forth in the referendum question.)

Passage of such a huge referendum would not obligate the school board to spend an additional dime. Since school districts can carry over unused spending authority from year to year, it would enable the board to cease worrying about revenue limits in future budgets.

With passage of a jumbo referendum, a community could reassert local control over its schools by liberating its school board to set budgets at levels that suit the community, free of the misguided restrictions that subordinate our schools and our students to a property-tax talking point for short-sighted politicians. ■

Ed Hughes is a school board member in the Madison Metropolitan School District. You can view more of his writing at edhughesschoolblob.wordpress.com.



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That's a Wrap!

Legislative session saw many bills passed with significant impact on public education

The 2015-16 session of the Wisconsin Legislature is in the books and, once again, lawmakers introduced many bills with significant impacts on K-12 public education. The WASB officially registered a position on more than 80 bills, not including the myriad of education-related policy items included in the state budget bill.

The advocacy efforts of school board members and administrators this session led to the passage of several beneficial bills and to the defeat of several others that would have been detrimental to school districts. The WASB Government Relations (GR) team thanks you. We work hard to support you in your advocacy efforts and keep you up to date through our *Legislative Update* blog (wasblegupdate.wordpress.com),

social media and weekly emails.

Here is a status report on some of the notable K-12 bills introduced. A summary of the bill, the WASB's position and the result is provided. If the bill is listed as "passed," that means it was signed into law or will be soon. If the bill is listed as "dead," the proposal did not make it through the legislative process.

► **Board Members as Volunteer Coaches — AB 299/SB 217**

These bills allow school board members to be volunteer coaches and extracurricular activity supervisors under certain conditions. The WASB helped draft and support the bills after delegates to the 2015 WASB Delegate Assembly approved what is now WASB Resolution 6.22.

WASB Position: Supported
Result: **PASSED**

► **Building Materials Sales Tax Exemption — AB 313/SB 227**

These proposals allow contractors to directly purchase construction materials on behalf of schools and other tax-exempt clients without paying sales tax. The WASB supported the bills and registered in favor of them at two public hearings.

WASB Position: Supported
Result: **PASSED**

► **Referenda Restrictions — AB 481/SB 355**

Under these bills, unless a school board experiences a natural disaster or fire, boards could have only scheduled a referendum vote on a spring or general election. A spring election is held annually on the first Tuesday in April while the fall general election occurs in even-numbered years on

The advocacy efforts of school board members and administrators this session led to the passage of several beneficial bills and to the defeat of several others that would have been detrimental to school districts.



the Tuesday following the first Monday in November.

The bills also would have required a two-year waiting period following a failed referendum during which a district would be prevented from going to referendum or utilizing certain types of borrowing.

The WASB's stance was that school boards should continue to have the flexibility to make these decisions locally without state interference.

WASB Position: Opposed
Result: **DEAD**

► **Student Mental Health — AB 664/SB 591**

These bills remove barriers to providing outpatient mental health services at school. The most recent WASB Delegate Assembly approved Resolution 16-14: Mental Health Supports in January to “provide adequate professional mental health supports in our schools.”

WASB Position: Supported
Result: **PASSED**

► **Testing Opt-outs — AB 239/SB 193**

Under current law, upon request from a parent or guardian, a school board, must excuse a pupil in grades 4, 8, 9, 10, or 11 from taking the state assessment adopted by the state superintendent that is required to be

administered to pupils in that grade. Decisions about excusing a student in grades 3, 5, 6, 7, or 12 from testing are left to local board policy discretion.

These bills, as amended, would have required a school board, upon request of a parent or guardian, to excuse a pupil enrolled in grades 3 to 12 from taking any examination required under state or federal law, except for a test required for high school graduation. The bills also prohibited the Department of Public Instruction (DPI) from considering how many pupils enrolled in a school or school district have been excused from taking assessments required under state or federal law when calculating annual school and school district report cards.

The WASB had concerns that these bills also required school boards to annually provide yet another set of burdensome and lengthy notices relating to assessments.

WASB Position: Neutral
Result: **DEAD**

► **Energy Efficiency Revenue Limit Adjustment — AB 449/SB 337**

These bills would have ended the school district revenue limit exemption for energy efficiency projects.

Currently, a school board may adopt a resolution to increase the revenue limit otherwise applicable to

a school district in any school year by an amount spent by the district in that year on a project to implement energy efficiency measures or to purchase energy efficiency products.

WASB Position: Opposed
Result: **DEAD**

► **Changing Rooms/Transgender Students — AB 469/SB 582**

These bills were an unfunded state mandate dictating school restroom and locker room access.

The proposals would have effectively barred transgender students from using school bathrooms or changing rooms assigned to the gender with which they identify but is not their biological gender.

The WASB's position was that these decisions should be handled at the local level on a case-by-case basis by board members who are familiar with the individual situations and community values. These are sensitive and complicated issues that arise in school districts with a myriad of different facilities that are not amenable to a “one-size-fits-all” solution from the state. We noted that several Wisconsin school districts have addressed this situation through local school board policy-making.

WASB Position: Opposed
Result: **DEAD**



► **Crime Reporting Mandate — AB 517/SB 470**

These bills would have imposed a statewide mandate on high schools to report certain crime-related incidents to the DPI.

The WASB expressed concerns that the bills placed the responsibility for reporting these incidents on school officials rather than the law enforcement agencies which collect these statistics and provided no additional funding for school districts to cover the additional costs and responsibilities the bill mandates.

We also had concerns that these bills use a local ordinance definition of “disorderly conduct” rather than the definition in state statutes. Local ordinances can differ widely in their definitions of disorderly conduct, making comparisons inaccurate or misleading.

WASB Position: Opposed
Result: **DEAD**

► **Voucher Revenue Limit Authority — AB 751/SB 615**

As introduced, these proposals made technical changes to the special needs scholarship program created in the 2015-17 state budget. The WASB was neutral on the original bills but strongly opposed amendments that dramatically reduced the revenue limit authority of the 142 public school districts that currently have resident pupils participating in the statewide and Racine voucher programs.

Based on efforts by the WASB and others, the reductions were scaled back significantly. While school districts impacted by the loss of aid to voucher schools will lose revenue limit authority compared to current law, they will lose less funding authority (about \$5.3 million in the first year) than they would have under either of the two plans initially proposed by Assembly leaders (\$22.1 million and \$14.2 million).

WASB Position: Opposed
Result: **PASSED**

► **Concealed Carry on School Grounds — AB 846/SB 589**

Current law prohibits a person, including a concealed carry weapon permit holder, from possessing a firearm on the grounds of a school. These bills would have opened school grounds to concealed weapons carried by permit holders but would allow a school board to continue to prohibit carrying weapons into those buildings much as they do under current law.

WASB Position: Opposed
Result: **DEAD**

► **School Accountability — AB 1/SB 1**

The Senate and Assembly were unable to come to an agreement on an accountability proposal early in 2015.

Among other differences, one key sticking point was that the Assembly wanted sanctions for failing schools while the Senate pushed a version without sanctions. The WASB preferred the Senate approach of focusing on improvement rather than punishment. Since the houses were unable to agree on an approach, the much heralded accountability bills went nowhere.

WASB Position: Opposed AB 1;
Supported SB 1
Result: **DEAD**

► **Academic Excellence Scholarships — AB 314/SB 228**

Currently, each high school in the state, regardless of its enrollment, is eligible to have an Academic Excellence Scholarship recipient although the number of scholarships per school is based on enrollment size. These bills would have roughly doubled the value of these scholarships. The WASB agreed that the scholarship amount has failed to keep pace with tuition increases and

welcomed this increase. However, the WASB opposed two controversial changes under the proposal that would have: 1) added a requirement that students receive a minimum score of 28 on the ACT exam; and 2) provided that if no students in a high school meet these new qualifications, the scholarship must be reallocated to a student from another high school in the same enrollment size category.

WASB Position: Opposed
Result: **DEAD**

► **Sparsity Aid — AB 824/SB 664**

These bills alter sparsity aid eligibility to allow two school districts (Crivitz and Spring Valley) that received sparsity aid last year to receive it this year even though their enrollment (with summer school enrollment factored in) rose above the 725 student eligibility limit. There is enough money in the sparsity aid appropriation to allow these two districts to receive full payments this year without reducing payments to other qualifying districts. In future years, these bills raise the enrollment threshold from 725 to 745.

WASB Position: Supported
Result: **PASSED**

■ **Thank You**

Thank you again for all of your efforts this session on behalf of your students and schools. For a more complete list of education-related bills, you can access the WASB Bill Tracking Chart via the Legislative Update (<https://wasblegupdate.wordpress.com/>). The chart is a useful resource that includes bill numbers, the WASB's position and relevant Delegate Assembly Resolutions.

As always, if you have any questions or concerns please feel free to contact the GR team: Dan Rossmiller (drossmiller@wasb.org) and Chris Kulow (ckulow@wasb.org). ■



Be the Best You Can Be

WASB can help new and experienced board members lead their district to success

Greetings fellow school board members, new and old!

This being the April edition of *Wisconsin School News*, I extend hearty congratulations to our newly elected board members. You are to be commended for stepping up to the plate. And equally hearty congratulations to our re-elected readers. You are to be especially commended for re-upping! Why especially commended? Because research shows that length of service on a school board is one factor that makes a difference in student achievement, and one three-year term is not enough.

The research, by Dr. Michael Ford of UW-Oshkosh and Dr. Douglas Ihrke of UW-Milwaukee shows that boards comprised of experienced members, who have served five years or more and follow the guiding principles of the Key Work of School Boards, have a positive impact on reading proficiency scores among their students. So new members, now you know: if you're "in it to win it," set your sights on running for at least one more term!

Speaking of being in it to win it, I have yet to meet a school board member who ran for election to help make their district mediocre. We're all in it because we want to help make our district the best it can be, for our stu-

dents and community. That requires that we work to be the best board members we can be. A school board comprised of members committed to being the best board members they can be (including staying on for at least five years!), is an irresistible force for success in education.

To that end, I urge you to take advantage of the resources the WASB offers to help us become the best board members we can be.

Shortly after the April election, WASB holds New School Board Member Gatherings around the state to provide you with important information to help you start off on the right foot. In fact, if you were newly elected, you may have received this copy of *Wisconsin School News* at one of those meetings.

Other upcoming opportunities for growth include the Spring Academy Workshops, held in May at various CESA offices around the state, and the Summer Leadership Institute in July in Green Bay. These conferences provide both new and experienced school board members with valuable information to help you give it your best. That's one of the two purposes for which the WASB exists: Governance — helping you be the best board member you can be, and helping your board be the best board it can be.

The other purpose for which the WASB exists is Advocacy — representing school boards statewide by lobbying in the state capitol, and coaching individual board members to be in contact with their local legislators. We call these two purposes, Governance and Advocacy, the two "pillars" of the mission of the WASB. They are pillars, but they're not completely separate from each other. Good governance includes a measure of advocacy by each board member, and successful advocacy makes good governance more achievable.

A final word to all fellow school board members, new or experienced: bear in mind the paramount importance of trust for the success of your school board and school district. In fact, trust is a must for our entire school system. To counter the tendency toward splintering and fragmentation, school boards must win the trust of all stakeholders, from district parents to the legislature. Resolve to build a culture of high trust in your district, beginning with winning the trust of your board colleagues and superintendent. The book, "The Speed of Trust" by Stephen Covey is a good resource. Be in it to win it! ■

Stu Olson is the WASB president and president of the Shell Lake school board.

Good governance includes a measure of advocacy by each board member, and successful advocacy makes good governance more achievable.

Protecting Yourself and Others

Lifesaving tips when facing an armed intruder or active shooter

Mike Bolender & Ted Hayes

Editor's note: School districts should work with local law enforcement to develop and review safety plans for their buildings and to conduct staff trainings. Below are tips from the Peaceful Warrior Training Group that may be helpful to your district in developing and reviewing its plans.

Even with all of the violent incidents occurring in today's world, your chances of being involved in an active shooter situation are slim. However, unfortunately, armed intruders and active shooter situations are occurring with greater frequency every year.

Statistics indicate that about 60 percent of active shooter situations are over within five minutes — the shooter leaves the area, the shooter takes their own life (about 40 percent), or law enforcement or a citizen neutralizes the situation. Knowing exactly what to do during those few minutes may mean the difference between life and death for you, a coworker and many others in your building.

Simply stated, an active shooter seeks three factors:

- Easy 'targets of opportunity,'
- Little or no barricades or restrictions that will limit their movement; and
- Little or no supervision or confrontation that will restrict or end their actions.

■ Run – Hide – Fight

Remember, you can survive an active shooter incident. The best response plans are those that allow you to switch and move between response alternatives as the context of the incident evolves and changes.

Move with Purpose — playing dead or freezing may get you killed —

action will provide a chance and may save your life — so learn to move with purpose. The context of your situation will dictate your purpose. An armed intruder or active shooter situation will evolve rapidly and new details may be limited; you also must be able to adjust as the situation changes.

If you are in another area of the building when an initial attack occurs, your response alternatives will differ from those individuals who are in the immediate area of shooter. Active shooter situations are dynamic and evolve quickly. If the shooting starts down the hall from your location, your options are to lockdown/barricade (if you are in a lockable space) or create distance if

PRACTICE rapid-response lockdown.

Identify the process and actions you will take to lockdown and/or barricade your occupied space.



A member of the Peaceful Warrior Training Group leads an active shooter training.

you have no lockable space or there is a clear path to an exit.

The shooting down the hall could very quickly migrate to your space, which dramatically changes what life-saving alternatives work best. The closer you are to the shooter, the less response alternatives you will have.

■ ■ ■ RUN

Simply stated, you run to get out of the area quickly and safely creating distance between yourself and the shooter. Always run away from the sound of gunfire.

When running from a shooter, create distance and 90 degree angles between you and the shooter. This can be accomplished by moving into opposing hallways, rooms, alcoves, doorways, etc.

Once you have evacuated the immediate area, scatter from others and run as far away as you can.

Once you are safe, call 911.

Be prepared to provide exact details to the 911 operator. When you call 911, don't assume the

person you are speaking to knows your exact location; some 911 calls go to a county-wide dispatch center. Inform the operator of the city and your exact location, "I'm at ABC High School, 123 Main Street, Hometown, Wisconsin and there is an active shooter in the building." If possible, give a description of shooter's appearance, weapon types, location, direction of travel in the building, location of known injured, etc.

■ ■ ■ HIDE

If you hear gunshots (or what you perceive to be gunshots) and can't get out of the building, it's time to lockdown and barricade. Simply hiding under a table or desk with no barricade between you and the shooter will not protect you.

Immediately lock and barricade the door. Use large, heavy, moveable objects to barricade the door. Tables, desks, filing cabinets, chairs and other objects can be used to block entry in to the room. These objects should also be used to block the door window so the shooter cannot

easily see in to the room.

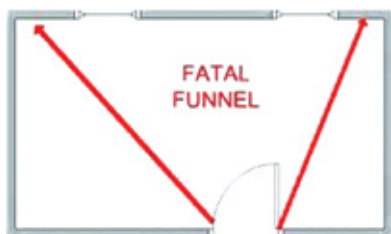
Turn off the lights and silence all cell phones. The noise or the illumination emitted from a cell phone may tip off the shooter of your location.

Always spread out throughout the room. Don't huddle together and create easy targets for the shooter.

Keep calm and quiet in the room. Turn off lights, silence cell phones, keep quiet, and don't cast shadows under the door. Identify a secondary exit (door, window, breach a wall) that you can get out if needed. Break a window and evacuate if you are able. If you can't get out, position yourself against the wall, two to three feet from the knob side of the door. Have a pre-planned, improvised weapon and be ready to use it. If it's time for action versus reaction — you attack first — action always beats reaction.

Never stand in the 'fatal funnel.' Past history indicates that shooters do not spend a great deal of time trying to breach a door unless they have a specific target in mind. Shooters know that law enforcement will be responding soon. They may

attempt for four to six seconds to enter the room. If unsuccessful in their efforts, they may fire a few rounds through the door, hoping to strike someone inside. It's then time to move on and look for easier targets. Instruct everyone to never stand in front of the door and avoid the 'fatal funnel.'



— — — FIGHT

Engage the shooter if running and hiding are not options. When no other alternative is available — you can't create distance, lockdown/barricade, or get out of a secondary exit — find a distraction object to

throw at the shooter and create a plan in case the shooter finds you.

Plan to throw objects at the shooter's face and eyes — when they flinch it's time to act — initiate your plan which could be to create more distance, get to a lockable space, create 90 degree angles or engage/attack the shooter.

Find anything to use as a weapon

— a stapler, the fire extinguisher, your laptop computer, your forearm/elbow, etc.

Attack the trauma susceptible targets.

This includes the eyes, all sides of the neck, the clavicle, the solar plexus, the groin, ankles, and knees. Identify your target and drive through with your weapon.

If possible, attack with numbers. If you have no other options, attack the shooter as a team style. If even one person attacks the shooter, validate their decision and help them!

■ **Team Tactics**

If you are using team tactics to attack the shooter, the first person attempts to control the weapon/arm to get the weapon pointed in a safe direction. The second person attacks trauma susceptible targets with a planned or improvised weapon or their forearm/elbow. Repeatedly strike through the target until the shooter is completely disabled.

When the weapon is disengaged from the shooter, remove it as far away from the shooter as possible.

Do NOT have the weapon in your hands as you exit the building or when law enforcement enters the building. Remember, law enforcement does not know who or where the shooter is located; having a weapon in your hands could lead to deadly consequences.

When law enforcement enters the area, listen and strictly follow their commands. Always maintain your

MAKING THE GRADE

HOWARD-SUAMICO SCHOOL DISTRICT

Renovations to the 1970s pool at Lineville Intermediate School rejuvenated an important asset in the Howard-Suamico community. Two additional lanes allow the district to host competitive meets, while the updated infrastructure and equipment increase the efficiency of operations. Over 20 community groups and countless community members enjoy the benefits of the upgraded facilities.



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ADDITIONAL TIPS

Be prepared to ‘act not react.’

People die when they mistakenly believe they must confirm the crisis is real. If you hear a sound that you perceive to be a gunshot, it is a gunshot until proven otherwise. It's acceptable to individually initiate your lockdown or run-hide-fight protocols — if it's proven to be a non-crisis, that's OK.

Create mental action scripts.

An action script is a mental rehearsal plan of what — if scenarios regarding your immediate response to variety of crises — ‘if this happens, I will do that.’

hands above your head unless you are containing the gunman. Always allow law enforcement to take command of the situation.

Day-to-Day Awareness

Day-to-day awareness is your best personal and professional protection mechanism. No matter where you are or what you are doing, develop a thorough understanding of your surroundings. Know how to safely evacuate the area; know how to barricade your area/room; and as a last resort understand how and when to fight the intruder.

It is important to always be observant. Use all of your senses, being attentive to your surroundings at all



Holding active shooter training workshops can help prepare staff.

times. Intuitive concern means trusting your instincts and intuition. We get in trouble when ignoring what our gut is telling us. When you sense an unexplained concern or uneasiness about someone or something, look deeper at the situation or person and identify if there is danger or pending attack.

Understand your surroundings every time you enter a building. Look around — try to find at least two exit routes out of each area/room and the building itself. Take the time to enter and leave the building using different routes. This familiarity with the building layout will be beneficial during a real evacuation.

Always say something. Learn to report all suspicious activities, people, or vehicles to law enforcement. It is law enforcement's job to determine if the activity is something other than it appears to be. The safest organizations are those that expand this concept and follow ‘Hear or See Something, Say or Do Something.’ If

you hear something (in person) or see comments, statements or questions on social media that cause concern, bring that concern to a supervisor and/or the authorities. This also means if you see or hear signs of

imminent danger — gunshots, yelling, screaming, or reports of an intruder — don't go to verify what is happening. Instead, act by initiating your pre-planned action script.

Post a copy of your brightly colored crisis plan in the same location in every area/room.

Look around the room for potential weapons. Every building/room contains many objects that can be used as weapons to distract or even disable an armed intruder or shooter.

Know how to implement your personal ripple of safety. During a lockdown or evacuation, know how to:

- Get yourself safe as quickly as possible.
- Notify others so they can get safe and begin their own ‘ripple of safety.’
- Activate your organization's emergency notification system.
- Call 911.

Initially your biggest obstacle will be denial — get by denial and act! ■

Mike Bolender is a 25-year veteran with the Oak Creek Police Department commanding their patrol division, emergency communications and use-of-force training. Mike can be contacted at pwtraininggroup.com or by email at pwtraininggroup@gmail.com.

Ted Hayes is a Senior Risk Manager with M3 Insurance. He consults with businesses, school districts, and municipalities throughout Wisconsin to develop safety programs and risk management strategies.

M3 Insurance is an endorsed agency through the WASB Insurance Plan. For more information, visit wasb.org and select “WASB Insurance Plan.”

SCHOOL SAFETY RESOURCES

There are many resources available to help districts train staff, develop crisis plans, and get more information about strategies to keep your schools, staff and students safe.

PEACEFUL WARRIOR TRAINING GROUP | Mike Bolender, one of the authors of this article, offers active shooter and other trainings through his group Peaceful Warrior Training Group — pwtraininggroup.com

VIOLENCE PREVENTION PROGRAM ASSESSMENT TOOL | The Department of Public Instruction's Violence Prevention Program Assessment Tool helps schools “identify gaps and strengths in their violence prevention program.” dpi.wi.gov/sspw/safe-schools/assessment

School Law Issues and More

WASB Legal and Human Resources Conference delivers important information to school leaders to help effectively govern their districts

A number of important topics were addressed by WASB staff members, Wisconsin school attorneys, and insurance professionals at the Legal and Human Resources Conference on Feb. 25-26 in Wisconsin Dells.

Sessions covered a range of topics including: school safety, special education, the Fair Labor Standards Act, employee leave rights, superintendent evaluation, transgender issues, and much more.

Barry Forbes, WASB associate executive director and staff counsel, presented a session on school board member conflict of interest. Forbes discussed the conflict of interest doctrine developed through common law which is based on the idea that a public officer, such as a school board member, owes an undivided duty to the public he or she serves.

"The common law requires that a school board member not place himself in a position that will subject him to conflicting duties or expose

himself to the temptation to act in any manner other than in the best interest of the public," Forbes said.

Joy Gänder, of Gänder Consulting and Jim Chiolino from the Wisconsin Department of Workforce Development provided practical tips and information for schools interested in implementing school-to-work programs. Gänder recommended that when working with employers, school districts develop written use agreements that clearly define what the student will do, when and where the work experience will take place, and, among other issues, if and how much the student will be paid. In successful school-to-work programs, good communication between the employer and school district is essential.

"Problems are exacerbated by a lack of communication, misinformation and the parties having different



Attendees heard from WASB staff, school attorneys, and insurance agents on the latest school law and human resources issues.

expectations and perceptions of the school-to-work experience," Gänder said.

In another session, Bob Butler, WASB associate executive director and staff counsel, discussed how to handle incidents of employee misconduct. Butler addressed laws, policies and rules affecting employee misconduct investigations. Even if a district has not dealt with employee misconduct issues, Butler said it is important for school leaders to understand the process.

"While the overwhelming number of school district employees do an admirable job, if you find yourself dealing with an employee issue, it helps to know the legal and policy requirements before taking corrective action," Butler said.

This is a sampling of the sessions that took place at the Legal and Human Resources Conference on Feb. 25-26 in Wisconsin Dells. To view presentation slides and resources for all of the sessions, visit wasb.org. Select "Meeting and Events" and then "Event Recaps." Member log-in is required. ■

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■ New School Board Member Gatherings

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

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

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

Region 1	Wed., April 20	Spooner High School Library
Region 2	Tues., April 19	Three Lakes Jr. and Sr. High School IMC
Region 3	Thurs., April 21	Green Bay District Admin. Building Board Rm
Region 4	Thurs., April 21	Durand High School Cafeteria
Region 5	Tues., April 19	D.C. Everest Professional Development Center
Region 6	Tues., April 19	CESA 4 (West Salem)
Region 7	Thurs., April 21	CESA 6 (Oshkosh)
Region 8	Thurs., April 21	Stockbridge School District Library
Region 9	Tues., April 19	CESA 3 (Fennimore)
Region 10	Tues., April 19	Gerstenkorn Administration Building (Portage)
Region 11	Wed., April 20	Muskego-Norway District Board Room
Region 12	Mon., April 18	McFarland High School Library
Region 13	Thurs., April 21	Elkhorn School District Board Room
Region 15	Wed., April 20	Pewaukee High School, Room 240

UPCOMING EVENT: **Spring Academy Workshops**

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

With a focus on effective governance and the legal roles and responsibilities of school board members, the 2016 WASB Spring Academy Workshops will be held in six convenient locations throughout the state. The workshops will provide a foundation for new school board members to begin learning their role and serve as a helpful refresher for experienced board members.

This year, each Spring Academy Workshop will be held in the evening from 6-9 pm. The agenda will be the same at all six locations and will include dinner and two presentations led by WASB staff — an overview of

the Key Work of School Boards and the legal roles and responsibilities of school boards.

For a detailed description and to register, visit wasb.org. ■

Spring Academy Workshops

May 10 – CESA 4, West Salem
 May 11 – CESA 2, Whitewater
 May 17 – CESA 9, Tomahawk
 May 18 – CESA 11, Turtle Lake
 May 24 – CESA 1, Pewaukee
 May 25 – CESA 6, Oshkosh





Board Duties and Obligations and Potential Ramifications for Non-Compliance

School board service is an honor and carries with it significant responsibility to the community, students, employees and fellow board members. School boards are empowered and charged with the responsibility for the education of students enrolled in the district, and the oversight of the district's employees, finances, operations and facilities. In the performance of their roles as elected officials, individual board members must conduct themselves and exercise their powers within a defined legal and policy framework. These duties and obligations begin with the signing of a written oath of office and are further established by state statutes enacted to make public service free from conflicts of interest, and board discussions and action open and accessible to the public. In addition, most districts also have in place policies governing the relationship between individual board members, administration, and other district constituents.

Board members need to be aware of these duties and responsibilities, because the failure to conform their conduct to them can not only impact district operations, but also can give rise to various forms of electoral, legal and board recourse. This *Legal Comment* will briefly outline the legal and policy framework within which individual board members operate, as well as explore some of

the potential ramifications if a board member steps outside this framework.

■ General Duties of School Board Members

Before taking office, every school board member must sign, and file with the district clerk, the following official oath:

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.¹

Board members may, in addition, take an oral oath to emphasize to the public the obligations which they assume. If an oral oath is administered, the statutorily required language is nearly identical to the written oath, but includes a specific commitment to impartiality.

In addition to requiring and prescribing the form of the oaths, the same statute further codifies board members' duties and responsibilities by requiring that board members perform to the best of their ability, not engage in any act forbidden by law, and faithfully

perform their duties.² Significantly, board members serve as fiduciaries of the public, that is, they owe a duty of loyalty to the district over considerations of private interests and are to avoid conflicts of interest and maintain confidentiality.³ Thus, upon taking the oath of office, board members assume a very different legal posture with respect to the district than when they were citizens-at-large.

The primary role of school boards is to govern the district and not to administer the district's day-to-day activities. Board members act in several different capacities in this role:

- Quasi-legislative (e.g., adoption of district policies and budget);
- Quasi-judicial (e.g., conducting expulsion hearings); and
- Quasi-executive (e.g., hiring and evaluating the superintendent).

In fulfilling these roles and acting as fiduciaries of the district, however, board members have no power to act as individuals and may only officially act at properly constituted meetings of the board or its committees and then only through collective board action. This obligation is codified in the Wisconsin Open Meetings Law which advances the policy of assuring that the public is informed about governmental affairs.⁴

By assuming their role, board members take on, and are subject to, specific duties and responsibilities that must govern their conduct as public officials.

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To advance this policy, boards must provide timely notice of the subject matter of meetings and cannot discuss or act upon a subject not properly noticed to the public. Board members must avoid situations in which board business takes place outside of a properly noticed meeting. This can occur when a quorum of the board, or one of its committees, meets to discuss district matters. It can also occur with “walking quorums,” which are a series of gatherings or communications between separate members, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum. This is an increasing issue given the proliferation of electronic medium and communications.

As indicated, board members are required by their oral oath of office to avoid conflicts of interest. This obligation is codified by statute in the “Code of Ethics for Public Officials and Employees” (Code of Ethics), which prohibits board members from using their public position to obtain financial gain or anything else of “substantial value” for the private benefit of the board member, immediate family, or an organization with which the board member is associated.⁵ The term “substantial value” has been interpreted to mean anything of more than inconsequential or token value based on the totality of the circumstances. Board members are also prohibited from taking any official action substantially affecting a matter in which the board member, immediate family, or an organization with which the board member is associated has a “substantial financial interest.” The Code of Ethics further provides that a board member may not solicit or accept anything of value if it could reasonably be expected to influence the board member’s vote or judgment, or could reasonably be considered as a reward for official action or inaction.

Finally, the common law doctrine of incompatibility of offices bars board members from holding two public offices where one office is supe-

rior to another such that the duties under each might conflict, or where the nature and duties of the two offices are such that public policy considerations bar one person from discharging the duties of both. The incompatibility doctrine also applies to conflicting public offices and public positions held by the same person.

State law further establishes criminal liability for misconduct in public office.⁶ This includes conduct in which a board member:

- Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty within the time or in the manner required by law;
- Performs an act which the member knows is in excess of the member’s lawful authority or which the member knows is forbidden by law; or
- Exercises a discretionary power in a manner inconsistent with the member’s duties with intent to obtain a dishonest advantage for the officer or employee or another.

In addition, state law makes it a felony for board members to participate in the making of a district contract in excess of \$15,000 or perform any function with regard to the contract requiring the exercise of discretion on the board member’s part, if the board member has a direct or indirect private financial interest in the contract.⁷ Since this is a prohibition on official action, abstaining from voting on the contract may prevent a violation of this statute. However, this statute also prohibits a board member, in the member’s private capacity, from negotiating, bidding for or entering into a contract in which the board member has a private financial interest in excess of \$15,000 if the board member is authorized or required by law to participate in an official capacity in the making of the contract or to exercise discretion in regard to the contract. Abstaining from voting will not prevent a viola-

tion of this section of the statute.⁸

Board members must maintain confidentiality of certain district matters. This includes, for example, not disclosing information from student records, information related to certain personnel matters (*e.g.*, medical information), and discussions and votes which occur in proper closed board meetings. Breach of confidentiality is a potential ground for finding misconduct in office. Board members also cannot cause an invasion of privacy of another, defined as “intrusion upon the privacy of another of a nature highly offensive to a reasonable person, in a place that a reasonable person would consider private or in a manner, which is actionable for trespass.”⁹

■ Consequences for the Breach of Board Duties

When a board member violates one of the statutory provisions related to the member’s board duties, those statutes provide for various penalties, including the following:

- Violation of the Open Meetings Law can result in the voiding of any action taken at the “meeting” upon an action by the Attorney General, as well as the imposition of fines on individual board members;¹⁰
- If a board member intentionally violates the Code of Ethics, that member may face criminal fines between \$100 and \$5,000, imprisonment for one year, or both; and
- If a board member engages in “misconduct in office” or participates either in the board member’s private or board capacity in a contract prohibited by statute, that member may be subject to a Class I felony punishable by a fine of up to \$10,000, imprisonment for up to three years and six months, or both.

In addition to these statutory penalties, board members are subject to a number of other potential consequences if they fail to conform their

conduct to the duties imposed by their oath, statute or board policy. For example, the electors of any school district can petition for the recall of a board member following the first year of the member's term of office by submitting a petition to the school district clerk.¹¹ This petition must be signed by electors equal to at least 25 percent of the vote cast for the office of governor at the last election within the district. A petition must include a statement of the reasons(s) for the recall, which is related to the official responsibilities of the school board member for whom removal is sought.

A board member may be removed for "cause" by a judge of the circuit court in which the district is located.¹² "Cause" is defined as "inefficiency, neglect of duty, official misconduct, or malfeasance in office." A resident taxpayer in the district can submit a written verified charge which may result in removal of a board member. If a board member is facing removal, the board member must have a full opportunity to be heard and present a defense at a speedy public hearing. If the board member is ultimately removed from office, the member is ineligible for appointment or election to fill the vacancy caused by removal.

Censure is a parliamentary procedure where a board formally reprimands one of its members through the adoption of a formal resolution. A censure should be grounded in clear violation of board policy and/or law. Thus, the resolution should state sufficient facts and policy to justify the board's decision. A censure subjects a board member to negative public scrutiny, however, it does not have any legal ramifications or formal enforcement mechanisms.

School board members do not enjoy absolute privilege for statements they make as board members and can be liable for defamation. However, board members may be protected by conditional privilege when the com-

ments are made during the course of a board meeting and directed toward the purpose of the meeting. In order to prevail on a defamation claim, it must be proven that the statement made by the board member was false; the statement was communicated by speech, conduct, or in writing to a person other than the person defamed; and the communication was unprivileged and tended to harm one's reputation so as to lower the person in the estimation of the community or to deter third persons from associating or dealing with the person. If the defamed person is a public figure, that person must prove the board member acted with actual malice. A board member found liable for defamation may be individually liable for damages and attorney's fees.

Finally, in exceptional cases, a district or member of the public may seek a restraining order and injunction against a board member who engages in "harassment."¹³ Harassment is defined as engaging in a course of conduct or repeatedly committing acts which harass or intimidate a person and serve no legitimate purpose. If a board member engages in "harassment," the board may file a petition with the circuit court in which the district is located. The petition must include: the name of the alleged victim (which could be the district itself); the name of the offending board member; and that the board member has engaged in harassment with intent to harass or intimidate someone. The circuit court will initially determine whether or not to issue a temporary restraining order until a hearing can be held on the merits of the petition, at which time the court could enter an injunction which would permanently prohibit the board member from engaging in the conduct outlined in the petition.

■ Conclusion

Board members serve an important role within school districts. Board

service is a significant responsibility. By assuming their role, board members take on, and are subject to, specific duties and responsibilities that must govern their conduct as public officials. These duties begin at the inception of the board members' taking office and arise from statute and board policy. If board members fail to comport their conduct to such responsibilities and duties, they expose themselves to a variety of consequence, including criminal penalties and civil liability. Accordingly, board members should be aware of the duties and the restrictions on their conduct. ■

For additional information on related topics, see WASB School News, "Recurring Issues for Board Member" (May 2013); "The Legal Significance of School Board Policies" (November 2007); "Compliance with Wisconsin's Open Meetings Law – Parts I and II" (September and October 2004); "Wisconsin's Open Meetings Laws and Communicating with Technology" (November 2001); "School Board Meetings and Defamation: Are Your Statements Protected?" (March 1998); "Harassment Injunctions" (April 1998); "School Board Member Conflict of Interest" (May 1998).

■ Endnotes

1. Wis. Stat. ss. 19.01(1) and 120.06(10)
2. Wis. Stat. s. 19.01(3)
3. Sandra M. Stevenson, *Antieau on Local Government Law*, 46.05[6][a][2d ed. 2014).
4. Wis. Stat. s. 19.81, et. seq.
5. Wis. Stat. s. 19.59
6. Wis. Stat. s. 946.12
7. Wis. Stat. s. 946.13(1)(b)
8. Wis. Stat. s. 946.13(1)(a)
9. Wis. Stat. s. 995.50(2)(a)
10. Wis. Stat. ss. 19.96 and 19.97
11. Wis. Stat. s. 9.10
12. Wis. Stat. s. 17.13
13. Wis. Stat. s. 813.125

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

Service Associate Q&A

Working Successfully with Your School Building Contractor and Other Considerations



Ben Templin is vice president of pre-construction services at Scherrer Construction Company.



Q. *What are some keys to planning and executing a successful school building project?*

A. The project must have a clearly defined plan, solid communication channels and a clear system of checks and balances along the way. Make certain your contractor will provide detailed estimates and effective solutions that guarantee your school district will receive what is promised on time and within budget. A building project is essentially about relationships — relationships with school administrators, students, contractors and subcontractors. Know who you're working with, ensure they have the experience and knowledge to complete the project at hand as well as a commitment to the community as a whole.

Q. *What are some important factors for school board members to keep in mind when considering a construction firm?*

A. The selected construction company should work in tandem with school administrators, staff and communities to manage this delicate balance and provide guidance to make the best decisions. First and foremost, schools should never compromise on safety. With many of our K-12 projects taking place on active campuses, student safety and the safety of workers is of upmost importance. Hire a contractor that has a superior safety record, customized safety program and an on-site OSHA certified safety director to ensure that students, faculty, and everyone else on site are always protected.

Secondly, opt for experience. The landscape of school construction

has changed dramatically. Choose a construction firm that has the experience to understand the unique challenges of K-12 construction and utilizes best practices to create customized, student-centered learning spaces. Their experience also ensures that their projects will be done right and with the upmost professionalism. Lastly, schools are a source of community pride and your contractor should work in tandem with the district to provide referendum support. A referendum team can assist in identifying your needs, educate the public with an effective communications plan, and, ultimately, achieve community support.

Q. *With school districts facing financial challenges, are there new building materials or strategies that are helping schools build facilities more efficiently or less expensively without compromising the finished product?*

A. Choosing a contractor that designs and builds to LEED standards will not only result in a building that is good for the environment, but also provides immediate and long-term economic benefits. There is a misconception that it is the initial upfront costs of the building that is the most expensive, when in reality it is the costs associated with the building over its lifespan. Contractors well versed in LEED practices will also be knowledgeable about state funding programs such as ACT 32, which allows school districts to undergo facility improvements such as MEP (mechanical, electrical, plumbing), safety, and technology upgrades to help reduce or avoid long-term energy or operational costs. Schools are also a community project, so

work with contractors that strive to build a team of local employees, subcontractors, and suppliers dedicated to serving the taxpayers and stimulating the local economy.

Q. *What advice would you give to school leaders to help ensure that they have a positive experience with their builder?*

A. Whether large project or small, selecting the right construction management team for your project can make the difference between a great experience and one that will bring headaches and unforeseen costs. Make sure you're working with a contractor that has longevity, experience, and integrity and is a solid communicator. But you also must have a clear understanding of your project goals and expectations. Make sure you have a clear definition of the project scope, budget and timeline and communicate those objectives clearly to your contractor. Stay involved and keep communication channels open throughout the process. ■

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2016 WASB SPRING ACADEMY WORKSHOPS

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With a focus on effective governance and a board's legal roles and responsibilities, the 2016 Spring Academy Workshops will provide training for new and experienced board members in six convenient locations throughout the state.

Agenda:

- 6 pm - Dinner
- 6:30-7:45 pm - Key Work of School Boards: An Overview
- 7:45-9 pm - Legal Roles and Responsibilities of School Boards

**MAY 10 - CESA 4 - WEST SALEM
MAY 11 - CESA 2 - WHITEWATER
MAY 17 - CESA 9 - TOMAHAWK
MAY 18 - CESA 11 - TURTLE LAKE
MAY 24 - CESA 1 - PEWAUKEE
MAY 25 - CESA 6 - OSHKOSH**



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