

**SPECIAL
ISSUE**

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A crisis communication plan is as important as a crisis plan *page 14*

Employee Assistance Programs: Help for the effects of school violence *page 16*

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John H. Ashley
Executive Editor

Sheri Krause
Director of Communications

Shelby Anderson
Editor

■ REGIONAL OFFICES ■

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

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

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School Safety Report Finds Wisconsin as a “State of Concern”

A report from the Educator’s School Safety Network (ESSN), analyzed recent school-based threats and incidents of violence and ranked Wisconsin as one of 10 “states of concern.” The report looked at the number of violent threats, number of violent incidents, threats per million residents and incidents per million residents and developed a composite score for each state.

It was found that the 10 “states of

concern” accounted for 34 percent of the threats and incidents tracked in the U.S. Specifically, Wisconsin ranked seventh. Authors of the study acknowledge that it is highly unlikely that all violent threats and incidents in schools are reported.

Among other solutions, the study recommends a number of school safety trainings and initiatives aimed at securing school facilities, providing student support, and building

collaboration between schools and first responders.

“It is critical for educators and emergency responders to be equally involved in training, prevention, and response as it pertains to violence in schools,” the ESSN wrote in a press release. “Educators must secure a prominent ‘seat at the table’ and be active, equal partners in preventing and responding to violent threats and incidents in schools.” □

Health Markers Vary Widely by County and Race

The latest iteration of the County Health Rankings report compiled by the Robert Wood Johnson Foundation and the University of Wisconsin Population Institute found mixed results for the state. The report found Wisconsin was above average on several key factors related to public health but also found racial and geographical disparities.

For instance, the state ranks above average for high school graduation and has less income inequality but these results vary by county.

“The child poverty rate in Wisconsin is 16 percent,” said Sheri Johnson, director of the Population Health Institute. “But there’s a wide range of child poverty from 5 to 41 percent. And that’s both in rural and urban communities.”

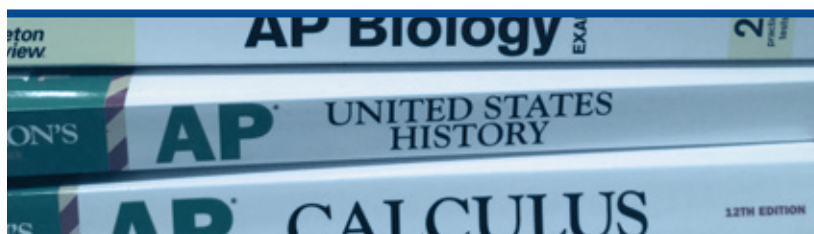
The report also found a range of outcomes depending on race. Poverty rates for white children range from 5 to 20 percent depending on the county, compared to American Indian children poverty rates which range from 11 to 44 percent by county. □

STAT OF THE MONTH

63%

Percent of voters who said increasing school funding was a higher priority, versus 33% of voters who said holding down property taxes was the higher priority. (A similar poll in 2014 yielded a 49% to 46% result in favor of school funding.)

Source: a recent Marquette Law School Poll



State’s AP Participation and Performance Improve

More students took more Advanced Placement (AP) tests with better results. Wisconsin had 21,910 graduates in the class of 2017 who took 66,660 AP exams while in high school. That’s an increase of 638 graduates and 3,694 exams from the prior year’s graduating class. The 2017 cohort represent 36.4 percent of estimated graduates. Their success rate — the percentage of exams scored three or higher on a five-point scale — was 25.5 percent. Nationally for 2017, 1.17 million graduates took 3.98 million AP exams with a

success rate of 22.8 percent.

The AP program is made up of 38 courses, the newest being AP Computer Science Principles. Wisconsin had 125 of its 2017 graduates who took that end-of-course exam with 88.0 percent scoring three or higher. The exam is among a dozen offered in the popular science, technology, mathematics, and engineering (STEM) fields.

Wisconsin’s 2017 graduates who were successful on their AP exams are estimated to save nearly \$39.5 million in college costs. □



School Safety: Continuing the Conversation

Reading the headlines this year has been sobering. Marjory Stoneman Douglas High School (FL), Huffman High School (AL), Pearl-Cohn High School (TN), Oxon Hill High School (MD), Sal Castro Middle School (CA), Marshall County High School (KY), Italy High School (TX), Great Mills High School (MD) — these are some of the K-12 schools that have experienced a shooting on school grounds since January 1 of this year. Prioritizing school safety is our new normal.

Over the past few years, schools across the country have put safety plans in place, implemented anti-bullying and student well-being initiatives, and improved their infrastructures. But more needs to be done at all levels to keep our students safe. Every student deserves a safe learning environment and every level of government should be held accountable to contributing to that goal.

I've been particularly heartened to see the engagement of young people in the recent school safety discussions. While we may wish for the topic to be different, it's the role of public education to produce an active and informed citizenry and our young people have the right to make their voices heard.

To contribute to the local discussions, we are dedicating this issue of the *Wisconsin School News* to school safety.

We know every district has different needs. Whether it's updating your policies or strengthening partnerships with local law enforcement and first responders, we hope the

safety resources outlined in this issue of the *Wisconsin School News* are useful and contribute to informed decisionmaking. And, we want to keep the conversation going. We'll continue to feature stories throughout the year on student safety and wellness. We invite you to submit articles on what you're doing to keep your schools safe. We need to learn from each other.

In July, we'll be expanding the annual WASB Summer Leadership Institute to include a one-day school safety seminar for school board members at the KI Center in Green Bay. The sessions on Friday, July 13 will focus on school safety with the traditional leadership program held on Saturday, July 14. Details and the agenda will be released soon. Mark your calendar.

We also need to turn our attention to the school board elections taking place across the state this month.

We welcome our newly elected school board members who will be sworn in and begin their service. Congratulations for standing up and helping to lead your local public schools. We congratulate you on your election and look forward to working with you.

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

Our new board members are joining at a critical time for public education. To help them transition into their roles, the WASB offers a series of New School Board Member Gatherings. These informal, evening gatherings take place in each WASB region between April 17 and 19 and will focus on introducing new board members to the basics of governance and the WASB services available to you. 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 26). Or, better yet, join us at the gathering and bring along any new school board members in your district. The gatherings are free and open to new and experienced board members and superintendents.

In addition, in partnership with the state's CESAs, there will be 12 evening workshops held throughout the state in May that will take a deeper dive into the legal roles and responsibilities of board members. We encourage new board members to attend these to learn more about the laws that directly impact board service. The workshops will serve as a good refresher for experienced board members as well.

As we move forward, remember that the WASB is here to serve you. Throughout this special issue on school safety, we've highlighted resources available at the WASB specifically on that topic, but no matter the question, you can find support and resources at the WASB. ■

Every student deserves a safe learning environment and every level of government should be held accountable to contributing to that goal.



Safety by **Design**

**Principles and techniques to help make a school safe
and ensure it is aesthetically pleasing**

Schools are an integral part of every community in the United States. Many schools are used as shelters, command centers, or meeting places in times of crisis. Schools are also used widely for polling and voting functions.

Consequently, ensuring the safety of students, faculty, and staff in our

schools, as well as the safety of the school buildings themselves, is critically important. Schools should be the safest place our children can be. Security is not a standalone capability; it is a critical design consideration that should be continually reviewed and scrutinized from the design phase through construction or rehabilitation and into building use.

The focus of this article is on the threats posed by potential physical attacks on a school. A school may have considerable vulnerabilities, because of its well-defined periods of use, designated access points, storage of sensitive personal information, minimal security forces, and numerous avenues of penetration and escape for attackers.



Most schools are constructed on an open site where the defended perimeter may or may not be on the property line.

LAYERS OF DEFENSE

■ = First Layer ■ = Second ■ = Third

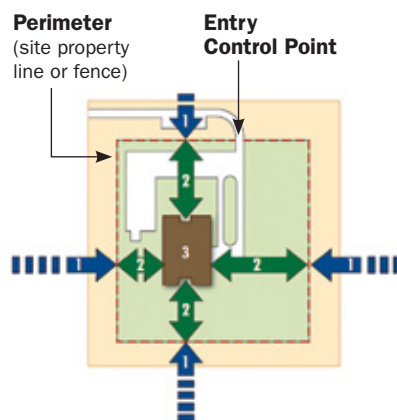


Figure 1

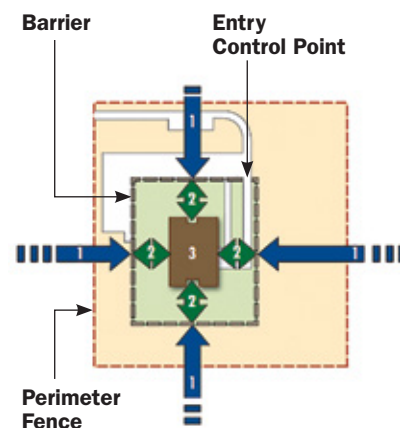


Figure 2

Three main layers of defense emphasized are:

- **First or Outer Layer** that consists of natural or manmade barriers usually at property line or sidewalk/curb line. Typically, the school perimeter is marked by no more than a fence, and is often completely open.
- **Second or Middle Layer** usually extends from the perimeter of the site to the exterior face of a school building.
- **Third or Inner Layer** starts at the building envelope and extends into the interior of the school building.

Layers of Defense for Single Building Open Sites

Most schools are constructed on an open site where the defended perimeter may or may not be on the property line. Typically, the perimeter barrier designates the standoff distance around the school building beyond which is the area that building owners and occupants do not control.

Figure 1 shows the whole site as an exclusive protected area; the perimeter barrier is located on the property line, and the onsite parking is within the second layer of defense. Crash-rated barriers are used where the site is vulnerable to invasive vehicles. The rear of the site is impassable to vehicles, so the barrier is limited to a fence to deter intruders.

An alternative solution is to place the barrier inside the property line, thus reducing its length. The onsite parking is outside the access-controlled area, and a minimum standoff distance is provided. Figure 2 illustrates an example of a site security design for an open site.

Perimeter Security

A perimeter security system consists of two main elements: the perimeter barrier that prevents unauthorized vehicles and pedestrians from entering the site, and access control points at which vehicles and pedestrians can be screened and, if necessary, inspected before they pass through the barrier.

Layers of Defense

The basic approach to site security design promoted in this article is the concept of layers of defense. These are multiple consecutive layers of protective measures deployed in concentric circles around a school. They start from the outer perimeter and move inward to the area of the school building with the greatest need for protection.

The layers are mutually independent and designed to reduce the effectiveness of an attack by attrition, i.e., each layer is designed to delay and disable the attack as much as possible. This cumulative protection strategy is also known as protection-in-depth, and has been one of the basic Crime Prevention Through Environmental Design (CPTED) strategies for protecting assets behind multiple barriers.



After 9/11, many cities experienced a proliferation of barriers, street closures, and other security measures around high-risk federal and private buildings. In some cases, these measures have been considered successful from a security, architectural, urban planning, and cultural preservation standpoint. However, in many cases, the installation of security barriers has

been acknowledged as detrimental to the function, quality, and utility of the public realm. Restricting vehicle access can cause significant traffic congestion and can create unnecessary obstacles on streets and sidewalks that minimize the efficiency of pedestrian and vehicle circulation systems and hinder the access of first responders in emergencies.

The following are suggested goals for perimeter security planning:

- **Provide perimeter security** in a manner that does not impede the city's commerce and vitality, excessively restrict or impede the use of sidewalks, limit pedestrian and vehicular mobility, or affect the health of existing trees.
- **Provide security** in the context of streetscape enhancement and public realm beautification, rather than as a separate or redundant system of components whose only purpose is security.

- **Produce a coherent strategy** for deploying specific families of streetscape and security elements in which priority is given to achieving aesthetic continuity along streets, rather than solutions selected solely by the needs of a particular building under the jurisdiction of one public agency.

■ Building Configuration

School building organization, or plan configuration, directly affects the building's physical security and the ability of school authorities to monitor and enforce access control. Many suburban schools use the campus style of organization, with multiple single-story buildings spread around the school grounds. This type of organization is difficult to secure unless the perimeter is controlled and only a single access point to the school is maintained and monitored at all times. Nevertheless, the dispersed school build-

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ings remain exposed to attacks from any direction.

A more compact organization of multiple school buildings, usually grouped around a central courtyard provides for easier surveillance and access control. By limiting the access to the inner courtyard and creating a secure enclosure, the school buildings' exposure to attack from the outside is significantly reduced. An even more compact organization involves a single building with a multi-story configuration or a single- or multi-story configuration with wings, such as U-, H-, or simple L-shaped plans. Though open, the courtyards formed by this type of school building are easier to monitor and control than the completely open grounds of a campus configuration.

With respect to the attacks with explosive charge, the shape of the school building can contribute to the overall damage to the structure. For example, U-, H-, or L-shaped build-

Other Factors to Consider...

TOPOGRAPHY

The topography of the site is a very important security issue, because — depending on the placement of the school building on the site — it determines the opportunities for internal surveillance of site perimeters and screening of internal areas from external observation points. Elevated sites may enhance surveillance of the surrounding area from inside the facility, but may also allow observation of onsite areas by adversaries. Buildings placed immediately adjacent to higher surrounding terrain may be overly exposed to intrusive surveillance.

BUILDING ORIENTATION

The physical positioning of a school building on site, can be a major factor for security. A structure's orientation relative to its surroundings defines its relationship to that area. In both aesthetic and functional terms, a building can “open up” to the area or turn its back; it can be inviting to those outside, or it can “hunker down” defensively.

VEGETATION

Vegetation onsite can open or block views for security purposes, as well as provide shade and enhance the appearance of the site. However, vegetation at the base of school buildings and structures may exacerbate certain vulnerabilities by obscuring views, providing hiding places for people and explosive devices, and facilitating surreptitious approach by potential attackers. □



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ings tend to trap shock waves, which may exacerbate the effect of explosive blasts. For this reason, school buildings with corners where two exterior walls come together in a 90-degree angle are much more vulnerable to blast damage. In general, exterior walls that extend outward rather than inward are preferred when designing a school building.

Additionally, school buildings with the ground floor at grade are

vulnerable to vehicles being driven into them. Similarly, building openings and glazed walls oriented toward publicly accessible areas increase the vulnerability of school occupants to attacks using explosives and various projectiles.

■ Parking

School parking is typically accommodated by open surface parking lots. On-street parking lanes may

Safety Factors for School Entrance

- **The visitor parking lot** should have an unobstructed view from the reception desk
- **The sidewalk** to the main entrance should have an unobstructed view from the reception desk
- **The locked exterior door** should have an unobstructed view from the reception desk
- **The locked vestibule door** should have an unobstructed view from the reception desk
- **There should be a locked door** that leads from the main office to access the rest of the building
- **Locked doors** should be controlled remotely

Source: Eppstein Uhen Architects

occur on any site but are particularly characteristic of urban areas.

All parking in an open site should be located outside any protective barriers designed to protect the school from vehicles. Warning signs that are easy to understand should be installed along the physical barriers and at each entry. An important design goal is the development of an efficient layout of the parking spaces and provision of an internal circulation that has clear paths for pedestrians and vehicles. Parking restrictions can help to keep potential threats away from a school building. Operational measures may also be necessary to inspect or screen vehicles entering parking areas.

The following considerations may help implement sound parking measures for schools:

- If possible, locate unexpected visitor or general public parking near, but not on, the site itself, or outside the protective, standoff zone.
- Locate vehicle parking away from high-risk school buildings to minimize collateral blast effects from potential vehicle bombs.

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Considerations for Visitors

going beyond locked doors

- **Scan driver's license** to check police database
- **Require visitors** to hand over driver's license
- **Require visitors** to wait outside for students
- **Require visitors** to wait in a reception area without access to the rest of the building

Source: Eppstein Uhen Architects

- If possible, design the parking lot with one-way circulation to facilitate monitoring for potential aggressors.
- Locate parking within the view of occupied school buildings. Use carefully chosen plantings around parking structures and parking lots to permit observa-

tion of pedestrians while at the same time reducing the visual impact of automobiles. Topography, existing conditions, or aesthetic objectives may make this difficult or undesirable to achieve, and CCTV surveillance cameras may be substituted.

- Provide parking lots with CCTV cameras connected to the security system and adequate lighting capable of displaying and videotaping lot activity.

Conclusion

Most schools in the United States were built 30 to 60 or more years ago. Security issues were almost nonexistent at the time, and technology was dramatically different. As a result, school building designs are not always compatible with today's more security-conscious environment.

The fundamental objective of site planning is to place school buildings, parking areas, and other necessary



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structures in such a way as to provide a setting that is functionally effective as well as aesthetically pleasing. Increasing concerns for security add another dimension to the range of issues that must be considered.

The nature of any threat is always changing. Although indications of potential future threats may be scarce during the design stage, consideration should be given to accommodating enhanced protection measures in response to future threats that may emerge. School protection objectives must be balanced with other design objectives, such as the efficient use of land and resources, and must also take into account existing physical, programmatic, and fiscal constraints. ■

This article is excerpted from the U.S. Department of Homeland Security's report "Primer to Design Safe School Projects in Case of Terrorist Attacks and School Shootings." You can view the entire report at <https://goo.gl/eWieXs>.



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Each month the Wisconsin School Safety Coordinators Association (WSSCA) receives calls and emails with questions about what other schools are doing about school security. As the executive director for WSSCA, I've gathered scores of documents, studies and articles, and it's abundantly clear that there are no agreed upon or simple answers.

Nevertheless, there is common ground concerning our grave responsibility to ensure student safety and security. I'm happy to share some of the information WSSCA has passed along to our membership in recent months, and I hope you can find some value in these words.

— **Edward L. Dorff, PSP**, Executive Director, Wisconsin School Safety Coordinators Association

Common Ground on SCHOOL SECURITY

WSSCA executive director talks about school safety plans and Crime Prevention Through Environmental Design



Edward L. Dorff

Question: What safety and security measures are used in America's public schools?

Response: Schools use a variety of practices and procedures to promote the safety of students, faculty, and staff. Certain practices, such as locking or monitoring doors and gates, are intended to limit or control access to school campuses while others, such as the use of metal detectors and security cameras, are intended to monitor

or restrict students' and visitors' behavior on campus.

In the 2013–14 school year (the latest year for which data is available), 93 percent of public schools reported that they controlled access to school buildings by locking or monitoring doors during school hours. Other safety and security measures reported by public schools included the use of security cameras to monitor the school (75 percent), a requirement that faculty and staff wear badges or picture IDs

(68 percent), and the enforcement of a strict dress code (58 percent). In addition, 24 percent of public schools reported the use of random dog sniffs to check for drugs, 20 percent required that students wear uniforms, 9 percent required students to wear badges or picture IDs, and 4 percent used random metal detector checks.

Use of various safety and security procedures differed by school level during the 2013–14 school year. For example, higher percentages of

public primary schools and public middle schools than of public high schools and combined elementary/secondary schools (referred to as high/combined schools) controlled access to school buildings and required faculty and staff to wear badges or picture IDs.

Based on my visits to schools in Wisconsin, I think our numbers are a bit higher. I've yet to find a public school that doesn't control entrance/access in some way although I do find that I've been buzzed in without having to provide identification or purpose at some places. That's an issue easily checked and corrected. It needs attention because it's too easy to get lax.

Question: What are some of the conditions we can look to for improving physical security at our sites?

RESPONSE: Graduates of the WSSCA coordinator certification course are familiar with the concept of Crime Prevention Through Environmental Design (CPTED). It is a simple concept to understand, but a complex one to implement as every school and campus has unique characteristics to be considered and mitigated. Despite these differences, all schools can implement the core elements of CPTED.

- **Natural surveillance.** Keeping an eye on the whole environment without taking extraordinary measures to do so. Typical obstacles to natural surveillance include solid walls and lack of windows that provide visibility to areas of the school building that have experienced a high incidence of problem behaviors. Pruning shrubbery is one step that can be taken to improve

natural surveillance of school grounds.

- **Natural access control.** Determining who can or cannot enter a facility. Obstacles to access control include unsupervised, unlocked entrances to the building. Converting several secondary doors into locked, alarmed, emergency exits is one way to improve access control.
- **Territoriality.** Establishing recognized authority and control over the environment, along with cultivating a sense of belonging. Poor border definition can impede territoriality. Jointly controlled park land adjacent to a school would be an example of poor border definition. School uniforms offer one approach to both establishing a sense of belonging and making it easy to distinguish between students and non-students.

When schools fail to integrate environmental design concepts into expansion or reconstruction plans, an important opportunity is lost. Rectifying this oversight after the fact can be expensive and politically uncomfortable. Applying environmental design concepts from the beginning usually has minimal impact on costs, and the result is a safer school that can focus on its mission of teaching and learning.

Question: How do I know if my school/district is in compliance with state regulations for school safety and security?

RESPONSE: By now, all school districts in Wisconsin have complied with Wisconsin's 2010 Act 309 which, among other things, required every district to develop a school safety plan by the end of May 2013.

Something that may be overlooked however, is the requirement that each district review its plan at least once every three years following the enactment of that plan.

In addition to renewing your school safety plan every three years, the law lays out several school safety requirements that some districts may have forgotten about. For instance, at least twice annually, schools are required to "drill all pupils in the proper method of evacuation or other appropriate action in case of a school safety incident."

If you are charged with overseeing your district's safety plan, take some time to review the school safety requirements under state statute 118.07 (4) (d). In addition, make sure your school safety has met the three-year review requirements, and be sure to document that review on the cover or title page of your plan.

Question: What is one last piece of advice that you'd give to school leaders?

RESPONSE: Each school, district, and community should institute measures appropriate for their own circumstances. A design for an inner-city neighborhood may not be appropriate for a rural neighborhood. There is not a single solution that will fit all schools, but there are many good models that schools can draw from. For more information and resources, please visit our website at WSSCA.org or contact me at wssca@wssca.org. ■

Edward L. Dorff, PSP, is the Executive Director of the Wisconsin School Safety Coordinators Association, and also serves on the Board of Education of the Green Bay Area Public Schools. Ed is a National Trainer for the ALICE Training Institute and has conducted active shooter mitigation training in seven states following his retirement from public education in June 2013.

FOR MORE INFORMATION...

Recent issues of *The FOCUS* and *Policy Perspectives*, the WASB's policy publications, address related school safety and security issues. The February 2018 issue of *The FOCUS* covers policy issues regarding visitors to schools. And the February 2018 (Vol. 40, No. 8) of *Policy Perspectives* provides examples of districts reviewing school safety plans and related policy. You can find both of these publications at wasb.org. *Note: The FOCUS is a subscription-based publication. Subscribers can log-in and view past issues of The FOCUS at wasb.org.*



Communicating During a School Crisis

A crisis communication plan is as important as a crisis plan | *Sarah Heck*

School districts typically have a crisis plan or school safety plan in place. The binders include protocols on how to handle a variety of crisis situations, including major environmental events, the death of a student or staff member, threats to the physical safety of students, and more. Administrators often have several copies of the plan at their disposal — in their offices, at home, in their cars.

A crisis plan is an important first step in ensuring students and staff are safe in the event of an unexpected tragedy. However, a crisis communication plan is equally as important for districts to have at their disposal. The two are not the same, but should be developed in conjunction with each other. When a building goes into lock down or is in the process of evacuating, school leaders need to be thinking about and acting upon the communication that will go to families as a result of this action.

In an ideal world, parents would receive clear and accurate information about an incident from the

school or district first. However, we know that won't happen with students' constant access to technology and texting. Our goal is to be the first official source to provide clear and accurate information about an incident. We need to establish our school district as the source for factual and transparent information. To do that, we must establish trust before any type of incident occurs. If we want parents and the community coming to us for information, it's important to meet that expectation early on, especially before any type of crisis occurs.

What you do before an incident occurs is critical. Here are important areas of focus as you develop your crisis communication plan.

■ Talk to Your School Community

The first step is to talk to your families and community about school safety and your school safety plan. The best time to let students, staff, and families know what to do in an emergency is before it happens. Don't wait until a crisis. Use your

current communication channels to provide this information.

Create a blog, write a newsletter, submit an article to your local newspaper, and discuss it at PTA/PTO and other community meetings. You should message this multiple times — not just once. Remember, messages must be given seven times in seven ways to clearly get your information across to your stakeholders.

■ Build Relationships

To ensure that your communications get out to the people who need it, you must develop solid relationships with key groups. These include:

- Local law enforcement agencies,
- The media,
- Parent groups, and
- Civic and faith-based organizations.

Having local law enforcement as a partner in any crisis situation is invaluable. You will work together to craft and review communications, discussing timing to ensure there is a consistent and factual message coming from both of you.

We need to establish our school district as the source for factual and transparent information. To do that, we must establish trust before any type of incident occurs ... **What you do before an incident occurs is critical.**

The media is also crucial. Even if you have only one solid news station or paper that understands and trusts what you are doing, they will become your most valuable resource. Go to them first when you are ready to get your message out.

■ Key Elements a Crisis Communication Plan

A crisis communication plan should effectively manage communication through formal, clearly defined channels to mitigate crisis or serious repercussions for an organization and to maintain a reputation of leadership and transparency on vital issues and breaking news.

It is not the communicator's responsibility to resolve the crisis. The communicator's job is to inform stakeholders about what happened, what is going to happen, and why. And, to keep leadership aware of what those stakeholders are thinking and saying. The following should be considered when developing your crisis communication plan:

- Plan how you will communicate and tell people where they should expect to find information. Will you send it via electronic messenger, post it to social media, and/or send emails to families? Whatever methods you choose, make sure your families and the community know where they will find the information you are putting out.
- Identify your internal and external stakeholders.
- Determine who will make up your crisis communication team. Make sure your team includes a trained spokesperson and that you identify the roles and

responsibilities of the team members.

- Review response processes and protocols, including appropriate technologies and resources.
- Determine if you need a notification system (for example, Blackboard Connect or School Messenger) allowing schools to rapidly reach stakeholders using multiple modalities.
- Determine how you will monitor traditional and social media. Know what others are saying so you can make a point to clarify facts and increase transparency.

■ Advice from School Communication Professionals

WSPRA members who have had experience with crisis communications offer a few of their most important takeaways.

- A crisis is always about people and emotions.
- Regardless of the type of crisis, the most critical need in the immediate aftermath is information.
- Whenever possible, communicate with staff first!
- Never let the media drive when

you give a response. Attend to your own stakeholders first!

- Difficult news must be delivered personally, in-person is ideal.
- Be transparent. Even if the facts aren't favorable to the district, be the first to share what you know. It's easier to respond when you're being honest and forthcoming.
- Don't speculate. If you don't know something, don't say it! Wait to get the facts. It's okay to say, "I don't know."

■ And, most importantly...

Family members will not remember exactly what you say, but they will remember how you said it and how it made them feel.

Please feel free to reach out to the Wisconsin School Public Relations Association (WSPRA) if you need additional information. We have a team of communication experts who are available to support a district in need during a crisis. Please let us know how we can help. Fill out our contact form at WSPRA.org or reach us at 608-729-6659. ■

Sarah Heck is executive director of communications for CESA 2 and president of the Wisconsin School Public Relations Association (WSPRA).

Crisis Communication Planning Resources

The Wisconsin School Public Relations Association (WSPRA) offers a free crisis communication planning resource on its website at WSPRA.org. In addition, the National School Public Relations Association (NSPRA), also has an excellent resource available for purchase online called "The Complete Crisis Communication Management Manual for Schools."

Visit NSPRA.org for more information.



Supporting Our School Employees

How can an Employee Assistance Program help with the wide-ranging effects of school violence?

School employees are under as much stress as ever in the wake of the recent school violence. Not only do teachers and other staff suffer trauma and stress when they go through these events first hand, but they could develop psychological distress after experiencing it through media coverage, social media posts or other sources like online videos. Secondary traumatic stress (STS), which is the emotional duress that results when an individual hears about the first-hand trauma experiences of another, typically affects those in “helping professions” like teaching and other school positions.

■ Managing Workplace Stress

You can take some basic steps to deal with increased stress levels in the workplace:

- Be alert to signs of stress among employees, and solicit input from employees and school leaders on this issue.
- Be aware that certain events — such as violent events, news of school violence, layoffs and other pressures — may trigger stress levels in employees beyond what is to be expected on a day-to-day basis.
- Arrange for on-site intervention and counseling services in the

event of a severe workplace trauma.

- Make employee assistance program services available so that workers have ready access to help with dealing with stress.

■ What is an Employee Assistance Program (EAP)?

An EAP is a service designed to help employees manage life’s challenges. Professional counselors and services can help employees and their eligible family members resolve a broad range of personal problems affecting their emotional health, family life and work life.

■ Considerations when selecting an EAP

What is the right EAP vendor for your district? Match your employees' needs to the services offered and intake process – both are important to selecting a program that will be valuable to your staff.

EAP services are often diverse, but they generally fall into three categories:

1. Personal support for individuals.

This typically includes counseling services, work/life benefits, and/or other tools and resources to help individuals address a variety of life concerns such as grief, stress, depression, marital and family issues, financial worries, substance abuse, work-related difficulties, life transitions and more.

2. Consultation and training for management.

This is designed to help management better understand a range of workplace issues that may be impacting employee well-being and performance. This could include onsite training, education resources and assessment tools.

3. Critical incident response.

This typically includes workplace violence, tragic accidents, the death of an employee and other events that might have caused emotional distress to those involved or who witnessed the incident. Some EAPs offer services to help your organization and your employees respond after an incident occurs.

Because it can be daunting for individuals to take that first step to use the EAP, much depends on the first contact. Therefore, you want the intake process to be comfortable, efficient and effective for your

employees and their families. Familiarize yourself with how the first point of contact works – who answers the call, if they work for the EAP vendor or are outsourced, and what kind of training they have. Ideally, they would have counseling, social work, or related experience rather than only serving as call-center staff.

■ How can your district benefit from an EAP?

According to the U.S. Department of Labor's Office of Disability Employment Policy, EAPs can help all types of employers be more productive and efficient by contributing to:

- Decreased absenteeism.
- Reduced accidents and fewer workers' compensation claims.
- Greater employee retention.
- Fewer labor disputes.
- Significantly reduced medical costs (arising from early identification and treatment of individual mental health and substance issues).

■ Communicating the EAP

It's critical that employees and other EAP users understand the services available and how to access them. A communication plan that is clear and frequent (not just to introduce the EAP) can improve utilization and help achieve the results listed above.

For example, employees who are experiencing stressful life events (a new baby, moving, financial challenges, etc.) may not know the EAP includes services to help them. Year-round communications will remind employees that resources are available for these events. In addition to the frequency of your communications, it's crucial to get the message itself right. Many employers focus

Legal & Human Resources Services

The WASB's Legal & Human Resources Services Staff can assist school districts in employee compensation plan development, review of employee handbooks, administration of employee opinion surveys, facilitating meet and confer meetings, addressing employee issues such as leaves, ADA accommodations and worker's compensation benefits, retirement benefits and other employee issues. Please contact WASB to see how we can assist you.

To learn more, visit wasb.org/legal-human-resources-services.

their communications on counseling employees with substance abuse problems, for example, so that employees may believe the EAP is solely a program for that issue.

Ongoing communications about all of the services your EAP provides will help you make the most of this valuable program. In addition to providing information during employee orientation and employee benefits open enrollment, consider sending monthly messages in traditional and electronic formats about the EAP and how to use it.

High utilization of your EAP can translate to lower health plan costs because employees will use the program to ward off stress-related illnesses, meaning fewer trips to the doctor. As the employer, an EAP offers numerous other advantages as well. A happier and healthier workforce means more positive, productive and loyal employees. ■

Associated Benefits and Risk Consulting is a member of the WASB Insurance Plan Endorsed Agency Program.

**In addition to the frequency of your communications,
it's crucial to get the message itself right.**



Students lead the annual Wisconsin Association of Student Councils (WASC) State Delegate Assembly at the State Capitol in Madison. WASC is focused on giving equal voice to students.

Giving Voice to Our STUDENTS

Student voice is a necessary
piece to safe schools

Michelle McGrath

For most people, when they hear the words “student voice,” they immediately envision a forum filled with unrealistic demands, chaos, and a lot of noise they hope will be short lived. My 22 years in education, along with what we’ve witnessed recently in light of the tragedies in Parkland, Florida, and elsewhere, prove it to be much different.

Student voice, on my journey, has always been filled with an abundance of authentic examples of purposeful and meaningful

engagement. Connected and engaged students are a necessary piece to safe schools.

On Dec. 16, 1965, Mary Beth Tinker, a 13-year-old student, wore a black armband to school to protest the war in Vietnam — a bold action

that was purposeful and meaningful and still impacts the way we address the integrity of the First Amendment for our young people.

Educating, empowering and engaging students has been a priority for the Wisconsin Association of

Effective student voice doesn’t just happen.

It entails a great deal of mindful planning, mentoring, and the necessary training and student advocacy forums to guide change.

School Councils (WASC) spanning the last nine decades. In fact, the WASC is the only organization in the nation where students have equal representation on its governing body.

Kyle Whelton, former WASC Student Officer and now a member

of the Sheboygan Area School Board, shares, “Personally, I am keenly aware that it wasn’t long ago that I was sitting on the other side of the table advocating for changes in our schools as a student. Those skills are still with me today. As a board

member, I want students to know that I am listening and looking for their input as much as I am listening and seeking input from their parents, teachers, and administrators.”

Effective student voice doesn’t just happen. It entails a great deal of mindful

planning, mentoring, and the necessary training and student advocacy forums to guide change.

To understand the importance of student voice, it’s essential that we reflect on the research. Leading student voice researcher, Russ Quaglia,

shares these important statistics, “When students have a voice they are seven times more likely to be motivated to learn, eight times more likely to experience engagement in school, and nine times more likely to experience purpose in school.”

The most surprising thing is what’s actually happening in schools. According to Quaglia, “Sixty-one percent of students believe they have a voice upon entering middle school. By the 12th grade, that number dips to 37 percent.”

There are a number of schools and community organizations engaging in authentic, student voice initiatives. Here are a couple setting the bar in Wisconsin.



Mount Horeb High School

■ **Mount Horeb School District** made the decision to capitalize on the passion of their students and collaborate with them regarding the “March 14th Walk Out” to remember the lives lost in the tragedy in the Florida school shooting. They invited myself, community leaders, school administration, and students to learn about what the students’ needs were in regard to school safety. They then took time to collaboratively plan an event focused on student voice and advocacy. Mount Horeb Student



Nekoosa High School

School Board Representative Joshua Busher shares, “As a student, you do have power, and you can make impactful, positive change. I am extremely fortunate to live in a place where those activities are abundant.”

■ **Nekoosa High School** provides several venues for students to voice their opinions including “Coffee with the Principal” and serving on various school committees traditionally only for staff. Principal Keith Johnson shares, “Students are the reason we are at school in the first place and often they are the last people we ask for an opinion.”

■ **Waunakee High School** created the “Justice League” with a mission to offer courageous conversations for students and create a safe and welcoming environment for all who enter. Through the work of the Justice League, students have brought voice to district committees and administration on economic disparity in their community, along with the conflicts and struggles of students that in the past had gone un-noticed. Joan Ensign, Waunakee school board president, shares, “Schools are in the business of serving students and who best to help guide school boards than students themselves.”

The WASC is also working with

a plethora of organizations to empower students and share voice:

- **Rotary Ethics Symposium.** A full-day event where Madison area schools bring a team of students to engage in courageous conversations with fellow students and community leaders on ethical decision making and hot topics in our schools.



Waunakee High School

- **WOW April 25/26 Event.**

A collaborative effort with the Department of Public Instruction where participants will examine the power of student voice, reflect on Russ Quaglia’s timely research, and create purposeful, meaningful student engagement. Learn more at dpi.wi.gov/ee/wow.

- **WASC Events:** IGNITE Student Leadership Summit, Leadership Institute, and Summer Leadership

“Sixty-one percent of students believe they have a voice upon entering middle school. By the 12th grade, that number dips to 37 percent.” — Russ Quaglia, student voice researcher



Students from around the state participated in the WASC's annual conference in Madison.

Camp. All providing opportunities for students to learn the necessary skills to effectively share their voice and forums to engage in purposeful change. Learn more at wasc.org/programs-events.

An effective student voice model includes listening, learning, and leading. Encouraging students to have more of a voice in schools starts with first preparing the educational leaders to be genuinely open to listening to and learning from their students. Learning effective strategies for student voice is equally as important.

Leading involves using the voices of our students to create meaningful and sustainable school change. To learn more about what students and school leaders can do to create positive and safe environments, visit this page dedicated to student voice: wasc.org/leadership-standards. ■

Michelle McGrath is executive director of the Wisconsin Association of Student Councils.

WASB Peer Mentoring Program

Have a board member who would like more guidance and support?

The **WASB Peer Mentoring Program** is a complimentary service for school board members – new and experienced. Whether new to the board, new to being a board officer or just would like an additional resource, WASB Peer Mentors are available for advice, support and guidance.

Contact the WASB today learn more.



WASB Peer Mentoring Program | 877-705-4422 | Visit wasb.org



Mayday, Mayday!

National and state safety
resources for school leaders

Gary E. Myrah

Mayday, Mayday! This is the international radio distress signal used by ships and aircraft indicating a loss of control and the crew is facing imminent danger. This may be the sentiment of many as we respond to yet another mass shooting.

Wisconsin school leaders may remember that after the shootings that occurred in Sandy Hook Elementary School in December 2012, a coalition of police, fire, mental health, school administration, parents, students, Wisconsin tribes, teachers, school security and key individuals from the

Wisconsin Department of Public Instruction and the Department of Health Services came together to assess our current resources and develop a plan of action.

This team was committed to taking action to improve services to school-age children and youth as well as their families. Since then, many state and national resources have been developed for school leaders.

Please note: Links to these resources and more are available at wasb.org/policy/hot-policy-topics/school-safety.

■ National Resources

- **National Incident Management System (NIMS) Training**
goo.gl/egsf6z

NIMS is an arm of Homeland Security and is a uniform system for agencies to collaborate during a crisis. This system is designed to minimize the chaos following a crisis.

- **Secret Service Safe School Initiative “Project Appleseed”**
goo.gl/jQ1h8Y

Project Appleseed is a national campaign for public school improvement with a focus on school safety led by the Secret Service.

- **National Institute of Mental Health (NIMH)** goo.gl/gQzncu

NIMH has an initiative focused on child and adolescent mental health with additional resources and contacts for further service in assisting with students with mental health issues.

- **UCLA School Mental Health Project** goo.gl/qGyYXr

The Center for Mental Health in Schools & Student/Learning Supports at UCLA features numerous resources and toolkits for school

leaders and teachers at all levels of education.

- **National Association of School Psychologists (NASP)**
goo.gl/N2QobE

The NASP website has information relevant for all school professionals, not just school psychologists. Featured resources include “School-Based Social-Emotional and Behavior Screening: Using Data to Guide Interventions.”

- **Special Report – Advancing Education Effectiveness: Interconnecting School Mental Health and School-Wide Positive Behavior Support** goo.gl/2TCYlb

This is an extensive document that was prepared by leaders throughout the nation with hopes of creating an Interconnected Systems Framework (ISF). The focus of this monograph is to demonstrate model systems from throughout the nation that have developed a successful network of collaboration of all agencies working together.

■ State Resources

Much work has been done at the state level following the Sandy Hook event in 2012. This includes exten-

sive resources from the Department of Public Instruction (DPI) and the Wisconsin Office of Children’s Mental Health.

- **DPI: Safe Schools**
goo.gl/Zy71XN
- **DPI: Wisconsin School Mental Health Framework**
goo.gl/3uHbvb
- **Wisconsin Office of Children’s Mental Health** goo.gl/SGp1r8

■ Conclusion

In summary, as a nation, we may still believe that we are facing imminent crisis with our youth and individuals that have been responsible for mass school shootings. The rate of these incidents since Sandy Hook has been alarming and there needs to be more action taken to prevent these from occurring.

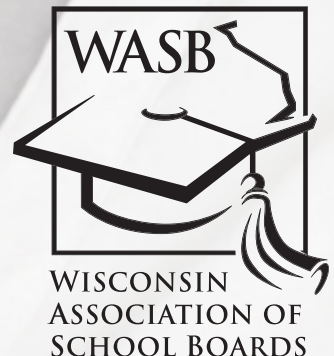
This article is intended to offer hope to improve the mental health of our youth. We must remain vigilant to continue to work collaboratively with the expectation that we will create systems that will be sustained for generations, not just years. ■

Gary E. Myrah is executive director of the Wisconsin Council of Administrators of Special Services (WCASS).

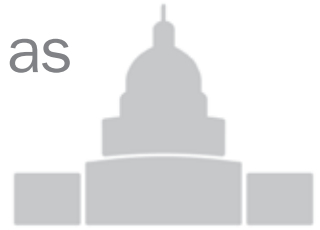
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School Safety Dominates Discussion as 2017-18 Legislative Session Ends



What Did the WASB Advocate For?

As the special session on school safety proposal was being developed, the WASB was actively involved in discussions with the governor, his staff and with legislative leadership offices. We emphasized that the plan needed to be flexible enough to allow local districts to use the resources for safety measures or steps each district identifies as its greatest safety needs.

We also emphasized that the overall amount of school safety resources provided needed to be robust enough that every school district could receive sufficient resources to adequately address their needs. We didn't want any school district or school to be left out. Finally, we urged that funding be ongoing, predictable and sustainable although future allocations are always under the purview of future legislatures and governors.

Throughout the process by which the school safety legislation was developed and approved, the WASB advocated that funding devoted to only "hardening" school facilities, while welcome, is not likely to be sufficient to address the full range of locally identified needs. The WASB argued for local flexibility and advocated that, ideally, these grants should be eligible to fund an array of school safety-related expenditures

■ **Prevention and intervention**
School-based mental health screening and counseling services.

State-provided resources to enable local districts to provide educational services for expelled pupils, particularly non special-education pupils who would otherwise be cut off from

contact with the educational system.

Anti-bullying (prevention and awareness) education, violence prevention curricula, and character education.

Conflict resolution and dispute management strategy training.

■ Collaborative measures

Providing schools with technical assistance and training to address emergency preparedness and school violence.

Encouraging mental health providers to work with law enforcement and schools to develop uniform threat assessment tools to identify potential shooters and determine how to treat them and/or limit their access to people and weapons.

Training school personnel in the use of threat assessment techniques.

Developing tip lines, hotlines or other ways for students and parents to report disturbing or threatening behavior.

Allowing community-based approaches to continue after age 21 and offer options for those times when school is not in session.

■ Secure school facilities

Improved access and visitor management systems.

Adequate and functioning school safety equipment (e.g., video surveillance systems, sensors, cell phone apps or two-way radios, distress/ alarm buzzers and hotlines).

Proper brick and mortar improvements (e.g., secured entrances, architectural design features, interior door locks, emergency exits, metal detectors).

Adequate compensation for armed school security officers. The WASB indicated, based on the WASB resolutions, that we would prefer armed school security officers to be current law enforcement officers or retired law enforcement officers who have maintained their training.

■ Key Provisions of School Safety Legislation

The focal point of legislative action was a proposal put forward by Governor Walker, who called lawmakers into a special session to take up his proposal to create a \$100 million grant program to be housed in a new Office of School Safety in the state Department of Justice (DOJ).

Under the legislation as passed by both houses, the DOJ must, in consultation with the Department of Public Instruction (DPI), develop a plan for awarding grants to school districts.

While the DOJ is given broad discretion in determining the eligible expenditures, the legislation specifies that it must include expenditures for:

- Compliance with the model practices for school safety that are required by the bill to be created by the DOJ in consultation with the DPI, the Wisconsin School Safety Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center;
- School staff training on school safety that the DOJ either offers or contracts with other parties to offer (Note: Under the bill, training may include trauma-informed care and how adverse

School safety will be an important agenda item as we discuss what we want the governor to include in the next biennial state budget.

childhood experiences impact a child's development and increase the need for counseling or support.);

- Safety-related upgrades to school buildings, equipment, and facilities; and
- Items necessary to comply with school safety plan requirements that are newly revised under the school safety legislation.

■ What Schools Need to Do to Prepare to Apply for Grants

A district's grant application must include all of the following:

- The district's school safety plan;
- Blueprints of each school building and facility; and
- A proposed plan for how the grant money will be spent.

Before a district can submit a grant application, a number of things will have to happen.

■ What Does a School Safety Plan Need to Include?

- An individualized safety plan for each school building and facility that is regularly occupied by pupils. (New) This individualized safety plan must include any real property related to the school building or facility that is regularly occupied by pupils;
- General guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery; (already required under current law);
- Guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather-related emergencies, intruders, parent-student

reunification, and threats to non-classroom events, including recess, concerts and other performances, athletic events, and any other extracurricular activity or event; (new) and;

- The process for reviewing the methods for conducting drills required at least annually to comply with the plan (the annual drill requirement is new).

A district will need to ensure that its school safety plan does not contain any of the following provisions:

- A requirement that an employee must contact a school administrator, school official, or any other person before calling 911;
- A prohibition against an employee reporting school violence or a threat of school violence directly to a law enforcement agency; or
- A prohibition against an employee reporting a suspicious individual or activity directly to a law enforcement agency.

Before creating or updating a school safety plan, a school board must, in consultation with a local law enforcement agency, conduct an on-site safety assessment of each school building, site, and facility that is regularly occupied by pupils. This required on-site assessment must include playgrounds, athletic facilities or fields, and any other property that is occupied by pupils on a regular basis.

■ What is the Timeline for Issuing Grants?

In legislative committee testimony, Attorney General Brad Schimel, who heads the DOJ, testified that if the bill were signed into law before the end of March, he hoped the grant money could be awarded by as early as the end of the current school year,

which would be an ambitious schedule.

For this to happen, the DOJ will have to hire people to staff the Office of School Safety. The DOJ also will, in consultation with the DPI, need to develop a plan for awarding grants, including a description of what types of expenditures are eligible to be funded by grant proceeds and develop the process or method by which school districts would submit their applications.

Whether or not the Attorney General's schedule can be met, all of this is likely to happen quickly. We still have lots of questions to sort out. For example, it isn't clear if grants would be awarded on a first-come, first-served basis or be prorated if requests for funding exceed the amount appropriated. What is clear is that because the grants would be funded by what is called a "continuing" appropriation, the money would remain available for grants to be awarded until those funds have been exhausted.

In conclusion, WASB members and other school leaders should rest assured that this legislation is not the end of the WASB's conversation with lawmakers and the governor about school safety, but just the beginning. School safety will be an important agenda item as we discuss what we want the governor to include in the next biennial state budget and we will be urging that school safety funding be robust and sustainable and allow flexibility so local districts can use it to meet their most pressing local needs.

Follow the WASB Legislative Update Blog (wasblegupdate.wasb.org/) for more details as they become available. ■

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.
- Network with new and experienced school board members in their WASB region.
- Learn about WASB services that can help them in their new role.
- Meet the WASB regional director.

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.*

The Gatherings are open to all WASB members. We encourage district administrators and/or experienced board members to accompany their new board members to the Gathering and offer input and guidance.



Region 1	Tues., April 17	Spooner High School Choir Room
Region 2	Tues., April 17	Three Lakes Jr. and Sr. High School IMC
Region 3	Tues., April 17	Green Bay District Admin. Building Board Rm
Region 4	Tues., April 17	Durand-Arkansaw High School Board Room
Region 5	Wed., April 18	Marathon High School Library
Region 6	Thurs., April 19	Black River Falls School District
Region 7	Thurs., April 19	CESA 6, Oshkosh
Region 8	Tues., April 17	Reedsville High School Library
Region 9	Thurs., April 19	CESA 3, Fennimore
Region 10	Wed., April 18	Gerstenkorn Administration Building, Portage
Region 11	Wed., April 18	Muskego-Norway District Board Room
Region 12	Thurs., April 19	Stoughton Schools Admin. & Edu. Services Center
Region 13	Wed., April 18	Elkhorn School District Office Board Room
Region 15	Tues., April 17	Pewaukee High School, Room 240

Upcoming WASB Webinars

The WASB hosts a series of webinars throughout the year on legal, policy, and other important school leadership topics. Here is a look at the upcoming webinars from the WASB.

Hiring Teachers

May 9, 1:30-2:30 pm

This presentation will inform you about the general hiring process of teachers, including state requirements. It includes information about the purpose of position descriptions, the posting of vacancy notices, application forms, the interview process, and reference checks. You will also learn about state and federal laws as they relate to employment discrimination.

Presenter: Bob Butler, Associate Executive Director and Staff Counsel

Annual and Special Meetings

June 13, 12-1 pm

This presentation will review the notice requirements for annual and special meetings, cover meeting agendas and procedures and discuss the division of powers between the annual meeting and the school board in common school districts.

Presenter: Barry Forbes, Associate Executive Director and Staff Counsel

Please note: These and all previous webinars are recorded and available on demand. WASB members can purchase any webinar and watch when their schedule allows. Upcoming live and pre-recorded webinars are listed on the WASB Webinars page at wasb.org.

Spring Workshops

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

To be effective leaders, school board members must be cognizant of their legal roles and responsibilities. In this workshop, an experienced WASB school attorney will take a deeper dive into the key areas of Wisconsin law, including:

- Open meetings,
- Public records,
- Conflicts of interest, and
- A board's power and duties.

Participants will gain a greater confidence in understanding the state and federal laws that directly impact service on a school board and how the implementation of those laws influences effective board governance.

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.

The workshops will be held in the evening (6-8:30 pm) at the 12 CESA offices across the state. The event includes a dinner and the in-depth

Spring Workshops

- May 8 – CESA 1, Pewaukee
CESA 12, Ashland
- May 9 – CESA 3, Fennimore
CESA 11, Turtle Lake
- May 10 – CESA 6, Oshkosh
CESA 10, Chippewa Falls
- May 15 – CESA 4, West Salem
CESA 5, Portage
- May 16 – CESA 2, Whitewater
CESA 8, Gillett
- May 17 – CESA 7, Green Bay
CESA 9, Tomahawk

workshop on the “Legal Roles and Responsibilities of School Boards.” The agenda is the same in each location.

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



BoardDocs Webinars

Maximize Efficiency and Time: Board Management Solutions that Work!

April 10, 10-11 am

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April 24, 12 pm

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Wiretapping Laws and Audio Surveillance

Recent events have heightened the discussion regarding school safety and steps that districts can take to maximize a safe educational environment. One such step is to use surveillance cameras in school buildings, around school property, and on school buses. Surveillance cameras can capture both video images and audio, which can provide useful real-time or recorded information regarding an incident. However, the use of audio surveillance brings into play state and federal wiretapping laws. This Legal Comment will provide an overview of the implications of state and federal wiretapping laws on district audio surveillance and discuss the legal and logistical challenges districts face if they consider utilizing audio surveillance.¹

State and Federal Wiretapping Law

It is a violation of Title III of the federal Omnibus Crime Control and Safe Streets Act (OCCSSA) and the Wisconsin Electronic Surveillance Control Law (WESCL) for anyone to intercept or attempt to intercept any “oral communication.”² “Interception” includes both monitoring and recording oral communication. A surveillance system, including a camera, that records or monitors audio likely intercepts oral communication, thus potentially violating wiretapping laws.

However, in order for speech to be “oral communication” covered by OCCSSA and WESCL, the speaker must have a reasonable expectation of privacy in the speech being intercepted.³ Additionally, OCCSSA and WESCL do not prohibit the interception of oral communication, such as audio surveillance, if one of the parties to that communication has given prior consent to the interception.⁴

Districts have three options when deciding whether to utilize audio surveillance. The most conservative course of action is for districts to avoid OCCSSA and WESCL by using only video surveillance. However, if a district is committed to using audio surveillance, the district can take steps to try to establish that those engaged in any speech subject to audio surveillance do not have a reasonable expectation of privacy in that speech. Additionally, the district can try to obtain written consent for audio surveillance from everyone whose speech might be intercepted. The last two options carry significant practical hurdles.

Reasonable Expectation of Privacy

In order to have a reasonable expectation of privacy, a speaker must have both (1) an actual subjective expectation of privacy in the speech, and (2) a subjective expectation that society is willing to recognize as

reasonable. This test reflects the right individuals have under the state and federal constitutions to be free from unreasonable searches and seizures.

In determining whether a person has a reasonable expectation of privacy, courts will conduct an individualized “totality of the circumstances” analysis, including the following non-exclusive factors: (1) the volume of the statements; (2) the proximity of other individuals to the speaker, or the potential for others to overhear the speaker; (3) the potential for the communication to be reported; (4) the actions taken by the speaker to ensure his or her privacy; (5) the need to employ technological enhancements for one to hear the speaker’s statements; and (6) the place or location where the statements are made.⁵

Because this test is individualized to each person whose communication is intercepted and to what that person is saying, districts will have difficulty determining whether every person subject to audio surveillance on school property has a subjective, reasonable expectation of privacy in his or her speech. For example, students likely have a limited expectation of privacy in a crowded hallway, but when two students talk alone their expectation of privacy is likely greater. The reasonableness of a speaker’s expectation of privacy also depends, in part, on what the speaker is saying. For example, a speaker likely has a diminished

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expectation of privacy if he or she is making threats to another person.

A federal district court held that teachers have no expectation of privacy in their classrooms and thus, could be subject to audio surveillance in their classrooms.⁶ However, this case did not discuss whether students and other non-employees have an expectation of privacy in classrooms, nor is it certain that a Wisconsin court would follow the reasoning of this court in light of Wisconsin case law requiring an individual inquiry into the reasonableness of someone's expectation of privacy.

A district can strengthen its position that those subject to audio surveillance have no reasonable expectation of privacy by providing individual or public notice that the district is engaging in audio surveillance. However, because of the individualized nature of the inquiry, the district might not be able to establish that each person who is subject to audio surveillance is without a reasonable expectation of privacy simply through such notice. For example, districts might provide notice by conspicuously displaying cameras with signs stating that audio surveillance, including recording, is in use. However, these signs might not be effective for those who did not or are not able to read or see the signs.

Another way to address this issue is for a school board to pass a policy providing that all school property will be subject to audio surveillance and recording, and that no one on school property has an expectation of privacy in their conduct or speech. However, this policy, by itself, is likely insufficient to eliminate any expectation of privacy that someone might have in their speech although the policy could diminish the reasonableness of that expectation. The wider the dissemination of the policy to those who could be on school property, the less reasonable any such expectation would be. This policy could be included in student and employee handbooks, included in sign-up forms for volunteering, and posted in the front office. Districts

could have students, employees, and volunteers sign a form acknowledging receipt and understanding of the policy. These forms would provide evidence that the signatory was on notice of the district's audio surveillance policy and could limit the reasonableness of the signatory's expectation of privacy.

■ Consent

Assuming that the speaker has a reasonable expectation of privacy in his or her speech, OCCSSA and WESCL only require one-party consent to legally "intercept" an oral communication. Either party in a conversation can provide consent for the conversation, even if the second party is unaware that the conversation is being recorded.⁷ However, obtaining consent from one party to every conversation that might be intercepted by audio surveillance will be difficult given that such audio surveillance could involve employees, students, volunteers, and visitors. Districts can obtain consent from employees by requiring them to sign consent forms as a condition of employment. However, districts need to be prepared to either take disciplinary action against an employee that refuses to sign a consent form or not use audio surveillance in areas that might capture that employee's speech.

Districts will also have to obtain consent from all school volunteers and visitors. For volunteers, this consent can be obtained along with any other documents, such as background check forms, that districts require to be completed prior to permitting someone to volunteer. Again, if a volunteer refuses to sign the consent form, the district will either have to refuse to allow that volunteer to serve or not use audio surveillance in areas that might capture that volunteer's speech. For school visitors, a district can obtain consent when they enter the building. This could be logistically prohibitive, particularly for large public events like athletic events, fine arts performances, and parent-teacher conferences; however, districts could also disable audio surveillance during these events.

Districts will also have to obtain consent from members of every outside organization using school facilities whose oral communication might be intercepted by their audio surveillance. For districts that allow outside organizations to use their facilities, obtaining consent from everyone attending all outside organizations' events is probably unrealistic.

Obtaining consent from students to legally intercept their oral communication not only creates logistical problems, but also additional legal issues. Whether a student is legally capable of consenting to audio surveillance is determined based on the student's individual circumstances, such as the student's knowledge, intelligence, and maturity. Additionally, consent must be a free and unconstrained choice. Courts will consider a minor student's state of mind at the time consent is obtained, and the methods which were used to secure consent.⁸ Given that consent must be obtained voluntarily, districts likely cannot require consent from students as a condition of attending school in light of Wisconsin's compulsory attendance law.

Districts might be able to obtain vicarious consent for audio surveillance from students' parents or legal guardians. However, vicarious consent is not always valid. Some courts have held that parents need to demonstrate a good faith, objectively reasonable basis for believing that granting consent on behalf of their children is necessary.⁹ For example, parents might be able to meet the standard for vicarious liability if they can demonstrate that they are giving consent to audio surveillance in order to enhance their children's safety. However, a court could still conclude that requiring parental consent for audio surveillance in order for a student to attend school renders the consent involuntary.

Courts also recognize, in some circumstances, the doctrine of "implied consent." Under this doctrine, the person who is subject to audio surveillance is deemed to have consented to the surveillance if the person has actual notice of an audio

surveillance policy and nevertheless talks within range of a known camera. This doctrine is evaluated under the totality of the circumstances. The Seventh Circuit Court of Appeals (with jurisdiction over Wisconsin's federal courts) takes the position that merely having knowledge of an audio surveillance policy and having oral communication intercepted is not equivalent to providing consent to audio surveillance.¹⁰ In addition, "implied consent" is particularly difficult to prove when the party being recorded has no reasonable alternative to being recorded (*e.g.*, when riding a bus with audio surveillance is the only way the student can get to school).

■ Audio Surveillance on School Buses

The difficulties in complying with OCCSSA and WESCL with respect to districtwide audio surveillance are more manageable with respect to audio surveillance on school buses. To limit the reasonableness of a bus rider's expectation of privacy in his or her speech, the district can place conspicuous signs on each bus that audio surveillance, including recording, is in progress. Additionally, the Wisconsin Supreme Court has held that the public nature of transporting schoolchildren weighed against finding a reasonable expectation of privacy in a bus driver's speech.¹¹ However, in that case, the bus driver was making threats against the only student riding the bus, a factor that usually will not be present when a district uses audio surveillance on a bus.

If a district is concerned about whether it has effectively limited the reasonableness of a bus rider's expectation of privacy in his or her speech, it can take the additional step of obtaining consent forms from everyone who regularly rides district buses (including bus drivers and other employees) at the start of each school year. Field trip chaperones and other volunteers who ride buses on limited occasions can sign consent

forms when they sign-up to volunteer for events that use bus transportation. Parents and students can sign consent forms when they sign up for bus service during school registration.

However, a district likely cannot require students and parents to sign consent forms as a condition of riding the bus when the district uses the bus transportation to fulfill a statutory duty to transport students. If a district has a duty to transport a student and the student or parent refuses to consent to audio surveillance, the district would have to turn off the audio surveillance for that bus or provide alternate transportation to that student. By not requiring students and parents to sign the consent form as a condition of riding the bus, a court might hold that such consent is voluntary. Districts have to weigh the possibility that a student or parent will refuse consent against the logistical burden of obtaining consent from every student, parent, employee, and volunteer.

An appropriate consent form for audio surveillance on buses would incorporate a school board policy on audio surveillance, disclaim any expectation of privacy that riders, including bus drivers and other employees, have in their speech while riding the bus, and provide that the signatory consents to audio and video surveillance, including recording, while riding the bus. For students, a parent or guardian should also sign the form.

If a district successfully negates any expectation of privacy that bus riders have in their speech on a bus or if all bus riders are bound by a consent form, a court is likely to find that audio surveillance is legally permissible. Taking both actions is the most conservative approach if audio surveillance is used on buses.

■ Conclusion

In assessing whether to utilize audio surveillance, boards need to evaluate the legal and logistical hurdles placed on that use by OCCSSA and WESCL

and the potential benefit secured by engaging in such surveillance. If a school board is committed to establishing or continuing an audio surveillance program, that board must take such steps to limit the expectation of privacy in the communication of those subject to the interception, and/or obtain the appropriate consent of those subject to the interception. Unfortunately, these steps are often impractical if the surveillance takes place on a wide scale. They are more manageable, however, in limited usage of audio surveillance, for example, on buses. Therefore, boards which are considering using audio surveillance should assess precisely the areas in which surveillance would provide the most benefit in order to better navigate the boundaries of OCCSSA and WESCL. ■

■ End Notes

1. For additional information on this topic, see WASB *School News*, "Video Recordings and Pupil Records Laws" (January 2018) and "Video Surveillance" (June 2003); WASB *Legal Note*, "Internet Streaming of High School Athletic Events for Commercial Purposes" (Winter 2007).
2. 18 U.S.C. s. 2511; Wis. Stat. s. 968.31. These statutes establish both criminal and civil penalties.
3. *State v. Duchow*, 2008 WI 57, ¶ 19, 310 Wis. 2d 1, 749 N.W.2d 913.
4. 18 U.S.C. s. 2511(2)(c); Wis. Stat. s. 968.31(2)(b).
5. *Duchow*, 2008 WI 57, ¶ 22.
6. *Plock v. Bd. of Educ. of Freeport Sch. Dist. No. 145*, 545 F. Supp. 2d 755, 758 (N.D. Ill. 2007).
7. 18 U.S.C. s. 2511(2)(c); Wis. Stat. s. 968.31(2)(b).
8. *State v. Turner*, 2014 WI App 93, ¶¶ 29–30, 356 Wis. 2d 759, 854 N.W.2d 865.
9. See *Pollock v. Pollock*, 154 F.3d 601, 610 (6th Cir. 1998).
10. See *United States v. Daniels*, 902 F.2d 1238, 1245 (7th Cir. 1990).
11. *Duchow*, 2008 WI 57, ¶ 40.

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

New Tools Can Help Keep Students Safe on Buses

SERVICE ASSOCIATE Q & A

Q. *What are some of the new or existing products or strategies used on school buses to keep students safe?*

A. Common technologies such as GPS and cameras have greatly improved awareness of vehicle location and who has boarded and been in the proximity of school buses. Recent innovations have included the development of external cameras that allow school buses to provide video information to local law enforcement on a range of issues, including vehicles passing buses where students are boarding or departing the bus. Some new exciting technologies include card readers that track when students board and leave a bus coupled with the school bus tracking app SafeStop™ which allows parents and administrators to have immediate awareness of student and vehicle movement. This is a great communication tool and can be utilized to send emergency alerts in addition to other messages.

Q. *What do you think is the most important thing a school district can do to keep students safe on its buses?*

A. Training for students and staff is the most important thing a district can do. Bus drivers need to be trained in the safe operation of buses. This includes the safe operation of the vehicle and the management of students. These services are often provided using local materials and resources, but there are a number of

national providers who can greatly enhance the scope and materials used. Drivers should also be trained in situational awareness when on their routes. The Transportation Security Administration has partnered with the industry to develop resources and materials that can provide a structure and material to help bus drivers, monitors, and other transportation personnel develop critical awareness skills.

Q. *How should schools handle or direct school transportation if there is an incident at a school?*

A. In the event of violence on school property, school districts could re-route buses destined for a school where an incident was happening and they would be diverted to a different school or another safe location. If buses were unloading students at a school during an incident, students would re-board and the buses would leave the property. School staff would make drivers aware and instruct them on what to do via the dispatch system directly and parents could even be notified via apps like SafeStop™.

Q. *How can school districts or school transportation providers attract qualified drivers?*

A. Compensation is clearly a driving issue and requires all stakeholders to recognize the value of the transportation service and bus driver positions. Too often, transportation departments are quiet professionals



Tim Ammon is chief business development officer for the TransPar Group of Companies, the parent company of Dairyland Buses



that fail to highlight the value of their efforts to stakeholders. Assessing performance and communicating that to the community can be a useful element in helping taxpayers and district administrators appreciate the need for appropriate compensation to maintain a full driver complement.

Districts and transportation providers must also focus on ensuring that the environment appropriately supports the individuals hired as drivers. For example, ensuring the timely follow up on concerns brought forth by drivers is crucial; as are things like ensuring that their “work environment” is inviting. Issues such as the age and condition of school buses are important elements in driver recruitment and retention. ■

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