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Johnson Creek School District's new monolithic dome school is turning heads



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Population Declines Among State's Children

umbers from the Wisconsin Department of Health Services show that the state has fewer children than it did five years ago. Between 2010 and 2015, the number of children in Wisconsin fell 3.2 percent, however, that number is as high as 10 percent in some areas of the state.

According to the Wisconsin Budget Project, the counties with the largest declines in their number of children between 2010 and 2015 included:

- · Adams County, -16.0%;
- Iron County, -15.5%;
- · Lincoln County, -14.1%;
- Bayfield County, -13.3%; and
- Rusk County, -11.9%.

Many school districts in these and other Wisconsin counties are experiencing declining enrollments, which is putting increased pressure on already tenuous school funding situations.

Despite the state's overall drop in the number of children, some counties saw an increase. The counties with the largest gains included:

- Grant County, +10.9%;
- Dunn County, +6.5%;
- Eau Claire County, +6.3%;
- Pierce County. +5.1%: and
- Dane County, +5.1%. ■

Mixed Results on NAEP Science Assessment

esults from the 2015 National Assessment of Educational Progress (NAEP) science assessment showed that Wisconsin students scored above the national average. However, Wisconsin was also found to have the largest achievement gap in the nation on the assessment.

The NAEP assessment is given to students in fourth and eighth grades. Wisconsin fourth-grade students scored 156 (out of 300) compared to the national average of 153. The state's eighth-grade students averaged 159 while the nation's eighthgrade students scored 153.

Broken down by demographics, the picture is not as positive. Wisconsin's white fourth-grade students scored 165, compared to 119 for black students and 140 for Hispanic students. In eighth grade, Wisconsin

white students averaged 166, compared to 120 for black students and 139 for Hispanic students.

In an article from the Milwaukee Journal Sentinel, Gloria Ladson-Billings, a professor of curriculum and instruction at the University of Wisconsin-Madison addressed the achievement gap.

"The achievement disparities of Wisconsin are complex and far too many policymakers and politicians want to distill them into a single explanation, like poverty, parental shortcomings or cultural deficits," Ladson-Billings wrote. "The truth is we're looking at a set of decisions about housing, employment — both unemployment and under-employment incarceration and teacher expectations that make it difficult for African-American students to succeed."

OF THE MONTH

1.8 million

The number of U.S. children who were estimated to be home-schooled in 2012 (the latest year for which data is available) — more than double the number of students who were estimated to be home-schooled in 1999.

Source: National Center for Education Statistics

Study Finds Positive Climate Plays Big Role in Student Achievement

n international study published in the Review of Educational Research analyzed more than 15 years of research on schools across the world and found that a positive school climate has a significant impact on academics. In some instances, the report found that a focus on positive school climate improved student achievement more than a singular focus on academics.

When reporting on the findings. National Public Radio (NPR) featured a small elementary school in Arkansas

where 99 percent of students received free and reduced-price lunch. The school suffered from tardiness and low state and national assessment scores. The school dramatically improved its student attendance through a concerted effort to improve its climate. Among other improvements, the school holds a morning assembly featuring a dance party and student of the day. Principal Pam Hogue said the efforts to improve school climate are also an attitude change for the school.

"What we want to do is give our kids not only the skills but also the attitudes — things like confidence — to choose where they go in their life," Hogue said. "I want them to have the skills and the confidence to make that change."

The importance of school climate is gaining more weight. NPR reports that the "Every Student Succeeds Act (ESSA) requires states to include non-academic factors - like school climate - in how they gauge school success."



Forward Together

hank you to all of our teachers, administrators, staff and board members who have been working hard these past few months to maintain the focus on a positive school culture in our buildings and providing safe learning environments where all of our students can grow and reach their potential.

It's been a difficult election season and our schools have not been immune from emotions running high. I commend everyone who has been working with our young people to allow them to express their beliefs while ensuring respect for our diversity. Public schools are the cornerstone of our democracy. It is in our public schools that we all come together - different races, ethnicities, religions, genders and social-economic statuses — to learn about each other and how to work together. Our diversity is our strength.

As always, there are challenges in front of us, but together, we go

We don't know yet what the future holds for K-12 education policy in our country with President-elect Donald Trump, Although there could be a significant attempt to advance privatization under a Trump presidency and a Republican Congress, federal involvement in

education policy could be diminished, bringing greater control back to states and local communities. Whatever happens next, the WASB will continue to stand with locally elected school boards to advocate for your empowerment to make decisions that best serve the students in your communities.

We do know from Election Day that our communities support their local public schools as evidenced by the high rate of referendum approvals. Regardless of candidate or political party preference, voters in our communities came together to support their local public schools. There are some major school funding issues in play that cannot be glossed over or ignored, but knowing that voters support their local public schools is worth celebrating and we need to build on that support.

A key tenet of public education is that every child, no matter where they live, receives a quality education. Our current school funding situation is escalating the haves and have nots and the very real possibility for the expansion of privatization of K-12 education at the state and federal levels threatens to exacerbate this trend. This is not only unfair to our students but violates our constitutional mandate to provide an equal educational opportunity for all children, and will have a detrimental effect on Wisconsin's overall economic growth.

So, where do we go from here? We need to keep telling our story and expanding our community engagement efforts. This is a marathon, not a sprint. But in the current environment, we have to do more. We have to resolve to find new ways to engage the public, develop relationships and influence with lawmakers, and make our voices heard.

You are in a unique position to unite your community - not only with regard to intangibles such as community pride and cohesiveness but also with regard to the very real tangible effects of economic growth. With your ability to develop partnerships between the local schools, private businesses and community organizations, you can be a positive force for change.

In January, we'll come together for the 96th annual State Education Convention in Milwaukee. Our theme is "It Starts with Us." And it does. I hope you can attend the convention and use this opportunity to network with your colleagues from around the state and learn from their experiences. We need to continue to work together, share ideas, and find solutions to the challenges facing our school districts. Together, we go forward. ■

With your ability to develop partnerships between the local schools, private businesses and community organizations, you can be a positive force for change.

BREAKING DED

Johnson Creek School District's new monolithic dome school is turning heads

Shelby Anderson





In 2012, the Johnson Creek School District Sites and Facilities Committee listened to a presentation from an architect on dome schools. Located in southeastern Wisconsin, the district of about 740 students was in dire need of a new middle/high school facility and was exploring options. However, the idea of a school housed in a series of domes seemed a little far-fetched.

"At first, we kind of looked at each other, rolled our eyes and said we would give this gentleman 15 minutes to present and then move on to 'normal' school board business," remembers Rick Kaltenberg, school board president and member of the Sites and Facilities Committee. "An hour and a half later, we knew we had to investigate more."

Shortly after that meeting, Superintendent Michael Garvey, Kaltenberg and a team of school board members and administrators visited Grand Meadow Public Schools in Minnesota. At that time, the school

was the only dome school in the Midwest. It is comprised of five interconnected domes. Garvey said when he first saw the buildings from the outside, he wasn't impressed.

"When we drove up, it looked a little small; I thought it would be damp and dark inside," Garvey said. "But once we were in the school, it was the complete opposite. It was bright, open and there was a lot of space."

Buying In

Intrigued by the idea of a school made of interconnected, monolithic domes, the Johnson Creek School

Board sent out bids for a dome school project and selected TSP, a design firm based in the Midwest that also designed the Grand Meadow School.

In February 2013, the school board voted to go to referendum to build a dome school. They didn't have much time to educate the public — the community voted on the referendum a couple months later in April. This proved to be an insufficient amount of time to talk to the community about the district's plans. The referendum failed; it was the district's fourth failed building referendum.

Despite the failed referendum, the school district was in desperate need of a new facility. Among other issues, the old high school was too small and didn't even have a cafeteria - high school students had to use several portable classrooms and walk to the nearby elementary school for lunch.





ccording to Thomas Kincaid, a Wisconsin architect, dome schools check off all the boxes that school leaders and community members look for in a school. Dome schools are energy-efficient, low-maintenance, safe, provide flexible learning spaces, have good indoor air quality, and are less expensive to build than traditional brick and mortar schools. They also don't take as long to build about three months, compared to about eight months for a traditional school.

"Monolithic, thin-shell concrete construction utilizes the least amount of materials to enclose the largest amount of space at a minimum cost in the least amount of time," Kincaid said.

The dome's energy efficiency comes, in part, from the building's construction. The dome is built out of a single concrete shell. There are no joints or gaps that can be difficult to insulate. The concrete dome structure's insulating factor (R-70 to R-90) is much higher than traditionally built facilities. Dome schools require about a quarter of the energy to heat and cool than conventional schools and typically receive a gold rating from the United States Green Building Council's LEED program.

One of the biggest reasons that the Johnson Creek School District decided to build a dome school was cost. Dome schools cost less to build than a conventionally built school. The initial cost of a dome school is \$120 to \$140 per square foot, compared to \$158 to more than \$250 per square foot for a conventionally built school.

Dome structures are rare in Wisconsin but are more common in Oklahoma and other states hit hard by tornadoes because of their ability to withstand strong winds. Concrete thin-shell domes can resist tornado winds up to 300-400 miles per hour. Additionally, concrete dome structures are essentially fireproof as concrete will not support a flame. It is not surprising that dome schools exceed all strength and safety requirements of FEMA. Many of the 150 domed schools around the nation received FEMA grants in the past two years. If a community has a dome structure, it is often designated the community's storm shelter.

From an education perspective, the facilities make sense because they are highly flexible spaces. A dome structure doesn't need any interior bearing walls or columns. This means that interior walls can be moved or adjusted as educational needs change.

Another benefit can be the excitement that the building creates. Michael Garvey, superintendent of the Johnson Creek School District, estimates that he has already given 300 tours of the dome school since construction began in May 2015.

JOHNSON CREEK SCHOOLS

Although the district had experienced four failed referendums, Kaltenberg said it wasn't necessarily because the community was unsupportive of education.

"With multiple failed referendums, the misconception was that the community was saying no to any new facility and no to education, when in fact they were just telling us to get the right facility," Kaltenberg said.

The school board voted to put the referendum question to the community again in the spring of 2014. This time, the district had time to engage the community about what a dome school would mean for the district. In addition, a team of parents formed a 'Yes' committee and went door to door educating community members about the proposed dome school.

Domes are uncommon in the Midwest but they are becoming more popular in the Southwest and Northwest. Domes have also been used in Oklahoma's Tornado Alley because of the design of a dome, it can withstand strong winds and

severe weather.

After four unsuccessful referendums in Johnson Creek, the fifth one passed successfully and the school district broke ground on what was to be the first dome school in the state. Given the non-conventional structure of the building, the construction process was also unique. Like the Grand Meadow School, the Johnson Creek Middle/High School is made of five, interconnected domes. The domes were built by inflating a specially designed thermoplastic membrane into the dome shape. Once it was inflated, it was reinforced with rebar and sprayed concrete was applied. The self-supporting domes are about 8 to 10 inches thick.

The number of contractors that build dome structures is rather small. The school district selected South Industries, which is based out of Idaho and one of the pioneering construction firms specializing in monolithic domes. The company only brought six people to construct the dome and hired local help,

Take a Tour of Johnson Creek's **Dome School**

If you are going to the **State Education Convention**

in January, you may want to consider stopping by Johnson Creek to participate in a tour of the new school. Superintendent Michael Garvey will be leading tours on Tuesday, Jan. 17 between 8 am and 2 pm and Friday, Jan. 20 between 12 and 3 pm.

Tours can also be scheduled by contacting the district directly at 920-541-4800. The new Johnson Creek Middle/High School is located at 455 Aztalan Street in Johnson Creek.

including two recent Johnson Creek graduates. During the entire building process, all trade teams (electrical, plumbing, etc.), were onsite, which helped the project move along and it









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also ensured that wiring and pipes were placed correctly according to plans.

Dome Advantages

There are many benefits of a dome school, but for Kaltenberg and the Johnson Creek community, the big selling point was cost.

"The upfront cost of building the domes was 20 to 30 percent lower than a conventional building with the same square footage," Kaltenberg said. "That's a significant dollar amount in our small district."

The district should benefit from long-term cost savings as well. The design and construction of the domes is such that heating and cooling costs can be better controlled and are very efficient. In fact, the district considered installing a geothermal system in the new school but found that because the heating and cooling costs would be so minimal that the up-front costs of installing a geothermal system wasn't worth it. It would have taken more than 100 years to see the return on the investment.

Additionally, the domes are very flexible. Since they don't require

interior walls to support the roof, walls can be moved around as needed.

"That means that when education evolves to whatever it will evolve to over the next 100 years, we can redesign and remodel to fit

wing, a large gym, and vocational classrooms. There is also a "cafetorium" — a cafeteria fitted with a large, professional stage for school productions and other events.

A Proud Community

During the building process, Garvey gave tours to anyone who was interested, but the community got the first real look at the new school during open house the night before the start of the school year. Garvey noted that typically before the start of the school year some freshmen and their parents attend the open house to get a feel for the school. But when the district held

the open house for the new dome school, everyone showed up.

"It was incredible," Garvey said.
"The school was absolutely full.
We had more than 1,000 people
here that night."

Garvey said feedback from students and staff has been positive. "Students and staff are upbeat," he said. "It has been an incredible change. School spirit has never been higher."



The five domes provide 109,000 square feet and divide up into rather traditional classroom spaces. The difference is the high ceiling of the dome.

those needs without worrying about what walls can and can't be moved," Kaltenberg said.

The finished school houses the district's middle and high school students. The five domes provide 109,000 square feet and divide up into rather traditional classroom spaces. The difference is the high ceiling of the dome. The five domes house the middle school academic wing, the high school academic

One outcome of the new school has been the renewed school spirit not only from students but also community members. When the school was built, the referendum didn't include funding for new athletic fields. That is being raised

by the same parent group that served as the referendum 'Yes' committee. The committee needs to raise \$2.5 million to fund the athletic fields. So far, community support has exceeded expectations and the district plans on having the new football field ready for fall 2017.

The school is new and some of the unique characteristics present their own charms. For instance, acoustics are quite different. Because of the design of the school, the administrative offices inadvertently



gets sound from the band room piped in through the HVAC system. These are relatively minor issues that Garvey said the school will be able

Overall, school leaders at Johnson Creek recommended that interested school districts consider a dome school.

"Every district is different and dome schools have a niche — very large schools may find that it doesn't fit well," Kaltenberg said. "Plus, it's not conventional so if you are considering it, you have to understand

that you need to educate from the ground up ... But if you want a solution that provides a safe environment with upfront cost savings and long-term savings then, yes, I would recommend considering it."

The Johnson Creek Middle/High School is still very new, students and staff just moved in at the beginning of the school year. However, the district is committed to the new school. The site on which the domes were built is very large and the school is zoned to

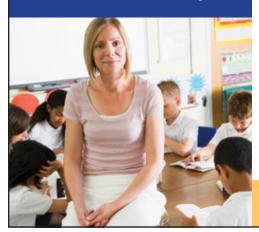
"With our history, we are going to be in this building a long time," Garvey said. ■

build four more domes if needed.

Shelby Anderson is editor of Wisconsin School News.

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School Website Design 101

Follow these six lessons to an effective school website

Julie Muenster

here's a young family moving into your part of the state. While choosing which neighborhood to settle into, they research one of the most important factors in their decision: the school district. How will they conduct their research? A primary way will be visiting school websites.

With the options afforded by school choice, your district must consider how it is positioning itself as an educational leader. You have an important service to offer. If you want parents to choose your school, you must evaluate the effectiveness of your image and message, including your online presence. Your website is the core of your school marketing.

Simply having a website is not enough — sites that look outdated or haphazard don't inspire confidence. If a parent visiting your site doesn't get the impression that you value excellence and are current in technology, they may wonder if you can meet the needs of today's students.

Since we are educators, consider this article a crash course in web design. Your first assignment: take a benchmark assessment. Check your current website against the rubric on page 12. Then take the course — and do your homework!



Determine Your Rhetorical Situation

Every type of communication has a rhetorical situation: audience, purpose, and context. Good design is built on a thorough analysis of these fundamentals.

Audience. Who visits your site? Your list might include parents, grandparents, community members, students, staff, organization leaders, potential new student families.

Purpose. This is closely related to audience. Your purpose may include conveying information (e.g., lunch menu), connecting people with other people and programs (staff email addresses), and appealing to potential new student families (list of Advanced Placement classes).

Context. How will users connect with your website? Will the majority be on personal computers or smartphones? Knowing the answer will

affect your layout and design choices.



Determine Your Content

Once you've analyzed your rhetorical situation, plan the content for your site. Determine what information the different groups are seeking. For example:

- Parents: School calendar, lunch menu, staff contact information, etc.
- **Community members:** How to request space in the facility, how to connect with the parent/ teacher organization, why we are going to referendum.
- Others: What do potential new student families want to know? What does the staff need from the site? Students?

When gathering this information, don't merely guess or assume. Talk to your audience. Know what they come to your website for and how frequently.



Organize Your Content

School websites have massive amounts of content. The structure of your site should lead the different segments of your audience on a pleasant, logical (to them) journey.

A practical way to lay the foundation for site navigation is card sorting: Write content topics on index cards and ask various users to organize them in a way that makes sense. Working with actual site users will make the final product more user-friendly - and you will be enlightened by the differences in logic you observe. Accommodating these differences demonstrates that you practice what you preach regarding differentiation.

Create a visual representation of your information architecture (a site To create this structure, you can use free, online, wireframe software, a large whiteboard with plenty of colored markers, or index cards and an empty wall or floor.

When creating the navigation for your site, consider these tips for better user experience:

- Limit the categories in your navigation bar to seven or fewer. More than that is overwhelming.
- Organize content so users do not have to click more than four times to get to the information they need.
- Create a quick-links section for information that is sought most frequently.

Design Your Site

Finally, we are getting to the actual design in this web design class!

First impressions matter — website users make snap judgments on whether your site is worth their time or not (you've made those kinds of decisions yourself). You don't want to irritate or frustrate your users. This is why the home page design is core to your site's effectiveness. Colors, typography, images, white space, and content must all work together to create a page that's appealing, welcoming, and informative.

Decide the color palette, layout, typography, and images for the entire site. Create a style guide that has all this information. Include the specific site colors; the typography styles for headings, subheadings, paragraphs,

First impressions matter — website users make snap judgments on whether your site is worth their time or not.

website evaluation rubric

	Visual Appeal	Readability	Typography	Navigation	Content	User Experience
0	Site is outdated, cluttered, and full of links.	Text is blinking or moving across the page.	Text is Comic Sans and ALL CAPS.	Link to "Crime- stoppers" is on the homepage.	The date for Homecoming is from 2012.	Content is on PDFs that have to be downloaded to be viewed.
1	Images appear on almost every page: photos, icons, charts, infographics.	High contrast between text and background — black text on white is easiest to read. Text is left justified (not centered).	The fonts are easy to read; main text is in a sans serif typeface (like this one). Not Times New Roman.	Navigation is predictable: navigation bar along the top, quick links in the left sidebar, contact information in the footer.	The content is current, relevant, and thorough. It anticipates all user questions.	Site loads quickly and is responsive (adapts to all screen sizes and devices).
2	Color scheme is limited to two or three colors plus black/white/gray.	A clear hierarchy— headings and subheadings are consistent in style and break up large sections of text.	Consistency. Headings, sub- headings, links, and paragraph text are the same across the site.	A quick links section provides easy access to the most-visited information.	The writing is concise, error-free, and in simple English.	Use of regular dropdowns is limited (mega dropdowns may work well).
3	White space helps define the different sections and helps users scan the page.	Use highlighted words, lists, and quotes to help users quickly find relevant information.	Limited style and color (headings are not blue on one page, red on another; or bold here and italic there, etc.)	No more than seven links in navigation bar. Takes four clicks or less to get to any info on the site.	Use of jargon and acronyms is limited; all acronyms are explained.	Site meets all accessibility standards.
4	Photos are of happy students and staff. Photos and other images have alt text for screenreaders.	Sentences are short and easy to understand. Paragraphs are short. Line lengths are from seven to ten words.	Size, spacing, and density work together for comfortable reading on any device.	Header/navigation bar is sticky so it's easy to get to other pages even if user has scrolled down the page.	An alternative to PDFs is provided so that content can be read by a screenreader for readers with vision challenges.	Forms can be submitted online (rather than from a crumpled paper from a backpack). Payments can also be made through the site.

and links; and specific logo and mascot images to use and how to access them. Many schools have different people in charge of various sections of the website. A style guide ensures that the team maintains consistency across the site — an important aspect in looking professional and building trust with your visitors.

Design cannot work effectively apart from content. Keep readability and usability in mind when making decisions. For example, if you have a lot of content on a page, break it up with subheadings, lists, and white space so users can scan for the information they're seeking. Keep PDFs to a minimum - or make them accessible for all users. Left justify large amounts of text - centered text is hard to read (don't frustrate your visitors).

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additional resources

- Design & user experience: usability.gov
- · Website style guide: webstyleguide.com
- Card sorting: bit.ly/web-cardsorting
- Readability test: webpagefx.com/tools/read-able
- Color contrast test: contrastchecker.com
- · Usability testing: bit.ly/testing-usability

- Intro to Web Accessibility: webaim.org/intro
- Accessibility compliance: bit.ly/edweek-site-accessibility
- Accessibility test: wave.webaim.org
- Creating Accessible PDFs: bit.ly/accessible-pdfs
- Style guide/identity standards: bit.ly/tufts-visual-identity

Consider the context of your website — how users will interact with it. Let's say a mother is going school supply shopping. Is she able to find the supply list without navigating a series of dropdown menus on her smartphone? Can she access the supply list online without having to download it? Is your site mobile friendly, or does she have to enlarge the screen and swipe to see the entire list?

See the rubric (page 12) for more details on website design.



Test Your Site

Make sure your site displays correctly on all browsers and on all screen sizes. Test all the links.

Check your site for readability, accessibility, and color contrast. See "Additional Resources" above for more information.

Conduct an informal usability study. Select members of your audience groups and give them tasks, such as, "Find out when the next school board meeting is scheduled." Then take note of the process they go through to find that information. Have them speak what they're thinking — you will gather valuable information on how users navigate your site.



Maintain Your Site

Congratulations on your website makeover! But the work is not finished — the site needs to be maintained and updated.

If you are dividing these responsibilities among team members, invariably something will be forgotten (and you know what they say about too many cooks). Designate one person to be in charge of the website. The site go-to person can manage all the details, maintain the style guide, and do behind-the-scenes maintenance. This leader can also provide training and support for

other website editors, such as teachers who want to update their classroom pages and administrative staff responsible for various sections.

Now take another assessment of your site and be proud of the improvements you've made. Who doesn't love a good makeover?

Keeping your website effective, functional and accessible is an ongoing process. While the work continues, keep that young family in mind — you want them to visit your site and be confident that yours is the school district for their children.

Julie Muenster is a visual branding designer who helps businesses and organizations create a professional image that inspires trust. She also serves on the Peshtigo School Board. Reach her at julie@lincolnmediadesign.com.

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Coming to Order

How to plan and conduct effective school board meetings

hen it comes to running effective school board meetings, the work and preparation that a school district does before a school board meeting can be crucial to the success of the meeting. The school district should have board policies in place to handle meeting elements such as parliamentary procedure and public comment periods.

How a school board handles its meetings says a lot to its community and staff. Holding smooth and effective school board meetings not only

positively reflects your school leaders, but allows for the important work of school governance to take place.

Open Meetings Law

The state Open Meetings Law helps ensure that the public is made aware of public meetings and can therefore attend the meeting if interested.

To abide by the Open Meetings Law, governmental bodies must give appropriate and timely notice of the time, date, place, and subject matter of their meetings. In almost all circumstances, notice of the meeting

must be given at least 24 hours in advance of the meeting. Notice must also be given to news media that request it and a notice has to be posted with an official newspaper designated pursuant to state statute or, if none exists, a news medium likely to give notice in the area.

When it comes to the meeting itself, meetings must be open and accessible to members of the public, unless the meeting has been lawfully convened in a closed session. Outside of meetings, a governmental body (school board) shall not conduct public business outside of

the context of a properly noticed meeting.

By definition under the Open Meetings Law, the term "governmental body" includes school boards and subunits (*i.e.*, committees) created by a board. An exception is made for bodies created for or meeting for the purpose of collective bargaining. However, the exchange of initial proposals must be made in open session.

In order for there to be a lawful meeting, a numbers and purpose requirement must be met. Typically, if one-half or more of a governmental body is present, the numbers requirement is met. Those members must be present to conduct government business — discuss, decide or gather information. In some limited situations, a negative quorum of the board may constitute a meeting if the gathering could, in essence, block school board action that has specific voting requirements.

School board members also need to use caution when communicating with other board members via email and other forms of electronic communications. Depending on how they are used, electronic communications such as email or texting could create a meeting.

Closed Sessions

Closed sessions allow a school board to discuss sensitive or confidential issues or topics. To call a closed session, the meeting has to start in open session. Then a motion by the presiding officer must be made to go into closed session. Once in closed session, board members can only discuss those items for which it legitimately convened in closed session.

It is of utmost importance that school board members keep information discussed in closed meetings confidential. Disclosing closed session information can weaken trust between board members and between the board and administration. Additionally, disclosure could result in legal liability for the individual who discloses the information.

Agendas and Meetings

School boards are required to hold a regular school board meeting each month. The agendas for those meetings are typically set by the district administrator and/or school board president. In most districts, agenda setting is a collaborative and somewhat fluid process, with some deference given to the final decisions of

the district administrator and/or board president as to how items will be prioritized from meeting to meeting. Individual board members most commonly place their requests for items to be placed on an agenda through the school board president or district administrator.

School boards may get requests from the public to place certain items on the school board meeting agenda. Generally, it is undesirable for board policy to state or imply that students, parents, non-administrators, or other individuals in the community have the power to place specific items of business on a board meeting agenda. However, as a practical matter, regardless of any board policy, any individual in the community can raise a suggestion for an agenda item simply by communicating with administrative staff or with an individual board member.

Public Participation

In some instances, state and federal laws require the school board to hold public hearings or seek other public input prior to taking certain actions or adopting certain policies. These include: annual budget hearing, hearings on borrowing resolutions, hearings on school district



The state Open Meetings Law

helps ensure that the public is made aware of public meetings and can therefore attend the meeting if interested.



requests for a waiver of rules or statutory requirements from DPI, and hearings regarding the establishment of a charter school. In some cases, school board policy may specify that the school board will hold a public hearing before the board takes certain actions (e.g., changing school attendance boundaries).

Public participation can also occur during regular school board meetings if there is a public comment period posted on the meeting agenda. The public comment period can raise a number of issues for school boards unless they have and follow formal board

MORE RESOURCES

Parliamentary Procedure

WASB Legal Comment December 1992 - "Reconsideration and Recission of School Board Action" and WASB Legal Comment January 1993 "Reconsideration and Recission of School Board Action"

Election of School Board Officers

WASB Legal Comment March 2007 "Duties and Responsibilities of School Board Officers"

Meeting Minutes

WASB Legal Comment May 2009 "Minutes of School Board Meetings"

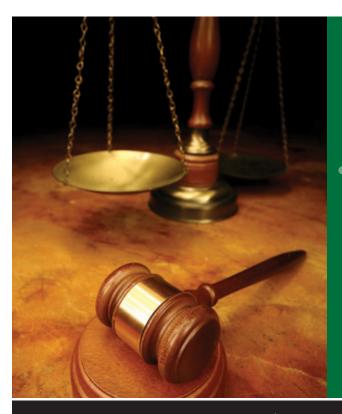
WASB School Board Self-Evaluation Tool

For more information, visit WASB.org and select the "Governance" tab.

policy regarding periods of public comment. Most school boards find that it is important to both allow and limit periods of public comment at board meetings. To achieve this balance, the presiding officer of the meeting must be willing to assert a strong presence, consistently enforce the "rules," and, at the same time, exercise patience.

Legally, a school board has no obligation to regularly include a period of public comment on its meeting agendas. However, when a school board chooses to allow members of the public an opportunity to address the board at a meeting, the period of public comment must be included on the meeting notice.

It is also important to remember



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Be Prepared...

Chris Hambuch-Boyle, president of Eau Claire Area School Board, offers some tips on running good board meetings:



Acknowledge the public "I always start my board meetings by thanking those attending and highlighting how important it is for the board to have people from the community address the board during our public forum."

Deliver an efficient meeting "I believe that members of the board, administration and participants want a well-run, efficient meeting using Robert's Rules of Order. When I first became board president, I wrote out all the rules of order prompts to help me move the meeting along."

Be transparent (and bring cookies) "In this day and age where we are funding our public schools more and more through referenda, it behooves us as school boards to run our meetings as transparent and participatory as possible. This has served us well in Eau Claire. It might be good, too, that our high school culinary arts class makes cookies for every meeting."

that issues brought up by members of the public cannot be brought up by the board and voted upon (if they are not part of the publicly noticed meeting agenda). However, it is permissible for board members to briefly discuss and respond to the issue.

When developing board policy regarding the public comment period, districts should consider a couple of key factors, such as: what meetings will public comment periods be allowed, can comments be on any topic or only issues on the posted meeting agenda, how much time will be allocated to the public comment period, where will the public

> comment period occur in the meeting, how long can each person speak, will there

be a registration or sign-up process before people can comment, and will the district prohibit repetitive appearances or comments that are obscene or threatening.

Many districts start the period of public comment by having the presiding officer deliver a standard "speech" that: (1) identifies procedures; and (2) reminds speakers that they are not immune from legal consequences related to the content of their speech. The presiding officer needs to consistently enforce any established limitations on speaker time or content.

Other Issues

While we covered some of the bigger issues and concerns related to running effective school board meetings, there are several other issues to

consider. In the more resources sidebar on page 16, you can find resources for parliamentary procedure, meeting minutes, and the election and duties of school board officers.

As mentioned at the beginning of the article, the work that a school board puts in before its meetings is crucial to running successful meetings. Make sure your district has the proper policies in place and that your respective school board members and administrators understand their roles in your school board meetings.

The WASB's legal staff is available to respond to your individual questions and to provide training for individual school boards and administrators on how to run an effective school board meeting. ■

Questions? For more information, contact the WASB:

Robert Butler WASB Associate Executive Director, staff counsel (bbutler@wasb.org, 608-512-1703) Barry Forbes WASB Associate Executive Director, staff counsel (bforbes@wasb.org, 608-512-1707)

Ben Richter staff counsel (brichter@wasb.org, 608-512-1719)

A Call for BALANCED GOVERNANCE



This article is excerpted with permission from "Improving School Board Effectiveness: A Balanced Governance Approach," edited by Thomas L. Alsbury and Phil Gore, published by Harvard Education Press. Copyright @ President and Fellows of Harvard College. For more information, visit hepg.org/hep-home/books/improving-school-board-effectiveness.

ver the past decade school districts have been under increased pressure to address and improve student achievement, especially for those students who have traditionally performed poorly on academic assessments.

State and national reform efforts initially focused on improving teacher quality, but recently the focus has shifted to the possible effect of school leadership on student achievement. The attention turned first to building-level principals and superintendents, but now questions have been raised on whether school boards can influence improvements in school academic performance.

The initial discussion must include two questions, the first being whether school boards should get involved in these matters, or whether they should be left entirely to the school administration and personnel. And if the board determines that they should get involved, the next question is how that should be accomplished. Even if one agrees that improving student achievement is a worthwhile goal, it is reasonable to ask whether school boards actually have this capacity.

Do School Boards Matter?

Current research makes it clear that school boards do indeed make a difference in student achievement. Undeniably, increases and declines in student performance link to board

member values and beliefs, actions, teamwork, and political conflict and

Previous studies provide evidence that beliefs influence board member actions at the board table and that those decisions influence the beliefs in the system and affect school culture. When the structures and norms of behavior within the school culture positively affect instructional practices, improved student achievement is expected and typical.

Even school board critics suggest that boards can harm student performance and thus agree that they do exercise influence. A recent study conducted by the Thomas B. Fordham Institute concluded, "The fact that board members can influence achievement, even loosely,



Do school boards matter?

Current research makes it clear that school boards do indeed make a difference in student achievement.

- Thomas L. Alsbury



merits much more attention surely by scholars but also by voters, parents, taxpayers, and other policy-makers."

This is a particularly significant conclusion considering that Chester Finn — president of the Fordham Institute and former assistant secretary of the U.S. Department of Education - has asserted, "The local school board, especially the elected kind, is an anachronism and an outrage ... We need to steel ourselves to put this dysfunctional arrangement out of its misery and move on to something that will work for children."

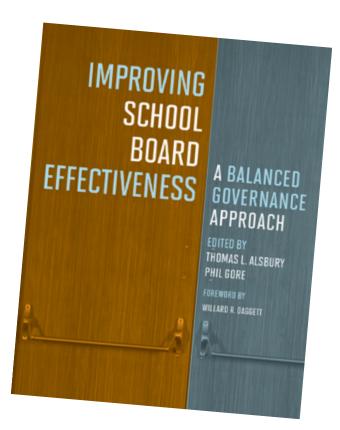
It appears that both supporters and opponents of elected school boards seem to agree: school boards do indeed affect the schools they govern. This answers the first of our two critical questions. If board members on elected school boards do make a difference, then the next broad question is how that difference is actually made.

I take the position that school boards can and do make a positive difference in the performance of school personnel and consequently in student achievement. How board members might set about accomplishing this task would seem, on the surface, to be a relatively straightforward question. Traditionally, this would include hiring the superintendent, approving budgets developed by the school staff, approving policy written by school leaders, and influencing the local community to support the passage of bonds and levies.

However, defining the effectiveness of board service is not always as clear a matter.

BALANCED GOVERNANCE: A New Model for **School Board Effectiveness**

Given the pressure to improve student outcomes on everything from content knowledge to skills identified as necessary for career and college success, school boards cannot be passive actors. Neither can they replace the specialized knowledge of superintendents and administrators trained in the complex matters



This article is excerpted with permission from "Improving School Board Effectiveness: A Balanced Governance Approach".

Thomas Alsbury to Present **Pre-Convention** Workshop at the 2017 State **Education Convention**

Dr. Thomas Alsbury, a professor of Educational Leadership at Seattle Pacific University, will be leading a Pre-Convention Workshop on Tuesday, Jan. 17 from 2-5 pm in Milwaukee. The workshop will address school board governance, specifically covering Dr. Alsbury's "Balanced Governance" model. Learn from Dr. Alsbury about how to apply the latest board research so that you can be more effective both individually and as a whole board, avoid the typical political challenges faced by most board members, and better support students.

The Pre-Convention Workshops are held in conjunction with the State Education Convention. To sign-up, use the convention registration system at wasb.org/convention.



of running school districts.

However, boards that leverage their own expertise as engaged and

knowledgeable representatives of their communities can play a critical role in increasing student achievement. As shown in Figure 1 below, the Balanced Governance model seeks a middle ground between overly centralized and overly decentralized control on the part of the school board. In particular, it differs from the dominant governance model established in the Progressive Era and other centralized models being promoted by various political constituencies in the United States.

Proponents of eliminating local governance of schools point to the success on international test results of countries with more centralized governance. However, recent evidence indicates that these governance systems often result in unintended shortcomings, leading some international policy makers to call for a more Balanced Governance-style approach. They are looking at the U.S. system of locally elected school boards in combination with central governing boards.

The 2012 report of the Program for International Student Achievement (PISA) test results indicate that "school systems that grant more autonomy to schools to define and elaborate their curriculum and assessments perform better than systems that don't," and that there is "a positive correlation in school autonomy for resource allocation and improved student performance."

BALANCED GOVERNANCE: **School Board Role** and Function

Balanced Governance is not a single prescribed model or program, but describes a school governance approach that supports and promotes "balance" — discouraging micromanaging on one end of the governance continuum and a disengaged, rubber-stamping board on the other. A board is practicing Balanced Governance if it generally operates within the range shown in Figure 2 on page 21.

In terms of the school board member role, a Balanced Governance model instructs and encourages board members to play a constructive part in monitoring and supporting student progress through informed oversight. A Balanced Governance approach encourages boards to go beyond only establishing district end-goals or approving managementcrafted policy without board input or understanding. It empowers a board to set and monitor high end-goals for student learning, and to understand the means necessary to reach those ends.

Balanced Governance equips boards to use detailed knowledge of learning and teaching to better interact with community stakeholders, and craft targeted policy language that intelligently oversees formative progress on adopted processes and programs. The following are a few examples of how a board might apply the Balanced Governance approach in the areas of policy writing and community relations.

Balanced Governance in

Policy Writing. In the area of policy writing, a board practicing at the uninformed delegation end of the governance continuum adopts the following policy regarding student achievement in math:

Math scores will increase by 20 percent by spring on the State achievement exam.

Notice that this policy follows the "rules" of uninformed delegation by simply setting the numerical outcome standard and remaining uninformed about the processes to achieve the outcome. As a comparison, the board operating at the micromanagement extreme of the

FIG. 1 Balanced Governance: The School Board Structure



FIG. 2 Balanced Governance: The School Board Member Role

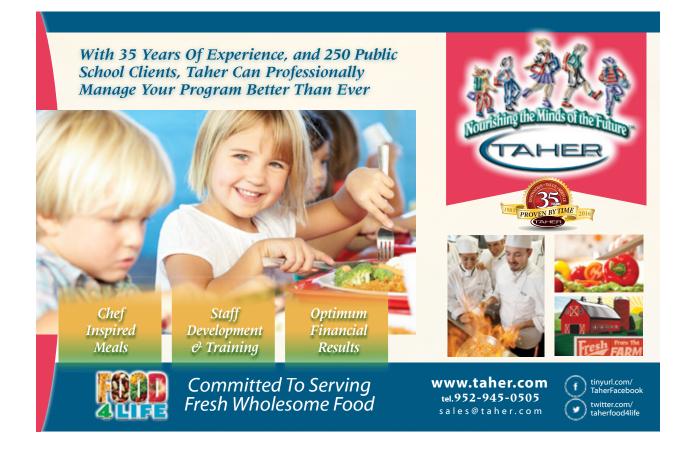


governance continuum might adopt a policy as follows:

Math scores will increase by 20 percent by spring on the State achievement exam. Board members will spend time in schools to ensure the adopted program is implemented properly. Those teachers not meeting the goal will have reduced pay and be put on a plan of improvement.

Note that in the second example, the school board members are micromanaging by directly influencing methods of implementation of the math improvement. While most micromanaging boards or board members may not construct policies like this, they engage in actions like those depicted in the policy language. The Balanced Governance approach would support the practice of neither uninformed delegation nor micromanagement. Highly effective boards engaged in Balanced Governance might construct a policy that reads:

Cohort-tracked math test scores on multiple measures (classroom work, class content tests, State exam) showing student growth (classroom assessments and district scores on standardized exams), and disaggregated by socioeconomic status and





ethnicity, will be presented quarterly to the school board. The board will use the data to

monitor the effectiveness of focused math reform programs, track progress toward district strategic goals, and consider recommendations to retool or replace existing reform programs.

A board creating this example of a Balanced Governance policy is practicing Informed Oversight. The board members are knowledgeable about which students are experiencing which math issues. Board members understand the component of the math reform that addresses and promises to resolve deficiencies. Board members hold the superintendent accountable to report the progress on the reform, identify challenges, and make recommendations for improving the reform.

Note that Balanced Governance board members, while staying

informed about the needs and the remedies, do not engage in suggesting what program should be used or how it should be implemented. Neither does the policy allow board members to influence school personnel directly in the implementation of the program.

Finally, Balanced Governance avoids all-or-nothing numerical goals. Board members understand that some students may need more time and special instruction to succeed. As such, if achievement standards are set, they tend to be achievement growth, and not absolute one-size-fits-all achievement numbers.

Balanced Governance in Community Relations. Another area of importance is the board members' role of interacting with the community. The Balanced Governance approach applies to this area as well. For example, a board member practicing at the uninformed delegation side of the governance continuum might communicate to a concerned community member as follows:

"You don't understand how hard our teachers work."

"We use research-based best practices to ensure all kids can learn."

"It is not the school's fault ... it's broken families."

Note that using this approach, the board member operates as either a benign cheerleader, general critic, or buck-passer. In general, this approach does not lead to community support for the district nor to substantive improvement of district programs. In this case, the public will likely conclude that the board member is uninformed and uninterested in leading real improvement and functioning in a rubber-stamp capacity.

A board member operating at the micromanagement end of the governance continuum might say the following:

> "If our teachers and administrators don't meet the goals, they will eventually not work here anymore."

"Board members must monitor what is happening in schools because school employees will naturally spin things for their own benefit."

"I have no problem criticizing failures in board meetings to demonstrate that I am doing my job of ensuring accountability."

In this response, the board member suggests that he or she possesses more power than their office provides and encourages community members to "end-run" the school leadership and bring complaints directly to them. This typically does not result in problems being resolved efficiently and introduces fear among district personnel. The outcome likely is increased conflict, a more highly politicized board, higher forced turnover of superintendents and board members, and lower student achievement.

A Balanced Governance approach



Balanced Governance avoids all-or-nothing numerical goals.

Board members understand that some students may need more time and special instruction to succeed.

would support a response to a community member as follows:

"Let me describe what we're currently doing to improve our math scores. We measure individual student growth and for any student with slower than expected improvement, all schools use a proven program [name it] adapted to meet individual student needs and local community goals. We monitor the student progress quarterly and show 150 percent growth for most students. Alternative programs [name them] are being

used for the 10 percent of students not showing growth. For example, [share a specific intervention story]."

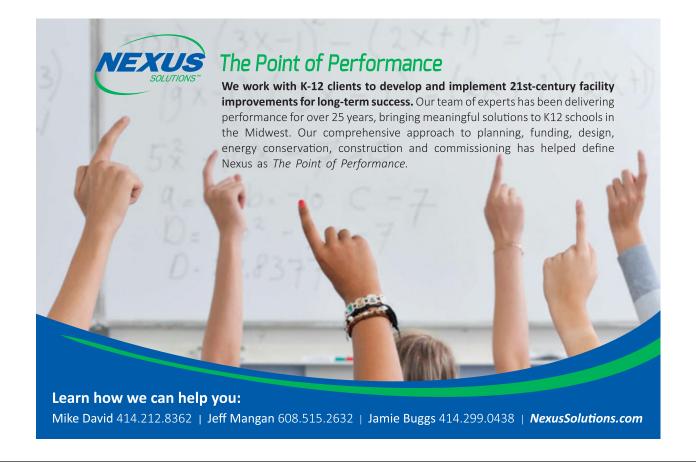
This response demonstrates the Balanced Governance approach of informed oversight. The school board member is knowledgeable about the district needs and the programs used to address those needs. Their support or criticism of the district efforts is informed and constructive. Efforts for solutions are expressed as a joint responsibility without placing blame, abdicating oversight responsibility, or

promising to micromanage.

Highly effective boards can be identified by their use of a balanced approach to governance and could have come to use a Balanced Governance style through an organic, iterative process. Indeed, highachieving boards currently function in a Balanced Governance manner even if they don't use the term.

As such, Balanced Governance serves as a descriptor of values, beliefs, and actions that we have found to be highly effective for elected school boards.

Excerpted with permission from President and Fellows of Harvard College.



Evers Releases Budget Request

GOP increases majorities in Senate and Assembly

ow that the 2016 elections have come and gone, the pace of activity in Madison is picking up.

Although the results in one state Senate race are still being determined in a recount as of this writing, state Senate Republicans will enjoy a 20-13 advantage over Democrats in the upper House when the 2017-18 legislative session begins in January. That's up one seat from the current 19-14 advantage they hold. State Assembly Republicans' majority in January will increase from 63 seats to 64 seats in the 99-member lower House.

To date, legislative leadership is unchanged. Republicans will return Sen. Scott Fitzgerald of Juneau as Senate Majority Leader, and Rep. Robin Vos of Rochester as Assembly Speaker. Kenosha Rep. Peter Barca returns to lead Assembly Democrats as Minority Leader. The only unknown is with Senate Democrats as current Senate Minority Leader Sen. Jennifer Shilling of La Crosse must prevail in her recount to return to Madison. Senate Democrats have postponed their leadership elections pending the outcome.

Sen. Alberta Darling (R-River Hills) and Rep. John Nygren (R-Marinette) will once again co-chair the budgetwriting Joint Finance Committee.

■ DPI Budget Request Focuses on "Fair Funding" Plan

Speaking of the budget, the focus in Madison will turn increasingly to

consideration of the state's two-year (or biennial) budget. On Nov. 15, State Superintendent Tony Evers revealed the 2017-19 biennial budget request the Department of Public Instruction (DPI) submitted to Gov. Scott Walker.

As has been the case with each of his three previous budget requests, the centerpiece of Supt. Evers' proposal is an updated version of the "Fair Funding" plan, described in greater detail below. The elements of the DPI's request related to implementing the Fair Funding plan would take effect in the second year of the biennium (2018-19).

Supt. Evers emphasized that his budget proposal, "is about the state partnering with schools to prepare students for college and career." The budget request would also significantly increase special education funding, expand supports for English language learners, provide resources to assist school districts in facilitating the delivery of mental health services at school sites, and target more resources for rural, declining enrollment and negatively aided districts.

The DPI budget request calls for the following general changes to school funding.

REVENUE LIMITS:

• *Adjust revenue limits upward by* \$200 per pupil in 2017-18 and \$204 per pupil in 2018-19. (This would represent a 2 percent annual increase in revenues for the average school district over the biennium).



During the first 18 years that revenue limits were in place, from the 1993-94 school year through the 2010-11 school year, the state provided all school districts with the opportunity to increase their per-pupil revenue limit authority by no less than \$190. Since the 2010-11 school year, however, the maximum annual allowable per-pupil adjustment has been \$75 in both 2013-14 and 2014-15. No perpupil adjustment was allowed in either 2015-16 or 2016-17 and current state law provides for no increase in the per-pupil adjustment going forward.

- Increase the current summer school membership calculation for revenue limit purposes from 40 percent to 100 percent in 2017-18 and thereafter.
- Under current law, 100 percent of the full-time equivalent (FTE) enrollment of summer school students can be counted for general aid purposes. However, for revenue limit purposes, districts can only include in their membership counts 40 percent of the full-time equivalent (FTE) summer enrollment.
- Increase the low-revenue ceiling from \$9,100 per pupil to \$9,500 in 2017-18 and \$9,900 in 2018-19, allowing 80-120 districts to narrow the gap in resources with higher spending districts.

The low-revenue ceiling allows

The focus in Madison will turn increasingly to consideration of the state's two-year (or biennial) budget.



school boards in districts with perpupil revenues below the ceiling amount to increase their per-pupil revenues to the ceiling without having to go to a referendum. No school board is required to raise its per-pupil revenues up to the dollar amount of the low-revenue ceiling; rather, it is an option that gives the lowest-spending districts an opportunity — if they choose to use it — to narrow their revenue disparity with the highest-spending districts.

 Weight the per-pupil categorical aid to account for students in poverty, students learning English, and students in foster care.

Each student in one of these categories would be counted as 1.2 students and thus capture additional funding for their school districts.

Increasing General Aid

At the core of the Fair Funding Plan is a proposal to funnel more state assistance to school districts by increasing general aid, including guaranteeing each district a minimum level of \$3,000 of state funding for every student. This would provide state resources directly to the roughly 60 school districts that currently receive little or no state general aid. The proposal would also incorporate a poverty factor in the general aid formula with 20 percent extra weighting given to students eligible for free and reduced-price lunch.

The increase in general aid is funded by transferring the dollars currently allocated to School Levy/ First Dollar Tax Credits and High Poverty Aid into the general aid formula. According to the DPI, this would enable every district to receive more state school aid, which would

reduce their gross property tax rates and levies. The DPI indicates 94 percent of districts would receive more state support under this plan compared to current law. A \$6 million hold-harmless provision would ensure all districts receive the same amount of state support under Fair Funding as they would otherwise receive under current law. A separate provision would ensure that, going forward, no district could lose more than 10 percent of its state aid in any year.

Overall, the request asks for \$707 million over the biennium and would increase general school aids by \$514 million over the biennium — increases of 2.2 percent in 2017-18 and an additional 6.6 percent in 2018-19 — to implement the Fair Funding Plan and provide property tax relief.

Provisions targeting assistance to rural schools include the following requests:

- **Sparsity Aid:** Fully fund the existing program to provide payments of \$300 per pupil to the 140+ districts that currently qualify and create a second-tier to provide payments of \$100 per pupil to districts meeting sparsity criteria with enrollments up to 1,000 students.
- Rural Teacher Grants:
- Create a \$5.5 million grant program to provide \$750 per teacher in districts eligible for sparsity aid payments to help them recruit and retain teachers.
- Transportation Aid: Increase the "over-12-mile" reimbursement rate by \$65 per pupil (20 percent increase) and increase summer school transportation rates significantly.
- High Cost Transportation Aid:
 Fully fund this aid in both years.

Requests to provide additional special education resources include the following:

- Special Education Categorical Aid: \$88.4 million to increase state reimbursement for children with disabilities from 26 percent to 28 percent in 2017-18 and 30 percent in 2018-19.
- High-Cost Special Education Aid: \$4.2 million to increase state reimbursements for children with high-cost disabilities from 70 percent to full reimbursement in both years (\$1.75 million would come from repurposing Special Education Supplemental Aid).
- Special Education Transition
 Readiness Grants: \$6.1 million
 to meet increased demand for
 incentive payments to improve
 post-secondary outcomes for
 students with disabilities.

Provisions to assist districts that wish to partner with social service agencies to provide mental health services in school facilities include requests (in 2018-19) for:

- Mental Health Categorical Aid: \$3 million to support school districts in the provision and expansion of mental health services.
- Mental Health Collaboration
 Grants: \$2.5 million to create
 a competitive grant program to support school districts in connecting youth to needed mental health services.
- Mental Health Training Support: \$420,000 for training to boost school districts' capacity to provide mental health screening and intervention services to pupils. ■

Dan Rossmiller is the WASB director of government relations. Chris Kulow is the WASB government relations specialist.

Recapping the WASB Fall Events

Here is a look at the events that the WASB held this fall. Full event recaps along with presentations can be found on the WASB website (wasb.org). Select "Meetings and Events" and then "Event Recaps." *Member log-in required*.

Legislative Advocacy Conference Nov. 12, Stevens Point

he 2016 Legislative Advocacy Conference, which took place Nov. 12 in Stevens Point, gave WASB members the opportunity to hear from experts on major public education issues headed into the next state budget and provided attendees with crucial information on the legislative process going into next session.

Charles Franklin, director of the Marquette Law School Poll, discussed the historic Nov. 8 election and gave his take on why the polling did not correctly predict the winner of the presidential race. He also discussed polling attitudes on public education in Wisconsin. Franklin shared that Wisconsinites were strongly opposed to the \$127 million that was cut from education funding in the first year of the 2015-17 state budget a resounding 78 percent opposed this cut. Similarly, according to Franklin's polls, 57 percent of Wisconsin citizen polled said that state funding is too little for public schools.



Todd Berry, president of the Wisconsin Taxpayers Alliance (WISTAX), gave his take on the financial standing of the state heading into the next state budget, and how past budgeting decisions by Wisconsin governors and state legislatures affect today's fiscal climate. Berry also talked about some of the bigger issues affecting the state's fiscal health, including the fact that the state is losing population through people moving out. The state has lost

more than 27,000 people to migration since 2010. Wisconsin's long-term economic success requires attracting people, not losing them.

"This is the biggest economic question facing Wisconsin through 2040," Berry told UrbanMilwaukee. com. "If we cannot attract enough people to grow our workforce, Wisconsin companies will expand operations elsewhere, and the state will look unattractive to companies seeking to relocate."

David DeGuire, assistant director of Teacher Education, Professional Development, and Licensing at the Department of Public Instruction (DPI), spoke about what the DPI is doing to address teacher shortages in Wisconsin and also heard feedback from attendees on what they are experiencing in their districts. DeGuire talked about DPI's Wisconsin Talent Development Framework, which seeks to attract, prepare, develop, support and retain teachers. The idea behind the framework is to develop a seamless system of educator development that begins in preservice preparation and continues through an educator's career. Other work includes attracting students to the teaching profession. Through a survey given to all Wisconsin districts (348 responded) 16 districts host a chapter of Future Teachers or Educators Rising and 207 districts offer students interested in teaching job shadowing or mentoring opportunities.

Dan Rossmiller and Chris Kulow of WASB gave a refresher on the legislative process in Wisconsin and the state budget process highlighting the best opportunities for school board members to have an impact.



■ Fall Regional Meetings | Sept., Oct., Nov., various locations

John Ashley and staff traveled around the state to all 15 WASB regions to celebrate school board members, discuss the direction of the WASB and meet with school leaders during the WASB Fall Regional Meetings. The meetings also gave school board members and administrators an opportunity to meet with their area WASB director and/or vote for directors.

This year, a special feature presentation was held on "The Continuous Improvement of School Boards." Led by an experienced WASB consultant, the feature presentation discussed how to use school data effectively in board decision-making and asking the right questions to ensure that school goals are being met.

Before each Fall Regional Meeting, WASB legal staff led optional workshops on planning and conducting effective school board meetings. These workshops covered all aspects of school board meetings from the Open Meetings Law, closed sessions, public participation, duties of school board officers, meeting minutes and more. Some of the topics discussed in these workshops are covered in this issue of Wisconsin School News on page 14 in the article "Coming to Order."

Survey access codes for the Annual Board Development Tool were distributed to school districts at the Regional Meetings. The tool is an online survey to help boards identify areas of strength and areas that need improvement. For those school districts not in attendance, the survey access codes will be mailed.



The Regional Meetings also provide an opportunity to recognize those school board members who participated in the WASB Member Recognition Program. A complete list of names of school board members who reached Level 5 of the Member Recognition Program can be found on page 28. □

■ WSAA/WASB Employment and School Law Seminar

n Oct. 13-14 in Wisconsin Dells, the WASB, in partnership with the Wisconsin School Attorneys Association (WSAA) held an Employment and School Law Seminar, which included 14 sessions presented by WASB staff and school law attorneys from across the state and an optional pre-seminar governance workshop.

Dan Mallin, WASB Legal and Policy Services counsel, presented a session on the challenges for schools related to the use of drones. As drone usage has increased on school campuses, many legal questions have surfaced regarding insurance coverage, student safety, and state and Federal Aviation Administration (FAA) laws and regulations.

"As far as the FAA's regulations," Mallin stated, "an area that is very confusing for drone users and school staff is that nearly all drones need to be registered with the FAA for outdoor use, there are different types

of registration, and registration is often just a first step — it does not directly equate to authority to actually fly the drone."

Mark Kapocius, human resources director and general counsel for the Greenfield School District, and Julie Lewis, attorney at Strang, Patteson, Renning, Lewis & Lacy, discussed school-based health care clinics and employee wellness programs. They noted that the number of employer-sponsored, on-site health clinics has tripled in less than five years. Benefits of on-site clinics include lower cost of primary care, less disruption to the work day, and, among other benefits, decreased emergency room, urgent care and specialists visits.

"Each on-site clinic varies based on the nature of the employer and workforce," they said. "It is intended to offer the right care at the right time for the right price."

Chrissy Hamiel, attorney with von

Oct. 13-14, Wisconsin Dells

Briesen & Roper, s.c. and Jina Jonen, human resources director for the Oregon School District, addressed the legal issues and challenges related to the increasing presence of law enforcement officers in schools. They shared that schools with school resource officers (SROs) have five times as many arrests for disorderly conduct and that only 11 states, not including Wisconsin, have training or certification requirements for SROs. Hamiel and Jonen emphasized the importance of setting expectations and guidelines for SROs. For instance, the role of the SRO in investigating school violations versus criminal activity should be clear. How will the school and SRO conduct investigations - together or separately? Presentations and handouts from these sessions and more are available on the Event Recap page at wasb.org. □

Recognizing Our School Leaders

Congratulations to those school board members who reached Level 5 of the WASB Member Recognition Program

ach year, through the Member Recognition Program, the WASB honors school board members who participate in activities that strengthen their skills as local educational leaders.

Board members are awarded points for participating in WASB and NSBA (National School Boards Association) activities such as attending conventions, workshops, seminars, and webinars or serving on special committees. Each August, the WASB sends out a report to board members that reflect WASB programs attended for that year and the total accumulated points. Qualifying board members receive recognition pins and certificates.

Below are the school board members who achieved Level 5 of the Member Recognition Program in 2015-16. This is the top level that a school board member can achieve and requires a tremendous commitment on behalf of the school board member. Congratulations!

2015-16 WASB MEMBER RECOGNITION PROGRAM - LEVEL 5

REGION 2

Gary Smith, Lac du Flambeau #1 Ronald Counter, Rhinelander

REGION 3

Thomas Gerrits, Wrightstown Community

REGION 6

Mary Jo Rozmenoski, Black River Falls Cheryl Hancock, Holmen

REGION 8

Raymond Mueller, Hilbert

REGION 10

Andrew Zellmer, Montello

REGION 13

Cheryl Baysinger, Central/ Westosha UHS

Jim Stewart, Whitewater Unified

REGION 15

John Blask, Pewaukee

Below are two of the Level 5 award presentations at this fall's Regional Meetings with WASB Executive Director John Ashley.



Mary Jo Rozmenoski, Black River Falls



Andrew Zellmer, Montello



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any school districts will be sending administrators and school board members to Milwaukee to attend the annual WASB/WASDA/WASBO State Education Convention (Convention) in January 2017. Administrators and board members are obligated to comply with the legal and ethical standards established for local public officials that affect their participation in Convention-related events. This Legal Comment will discuss the Open Meetings Law and the Code of Ethics for Local Public Officials as these laws relate to and govern the actions of administrators and board members while in attendance at the Convention.1

Open Meetings Law

Convention participants whose districts send more than one board member to the Convention should consider how Wisconsin's Open Meetings Law may impact their ability to participate in Convention-related activities.2 The Wisconsin Attorney General has issued a number of opinions that offer Open

Meetings Law guidance to board members with regard to their attendance at conferences, workshops, seminars, and conventions, including, but not limited to, the Convention.

The fundamental purpose of the Open Meetings Law is to ensure that the public has access to full and complete information regarding governmental affairs.3 In order to advance this purpose, meetings of state and local governmental bodies, including school boards, must be held in locations reasonably accessible to members of the public and must be open to all citizens at all times unless otherwise expressly provided by law. 4 The Wisconsin Supreme Court has held that a "meeting" of a governmental body, including a school board, occurs whenever: (1) there is a purpose to engage in governmental business, and (2) the number of members present is sufficient to determine the governmental body's course of action (i.e., a quorum, including a walking quorum, negative quorum, etc.).5

The Wisconsin Attorney General

was asked to issue an opinion as to whether the social nature of many activities offered at the Convention makes attendance at the Convention outside the scope of the Open Meetings Law.6 It is well-established that a "social or chance encounter" of members of a governmental body is not a meeting of the body requiring public notice and accessibility pursuant to the Open Meetings Law.7 Any presumption that the members are present to engage in governmental business is rebutted when members meet in a social setting or by chance. However, according to the Attorney General, the attendance of board members and administrators at a conference, convention, or seminar, does not constitute a chance encounter because such attendance is pre-planned. Moreover, such attendance is not a purely social gathering because such conferences, conventions, and seminars are designed for board members to discuss issues related to the responsibilities, authority, power, or duties delegated to or vested in the district.

Nevertheless, the Attorney General also concluded that atten-

When a quorum of a board or any committee or subunit of a board is present during the Convention and all related activities, including the ride to and from the Convention, board members must not discuss business specifically related to the district.

dance at the Convention did not necessarily constitute a "meeting" of the board. According to the Attorney General, discussions at the Convention generally involve concerns common to all school districts, rather than discussions about a particular district's business. As such, even if the number of board members present is sufficient to determine the board's course of action, the purpose of the gathering is not to engage in the business of the particular district, but rather to take advantage of the Convention-related activities. Therefore, the Attorney General has concluded that attendance of a quorum of a board at the Convention, by itself, does not result in a "meeting" of a governmental body, as defined in the Open Meetings Law.

The Attorney General warned, however, that when a quorum of a board or any committee or subunit of a board is present during the Convention and all related activities, including the ride to and from the Convention, board members must not discuss business specifically related to the district.8 Moreover, board members should not formally attempt to convene during any of the Convention-related activities.

In order to avoid the perception that a board is violating the Open Meetings Law, many districts post a notice, in accordance with board policy, that communicates to the community that a certain number of board members and/or other district officials will be attending the Convention. This type of notice should explicitly state that the board will not convene nor conduct any board business during the trip or at the Convention.

The Code of Ethics for Local **Public Officials**

Regardless of the number of board members and/or administrators in

attendance at the Convention to represent the district's interests, the Code of Ethics for Local Public Officials should be considered in order to determine how this law may restrict the activities and events in which the board members and/or administrators participate during the trip.9

The Code of Ethics for Local Public Officials prohibits district officials (board members, district administrators, business managers, etc.) from accepting: (a) items or services of substantial value for private benefit, or for the benefit of the official's immediate family or associated organizations, if offered because of one's public position; (b) anything of value that could reasonably be expected to influence the official's vote, official action(s) or judgment; and/or (c) anything of value that could reasonably be considered a reward for official action(s). The Code of Ethics for Local Public Officials is enforced by the Wisconsin Ethics Commission.

The Wisconsin Ethics Commission has opined that an official may attend conventions and participate in convention-related activities, by and large, without violating the Code of Ethics.¹⁰ Specifically, while attending a convention authorized by and on behalf of a district, officials may accept meals, refreshments and the like without charge that are provided, sponsored, and/or sanctioned by the event organizer. According to the Wisconsin Ethics Commission, when a board authorizes the attendance of its officials at the Convention, it is fair to presume that their attendance is in furtherance of a public purpose or benefit and that the board contemplates that they will partake fully in all the Convention has to offer, including forums and receptions that are sponsored by the event organizer. Given this interpretation, as long as the

board has authorized attendance at the Convention, those officials in attendance are not required to pay the cost of meals, refreshments and the like offered during the Convention by its organizers, i.e., the Wisconsin Association of School Boards, the Wisconsin Association of School District Administrators, and/or the Wisconsin Association of School Business Officials, in order to comply with the Code of Ethics.¹¹

However, during the Convention, officials must be cautious about accepting food, drinks and/or entertainment, without charge or at less than fair value, that are offered at social events sponsored by entities or organizations other than the event organizers when the entities or organizations may be current or prospective district vendors. According to the Wisconsin Ethics Commission, beer, wine, liquor, meals, buffets, and the like have more than token value, and a purely social event, such as a hospitality suite, a happy hour, or a dinner, provides a primary benefit to the official, rather than to the district that authorized his or her attendance. District officials responsible for making or approving purchasing decisions for the district should not accept food, drinks and/ or entertainment, without charge or at less than fair value, from current or prospective vendors because receipt of such items of value could serve as the basis for an allegation that the items influenced the officials' decisions regarding the purchase of goods or services from the

Thus, a district official is advised to avoid attending an event that is purely social, sponsored by a current or prospective vendor of the district, and provided to the official without charge or at less than fair value. This is true even if the event is identified in the Convention program or in the Convention materials. That said, the

district official may attend such an event and avoid a Code of Ethics violation by paying the vendor the full cost of the meal, refreshments and entertainment offered at the event.

District officials may accept at the Convention educational or informational materials, prizes or other giveaway items for the purpose of conveying the item to the district for the use or benefit of the district. However, if the district official wishes to keep the item for himself or herself, the item must be of nominal or insignificant value, in contrast to an item of merchantable value, in order to remain compliant with the Code of Ethics. The statute does not establish a specific dollar value as a "merchantable" value. The determination of whether an item has more than token or inconsequential value is left to the official's discretion. That said, the Wisconsin Ethics Commission has opined that some tote bags, caps, t-shirts, mugs, pens, rulers, refrigerator magnets, and key chains containing a company logo are likely to be of inconsequential value; while other items, including jackets and watches, are likely to have more than inconsequential value, i.e., merchantable value.

Finally, district policies may address the issue of the receipt of gifts by district officials. Accordingly, before an official accepts a prize or other giveaway item from a vendor exhibiting at the Convention, it is important for the official to review and apply the district's policy on the subject to determine whether he or she may keep the item.

Conclusion

The Convention offers the opportunity for administrators and board members to obtain new information about the latest products, services, and developments in education. However, in doing so, it is important for them to be aware of the rules and requirements of the Open Meetings Law, as well as to understand and recognize how the Code of Ethics for Local Public Officials regulates when they may accept food, drink, or other items of value, without charge or at less than fair value, and when such acceptance will be problematic. Moreover, under no circumstances should receipt of any such items influence the decisions of the district officials. Finally, it is also important for administrators and board members to review board policies for additional, more restrictive rules about Convention attendance and participation, and to direct any additional questions or concerns to the district's legal counsel. ■

End Notes

- 1. For additional information on related topics, see Wisconsin School News: "The Government Accountability Board" (March 2008); "Compliance with Wisconsin's Open Meetings Law, Part I" (September 2004); "Compliance with Wisconsin's Open Meetings Law, Part II" (October 2004); "Board **Duties and Obligations and Potential** Ramifications for Non-Compliance" (April 2016); "Recurring Issues for School Board Members: School Board Member Conflicts of Interest, Ethics, and Incompatibility of Offices" (May 2013).
- 2. Wis. Stat. § 19.81 et seq.
- 3. Wis. Stat. § 19.81(1).
- See, e.g., Office of the Attorney General, Informal Opinion to Clifford

- Miller (May 25, 1977).
- 5. State ex rel. Newspapers v. Showers, 135 Wis. 2d 77, 97, 398 N.W.2d 154 (1987).
- 6. Office of the Attorney General, Informal Opinion to Donald MacTaggert (May 25, 1977).
- 7. Wis. Stat. § 19.82(2); see, also, Wisconsin School News: "Meeting or Chance Encounter? The Wisconsin Supreme Court Interprets the Open Meetings Law" (September 1993).
- 8. Office of the Attorney General, Informal Opinion to Beatrice Weiss (January 20, 1981).
- 9. Wis. Stat. § 19.59 et seq.
- 10. 1992 Wis. Eth. Bd. 31 (November 25, 1992), wherein the Ethics Board concluded that a vendor should not sponsor a river cruise for local public officials if more than an insignificant number of the officials attending are responsible for making or approving purchasing decisions that could involve the vendor's goods. In January 2009, the Government Accountability Board reaffirmed 1992 Wis. Eth. Bd. 31 (November 25, 1992). Subsequently, 2015 Wis. Act 118 § 266(6) provided that all formal ethics opinions issued by the Government Accountability Board were transferred to the Wisconsin Ethics Commission.
- 11. 1993 Wis. Eth. Bd. 8 (November 3, 1993). In November 2008, the Government Accountability Board reaffirmed 1993 Wis. Eth. Bd. 8 (November 3, 1993), and the opinion has subsequently been transferred to the Wisconsin Ethics Commission.

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

Legal Comment is designed to provide authoritative general information, with commentary, as a service to WASB members. It should not be relied upon as legal advice. If required, legal advice regarding this topic should be obtained from district legal counsel.



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