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Wisconsin Teachers of the Year Recognized

State Superintendent Tony Evers announced the teachers of the year for the 2015-16 school year. Each teacher was recognized during a surprise ceremony at their school. This year's teachers of the year are:

- **Mai Shoua Xiong** First-grade teacher at the Academy of Accelerated Learning, a Milwaukee Public Schools International Baccalaureate Primary Years Program School (Elementary Teacher of the Year);
- **Suzanne Devine** Seventh- and eighth-grade science and social

studies teacher at Northstar Middle School in the Eau Claire Area School District (Middle School Teacher of the Year);

- **Roger King** Agriscience teacher at Holmen High School in the Holmen School District (High School Teacher of the Year); and
- **Amy Reed** Special education teacher at Kimberly High School in the Kimberly Area School District (Special Services Teacher of the Year).

"Our state needs intelligent, qualified teachers to help our students learn

and to keep pace with the nation and the world," Evers said. "Teachers' contributions too often get lost or taken for granted, so it's important to recognize their important work." In addition to the recognition, each teacher will receive an unrestricted award of \$3,000 from the Herb Kohl Educational Foundation, which supports the Teacher of the Year program. The foundation has awarded approximately \$10.4 million to Wisconsin educators, students, and schools over the years. ■

State Sees Another Increase in Advanced Placement Participation

Data from last school year shows that participation in Advanced Placement (AP) testing has increased in Wisconsin by almost 8 percent over the previous year.

Wisconsin had 41,398 students in grades 11 and 12 who took an AP exam in May 2015. These public and private school students took more than 70,000 exams and earned a score of three or higher on 67 percent of the exams (a five is the highest score). Students earning a score of three or higher qualify for credit at most colleges and universities.

Participation among racial and ethnic student groups increased as well. Students of color made up almost 14 percent of the state's students taking the exam. Nationwide, 2.5 million students took 4.5 million AP exams. Participation in the program across the nation was up 6 percent. ■

STAT OF THE MONTH

\$258 million

Amount of money the state will spend on private school vouchers during the 2016-17 school year.

Source: Legislative Fiscal Bureau

Sparta Area School District Awarded Military Grant

The Sparta Area School District received a five-year, \$750,000 grant from the U.S. Department of Defense to improve reading achievement and college and career readiness of military students.

The grant will help support the professional development of teachers, which will help support all students in the district.

"These monies will support the professional development of all teachers and increase the effectiveness of educators in the classroom," stated Liz Dostal, director of instruction. "While the grant targets increasing military student achievement, all students in the Sparta Area School District will benefit."

"Project Bold Shift" will increase K-12 military/federally affiliated student achievement in reading and increase college and career readiness through professional development of teachers in disciplinary literacy, professional learning opportunities, and Writing, Inquiry, Collaboration, Organization and Reading (WICOR) strategies used through AVID programming. AVID, an evidence-based college and career readiness program, will be implemented as an in-class support.



Celebrating School Boards

Serving on a school board can be challenging, demanding and thankless. And, yet, it can also be one of the most rewarding jobs you'll ever have. School boards members are rarely recognized for their work but, this month, we hope to put the spotlight on our school boards and recognize and celebrate their role in leading our public schools.

I'm excited to announce that Oct. 4-10 will be officially recognized as Wisconsin School Board Appreciation Week by the state. Here at the WASB, we will be recognizing and thanking our school boards throughout this special week. I ask that our superintendents and school district staff help spread the word and take time to recognize their school boards.

On the WASB website, we have provided a School Board Appreciation Week "kit" that includes ideas for activities to recognize your school board and sample materials including a resolution acknowledging the special week, an opinion column and news release to send to local media outlets, social media announcements, and more. Find the kit by visiting wasb.org and selecting "Communications" and then "School Board Appreciation Week."

Wisconsin School Board Appreciation Week gives us an opportunity to not only celebrate our school boards but also build awareness and understanding in our communities about the vital function a locally elected board of education plays in our schools.

We know that knowledgeable,

informed and data-driven school boards are crucial to developing and maintaining a vision and school district culture that positively impacts student achievement. The importance of fostering a community of passionate and informed school board members cannot be overstated.

To assist in that endeavor, we've begun the process of building a Peer Mentoring Program for Wisconsin school board members. The program will officially launch next spring. In the meantime, we are looking for experienced school board members who wish to serve as mentors to board members who may be new to their boards or new to their positions on the board.

To qualify as a mentor, you must be a current or former school board member with at least six years of school board experience and have reached a Level 5 in the WASB Board Member Recognition Program. Experience serving as board president is a plus but not a requirement. I encourage experienced board members to consider participating and sharing their knowledge and experience with others. The online application can be found on the WASB website — wasb.org. Select "Governance" and then "WASB Peer Mentoring Program."

I have been discussing this exciting new program and other WASB news in my executive director's report at the Fall Regional Meetings, which began in September. If you haven't had your meeting yet, I encourage you to attend. In addition to meeting with colleagues, electing new directors (in some regions), celebrating the hard

work of our board members, and getting a legislative update, we'll have a feature presentation on community leadership led by WASB consultants. Specifically, the presentation will focus on what is working well in our districts and how boards can improve. There will be an opportunity for round table discussions for board members to learn from each other and to advise the WASB on how we can better serve you in these efforts.

At the Regional Meetings, we will also be discussing the upcoming State Education Convention in Milwaukee. The convention's theme is "Educating Hearts and Minds." This theme emphasizes the importance of supporting our students not only academically but also socially and emotionally. At this time, we are excited to announce our lineup of keynote speakers: educator and author Luis Cruz, molecular biologist and author John Medina, and innovative educator and author Chris Lehmann. Learn more about these fascinating speakers on page 22. We will be posting updates and additional information as it becomes available on the State Education Convention website at wasb.org/convention. It is shaping up to be another great convention.

With Wisconsin School Board Appreciation Week around the corner, I want to close by thanking our school board members for their work and leadership. There is no greater honor than working and advocating on behalf of our future generations. ■

We hope to put the spotlight on our school boards and recognize and celebrate their role in leading our public schools.



School and business partnerships take many forms, offer different levels of support, either financial or otherwise, and can benefit students inside and outside the classroom. In this article, we highlight some of the school-business partnerships recognized by the 2015 WASB Business Honor Roll.





Partners for EDUCATION

Schools and businesses work together to strengthen public education and offer more opportunities to students

Shelby Anderson

Baraboo School District MSA Professional Services, Inc.

Engineers in the Classroom

MSA Professional Services, a Baraboo-based company, has been a longtime supporter of the Baraboo School District. This past school year, the company increased their commitment by connecting some of their engineers with classrooms in the district.

MSA engineers worked with fifth-grade students over a five-week unit in which students designed and presented a city plan. Students learned how engineers and other professionals work together to implement big projects to solve community

issues. Engineers also visited fourth-grade classrooms to help students design and build musical instruments out of everyday materials. The students first designed their instrument on paper with the goal of it being able to make three different sounds. After their first attempt at building the instrument, they collaborated with a MSA engineer to adjust their designs.

Lori Mueller, district administrator, said having the professional engineers in the classroom made a positive impact on students.

"It brings a different level of relevance to students to work with real-life engineers," Mueller said. "It promotes a classroom and

community connection."

MSA engineers also visited eighth-grade science classrooms to teach students about bridges, and then participated in a bridge building competition. Using only paper and tape, students competed against the engineers to see whose bridge could hold the most weight when suspended between two chairs. Engineers collaborated with students to reassess their designs and alter and improve their bridge designs.

The partnership has also extended to the high school where the company has supported the school's engineering and manufacturing programs through significant financial donations.

The company's engineers have worked with Baraboo educators in developing lessons and projects that align with the Next Generation Science Standards.

"There's an investment that MSA has made in the school district," Mueller said. "They're invested in the school district and in the Baraboo community." ○

Goodman – Armstrong Creek School District

Wild Rivers Forestry; Great Lakes Timber Professionals Association

Forestry Day

Thanks to partnerships between businesses and the Goodman – Armstrong Creek School District, students from across northeastern Wisconsin had an opportunity to learn about sustainable forestry management. The district worked with a number of businesses and

organizations including Wild Rivers Forestry and the Great Lakes Timber Professionals Association (GLTPA) to put on the 2015 School Forest Harvest Day.

About 250 students from six school districts in the area visited Goodman-Armstrong Creek High

School where about a dozen stations were set-up to teach students about forest management.

"Students gained an appreciation for the great renewable resource and natural environment that sustains our schools and communities in so many ways, and provides for many of the



MAKING THE GRADE

PRESCOTT SCHOOL DISTRICT

"After 25 years in construction, I still get excited about projects like this.

Sure, I do this every day, but for the Prescott Schools and community, this is a once-in-a-lifetime experience. This new high school will make a positive impact on every student in the community for decades to come. I'd consider that a pretty important contribution."

Sean Pierce
Project Superintendent



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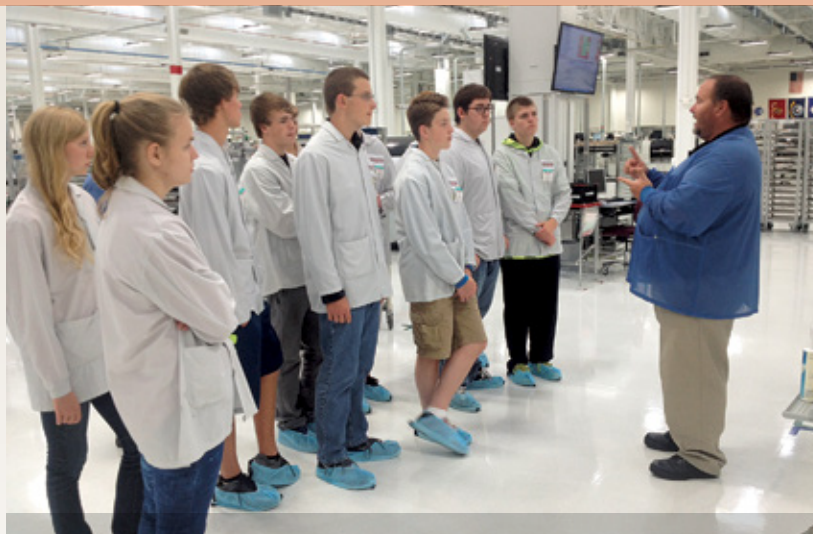


products we consume and use on a regular basis,” said Ben Niehaus, former Goodman — Armstrong Creek School District superintendent.

Students from area school districts got to watch as Wild Rivers Forestry harvested trees from the district’s school forest. At other locations on the grounds of the Goodman-Armstrong Creek High School, the students learned how forests grow and are managed, how a log cabin is built, how to identify trees, and among, other opportunities, learned how the forest system in northern Wisconsin benefits its communities. The different stations were each run by a different business or organization, which was coordinated by GLTPA.

“GLTPA and their staff were instrumental in using their network to solicit numerous expert presentations for the students and staff of six different school districts,” Niehaus said.

Thanks to the help of the business partners, the district was able to donate a large share of the revenue from the school forest harvest to the Children’s Miracle Network, which raises funds for children’s hospitals and medical research. ○



Neenah Joint School District

Plexus, Corp.

Boosting STEM Learning

Technology and manufacturing education has developed in leaps and bounds in Wisconsin school districts. Business partners have proven to be crucial in the success of these programs, providing equipment, expertise and opportunities. Students in the Neenah Joint School District benefit from a partnership between the school district and Plexus, which provides electronic design, manufacturing and

aftermarket services to companies worldwide.

At Neenah High School, Plexus has been especially instrumental in supporting the school’s Manufacturing and Engineering Academy. The mission of the academy is to connect students interested in manufacturing careers to opportunities in the industry. Plexus has provided on-site educational experiences at its state-of-the-art facilities and allowed staff to give presentations at the academy and work with students on projects. In addition, the corporation has donated materials, equipment, and funding.

The partnership also offers a youth apprenticeship program to students. The program combines school-based and work-based learning to instruct students in employability and occupational skills as defined by Wisconsin industries. Through the partnership with Plexus, students are instructed by qualified teachers and skilled worksite mentors. Participating students are simultaneously enrolled in academic classes to meet high school graduation requirements and are employed by a participating employer under the supervision of a skilled mentor.

Neenah High School’s Project Lead the Way program and related STEM classes have also benefitted from this partnership. Plexus provided funds that allowed the high school to purchase a laser engraver, 3-D printer, CNC milling machine, a robotic arm and robotics classroom equipment. Without the help of Plexus, the school

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would not have been able to provide this equipment for its students.

The partnership continues to expand and provide more opportunities for students. This school year, Plexus will be working with Project Based Learning classes at Neenah High School. ○

Stoughton Area School District and Mineral Point Unified School District

Cummins

Support Inside and Outside the Classroom

Both the Stoughton Area School District and Mineral Point Unified School District recognized Cummins as a valued partner in supporting their schools and providing learning opportunities for students.

2015 WASB Business Honor Roll

The following businesses have been nominated by their partner school districts to the WASB Business Honor Roll. For descriptions of each partnership, visit wasb.org.
Select "Communications" and then "Business Honor Roll."

Algoma School District

John Dettman, head of strength and conditioning, UW-Madison

Baraboo School District

Flambeau, Inc.
MSA Professional Services, Inc.

Clintonville Public Schools

Clintonville Tribune-Gazette
Klein Automotive
ThedaCare

School District of Durand

Ntec

School District of Fort Atkinson

Fort Atkinson Chamber of Commerce
Frostie Freeze
Badger Press

Howard-Suamico School District

Klemm Tank Lines (Greg Klimek, executive VP)

Goodman – Armstrong Creek School District

LEAF
Great Lakes Timber Professional Association
Wild Rivers Forestry

Middleton-Cross Plains Area School District

Cross Plains Area Chamber of Commerce
Crossroads Coffeehouse
Hilton Garden Inn
North American Mechanical, Inc.
T.A. Miller Electric

Mineral Point Unified School District

Cummins

School District of Mishicot

Cedar Springs Dairy Farm
Eis Implement
Manitowoc Motor Machining & Parts, Inc.
Main Street Coffee Haus & Bistro
Wilfert Farms

Neenah Joint School District

Bemis, Inc.
Plexus, Corp.

Stoughton School District

Cummins
McFarland State Bank
Stoughton Lumber
Stoughton Trailers

River Valley School District

Culver's
Lonesome Stone Milling, LLC
Kraemer Brothers Construction
Grandma Mary's Café & Brisbane Hall
Wisconsin Riverside Resort

Tomah Area School District

Ho-Chunk Nation
TORO
Unimen
Tomah Memorial Hospital

Unity School District

Lakeland Communications

In Stoughton, where Cummins operates a research and development campus, the company provided \$100,000 in 2012 to help jump start Stoughton High School's Fab Lab. The company continues to provide logistical and financial support to help maintain and improve upon the Fab Lab.

Cummins has also been involved in boosting classroom learning across the grades. In middle school engineering and design classes, the company's employees work one-on-one with individual students and teach them how to use a 3-D design program. Jessie Hager, a middle school science teacher, said her students are learning real-world skills.

"They really enjoy working with the engineers," Hager said. "The software they are learning to use as sixth graders is the same software that engineers are using in the field."

The company's engineers have also worked collaboratively with

Stoughton students on a number of special projects, including the construction of a full-sized LEGO model of a Cummins engine.

Cummins has hired several students from the district for summer internship and coop programs, including one student with disabilities through the Let's Get to Work program. "Cummins is a company that not only preaches the need for public service but ensures that its employees live that mission," the Stoughton Area School District wrote on its nomination form.

In the Mineral Point Unified School District, Cummins has been essential in implementing and supporting the district's Project Lead the Way (PLTW) program. Mineral Point Elementary School was one of only 24 schools in the nation selected to pilot a PLTW robotics program. The company helped support the pilot program with a large grant.

"This would not have been possible without the support of Cummins," said superintendent Luke Francois. "Our students are benefiting from hands-on project-based learning in STEM areas because of Cummins."

In addition to financial support, the company also has a presence in the district's elementary and high schools. Employees visit classrooms and work with students to enrich their STEM curriculum. Additionally, Cummins, which is a global company with employees from across the world, helps teach global literacy. Employees teach elementary students about the history and customs of their home countries.

"Students and staff continue to invite Cummins into the classroom to share in the learning experience," Francois said. ■

Anderson is editor of Wisconsin School News.

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Six Social Media Myths

That Silence Your School's Voice

Andrea Gribble

I

t's October, and likely you have seen some tremendous accomplishments at your school already this year — sports victories, music performances, and students reading for the first time or making new friends. These all deserve to be celebrated, but are you sharing the stories with your community?

Traditionally, schools have used monthly newsletters, newspaper articles and even website updates to share news. But many people in today's society get their news in a much different, real-time way — social media. If this is how many

people communicate, why haven't some schools utilized social media as a means of getting the word out and building community spirit?

In the last 20 months of studying, listening, learning and practicing social media with schools, I think I've heard every possible concern. I've identified six myths that come up regularly in conversations with school administrators, teachers and staff, and I have asked leaders from across Wisconsin for their firsthand experience in addressing concerns. After you hear their responses, I hope you will be more confident in taking the leap into social media.

1

MYTH 1: Negative comments will fill the newsfeed

Are you afraid creating a Facebook page will give an open microphone to complainers?

"People who have a negative view on the school will be voicing their opinions on social media whether we have a school account or not," said Brad Saron, superintendent of Sun Prairie Area School District. "Social media gives schools the opportunity to own the story and promote the facts on all the awesome things happening at our school."



Oconomowoc Schools @oconschools · Sep 1
Lining up for the 1st day of school at Greenland Elementary. Welcome back!



In more than 5,000 posts for school districts, I have been amazed at the outpouring of positive feedback. A few negative voices have surfaced, but nothing that couldn't be handled with a kind response thanking them for their feedback and inviting them to the school for further discussion.

"When we take time to share positive stories on a consistent basis through platforms like Facebook and Twitter, we can outweigh any negativity that may exist," said Saron.

2

MYTH 2: It takes too much time

Schools are certainly a busy place, and adding another responsibility to your already stretched staff is often a concern. However, Joe Sanfelippo, superintendent for the Fall Creek School District, explained that most social media tools are easy to use and don't take much time.

"Once you learn how to use the tool, it takes you less than 30 seconds to post something to Twitter," he said.

In our discussion, Sanfelippo and I concurred that 10 seconds is often enough to create a photo-only post. Proper training and incorporating the activity of sharing your classrooms with the world can become part of your daily routine.

"Being transparent with the great things happening in your school and bringing the community along on the journey is just priceless,"

Sanfelippo said. "It truly is an opportunity to transform your culture, 30 seconds at a time."

3

MYTH 3: Student privacy is too difficult to monitor

Images posted on social media are very easy to share. This leaves some schools leery about sharing photos of students on channels like Instagram and Facebook.

"We make certain we carefully guard student privacy by having a clear board of education policy and identifying students by only the first name if we use names in our tweets or posts," said JoAnn Sternke, superintendent of the Pewaukee School District. "We have found that parents truly love when we post

pictures of students engaged in learning or when we highlight student successes in a blog or post. It helps everyone develop #PiratePride!"

After working with nine districts, my experience has been similar. The parental feedback has shifted from "don't put my child on social media," to "why isn't my child on Facebook?" Getting proper policies and permissions in place is a manageable and must-do task for your district.

"Celebrating student achievement and engagement is something parents and community members look for school districts to do," Sternke said. "Social media is a great way to develop pride in our schools, and we can honor student privacy and still have a strong presence in social media. It can be done!"



School District of Black River Falls

4 hrs · 16

It's official - the first concrete has been poured for the new elementary school! We also have our address: 410 Hwy A. Don't forget that if you have suggestions for the name of this new school, please call the District Office and share. #BuildBRF

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Columbus Wisconsin School District

4 hrs · 12

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4 Likes

Like Comment Share

4

MYTH 4: We don't need it; we have a good website

Do you think that your newly updated and mobile-friendly website is enough? Damian LaCroix, superintendent of the Howard-Suamico School District and a member of the League of Innovative Schools, said

social media cannot be ignored.

"In the Howard-Suamico School District, we believe that effective communication means meeting our audience on their turf, on their time, using mobile technology tools," he said. "Increasingly, that means employing social media ... Traditional modes of communication will not be effective for a growing and tech-savvy audience, including our students. Rather, multiple modes of communication are most effective and that means yesterday's website and newsletters are only the beginning."



Ripon Schools @riponschools · Feb 12

RHS presents Rodgers and Hammerstein's Cinderella, with performances Thurs., Feb. 12 - Sat., Feb. 14 at 7 p.m. and a Sat. matinee at 2 p.m.

1 1 ☆ ...

5

MYTH 5: It's too overwhelming; where do we even start?

With new social media sites popping up all the time, it can be stressful just knowing where to begin. Perhaps you've just figured out Instagram and now you hear about something called Periscope and you wonder if you ought to pursue using it?

Douglas Keiser, Superintendent of Hustisford School District shared his school's strategy of focusing on just one platform — Facebook.

"Our biggest obstacle was just getting the page set up correctly," Keiser said. "We reached out for some help to get those settings



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Policy Considerations

Sample policies and other information regarding the use of social media is available upon request from the WASB Policy Services team via Policy Librarian Teresa Kimball (tkimball@wasb.org). Subscribers to the WASB Policy Resource Guide (PRG) can find Background Information and sample policies on district use of social media in the PRG under the policy code 821.5.

right and then it was easy to manage.”

Facebook can be mastered by staff of all ages and it’s by far the most widely used platform for schools to reach parents, grandparents, students, community members and alumni. I strongly recommend starting with Facebook.

Establish responsibilities and connect with your followers before starting on other platforms such as Twitter and Instagram. Keiser said he and the two principals post on the page and the visibility in their community is tremendous. “We have since launched other accounts, but starting with Facebook was a great first step.”

6

MYTH 6: It’s a trend that will soon fade

Over the years, fads come and go, but social media is definitely not one of them.

“There are over 1.4 billion monthly active Facebook users, and nearly 1 billion of those use it on a daily basis,” Cameron School District Administrator, Joe Leschisin, stated. “It is not going anywhere soon.”

“We are a small school district with a village population of 1,700 people,” Leschisin continued. “We are still in our first year of our district’s Facebook page and have nearly 1,000 followers. Parents, students and community members

are now relying on our page more than any other form of communication. There is no going back for us now and I can’t imagine doing without it.”

■ Share and Celebrate

Students deserve to be celebrated, and dedicated teachers merit appreciation and applause. Social media is a free platform that can pay huge dividends for the entire community when you use it well. You just heard it from six Wisconsin districts! ■

Andrea Gribble is a social media consultant who helps schools celebrate their students and connect communities through social media. Reach her at andrea@social-school4edu.com.

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to the Berlin Area School District on their new Middle School...



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Severe Poverty

Affects Brain Development

Early interventions, such as preschool, are effective and have the potential to change lives

Guy Boulton



A six-year study by researchers at the University of Wisconsin-Madison has added to the mounting evidence that growing up in severe poverty affects the way children's brains develop, potentially putting them at a lifelong disadvantage.

The study — which combined the expertise of neuroscientists and economists — found that the parts of the brain tied to academic performance were 8 to 10 percent smaller for children who grow up in very poor households.

It was based on a relatively large sample of predominantly white children whose mothers were much more educated than the general population. And the results show a biological link between growing up in extreme poverty and how well children do academically.

“The significance of the study is providing a hard physical link between the experience of growing up in poverty and how well children do on cognitive tests,” said Barbara “Bobbi” Wolfe, an economist at UW-Madison and one of the co-authors of the study.

The study, recently published in *JAMA Pediatrics*, builds on animal studies and other research suggesting that poverty affects the parts of the brain tied to self-control, attention, planning and other traits important for success in school and life.

The children often receive less nurturing from parents and live in environments characterized by increased stress from crowded housing, instability, poor nutrition, limited stimulation and greater exposure to violence.

That children who grow up in poverty do less well in school is well documented. But studies increasingly show that at least part of that overall poor performance stems from how their brains grow and work.

The UW study estimated that as much as 20 percent of the gap in test scores could be explained by slower development of two parts of the

brain: the frontal lobe and the temporal lobe.

The frontal lobe is important for controlling attention, inhibition and regulating emotions as well as for complex learning. The temporal lobe is important for memory and language comprehension, such as identifying and attaching meaning to words.

Both areas of the brain develop through adolescence.

“It provides a brain-based explanation for why children living in poverty are not performing academically as well,” said Joan Luby, a professor of child psychiatry and director of the Early Emotional Development Program at Washington University School of Medicine. Luby was not involved in the study.

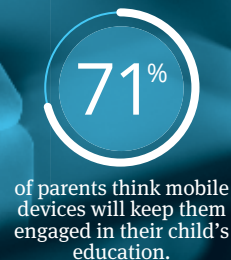
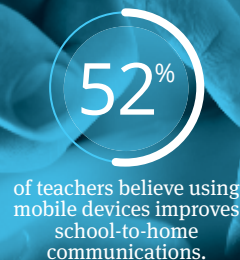
The UW-Madison study was led by Wolfe and Seth Pollak, a professor of psychology and director of the Child Emotion Lab.

The study drew on 823 magnetic resonance imaging, or MRI, scans of 389 children, ages 4 to 22, from a National Institutes of Health study done to show normal brain development. The scans were done from November 2001 to August 2007, and the NIH study included complete information on the families' social and economic status.

The design of that study provided additional support for how poverty affects brain development in children. Here's why:

- The mothers of the children included in the study were much better educated than the general population — 84.9 percent said they had at least some college education.
- Families were screened for several factors suspected to adversely affect brain development, such as children who were born prematurely or who had other risky neonatal histories,

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who had low IQs and whose families had a history of psychiatric conditions.

The sample, in other words, was not representative of children growing up in extreme poverty.

“And we still found this drastic difference in brain development,” Pollak said.

He suspects that the study’s findings would be even stronger for a representative sample of all children living in extreme poverty — households with incomes below the federal poverty level, or \$20,090 for a family of three.

Luby agreed that the effects of poverty found in the study probably were underestimated, given the sample.

Genetics still could be a factor in the slower development of the children’s brains.

“But it does provide very, very compelling evidence for another

causal change,” said Luby, who wrote an accompanying editorial in *JAMA Pediatrics*.

The study, though, also contained an encouraging nugget: It found no significant difference in the brain development of children who grew

up in so-called near-poor households — those with incomes above 200 percent of the federal poverty threshold, or \$40,180 for a family of three — and those who grew up in middle-class or even upper-middle class households.

Affected Brain Areas

A recently published study by researchers at the University of Wisconsin-Madison found that the parts of the brain tied to academic performance were 8 to 10 percent smaller for children who grow up in very poor households. The study, based on a large sample of predominantly white children whose mothers were much more educated than the general population, focused on three areas of the brain that develop through adolescence.

► **Frontal lobe:** Important for the control of attention, inhibition, emotion regulation and complex learning.

► **Temporal lobe:** Important for memory and language comprehension, such as identifying words, relating heard sounds with letters of the alphabet, and attaching meaning to words.

► **Hippocampus:** Plays a critical role in processing spatial and contextual information. Also has been tied to long-term memory functioning.

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“What that says to me is that humans can actually deal with a quite a lot,” Pollak said. “We are not delicate orchids.”

The UW-Madison study and similar studies have the potential of changing the way people look at poverty and how it affects children.

“A lot of brain science data isn’t really saying anything all that different than the behavioral and social science data that we’ve had for 20 to 30 years,” Luby said. “But when you can show tangible brain change, it has a different impact on people and a different meaning. It just provides a level of tangible evidence.”

That, too, is Pollak’s take on the study.

“What this is doing is reframing the problem,” he said. “Since President Johnson declared the war on poverty, Americans have tended to look at poverty as a policy issue. But it also looks like it is a biomedical issue.”

He likens the potential effect of poverty on children to lead paint — an environmental hazard that damaged children’s brains.

“Now we certainly can begin looking at poverty that way, too,” he said.

Research shows that early interventions, such as home visitation programs for families and preschool for children, are effective and have the potential to change lives.

That’s because the brain has more “plasticity” early in life — it responds more quickly to changes in environment.

The studies on how poverty affects the development of children’s brains are relatively new. Few existed a decade ago. But now more studies exist, and they are getting more attention in policy circles.

They suggest the need to invest in children, Wolfe said.

If society doesn’t, she said, “they are worse off, and we are all worse off.”

Pollak, too, stressed the potential long-term costs.

“Americans tend to really like to believe in this narrative that everyone here has a chance,” he said.

“This kind of research suggests that we have some kids entering kindergarten at totally not a level playing field — with environments that are so impoverished and under-stimulated and nonconductive to healthy growth, we’ve got little 4-year-olds, 5-year-olds starting kindergarten already at an extreme disadvantage,” he added.

“So the data really runs counter to the fact that everyone in this country has a fair shot.” ■

Guy Boulton covers health policy and the business of health care for the Milwaukee Journal Sentinel.

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Successfully Navigating



With the amount of school facilities that school districts require, districts are often busy building, renovating or repairing.

An important step to completing projects where an outside firm is needed is the Request for Proposal (RFP). The RFP brings structure to your decision-making process. Taking the time to put together a quality RFP on the front end gives clarity to the often challenging decision-making process. It also provides you a greater likeli-

hood of making the best choice.

All RFPs are not created equal. It is imperative that you create your own. Taking RFPs from other school districts can lead to problems down the road. We've received RFPs with old information that ended up costing both proposing firms and schools valuable time. While it's okay to borrow a friend's lawn mower, don't borrow their RFP.

It's also important that you understand everything that you're communicating in your RFP. If you do use a template, remove any references or statements that you don't

understand. Don't feel that you need to ask all 20 questions from a previous RFP when 10 will get you the answers and information you need. Consider which elements and questions are most relevant to your project.

Step 1:

Planning

During the planning stage, you're gathering information about your vision while also pulling together insights about potential firms that will guide the process. As you

All RFP's are not created equal ...

Taking RFPs from other school districts can lead to problems down the road.

the RFP Process

Investing time in the RFP
will make the whole process go smoother

Jody Andres
AIA LEED AP



describe the project needs and goals, be clear about the services you are seeking. Determine your vision and project goals; state them in simple terms and in your own words.

Key aspects in this stage include:

- Identify the selection committee.
- Establish a timeline for your process.
- Determine your evaluation criteria.
- Prepare the RFP.
- Compile a list of firms to invite to respond.

Provide as much information about the upcoming project as possible within your RFP. If you are seeking multiple services, let the

firms know that you are open to receiving proposals for all services from the same company. Make sure to give the responding firms plenty of time to compile a comprehensive response to your requests. A month is typically considered very fair.

Be clear who the point of contact is regarding the RFP and if there is a deadline for asking questions. Districts sometimes want firms to go through just one person who represents a committee or board. Although this may keep it simple for the school district, also consider that it is sometimes helpful for firms to hear multiple opinions and viewpoints. When requesting RFPs, remember that firms' responses can be extensive and will require diligent review. Use various sources to find

appropriate firms, including advice from others who have completed similar projects.

Step 2:

Walk-Throughs and Tours

Most RFPs require a mandatory walk-through for all interested parties, but this can be a less than productive use of time for both district personnel and responding firms.

In lieu of a mandatory pre-proposal walk-through of your facilities, take another opportunity to help yourself evaluate firms. Make note of the firms that proactively contact you and ask to meet with you and tour your building and facilities.

Determine your vision and project goals ... state them in simple terms and in your own words.



Strong consideration should be given to using qualifications-based selection criteria.

If you have mandatory or voluntary tours, schedule them at least two weeks prior to due dates to allow the tour to inform the firms' preparation of the RFP. Tours provide attentive firms with the occasion to obtain firsthand information on the desired project and have pertinent concerns expressed. It will help demonstrate which firms are more invested in the project. If you do a group tour of all interested firms, it may avoid bias and save time while also providing the necessary insights to help teams prepare the best proposals.

Appoint just one representative to answer all questions after a tour to assure consistency and to avoid sharing conflicting information. It's also wise to distribute an FAQ document after the period of tours is complete. Many times, the questions expose key pieces of information that would have been helpful to have conveyed originally.

Step 3: **Selection**

Form a selection committee with a variety of individuals who have strong technical knowledge and experience in building design and

construction along with at least one board member. All selection committee members should have a good understanding of the RFP as well as the evaluation criteria.

Be certain to give committee members ample time to digest the submitted proposals, forming their own ideas and follow-up questions. Then, the selection committee can establish their shortlist for follow-up interviews.

Step 3: **Evaluation**

The criteria you establish for evaluation of the proposals must be appropriate for your needs and project. Strong consideration should be given to using qualifications-based selection criteria. Qualification selection will give you the best chance at working with a professional who will deliver a successful project. Some rely too heavily on cost being a determining factor. Cost does not equal value when selecting professional services.

Key items that you are likely to rate and evaluate include:

- Experience with similar or related projects.

- The skills and experience of key personnel.
- Analysis of project and level of interest.
- Design creativity and approach.
- Ability of the firm as it relates to quality of necessary support services.
- Relationship and connectivity.
- Capacity to manage project (costs, communication, schedule, etc.).

Step 5: **Interviews**

It is important to provide a uniform interview evaluation form that is well understood by the committee prior to conducting interviews. Interviewing the short-listed firms provides the committee with the chance to compare and contrast each firm's creative approach.

Be certain to communicate to the firms what the audio visual set-up will be so they can be adequately equipped to share their visuals. A large screen monitor, white board, or projector along with a computer are normal expectations for a presenting

firm. All firms should have advance notice of the criteria that will be used for evaluation.

Most interview teams choose to schedule all interviews on the same day, but they should at least be conducted in a short-time frame such as 36 hours. This allows the interview team, which should stay the same, to keep the information fresh and the scoring consistent. A period of 60 to 90 minutes should be ample time for the interviews as well as adequate time for your team to ask questions.

Resist the temptation to schedule the interviews back to back. While it may look like a good idea during scheduling, it doesn't allow time for the interview team to document their findings, engage in healthy discussion, or take a break. At the conclusion of the interview, in addition to expressing your genuine appreciation, share the timeline for selection

and method for communication of the results.

Step 6: Negotiation

As soon as feasible after a firm is designated, begin detailed discussions on a professional services agreement. This is the occasion to refine your objectives, project requirements, expected scope of services, and fees.

Up to this point, the firm was competing for your business, but now you should move toward becoming a team. Once the scope of services has been agreed upon, the firm will provide a detailed fee proposal.

In the instance that the selected firm and you cannot agree on the fees and scope of services, then negotiations with the next highest ranked firm should begin.

Your selected firm may recommend using a standard form of agreement developed by either *The American Institute of Architects* (AIA) or the *Engineers Joint Contract Document Committee* (EJCDC) to ensure widespread agreement. (These groups also have other forms and documents that you might find useful.)

Lessons Applied

Take the lessons that are shared here, the experience you and your team already have, and the insights from fellow superintendents or district administrators to leverage a great RFP process. Investing in the front end will reap dividends in a smoother and higher quality process. ■

Jody Andres, AIA LEED AP, is a project architect and the K-12 market leader at Hoffman Planning, Design & Construction, Inc. He can be reached at jandres@hoffman.net.

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Educating Hearts and Minds

A look at the keynote speakers for the **95th State Education Convention**

From Jan. 20-22, 2016, thousands of school board members and school leaders from around the state will be gathering in Milwaukee for the 95th State Education Convention.

The WASB is excited to introduce the keynote speakers who will join us in Milwaukee. Learn more about the upcoming convention at wasb.org/convention.

WEDNESDAY

Luis **CRUZ**

THURSDAY

Dr. John **MEDINA**

FRIDAY

Chris **LEHMANN**

Wednesday, Jan. 20

► LUIS CRUZ

Luis Cruz, a former principal of Baldwin High School in Los Angeles, has been nationally recognized for his work in building positive school cultures in which all students, including English as a second language (ESL) learners, can succeed. As an advocate for Latino students, Cruz significantly reduced the achievement gap at Baldwin High School between the general student population and ESL students by engaging teachers, students, parents, and school leaders.

Cruz writes, “This multifaceted approach is found in the areas of leadership, instruction, parent involvement, and a keen understanding of the role social emotional learning in the form of effective relationships between students and adults looks like throughout the organization.”

Cruz’s focus on improving school culture and social emotional education of minority students, has earned him many state and national awards. Cruz has won the New Teacher of the Year, Teacher of the Year, Administrator of the Year, and other community leadership awards.

Thursday, Jan. 21

► DR. JOHN MEDINA

Dr. John Medina has had a lifelong fascination with how the mind reacts to and organizes information. As a developmental molecular biologist, Medina has focused on the genes involved in human brain development and the genetics of psychiatric disorders. In his best-selling book *Brain Rules*, Medina explores how the brain sciences might influence the way we teach our children.

Using his infectious sense of humor and fascinating stories from years of research, Medina will present facts that we know about how the human mind works and how we can use this information to inform the education of our students.

Medina was the founding director of the Talaris Research Institute, a Seattle-based research center originally focused on how infants encode and process information at the cognitive, cellular, and molecular levels. Medina has been a consultant to the Education Commission of the States and a regular speaker on the relationship between neurology and education.

A prolific author, Medina’s books include: *Brain Rules*, *Brain Rules for Baby*, *The Genetic Inferno*, and *The Clock of Ages*.

Friday, Jan. 22

► CHRIS LEHMANN

As a renowned author and educator, Chris is recognized for his work in developing innovative schools that incorporate technology in new ways and engage students in real world issues. He is the founding principal of the Science Leadership Academy, an inquiry-driven, project-based, 1:1 laptop school high school in Philadelphia that is considered to be one of the pioneers of the School 2.0 movement nationally and internationally.

In his new book, *Building School 2.0: How to Create the Schools We Need*, Lehmann and co-author Zac Chase discuss and explore how education and physical school spaces should change to meet the evolving nature of our lives brought on by new technologies.

Lehmann has received many awards and recognitions including being named the 2014 winner of the McGraw Prize in Education. In June 2013, he was named Outstanding Leader of the Year by the International Society of Technology in Education. In September of 2011, Chris was honored by the White House as a Champion of Change for his work in education reform. ■



Q&A with WASB President Wanda Owens

In this Q&A, WASB President Wanda Owens discusses the important roles school board members play in public education and why we need to focus on educating students emotionally and academically.

Q. Do you think that school boards can play a role in positively affecting the culture in their schools?

A. Yes, the vision and priorities that school boards set directly impact the tone and culture of their school districts. Boards that behave in a positive and respectful manner have the confidence of their staff and communities that they are doing what's best for students. Research shows that the work of good school boards trickles down into the classrooms and improves student achievement.

Q. What have you learned from your time as a school board member?

I believe that it is crucial that we help one another. Although we are often competing for students in today's environment, local school board members, administrators and teachers are always there to support each other and work together. Just hours after my very first school board meeting in Barneveld, an EF 5 tornado swept through our town — destroying

nearly everything in its path. Our school was extensively damaged. A nearby district didn't hesitate to let us use their facilities, which is so typical of Wisconsin public schools. We are all in this together.

Q. The debate surrounding this past state budget emphasized the importance of school board members advocating on behalf of public education. Why is it important for school board members to continue to advocate for their schools?

A. Your voice and your efforts to advocate on behalf of your students and your district are invaluable. No other elected office is dedicated solely to the advancement of K-12 public education. What you say and do matters. You may feel at times that no one is listening, but they are.

Q. The WASB has been focused on advocacy and helping school boards develop community advocates for their schools. What role can community members play in supporting their public schools?

A. Community members can be some of the strongest advocates for our schools. On the local level, community members who are knowledgeable and supportive of our schools can help spread good news and garner support for our schools. On

the state level, community advocates can be extremely effective in helping us get our messages across to state lawmakers. Effective advocacy is a community effort.

Q. What are other important issues facing public schools today?

There are so many challenges facing public education. Yet, I believe that it is essential that we find ways to maintain and even expand our offerings in music and fine arts programs. These programs help us educate not only the minds of our students but also their hearts. We need to help educate our students emotionally as well as academically.

Q. That ties into the theme at next year's State Education Convention, which is "Educating Hearts and Minds." What does this mean to you?

A. To me, this means helping our schools to develop the thoughtful, considerate young people who will lead us to a kinder, gentler world. As educational leaders, we need to lead the way in helping children develop their passion for learning. Despite the public's focus on testing, curriculum and technology, we must never forget that we are teaching students, not subjects. Students are our future and they are depending on all of us to help them reach their goals. ■

Despite the public's focus on testing, curriculum and technology, we must never forget that we are teaching students, not subjects.

Upcoming Events

WSAA/WASB EMPLOYMENT & SCHOOL LAW SEMINAR

The 2015 Employment & School Law Seminar, held in partnership with the Wisconsin School Attorneys Association, will take place Oct. 15-16 in Madison.

Sessions will provide attendees with the latest information on a variety of topics including: pupil records, keeping policy up-to-date with federal and state law changes, navigating social media and managing digital information, teacher compensation plans, and much more. For more information or to register, visit wasb.org.



Pre-Seminar Workshop

In addition, a special pre-seminar workshop will be offered before the WSAA/WASB Employment & School Law Seminar on Thursday, Oct. 15

from 8:30 am – 12:45 pm. This workshop will give school board members an in-depth look at of the Key Work of School Boards. Separate registration is required. To register or for more information, visit wasb.org. ■

LEGISLATIVE ADVOCACY CONFERENCE

Join school leaders from around the state for the WASB Legislative Advocacy Conference taking place Nov. 7 at the Holiday Inn Hotel & Conference Center in Stevens Point.

There will be much to discuss as the 2015-17 state budget has ushered in a new chapter for K-12 education in the Badger State. For the first time since revenue limits were imposed, there is no increase in revenue limits in either year of the biennium. What does this mean for the future of public education in Wisconsin?

The budget also included a provision that, for the first time, takes away governance of a portion of a public school district from the locally elected school board, raising questions such as: What is the value of locally elected school boards? Does board governance affect student achievement in a school district?

This year's Legislative Advocacy Conference will include presentations examining these questions while also giving board members



hands-on strategies to gather community support to help advocate for public school students.

Dr. Michael R. Ford, assistant professor of public administration at UW-Oshkosh, will present his research linking school boards' use of best practices to improve student performance. Dr. Ford's research shows why locally elected school boards remain valuable despite threats to school board governance from initiatives such as Milwaukee Public Schools' "takeover," which was included in the 2015-17 state budget.

State lawmakers will also be on hand to discuss public education

issues. WASB Government Relations staff Dan Rossmiller and Christopher Kulow will moderate a Democratic Legislator Panel Discussion and a Republican Legislator Panel Discussion.

WASB staff will also lead an advocacy workshop that will focus on hands-on activities designed to help school board members build stronger relationships with legislators and encourage/expand community advocacy work that involves school board members, parents, teachers, and administrators.

For more information or to register, visit wasb.org. ■

Wisconsin School Board Appreciation Week is Oct. 4-10

In recognition of the thousands of school board members throughout the state, the governor's office has proclaimed Oct. 4-10, 2015, as *Wisconsin School Board Appreciation Week*. This week is designed to recognize the contributions made by Wisconsin's school board members to the advancement of public education in this state. The WASB has prepared a kit, which includes a sample press release, activities, and more to help school districts recognize their school boards. Find the kit at wasb.org. Select "Communications" and then "Wisconsin School Board Appreciation Week."

Qualmann Honored by MPI



The WASB is excited to announce that Amy Qualmann, communications specialist and event planner for the WASB, was named "2014-15 event planner of the year" by the Wisconsin chapter of Meeting Professionals International (MPI). Qualmann coordinates WASB events and programs, including the State Education Convention.

Convention Student Art Contest

The Wisconsin Association of School Boards, in cooperation with the Wisconsin Art Education Association, encourages Wisconsin students to submit a piece of artwork for the Wisconsin Art Exhibits and Awards.

The contest is open to all Wisconsin public school students enrolled in grades 7-12. Each piece of work submitted in accordance with the entry criteria will be exhibited at the 2016 State Education Convention in January in Milwaukee.

Each piece of art must address the contest theme of "Educating Hearts and Minds to Build Sustainable Communities and a Healthy Future." Using any media or combination of media (digital media is not accepted), create an original work of art (not graphic design) showing your interpretation of how educating the hearts and minds of students builds sustainable schools and communities.

For more information, visit wasb.org/convention and select "Call for Proposals."

2015 REPORT TO THE MEMBERSHIP

Wisconsin Association of School Boards, Inc. Condensed Statement of Activities for the Year Ending June 30, 2015

REVENUE	
Membership Dues	\$ 1,795,106
Program Revenue	\$ 1,930,992
Interest & Investment Related Income	\$ 22,921
Other Income	\$ 36,625
Total Revenue	\$ 3,785,644
EXPENSES	
Program Expense	\$ 2,483,744
Office Operations	\$ 941,345
Total Expenses	\$ 3,425,089
Change in Unrestricted Net Assets-Operating	\$ 360,555
Depreciation & Other Non-Operating Expenses	\$ 77,985
Change in Unrestricted Net Assets	\$ 282,570

Wisconsin Association of School Boards, Inc. Condensed Statement of Financial Position, June 30, 2015

ASSETS	
Current Assets	
Investments, Cash, & Cash Equivalents	\$ 563,365
Accounts Receivable	\$ 144,844
Deferred Costs & Prepaid Expenses	\$ 105,876
Inventories	\$ 24,249
Accrued Interest Receivable	\$ 1,582
Total Current Assets	\$ 839,916
Property & Equipment, Net	\$ 90,814
Long Term Investments	\$ 1,447,000
Total Assets	\$ 2,377,730
LIABILITIES & NET ASSETS	
Current Liabilities	
Deferred Revenue	\$ 390,402
Accounts Payable, Payroll Taxes, & Benefits Payable	\$ 201,009
Current Portion of Capital Lease	\$ 9,884
Current Portion of Note Payable	\$ 499
Other Current Liabilities	\$ 351
Total Current Liabilities	\$ 602,145
Long Term Liabilities	
Long Term Portion of Capital Lease	\$ 39,467
Total Liabilities	\$ 641,612
Net Assets	
Unrestricted	\$ 1,707,183
Temporarily Restricted	\$ 28,935
Total Net Assets	\$ 1,736,118
Total Liabilities & Net Assets	\$ 2,377,730

Assembly Update

GOP K-12 Education Policy Development Efforts



With so many K-12 education policy initiatives included in the state budget, some have wondered what education-related issues are left for legislators to work on during the remainder of the legislative session. The answer, apparently, is plenty of issues.

Assembly Speaker Robin Vos (R-Burlington) recently announced the formation of two bipartisan task forces on urban education and youth workforce readiness. This is part of an overall strategy to identify bipartisan legislation that benefits public schools to, in turn, help restore better relations between the public education community and majority Republican representatives.

The bipartisan Task Force on Urban Education is based on and a follow-up to last year's Task Force on Rural Schools. The task force will be chaired by Rep. Jessie Rodriguez (R-Franklin) with Rep. Sondy Pope (D-Cross Plains) as vice chair. WASB GR staff met with Rep. Rodriguez to discuss the task force. According to her, they will delve into the following topics and provide tangible solutions to help improve outcomes in urban school districts.

- **Study** issues surrounding teacher recruitment and retention and make recommendations that will help empower teachers

to provide quality education while dealing with unique challenges, including a student population with an above-average poverty rate.

- **Discuss** best practices to address problems such as truancy, below-average academic performance and low graduation rates; identify barriers that exist to the successful replication of those practices.
- **Explore** ways to improve access to technology for virtual and online learning purposes in high-poverty urban communities.
- **Make** recommendations to improve and expand access to high-quality early childhood education as well as other opportunities outside of the classroom that help maximize education outcomes.
- **Review** the "Opportunity Schools and Partnership Program" established in the 2015-17 budget and discuss alternatives.
- **Empower** parents to take advantage of educational alternatives and identify ways to encourage parents to take ownership of their child's school and education.
- **Review** the school report card system and discuss the best

method to account for academic achievement in districts with high levels of poverty.

It is hoped these recommendations will garner bipartisan support. In addition to Reps. Rodriguez and Pope, the task force's other members will be Reps. Mike Kuglitsch (R-New Berlin), Jeremy Thiesfeldt (R-Fond du Lac), Thomas Weatherston (R-Caledonia), Mary Czaja (R-Irma), Scott Allen (R-Waukesha), Dave Heaton (R-Wausau), John Macco (R-Green Bay), Christine Sinicki (D-Milwaukee), Jill Billings (D-La Crosse), Eric Genrich (D-Green Bay), and David Bowen (D-Milwaukee).

The task force is scheduled to meet in five urban areas in the state (Madison, Kenosha/Racine, Green Bay, Eau Claire, and Milwaukee) with a plan of touring schools in the morning followed by a public hearing in the afternoon featuring invited speakers and public testimony if time permits. The chair's office is reaching out to the school districts where they are holding their meetings to schedule tours and solicit suggestions for speakers.

The Task Force on Youth Workforce Readiness is chaired by state Rep. Bob Kulp (R-Stratford) and vice-chaired by state Rep. Katrina Shankland (D-Stevens Point). The

This is part of an overall strategy to identify bipartisan legislation that benefits public schools to, in turn, help restore better relations between the public education community and majority Republican representatives.

task force's charge is to come up with new strategies to encourage Wisconsin youth to pursue careers in the trades, manufacturing industries and technical fields. Members will explore ways to improve collaboration between schools, technical colleges and local employers; increase awareness of apprenticeships and internships in these fields; and examine future industry needs and challenges facing our state.

In addition to Reps. Kulp and Shankland, the task force's other members will be Reps. Joan Ballweg (R-Markesan), Andre Jacque (R-De Pere), Amy Loudeneck (R-Clinton), Warren Petryk (R-Eleva), John Spiros (R-Marshfield), Rob Swearingen (R-Rhineland),

Cory Mason (D-Racine), Mandela Barnes (D-Milwaukee), and Mark Spreitzer (D-Beloit).

WASB GR staff attended its first meeting on Sept. 10 where the task force heard invited testimony from the Department of Workforce Development (DWD), the Department of Public Instruction (DPI), the Wisconsin Technical College System (WTCS), the Beloit School District, the Wisconsin Board for People with Developmental Disabilities, and Wisconsin Manufacturers & Commerce (WMC) among others.

Much of the focus was on the Youth Apprenticeship program, which is administered by the DWD. A common theme from the hearing is that great programs are available

but more efforts need to be made to build awareness of this programming. Another common theme expressed was the need for the state to continue to provide resources in this area. The second hearing of the task force is scheduled for Sept. 29 in Wausau at North Central Technical College.

We will provide additional information on the work of the task forces, including the dates of future meetings when they become official, and additional information on the work group when it becomes available. Follow the WASB Legislative Update Blog for updates on these efforts as they happen at:

wasblegupdate.wordpress.com/ ■

LEGISLATIVE Update

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District Public Forum Policies and Practices

The First Amendment creates important protections that school boards must recognize before establishing policies that regulate expressive activities of students, employees, and community members. “Speech” protected by the First Amendment encompasses more than just verbal expression; it may impact expressive activities that take place in connection with a variety of activities and events occurring on school property or subject to school district control.

The recent United States Supreme Court ruling in *Reed v. Town of Gilbert*¹ reiterated and, in some circumstances, expanded the protection that the First Amendment provides against content-based regulations of speech. The Supreme Court held that if a governmental body makes distinctions based upon the subject matter or content of speech, those distinctions will be subject to the highest level of court scrutiny. This ruling has important implications for districts. This *Legal Comment* will examine the Reed decision and what boards need to consider as a result of it.

■ First Amendment Forum Analysis

The review of legal issues related to free speech under the First Amendment often requires what has been traditionally referred to as “forum analysis.”

Forum analysis involves making an initial determination as to the “forum” in which expressive activities take place. For example, expressive activities may take place with respect to such forums as school hallways, school facility rentals, morning announcements, school bulletin boards, faculty mailboxes, school newspapers, or the distribution of materials to students. *Reed* has significant implications for what the courts have previously referred to as “limited public forums.” Limited public forums involve forums for expressive activities that are opened by a district for only certain kinds, or categories, of expressive activities. *Reed* specifically addresses the rules by which board policies and district practices are to be judged when establishing the categories of expressive activities that relate to a limited public forum.

Prior to *Reed*, it was clear that a district could create a limited public forum by, for example, permitting only youth organizations located within a district to rent school facilities. Previous court decisions had indicated that this type of category was permissible as a neutral (nondiscriminatory) category, as long as a district did not discriminate against individuals or organizations within a designated category based on the viewpoint.² In light of *Reed*, however, a school board must now take greater care when defining categories in connection with board

policies or district practices that create limited public forums.

■ *Reed v. Town of Gilbert*

The Town of Gilbert, Arizona, passed an ordinance that prohibited the display of outdoor signs without a permit unless a sign fell within at least one of 23 exceptions. For example, temporary signs directing the public to a church or other qualifying event could be displayed no more than 12 hours before the qualifying event. A local church that held services at various temporary locations frequently posted directional signs around the town early on Saturday and removed them mid-day Sunday. The town cited the church for displaying the signs for longer than 12 hours. The church and its pastor subsequently sued the town, claiming that the ordinance violated their right to freedom of speech.

The Supreme Court held that the sign ordinance violated the First Amendment. The court explained that the government, including a municipality, has no power to restrict speech based on content unless the government can prove that the restriction passes “strict scrutiny.” In order to pass strict scrutiny, a government policy or practice must be narrowly tailored to serve a compelling governmental interest. Within the context of First Amendment forum analysis, this means that the definition of categories

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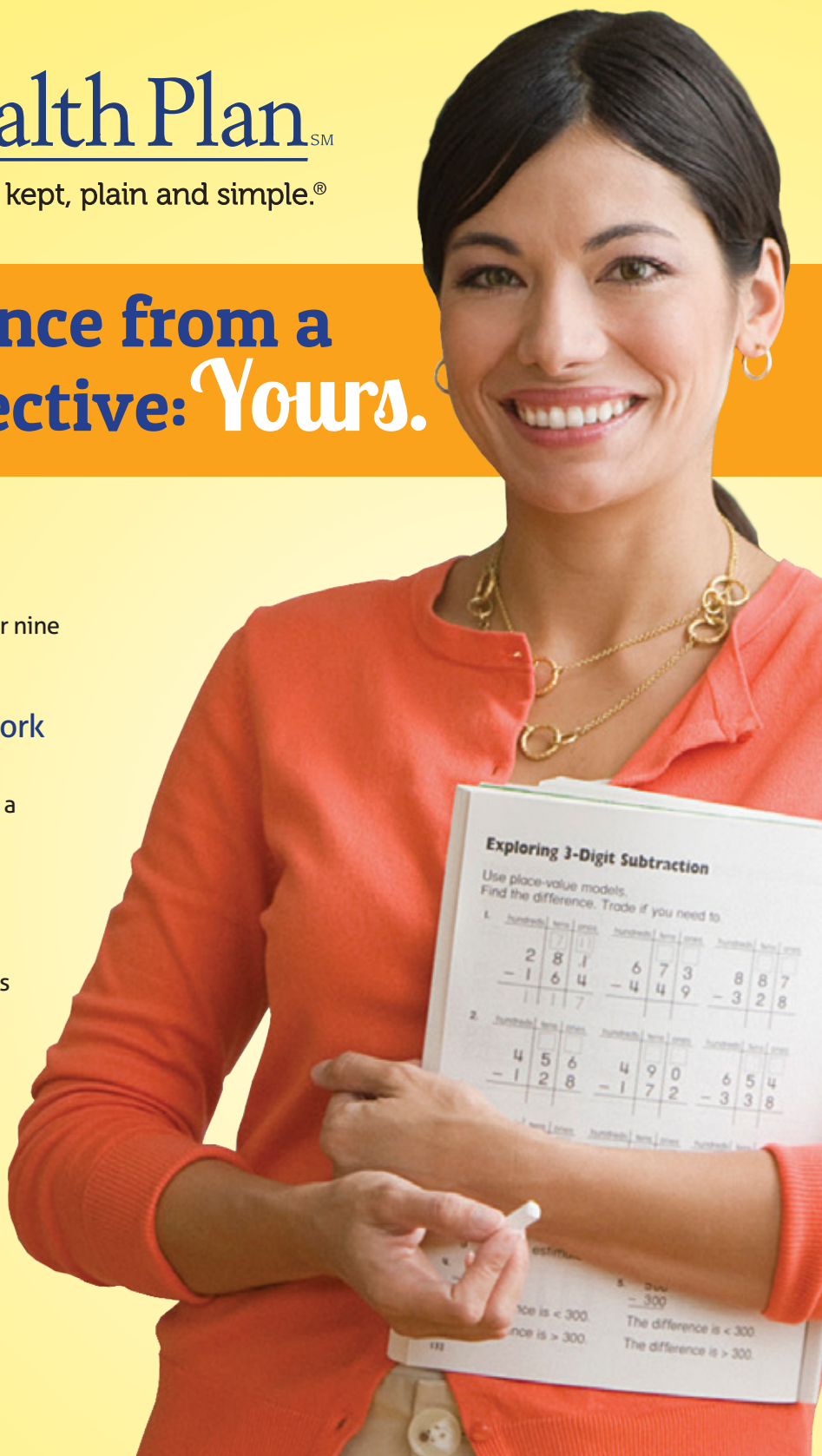
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of allowable expressive activities must satisfy the strict scrutiny standard. The court found that the sign ordinance regulated speech based on content because the law applied to particular categories of speech based on the topic addressed, or the idea or message expressed, in a sign.

The court stated that, when determining the constitutionality of regulation of speech, courts are to first review the regulation of speech “on its face” to determine if it draws distinctions based on the message the speaker conveys. The court provided four examples of regulations of speech that make such content-based distinctions: 1) regulations that make a distinction based on the subject matter of the speech; 2) regulations that make distinctions based on the speech’s function or purpose; 3) regulations that cannot be justified without reference to the content of the speech; and, 4) speech that is regulated because of the government’s disagreement with the message.

The court found that the Town of Gilbert’s sign ordinance was content-based on its face because it created categories based on the “communicative content” of the sign, and then treated each category differently. In other words, the Town’s ordinance treated the church’s signs differently than signs addressing other subject matters or ideas. This approach, in the court’s view, constituted a content-based regulation of speech. The motive of the government and its justification for the regulation are irrelevant to the determination of whether a regulation of speech is content-based on its face, the court noted. Only after a court finds that a regulation of speech is content-neutral, as opposed to content-based, should a court look to the government’s motive or justification for the regulation.

Once a court determines that a regulation of speech is content-based, the Supreme Court ruled, the government must demonstrate that the content-based distinction is “necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” Applying this

standard, the court determined that the town could not justify its limits on temporary directional signs based on stated aesthetic concerns because the town allowed unlimited numbers of signs that conveyed a message or idea, even though those signs had negative aesthetic impacts. The town could not justify its regulation based on traffic safety concerns because it failed to regulate other signs that would distract drivers in a similar or more dangerous manner. Because the content-based distinction was not necessary to serve a compelling state interest and narrowly drawn to achieve that end, the Court held that the ordinance did not meet strict scrutiny and was unconstitutional.

■ Application of *Reed* by other courts

The Supreme Court’s expanded application of strict scrutiny to all instances of content-based regulation has already had a significant impact on lower court decisions. The Seventh Circuit Court of Appeals, the federal appellate court with a jurisdiction that includes Wisconsin, recently held that a panhandling ordinance was unconstitutional because it regulated speech by discriminating between immediate requests for money and future requests for money.³ The Court of Appeals noted that *Reed* “effectively abolishes any distinction between content regulation and subject-matter regulation. Any law distinguishing one kind of speech from another by reference to its meaning now requires a compelling justification.”⁴

Another federal court of appeals recently cited *Reed* to declare South Carolina’s anti-robocall statute unconstitutional.⁵ The statute was content-based on its face, the court ruled, because the statute applied only to calls involving a consumer or political message. The court found that less restrictive means, including time-of-day limitations and do-not-call lists, were available as a means of regulation. Additionally, the law permitted an unlimited amount of

potentially disruptive robocalls that did not contain consumer or political messages. Thus, the statute did not survive strict scrutiny because the law was not narrowly tailored to achieve the government’s compelling interest of protecting residential privacy and tranquility.

A federal district court in New Hampshire recently applied *Reed* to strike down a state law that prohibited a voter from taking a picture of his ballot and sharing it on social media.⁶ The court determined that the law was a content-based regulation because it restricted speech based on the subject matter of the speech. The law only regulated pictures of ballots that revealed how a voter had voted, and not images of unmarked ballots or facsimile ballots. The state could not claim that the law served the compelling government interest of preventing vote buying because the state could produce no evidence of vote buying in the state since 1976. Additionally, the court determined that the law was not narrowly tailored because the law would prevent expression by many citizens who were innocent of vote buying or other wrongdoing. The court observed that some voters who broadcast their votes on social media do so for entirely legitimate reasons.

■ Implications for school districts

Wisconsin school officials should be aware that the ruling in *Reed* may impact existing school board policies and district practices. Since at least the early 1990s, districts have not been allowed to engage in viewpoint discrimination when establishing limited public forums for expressive activities. For example, if a district allows community groups to show films in the school auditorium, a district may not disallow a community group from using its school auditorium based on the fact that a movie includes religious content.⁷ Similarly, if students are allowed to distribute valentines during the school day, a district may generally not prohibit the distribution of valen-

tines solely based on the inclusion of a religious message. Earlier cases have also made it clear that the category definitions of a limited public forum must be nondiscriminatory with respect to expressive activities. Accordingly, it would be unconstitutional to open a high school gym for use by non-religious non-profit groups while prohibiting religious organizations from such use.

Reed, however, goes further by addressing more than viewpoint discrimination. The Supreme Court has now ruled that when any distinction is made based upon the “communicative content” associated with an activity or event, a court is to review a board’s policy or district practice under a strict scrutiny standard. Districts will now often be subject to strict scrutiny when establishing limited public forums through policy and practice, even though the categories of a limited public forum do not appear to be discriminatory with respect to an individual’s or organization’s viewpoint.

Thus, for example, it has been clear in the past that a district could not allow one political group to use school facilities for the purpose of a meeting while denying another political group access to school facilities due to a disfavored point of view. However, many commentators previously believed that a district was allowed to exclude political activities generally under a facility use policy (subject to any requirements or limitations under state law). In light of the ruling in *Reed*, it is now unclear whether a district will be allowed to exclude political activities as a category under a policy, while allowing other types of expressive activities. At the least, such a policy will be given strict scrutiny by a court.

As illustrated by the discussion of the cases above, it can be very difficult for government officials to satisfy the requirements of strict scrutiny. Consequently, districts now appear to have less discretion when

establishing limited public forums for expressive activities. Indeed, some commentators are now questioning whether school boards or other governmental bodies can make distinctions between activities based upon whether the activities involve commercial or non-commercial speech, a category of speech usually (and historically) afforded less constitutional protection.

Though not exhaustive, the following actions should be considered in light of *Reed*:

- A review of facility use policies to determine whether any of the categories of use constitute content-based restrictions.
- A review of the pricing structure established for rental of school facilities if the district distinguishes payment for use of district facilities based upon the nature of the expressive activities that take place at an event.
- A review of policies or practices governing the posting of information by non-school entities or individuals in designated areas, such as bulletin boards, to determine whether the categories of allowable postings comport with *Reed*.
- A review of policies or practices governing announcements during the school day to ensure that, if non-school sponsored activities and events are included in announcements, content-based restrictions are not utilized to determine the inclusion or exclusion of announcements, unless such distinctions can meet the requirements of strict scrutiny.
- A review of whether policies or practices which permit outside organizations to distribute information to students in the classroom opens the district to the prospect of having to accommodate other requests by outside groups for similar access during the school day.

- A review any policies or practices which allow access to staff mailboxes by non-school organizations.

Conclusion

School boards retain some discretion when establishing limited public forums for expressive activities by students, employees, and community members. However, *Reed* appears to restrict that discretion and imposes a higher standard against which board policies and district practices will be measured. As a result of the ruling in *Reed*, Wisconsin school districts should begin the review of policies and practices discussed above, as well as other policies and practices affecting expressive activities protected by the First Amendment’s free speech clause. ■

For additional information on related topics, see Wisconsin School News, “Third Party Access to School Resources and Facilities” (March 2009); “Revisiting Community-Use Policies: Creating the Limited Public Forum” (September 2001); “Supreme Court Ruling on Equal Access Act Opens Pandora’s Box” (July 1990).

Endnotes

1. 135 S. Ct. 2218 (2015).
2. See, e.g., *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001) (holding that school districts could not discriminate against a group that speaks on an otherwise permissible subject just because the group had a religious viewpoint on the subject).
3. *Norton v. City of Springfield*, No. 13-3581, 2015 U.S. App. LEXIS 13861 (7th Cir. Aug. 7, 2015).
4. *Id.*, at 4.
5. *Cahaly v Larosa*, No. 14-1651, No. 14-1680, 2015 U.S. App. LEXIS 13736 (4th Cir., August, 6, 2015).
6. *Rideout v. Gardner*, No. 14-cv-489-PB, 2015 U.S. Dist. LEXIS 105194 (D. N.H. August 11, 2015).
7. *Lamb’s Chapel v. Center Moriches Union Free School District*, 508 U.S. 384 (1993).

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

Service Associate Q&A

Community Insurance Corporation's John Dirkse addresses insurance challenges facing school districts



John Dirkse is executive vice president of the Aegis Corporation, which is the program administrator for Community Insurance Corporation.



Q. *What can school districts do to control their insurance costs?*

A. There are two approaches that school districts can use to control insurance costs. One involves selecting an insurance program that provides the most coverage, value-added services and an aggressive claims philosophy. The second involves creating an organizational structure and culture that addresses risks with solutions and dedicates itself to providing a safe workplace for staff and a safe learning environment for students.

Community Insurance Corporation (CIC) works closely with our member school districts to control their insurance costs by providing broad coverage, value-added services and an aggressive claims philosophy. We are owned by our members who are Wisconsin public entities such as school districts, not Wall Street. Therefore, we put our resources towards responding to unique challenges that school districts face in the commercial insurance marketplace.

Q. *Can you give examples of risk management challenges facing school districts?*

A. Having the resources to dedicate to risk management is one challenge that most school districts face. If you have the resources to dedicate staff to the focus of risk management, it is important to do so. If not, the task of identifying and addressing risks generally falls to an individual with much on their plate. That's why it's important to understand the value-added services that come along with your insurance policy.

We provide our member school districts with a dedicated risk man-

agement consultant who works closely with them, their staff and boards, to address known or unknown risks. This is done through close consultation in providing recommendations on navigating risks and providing training to educate staff. Our members rely on our school district expertise and we are available to provide a number of school district specific training. Jodi Traas, one of our four risk management consultants, is a Certified Playground Safety Inspector and a Certified School Risk Manager. Jessica Schroeder, another one of our risk management consultants, spent nine years at CESA 10 as the Environmental, Health and Safety Program Manager and is also a Certified School Risk Manager.

Q. *As a follow-up to the last question, how can school boards address these challenges?*

A. Partner with an insurance carrier that places broad coverage, cost stability, value-added services and an aggressive claims philosophy as priorities in deliverables.

Q. *If you could give one piece of insurance advice to school leaders, what would it be?*

A. Be on top of your insurance and risk management program. This includes understanding your coverage and analyzing what that coverage means to you and your district. Focusing solely on lowest premium doesn't always mean you're getting the most coverage, nor does it address the full cost of risk.

For instance, some commercial carriers provide an aggregated policy

limit. CIC provides a non-aggregated policy limit — meaning you can have a full policy limit loss today and our full policy limits available for a claim filed tomorrow.

Q. *What is new or changing in your field that school board members should be aware of?*

A. Recently, cyber liability has become a hot button issue. Data breaches can be expensive and harm not only your budget but your reputation in the community. CIC has responded to the concerns of our members by including a Cyber Liability Enhancement Endorsement on our policy at no additional premium. Additionally, the future of the Local Government Property Insurance Fund (LGPIF) remains in jeopardy. CIC has developed a Property Insurance Program that provides broad coverage, cost stability and effective risk management and preventative maintenance for our members. ■

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