

WISCONSIN

SchoolNews

September 2015 | wasb.org

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

Developing **Young** LEARNERS

4K programs are preparing students for kindergarten and beyond

SecurityHealth PlanSM

Promises kept, plain and simple.®

Health insurance from a unique perspective: Yours.



Proven quality

Ranked as one of the best health insurance plans in the country for nine consecutive years.*



Extensive provider network

More than 7,600 doctors and 76 hospitals in addition to access to a national provider network.



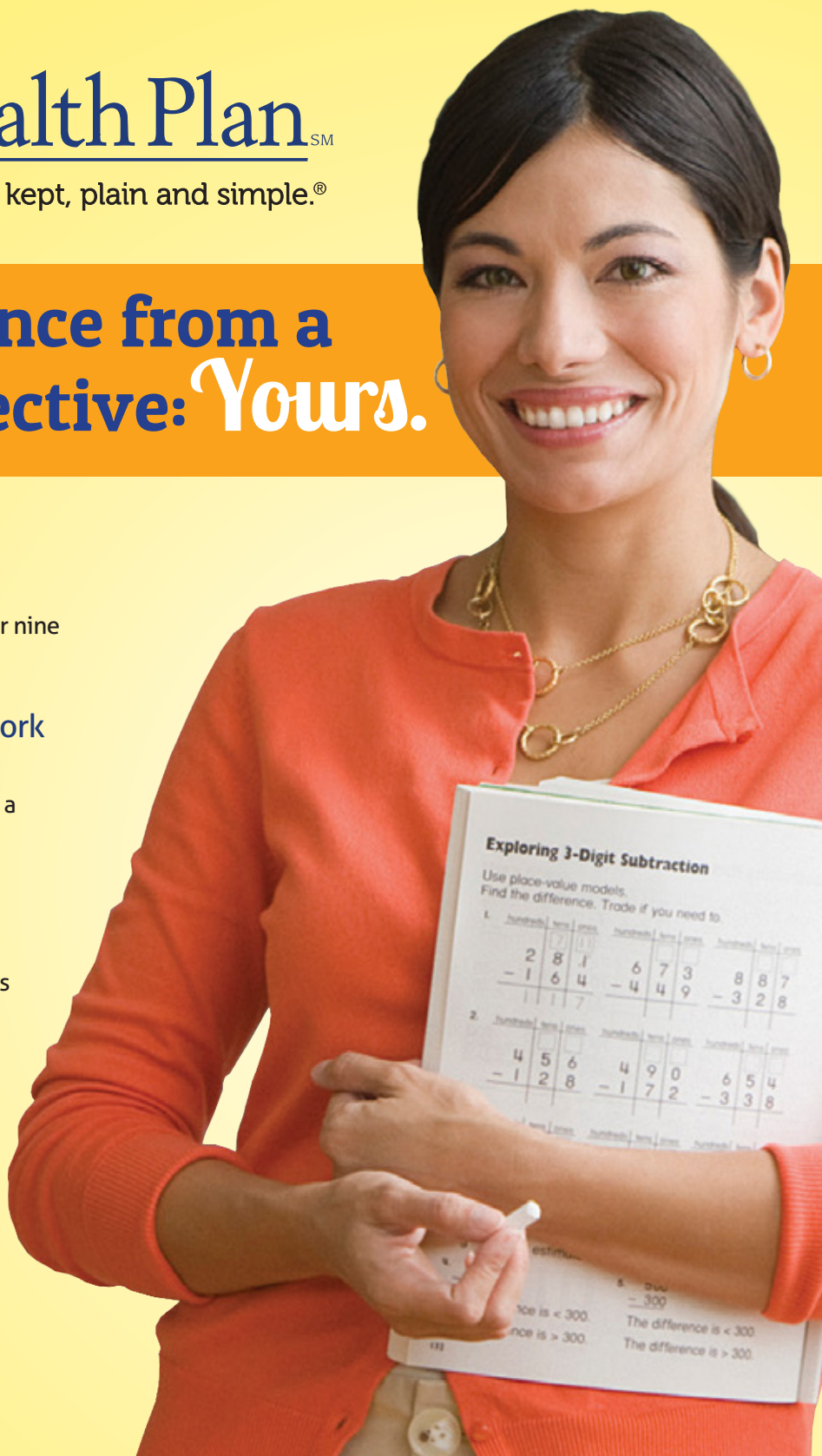
Smart Cost Advisor

Exclusively from Security Health Plan – empowers your employees to make informed choices by viewing true healthcare prices based on actual patient claims.



Health & wellness benefits

We offer a full range of health and wellness services designed to encourage employees to be engaged and remain healthy.



To learn how Security Health Plan can help, call us at **844-616-5386** or visit www.securityhealth.org/employer-coverage. Or, ask your benefit consultant about our products.

* Security Health Plan was ranked 45th in the National Committee for Quality Assurance Private Health Insurance Rankings 2013-2014, placing it among the top 10 percent of plans nationwide.

WISCONSIN SchoolNews

September 2015 | Volume 70 Number 3

THE OFFICIAL PUBLICATION
OF THE WISCONSIN ASSOCIATION
OF SCHOOL BOARDS, INC.

John H. Ashley
Executive Editor

Sheri Krause
Director of Communications

Shelby Anderson
Editor

■ REGIONAL OFFICES ■

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

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

■ ADVERTISING ■

608-556-9009 • tmccarthy@wasb.org

■ WASB OFFICERS ■

John H. Ashley
Executive Director

Wanda Owens
Barneveld, Region 9
President

Stu Olson
Shell Lake, Region 1
1st Vice President

Capt. Terry McCloskey, USN Retired
Three Lakes, Region 2
2nd Vice President

Mike Blecha
Green Bay, Region 3
Immediate Past President

■ WASB BOARD OF DIRECTORS ■

Bill Yingst, Sr.
Durand, Region 4

Brett Hyde
Muskego-Norway, Region 11

Rick Eloranta
Owen-Withee, Region 5

Nancy Thompson
Waterloo, Region 12

Mary Jo Rozmenoski
Black River Falls, Region 6

Patrick Sherman
Genoa City J2/Lake
Geneva, Region 13

Elizabeth Hayes
Fond du Lac, Region 7

Terrence Falk
Milwaukee, Region 14

Steve Klessig
Brillion, Region 8

Ron Frea
Pewaukee, Region 15

Alice Marquardt
Rio, Region 10

Wisconsin School News (USPS 688-560) is
published 10 issues per year by the Wisconsin
Association of School Boards Inc., 122 W.
Washington Avenue, Madison, WI 53703.

Contents © 2015 Wisconsin Association of
School Boards Inc. Subscriptions are available
to nonmembers for \$40 per year. Periodicals
postage is paid at Madison, Wis.

The views expressed in *Wisconsin School News*
are those of the authors and do not necessarily
represent WASB policies or positions.

POSTMASTER: Send address changes to
Wisconsin School News, 122 W. Washington
Avenue, Madison, WI 53703.



95 PERCENT OF WISCONSIN SCHOOL DISTRICTS HAVE 4K PROGRAMS; HOW DOES THAT BENEFIT STUDENTS? page 4

4

Developing Young Learners

Shelby Anderson

4K programs are preparing
students for kindergarten
and beyond

18

Citizenship is More Important than the Workforce

*Chris Lehmann and
Zac Chase*

10

Communicate and Engage

Jill Huskisson

Developing partnerships with
stakeholders is crucial to
referendum success

20

Moving from Compliance to Results

Julie Hartwig

Results Driven Accountability
seeks to change the way
schools educate students
with disabilities

14

Evaluating the Superintendent

Louis J. Birchbauer, Ph.D.

What does it take to do it right?

DEPARTMENTS & COLUMNS

2 News Briefs

3 Viewpoint — Governing for Success

23 WASB Insurance — Eyes in School

24 Association News — WASB Fall Regional Meetings; WASB/WSAA
Employment & School Law Seminar; Pre-Regional Meeting Workshops

26 Legislative Update — At Work for You

28 Legal Comment — Limitations on Modifying Retirement Benefits

32 Service Associate Q&A — Christine Hamiel of von Briesen & Roper, s.c.

Eleva-Strum Educator Named National Rural Teacher of the Year

Craig Cegielski, a teacher at Eleva-Strum High School, was selected as the Monsanto Fund National Rural Teacher of the Year by the National Rural Education Association.

For the past 10 years, Cegielski has taught welding, machining, wood-working, automotive, and CAD at Eleva-Strum High School.

“Craig is a teacher that promotes a classroom in which all students can learn,” said special education teacher Mary Summers. “Even though Craig has been a teacher for many years, he

still comes to work every day with the excitement of a first-year teacher.”

In 2007, Cegielski developed Cardinal Manufacturing — a student-run manufacturing business located within the high school. To be eligible for the program, students take welding and manufacturing classes in 9th and 10th grade. Then, as upper classmen, students can apply for positions in the business. “Mr. Cegielski is the gold standard for tech-ed teachers and the best in his class,” said district administrator Craig Semingson. □

High School Students Earning More Tech College Credit

A story from Wisconsin Public Radio reported that in 2010 almost 13,000 Wisconsin high school students received college credit within the Wisconsin Technical College System. Last year, that number rose to 22,000 students receiving technical college credit.

“If they can walk out of high school with 3, 6, 9, 18 college credits at no cost to the student or their family, we’re talking about a semester or more of college,” Conor Smyth told Wisconsin Public Radio. “They’re saving both time and money.”

The number of high school students earning technical college credit could continue to increase as State Rep. Tom Weatherston (R-Caledonia) and State Sen. Van Wanggaard (R-Racine) are circulating a proposal to require school districts to inform parents and guardians of graduating eighth grade students about opportunities to earn tech college credit in high school. □

STAT OF THE MONTH

\$1

Amount by which the 2015-17 state budget will lower property taxes on the typical home in 2015.

Source: Legislative Fiscal Bureau

UW Study Finds Poverty Affects Children’s Brain Development

Researchers at UW-Madison found that growing up poor can disrupt brain development and lead to lower performance in school.

Psychologist Seth Pollak and his colleagues used magnetic resonance imaging to measure the brains of 389 children and adolescents from age 4 to 22. Pollak compared scores on cognitive and academic achievement tests with tissue volume in select areas of the brain that are critical to cognitive processes and vulnerable to a person’s environment.

The UW-Madison researchers found a connection between poverty and brain development. Children growing up in families below the federal poverty line had gray matter volumes 8 to 10 percent below normal development. The study also found that this brain development gap still existed at age 22.

“This was an important study,” said Joan Luby, a psychiatrist at the Washington University School of Medicine in Saint Louis. “It gives us a clear road map for future public health action.”

The National Center for Education Statistics reports that in 2013 (the latest year in which data is available) 51 percent of public schools students in the U.S. were from low-income families. The UW-Madison research group hopes to conduct future studies that identify how certain social programs, like free lunch programs, can help students in poverty. □





Governing for Success

The start of a new school year is here. Students are back in the classroom and eager to learn.

It's an exciting and important time of year for everyone in public education, including school boards.

It is well documented how teachers and administrators play a tremendous role in impacting student learning and academic success. They are in school every day working directly with students. The school board's role in student achievement, while present, has not been studied as extensively.

So I was excited to learn recently that new research from the University of Wisconsin-Oshkosh and the University of Wisconsin-Milwaukee has found a positive correlation between the Key Work of School Boards and academic outcomes.

Conducting their research independent of the WASB, the researchers, Dr. Michael R. Ford and Dr. Douglas Ihrke, surveyed Wisconsin school board members in 2013 via an 89-question board governance survey. Their results provide evidence of the value of adhering to the guiding principles of the Key Work of School Boards, which identifies the core strategies that effective boards implement to ensure all students achieve at high levels.

The Key Work of School Boards was developed by the National School Boards Association and revised earlier this year. It includes five action areas that are examined in detail — vision, accountability, policy, community leadership, and board/superintendent relationships. The Key Work describes the characteristics of high-achieving school boards and provides strategies and ideas for incorporating those characteristics into the governance of the school district.

The latest research by Ford and Ihrke found a statistically significant, positive correlation between experienced board members (having served five years or more) who follow the Key Work principles and the reading proficiency scores among their students, and no evidence that adhering to the Key Work principles has a negative effect.

This research helps to validate earlier studies such as the Iowa Association of School Board's Lighthouse Study, which involved a number of Wisconsin school districts and used case studies to demonstrate that the way a school board governs can impact student achievement.

The greatest predictor of student achievement is, of course, the demographics of the students and their

income status. However, school boards have no control over those factors. What they can control is their own behavior and how they govern. While it may be easy to talk about the common characteristics of effective school boards, the challenge is putting them into action and making them a habit of the board.

Thus, the Key Work of School Boards — either in its entirety or specific segments — will be the focus of a number of upcoming WASB events. In addition to presentations at all of the Regional Meetings throughout the state in September and October, there will be workshops this fall in Madison in conjunction with the WSAA/WASB Employment and School Law Seminar and at CESA 11. We hope to see you at one or more of these events. Look for more workshops and presentations to be scheduled in the future, including at the State Education Convention in January, and feel free to contact the WASB to have a workshop scheduled in your region.

As the new school year gets underway, we owe it to our students to be mindful of best practices in governance and put the Key Work principles into action. ■

While it may be easy to talk about the common characteristics of effective school boards, the challenge is putting them into action and making them a habit of the board.



Developing Young LEARNERS

**4K programs are preparing students
for kindergarten and beyond**

Shelby Anderson

In 1856, Margarethe Schurz started what would become the nation's first kindergarten. Located in Watertown, the small, one room school building has been restored and now serves as a museum. Today, that spirit lives on as the state continues to be a leader in educating its youngest students. During the 2014-15 school year, 95 percent of school districts had four-year-old-kindergarten (4K), and more are expected to come on board.

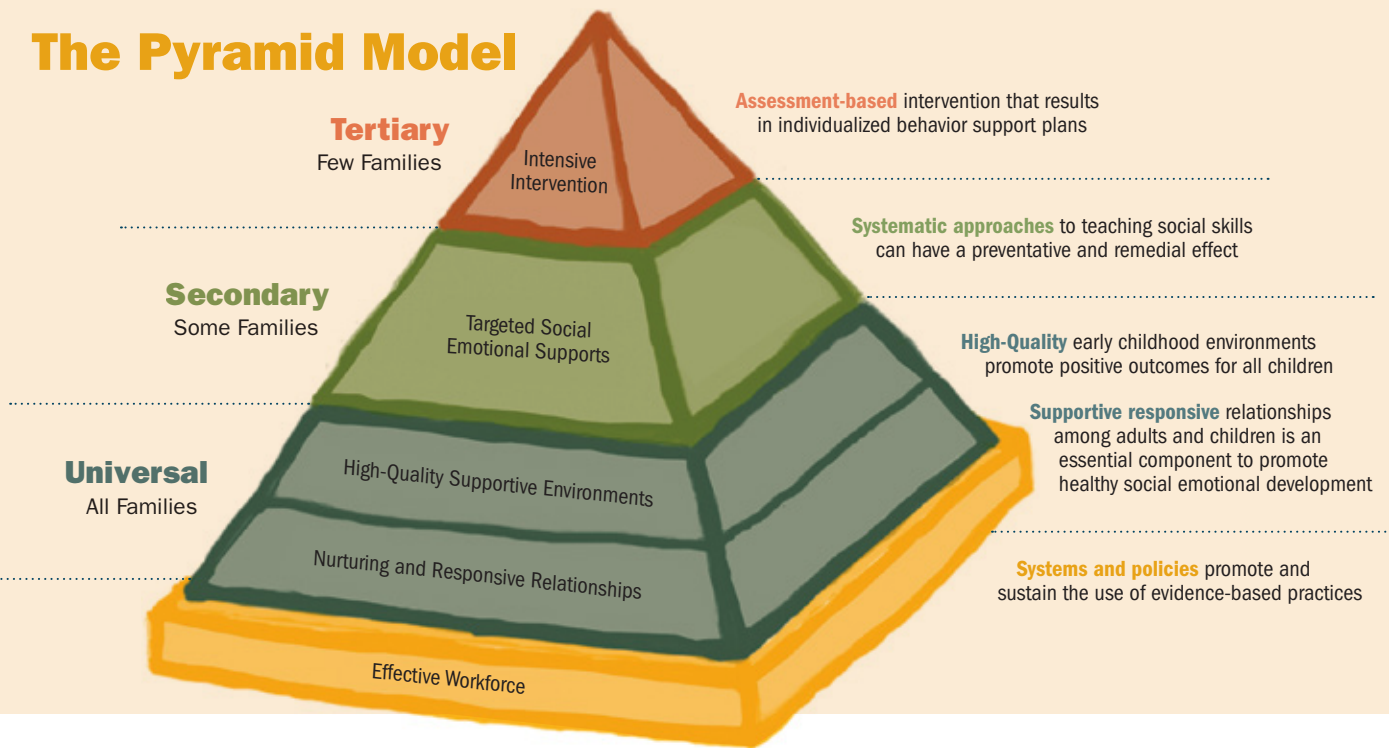
Despite the growing 4K programs in Wisconsin, state-funded pre-K enrollment has dropped nationwide. As pre-K enrollment falls, gaps continue to widen between students from different socio-economic backgrounds.

"Wisconsin has a long understood the positive value of early childhood education," said State Superintendent Tony Evers. "Our state's founders enshrined education for four-year-olds in the Wisconsin Constitution, paving the way for communities to offer preschool

services. Whether those services are provided through a community-based approach, or a traditional model, a growing body of research supports our investments in 4K."

Continuing Wisconsin's commitment to 4K and other early education efforts is crucial to preparing students for school and lowering the state's achievement gap. "Early intervention is where you close the achievement gap," says Culleen Witthuhn, director of early learning in the Racine Unified School District.

The Pyramid Model



Social and Emotional

School administrators recognize that starting students off on the right foot in 4K sets them up for success when they begin 5-year-old kindergarten.

The **Racine Unified School District** has a comprehensive early education program. The district has 11 4K community partner sites, 14 elementary schools with 4K-fifth-grade students, and two early learning sites with only three- and four-year-olds. The district empha-

sizes the importance of working with and reaching out to parents and it uses data to track student progress and guide decision making.

One of the main focuses of Racine's early education program is on social and emotional development of its 4K students.

New research links children's social skills in kindergarten to their well-being in adulthood. A 20-year study conducted by researchers at Pennsylvania State and Duke Universities followed nearly 800 people

from kindergarten to age 25. Researchers found that students who had good social skills in kindergarten, such as sharing and helping other children, were more likely to go on to higher education and hold full-time jobs.

The good news is that these social skills, like academic skills, can be taught.

In Racine, 4K students are taught social and emotional skills using the Pyramid Model (above). Developed by the Technical Assistance Center on Social Emotional Intervention for Young Children, the Pyramid Model was developed specifically for infants and young children. It emphasizes setting a solid base by developing nurturing and responsive relationships and high-quality supportive environments for all students. Upon this foundation, a secondary support is set up for students who need a more systematic approach to learning social skills. And, at the top level, individualized behavior support plans are developed for the few students who need intervention.

"Everybody needs a nurturing, high-quality environment to learn in," Witthuhn said.

In action, the Pyramid Model can look different from classroom to classroom but its focus is on





providing students with a nurturing environment where teachers build relationships with students. In the Racine 4K program, this involves student check-ins each morning with teachers welcoming students. It also involves specialized group activities where students are asked to identify different emotions and talk about when certain emotions or responses are appropriate. The Racine 4K classrooms all have social/emotional centers for students to participate in activities related to building these skills. Activities and lessons also focus on helping students develop friendship skills.

“If a student doesn’t have the ability to work collaboratively, sit next to others or problem solve, they’re not going to grow academically,” says Witthuhn.

■ Community Approach

The old cliché, “It takes a village to raise a child” is especially relevant to the early education model.

In Wisconsin, more than 100 school districts, like the **Hortonville School District**, have undertaken formal working relationships with the preschool providers in their community to offer 4K programs. The

goal of the collaborative approach, among other efforts, is to develop a similar curriculum and operate at a high-level of standard across the board at all early education sites.

In Hortonville, the school district operates a 4K site at its elementary school and works with four community sites: Fox West YMCA, Hillside Preschool, Play and Grow Learning Center, and St. Edward School.

Janice Zuege, associate principal of the middle and elementary schools in Hortonville said there are many benefits of a collaborative community approach to 4K. It allows families to choose a site that works best for them, and it is easier for children of

working parents to attend (children who need care when they are not in the 4K program can remain onsite). Working collaboratively with community sites also allows the district to run a larger 4K program than it could have on its own.

Zuege and coordinators from each community 4K site meet on a monthly basis and stay in regular contact between meetings. “Constant communication and collaboration between sites is key,” she said.

Teachers from all of the 4K sites came together and developed their own Power Standards (a term developed by Doug Reeves, a well-known educational leadership author and speaker). These standards, consistent across the 4K program, determine what students should be able to do once they complete the 4K program. The goal is to have the standards “mastered” by students. If they are not, teachers provide interventions to help support students.

In addition to using the same standards, all of the sites use consistent progress reporting tools and student data such as the pre-K literacy assessment PALS. There is also a focus on consistent professional development among all 4K teachers.

The collaborative community approach has received good feedback in Hortonville. In a survey given to parents at the end of the school year, 93 percent said they believed their child gained early academic skills that will support success in kindergarten. One parent wrote, “I had real



Grandpa Goes to Kindergarten by Joe Quick

Over 25 years ago Robert Fulghum wrote a collection of essays entitled “All I Really Needed to Know I Learned in Kindergarten.” It was hardly a revelation; more a gentle admonition to think about how humans interact.

After 55 years, I have finally completed the rigors of kindergarten. This past school year, having never attended kindergarten myself, I volunteered two mornings a week in my grandson Lucas's class in the Madison Metropolitan School District. Even lacking the experience personally, I believe few adults fully appreciate what is expected of today's five-year-olds.

While social growth goals are similar to years ago, the academic expectations have changed dramatically. It's not your father's kindergarten — it's not even yours. Here are some thoughts from my year of volunteering.

Education is complex if only for the fact that you have varied personalities (16 in this kindergarten class) with different agendas, all being gently guided in the same direction. Think of 16 people randomly chosen from your workplace and how different they are.

With the wee ones, you have criers, infectious exuberance, runny noses, varying abilities to dress for recess, bold and brassy, and sometimes sassy. They are bluntly honest. (“You smell nice; did you take a shower?” or “Ewww! You smell like coffee.”) They have vivid imaginations (several inform me they have plucked hammerhead sharks out of Lake Mendota) with emerging abilities to describe personal adventures and experiences. They begin the process of socialization where egocentrism, hopefully, declines.

While there are mid-morning snacks and brief resting in the afternoon, kindergarten is far from fun and games. Coloring is

considered frivolous. The expectation is for students to be reading and writing by June. Like hopeful puppies, the kids generally want to please, but they can be easily distracted. Similar to adults going on Facebook during worktime.

Writing is hard. Spelling might be even harder (phone, for example, and the hundreds of words ending in silent ‘e’). Reading takes specific cognitive abilities and teachers work diligently to identify students missing the mark, getting them the help they need.

Ultimately, each student of the Class of 2027 is responsible for his or her success, but that oversimplifies today's classroom experience. As expectations rise, state support for public education dwindles. Do more with less, politicians offer. Maybe spend more time in the classroom this grandpa suggests. That would be educational.

The health of our community is inextricably linked to the success of our public schools and an educated populace. I marvel at the minor miracles performed daily by school staff. Firm but fair, they cajole, support, encourage and celebrate with our children. So much happens on so many levels working to ensure student success, but it doesn't come easy.

So when you fondly remember your kindergarten days, be mindful of how life changes. Our kindergarteners going off to first grade this fall aspire to be farmers, veterinarians, teachers, nurses, construction workers and a host of other occupations they talked about last fall. They are our future. We need to be nice to them. You learned all this stuff years ago. Maybe you forgot. □

Joe Quick spent almost 25 years advocating statewide for public education as a parent, lobbyist and public communications official, including 14 years for the Madison Metropolitan School District.





concerns at the beginning of the year. My son really seemed to struggle and not want to learn. Now he is excited to tell me and show me what he learned at school.”

In addition, all 4K sites reported a majority of its students reaching literacy benchmarks on the PrePALS assessment. To meet the increasing demand, the district is adding another section of 4K at the elementary school.

Kindergarten teachers in Hortonville report that students who participate in 4K are less anxious about starting 5K and adapt more easily. They also have a solid foundation of letter/sound knowledge, which allows kindergarten teachers to focus on academics earlier.

“Prior to 4K, we were just trying to get kindergarten students to learn how to act in school,” Zuege said. “Those social and emotional skills weren’t advanced.”

■ Parent Engagement

Like Hortonville, the **Mount Horeb Area School District** has also taken a community approach to 4K. To receive state funding for 4K community programs, school districts select from different funding options. Mount

Horeb has selected the funding option to provide at least 87.5 hours of outreach activities to families. The Mount Horeb School District has gone above and beyond the minimum requirement in an effort to engage 4K parents.

“Early childhood programs should provide families with education, support, and perspectives on child growth and development,” said Sarah Straka, director of early learning.

One way the district engages parents is to invite them to participate in advisory council meetings where parents can weigh in on what is working and what could be improved in the district’s 4K program. These meetings, which take place four times a school year, include a 4K coordinator and school board member. In addition, this group developed a survey for all 4K parents in the district in an attempt to hear from each parent and continue to drive improvement. The survey was especially helpful in determining which communication methods or outlets worked well with parents.

The district also partners with its local public library and offers programming for parents, childcare providers, and school personnel that focus on early childhood education.

These events have focused on a variety of topics, including early childhood pre-reading strategies, behavior strategies, and infusing creativity and play into learning.

“We have seen a genuine excitement about our new 4K program and the many activities and trainings that are offered outside the typical school day,” Straka said.

Family open gyms provide another opportunity for parents to become involved in their child’s learning. Held monthly on Saturdays, the gym sessions are open to all 4K families. At the open gyms, stations are set-up with activities that focus on developing gross motor skills (running, skipping, tossing, jumping) fine motor skills (hand-eye coordination) and academic skills like counting and identifying lower and upper case letters.

The Mount Horeb 4K program is expected to experience a slight increase in enrollment numbers at the start of this school year. The district also plans to add more trainings and workshops for 4K families. Participation numbers in the family outreach programs were positive, with almost 50 percent of families participating in an open gym. Additionally, more than 90 percent of parents “agreed” or “strongly agreed” that the parent/child activities were valuable.

For Straka and other staff at the Mount Horeb Area School District, the outreach efforts help introduce parents to the district and prepare students to succeed from a young age.

“It is nice to know that we can support families who then will support their children during their time in our 4K program and beyond.” ■

Shelby Anderson is editor of Wisconsin School News.

“We have seen a genuine excitement about our new 4K program and the many activities and trainings that are offered outside the typical school day.” — **Sarah Straka**, director of early learning, Mount Horeb Area School District



Top 10

reasons to buy WEA Trust health insurance

- ① #1 rated health insurance carrier for customer service in Wisconsin.
- ② Wisconsin company serving only public sector employers and producing Wisconsin jobs.
- ③ Reduced ACA fees compared to competitors.
- ④ Extensive statewide network with deep provider discounts.
- ⑤ Telehealth 24/7/365.
- ⑥ Lower administrative fees compared to competitors.
- ⑦ Robust health & wellness offering.
- ⑧ Individualized medical management, including shared decision making.
- ⑨ Decisions made for our customers and members, not for Wall Street.
- ⑩ Not-for-profit



RECLAIMING *Healthcare* IN WISCONSIN

For more information, call 800.279.4000 or 608.661.6667 and ask for Jon Klett

Communicate and Engage



**Developing partnerships with stakeholders
is crucial to referendum success**

Jill Huskisson

If you've been searching for the formula to guide your district through a successful referendum, you may be feeling a bit exhausted. The recipe for success is not likely found in any strategy playbook or the most polished set of referendum campaign materials. And I am certain there is not a "one size fits all" professional resource bin to meet the unique needs of our state's schools and diverse communities.

School board members are working harder than ever to be

knowledgeable, to advocate, and to serve their district well. Yet, armed with a set of common facts and the best intentions, it is a challenge for a well-functioning board to build consensus for priorities — internally or externally.

What I know is that our best examples of referendum success run parallel with boards and districts who value strong partnerships and those who cultivate a healthy appetite for communications and engagement within the communities they serve. As with many educational pri-

orities, referendum success is aligned with the ability to effectively identify and explain the needs, take risks to wrestle with solutions alongside stakeholders, and, ultimately, to advance plans that reflect the priorities and values of a broad community.

In the recent 2014-15 election cycles, voters in Wisconsin approved nearly \$950 million for modernization and new construction for public schools. This success represents countless hours of work to articulate the "what, why, and how much it





will cost” of proposed referenda. It also represents a tremendous effort by school boards and districts to bolster a foundation of understanding around a stream of complicated and relentless currents that fuel the ever-growing needs.

Was there a common thread to success? Certainly having a qualified team of support and a solid referendum strategy that relied on broad communications and engagement was a factor. But so too were efforts leveraged by dedicated boards willing to have honest conversations

about commitment and the need to build trust within their communities. It was not easy. For many, it required a leap of faith to open the (boardroom) doors and embrace a process that banks on the power of collective thinking and problem solving. Believing in the potential of communities to support the future begins with the discipline to start today.

■ Authentic Communications

Implementing effective communication and engagement strategies that



Communication & Engagement for Referendum Success



Engagement provides opportunity to inform, consult, collaborate and empower. Understanding the difference, and the perceptions associated with each, should be clearly understood and communicated. A great explanation of setting public participation goals and establishing appropriate outcomes (the “Promise”) is found in the work of the International Association for Public Participation (IAP2).

.....

Board consensus for data-based decision making keeps it real. Integrate check points throughout the process that incorporates quantitative and qualitative feedback to inform your work.

.....

Having the right strategies and the best team will not compensate for having the wrong solution. Communities will not support what they do not understand.

.....

Take advantage of time. If you need referendum experience to guide you through the process, start early and identify a team of professionals you trust. Then trust your team.

.....

Set expectations today for the role of communications in your district and engage your community in honest conversations about the successes, the failures and the need to plan together for the future.



My one rule of thumb,
no matter what you do,
remember to always
begin with your teachers,
support staff, food service
and custodial team.

bring the community into conversations and decision making doesn't need to be complicated or a threat to the responsibilities and authority of the school board. In fact, a far likelier outcome is an increased awareness and support for the difficult job at hand. This is particularly true when you are considering referendum as a vehicle to meet your facility and operational needs.

Along with the awareness that our students learn in a multitude of ways, so do our staff and community members. Your communication and engagement plan should be broad, recognizing the barriers that require accommodations for language and culture, access to technology and personal preferences. My one rule of thumb, no matter what you do, remember to always begin

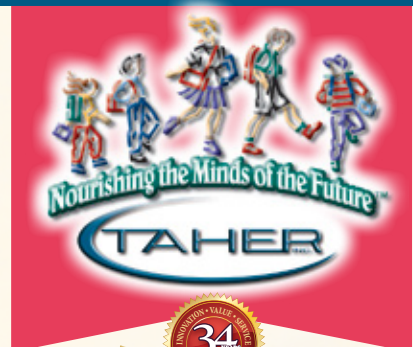
with your teachers, support staff, food service and custodial team.

Get in the habit of communicating from the "inside-out." Studies have shown that a great majority of your residents' learning, as it concerns your community's schools, comes from word of mouth and your district staff. Recognizing the obligation to inform and equip our internal teams first with understanding of

With 33 Years Of Experience, and 250 Public School Clients, Taher Can Professionally Manage Your Program Better Than Ever



***Committed To Serving
Fresh Wholesome Food***



www.taher.com
tel. 952-945-0505
sales@taher.com





The idea that public schools are “owned by the public,” becomes obvious when we put a resolution on the ballot and take it to the polls.

plans, process and referendum specifics is vitally important and, the right thing to do.

Whether it is your internal or external stakeholders, establish timely key messages, be relentless about sticking to the facts, and use a variety of vehicles to carry your message. It doesn't have to be complicated, but it does require a thoughtful plan.

Genuine Engagement

I recently came across a statement I had scribbled down about engagement. It is worthy of passing along, I just wish I could remember who wrote it. Thus, my apologies to the author. It went something like this, “engagement should not be confused with quantifiable data from attendance, hits or ‘likes’... engagement is emotional, not transactional.”

I believe this to be true. I also believe that effective communication and engagement cannot be evaluated based on the loudest voice in the room. Nor should it be evaluated against awkward moments and “misses” while trying new strategies and unpredictable outcomes that force us to pause or alter our course. It is through commitment and sustained energy for communicating and engaging with people that we build meaningful relationships and in turn, trust.

The idea that public schools are “owned by the public,” becomes obvious when we put a resolution on the ballot and take it to the polls. If we've invested wisely in the legwork up front, the tally of support should come as no surprise. Making difficult decisions about taxpayer dollars in a silo, with a default of top-down authority, is a gamble. Never has this been more evident than it is today as we usher in a generation of

millennial parents. They bring an expectation of communication standards and levels of engagement that assume a collaborative decision-making process from district leadership.

As we consider referendum strategies to communicate and engage, we should be motivated by the opportunity to listen, learn and test our assumptions about community values. On Election Day, the ballot must be familiar and reflect engaged ownership for the process, as well as the solutions.

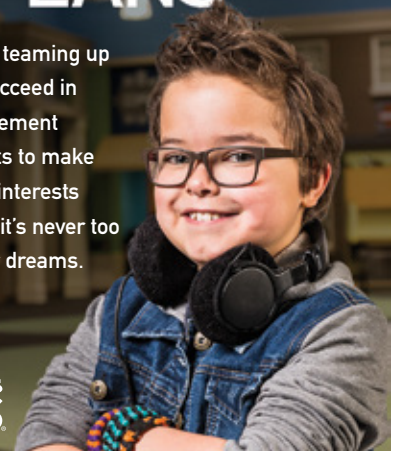
On Election Day, our goal is to eliminate surprises and anticipate success. ■

Jill Huskisson is a public outreach specialist for Eppstein Uhen Architects.

BIG DREAMS START WITH BIG PLANS

Junior Achievement and Kohl's Cares are teaming up to inspire and prepare young people to succeed in today's marketplace. At the Junior Achievement Kohl's Education Center, we teach students to make smart financial decisions, identify career interests and more - all while having fun. Because it's never too early to set kids on the path towards their dreams.

Learn more at wisconsin.ja.org





EVALUATING the Superintendent

What does it take to do it right? | *Louis J. Birchbauer, Ph.D.*

The task of evaluating the superintendent is not usually a high priority for most school board members. So board members should ponder this question: What do you hope to accomplish by evaluating the superintendent?

I know there are many answers to the question. In fact, I usually hear responses like: legally we must complete an evaluation; the administrator's contract calls for an evaluation; we are having concerns about performance; school board policy requires an evaluation; and/or

compensation adjustments should be tied to a performance evaluation.

These are legitimate reasons, but it is my belief that continuous improvement for all employees through a formal evaluation process really drives the engine of student achievement. Improved student achievement is truly what most school board members want for their school system. The superintendent is the key employee that the school board evaluates and sets the tone for continuous improvement in a school system.

An evaluation process for the superintendent requires a focused vision that takes time, planning, two-way communication, and more discussion than just once per year.

A school board understands that getting everyone on the same page is not easy work, but it's worthwhile when making tough decisions. As you read this article, you will be able to see the various elements in an evaluation process that require planning, deep thought, serious conversations, and the importance of

regular time intervals devoted to the superintendent evaluation process.

■ Required by Law

According to Wisconsin state statutes, the school board is responsible for evaluation of the superintendent of schools. School boards are required to ensure the evaluation of licensed personnel during the first year of employment and at least every third year thereafter.

The written evaluation shall be based on a board-adopted position description, including job-related activities, and shall include observation of the individual's performance as part of the evaluation data. Boards should also use the Wisconsin Leadership Standards as the district's framework for the evaluation (see sidebar, "7 Standards").

When planning for the evaluation, it is recommended that you address your local dynamics: the job description, school board policy, and individual employment contract timelines. This task will identify the date when the evaluation needs to be completed locally and you can compare that date to contract renewal dates provided in Wisconsin State Statute 118.24 (6) and (7). Presuming a June 30th contract expiration date, the goal date for completing the yearly written evaluation should be mid-January (in most cases). This date will facilitate annual compensation decisions or, in necessary cases, a time frame for addressing employment separation.

■ Developing an Evaluation Document

The task of developing an evaluation recording document to facilitate conversation and communication takes more time. The recording document/written evaluation is where the school board works on focusing its vision of performance expectations by referencing the position description, special goals, and local initiatives.

One easily overlooked aspect on this document is leadership control for an expectation. Simply stated, the school board needs to analyze and evaluate each expectation under the microscope of the leader's span of control as: "Direct Control," "Direct Influence," "Indirect Influence," or "Beyond Leader's Control." The actual control levels vary based on the size of the leadership staff and organizational structure. However, a true analysis of control levels will make it easier to set improvement goals and future performance expectations.

School board members can make it easier to facilitate evaluation con-

versations by including a rating scale and timeline into the evaluation cycle. The preparation of the written evaluation document for the employee's personnel file, which is a public document, reflects the majority position of the school board. A rating scale, which can facilitate worthwhile communication among school board members, is identified below:

- **"Needs Development"** — Some aspects of the superintendent's performance are satisfactory, but other particular aspects of the performance are not as well developed as they should be and therefore the performance

GOALS OF THE SUPERINTENDENT EVALUATION PROCESS

- Meet statutory obligations,
- Address school board policy,
- Incorporate elements of the employment contract,
- Identify a process to secure focused feedback,
- Use multiple opportunities to secure informal and formal feedback,
- Address local dynamics,
- Create an environment of continuous improvement, and
- Create a meaningful dialogue among school board members on expectations.

7 STANDARDS for Administrator Development and Licensure

Wisconsin Educator Standards — Administrators

- The administrator has an understanding of and demonstrates competence in the Ten Teacher Standards.
- The administrator leads by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared by the school community.
- The administrator manages by advocating, nurturing, and sustaining a school culture and instructional program conducive to pupil learning and staff professional growth.
- The administrator ensures management of the organization, operations, finances, and resources for a safe, efficient, and effective learning environment.
- The administrator models collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
- The administrator acts with integrity, fairness, and in an ethical manner.
- The administrator understands, responds to, and interacts with the larger political, social, economic, legal, and cultural context that affects schooling.

Source: Wisconsin Administrative Code PI 34.03



generally falls somewhat below the desired level of satisfaction. *Note: If you use the Needs Development level for ranking, you are to provide an explanation in the “Supporting Evidence or Comments” area.*

- **“Meet Expectations”** — The performance of the superintendent is generally adequate, satisfactory, and acceptable. Some aspects of this performance may be especially strong but not sufficiently strong to make the rating of total performance outstanding.
- **“Outstanding”** — Some aspects of the total performance are adequate and satisfactory, but

there are other aspects that reveal outstanding performance and perception, and therefore the performance of the task is, in general, especially noteworthy and commendable. *Note: If you use the Outstanding level for ranking, you are to provide an explanation in the “Supporting Evidence or Comments” area.*

- **“Don’t Know”** — The board (or school board member) simply does not know if this activity has been engaged in.

Drive the Conversation

It is recommended that school boards include quarterly informal evaluation discussions as part of the evaluation process. These conversations create

an opportunity to talk about performance, receive feedback from the superintendent, change direction, and view performance modifications to address concerns or directional change based on local dynamics.

Quarterly discussions also provide school board members with an opportunity to express observational information closer to the time of the observed performance and secure feedback from the superintendent about a concern with additional information about the observation.

The evaluation discussions should take place in closed session using provisions of Wisconsin State Statute 19.85 (1)(c). A suggested evaluation cycle includes quarterly evaluations as:

- **Quarter One** — Informal with the superintendent present,

SAMPLE EVALUATION FORM

DISTRICT ADMINISTRATOR/SUPERINTENDENT EVALUATION ANALYSIS WORK FORM		Date:			
School District:	Span of Control	April Months: Jan-Feb-Mar	July Months: Apr-May-Jun	October Months: Jul-Aug-Sep	January Months: Oct-Nov-Dec
Standard — Key Indicator / Attribute					
Two: The administrator leads by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared by the school community.					
A Wisconsin Superintendent will have knowledge about and demonstrate skill abilities to:					
Use a collaborative process for developing and implementing a vision for student achievement.	DC or DI	ME			
Communicate and take action to achieve vision.	DC	ME			
Facilitate and engage in activities that promote increased student achievement in a diverse school community.	DC	DK			
Develop plans to monitor program development and implementation to achieve district goals.	DC	ND*			
Communicate effectively to stakeholders regarding progress with school improvement plan goals.	DC or DI	ME			
COMMENTS: Q1 — As a school board member, I have not seen any monitoring of our mathematical improvement goal.					
Semi-Annual Session — Standard Two (Optional: individual rating scale: ____)					
NOTED Achievements or Comments — Standard Two (semi-annual session)					
Annual Session — Standard Two (Optional: individual rating scale: ____)					
NOTED Achievements or Comments — Standard Two (annual session)					

Developed and Copyright: Wisconsin Association of School Boards

Organizational Services Program, July 2015

This is one page of a sample superintendent evaluation form. Elements of the superintendent’s job description are in red type. The superintendent’s span of control is noted in the first column (DC = Direct Control, DI = Direct Influence, ID = Indirect Influence, and BLC = Beyond Leader’s Control. In the next column, the superintendent is given a grade (ND = Needs Development, ME = Meet Expectations, O = Outstanding, and DK = Don’t Know).

It is suggested that all school board members have their own copy of the form to record their own observations and notes for later dialogue — first among school board members and then with the superintendent.

Let the WASB Help

The WASB can assist a school board in design and implementation of a superintendent evaluation system in your school district.

For more information, contact Lou Birchbauer at 414-218-2805 or lbirchbauer@wasb.org.

- **Quarter Two** — Informal with the superintendent present,
- **Quarter Three** — Informal with the superintendent present, and
- **Quarter Four** — Formal without the superintendent present.

The fourth quarter evaluation (without the superintendent present) forms the basis for the written evaluation. The evaluation is ultimately shared with the superintendent after the school board majority agrees on

its position and direction for the written evaluation. The superintendent should be provided an opportunity to respond to the written evaluation before it is officially placed in the employee personal file.

Sometimes the school board may find it necessary to complete a semi-annual written evaluation to address major changes in direction due to local dynamics or issues in the operation of the school system.

■ Completing the Evaluation

The final aspect of the superintendent evaluation process is to respect confidentiality until the written document is completed. It is very easy to make a mistake here, so the school board needs to be very careful.

Each school board member should record their comments on their respective evaluation form — do not share or exchange the personal evaluation form with anyone. The school board

should devote time at a closed session meeting to verbally share their responses and reach a consensus on each standard with respect to comments so a singular directional comment is provided to the superintendent in the written evaluation. The rating and comments are intended to provide the superintendent with feedback recognizing successes and direction for improvement. School district leadership can then confidently focus efforts on student achievement in a directed and approved fashion.

Wisconsin school boards are currently operating within an environment of high accountability for student learning. The superintendent evaluation process is one element of accountability that boards will find meaningful to improving student learning. ■

Louis J. Birchbauer, Ph.D. is director of the WASB Search Services and Organizational Services.

Is your insurance provider a phone number or a partner?

Personal service.
That's the strength
of our Community.



Community Insurance Corporation provides liability insurance coverage for cities, towns, villages and school districts. We offer broad coverage, designed to specifically meet the needs of Wisconsin public entities under ONE single liability policy form to include:

- General Liability
- Auto Liability
- School Board Legal Liability
- Public Officials Errors and Omissions

Unlike other insurance companies that provide coverages based solely on price and are not heard from again until renewal time, we work directly with our clients in partnership to control their insurance costs through a unique risk management and aggressive claims philosophy. And because we are local government, we always keep the end goal of saving taxpayer dollars in mind.

Take control of your insurance needs with Community Insurance Corporation. It just makes sense.



To learn more, please contact Karen Flynn or John Dirkse, Aegis Corporation, 1.800.236.6885 or karen@aegis-wi.com/john@aegis-wi.com

Citizenship is More Important than the Workforce

| Chris Lehmann and Zac Chase

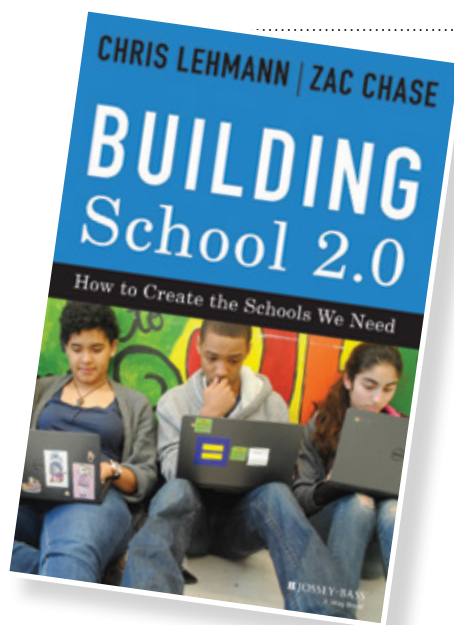
There's a movement afoot that says school should prepare kids for the 21st century workforce. And on its surface, that seems like a good goal. Who could argue against it? Kids are going to need jobs when they graduate, and especially in a time where economic stability seems precarious at best.

But focusing on workforce development sells our students short. It assumes that the most we can hope for our students is a life of work when there is so much more to learn. The purpose of public education is not the creation of the 21st century workforce, but rather, the co-creation — in conjunction with our students — of 21st century citizens. “Worker” is, without question, a subset of “citizen;” and if we aim for “citizen,” we’ll get the workforce we need, but aiming only for creating workers won’t get our society the citizens it needs.

A public education centered primarily on workforce development will put a high premium on following directions and doing what you’re told. A public education centered on citizenship development will still teach rules, but it will teach students to question the underlying

ideas behind those rules. Workforce development will reinforce the hierarchies that we see in most corporate culture, while a citizenship-focus will teach students that their voices matter, regardless of station.

It’s not only about what society needs, it’s also about what students need. We can completely change the lens of “Why do we need to study this?” when the answer deals with being an informed and active citizen as opposed to what we need to know to do our work. Most people don’t need to know calculus, the Periodic Table of Elements, the date of the signing of the Magna Carta or *Hamlet* to be a good worker. But you do need to understand statistical analysis to read websites like FiveThirtyEight.com and make sense of the socio-political conversations there. You do need to understand



basic chemistry to understand how an oil spill from the Exxon Valdez affects the region. Understanding how England evolved from a pure aristocracy to a constitutional monarchy, which helped sow the seeds of American democracy, helps to make sense of our own country’s history. And understanding how *Hamlet* chooses action or inaction in the famous “To be or not to be” soliloquy might help us make better choices in our own lives. The goal of a citizenship-driven education exposes students to ideas that will challenge them, push them, and help them to make sense of a confusing world.

And more to the point — when we do this, we don’t lie to kids when we say that’s what high school is for.

Our society is changing, and there are some serious warning signs that our economy may be fundamentally

The goal of a citizenship-driven education
exposes students to ideas that will
challenge them, push them, and help them
to make sense of a confusing world.

shifting in ways that will make it more and more difficult for education to be “the great equalizer.” Children across the socio-economic spectrum are realizing that the economic “sell” of public education isn’t ringing true. As college costs creep over \$200,000 for private four-year colleges and over \$100,000 for public colleges (Penn State’s costs, for example, with room and board, in 2014 was \$28,000 per year in-state) and as more jobs move to labor markets that do not have the high wages of the United States, the idea that all kids who work hard in high school will go to college and have economic success in life is an uglier and uglier lie.

We’re going to have some deeply challenging problems to solve in the near future, and we think that we’re going to be faced with hard choices about our lives. We want our schools to help students be ready to solve those problems, to weigh in on those problems, and to vote on those problems. It’s why history and science are so important. It’s why kids have to learn how to create and present their ideas in powerful ways. It’s why kids have to become critical consumers and producers of information. And hopefully, along the way, they find the careers that will help them build sustainable, enjoyable, productive lives.

We want to be honest about why we teach what we teach. We’re tired of schools and politicians implicitly promising that the result of successful schooling is high wages. And we’re tired of too many adults forgetting everything else that goes into helping people realize their potential in the process.

Teaching kids that hard work in school will mean more money is a shortcut and an example of the shoddy logic that doesn’t ring true to many kids. Most kids — especially in our cities — know someone who

did everything they were supposed to do but struggled to achieve in their lives after school anyway.

Teaching kids that hard work in school will help them develop skills that will help them be more fully realized citizens and people is — without question — a harder argu-

ment to make, but it stands a much better chance of being true. ■

Chris Lehmann is an international speaker, education consultant and New York Times bestselling author.

Zac Chase is co-author with Chris Lehmann of the forthcoming book Building School 2.0: How to Create the Schools We Need.

See Chris Lehmann at Convention

International speaker, education consultant and *New York Times* bestselling author, Chris Lehmann will give the keynote address Wednesday, Jan. 20 during the State Education Convention in Milwaukee.

A graduate of UW-Madison, Chris went on to receive his M.A. in Teaching at NYU and his Ed.M. in Education Leadership at Teachers College, Columbia University. He is also the Founding Director of The Educator Collaborative, a think tank and educational consulting organization working to innovate the ways educators learn together.

His books include: *Falling In Love With Close Reading* (with Kate Roberts); *Energize Research Reading and Writing*; *Pathways to the Common Core* (with Lucy Calkins and Mary Ehrenworth); and *A Quick Guide to Reviving Disengaged Writers*.

Chris has been a middle-school teacher; a high-school teacher; a literacy coach; and a Senior Staff Developer with the Teachers College Reading and Writing Project at Columbia University. Now, leading The Educator Collaborative, he and a team of educators support teachers, coaches, and administrators in developing rigorous and passionate instruction that give children agency in our ever-changing world. □



You CAN have your
cake & eat it, too...

with our **NEW and IMPROVED,**

Employee Assistance
“Achievement”
P R O G R A M

You can have it all! We can help YOU
and YOUR employees be the **BEST** -
personally and professionally!



REALiving
Helping You Be Your BEST.

www.REALiving.com

Call us at 855.233.1048 to find out how great our “cake” really is!

RDA Moving from Compliance to Results

Results-Driven Accountability seeks to change the way schools educate students with disabilities

Julia Hartwig

When it comes to educating students with disabilities, we've made progress over the years but still have a long ways to go.

The Individuals with Disabilities Education Act (IDEA) gave us a big push forward by establishing a number of requirements that states must meet in educating students with disabilities. However, the reliance is on states meeting certain standards and requirements, not on student achievement.

As a result, we have not seen better outcomes for students with disabilities in many important areas. This national trend plays out in Wisconsin where both reading and mathematics scores for students with disabilities have remained low and unchanged even though school districts throughout the state remain in significant compliance with the law.

Due to the lack of growth in outcome measures across the country, the federal Office of Special Education Programs (OSEP) has

shifted from a compliance-only accountability system to one that includes compliance and results for students with disabilities.

This shift toward a balanced special education accountability system is called Results-Driven Accountability (RDA). The federal government is now holding states accountable for both compliance and outcomes for students with disabilities and is requiring states to implement a similar system of accountability for local school districts.

■ Focus on Literacy

Phase One of RDA required states to engage in a number of activities to determine a direction for a state-specific system of accountability and supports. This step included data analysis, infrastructure analysis, selection of a focus area, and identification of improvement strategies.

The Wisconsin Department of Public Instruction (DPI) worked

with a number of stakeholders throughout these processes. For the state's area of focus, stakeholders selected literacy. The state has low reading proficiency rates for students within all disability categories beginning in the earliest tested grades, and declining over time. Moreover, reading was identified as a high-leverage area that impacts many other outcome measures (i.e. graduation, dropout, mathematics). Due to the focus on literacy, Wisconsin is calling its RDA system "Reading Drives Achievement: Success through Literacy."

A multitude of stakeholder input was compiled to select broad, evidence-based improvement strategies (see Wisconsin's RDA Theory of Action on page 21). One major improvement strategy includes implementing a coordinated system of district improvement supports.

DPI is beginning the process of examining the systems, structures, and processes within its Title I and

TIMELINE FOR WISCONSIN'S RESULTS-DRIVEN ACCOUNTABILITY IMPLEMENTATION

• 2015-16

Procedural Compliance Self-Assessment (PCSA)

Pilot new version of RDA-focused PCSA.

Local Education Agency Determinations

DPI will begin phasing outcome measures into LEA determinations; however, compliance will still be weighted greater than results.

Special Education Teams in order to streamline operations. This vision includes a more coordinated system of monitoring and improvement planning supports in order to assist districts in aligning visioning and improvement planning at the district level, eliminating duplication of effort, and focusing on the most effective practices to increase effectiveness, thereby increasing student outcomes.

What Will Change for Districts?

The way that school special education programs are assessed will change. During the 2015-16 school year, the DPI will pilot a new version of the Procedural Compliance Self-Assessment (PSCA), which is used to determine if schools are meeting requirements laid out by IDEA and state statutes. The new version of this assessment has been

changed to focus on requirements with the greatest impact on improving outcomes, particularly related to literacy, for students with disabilities.

During the 2016-17 school year, the new PCSA will be suspended to focus on training and engage in further piloting. Full implementation of the new PCSA will begin in the 2017-18 school year. Technical assistance and training materials are currently under development.

A second change will come with special education accountability determinations. Each year, the federal government issues state accountability determinations of compliance with IDEA requirements. DPI, in turn, makes annual Local Education Agency (LEA) determinations. With the phase-in of RDA, the federal government began giving outcome and compliance measures equal weight in their 2013-14 state

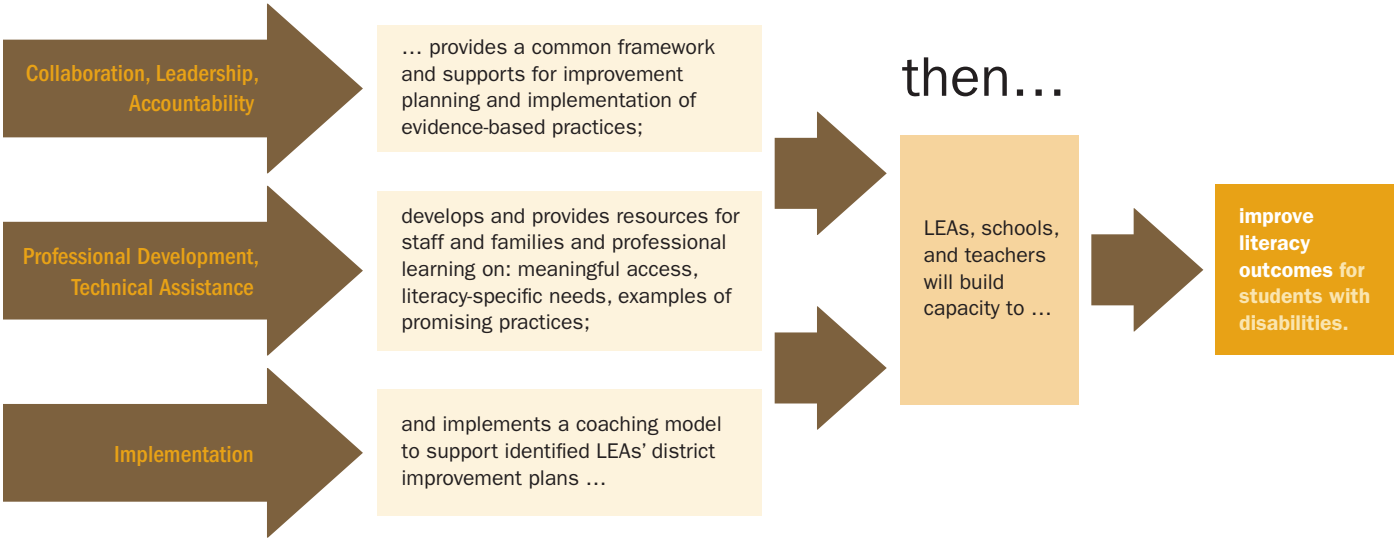
determinations. Wisconsin has met expectations both years, largely due to strong compliance measures. DPI will begin phasing outcome measures into LEA determinations beginning with the 2015-16 school year data, and will evolve to a balanced approach between compliance and outcome measures for the 2017-18 school year.

Lastly, the coordinated improvement planning and improvement resources outlined above will begin to phase in over the next three years as well. Based on accountability determinations and other criteria, identified districts will be invited to participate in supported improvement planning.

What Can Districts Do to Prepare?

The most impactful preparation for RDA is to strengthen instruction and systems of support to move toward

If DPI...



2016-17	2017-18
PSCA suspended – focus on training and technical assistance. Continue piloting new version of RDA-focused PCSA.	1st year of new RDA-focused PCSA.
DPI continues phasing outcome measures into LEA determinations; again, compliance will still be weighted greater than results. DPI begins identifying areas that need assistance.	For the first time, there will be an equal weight given to compliance and outcome measure in the LEA determinations. DPI continues identifying areas that needs assistance.

Preparing for RDA Implementation

There are many efforts that districts are already undertaking that support a move toward Results-Driven Accountability (RDA). Here are some things districts are encouraged to do to continue this effort:

- **Engage families** in meaningful ways.
- **Ensure systems**, such as Response to Intervention (RtI) and Positive Behavior and Intervention Supports (PBIS), are in place for continuous monitoring of student progress data and adjusting instruction as needed. (PBIS is a proactive approach to establishing the behavioral supports and social structure needed for all students to achieve social, emotional and academic success. RtI is a multi-tier approach to the early identification and support of students with learning behavior needs. The RtI process begins with high-quality instruction and universal screening of all children in the general education classroom.)
- **Ensure meaningful access** to high-quality, standards-based curriculum and instruction.
- **Facilitate collaboration** between special and general educators.
- **Adopt the DPI's Promoting Excellence for All** practices, which are aimed at close achievement gaps. For more information, visit statesupt.dpi.wi.gov/excforall
- **Infuse cultural responsiveness** and Universal Design for Learning (UDL). (UDL is an educational framework based on research in the learning sciences, that guides the development of flexible learning environments that can accommodate individual learning differences.)
- **Implement college- and career-ready** individual education plans.
- **Focus individual education program meetings** on desired outcomes with a clear path of support to meet individualized needs.
- **Coordinate professional learning** and ensure connections between initiatives are clear and understood by all staff.

increased outcomes for students with disabilities, particularly in the area of reading. It is important to stay the course, working toward the goals of State Superintendent Tony Evers' Agenda 2017 as RDA aligns well with them. Some other ways to prepare include:

Most districts are in some phase of implementing a multi-level system of support (Response to Intervention or Positive Behavioral Interventions and Supports, see above), which uses data-based decision-making pro-

cesses to ensure instruction is meeting the needs of all students. Districts that mindfully and systemically implement such systems are well poised to ensure just-in-time supports to maximize student success.

Students with disabilities should be an explicit part of professional

learning community conversations within these systems of support. Additionally, implementing strategies such as those within the Universal Design for Learning framework (see above) as well as ensuring cultural responsiveness is infused throughout all operations of the district will help ensure all students are meaningfully

Outcomes for students with disabilities are the responsibility of both special education and general education; true change will come through a system-wide collaborative approach.

Aligning RDA efforts with initiatives that already have momentum and leveraging currently effective practices while pinpointing needed changes will help actualize results while minimizing additional and isolated efforts.

Next steps for Wisconsin include embarking on Phase Two of RDA, which focuses on developing detailed action and

evaluation plans. Those interested in participating in stakeholder-input sessions can contact the Special Education team at DPI at dpispd@dpi.wigov. ■

Julia Hartwig is the assistant director of the Special Education Department at the Wisconsin Department of Public Instruction.

It is important to promote a culture of high expectations for all as well as strong collaborative structures between general educators, special educators, and specialists.

engaged and actively accessing rich, standards-based curriculum and instruction.

It is important to promote a culture of high expectations for all as well as strong collaborative structures between general educators, special educators, and specialists.

For More Detailed information... regarding RDA, visit OSEP's website at bit.ly/OSEP-RDA. Or watch DPI's video "What RDA Means in Wisconsin" at bit.ly/1fpBKmi.

Eyes in School

The pros and cons of outfitting school resources officers with body cameras

The world we live in has forced school leaders to make critical decisions that impact our children's lives. In some cases, it has come down to a fine line between safety and security and a student's right to privacy.

Tragedies in our schools such as active shooters, alleged sexual assault, bus accidents, and other incidents, have caused changes in our schools. For instance, many schools now have some sort of video security system used to monitor school hallways and grounds.

A new level of monitoring may be coming to schools with an increasing number of law enforcement agencies requiring their officers to wear body cameras. While this is not a pressing issue facing Wisconsin schools (yet), on the national level, it is growing rapidly.

■ Reducing Incidents

School districts in Iowa, Texas, Tennessee, and elsewhere are beginning to invest in "technological risk management" tools, such as body cameras for school resource officers. Proponents argue that school resource officers with body cameras have been able to reduce claims of excessive force.

"Some school resource officers are sworn law enforcement and can carry weapons, so having a camera isn't necessarily a bad idea," said Paul Timm, president of RETA Security. "Some school districts have already designated people to be able to carry weapons. I would almost

insist that the person who's carrying have some kind of a camera. I think it just makes sense to me."

If the video is reviewed on a regular basis and appropriate follow-up occurs, advocates say body cameras can reduce the number of unreported incidents.



In addition, there has been increased support from the federal government to make schools safer. One of President Obama's initiatives has been to provide districts with funding to hire more school resource officers and purchase security equipment, which can include body cameras.

■ Legal Uncertainties

There are many questions and legal uncertainties that arise when we consider the use of body cameras in our schools. Will students' personal conversations be recorded? How long are the videos stored? Could the videos be turned over in response to a legal request? Who owns the videos?

Some have expressed concern that the use of body cameras in schools would infringe upon the privacy of students and staff.

Others question whether body

cameras would impede upon a school resource officer's ability to build relationships and trust with students. We often look to school resource officers to be a support system to help keep kids safe, not to get students into trouble.

Likewise, some schools are looking into having principals and assistant principals wear body cameras. This fall, the Burlington Community School District in Iowa will become one of the first districts in the nation to have its principals and assistant principals wear body cameras. However, the effects of having administration wear body cameras can be intimidating for students and may make it less likely they will talk to staff about bullying, abuse or other problems.

■ Growing Conversation

These are just a few of the major pros and cons that districts around the country are faced with when dealing with the possibility of implementing body cameras into their schools. This is a conversation that will continue as the technology becomes more commonplace among law enforcement.

The ultimate decision to implement body cameras into your district lies in the hands of each individual school district's administration and legal counsel. ■

Jenna Goodrich is an account executive at Arthur J. Gallagher & Co. — an endorsed agency through the WASB Insurance Plan. For more information, visit wasb.org and select "WASB Insurance Plan."

Others question whether body cameras would impede upon a school resource officer's ability to build relationships and trust with students.

Upcoming Events

WASB Fall Regional Meetings

The WASB Fall Regional Meetings bring together school leaders in their respective WASB regions to recognize accomplishments, listen to a feature presentation, and hear about WASB's activities and plans.

This year, the feature presentation focuses on community advocacy efforts and how school leaders can foster community advocates for public education. If school boards are going to be successful in advocating for state policy changes that improve public education, they need to enhance their community leadership role and advocacy efforts at the local level. This feature presentation will highlight ways school boards can be more successful in influ-

encing their communities' support for public education.

In addition to the feature presentation, the Regional Meetings take time to recognize school board members who have reached a new level in the WASB Member Recognition Program. School board members earn points by attending WASB and National School Boards Association (NSBA) programs and activities.

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

For more information visit wasb.org.

Region 1 | Oct. 6 – Trego*

Region 2 | Oct. 7 – Minocqua

Region 3 | Sept. 29 – Green Bay

Region 4 | Oct. 14 – Eau Claire*

Region 5 | Oct. 13 – Rothschild

Region 6 | Oct. 21 – Fountain City

Region 7 | Oct. 1 – Neenah

Region 8 | Sept. 30 – Kiel

Region 9 | Oct. 22 – Fennimore*

Region 10 | Oct. 27 – Baraboo*

Region 11 | Oct. 20 – Pewaukee*

Region 12 | Sept. 24 – DeForest or

Region 12 | Oct. 8 – Evansville

Region 13 | Oct. 28 – Elkhorn*

Region 14 | Oct. 29 – Milwaukee

Region 15 | Oct. 20 – Pewaukee

*Denotes region with elections for WASB Board of Directors.



2015 FALL REGIONAL MEETINGS & WORKSHOPS

SUPPORTING, PROMOTING AND ADVANCING
PUBLIC EDUCATION

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



2015 WASB/WSAA
EMPLOYMENT & SCHOOL LAW
SEMINAR

OCTOBER 15-16, MADISON, WI
ALLIANT ENERGY CENTER

WASB/WSAA 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 overview of the Key Work of School Boards.

Separate Registration is required. To register or for more information, visit wasb.org.

Pre-Regional Meeting Workshops

The **2015-17 state budget proposed substantial changes** to state laws impacting Wisconsin public school districts — from funding, student assessments and district report cards to open enrollment and much more. As a result, school boards throughout the state will need to revisit and reconsider a number of their policies. At this workshop, learn more about the specifics of the major statutory changes and implications on local district policies. Make sure your district doesn't fall behind in making the appropriate and necessary changes.

Workshops will be held immediately prior to the Regional Meetings from 4-6 pm at the same facility (see Region list, left). Members are welcome to attend workshops in any region. Cost is \$85. Register at wasb.org. *Regional Meeting registration is not required.*



Wisconsin School Board Appreciation Week is Oct. 4-10

In recognition of the thousands of school board members throughout the state, the WASB has set 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 who are charged with governing public education under state law. 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."



Customized Leadership Services

Comprehensive, customized training, support and resources.

- Setting a vision
- Understanding board rules
- Master planning
- Analyzing systems
- Using data
- And, much more!

Contact the WASB today.



Customized Leadership Services | 608-257-2622 | 877-705-4422 | Visit wasb.org



At Work for You

A recap of the WASB Government Relations Team's 2015 activities to date

The WASB Government Relations (GR) team strives to keep WASB members up to date with what's happening in the Capitol through our Legislative Update blog posts, weekly emails, special alerts, presentations and columns like this one.

With the Legislature not scheduled to return to the floor until September, this is a good time to recap the work of the WASB GR team in the first half of 2016.

Similar to the start of each legislative session, the bulk of time was spent on state budget-related issues, including a WASB Day at the Capitol event that enabled WASB members to state their case directly to lawmakers in Madison. The WASB GR staff also provided members with sample letters, resolutions and talking points on funding cuts and voucher expansion which turned into letters to the editor, editorials and increased media attention statewide.

Beyond the state budget, dozens of separate proposals were brought forward relating to K-12 education, many of which never made the headlines, but nevertheless impact school boards. Below we highlight just some of the areas in which the WASB GR team has been proactively involved and able to achieve positive results for school boards.

■ **2015-17 State Budget Advocacy**

Funding Restoration: The WASB successfully advocated for restoring \$127 million in Per Pupil Aid

funding that was slated to be cut in 2015-16 and for adding \$100 per pupil to this aid in 2016-17.

Voucher Expansion: The WASB successfully lobbied for voucher students to be fully counted in the revenue limit of their resident school district in the first year they enroll in a school that is participating in the statewide voucher program. This allows a school district to at least keep the difference between its per-pupil revenue limit and the voucher amount.

Sparsity Aid, Pupil Transportation

Aid: The WASB supported increases in these state aids, which benefit rural districts, as well as enabling districts to partner through Whole Grade Sharing to cut costs.

High-Cost Special Education Categorical Aid:

To ease compliance with changes to open enrollment for students with disabilities, the WASB successfully advocated for an increase in high-cost special education categorical aid. An additional \$5 million, beginning in 2016-17, increases the reimbursement rate to 70 percent.

Teacher Licensure Changes: The WASB successfully lobbied key members of the Joint Finance Committee (JFC) to reverse an earlier decision to adopt highly controversial licensing provisions for middle and high school teachers.

Teacher and Administrator Contract Renewal Timeline Changes:

Working with legislative leadership, the WASB succeeded in removing the

problematic contract renewal provisions from the budget.

Reading Readiness Screening Tests:

The WASB helped the author rewrite and simplify this proposal to allow districts to choose their own screening tests. It first applies in 2016-17.

"TEACH 2.0": To help districts meet their technology needs, the WASB worked with the Rural Schools Alliance and others to develop and promote "TEACH 2.0" that lets districts request additional data lines and video links, and provides grants for telecommunications access, infrastructure, and teacher training.

Local Government Property

Insurance Fund: The WASB lobbied against the proposed elimination of this fund, and met with JFC members to help persuade them to phase out rather than eliminate it. In the end, the fund was retained.

"Tuition for Pupils Attending a School Out of State" Statute:

The WASB helped the Florence School District revise the out-of-state tuition statute to combat a Michigan school district's attempts to take students away from Florence.

■ **Other Legislation**

5-Day-a-Week Elementary PE Classes:

When a memo seeking co-signers for this proposal was circulated, the WASB contacted all legislators objecting to this mandate. The proposal has not been introduced.

Since the state budget was introduced on February 3, 2015 (138 weekdays)...

Legislative Office Meetings	104 meetings
Committee Hearings Attended/Testified	18 hearings
Legislative Updates to Members	139 blog posts; 65 emails/alerts
Social Media	511 Facebook posts; 762 tweets

Truancy Notifications by First Class Mail or E-Mail: The WASB supported and testified for Senate Bill 122 (signed into law as Act 52), as a cost- and time-saving measure and successfully lobbied Assembly leadership to get a vote scheduled.

SAGE Program Flexibility: The WASB worked to pass Senate Bill 32 (signed into law as Act 53), developed by a Legislative Council Study Committee which included two WASB-recommended school board members. The WASB successfully pressed legislative leadership to pass the bill before the June 30 renewal deadline for most existing SAGE contracts.

Food Protection Practices Certification: To reduce compliance costs, the WASB successfully lobbied to amend Assembly Bill 37 (signed into law as Act 46) to specify that a school board complies with the bill as long as it has at least one certificate holder in the district and not one in each building.

UW System Reports Regarding Remedial English and Math Courses:

The WASB successfully amended Assembly Bill 56 (signed into law as Act 28), so the State Superintendent must share these annual reports with each school board.

School District Bond Referendum

Deadlines: To clear up ambiguity, WASB recommended changing the deadline for adopting and filing a resolution for a school district bond referendum from 45 days to 70 days to be consistent with requirements that all other school referendums be filed no later than 70 days before the election at which they will be considered. [SB 121 was signed into law as 2015 Wisconsin Act 37.]

School Board Members as Volunteer

Coaches: The WASB helped Sen. Julie Lassa (D-Stevens Point) and Rep. Nancy VanderMeer (R-Tomah) draft Senate Bill 217 and Assembly Bill 299, allowing a school board member to serve as a volunteer coach or extracur-

ricular activity supervisor under certain conditions.

Parental Requests to Opt Children Out of Required Tests:

The WASB successfully scaled back proposed changes to Assembly Bill 239 and Senate Bill 193 by urging the bills' authors to drop provisions that required boards to excuse students from all locally required examinations.

School Accountability: The WASB worked to oppose the more punitive Assembly version (Assembly Bill 1) while supporting the less punitive Senate version (Senate Bill 1). The Senate version keeps current law requiring all publicly funded students, including voucher students, to take the same state assessment and keeps current descriptions of school performance, without specifying any particular sanctions for low-performance.

If you would like more information about these and other proposals, please call the GR team. We're always happy to help. ■

Policy Consulting Services

Need help creating a new or revised policy, clarifying a policy's wording, or ensuring your policies meet legal requirements?

Need help with an extensive policy manual update?

WASB Policy and Legal Services Staff are available to provide customized policy consulting services.

Contact the WASB today.



Policy Consulting Services | 608-257-2622 | 877-705-4422 | Visit wasb.org



Limitations on Modifying Retirement Benefits

In order to address current and future financial challenges, school boards may be looking to modify retirement benefits to obtain greater financial flexibility. However, boards must exercise caution when considering such action because if a benefit is considered to have “vested,” a board cannot modify or reduce that benefit. Boards are free to modify benefits that have not yet vested. The determination of whether a retirement benefit is vested depends on the nature of the benefit and the specific terms of the agreement with the employee.

This *Legal Comment* will review different retirement benefits and how courts have addressed whether those benefits are vested and not subject to change, including four recent Wisconsin appellate cases addressing this issue.¹

Vesting Criteria

In determining whether a particular retirement benefit is vested, courts first look at the specific language of the contract, policy, or handbook which grants employees the retirement benefit. The Wisconsin Supreme Court has held that there is an initial presumption that retirement benefits which arise under a collective bargaining agreement are vested,² but this presumption can be rebutted by language in the agreement which indicates that such was not the intent.

For example, in a recent case, *Monreal v. City of New Berlin*,³ the Wisconsin Court of Appeals found that the specific terms of a collective bargaining agreement rebutted the presumption that a retirement benefit was vested. In this case, the court reviewed a claim filed by a retired New Berlin police officer and member of the police union who contended that he had a right to deductible-free health insurance for the rest of his life pursuant to the collective bargaining agreement in place when he retired. The 2009-2011 collective bargaining agreement had a specific provision that provided officers who retired because of a duty-related disability with the same health benefits as active duty officers. The agreement also included a provision creating a specific health insurance plan for all active employees which required the city to reimburse employees for all in-network deductibles.

After serving as a police officer for 30 years, the officer retired in 2010 because of a service-related injury. However, when the 2009-2011 collective bargaining agreement expired, the city implemented a new “high-deductible” plan for all of its active and retired officers. The retired officer argued that he was entitled to reimbursement of all his deductibles as provided under the 2009-2011 agreement.

The court concluded that under the 2009-2011 collective bargaining agreement, the officer’s right to future health insurance benefits was vested at the time of his retirement. The specific provision related to duty disability retirees consisted of an “open-ended promise” and did not suggest that the duration of the vested right to health insurance should be limited or that a retiree could ever be denied this right under any circumstances.

However, the court also concluded that the provision establishing the terms of the specific plan for all employees, including city payment of deductibles, did not create a vested benefit because it was not an “open-ended promise,” did not promise that a particular plan would be offered indefinitely, and did not say that the alternative plans would always be available. The court determined that nothing in the language of this provision indicated that the city and union meant for the specific plan terms to endure beyond the contract’s expiration.

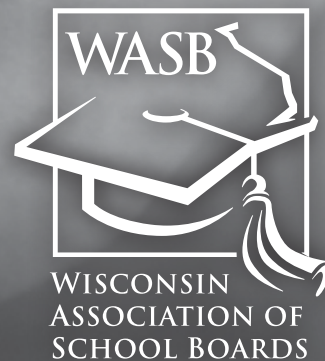
While this case dealt with benefits extended under collective bargaining agreements, the same analysis applies to retirement benefits extended under district policies or handbooks. In considering potential changes to retirement benefits, boards need to carefully review the language in the contracts, handbooks,

Act 10 did not change the legal landscape for retirees who retired under an existing collective bargaining agreement, policy, or handbook provision.

What Can You Do With WASB BoardDocs?

As a WASB Member, You Can Do a Lot

WASB BoardDocs web applications eliminate paper and streamline the processes used to manage board packets, access information and conduct meetings. You'll save time, improve your board's effectiveness and receive a specially discounted price for being a WASB member. If your decisions affect the lives of others, call us. We'll help you do what you do best, even better.



It's their future. It's your choice.

BoardDocs.com 800.407.0141

or policies under which employees retired because the determination of whether such benefits are vested, and, therefore, cannot be changed, will be assessed by that language. In addition, if that language is ambiguous, the practice of the district relative to the handling of retiree benefits may affect a court's interpretation of that language. However, if the evidence of the district's practice is insufficient to clarify the ambiguity in the language, the court will construe the language against the district.⁴

■ Benefits That Are Vested Only Upon Retirement

While a board cannot take away or change vested benefits, a board can eliminate or modify benefits that have not yet vested. In particular, a promise of a future benefit is not a vested benefit until the employee has fulfilled the prerequisites for that benefit.

For example, in *Loth v. City of Milwaukee*,⁵ the Wisconsin Supreme Court held that the city could eliminate no-cost retirement health benefits for employees who had not yet retired. The handbook benefit given to employees upon hire provided that the city would pay for health insurance premiums for retired employees between the ages of 60 and 65 provided they worked for the city for 15 years. To save money on rising health insurance costs, the city significantly changed the benefit. The court held that this benefit had not vested because the plaintiff employee had not met the requirements for the vesting of the no-cost health benefits. In particular, at the time the city changed the benefit, the employee had not yet reached age 60 with 15 years of service, and had not yet retired. Until the employee met all three of these eligibility requirements, the retirement benefit was merely a unilateral offer of a benefit.

In a recent case, *Schwegel v. Milwaukee County*,⁶ Milwaukee County amended an ordinance that required the county to reimburse Medicare Part B premiums for

retirees of the county retirement system who had worked for the county for at least 15 years. The county amended the ordinance so that it would no longer reimburse Medicare Part B premiums for certain employees who retired after a certain date. Two employees sued the county, arguing that their right to Medicare Part B premium reimbursement could not be eliminated before they retired because their benefits vested upon commencing their employment with the county.

The Court of Appeals concluded that the modification was permissible because, under the language of the applicable ordinance and other laws, the employees' benefits did not accrue until actual retirement. Because the employees had not yet retired at the time the ordinance was modified and the benefit eliminated, they had no vested right to have the county provide reimbursement for the Medicaid Part B premiums. The Supreme Court affirmed that decision, explaining that a health retirement benefit becomes vested only if the employee "takes all actions necessary to convert the opportunity into an entitlement during the period in which it is available." In addition, the court specifically stated that health benefits are distinct from pension and death benefits and are in the nature of a unilateral offer that employees only accept upon retirement.

■ Benefits That Vest As Service Is Performed

Some benefits are earned as employees meet certain service requirements. These benefits vest as soon as employees meet those service requirements, regardless of the nature of the benefit. For example, a district could have a policy whereby employees accrue an extra vacation day for every five years of service. After an employee reaches five years of service, the employee is entitled to the extra vacation day, which becomes vested the moment the employee reaches five years of service. The employer could,

however, eliminate that benefit going forward for all employees who had not yet reached five years of service.

Sick leave payouts provide another example of a benefit that likely vests as service is performed. In *Champine v. Milwaukee County*,⁷ the county attempted to amend an ordinance in a manner that would reduce sick leave benefits for employees who had not retired by a certain date. The Court of Appeals held that the county could not reduce the benefits because the employee sick leave benefits vested as they were earned and accrued, even though the sick leave benefits were not payable until retirement or termination. The court explained that although an employee does not automatically have the right to be paid for accrued sick leave, an employer may provide a payout provision. Where that occurs, as in this case, such a benefit represents a form of deferred compensation that is earned as the work is performed. Thus, while the county could not reduce or eliminate the payout for sick days that employees had already accrued, the county was free to reduce these benefits going forward. The employer was able to modify its policy and cap sick leave payouts for employees' future accrued sick leave days.

Certain aspects of retirement benefits can also vest as the service is performed. In another recent case, *Stoker v. Milwaukee County*,⁸ the Wisconsin Supreme Court focused on the specific wording of the retirement benefit to determine if the benefit accrued as the work was performed, or whether the employee was only entitled to the benefit upon retirement. In this case, county employees brought a challenge after the county reduced the formula multiplier used to calculate pension benefits. The county calculates pension amounts for retired workers by multiplying the highest average salary by a multiplier and the number of service years. The multipliers were set by ordinance and had increased over the years. In 2012,

the county passed an ordinance that reduced the multiplier with respect to future service earned after 2012, but did not reduce the multiplier that applied to benefits already earned through 2011.

Several employees sued for breach of contract, arguing that the county could not amend the ordinance because they had a vested interest in the multiplier increases. The court concluded that employees had a vested interest in pension benefits that had already been earned because the benefit vested as the pension benefits accrued, but the county could reduce future benefits that had not yet been earned or vested.

Boards should note the key distinction between benefits that vest upon retirement and benefits that vest as service is performed. While certain benefits are more likely to vest upon retirement, rather than as service is performed, the key distinction is in the specific wording of the contract provision, policy, or handbook creating the benefit. For example, a typical sick leave payout provision provides compensation for each sick day that an employee “banks” rather than uses. The sick leave payout vests as those days are banked. However, a district’s individual policy could provide that sick leave only accrues for use during employment and that employees are only entitled to a sick leave payout upon retirement if the employee has 15 years of service, retires, and has a balance of unused accumulated sick leave. This policy is worded more like the health insurance retirement benefits that provide a unilateral promise. Until the employee meets the 15-year service requirement, the benefit does not vest. The district’s specific policy would likely trump the general principles about vesting of sick leave payouts.

■ Conclusion

Retirement benefits can represent a significant expense for districts. After 2011 Wisconsin Act 10, boards are no longer obligated (or permitted) to collectively bargain retirement benefits. As a result, boards are now able to modify future retirement benefits unilaterally. However, Act 10 did not change the legal landscape for retirees who retired under an existing collective bargaining agreement, policy, or handbook provision.

In modifying retirement benefits, boards must exercise caution and review their past collective bargaining agreements, handbooks and policies carefully to ensure they are not eliminating a vested benefit. The specific wording of any contract, handbook, or policy granting a retirement benefit in existence at the time of the employee’s retirement must be reviewed. Courts have focused on whether that language contains an open-ended promise of the benefit, establishes a unilateral offer which is dependent on the employee meeting specified eligibility conditions, or represents an accruing benefit linked to service akin to deferred compensation.

In particular, boards should consider the following:

- What type of benefit is being considered for modification? If it is a sick leave, deferred compensation, or pension benefit, be extra cautious because such benefits are often considered to vest as they accrue.
- Will the modifications be prospective only? Generally, a district is on safer ground if changes to retirement benefits, especially sick leave or pension benefits, are being made prospectively only, because such benefits have not yet accrued.
- Does the language of the contract, policy, or handbook clearly impose certain requirements that must be met by the employee before the benefit will vest?
- Does the language of the contract, policy, or handbook create an open-ended promise of benefits that suggests that benefits will be indefinite, or does the contract, policy, or handbook contain a disclaimer or other language notifying the employee that the benefit is not a vested benefit and may be modified?

Examining these issues will enable a board to evaluate modification of retirement benefits within the parameters established by Wisconsin appellate courts controlling when such modifications can be made. ■

Endnotes

1. For additional information on related topics, see WASB *School News*, “Vesting of Administrative Employees’ Retirement Benefits” (April 2008), and “Caution Required When Considering Modification of Retiree Benefits” (December 2000).
2. *Roth v. City of Glendale*, 2000 WI 100, 237 Wis. 2d 173, 614 N.W.2d 467
3. *Monreal v. City of New Berlin*, 2015 WI App 24, 361 Wis. 2d 172, 861 N.W.2d 802
4. *Stofflet v. City of Eau Claire*, 2014 WI App 38, 353 Wis. 2d 306, 844 N.W.2d 666
5. 2008 WI 120, 315 Wis. 2d 35, 758 N.W.2d 766
6. *Schwegel v. Milwaukee County*, 2015 WI 12, 360 Wis. 2d 654, 859 N.W.2d 78
7. *Champine v. Milwaukee County*, 2005 WI App 75, 280 Wis. 2d 603, 696 N.W.2d 245
8. *Stoker v. Milwaukee Cnty.*, 2014 WI 130, 359 Wis. 2d 347, 857 N.W.2d 102

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

Service Associate Q&A

Von Briesen & Roper's Christine Hamiel talks about pressing school law issues and the importance of investing in legal advice



Christine Hamiel is an attorney with von Briesen & Roper, s.c.

Q. *Are there any new or “hot” legal issues that school boards need to be aware of?*

A. Several provisions of the 2015-2017 biennial budget, specifically 2015 Wisconsin Act 55, impact school districts. Some of these provisions include changes to teacher licensing options, the laws governing recertification elections, home-schooled students participation in athletics and extracurricular programs, fees charged to high school students for post-secondary credit, accountability reporting, notice requirements for educational opportunities, prevailing wage and real estate matters, and school choice.

Additionally, other hot topics include wage and hour law issues, teacher and administrator contracting and nonrenewal, and student issues, including student codes, transgender concerns, and alternatives to expulsion.

Q. *What is the number one legal issue that comes up most often for school districts?*

A. It is really a conglomeration of issues revolving around operations. Time and again, we have confronted issues related to vested benefits, contractual rights, grievance procedures and the like. All of these issues touch upon the primary budget-driver in schools – personnel. We have seen school districts struggle with how to maintain an environment that attracts and retains top talent without breaking the budget. If school districts take the opportunity to proactively address

which benefit programs, contract provisions and other policies are providing maximum benefit in the most economical manner, they will be able to position themselves for long-term success.

Q. *Regarding the last question, how can districts protect themselves?*

A. Although we are four years removed from the pre-Act 10 union environment, many of the remnants of collective bargaining agreements have found their way into teacher and administrator contracts. Some of these provisions simply create long-term obligations for districts, while others may violate the law. School boards should engage legal counsel to review existing contracts to ensure all contracts — teacher and administrator alike — include provisions that create flexibility, continue to attract high-quality educators, and most important, are in compliance with the law. School boards should also remember to consider nonrenewal sooner, rather than later, to ensure this option may be timely exercised by the board, if necessary, within the very strict timelines established by statute.

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

A. You don't have to “go at it alone.” Oftentimes school boards are loathe to invest in an analysis from both a time and monetary perspective. As a result, decisions are made, and changes are implemented, that may run afoul of the law. Districts then find themselves faced with legal claims that can devastate any legal budget the district may have

had. Engage legal counsel early on in the process if there are any red flags. A brief call with counsel at the outset could save the district thousands on the back end.

Q. *What kind of work is taking place at your law firm?*

A. Exciting things are happening with our school law group at von Briesen & Roper, s.c. Several of our attorneys will be presenting on hot legal topics at various seminars and conferences throughout the fall and winter. We look forward to seeing many of you there. If you cannot attend, please feel free to drop us an email or give us a call about any of our topics areas. We are happy to pass along information necessary for your district to continue to provide exceptional educational services to your students, teachers, staff, administrators, and the public. ■

The WASB Service Associates Program includes more than 20 businesses and organizations that have been recognized by the WASB Board of Directors as reputable businesses and partners of public education in Wisconsin. For more information, visit wasb.org and select “Service Associates.”

vonBriesen

The Government Law Group at von Briesen & Roper, s.c.

www.vonbriesen.com/government



Quality Educational Services And Products

2015 WASB SERVICE ASSOCIATES

ARCHITECTURE, ENGINEERING, PLANNING, INTERIORS AND CONSTRUCTION MANAGEMENT

BRAY ASSOCIATES ARCHITECTS INC.

1202A N. 8th St., PO Box 955
Sheboygan, WI 53082-0955
Phone 920-459-4200
www.brayarch.com

Architecture, Interior Design, Planning, Referendum Support

DLR GROUP

520 Nicollet Mall, Suite 200
Minneapolis, MN 55420
Phone 612-977-3500
www.dlrgroup.com

Architecture, Engineering, Planning, Interiors, Construction Management

HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.

122 E. College Ave.
PO Box 8034
Appleton, WI 54911
Phone 800-236-2370
www.hoffman.net

Planners, Architects and Construction Managers

PLUNKETT RAYSICH ARCHITECTS LLP

11000 W. Park Pl.
Milwaukee, WI 53224
Phone 414-359-3060
www.prarch.com

Architectural and Interior Design Services

COMPUTER HARDWARE, SOFTWARE, CONSULTING

SKYWARD INC.

5233 Coye Dr.
Stevens Point, WI 54481
Phone 715-341-9406
www.skyward.com

Developer of student, budgetary and human resource administrative software exclusively for K-12 school districts.

CONSTRUCTION MANAGEMENT, CONTRACTING, CONSULTING

J.H. FINDORFF & SON INC.

300 S. Bedford St.
Madison, WI 53703
Phone 608-257-5321
www.findorff.com

Construction Services

J.P. CULLEN & SONS INC.

PO Box 1957
Janesville, WI 53547-1957
Phone 608-754-6601
www.jpccullen.com

General Contractor

VJS CONSTRUCTION SERVICES

W233 W2847 Roundy Circle Dr.
Pewaukee, WI 53072
Phone 262-542-9000
www.vjscs.com

Construction Services

ENERGY SERVICES

CONTINUUM ENERGY

113 South Main Street #200
Lodi, WI 53555
Phone 608-576-3592
www.seminoleenergy.com

Retail natural gas services into all Wisconsin utility companies, including national and commercial customers.

FINANCE, BANKING, CONSULTING

SPRINGSTED INCORPORATED

710 Plankinton Ave., Suite 804
Milwaukee, WI 53203-1100
Phone 414-220-4250
www.springsted.com

Advisors to the Public Sector in Finance, Human Resources and Management Consulting Services.

INSURANCE

ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES

1289 Deming Way, Suite 208
Madison, WI 53717
Phone 608-828-3741 Fax 608-828-3757
www.ajgrms.com

Gallagher specializes in serving the risk management and insurance needs of public schools.

ASSOCIATED FINANCIAL GROUP, LLC

8040 Excelsior Dr.
Madison, WI 53717
Phone 608-259-3666
Al.Jaeger@associatedfinancialgroup.com
www.associatedfinancialgroup.com

Our focus is financial security options that protect and assist growth. We go beyond simply protecting against the loss of assets and property.

COMMUNITY INSURANCE CORPORATION

18550 W. Capitol Dr.
Brookfield, WI 53045
Phone 800-236-6885
www.communityinsurancecorporation.com

Community Insurance Corporation is dedicated to providing school districts with the tools they need to economically and efficiently address today's changing insurance and risk-management environment.

EMC INSURANCE COMPANIES

16455 W. Bluemound Rd.
PO Box 327
Brookfield, WI 53008
Phone 262-786-1800
www.emcins.com

Property and Casualty Insurance

HUMANA

N19 W24133 Riverwood Dr.
Suite 300
Waukesha, WI 53188
Phone: 800-289-0260
www.humana.com

Insurance Company

KEY BENEFIT CONCEPTS, LLC

2717 N. Grandview Blvd., Suite 205
Waukesha, WI 53188
Phone: 262-522-6415
www.keybenefits.com

Actuarial and employee benefit consulting services.

M3 INSURANCE

3113 W. Beltline Hwy.
Madison, WI 53713
Phone 800-272-2443
M3ins.com

At M3 Insurance, we stay smart so you stay smart. We'll keep you educated on risks, costs, and changes so you can focus on the important work of increasing student achievement. As a proud partner of nearly 45% of Wisconsin school districts, we continue to demonstrate our dedication to education.

MARITIME INSURANCE GROUP

832 Niagara Ave.
Sheboygan, WI 53082
Phone 920-457-7781
Fax 920-459-0251
mmrdjenovich@hubinternational.com
www.hubinternational.com

R&R INSURANCE

1581 E. Racine Ave.
Waukesha, WI 53186
Phone 262-574-7000
www.myknowledgebroker.com

R&R Insurance's School Practice Group has more than 25 years of educational institution experience and a dedicated Resource Center designed with school district's risk and claims management needs in mind.

TRICOR INSURANCE

2001 W. Beltline Hwy., Suite 201
Madison, WI 53713
Phone 877-468-7426
john@tricorinsurance.com
www.tricorinsurance.com
TRICOR now insures over 150 public schools. TRICOR's School Practice Team is made up of a diverse group of experienced individuals who are extensively trained (30+ years experience) and specialized in school insurance products, risk management, support services, loss control, human resources and claims advocacy.

NATIONAL INSURANCE SERVICES OF WISCONSIN, INC.

250 South Executive Dr., Suite 300
Brookfield, WI 53005-4273
Phone 800-627-3660
slaudon@nisbenefits.com
www.NISBenefits.com

National Insurance Services has been a specialist in public sector benefits since 1969. Our insured products include: Health, Dental, Disability, Life and Long-Term Care Insurance. Our financial solution products include: Health Reimbursement Accounts, OPEB Trusts (Fixed or Variable), Special Pay Plan and Flexible Spending Accounts.

UNITED HEALTHCARE

10701 W Research Dr.
Milwaukee, WI 53226
Phone 414-443-4094
www.uhctogether.com/schoolsinWI
www.uhc.com

UnitedHealthcare's mission is to help people live healthier lives by providing access to high quality, affordable health care. We are committed to improving the health care experience of K-12 teachers, staff, retirees and their families in the state of Wisconsin by providing Better Information, to drive Better Decisions, to help Improve Health.

WILLIS OF WISCONSIN, INC.

400 N. Executive Dr., Suite 300
Brookfield, WI 53005
www.willis.com
Public sector practice

LEGAL SERVICES

BUELOW VETTER BUIKEMA OLSON & VLIET LLC

20855 Watertown Rd., Suite 200
Waukesha, WI 53186
Phone: 262.364.0300
www.buelowvetter.com

The attorneys at Buelow Vetter have decades of experience in representing school boards across the State of Wisconsin. We advise school boards and administrators on a variety of issues from labor and employment to student discipline and expulsion.

VON BRIESEN & ROPER, S.C.

411 E Milwaukee Ave Ste 1000
Milwaukee, WI 53202
Phone: 414-287-1122
www.vonbriesen.com

The Government Group at von Briesen & Roper is dedicated to ingenuity and creativity in helping schools solve their most complex legal and organizational problems. Challenge us to help you challenge the status quo.



SUPPORTING, PROMOTING AND ADVANCING PUBLIC EDUCATION



UPCOMING PROGRAMS

2015 FALL REGIONAL MEETINGS



2015 Regional Meetings Highlights:

- School Board Member Recognition Awards
- WASB Director Elections (Regions 1, 4, 9, 10, 11, and 13)
- Feature Presentation: Community Leadership: A School Board's Role
- Executive Director's Report

**Optional Pre-Regional
Meeting Workshop:**
School Board Policy Implications
from the 2015-17 State Budget



2015 WSAA/WASB SCHOOL LAW SEMINAR

WSAA/WASB School Law Seminar Highlights:

- Get up-to-date on the latest school law issues affecting Wisconsin school districts
- Sessions led by respected school law attorneys and WASB staff counsel
- Gain information to effectively lead your district

**Watch for more Information
at wasb.org**

***SUPPORTING, PROMOTING AND
ADVANCING PUBLIC EDUCATION***

**PH: 608-257-2622
FAX: 608-257-8386**