

1 **WISCONSIN ASSOCIATION OF SCHOOL BOARDS, INC.**

2 Madison, Wisconsin

3 November 21, 2014

4
5
6 **REPORT TO THE MEMBERSHIP ON PROPOSED 2015 RESOLUTIONS**

7 WASB Policy & Resolutions Committee

8 Wanda Owens, Barneveld School Board, Chair

9
10
11 ***Resolution 15-01: Creation of School Districts***

12 Amend existing resolution 1.31 to add the underlined language as follows:

13
14 The WASB supports a process for the creation of school districts only if the action to create a
15 new district is:

- 16 (a) approved by the school board(s) in the affected school district(s), and
17 (b) approved by a majority of the voters at a referendum in each of the affected school
18 districts.

19
20 Rationale: Proposals to create new school districts involve a number of important decisions that
21 impact the affected communities, including determining the precise boundaries of the proposed
22 district and apportioning the assets and liabilities among the existing district(s) and the proposed
23 district. The Policy & Resolutions Committee advanced this resolution to allow WASB members
24 an opportunity to validate and clarify the WASB's existing position regarding the process for
25 creating new districts.

26
27
28 ***Resolution 15-02: School Start Date & Pupil Transportation—AP & IB Programming***

29 Create resolution 1.22 (b) as follows:

30
31 Barring a repeal of the existing September 1 school start mandate, the WASB encourages the
32 DPI to amend its administrative rules to allow waivers from the September 1 start date to school
33 boards that enroll significant percentages of 11th and 12th grade students in Advanced Placement
34 (AP) programming as it does with respect to International Baccalaureate (IB) programming.
35 The WASB further encourages the DPI to allow all schools within such a district a start date
36 waiver if the school district operates one schedule of busses for transporting all K-12 students.

37
38 Rationale: Under current DPI administrative rules, the DPI may allow high schools to start the
39 school year earlier than September 1 if they enroll at least 75 percent of 11th and 12th grade students
40 in International Baccalaureate (IB) programming. The Policy & Resolutions Committee advanced
41 this resolution to allow WASB members to decide whether to express support for treating
42 Advanced Placement (AP) programming on a par with IB programming when it comes to the
43 school start date as well as support for allowing a district granted such a waiver based on
44 enrollment in AP programming to start all classes before September 1 if the school district operates
45 one schedule of busses for transporting all district pupils.

1 ***Resolution 15-03: School Start Date Waivers & Pupil Transportation—Alignment of Public &***
2 ***Private School Calendars***

3 Create: The WASB encourages the DPI to grant a start date waiver to every school district that has
4 been unable to reach agreements to align the school year start date with private and parochial
5 schools for which the district provides pupil transportation.

6
7 Rationale: Some private and parochial high schools advertise that they start school prior to
8 September 1 and assert that students who attend their schools will, for example, have more time to
9 prepare for Advanced Placement (AP) exams. The Policy & Resolutions Committee advanced this
10 resolution to allow WASB members to decide whether to express their support for encouraging the
11 DPI to recognize the competitive disadvantage and costs to public school districts when schedules
12 are not aligned when it considers granting waivers to the September 1 start date mandate.

13
14
15 ***Resolution 15-04: Technical Education Teacher Shortage***

16 Create: The WASB supports reasonable efforts to address the shortage of licensed technical
17 education teachers, including efforts to increase the number of licensed teachers qualified to be in a
18 classroom in technical education content areas where shortages are most acute.

19
20 Rationale: The Policy & Resolutions Committee advanced this resolution to allow WASB members
21 to decide whether to express support for addressing the shortage of licensed technical education
22 teachers in the state and the problems this shortage is creating for districts, including the
23 phenomenon of districts “poaching” technical education teachers from neighboring districts and the
24 increased costs to districts that result from the bidding up of salaries, including starting salaries.

25
26 Efforts to address this problem could, for example, include attempts: to update the trade specialist
27 permit pathway (§ 118.19, Wis. Stats.), including to reflect that certain apprenticeship programs
28 (e.g., in auto mechanics) no longer exist; to broaden the alternative teacher training program (§
29 118.192, Wis. Stats.) to include career and technical education content areas; to harmonize
30 requirements for those with a bachelor’s degree who are licensed as a technical education
31 instructor in a technical college with the requirements needed for DPI licensure as a technical
32 education teacher; to create a general technical education licensure, with the ability to get additional
33 specific certifications; to rely more on industry standards and certifications plus appropriate
34 pedagogical training for those who already have a DPI teacher license in a non-technical education
35 area but are willing to add technical expertise to obtain a technical education license; and to
36 maximize the use of technical college system resources to prepare candidates for licensure in
37 automotive-related and other appropriate areas.

38
39
40 ***Resolution 15-05: State Funding and Flexibility for Course Options Program***

41 Create: The WASB supports additional, adequate state funding to reimburse the cost to school
42 districts of students taking courses through the Course Options Program. The WASB further
43 supports legislation to amend the Course Options Program to provide school districts with an
44 adequate amount of time to make appropriate adjustments to course offerings, class schedules,
45 and staffing assignments and to allow districts to give due consideration to their resident students in
46 allocating spaces in Course Options Program classes conducted as concurrent enrollment classes in
47 the district’s own facilities and taught by a district teacher.

1 Rationale: The Policy & Resolutions Committee advanced this resolution to allow the members to
2 decide whether to express support for making revisions to statutory changes that replaced the Part-
3 time Open Enrollment Program with the Course Options Program, including providing adequate
4 state funding to ensure the Course Options Program does not operate as an unfunded mandate on
5 local districts. Among the changes that resulted from the transformation of the Part-Time Open
6 Enrollment Program to a Course Options Program is that the responsibility for the payment of
7 tuition to a college or university for a concurrent enrollment course (in which a student receives
8 both high school and college credit) now falls on the student's resident school board rather than on
9 the student. A formal Attorney General opinion affirms that the Course Options Program statute (§
10 118.52, Wis. Stats.) applies to a concurrent enrollment class taught by a high school teacher who is
11 classified as an adjunct instructor of the college or university.
12
13

14 ***Resolution 15-06: Increase Coordination between Youth Options and Course Options Programs***
15 Create: The WASB supports statutory changes to improve coordination between the Youth Options
16 and Course Options programs that provide opportunities for students to complete coursework at
17 educational institutions other than the student's resident district. The WASB further supports
18 reasonable limitations on opportunities for students to initiate postsecondary coursework at other
19 educational institutions at the expense of the student's resident school district.
20

21 Rationale: The Policy & Resolutions Committee advanced this resolution to allow the members to
22 decide whether to express support for revising the Youth Options and Course Options programs so
23 they are better coordinated and operate in greater harmony with each other and support for
24 providing for reasonable limitations on the extent to which public school districts are responsible
25 for subsidizing the earning of post-secondary credits by students while still enrolled in K-12
26 schools.
27
28

29 ***Resolution 15-07: Open Enrollment—Revise Open Enrollment Application Window Period***
30 Amend existing resolution 3.77 (j) to add the following underlined language:
31

32 The WASB supports requiring that all open enrollment applications be submitted within the
33 statutory window period. Further, the WASB supports legislation shortening the statutory
34 open enrollment window period so it begins on the first Monday in February and ends on
35 the second Friday in March.
36
37

38 Rationale: The Policy & Resolutions Committee advanced this resolution to allow members to
39 decide whether to express support for a proposed change the Committee determined could make
40 open enrollment more manageable for school districts. A shorter application window would give
41 parents whose open enrollment applications submitted during the window period have been
42 approved more time to make decisions and would give districts more time to make staffing
43 decisions.
44
45
46
47
48
49

1 **Resolution 15-08: Open Enrollment –Decision-Making under the Alternative Application Process**

2 Repeal and recreate existing resolution 3.77(k) so it reads as follows:

3
4 The WASB supports requiring open enrollment applications submitted outside the statutory
5 window period be subject to the sole approval by the school board of the resident district.
6

7 **Rationale:** At the time existing resolution 3.77(k) was adopted, creation of an alternative
8 application process for open enrollment had been proposed but had not yet been enacted into law.
9 The Policy & Resolutions Committee advanced this resolution to allow WASB members to decide
10 whether to update existing resolution 3.77(k) to reflect that an exception to the open enrollment
11 statutory window has indeed been created and to express support for allowing the student's resident
12 district to control the approval of open enrollment applications submitted for any reason allowable
13 under the law outside the statutory application window period.
14

15
16 **Resolution 15-09: Modify Out-of-State Tuition Payment Statute**

17 Create: The WASB supports modifications to the tuition payment statute that currently allows
18 some Wisconsin pupils to attend an out-of-state public school with the pupil's resident district
19 making tuition payments to the out-of-state school district.
20

21 **Rationale:** The Policy & Resolutions Committee advanced this resolution to allow WASB members
22 to decide whether to express support for modifying a Wisconsin statute (§ 121.78, Wis. Stats.) that
23 places in-state school districts in border areas in a position where an out-of-state school can recruit
24 Wisconsin pupils and have the pupil's tuition paid by a Wisconsin school district without any
25 similar mutual obligation on the part of the out-of-state school.
26

27 Potential changes to this statute include changes that might create a mutuality of obligation (or level
28 the playing field) between in-state and out-of-state school districts, including: (1) permitting a
29 Wisconsin school district to deny such requests when the state in which the out-of-state school is
30 located does not have a reciprocity agreement that similarly permits an out-of-state pupil to attend
31 school in a Wisconsin school district; (2) better ensuring that Wisconsin school districts and
32 taxpayers are not financially disadvantaged by such arrangements, including through the provision
33 of maximum payment amounts; (3) providing that the appeal of a denial by a resident school district
34 is to the appropriate Wisconsin circuit court rather than to the school district boundary appeal
35 board; and (4) clarifying that a Wisconsin pupil who enrolls at a public school located outside this
36 state pursuant to the tuition payment statute is fully counted in membership of his or her resident
37 district for revenue limit purposes as the pupil would be counted if he or she were attending a public
38 school in a nonresident Wisconsin public school district under Wisconsin's Full-Time Open
39 Enrollment Program.
40

41
42 **Resolution 15-10: Boundary Appeal Board Decisions**

43 Create resolution 5.24 c) as follows:

44
45 c) Considering appeals arising from the tuition payment statute.
46

47 **Rationale:** The Policy & Resolutions Committee advanced this resolution to allow WASB members to
48 decide whether to express support for prohibiting the boundary appeal board from considering appeals
49 arising from the tuition payment statute (§ 121.78, Wis. Stats.).

1 **Resolution 15-11: Rehiring Wisconsin Retirement System (WRS) Retirees**

2 Repeal and recreate existing resolution 4.37 to read as follows:

3
4 The WASB supports legislation that would: a) allow a person who is receiving a Wisconsin
5 Retirement System (WRS) retirement annuity to be rehired in WRS participating employment
6 after at least a 60-day break period between terminating WRS participating employment and
7 returning to WRS participating employment; and b) restore to such rehired employees the
8 option to continue to receive their WRS annuity (but not accrue any additional WRS
9 contributions or service credit), regardless of the number of hours worked.

10
11 Rationale: The Policy & Resolutions Committee advanced this resolution to allow members to
12 decide whether to express support for revising and updating resolution 4.37, which was adopted
13 before legislation regarding rehiring retired WRS participants (e.g., teachers and administrators)
14 was enacted and whether to express support for a 60-day break-in-service requirement rather than
15 75 days as required under current law.

16
17 2013 Wisconsin Act 20, the biennial budget act, changed, from 30 days to 75 days, the length of
18 time that a WRS participant who has applied for a retirement annuity or payment must wait
19 between terminating WRS covered employment and returning to WRS participating employment.
20 Returning to WRS eligible employment within the 75-day minimum break period makes the
21 participant ineligible for a retirement annuity or lump sum payment. This change first applied to
22 participating employees under the WRS who terminate covered employment under the WRS on
23 July 2, 2013. The proposed resolution would decrease the required break-in-service period before a
24 retired employee may be rehired from 75 days to 60 days.

25
26 Act 20 further provides that if a WRS participant receiving a retirement annuity obtains subsequent
27 covered employment in which he or she is expected to work at least two-thirds of what is
28 considered full-time employment (defined as 880 hours for teachers and educational support staff
29 and 1,200 hours for all others), the participant's annuity shall be suspended and no annuity payment
30 shall be payable until after the participant terminates this subsequent covered employment. This
31 change applies to participating employees under the WRS who terminated covered employment
32 under the WRS on or after July 2, 2013. The proposed resolution would support restoring to a
33 rehired employee who is currently receiving a WRS annuity the option to continue to receive his or
34 her WRS annuity (but not accrue any additional WRS contributions or service credit), regardless of
35 the number of hours he or she works, rather than being required to suspend the WRS annuity during
36 the period or reemployment as is the case under current law.

37
38
39 **Resolution 15-12: Repeal of "Populous Counties Teacher Tenure" Statute**

40 Create: The WASB supports the repeal of the "teacher tenure" statute.

41
42 Rationale: The Policy & Resolutions Committee advanced this resolution to allow WASB members
43 to decide whether to express support for the repeal of the "teacher tenure" law (§ 118.23, Wis.
44 Stats.), which granted to certain Milwaukee County teachers who achieved tenure status before
45 December 21, 1995, a form of permanent employment rights known as tenure when they received
46 their fourth contract in the same school system.

47
48 Although tenure is no longer being granted, those teachers who received tenure on or before Dec.
49 21, 1995 are "grandfathered" under the statute and continue to have tenure. A teacher who has

1 attained tenure status may be dismissed or discharged only for the reasons specified in the statute
2 and upon written charges. The “teacher tenure” statute creates a higher burden on districts seeking
3 to dismiss or discharge a teacher than even the “just cause” standard that was common in collective
4 bargaining agreements. Further, a public hearing on the charges before the school board must be
5 granted if the teacher submits a written request for a hearing.
6

7
8 ***Resolution 15-13: Rural School Staff Recruitment and Retention***

9 Create: The WASB supports state and federal initiatives to assist rural school districts in their
10 efforts to attract and retain high quality staff, including student loan forgiveness programs and
11 grants for teachers who commit to work in rural school districts for at least a minimum number of
12 years as determined by the legislature.
13

14 Rationale: The Policy & Resolutions Committee advanced this resolution in recognition that rural
15 school districts often have trouble attracting and retaining high quality staff to give WASB
16 members an opportunity to decide whether to express support for proposals that address this issue.
17 Often rural school districts complain that they hire new teachers and provide training and
18 experience only to see them leave for bigger districts that offer higher salaries. Offering incentives
19 could help attract teachers to underserved, high-needs areas of the state and keep them in those
20 areas. (A proposal to create a state initiative of this type was endorsed by the Assembly Speaker’s
21 Task Force on Rural Schools.)
22

23
24 ***Resolution 15-14: Rehiring Retired Teachers - Affordable Care Act Issues***

25 Create: The WASB supports legislation to clarify that under the federal Affordable Care Act a
26 retiree who participates in a school district’s retiree-only Health Reimbursement Arrangement
27 (HRA) may return to employment in that school district for less than 30 hours per week without
28 jeopardizing his or her eligibility to continue to receive retiree health benefits through an HRA and
29 without jeopardizing the school district’s compliance with the Affordable Care Act.
30

31 Rationale: The Policy & Resolutions Committee advanced this resolution to allow WASB members
32 to decide whether to express support for addressing a concern that the Affordable Care Act
33 interferes with some school districts’ abilities to hire retirees, including retired teachers and
34 administrators as substitute teachers or interim administrators, without impacting the retiree health
35 benefits of such rehired retirees. The solution suggested by the resolution seeks to provide some
36 clarity for rehired retirees and for districts alike.
37

38
39 ***Resolution 15-15: Student Achievement Guarantee in Education Program (SAGE)***

40 Create: The WASB supports legislation to shift the emphasis of the Student Achievement
41 Guarantee in Education (SAGE) Program from class-size reduction to achievement-gap reduction.
42

43 Rationale: The Policy & Resolutions Committee advanced this resolution to allow WASB members
44 to express their support for a change likely to be recommended by a Legislative Council Special
45 Study Committee that has been examining alternatives to the current SAGE program.
46
47
48
49

1 ***Resolution 15-16: Allow School Board Members to Serve as Volunteer Coaches or Student Advisors***

2 Create: The WASB supports legislation to allow a school board member to serve as a volunteer
3 coach or advisor of student extracurricular activities provided all of the following conditions are
4 met:

5
6 (a) The school board member receives no compensation for service as a volunteer coach or
7 advisor.

8 (b) During the period he or she serves as a volunteer in a particular program, the school
9 board member abstains from voting on issues before the school board concerning that
10 program.

11 (c) The appointing authority has received the results of a criminal history background check
12 from the Wisconsin Department of Justice or the Federal Bureau of Investigation for the
13 school board member.

14
15 Rationale: The common law doctrine of incompatibility generally provides that a public officer may
16 not be a public employee if the office and employment are incompatible. The Policy & Resolutions
17 Committee advanced this resolution to allow the WASB membership to decide whether to express
18 support for the adoption in Wisconsin of a law, similar to one enacted in Michigan, which, in effect,
19 codifies the common law doctrine of incompatibility, but provides an exception to allow a member
20 of a school board to be appointed to or serve as a volunteer coach or supervisor of a student
21 extracurricular activity provided certain specific conditions are met.
22
23

24 ***Resolution 15-17: Teacher Shortages & Alternative Licensure Pathways***

25 Create: The WASB supports reasonable efforts to provide pathways to licensure for teaching
26 candidates in subject or content areas where there is a shortage of licensed teachers, provided that
27 candidates have bachelor's degrees and are qualified to be in a classroom as demonstrated by
28 appropriate experience, knowledge and skills in the subject or content area, and rigorous training in
29 pedagogy, assessment, and classroom management.

30
31 Rationale: The Policy & Resolutions Committee advanced this resolution to allow WASB members
32 to decide whether to express support for reasonable efforts to provide alternative pathways to
33 licensure in subject or content areas where there is a shortage of licensed teachers.