

WISCONSIN ASSOCIATION OF SCHOOL BOARDS, INC.

Madison, Wisconsin

November 24, 2015

UPDATE ON 2015 RESOLUTIONS

Resolution 15-01: Creation of School Districts

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

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

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

When this resolution was brought forward, it was anticipated that a bill might be proposed to make it easier for a new district to form by detaching from an existing district. To date, not such proposal has been introduced.

Resolution 15-02: School Start Date & Pupil Transportation—AP & IB Programming

Create resolution 1.22 (b) as follows:

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

Assembly Bill 144 has been introduced by Rep. Jim Ott (R-Mequon) and Senator Alberta Darling (R-River Hills) to create an exception to the general prohibition against a public school beginning the school term before September 1. The exception is for a school board of a school district in which more than 20 percent of the high school students took at least one advanced placement exam. The bill received a public hearing in the Assembly Education Committee on November 5, 2015. Based on this resolution, the WASB testified in favor of the bill.

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

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

To date, the WASB is unaware of any school district that has sought a waiver on the basis set forth in the resolution since this resolution was adopted.

Resolution 15-04: Technical Education Teacher Shortage

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

Provisions included in the 2015-17 state budget act (2015 Wisconsin Act 55) create a new pathway for obtaining a 3-year initial teaching license to teach a technical education subject based on the individual's prior experience in a technical field and his/her prior pedagogical experience. The individual must also agree to complete during the term of the initial license a curriculum determined by the school board of the school district in which the individual will teach. If the individual successfully completes the agreed-upon curriculum, then, upon expiration of the initial teaching license, DPI shall issue a professional teaching license to the individual to teach the technical education subject. For purposes of such licenses, "technical education subject" includes technology education and any technology-related occupation. An individual granted a teaching license under this provision would not be required to possess a bachelor's degree. The WASB monitored the development of this proposal.

In addition, under the state budget act, the state superintendent may issue a permit to an individual to teach industrial arts subjects if the applicant is certified by the technical college system board to teach an industrial arts or similar subject.

Resolution 15-05: State Funding and Flexibility for Course Options Program

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

Provisions in the 2015-17 state budget act (2015 Wisconsin Act 55) allow an institution of higher education to charge a pupil, or the parent or guardian of a minor pupil, additional tuition and fees for attending a course under the course options program at the institution of higher education, but only if the pupil will receive post-secondary credit for the successful completion of the course. If the pupil receives postsecondary credit, the tuition and fees would be negotiated between the institution of higher education and the school district and can only be charged if the pupil receives postsecondary credit. Otherwise, tuition would be set in a manner determined by the State Superintendent. (There have been no changes, however, to the course options statute that affect courses taken through the program in another public school district, at a charter school, or at a DPI approved nonprofit organization. For concurrent enrollment courses in which the district is responsible for delivery of the course (instruction, facilities, materials, etc.), the amount to be paid by the resident school district to the institution of higher education must still be negotiated between the district and the institution of higher education, with the expectation that the agreement will be cost neutral for both parties. (Examples of these courses are College Credit in High School, CAPP, PIE and Transcribed Credit.)

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

Following the adoption of this resolution the WASB engaged in a number of discussions with representatives of the DPI, school administrators (SAA) and the UW System and came up with a set of agreed-upon language changes to Course Options that we forwarded to key lawmakers and the governor’s office. Among other things, these agreed-upon changes called for:

- Bringing statutes relating to youth options and course options into closer harmony
- Creating a definition of “third-party” classes to cover classes offered for postsecondary credit by an institution of higher education which takes place at the campus of the institution of higher education or at a public high school in a nonresident school district.
- Establishing a much more reasonable timeline for students to register for “third-party classes” offered in another school district (i.e., for students registering in a district that is not their resident school district)
- Allowing the student’s resident district to reject an application if the school board determines that the third-party course is comparable to a course offered in the school district;
- Limiting participation in Course Options to classes offered during the regular school term (i.e., excludes summer school); and
- Placing limits on how many total credits can be earned through a combination of Course Options and Youth Options classes.

Regrettably, lawmakers and the governor chose not to implement these changes.

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

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

To date, no legislative proposals to shorten statutory open enrollment window period have been introduced in the 2015-16 legislative session.

Resolution 15-08: Open Enrollment –Decision-Making under the Alternative Application Process
Repeal and recreate existing resolution 3.77 (k) so it reads as follows:

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

To date, no legislative proposals to accomplish the intent of this resolution have been introduced in the 2015-16 legislative session.

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

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

Prior to and following the adoption of this resolution, the WASB worked with the Florence County School District to develop proposed statutory language to modify the tuition payment statute. These changes were included in the 2015-17 state budget act (2015 Wisconsin Act 55) and took effect beginning in the 2015-16 school year. These changes:

- Require that a written agreement between a school board of a pupil's district of residence and that of a pupil's district of attendance to permit a pupil to attend a public school outside the school district of residence (including an out-of-state school) must specify the amount of tuition that the school district of residence would pay to the school district of attendance.
- Provide that the school district of residence would be paid state aid for the pupil, in an amount up to the amount specified in the written agreement, as though the pupil were enrolled in the district of residence.
- Delete current law requiring that if a school board provides for the enrollment of a pupil in a public school located outside of this state, the school must be at least 1.5 miles nearer to the pupil's home than any public school in Wisconsin.
- Delete current law requiring that the school board pay for the transportation of a pupil who resides two or more miles from an out-of-state school, and specifying that the school district is eligible for state aid for the transportation of the pupil as if the pupil were transported to a school in the district of residence.

Resolution 15-10: Boundary Appeal Board Decisions

Create resolution 5.24 (c) as follows:

c) Considering appeals arising from the tuition payment statute.

To date, no legislative proposals to accomplish the intent of this resolution have been introduced in the 2015-16 legislative session; however, due the legislative changes described under Resolution 15-09 (above), this may no longer be necessary.

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

Repeal and recreate existing resolution 4.37 to read as follows:

The WASB supports legislation that would: a) allow a person who is receiving a Wisconsin Retirement System (WRS) retirement annuity to be rehired in WRS participating employment after at least a 30-day break period between terminating WRS participating employment and returning to WRS participating employment; and b) restore to such rehired employees the option to continue to receive their WRS annuity (but not accrue any additional WRS contributions or service credit), regardless of the number of hours worked.

To date, no legislative proposals to accomplish the intent of this resolution have been introduced in the 2015-16 legislative session

Resolution 15-12: Repeal of “Populous Counties Teacher Tenure” Statute

Create: The WASB supports the repeal of the “teacher tenure” statute.

To date, no legislative proposals to accomplish the intent of this resolution have been introduced in the 2015-16 legislative session. The WASB has had discussions with the offices of Milwaukee County legislators who may be interested in introducing legislation to repeal this statute.

Resolution 15-13: Rural School Staff Recruitment and Retention

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

Following the adoption of this resolution, the WASB staff has met with a number of legislators interested in helping rural schools address teacher shortages, including Rep. Mary Czaja (R-Irma) and Rep. Romaine Quinn (R-Rice Lake). We have offered a number of suggestions, including student loan forgiveness programs and grants for teachers who commit to work in rural school districts for at least a minimum number of years. We continue to work with state legislators on this issue.

The WASB has also communicated its support for federal legislation (S. 2190, the Rural Educator Support & Training (REST) Act). This legislation would: 1) authorize a federal scholarship program for tuition, books, fees and a monthly stipend for students that contractually commit to servicing in rural schools for up to three years after graduation; 2) establish a loan forgiveness program for rural educators who have worked full time for 5 years in a rural district; and 3) create a grant program to reimburse teachers in rural schools for National Board Certification and to cover salary increases for teachers who obtain the certification.

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

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

The WASB has communicated our support for changes in the federal Affordable Care Act to accomplish the intent of this resolution to our state's congressional offices. In addition, the WASB Board of Directors submitted a proposed resolution on this very subject to the National School Boards Association (NSBA) for consideration at the NSBA's Delegate Assembly.

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

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

2015 Wisconsin Act 53 creates a program entitled Achievement Gap Reduction (AGR) that will eventually replace the SAGE program in its entirety. After July 3, 2015, the effective date of this law, the DPI may no longer enter into any new SAGE contracts or renew any existing SAGE contracts. However, a school that is subject to a SAGE contract on July 3, 2015 may transition to the AGR program, and there is also a special one-year extension allowance for SAGE contracts that were entered into or renewed in the 2010-11 school year. Schools not participating in the SAGE program as of July 3, 2015 are not authorized to join the AGR program.

While the new AGR program incorporates several aspects of the existing SAGE program, including the use of renewable 5-year contracts for participating schools, the AGR program differs from the SAGE program in several aspects, most notably that the AGR program allows a school to meet its obligations under the contract by using one of three strategies, or a combination of these strategies: (1) having a licensed teacher provide data-informed, one-to-one tutoring to pupils who are struggling in mathematics, reading, or both; (2) having a licensed teacher provide data-driven instructional coaching for teachers in one or more participating grades; or (3) maintaining classroom ratios of 18:1 or 30:2 and providing professional development on small group instruction. Unlike SAGE, the AGR program does not require a school that implements the third strategy to meet the 18:1 or 30:2 classroom ratios in all participating grades.

Based on the adoption of this resolution, the WASB supported the legislation (2015 Senate Bill 32) to transition from the former SAGE program to the new AGR program.

Resolution 15-16: Allow School Board Members to Serve as Volunteer Coaches or Student Advisors
Create: The WASB supports legislation to allow a school board member to serve as a volunteer coach or advisor of student extracurricular activities provided all of the following conditions are met:

- (a) The school board member receives no compensation for service as a volunteer coach or advisor.*
- (b) During the period he or she serves as a volunteer in a particular program, the school board member abstains from voting on issues before the school board concerning that program.*
- (c) The appointing authority has received the results of a criminal history background check from the Wisconsin Department of Justice or the Federal Bureau of Investigation for the school board member.*

On November 11, 2015, Governor Scott Walker signed Senate Bill 217, which allows school board members to be volunteer coaches and extracurricular activity supervisors under the above conditions, into law as 2015 Wisconsin Act 92.

The WASB supported and helped draft this new law after delegates to the 2015 WASB Delegate Assembly approved this resolution (that is now WASB Resolution 6.22).

The WASB thanks state Sen. Julie Lassa (D-Stevens Point) and state Rep. Nancy VanderMeer (R-Tomah) for authoring this legislation, and School District of Tomah Board of Education member Nancy McCoy for being a driving force behind this legislation.

Resolution 15-17: Teacher Shortages & Alternative Licensure Pathways

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

During debate over the 2015-17 state budget, the Legislature's Joint Finance Committee (JFC) adopted a package of teacher licensure changes that would have abandoned any requirements for applicants to have completed teacher training programs and, in many cases, would have abandoned the concept that a bachelor's degree is required to hold a teaching permit. Based on this resolution, the WASB opposed these changes and lobbied for them to be removed. In the end, however, the JFC reversed itself and removed these provisions.

Instead, the JFC opted to insert new provisions that require DPI to grant a license based on the individual's licensure and experience in another state that. Under these provisions, which were signed into law as part of the state budget act (Act 55), an individual may qualify for an initial teaching or administrator's license if he or she holds an equivalent license granted by another state, is in good standing, and has at least one year of teaching or administrator experience in that state. The applicant must have received an offer of employment from a school or district in Wisconsin prior to applying for such a license, and the application must be completed by both the individual and the employing school or district.