

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

2 Madison, Wisconsin

3 November 18, 2020

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5 **REPORT TO THE MEMBERSHIP ON PROPOSED 2021 RESOLUTIONS**

6 WASB Policy & Resolutions Committee

7 Sue Todey, Sevastopol School Board, Chair

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10 **Resolution 21-01: *One-Cent Sales Tax for School Infrastructure, Technology and Tax Relief***

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12 **Create:** The WASB supports the implementation of a new statewide one-cent (one percent) sales
13 tax to help public school districts build, maintain, and upgrade facilities, upgrade district
14 technology infrastructure, software, and teacher training related to technology and help lower
15 property taxes for Wisconsin taxpayers. District electors would need to approve a one-time
16 revenue purpose statement before these sales tax funds could be expended and funding from the
17 sales tax could not be spent on supplies, hiring additional staff or employee salaries and benefits.

18
19 This one-cent sales tax is intended to provide equitable, designated funding for all public schools
20 and all students, distributed on a per-student basis, as a new, ongoing revenue stream for the
21 stated purposes and should not be used by the legislature to replace existing state revenues or for
22 other purposes. This tax should remain in place for a long enough period of time to enable schools
23 to borrow (issue bonds) against this revenue stream.

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25 **Rationale:** Existing WASB resolutions support “new state revenues, including sales and income
26 taxes, and proposals to broaden the base of state tax programs in order to provide state revenues
27 to school districts consistent with WASB policies” as well as, “developing a well-balanced tax
28 system that lowers Wisconsin's heavy reliance on ... property taxes while properly funding
29 existing mandates.”

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31 This resolution endorses a specific approach to augment those general statements. Supporters of
32 this resolution argue that providing revenue to schools through a sales tax increase has the
33 benefits of reducing the dependency on the property tax and including out-of-state visitors in
34 sharing in the cost through sales tax collections attributable to tourism. Other states, including the
35 neighboring states of Iowa and Illinois, have implemented “one-cent sales tax for schools”
36 programs. Supporters argue local communities in those states are using the funding based on
37 their unique facility/infrastructure needs and that it allows school boards in those states to create
38 more reliable long-term plans and budgets. Local school boards oversee facility planning, with
39 local community approval of the broad purposes and uses of the funding stream sought by this
40 resolution.

1 **Resolution 21-02: *Broadband Access***

2
3 **Create:** The WASB supports legislation to expand affordable, reliable, quality broadband access
4 for all Wisconsin communities, including funding for school districts to ensure broadband access
5 and devices for students and staff in their schools, school districts, and communities.
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7 The WASB also supports expanding federal funding for school technology provided through the
8 E-Rate program as well as loosening restrictions on the use of E-Rate funding that limit
9 permissible expenditures of such funds to items on or pertaining to school premises.
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11 **Rationale:** The experience of school closures last spring laid bare significant inequities in
12 students’ ability to access to broadband internet connections in their homes and outside of
13 classrooms. A survey of Wisconsin school districts released in June 2020 by the Wisconsin
14 Educational Media & Technology Association (WEMTA) reported that 64 percent of Wisconsin
15 school districts said parts of their district lack broadband or cellular access, and 37 percent said
16 they were unable to provide hotspots or Wi-fi cards. Sluggish DSL connections, inadequate data
17 caps, and connections that slow even further so customers don’t exceed their data cap hamper
18 students’ ability to work away from school and receive an equitable education that is on a par
19 with that received by their peers in areas where quality broadband is readily available. This
20 resolution supports efforts to increase broadband access and address the so-called “homework
21 gap” at both the state and federal levels.
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24 **Resolution 21-03: *Enrollment Hold Harmless***

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26 **Create:** The WASB supports legislation to create a hold harmless exemption in district
27 membership calculations used for revenue limits and per pupil categorical aid to mitigate the
28 effects of enrollment fluctuations caused by extraordinary public health emergencies or other
29 disasters or emergencies that disrupt large portions of the state. This statutory exemption would
30 be authorized by the DPI upon consultation with state and local leaders.
31

32 **Rationale:** Student counts on the third Friday in September, the second Friday in January and in
33 summer school can significantly impact a school district’s revenue limit, per pupil aid, and
34 general aid distribution. It is widely assumed that COVID-19 and its impacts have caused fall
35 2020-21 student counts to decrease, and in fact caused 2020 summer school enrollment to
36 decrease, leaving school districts to face negative fiscal consequences in 2020-21 and beyond.
37 The DPI cannot address this issue through the waiver process; a statutory change is required. This
38 resolution also recommends a triggering mechanism whereby the DPI would be authorized to
39 make statutorily approved adjustments or changes upon consultation with state and local leaders.
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42 **Resolution 21-04: *Instruction on Indigenous Tribes (1989 Wisconsin Act 31)***

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44 **Create:** The WASB calls upon the DPI to provide sufficient curricular resources and
45 professional development opportunities for teachers to assist all school districts in fulfilling the
46 requirements of 1989 Wisconsin Act 31, including initiatives that promote increased student
47 academic competency regarding 1989 Wisconsin Act 31.

1 **Rationale:** In the 1989-91 biennial budget bill (1989 Wisconsin Act 31), the Legislature enacted
2 a set of instructional mandates colloquially referred to as “Act 31” that generally require all public
3 school districts to provide instruction on the history, culture, and tribal sovereignty of
4 Wisconsin’s eleven federally-recognized American Indian nations and tribal communities. Some
5 argue that school districts are not meeting their Act 31 obligations. Current law does not require
6 data collection, tracking of compliance with Act 31 requirements, or evaluation of the efficacy of
7 the Act. Although the DPI and others (e.g., PBS Wisconsin) have made high-quality, standards-
8 aligned curricular resources related to Act 31 available, this resolution calls for further efforts to
9 provide resources and professional development opportunities and other initiatives aimed at
10 helping districts to meet Act 31 obligations.

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13 **Resolution 21-05: *Special Education Flexibility to Address Emergencies***

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15 **Create:** The WASB supports legislation that would grant state and federal flexibility for districts
16 in providing educational services, particularly special education services, to students during
17 school years disrupted by extraordinary public health emergencies or other emergencies that
18 affect large portions of the state or the nation. The primary goal of this flexibility should be to
19 enable schools to bring students to the level of achievement they would have been at had the
20 extraordinary emergency not occurred.

21
22 The WASB also supports efforts to relax certain federal financial requirements imposed on school
23 districts such as maintenance of effort requirements and proportionate share requirements that are
24 difficult or impossible to meet during periods when special education services are disrupted by
25 extraordinary public health emergencies or other emergencies that affect large portions of the
26 state or the nation. .

27
28 **Rationale:** When schools were ordered closed in the spring of 2020 due to the COVID-19
29 pandemic, special education services to many students with disabilities were disrupted. With
30 schools shut down for instruction, and with students not being transported to the extent they had
31 been prior to the pandemic, it was difficult to provide in-person services to many students with
32 disabilities. As a result, schools’ expenditures for many IEP related services may have decreased
33 due to factors beyond their control. Many students with IEP’s for whom in-person instruction
34 could not be provided last spring will likely need additional services to restore them to the
35 learning level they were at when schools shifted to virtual instruction. Strict enforcement of
36 maintenance of effort and proportionate share requirements could unfairly penalize school
37 districts for circumstances over which they had little control without benefitting students. Schools
38 should not face a “double whammy” of increased costs and reduced resources as they try to meet
39 the needs of students with disabilities.

1 **Resolution 21-06: Assessment and Report Card Waivers**
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3 **Create:** The WASB supports that public school districts should continue to assess student growth
4 and performance using assessments and measures approved locally. However, the WASB also
5 supports legislation specifying that in any school year during which a public health emergency
6 (pandemic) or other disaster or emergency occurs that affects large portions of the state, state law
7 requiring assessments to be administered annually to pupils attending school in a public school
8 district, independent charter school, private choice school, or special needs scholarship program
9 school would not apply and the DPI would be prohibited from publishing school and school
10 district accountability reports in the following school year.

11
12 **Rationale:** State law imposes statutory requirements on the DPI to administer assessments and
13 issue school and district report cards based on the results of those assessments. These statutory
14 requirements may only be suspended by legislative action.
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16 Administering assessments during a public health emergency such as a pandemic presents unique
17 challenges. One challenge is that test vendors or companies generally do not allow their tests to be
18 administered to students who are not physically present in school or another setting in which a
19 proctor is not present because of concerns over test security and data integrity. This presents
20 potential problems with so many students currently learning virtually or shifting between in-
21 person, hybrid, or virtual instruction due to health-related isolation or quarantine protocols due to
22 the current pandemic. Schools that are in virtual instruction mode during the testing windows
23 may not be able to administer the tests fairly or equitably to all students or may not be able to
24 administer the tests in a way that accommodates the concerns of test vendors.
25

26 The locally approved assessments referred to in the resolution are meant to augment state and
27 federally required assessments and can be administered multiple times during the school year.
28 Examples of locally approved assessments currently in use to assess student growth throughout
29 the year include tests such as the Star assessments and MAP assessments, among others.
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32 **Resolution 21-07: Rehiring Retired Teachers and Staff**
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34 **Repeal and Recreate Existing Resolution 4.37 as follows:** The WASB supports legislation to
35 remove any impediments to rehiring retired teachers and staff. Policies and standards for rehiring
36 retired staff should be set by each local school board.
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38 **Rationale:** This resolution would substitute simplified language for the current language of a set
39 of existing WASB resolutions relating to impediments to rehiring retired teachers and staff,
40 including WRS pension and health insurance issues, and issues under the Affordable Care Act.
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42 This resolution broadly authorizes the WASB to advocate for legislation removing impediments
43 to rehiring retired teachers and staff and enabling districts to have greater authority and flexibility
44 to rehire retired teachers and staff without identifying specific laws that need to be changed to
45 provide such authority. Rehiring retired employees can reduce a district's costs and provide the
46 district with employees who have experience and may have connections to students, other staff,
47 and the district.

1 **Resolution 21-08: *Superintendent Evaluations***
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3 **Create:** The WASB supports confidential Superintendent evaluations to allow school districts to
4 continue to improve by providing a confidential framework for the leader of the district to
5 improve, therefore allowing or helping the district to improve. Disciplinary records are separate
6 and distinct from evaluations and would not be considered confidential under this resolution.
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8 **Rationale:** Under current law, evaluations of a school principal that are part of educator
9 effectiveness are expressly required by statute to be kept confidential and are not subject to public
10 disclosure under the Public Records Law. By contrast, evaluations of a district's superintendent
11 are generally subject to public disclosure under the Public Records Law. Thus, under current law,
12 when a district receives a public records request asking for access to the performance evaluation
13 records of the district's superintendent, the records custodian (e.g., the school board) must apply a
14 balancing test (i.e., consider whether the public interest in confidentiality outweighs the public
15 interest in disclosure) to determine whether or not to grant access. Further, a district's
16 superintendent has the right to rebut or make corrections to the evaluation. This can potentially
17 be confusing to members of the public.
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19 Proponents of this resolution argue that from a public policy standpoint, a board might be more
20 candid or more frank in its written evaluation of the district's superintendent if it knew that the
21 evaluation would remain confidential and would not be subject to release under a public records
22 request. Proponents also note that in private employment, it is rare for employees to be able to
23 obtain access to the evaluation records of their supervisors.
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26 **Resolution 21-09: *Comprehensive School Safety Legislation***
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28 **Repeal and recreate existing resolution 6.115 to read as follows:**
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30 The WASB supports comprehensive school safety legislation, including:
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- 32 a. New, permanent, and consistent funding that allows districts to enhance safety and
33 security by supporting one-time and ongoing costs, including, but not limited to:
34 i. Security improvements to infrastructure;
35 ii. Hiring SROs;
36 iii. Coordinating with community agencies;
37 iv. Training for staff and students about threats to safety, restorative practices,
38 de-escalation techniques and anti-bullying;
39 v. Mental health services;
40 vi. Equipping school crisis teams to react to threats; and
41
- 42 b. Allowing prosecutors to bring appropriate charges against any individual who
43 conveys a threat or false information concerning an attempt to injure or create
44 great bodily harm or threat of to a person on school property, school transportation,
45 or at a school event.
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1 **Rationale:** This resolution would repeal and recreate existing resolution 6.115 to essentially
2 reorganize what is in the resolution already and make a number of wording changes. For
3 example, this resolution would substitute “New, permanent, and consistent funding” for the
4 existing “Allocating sufficient funds.” It also adds “coordinating with community agencies,”
5 “training for staff and students” and “restorative practices, de-escalation techniques and anti-
6 bullying” to the list of items for which school safety-related funds may be used and explicitly
7 calls for such funding to be used to “support ongoing costs.”
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10 **Resolution 21-10: *School District Mascots, Logos and Imagery***

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12 **Create:** The WASB encourages school boards and districts to identify imagery, practices or
13 processes that may create a school environment that is not safe and welcoming to all students,
14 regardless of their race, ancestry or ethnicity, and to initiate discussions at the district level that
15 would lead to the retirement of mascots, logos, imagery, practices or processes that may create a
16 hostile, divisive or unwelcoming school environment.
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18 **Rationale:** Supporters of ending the use of race-based imagery, including school mascots and
19 logos, contend that such imagery interferes with learning by creating, supporting, and maintaining
20 oversimplified and inaccurate views of peoples and their cultures. They argue such imagery
21 teaches or encourages students to stereotype groups of people on the basis of race, ancestry, or
22 ethnicity. This, in turn, creates barriers to learning by making school an inhospitable place for
23 some children.
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