



Taking Care of Business

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Focus on Change

The WASBO 2019-20 theme focuses on "Building Resilience in Times of Change" and dominates the theme this issue.



The 2019-20 theme & this issue discuss resilience in times of change

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WASBO 2018-19 Board of Directors

Kent Ellickson President
 Jason Demerath Past President
 Kathy Davis President Elect
 Brian Adesso Treasurer

Directors at Large:

Tim Erickson
 Bill Freeman
 Greg Gaarder
 Todd Hajewski
 David Hoh
 Julie Kelly
 Mike Koltes
 John Stellmacher
 Bob Tess

Executive Director
 Woody Wiedenhoeft

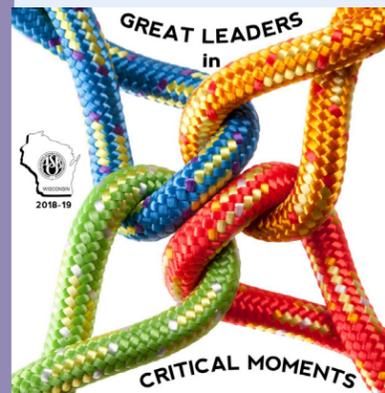
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Editor: Woody Wiedenhoeft

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Kent Ellickson
 Director of Finance and Business Services,
 Onalaska
 President, WASBO Board of Directors

Time to Celebrate Success and Welcome Change

I've shared before that my school district embraces Professional Learning Communities (PLCs). PLCs help our district create a positive culture that is centered around doing what will make our district better for our students. Important components of the PLC culture include communication, commitment, shared accountability, respect, support, and solution orientation. These are not only good components for the PLC culture in a school district, they are not too far off what an organization like WASBO needs to continuously improve to provide value to our membership.

An extra special and important component of the PLC culture is celebrations. For an organization like WASBO, celebrations recognize our organization's and members' hard work and strengthen connections within our organization. As we wrap up the year, it is a good time to celebrate the success of WASBO and our own successes. I'd like to use my final column as President to celebrate the successes of our organization and its members. One of the recent initiatives of WASBO has been to infuse more leadership training into its professional development. Recently we've had fantastic keynote speakers focused on leadership and leadership tracks within our conferences. This past year WASBO took this a step farther with the implementation

of the Wally Zastrow Leadership Academy. The first "graduates" of this program were recognized at the spring conference. Lynn Knight, one of these graduates, stated this about the academy:

"The Wally Zastrow Leadership Academy provided me personalized professional development. Our class developed a camaraderie and we were able to talk about specific challenges we faced on a daily basis. The facilitators provided tools to help with the challenges! The tools were simple to implement and at the same time, very effective. I've participated in a lot of professional development sessions...the Wally Zastrow Leadership Academy is clearly at the top of my list!"

Thank you, Past-President Jason Demerath, to you and the committee who worked hard along with WASBO staff to develop this program and make it a success.

One theme addressed by this year's SMART goals has been identifying opportunities to further support the relationship between Service Affiliate and District Professional relationships. Specifically, WASBO was looking to reenergize the Service Affiliate Committee to provide professional development to assist Service Affiliate members in interacting appropriately with school districts and understanding how districts operate.

Our current Service Affiliate board member, Bill Freeman, and WASBO staff have reenergized this committee. They have reviewed responses to the separate membership survey sent to Service Affiliate members and are working on developing opportunities to make this happen in future conferences, possibly including webinars. Thank you, Bill and the committee, for your work with this initiative this year.

Another theme addressed this has been partnerships and advocacy through telling our stories. This not only includes telling our district stories to those who represent them in Madison, but also what we do with our community. WASBO continues to partner with other education related organizations and also build stronger partnerships with groups such as the Wisconsin School Public Relations Association. As a result of work in this area mainly through Woody and his networking, this Spring Conference included a session on relationships. This includes building support for community partnerships, referenda, and lobbying efforts. We look forward to more continued partnerships and opportunities in this area. Thank you, Woody, for your work in this area.

Thank you departing WASBO board members, Bob Tess and Todd Hajewski, for your contributions to the board. I have appointed Greg Gaarder to serve one more year to fill the final year of Todd's term. Todd recently began a position with a WASBO service affiliate and therefore needed to resign his professional member board position. Todd assured me that we will continue to see him involved with WASBO as a service affiliate. Thank you, Greg, for your willingness to service another year. Filling this one-year appointment with an experienced board member will provide continuity that will be valuable in the board's first year working with our new Executive Director.

Welcome to new board members Holly Burr, Marta Kwiatkowski and Edward Then. We look forward to your joining the rest of the board and next year's President, Kathy Davis. Kathy's theme "Building Resilience in Times of Change" will be very relevant as the strategic plan is developed based off of themes derived from this year's membership survey. I look forward to seeing the updated strategic plan come together and the start of the next chapters of WASBO as we continue to move towards our shared WASBO vision.



WASBO Foundation Custodial & Maintenance Conferences

Session Tracks:

- Cleaning
- Environment/Safety
- Green Schools
- Grounds
- Maintenance
- Retirement Planning
- Best Practices
- Safety Room

Save your inservice budget by sending your team, only \$25 per person.

Sessions may be updated or revised. For complete information or to register, go to: WASBO.com/custodial.

Keynote Presentations

Servant Leadership
 Thomas Thibodeau, Distinguished Professor of Servant Leadership, Viterbo University
 July 17 - New Berlin

Active Shooter Presentation
 Several local agencies will present and provide a demonstration on active shooter training and prevention.
 July 24 - Westby

Customer Service
 Jim Beckmann, Director of Operations, Glendale-River Hills School District
 July 31 - Appleton

June 18, 2019 - Madison
 Facility Mgr Core Cert. Sessions (Module 7)
No additional sessions or vendor resource area

- Emergency Planning
- Security Assessment
- After Hours Emergencies: How to Plan
- Continuity Planning & Disaster Recover
- How are Wisconsin School Districts Preparing for Threats?

July 17, 2019 - New Berlin
 Facility Mgr Core Cert. Sessions (Module 2)

- Energy Accounting & Education
- Understanding HVAC
- Electrical Systems: Lighting
- Electrical Systems: Power & Low Voltage Systems

July 24, 2019 - Westby
 Facility Mgr Core Cert. Sessions (Module 4)

- Exterior Building Envelope Maintenance
- Roof Maintenance
- Effective Preventative Maintenance Program
- Building Automation Management Systems

July 31, 2019 - Appleton
 Facility Mgr Core Cert. Sessions (Module 5)

- Managing Sports Fields - Grass, Turf & Synthetic Surfaces
- Budgeting for School Facilities Departments
- Capital Planning: A Guide to Future Success
- The Realities of Referendum Projects

Visit with vendors at the July locations to learn about new products & services, best practices and innovative solutions.

Give Your Custodial & Maintenance Staff the Tools They Need - Knowledge & Networking!



Woody Wiedenhoef
Departing WASBO Executive Director

An Executive Director's Farewell

Congratulations to our newly elected and appointed WASBO Board members Eddie Then, Holly Bur, Marta Kwaitowski and Greg Gaarder. In addition, congratulations to John Stellmacher for being elected President-Elect. We also recognize and thank all the candidates for participating in the 2019 election and their willingness to serve. We likewise thank the WASBO outgoing Board Members for their service to WASBO and their colleagues.

Please remember and celebrate all the WASBO members who have contributed over the last seventy-two years to WASBO's growth and success. WASBO's vision is "to be the most influential Wisconsin organization for state and national school business management and leadership." To meet this vision, WASBO "provides professional development, fosters professional networking and advocates for funding to ensure outstanding and equitable educational opportunities for all children in Wisconsin" as written in our mission statement. For 72 years, WASBO members have strived to provide enhancements and continuous improvements that are sustainable for all students and all schools. With this rich history, our celebration of past members and actions allow us to confidently recognize future leaders in WASBO who will continue to build upon this foundation. Celebrating our past, celebrates our mentors who have helped all of us grow. Celebrating our past, celebrates our future as we, in

turn, mentor new WASBO colleagues to serve future children. The theme of continuous improvement is strikingly impactful and is modeled and demonstrated as a skill set by WASBO members. WASBO's collegial camaraderie helps all of us professionally improve. Knowledge is important, but modeling and demonstrating leadership will bring positive meaningful improvements.

At the 2019 Spring Conference many WASBO members and other collaborating Associations acknowledged me ahead of my upcoming June 30 retirement. I am certainly grateful for the many kind publicly spoken words, gifts and acknowledgments from Tom Wohlleber, John Gahan, Roger Price, Pat Finnemore, Kent Ellickson, Lynn Knight, Kim Hertz, Bob Borchm Joe Ledvina, past Superintendents, the WASBO Board, WASBO Service Affiliates, WSSCA, WASB, Iowa ASBO, Illinois ASBO, Kansas ASBO and the WASBO Spring Conference Committee. Just as meaningful were the myriad of private conversations, gifts and well wishes that people expressed. Considering this work has always been a team effort for the benefit of our children, I think it all was a bit overdone. But please know this was all very affirming. All of us are doing well at helping our children grow up to become the adults we wish them to become. Our future is bright!

Please take time to sign up for the Wally Zastrow Leadership Academy. Everyone can be a leader! You will

learn how leadership skills transcend a job. You will be able to reflect on how you are or would like to become a leader in your school district. As a member of the school team, we all need to do our part to focus on kids and stakeholders. We model behaviors that bring pride to our profession which makes us a leader at the education table. Everyone leads in a different way based on their role and responsibility. This is an opportunity to expand practical leadership techniques available for our roles and responsibilities; not just the soft skills. This only works if there is accountability. You will learn how to build a high-performance team, assess your "EQ" and let team members know what they can expect when working with you. You will learn strategies for leading and sustaining effective change, know when a group decision is needed and when it is not, and learn to work effectively with diverse populations to provide innovation and equity. Yes, the business side of the schoolhouse does impact student achievement; and you can be at the educational leadership table to support sustainability and improve success.

Mike Barry will be the new WASBO Executive Director. Mike hit the ground running in April, May and June even though his contract starts July 1. He already has demonstrated he is a great part of the WASBO team. Mike has an extreme amount of breadth and depth in knowledge and skills in School Business Management and Leadership. Mike has been

Assistant Superintendent (Business Manager) in Pewaukee, Oconomowoc and Madison school districts. Pat Neudecker, Superintendent of Oconomowoc, described Mike as "...a consummate professional with impeccable character..." with "...an amazing... wit and humor." Jennifer Cheatham noted "Mike is an excellent leader. He is a great role model for his own team and for other members of our senior leadership team. He is fully present in conversations that range from instructional to operational. He is also very equity centered – meaning, his recommendations and decisions reflect his commitment to equity. In summary, Mike is phenomenal. He continues to hit it out of the park each year". On a personal note, Mike is just a plain unassuming, pleasant and humorous colleague. WASBO is very fortunate. Welcome Mike!

On another note, WASBO has an excellent staff.

Back in 2006 Tina, as Associate Director, helped "on-board" me. I will not forget that extra effort helped WASBO transition. Now she is keeping WASBO up to speed on Accounting, Human Resources, IT, Risk Manage-

ment, Peer to Peer, Resource Center and conferencing needs, all of which are needed for WASBO to keep operating effectively.

Jeanne, as the present Associate Executive Director, also helped me to get started in 2006 and now is helping me to "off board". She is helping organize this transition for WASBO. I will not forget that this extra effort sustains WASBO's future. I know she will keep our WASBO staff and association organized and productive on a day to day basis in the future.

Kaitlyn keeps our conference committees and information organized for over 50 conference days. She manages the p-Card and Facilities Manager Certification Program. That extra effort and resulting improvements will continue to serve WASBO well.

Clare is leaving us for Rochester, New York, on May 31 and will be sorely missed. The new and improved *Taking Care of Business* newsletter is because of Clare's efforts. She also has helped improve communications, marketing, sponsorships, exhibits, the WASBO webpage and social media. Kristin manages WASBO member-

ship and WASBO Regionals data and organization. This was no small feat considering the growth WASBO has had over the years.

Kristin also manages Investing in WI Public Schools, The WASBO Certified Risk Management Program, the Viterbo/WASBO graduate credit program, and the WASBO Scholarship and Professional Recognition Programs, as well as helping organize our well-deserved celebrations.

The WASBO staff has acted on Servant Leadership principles. The WASBO staff has been a part of the continuous change and improvement. Thank you, Jeanne, Tina, Kaitlyn, Clare and Kristin, for serving the membership and me.

The WASBO membership expectations are extremely high, as it should be. The opportunity to serve people with high expectations has been extremely fulfilling for me. The continuous improvement has been challenging. I sincerely thank all the WASBO members and WASBO Board for giving me the opportunity to serve WASBO.



Want to keep receiving this publication? Renew your WASBO membership!

wasbo.com/RENEW



John Forester
Executive Director,
School Administrators Alliance

JFC Provides \$500 Million Increase for K-12



From the very beginning of the 2019-21 state budget process, we have known that Governor Evers' budget priorities, including the proposed \$1.4 billion increase for K-12 education, would require revenue generated by the proposed Medicaid expansion, the proposed cap on the manufacturing and agriculture tax credit and the proposed limitation on the exclusion for nonfarm capital gains. However, the first motion adopted by the Joint Finance Committee (JFC) on May 9th removed those three items (and 128 others) from budget consideration leaving an enormous divide between Governor Evers and the GOP on K-12 funding and other budget needs.

In the midst of an ugly partisan environment, the SAA worked very hard with Republican JFC members to address the SAA's top budget priorities: at least a \$200 per pupil general revenue increase in each year of the biennium, a substantial increase in special education funding, a substantial increase in funding for school-age mental health and finally, funding that is "spendable" for children and not simply property tax relief.

On Thursday, May 23rd the JFC voted to provide public schools with a \$500 million increase in state funding, including the following major items:

- General Aid.** Provide \$83.2 million increase in 2019-20 and \$246.7 million increase in 2020-21.
- Revenue Limits.** Increase per pupil adjustment by \$175 in 2019-20 and \$179 in 2020-21.
- Low Revenue Ceiling.** Set the low revenue adjustment at \$9,700 in 2019-20 and \$10,000 in 2020-21 and each year thereafter.
- Per Pupil Aid.** Set the per pupil aid payment at \$679 per pupil in 2019-20 and \$704 per pupil in 2020-21. This is an increase of \$25 per pupil in each year of the biennium.
- Special Education Aid.** Provide a nearly \$97 million increase over the biennium that would allow for 26% reimbursement in 2019-20 and 30% reimbursement in 2020-21.
- School Mental Health Categorical Aid.** Increase by \$3 million in each year of the biennium for the program that reimburses eligible districts and schools for expenditures on social worker services.
- School-Based Mental Health Collaboration Grants.** Increase grant funding by \$3.25 million in each year of the biennium.
- High Cost Transportation Aid.** Provide \$1.6 million increase over the biennium.

We anticipate that the JFC will complete its work on the budget by mid-June. Once the JFC budget is drafted into bill form, the bill will be acted on by the Senate and Assembly, likely

before the end of June. Once the bill has been passed in identical language in both houses, it will move to the Governor's desk where the Governor has essentially two options: 1) use the partial veto to reshape the bill and then sign it into law, or 2) veto the bill in its entirety. It is my understanding that the budget bill has never been vetoed in its entirety since the Executive Budget was initiated in 1931.

If Governor Evers does veto the entire budget and we end up with a protracted partisan stalemate, school districts would operate under the previous year's appropriation levels. DPI would be required to recalculate district equalization aid with some districts receiving more or less than they had in the prior year. Resolution of the budget stalemate would be in "uncharted waters" and very difficult to predict.

I want to take this opportunity to thank all the WASBO members that did such an outstanding job in their state budget advocacy efforts with fabulous testimony at the JFC budget hearings as well as the extensive communications members have had with their legislators.

Stay tuned as the budget process moves toward conclusion.

For more information, visit the WSAA online blog at www.wsaa.org



**WASBO Foundation 2019-20
Professional Development &
Networking Calendar**
WASBO.com

Professional Development Opportunities

- New School Administrators & Support Staff Conference** 🌟★
Aug. 7-8 - Holiday Inn, Stevens Point
 - WASBO Fall Conference** 🌟★🔗 - Modules 4 & 5
Oct. 3-4 - The Osthoff Resort, Elkhart Lake
 - ASBO International Annual Meeting**
Oct. 25-28 - National Harbor, Maryland
 - Midwest Facility Masters Conference** 🔗 - Module 3
Nov. 4-5 - Kalahari Resort & Conference Center, Wis. Dells
 - SFO Study Group**
Dec. 3 - Kalahari Resort & Conference Center, Wis. Dells
 - Winter at a Glance** ★
Dec. 3 - Kalahari Resort & Conference Center, Wis. Dells
 - WASBO/WASPA School Personnel Academy**
Dec. 4-5 - Kalahari Resort & Conference Center, Wis. Dells
 - State Education Convention (School Finance Puzzle - Jan. 21)** 🌟
Jan. 21-24, 2020 - Wisconsin Center, Milwaukee
 - ASBO Executive Leadership Forum**
Jan. 30.-Feb. 1, 2020 - New Orleans, LA
 - WASBO Facilities Management Conference** 🔗 - Module 7
Feb. 4-5, 2020 - Kalahari Resort & Conference Center, Wis. Dells
 - WASBO Transportation & Bus Safety Conference**
Feb. 5, 2020 - Kalahari Resort & Conference Center, Wis. Dells
 - WI Federal Funding Conference** 🌟★
Mar. 4-5, 2020 - Kalahari Resort & Conference Center, Wis. Dells
 - Accounting Conference** 🌟★
Mar. 18-19, 2020 - Madison Marriott West, Middleton
 - School Business Office Professionals Conference**
April TBD 2020 - North Central Technical College, Wausau
 - Spring Conference** 🌟★🔗 - Modules 1 & 2
May 14-15, 2020 - Kalahari Resort & Conference Center, Wis Dells.
- 🌟 Viterbo University graduate credit available
★ Part of the Year of Success program
🔗 Facilities Manager Certification Core Modules available

2019-20 Wally Zastrow Leadership Academy

All sessions held at the WI School Leadership Center, Madison
 July 29-30, 2019 - Session I
 Sept. 26-27, 2019 - Session II
 Nov. 7-8, 2019 - Session III
 Feb. 12-13, 2020 - Session IV
 March 12-13, 2020 - Session V
 April 22-23, 2020 - Session VI
 May 14-15, 2020 - Graduation at WASBO Spring Conference



**WASBO Foundation 2019-20
Professional Development &
Networking Calendar**
WASBO.com

Certified School Risk Managers (CSRM)

Course Offerings

- Fundamentals of Risk Management**
Sept. 18 - School Leadership Center, Madison
 - Handling School Risks**
Sept. 19 - School Leadership Center, Madison
 - Measuring School Risks**
Oct. 16 - School Leadership Center, Madison
 - Funding School Risks**
Oct. 17 - School Leadership Center, Madison
 - Administering School Risks**
Nov. 13 - School Leadership Center, Madison
 - Crisis Prevention** 📄
Nov. 14 - School Leadership Center, Madison
- 📄 CSRM Update Credit; anyone may attend

Scholarship Fundraisers & Networking Events

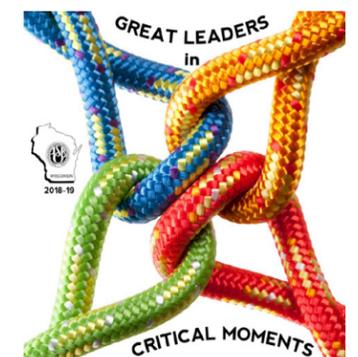
- Fall Golf Outing**
Oct. 2 - Quit Qui Oc
- Fall Run/Walk**
Oct. 2 - Elkhart Lake
- Spring 2020 Golf Outing**
May 13 - Trapper's Turn
- Spring 2020 Bike Outing**
May 13 - 400 Trail

Custodial & Maintenance Conferences

- June 18 - School Leadership Center, Madison 🔗 (Module 7 only)
 - July 17 - Eisenhower Middle/High, New Berlin 🔗 - Module 2
 - July 24 - Westby High School, Westby 🔗 - Module 4
 - July 31 - Appleton East High School, Appleton 🔗 - Module 5
- 🔗 Facilities Manager Certification Core Modules

For complete program
and registration
information, go to
WASBO.com

Wisconsin Association of
School Business Officials
608.249.8588
WASBO@WASBO.com



Meet the Newest Members on the WASBO Board of Directors

Results of the 2019 WASBO Board elections were announced during the WASBO Business Meeting on Friday, May 17 during the Spring Conference at the KI Convention Center in Green Bay. The new members will be welcomed to the current board's June meeting and will take office on July 1, 2019.



John Stellmacher
Chief Financial Officer,
Kettle Moraine SD
President-Elect

*(Will move through the office as President;
Three-year term)*



Holly Burr
Business Manager,
Clintonville
Director
(Three-year term)



Marta Kwiatkowski
Director of Business Services,
Rhineland
Director
(Three-year term)



Eddie Then
Human Resources Director,
Merill
Director
(Three-year term)

Letter from the Editor

Clare May Burnside
WASBO Newsletter Extraordinaire



I want to begin by thanking each of you for the incredible opportunity I have had with WASBO over the last three years. The dedication of our members to serving the students of Wisconsin is one that cannot be found anywhere. The organization's mission and vision are truly exemplified by your passion. My time with our membership, colleagues and fellow associations, has afforded me the chance to learn, succeed and grow not only in my career, but also as an individual. I was fortunate to be able to develop my marketing and leadership skills with such a knowledgeable, professional and hard-working group.

The skillset that WASBO has instilled in me has allowed me to pursue my career further in Western New York with the U.S. Department of Veterans Affairs as a Communications Specialist for the VISN 2 Center of Excellence for Suicide Prevention.

When I took one last look around the May Spring Conference, I was overwhelmed by the drive of our membership to "foster a network of support...that ensures outstanding educational opportunities for all children in Wisconsin." It is that devotion which has inspired me to make a difference just as you all do every day.

As Woody mentioned in his surprise sentiment during the WASBO Business Meeting, May 17, I recently turned a short-term friendship into a lifelong one by marrying my best friend Evan in March. Evan served as a United States Army Ranger for seven years and brought a whole new admiration to my life for the veteran community. Experiencing life as a veteran's wife has opened my eyes and heart to another "membership" I can serve through this new position, just as you all do every day.

Whether you work in facilities, the business office, or a private company that assists those in a district, you are making an impact on education. Everyone within WASBO has the opportunity to improve the education for the children in Wisconsin without even realizing it. So many of you have shared your own personal stories at conferences and through this very newsletter on the positive impact not only you have made on students' lives, but that they have made on your own.

Last, but certainly never least, I want to thank my fellow WASBO staff. This group of individuals create a family environment amongst us as staff that excudes to the membership as a whole. I will forever consider them family and consider Wisconsin my home base. "It is not goodbye, it is see you later," and I hope to surprise you at all at an upcoming conference. Thank you for all that you do.



Jason Demerath
Director of Business Services, Fort Atkinson
Departing WASBO Past President

Thank You WASBO!

I want to take this opportunity in this final article for Taking Care of Business as a member of the WASBO Board of Directors to thank you, the WASBO membership for allowing me to serve you these past six years. It truly has been an honor and a great learning experience to serve three years as a Director and three years on the leadership team. I also want to thank the membership for the leadership development that you allow your Board members to undertake through various ASBO functions including the annual Strategic Governance Symposium. I wholeheartedly believe these learning opportunities have provided the Board with excellent governance practices and brought the strategic direction of our organization to another level.

Over my six years on the Board I have seen some great changes as a result of the Board's continued focus on its mission and vision through strategic governance. As a Director I was a part of the shift to a Policy Governance model that allows the Board to focus more on the strategic direction of the organization than on the day-to-day workings of it. This has allowed the organization to grow under the leadership of Woody Wiedenhoef to the point where additional full-time staff were needed.

Another change that has come about during my time on the Board is that we are beginning to explore different models of delivery for profession-

al development. This year was the inaugural year of the Wally Zastrow Leadership Academy that spanned six two-day sessions of intense leadership development for our members. I am so excited that this offering, in this one-year cohort format, was a resounding success for those that participated. I look forward to building on that success in future years to continue to deliver leadership development to our members.

Finally, one of the last major, and most recent changes is the retirement of our Executive Director Woody Wiedenhoef and the hiring of his successor, Mike Barry. Woody has been amazing to work with during my time on the Board and as I stated earlier, he has taken WASBO to new heights. I certainly wish him well in his upcoming retirement, as he has earned some rest and relaxation! I am also extremely excited to see what WASBO's future holds under the leadership of Mike Barry.

In short, I have had the opportunity to see a lot of great upward momentum in this organization over my past six years on the board. I am confident with those that follow on our Board of Directors that this momentum will continue, and likely gain significant steam going forward. I have learned through my time on the board that our organization has some amazing members that are dedicated to serving each other in this wonderful profession, and as an organization we are helping each other to become out-

standing leaders in our field and the educational industry. Also, I would be remiss if I also didn't thank the WASBO staff for all of their support during the past six years. They have been amazing in carrying out the strategic vision of the board.

Thank you for allowing me this opportunity to serve you. I hope I was able to give back at least a fraction of what WASBO, and you as colleagues, have given me. THANK YOU ALL!

Protecting schools since 1974



Your Wisconsin classrooms deserve the security of solid coverage. We insure local because communities like yours matter. Plus, our specialized loss control services add up to one smart choice for school insurance:

- SafeSchools® Training and SafeSchools Alert, an online incident reporting and tracking system
- Playground and bleacher inspections
- Slip and fall prevention services
- Fleet safety recommendations
- Hazardous chemical management programs
- Bus and auto traffic analyses
- Indoor air quality assessments



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Tim Erickson
Chief Financial and Operations Officer,
Hudson
WASBO Director

Communication is such a critical part of our jobs working in schools and, yet, when work is hectic, I struggle sometimes to keep effective communication in focus. I would like to discuss communication as it relates to a recent issue I continue to work on in my district. I believe using the following simple elements of communication has resulted in a much better outcome.

Over the past few months, I became aware of a small number of complaints about our pool. As I received a complaint, I followed up with each parent by email or phone, in most cases the same day and at the latest the following day. I also offered to meet with each parent. In these situations, I prefer a face-to-face meeting or a phone call at a minimum. Electronic communication can really miss critical elements of good communication, especially if we are dealing with the health and welfare of students or staff. If we can meet, it promotes an increased level of trust; it demonstrates that we take concerns seriously and that we care. The opposing party is much less likely to be disrespectful in a meeting versus email. Most parents turned down the offer to meet for various reasons, but I believe it is important to offer it as an option.

The complaints I received were not all of a similar nature, so pinpointing where to focus for more information was difficult. I talked with our Community Education Director and our

Communicate, Communicate, Communicate

Learning Services Director who both run swim programs with hundreds of kids and adults participating every year. They had not received any complaints and did not have concerns about our pool. I worked with our Facilities Director on where to focus our investigation and we landed on an indoor air quality study. The air quality study came back relatively clean, with three minor issues to address, which we completed. We also went beyond the study recommendation by increasing testing protocols, replacing an exhaust fan and shocking the pool at lower thresholds. We posted our study results at the pool and thought we were done.

Over the next several months, complaints continued to trickle in and this time we identified the complaints as being only from competitive swimmers (I want to clarify, swimmer symptoms were temporary and at no time life threatening). Due to our clean test results, we were perplexed with what the issue was. I continued to contact parents to find out how their child was and have them explain symptoms. I received an email from a competitive swim club parent asking what the district was going to do to address her concerns. I recapped the steps we had already taken and shared a copy of our study. I then offered to meet with the parent and in this case two parents agreed to meet. Going into that meeting, my next job was to listen, truly listen, to the parents' concerns. This is a difficult task for me, as I tend to want to jump to thinking about my response. A practice that has helped me is taking a few notes, which helps me focus. I believe this also conveys that I take the issue seriously. As I listened, I made good eye contact and tried not to react to some inaccur-

rate accusations. It is my job to listen first, seek to understand, but not talk at this point.

Prior to meeting with the parents, I also wanted to have a conceptual action plan to address their concerns. In this case, it was another IAQ study, but this time with additional tests performed. One thing I sensed with these two parents was they might be willing to help communicate to other parents about the actions we already completed as well as the results of new testing and any subsequent plan going forward. They both agreed they would communicate back out to other club members. If I can have parents communicate with other parents, this can create additional trust rather than having all communication pushed out from the district level. I have kept these parents in the loop of communication each step of the way and I have given them timelines so they know we are progressing toward a solution. Their response back to me has turned from negative to positive.

As of this article, we have been able to identify the issues and are in the planning stages to improve our ventilation systems.

To summarize, when I use the following communication tools, my outcomes have been much more successful:

- Respond timely to every individual
- Offer to meet
- Truly listen to concerns
- Demonstrate how I care about their situation
- Share information, next steps and timelines
- Where appropriate, work with the party to assist in communicating my message and information to others

From Making the Call to Answering the Call

Over the past nine or so years, I have noticed a gradual evolution in my phone call log entries at work. If you are a practicing business official, perhaps you have a very similar story to tell. A typical record observed nine years ago may have been, "called Bob Borch to learn how to spell defeasance," or "reached out to Sue Schnorr, re: debits and credits, right vs. left." In the early days of my time in the business office, a seemingly monumental challenge was to learn what I needed to ask, and how to ask it, without revealing my cluelessness all at one time. While reading this, perhaps some of you may have vague recollections of such calls you have received from me at one point or another; sorry Tom Owens, you probably got more than others. While I was honing my craft as a business official, I was simultaneously making much larger improvements in the art of asking for help. Yes, there is certainly an art in disclosing just enough ignorance to make clear that support is desperately needed, while suggesting a basic understanding, but not so much that new peers will consider their time spent as a lost cause.

While there is always the WASBO Peer to Peer Communication Forum to widely broadcast your cries for help, there is no better way to reveal your ignorance on a topic than a good old-fashioned phone call to a stranger. Sometimes that stranger was semi-randomly chosen using the WASBO directory and first names of my childhood friends (Keith Lucius, Karen Moore). Sometimes I liked to select business managers from similar sized districts (Jack Stoskopf, Ken Mischler), or geo-

graphic proximity (Brent Zimmerman, Marta Kwiatkowski), while other times I would call presenters I heard at conferences (Chad Trowbridge). When I needed genuinely specialized care, I would call Woody Wiedenhoef to get his opinion on someone having a unique or exemplary understanding of a topic. Of course, Woody would always come through with a minimum of three candidates for my next cold call. These strangers that I called would unselfishly offer help perhaps out of professional obligation or sympathy to my plight, but more so because they were just good people who understood we shared a mutual interest in helping students succeed.

It did not take long before these calls quickly revealed what has become more obvious with each passing year. These strangers that I called to help me get through a myriad of crises were only strangers once. Each one made it clear that I was to call any time I had further questions, and each one sincerely meant it. WASBO membership, as a whole, represents a vast resource of professionals who possess deep understanding of a breadth of topics. In seeking advice, a random call to any person in the WASO directory is, at most, one additional phone call away from that advice. Also, some of the best guidance comes from our service affiliates. They offer a different perspective that fill in some gaps while having a common interest.

Now, back to the evolution of my phone call log. Then it happens. One day when you least expect it, you finally get a chance to answer that call. After confirming it is you for which the call is actually intended, someone



Bob Tess
Director of Facilities, Kenosha
WASBO Past President

wants to access your intelligence or seek your advice for something happening in their district. So you put your phone on speaker, thus offering better use of your hands to give yourself a firm pat on the back, and humbly say, "you know, Pat Finnemore was talking about that just the other day, you might want to give him a call." And so it goes, you are always just one phone call away from getting that advice you so desperately seek.



The Work That's Done Before a Referendum

Kathy Davis
Director of Business & Auxiliary Services,
De Forest
WASBO President-Elect

Public school district's typically don't just decide on a whim to go to referendum. Usually district's will dedicate a lot of time towards planning, research, and developing a referendum proposal to help address the unmet needs of their district. Sometimes this process can be a result of years worth of work. With the time commitment and resources needed to help a district secure a passing referendum, it is important to consider carefully the work that needs to be completed prior to even putting something on the ballot.

Recently, in DeForest we passed our largest referendum ever of \$125 Million. The information I share in the following paragraphs come mostly from the recent work of the community members, school board members, staff, and administration, in the DeForest Area School District. It is important to note that if a district is going down the path of a referendum, the more collective efforts you have from a variety of stakeholders, the more potential you have for a successful referendum.

Assessing the district's needs

Districts go to referendum for a variety of reasons. Some just for operating costs, others for building or facility improvements, and some for a combination of both. For DeForest it was a combination of operational, facility remodeling, and building.

Prior to getting to the point of knowing what we were asking for, we had to first understand what our needs were:

1. Accommodating our student enrollment growth

Our first need that we identified was building space capacity, or lack thereof. While still working on our 2015 referendum building projects it became quickly apparent that our pace of student population growth was far exceeding our previous population studies. This was largely due to the economic turn around which led to a housing boom in the DeForest/Windsor area. Although we just expanded the capacity at our elementary schools, we very soon were going to see a capacity issue at our middle school and even some capacity issues at our newly built elementaries. We discovered this need based on the constant monitoring of class sizes and enrollment trends compared to the previous studies. We also enlisted the services of two different enrollment trend consultants to help us confirm our findings.

We found the different methodology used by the two firms to be beneficial enough to use both services. One of the services provided us models that predicted growth by each grade level. This was useful in looking at specific grade level configurations. The other model took a neighborhood approach and summarized the growth by building versus individual grades. This was beneficial when looking at boundary configurations and determining where the growth was going to occur in our district. Both studies confirmed that it was inevitable that

DeForest would have to do another round of expansion.

2. Addressing the maintenance, ADA, and equitable needs of our facilities.

Another area of need came from the need to address our existing facilities conditions. Although we had two new elementary schools we still had five other buildings that had large capital maintenance needs, accessibility issues, and/or were not equitable in comparison to our new elementaries. Although we were well aware of many of the issues of these buildings, we did enlist the assistance of an architectural firm and construction management company to assist us in updating our existing facility study and capital maintenance plan. We felt it important to have an independent evaluation from experts in the field to help identify not only the needs but potential solutions and costs. In addition we used the architect firm to help quantify each of our sites capacity in comparison to our current student enrollment and anticipated enrollment from our population studies.

3. Our non-building needs.

Another area of focus that eventually led to the operating referendum question was our staffing and operational needs. Prior to becoming a referendum question and engaging the community, our human resources director did a lot of data comparisons regarding staffing levels, salary, and the job market for education. This data helped identify trends and potential gaps between us and like districts.

Seeking Community Input

After completing the work to identify our facility and operational needs we sought the board's permission to enlist the assistance of our community to help us find the solutions. DeForest has a long tradition of providing the public an opportunity to participate in a process of thinking and planning for the future of the school district. The district engaged a Community Advisory Committee (CAC) that was made up of parents from each school, community members, local business representatives, local municipality representatives, staff, administration and members of the school board.

From August 2018 thru January 2019 the CAC members meet several times. They analyzed growth and projections within the DASD boundaries. They learned about the building capacity and facility conditions. They analyzed grade level configurations and research on the educational implications of adjustment. They also reviewed the financial impact that a

variety of solution proposals would have on the district residents. Ultimately in January this group's work led to a recommendation for a long-range plan that addressed the facility needs and enrollment growth for the district.

Administrative recommendation to the Board

Using the recommendation from the CAC, administration then made minor adjustments to the plan based on community survey feedback. Knowing that the financial impact was a considerable ask, the administration reviewed the district's own financial reserves to help pay for some of the projects being proposed. With the adjusted plan the administration along with support from members of the CAC made a final proposal to the board.

Although the work is far from being finished with our 2019 referendum, I hope the information above can be of some assistance for those trying to start a process to address their facility and capacity needs. What I shared was just a small portion of the tremendous amount of work that was completed by many in DeForest. I would encourage those seeking more information to check out our district website where we share the community engagement process and a plethora of information about our referendum campaign.

<https://www.deforest.k12.wi.us/district/dasd-long-range-facility-planning.cfm>

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WASBO SPRING CONFERENCE



The WASBO vision, mission and culture were evident as attendees "built their teams" as the WASBO Spring Conference took hold of Green Bay May 14-17. The annual conference was supported by nearly 300 attendees and 140 exhibitors who gathered not only for professional development, but also exhibits, networking, award presentations and the bi-annual business meeting.



The week began Tuesday evening with the Can't Miss Prospect reception before the WASBO Spring Golf and Bike Scholarship Fundraisers were held Wednesday at Thornberry Creek at Oneida and the Fox River Trail respectively. All attendees gathered Wednesday evening for the First Round Pick Reception before kicking off one and one-half days of professional development, exhibits and networking Thursday and Friday.



Thursday kicked-off with an update from John Forester on the state budget followed by recognition of the 2019 WASBO Foundation Student Scholarship recipients. A special Thursday evening reception was held at Lambeau Field that honored retiring Executive Director Woody Wiedenhoft. Friday's breakfast was held in conjunction with the business meeting that honored award and designation recipients, announced the newest additions to the WASBO Board of Directors



(see page 40) and those leaving office. It was also a special recognition of departing Executive Director Woody Wiedenhoft and incoming executive director Mike Barry.



The Silent Auction and raffle fundraisers were held Thursday in the sold-out exhibit hall raising a combined

\$9,853 to support WASBO members at the national level. PMA Financial, Key Benefit Concepts took first-second places (respectively) and Rinderle Door and Chartwells Dining Services tied for third place in the exhibit booth theme contest.



Join us for next year's conference May 14-15, 2020, as the WASBO Spring Conference takes on the Kalahari and WI Dells!

Federal Court Rules on Transportation for Private School Students

Contributor | Rick Manthe

The Seventh Circuit Federal Court of Appeals issued a decision in favor of the Milwaukee Public School District's ("MPS") differentiation between access to school funded transportation for private school students and for some public school students residing in the City. In St. Joan Antida High School, Inc. v. Milwaukee Public School District, No. 18-1673 (7th Cir., March 25, 2019), the Court affirmed MPS' rule which provides private school students with transportation to school only if the student resides more than one mile from the nearest public transportation stop, while providing some public school students with transportation if they reside more than two miles from the school they attend.

Background

Milwaukee Public Schools (MPS) designates its public schools in one of two categories: either city-wide attendance schools (e.g., magnet schools which provide specialized program) or attendance-area schools, which do not provide specialized programming and are attended by students residing in the designated area of the City.

MPS utilizes the "city" option for student transportation under Section 121.54 of the Wisconsin Statutes, which incorporates both the City's public transportation system and the District's transportation system to provide student transportation. In implementing its transportation system, MPS rules provide that high school students, both public and private, receive free transportation if they live more than two miles from their school and more than one mile from a public transportation stop. However, high school students who attend a city-wide school receive transportation if they live more than two miles from the school they attend, regardless of their proximity to a public transportation stop. Private school students residing in the MPS district are provided transportation only if they reside more than one mile from the nearest bus stop and more than two miles from their school of attendance.

MPS also created a deadline for private schools to register students for public transportation. Private schools had to submit busing rosters to MPS by July 1st every year. MPS did not impose a roster requirement for public schools for purposes of transportation scheduling.

In 2016, St. Joan Antida High School, a private school in the City of Milwaukee, submitted a student roster to MPS requesting transportation for students attending the school. The roster contained 62 students the school contended were eligible for transportation under MPS policies. St. Joan updated its roster after the July 1 deadline to add an additional 6 students. MPS denied transportation requests for those 68 students because all of them resided within one mile of the nearest public transportation stop and, as for the late additions, they were not included in the roster by the deadline. St. Joan paid the students' transportation costs for the 2016-2017 and 2017-2018 school years, totaling \$178,640. St. Joan then sued MPS for reimbursement.

The Private School's Claims

St. Joan argued that the MPS transportation policy violated the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, which requires all governmental entities, including a local public school district, treat all similarly situated persons alike without making distinctions based on protected characteristics. St. Joan argued the one-mile rule in the MPS policy violated this constitutional protection because it treated private school students differently than their public school counterparts who attended schools within the City but outside their attendance area. St. Joan also argued that the policy violated Wis. Stat. § 121.54, which requires public schools have reasonably uniform pupil transportation rules whether they attend public or private schools.

The Court's Decision

The Court first had to determine whether MPS' transportation rule, as applied to St. Joan's School, a Catholic High School, was subject to a heightened level of scrutiny – known as "strict scrutiny" due to the rule's interference with a fundamental right guaranteed by the U.S. Constitution; or, whether the rule did not infringe on any fundamental right and was therefore only subject to a low level of scrutiny – known as "rational basis review". Under a strict scrutiny analysis, government action can only be confirmed if it is necessary and the least restrictive means of accomplishing a compelling government interest. Sustaining government action subject to strict scrutiny is an uphill battle for the government entity. Conversely, if subject to rational basis review, the government entity need only establish that its action bears a rational relationship to furthering a legitimate government interest. Under a rational basis review, the challenger to a particular government action has an uphill battle to successfully challenge such action.

The Court, reasoning that the rule did not impermissibly infringe on a fundamental right guaranteed by the Constitution, namely the right to direct one's children's education, as asserted by St. Joan, applied the deferential standard

of rational basis review to MPS' rule.

MPS asserted two legitimate interests for the one-mile transportation rule. First, MPS asserted that the policy helped to reduce overcapacity by providing access to special programs at schools located throughout the City that could be attended by students regardless of where they lived; and second, that it needed to reduce costs.

As for the first justification, the Court found that MPS had a legitimate interest in reducing overcapacity in its attendance-area schools. To do so required MPS to put more kids in city-wide schools and that it was rational to offer transportation to students attending city-wide schools in order to encourage attendance at those schools. St. Joan argued that, even if that justification were true, MPS did not have a rational basis justification for excluding students living more than a mile from a public transportation stop. However, the Court stated that was irrelevant. Under rational basis review, the district only needed to show a rational basis for the rule, not a basis for why it excluded some from its application. St. Joan also argued MPS did not show that overcrowding was actually an issue. However, the Court noted, rational basis review does not require conclusive support from evidence or empirical data to establish that the governmental interest is legitimate. Therefore, the Court found that concerns about school overcrowding provided a rational basis for the one-mile rule.

Similarly, the court found that pursuing cost-savings was a legitimate interest. Actions based on efforts to produce cost savings generally survive rational basis review so long as the classifications used in pursuit of those savings are not arbitrary. According to the Court, MPS spent roughly forty million dollars to provide busing in the 2016-2017 school year, and that as a result reducing the transportation budget was rationally related to the legitimate interest of cost savings. Despite MPS' high transportation costs, the Court found that MPS could still rationally believe overcrowding and access concerns were worth it

taking on the additional busing costs. However, MPS had no reason to take on those costs for private school students. Thus, paying more to expand transportation to schools that reduce overcrowding while not extending that benefit to schools less likely to reduce overcrowding is a rational distinction and balances the legitimate interests of addressing overcrowding concerns and budget concerns.

The Court did not decide whether the July 1 busing roster deadline passed Constitutional muster. The Court had concerns with how MPS actually applied its policy. St. Joan argued that MPS treated students who moved to Milwaukee after the deadline differently. For example, if two families moved to Milwaukee after the deadline, the family going to a public school could receive transportation, while the student going to a private school could not even if they met the other policy requirements. The court remanded the case back to the district court for further fact-finding on this issue, and ultimately to determine whether this deadline is too rationally related to furthering some legitimate interest, or purely arbitrary.

Punting on State Law Claims

The Court declined to analyze St. Joan's claims under Wis. Stat. § 121.54. In so declining, the Court stated that there may have been a state law violation, but such state law violation would not render the policy unconstitutional. The state statute simply did not create a clear definition of reasonable uniformity to implicate constitutional protections. The Court believed Wisconsin courts, not federal courts should decide whether the policy violates Wisconsin law.

For questions regarding this article, please contact the contributor Rick Manthe at rmanthe@strangpatteson.com

Common School Fund



Supporting Public School Libraries

The Common School Fund is a constitutionally created trust fund administered by the Board of Commissioners of Public Lands to benefit all public school libraries in Wisconsin. Distributions of the Fund's interest are used by school librarians to purchase library program materials accessible to all students.

Purchasing Items

According to Statute, Common School Fund purchases must be for the school library program. This includes library books and instructional materials, as well as computers and related software for school libraries. Purchases require consultation with the district's licensed library media specialist.



Monitoring and Distributing Funds

Allotments are determined by population reported in the district census. In January, estimates for allocations are made, and funds are distributed to districts by May 1. Library plans and other records of purchases must be kept for reports made to the State Superintendent.



Learn More

Common School Fund - <https://dpi.wi.gov/common-school-fund>
 Board of Commissioners of Public Lands - <https://bcpl.wisconsin.gov>



Common School Fund

Allowable Items (Sample List)
Books (print) •Library books •Multiple copies of books to support library programming (ex. Battle of the Books, Book Clubs)
CDs and DVDs (listening and viewing materials)
Newspapers (print) for the school library program
Online Services (Not purchased content) •Licenses and fees for subscriptions to online instructional research databases, ebooks, and apps to support library programming
Periodicals •Periodicals (print) housed in the school library media program and/or in direct support of the library media program. •General education professional (not subject-specific) periodicals
Realia •Real life representations and collections of objects to be used to support the library program. (e.g. globes, maps, kits, models, puzzles) •Analog interactive and collaborative learning media supporting inquiry and learning commons activities (e.g. LEGO kits, Breakout boxes)
Reference materials (print) for the library media program (ex. encyclopedias)
Technology: Hardware for library programming •Electronic computing devices for the library media program as stated in the library plan •Related components that extend usability and support library media programming. •Interactive and collaborative learning technology supporting inquiry and learning commons activities (ex. green screen kits, robotics)
Technology: Software for library programming •Library automation software and related software components or licenses •Instructional media based applications •Purchased digital content (ex. ebooks, audiobooks) supporting literacy and research through library programming

Non-Allowable Items (Sample List)
Books (print) NOT for library programming •Textbooks, including teachers' copies, classroom sets of trade books, and workbooks •Books for classroom reading groups
Consumables and supplies
Equipment, storage units, and furniture
Newspapers (individual copies or sets) for classrooms or teachers
Online Services for school and/or district •Internet access fees •Curriculum resources •Movie licensing
Periodicals NOT for library programming •Individual copies or sets of magazines for classrooms or teachers •Professional materials for teacher/administrator use outside of the library
Reference materials (print) for classrooms (ex. encyclopedias, class sets of books)
Technology: Hardware NOT for library programming •Computer peripherals, infrastructure, switches, other equipment and other hardware •Computers/technology that is purchased for use primarily outside of the library media program
Technology: Software NOT for library programming •Administrative or network operation software •Internet filters •Department or course-specific software or online curricular assessment tools

For proper WUFAR coding information and a more detailed listing of items, please go to <https://dpi.wi.gov/common-school-fund/wufar-guidance-chart>

Employers Reminded of Duty to Investigate Harassment Concerns

Contributor | Geoffrey A. Lacy

Employers face a number of challenges, as well as legal obligations, in managing their work environments. One of those obligations is the affirmative duty to investigate and remediate instances of harassment in the workplace. Specifically, this duty applies when employee harassment is both based on one of many protected characteristics under state or federal law (included sexual harassment, as well as harassment based for example race, ethnicity, disability, religious beliefs, etc.) and has the effect of materially altering the work environment.

Employers are responsible for protecting the work environment from instances of harassing conduct from employees' coworkers. In addition, employers are responsible for the conduct of any employee who serves in a supervisory role when a supervisor's conduct is directed at a subordinate employee. This responsibility, known as vicarious liability, means that, not only is it critical to train all supervisors to understand this responsibility, but it is also imperative to have in place comprehensive policies that both prohibit harassing conduct and set forth the investigative process used to enforce anti-harassment policies.

A good investigative process provides protections for the employer against claims of unlawful harassment both prophylactically – by providing a mechanism to identify and eliminate circumstances before they impact the work environment, and responsively, in the event of a claim against the employer – in the form of affirmative defenses available in the law.

Policy Necessities Relative to Harassment Complaints and Investigations

Effective harassment complaint and investigation policies, according to the Equal Employment Opportunity Commission (EEOC), are those that accomplish the following:

- Provide for accessible and easy to use complaint initiation. Employers must initiate investigations if the employer knows or has reason to be aware of possible prohibited harassment occurring in its work environment. Complaints must be investigated, whether they are made orally or in writing. Likewise, a complaint need not be made only by the employee reportedly the target of harassment in order to trigger the investigation obligation. Finally, complaint policies must provide an outlet that allows for the presentation of a complaint to someone other than the affected employee's supervisor.
- Provide for a prompt investigative process. Employers must initiate an investigation as soon as management becomes aware of sufficient information to establish that an investigation is warranted. This does not mean sufficient information is known to establish the existence of prohibited harassing conduct, just that further investigation is needed to determine whether corrective action is necessary. Similarly, the investigation should be conducted in a manner calculated to reach conclusion timely in order to implement corrective action, if necessary, expeditiously.
- Assure an impartial investigative process. The individual conduct-

ing the investigation must be able to do so objectively. Use of a third-party investigator can be an effective way to provide impartiality, but at a minimum, the investigator must not be someone who reports to the accused or over whom the accused has some indirect authority. As an additional practical consideration, an investigator should be someone with background, training, and/or experience which makes them qualified to conduct an investigation.

- Allow for interim measures if necessary. In the event that a complaint includes serious allegations and potential ongoing harassment, the employer should consider temporary measures to protect the work environment and the parties involved during the investigation process. This typically takes the form of temporary administrative leave or reassignment of the accused, but should be done in a way that is not punitive, as no conclusions regarding the veracity of the allegations have yet been made.

In addition, the EEOC notes that whether an investigation is conducted, ought not be dependent on whether the affected employee wishes to pursue the matter. Rather, “[w]hile it may seem reasonable to let the employee determine whether to pursue a complaint, the employer must discharge its duty to prevent and correct harassment”. See EEOC guidance, 915.002. This is a critical concept, and is often used in the context of employee complaints alleging a failure to properly investigate and mitigate hostile environments where evidence is present to establish that the employer (typi-

cally through a supervisor) knew or should have known that the offensive conduct had occurred or was occurring. Taking this EEOC guidance to its logical conclusion, an affirmative obligation to mitigate harassment in the workplace is not predicated on the presentation of a complaint, in any form, but rather is triggered upon the employer's attainment of knowledge of potentially prohibited conduct.

When in Doubt, Investigate

The employer's duty with respect to workplace harassment is to combat and remedy its existence. Once information comes to the knowledge of those with authority to act on behalf – and therefore incur liability on behalf – the employer, the prudent approach is to conduct an investigation into the circumstances and to determine the facts.

Conducting an investigation can take many forms and should always be tailored to the circumstances. This means that in some cases, an investigation may be extremely limited in scope, for example, if it is immediately clear that the concerns raised do not implicate a protected classification, but are rather more of the “personality conflict” variety, further investigation under the harassment policies is not necessary. Other interventions may be pursued, but clearing the application of the legal obligations to remediate under the harassment policies first is nonetheless recommended.

Conversely, the failure to investigate may be used against the employer in a claim arising out of the specific circumstances or future circumstances.

The U.S. Supreme Court's companion decisions in *Faragher v. City of Boca Raton*, 118 S. Ct. 2275 (1998) and *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998) provided employers with a modicum of protection from liability in this area through employer policies provided that, among other criteria, the employer takes reasonable steps to enforce its anti-harassment policies. This requires ensuring that anti-harassment policies are in place, that employees are informed of the policies, and that the employer has a history of enforcing the policies (or conversely, a complainant is not in a position to illustrate that the company does not in practice enforce its policies). Enforcement of policy necessarily relates to the investigation of known circumstances implicating potential offending behavior and, if verified to have occurred or to be occurring, its remediation. If those circumstances are present, the organization can significantly reduce its exposure to liability resulting from hostile work environment claims due to harassment.

Conducting the Investigation and Determining Appropriate Remedial Action

Strategies and tutorials on how to conduct effective investigations are beyond the scope of this article. However, the purpose of this discussion does include both a reminder to employers about the importance of conducting investigations as well as the necessity of investing in the resources to be able to conduct effective investigations. This means either working with outside investigators, such as your legal counsel, or in train-

ing employees to develop or improve capabilities in this regard.

The age old adage “an ounce of prevention is worth a pound of cure” is no more apropos than in this context. Creating a culture of intolerance for harassment starts with consistently investigating and eliminating instances of problematic conduct at its earliest stages. Developing a reputation as an organization that permits harassment, in any form, sexual harassment included, can be a very difficult reputation to reverse. It can also be a very costly culture to defend.

Conclusion

Conducting workplace investigations can be disruptive, time consuming, even costly. Failing to investigate allegations of employee harassment can be all of those things as well, and potentially, on a far greater scale. Developing a culture that policies which prohibit certain conduct in the workplace will be taken seriously creates tangible long term benefits to the organization. Finally, as a parting piece of advice, remember that fact is always stranger than fiction and, as such, one should avoid the pitfall of not investigating a situation based on a preconceived or reflexive conclusion regarding the circumstance. Being able to support decisions and action or inaction based on documented investigatory measures is always the issue.

For questions regarding this article, please contact the contributor Geoffrey Lacy at glacy@strangpatteson.com

Contributors |
Gary Stanley
Robert Smith

Sharing the Wealth of Professional Development

Daily within the aspects of our jobs we are driven and concerned about projects, tasks as well as the needs of our customers. Being consumed by the daily rigors of our work sometimes things get lost in the shuffle.

Our staff members are by far, our best assets. They are the ones that are on the front lines doing the work, interacting with our customers (staff, guests, administrators, etc.) all the while making our Districts stand out. They jump at our every whim wanting to support in any way that they can. They too are driven, driven to provide the best support to our School Districts as well as their supervisors.

I have had many conversations over the past few years with other Facility Directors that state they cannot afford to send their custodians, maintenance and grounds keeping personnel to the Custodial Conferences or other training events. When asked, their response is that they cannot lose the labor hours to training. In my experience in regards to employee trainin, we can't afford not to encourage professional development.

Staff members that attend these training events, whether it is Custodial Conferences, Fred Pryor Leadership Courses, Turf Management Classes, WSSCA Courses, etc. come back ready to continue on. I see immediately outcomes of their participation in these courses. Staff members that attend these conferences come back recharged, energized and motivated. They have encountered other persons within their profession and bring back new ways to do certain tasks. Through

their training our department gets better, quicker and more proficient.

Our staff members get a feeling that they do matter, that we as leaders care about their professional growth. They are more loyal to our organization. They see the bigger picture and see ways in which they can assist in making our District and Departmental goals come true. They feel needed, wanted, trusted and cared for and are less likely to jump ship to another School District.

If an organization (District, Department) is worried that if they provide these training opportunities to their staff they may take that training elsewhere. I would say what is the cost of not having a well-rounded trained individual on your staff? It is important that we invest in our personnel through training. If we can afford to send our teaching staff, aids, and administrative staff to training why is it so hard to send our support staff (Custodial, Food Service, IT, Maintenance, etc.)? If I was to lose a person to another District or occupation I would feel a sense of pride knowing that during their time with our District we provided them with proper training and that they are moving on to bigger and better things. I will also know that while with our department they utilized their training to make our department better, more efficient and effective.

It is my responsibility to provide the best training opportunities to my staff in order to make them better employees. I also feel that it is my responsibility to train my staff in such a way as that maybe one day one of them may replace me.

So, how do I afford to send my entire department to WASBO Custodial Conferences every year? First it only costs \$25.00 per person to attend the training. I realize it costs more because they miss a complete day of cleaning your buildings, but the training outweighs their loss of 8 hours of work. They come back recharged and ready to get after it. I have seen improved communication, more effective and efficient, coordination on their part to get rooms turned around. They become more open to changes, new ideas, and are willing to take on challenges that they normally would not. They become more self-sufficient allowing me to work on projects and tasks that I would normally have to set aside to answer questions and provide direction. Who does not need more time to do their work as a supervisor?

My staff attending these types of training events has allowed us to eliminate safety risks, address our deficiencies and become more efficient as well as improve our processes across the board. So, how can you afford to keep an untrained individual?

For questions regarding this article, please contact the contributors:

Gary Stanley g.stanley@dla-ltd.com;
Robert Smith rsmith@amberst.k12.wi.us

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Recognizing Excellence in Wisconsin's Students

2019 WASBO Foundation Scholarship Recipients



WASBO Foundation \$4,000 Matching Scholarship

Hunter Adams, Bruce School District

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Adams is active in several school district clubs including Student Council, high school choir and band, drama club and various community service organizations. Adams plans to attend the University of Wisconsin-La Crosse and earn a bachelor's degree in Finance and Management.



WASBO Foundation Facilities Management Conference / Joel Konze Memorial \$4,000 Matching Scholarship

Abigail Comar, Notre Dame de la Bai Academy

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Comar is highly active in several school athletics programs, co-curricular clubs and involved with several community volunteer organizations. Comar will attend Michigan State University and plans to study Chemistry and Environmental Science in the Honors College.



WASBO Foundation \$3,000 Matching Scholarship

Thomas Weed, Appleton Area School District

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Weed is actively involved in school activities such as choir, student council, National Honor Society, cross country and track. Not only is he involved in school curriculums, but also in his religious community including a two-year mission for his church in Tijuana. Weed will be attending Brigham Young University to pursue a degree in biology or psychology.



WASBO Foundation \$3,000 Matching President's Scholarship

Presented in honor of WASBO President Kent Ellickson

AJ Ervin, School District of Onalaska

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Ervin is involved in numerous clubs and activities such as National Honor Society, FBLA, Spanish Club, Ona Soup and Spanish National Honors Society. He is also involved in his religious and volunteer communities. Ervin plans to attend the University of Wisconsin-Madison in pursuit of a major in Finance, accompanied by minors in mathematics and Spanish.



WASBO Foundation \$3,000 Matching Scholarship

Ashley Rush, School District of River Falls

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SOLUTIONS

Rush is actively involved in her school and community through National Honor Society, Future Business Leaders of America, Jackson Electric Youth Ambassadors, Spanish Club and a variety of sports. As Valedictorian of her graduating class, Rush will be attending the University of Wisconsin-Oshkosh's Honors College pursuing a major in elementary education and business.



WASBO Foundation \$2,000 Matching Scholarship

Ty Guden, Edgar School District

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Building Excellence

Guden is active in several school athletics, co-curricular clubs, National Honor Society, community service/volunteer organizations and in his religious community. Guden plans to attend Bemidji State University in the pre-medicine program while playing college football with aspirations of becoming an orthopedist with an emphasis on sports injuries.



WASBO Foundation \$2,000 Scholarship

Amber DeAmico, School District of Howards Grove

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DeAmico is an active leader and member of school and community clubs and programs including: FBLA, National Honor Society, student council, school store management, 4-H Club, and the Youth Apprentice Program. DeAmico will be attending the University of Wisconsin-Green Bay-Sheboygan Campus to pursue a degree in Business Management and Accounting.



WASBO Foundation \$2,000 Matching Scholarship

Claire Huggett, Marshall Public Schools

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Quality of Daily Life Solutions

Huggett is actively involved in her school and community through athletics, band, leadership development events, fundraisers and community events including Special Olympics and coaching youth track. Huggett plans to attend the University of Wisconsin-Madison to pursue a degree in biomedical engineering.



WASBO Foundation Dr. Bambi Statz Academic \$2,000 Scholarship

Tracey Case, UW-Whitewater Student

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Currently, Tracy works for the Parkview School District. Despite a setback when her daughter was involved in a serious car accident, she pushed through with her continuation of online courses and was able to receive her bachelor's degree in Business Management last Spring. After months of recovery, both Tracy and her daughter are enrolled in online courses through UW-Whitewater, Tracy to achieve her masters in School Business Management and her daughter a teaching degree, and both plan to graduate together in the Spring of 2020.



2019 WASBO Foundation Scholarship Recipients Continued

School Business Manager of the Year Award \$1,500 Scholarship
Presented in honor of 2019 School Business Manager of the Year **Marta Kwiatkowski**
Ben Kubisiak, School District of Rhinelander
Sponsored by



Kubisiak has been involved with several co-curricular activities including drama, mock trial, student council, teen court and teens active in government. He plans to attend St. Norbert College to pursue a major in history with a minor in political science.



Wallace E. Zastrow Award \$1,500 Scholarship
Presented in honor of 2019 Wallace E. Zastrow Award Recipient **Pat Finnemore**
Seth Spaude, Kenosha Unified School District
Sponsored by



Spaude is actively involved in extracurricular activities including Boy Scouts, Super Mileage Vehicle Club, piano and Skills USA. He is also in the process of completing 450 hours toward the Wisconsin Youth Apprenticeship Architecture and Construction Certification. Spaude will be attending Indiana University Purdue University Indianapolis' School of Engineering and Technology.



Honoring Excellence in Wisconsin's School Business Officials



Wallace E. Zastrow Award
Pat Finnemore, Kenosha Unified SD



The 2019 Wallace E. Zastrow Award, sponsored by WISC, Wisconsin Investment Series Cooperative, was presented to Pat Finnemore, Kenosha Unified School District.

In his nearly 20 years at Kenosha Unified School District, Pat has created a lasting impact in not only his district and community, but also on the entire WASBO organization. As former co-chair of the School Facilities Committee, Pat was instrumental in creating the Facilities Manager Certification Program. Pat's innovation and passion for this program has allowed for over 300 facilities related professionals to receive professional development specific to the school environment that did not exist at the time. In addition to this certification program, Pat has spoken at several WASBO events including a keynote session at the 2018 Midwest Facility Masters Conference where he addressed over 350 attendees on the importance each one of us can make to the students we serve every day. Pat also held the position of WASBO Board President in 2017 and under his leadership implemented Coherent Governance.



WASBO President Kent Ellickson (left) and WISC President Chad Trowbridge (right) honor Pat Finnemore (center) for his receipt of the 2019 Wallace E. Zastrow Award.

School Facilities Manager of the Year
Joe Bellomo, Waunakee Community SD



The recipient of the 2019 School Facilities Manager of the Year Award is Joe Bellomo, Waunakee Community School District. The award is co-sponsored by Stalker Sports Floors and Dude Solutions.

Joe began his career in Waunakee with the 2009-2010 school year and during his nearly 10 years in the district has exhibited exemplary leadership through implementation of a variety of processes, workshops and projects to increase the safety and maintenance of the district. As an active member of the 2014 referendum team, the district's Intermediate School was recognized as the 2017 Greater Madison In Business magazine's "Education Project of the Year", the "Green-Built Project of the Year" and the "Overall Project of the Year."

Joe has been the co-chair of WASBO's Safety and Risk Management Committee and founding member of WASBO's Certified School Risk Managers Designation program. He has spoken at numerous WASBO conferences, participated in statewide Wingspread initiatives, hosted Custodial and Maintenance Conferences at the district, is a Past President of the Wisconsin School Safety Coordinators Association and 2011 School Safety Coordinator of the Year recipient.



WASBO President Kent Ellickson (left) presents Joe Bellomo (right) with a plaque for his receipt of the 2019 School Facilities Manager of the Year Award.

Safety, Security & Wellness Award
SD of Hartford Jt #1



The 2019 Safety, Security & Wellness Award was presented to the School District of Hartford Jt #1 for their Bus Safety PSA. The award is sponsored by M3 Insurance.

The district office worked with the local police department, bus company, district students and a videographer to release a public service announcement. This PSA was created in Hartford so local residents could relate to the video while also making it broad and informational in order to share with districts statewide.

The PSA was released on November 27, 2018, and by January 1, 2019, the school district Facebook page had over 11,000 views with 25,000 views on the PSA video itself, three news articles in the Washington County Daily News and several impressions on social media across the state.

This grant will allow for the creation of additional PSAs on safety topics such as crossing guards, traffic signals, crosswalks and sidewalks and other obstacles and challenges that students might encounter as they access school safely.



From left to right: WASBO President Kent Ellickson, Marty Malloy (M3 Insurance), Hartford Police Officer Nathan Dorn, Lincoln Elementary 5th grade student Savannah Gelinsky, Lincoln Elementary Principal Neil Hanlon and John Stellmacher.

Business Services Award
SD of Waupaca



The 2019 Business Services Award was presented to the School District of Waupaca for their On-Site Comet Central Café. The award is sponsored by Baird Public Finance.

The idea for this program is to give students an in-house café where they can connect technology such as laptops and iPads to study while purchasing food that counts toward reimbursable meals and the opportunity to purchase FFA team sponsored apparel and trinkets. The goals of this program were to change the adult culture from fear of change to one of trust in students' ability to be responsible young adults, connect students to diverse groups of their own peers and maximize all student's ability to learn beyond the classroom. Not only did this café benefit the district's food service operation, but also promoted a socially interactive culture of diversity and respect for students and staff alike.



Carl Hayek (left) accepts the Business Services Award on behalf of the School District of Waupaca, presented by Kevin Mullen, Baird Public Finance (right)



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Barricading and Commercial Barricade Devices

Contributor | Wisconsin Department of Justice

In the event of school violence, staff may wish to barricade their door. Appropriate barricade materials may delay entry and, ideally, serve as “cover” (something that can stop bullets). Examples of appropriate objects might include filing cabinets, heavy wooden desks, tables, etc. Staff members should identify such appropriate heavy-but-movable objects, and then use a fluorescent sticker to number the object(s) in the order in which they should be moved into position for maximum effectiveness.

Commercial barricade devices are also manufactured to secure a classroom door against forced entry. However, there is no known incident where an attacker breached a locked classroom door. The attackers at Virginia Tech, Sandy Hook, Columbine, and Marjorie Stoneman Douglas High School did not breach locked classroom doors.

As previously discussed in the Classroom Access section, it is best-practice that teachers should keep their classroom door closed and locked. Even if the door is kept open during class, the already-locked door can be shut much faster than any commercial barricade device can be applied. Furthermore, many commercial barricade devices require the operator to be positioned behind the door while the device is applied, leaving the operator susceptible to being shot through the door. On the other hand, pre-positioned “cover” objects such as filing cabinets may be pushed into position from the side of the door, perhaps without exposing the user at all.

Additionally, no known barricade device is compliant with both the Americans with Disabilities Act (ADA) and Wisconsin building and fire codes.

The most frequent violations include non-compliance with height requirements, range or number of motions required to disengage, and/or exterior access by first responders due to multiple and/or unique locking mechanisms. The Wisconsin Department of Safety and Professional Services has published an FAQ on this topic, excerpted below.

While there are many innovative devices currently on the market for securing doors, if they operate independently of the typical door hardware and latch, they are likely not permitted by Wisconsin Building and Fire Codes. SPS 361.03(13) requires existing public buildings and places of employment to be maintained in compliance with the building code provisions that applied when the building was constructed or altered except when required by subsequent editions of the building code. The building code has a long history of consistent requirements for exit or exit access door hardware... The current Wisconsin Commercial Building Code which adopts the 2009 edition of the International Building Code requires the following in s. 1008.1.9.5, “The unlatching of any door or leaf shall not require more than one operation.” and in s. 1008.1.9, “Except as specifically permitted by this section egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.”... There are many unintended consequences that might occur from barricading egress doors serving occupied rooms and therefore such devices are generally prohibited by Wisconsin Building and Fire Prevention Codes. There are code compliant door hardware solutions, such as a classroom security lockset, that will allow egress doors to be locked from the classroom side, while at the same time allowing egress through normal operation of the door hardware on the classroom side, which will automatically release the latch and any accompanying dead bolt in a single operation.

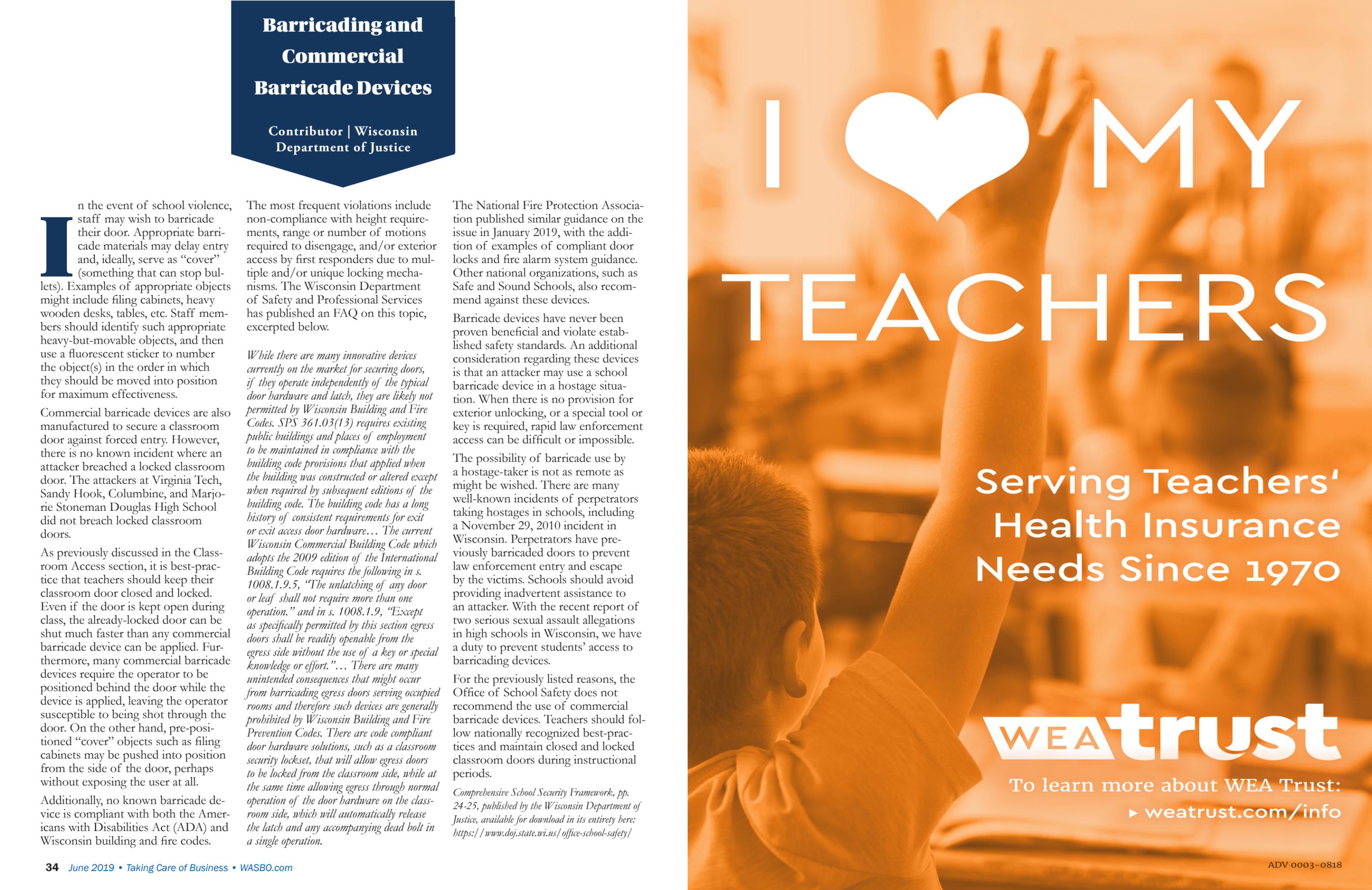
The National Fire Protection Association published similar guidance on the issue in January 2019, with the addition of examples of compliant door locks and fire alarm system guidance. Other national organizations, such as Safe and Sound Schools, also recommend against these devices.

Barricade devices have never been proven beneficial and violate established safety standards. An additional consideration regarding these devices is that an attacker may use a school barricade device in a hostage situation. When there is no provision for exterior unlocking, or a special tool or key is required, rapid law enforcement access can be difficult or impossible.

The possibility of barricade use by a hostage-taker is not as remote as might be wished. There are many well-known incidents of perpetrators taking hostages in schools, including a November 29, 2010 incident in Wisconsin. Perpetrators have previously barricaded doors to prevent law enforcement entry and escape by the victims. Schools should avoid providing inadvertent assistance to an attacker. With the recent report of two serious sexual assault allegations in high schools in Wisconsin, we have a duty to prevent students’ access to barricading devices.

For the previously listed reasons, the Office of School Safety does not recommend the use of commercial barricade devices. Teachers should follow nationally recognized best-practices and maintain closed and locked classroom doors during instructional periods.

Comprehensive School Security Framework, pp. 24-25, published by the Wisconsin Department of Justice, available for download in its entirety here: <https://www.doj.state.wi.us/office-school-safety/>



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Dear WASBO Members:
Thank you for making the choice to be a member of WASBO. Being a member in itself has a lot of benefits, however, you can expand on those benefits by becoming actively involved in WASBO. There are a number of activities that can help improve your WASBO experience and create valuable connections that can serve as resources for you during your career. Becoming active as a committee member, presenter and board member has granted countless opportunities for myself to grow both professionally and personally. I am confident that it can for you as well.

WASBO is a professional association that depends on the willingness of its membership to play an important role in planning and carrying out its numerous functions. A lot of our members give their time and talents to keep WASBO a responsive and healthy organization. This allows us to maintain a lower dues structure and lower priced conferences as compared to other school related organizations. In order to maintain this structure though, we do rely on our members to assist where and when they can.

Please consider serving on a WASBO committee or sharing your expertise at a conference during this upcoming fiscal year. Whether you are new to WASBO or have been involved for years, please submit committee membership requests and/or calls for presentations to help keep our organization strong. Through service, you will make many great connections with colleagues from across the state and it will enhance your growth as a professional. By sharing your expertise, you will be serving your peers and helping them become better professionals.

Our jobs can be demanding and very busy, and I do understand that finding the time to volunteer may seem like an extra burden. However, any time you can commit will be time well spent and has the potential to enrich your own experiences in the profession.

Kathy Davis
WASBO President, 2019-20

Available Committees:

- Accounting
- Ad Hoc
- Fall Conference
- Midwest Facility Masters
- Safety and Risk Management
- Scholarship
- School Facilities
- School Administrators Alliance
- School Finance Puzzle Planning
- School Personnel Academy
- Service Affiliate
- Spring Conference
- State Education Convention (Joint Convention)
- Transportation

2019 Facilities Manager Certification Recipients

The 2019 recipients of the WASBO Facilities Manager Certification were recognized May 17 during the Spring WASBO business meeting. Presenting their certificates were Joe Ledvina and Dave Hoh of the WASBO Facilities Committee.

Brian Appleman
Director of Facilities and Grounds
Ripon Area School District

Mike Carlson
Head Custodian
Glendale-River Hills School District

Karl Christofferson
Head Custodian
School District of Whitefish Bay

Jeff Curwick
Head Custodian-Northside Elementary
Middleton-Cross Plains Area
School District

Amado Hernandez
Custodial/Maintenance
Marshall Public Schools

Eric Hidde
Maintenance Manager
Sun Prairie Area School District

Thomas Hodgert
Maintenance Staff
Germantown School District

Michael Kelly
Custodial/Maintenance Foreman
School District of Waukesha

William King
Manager of Buildings & Grounds
School District of South Milwaukee

Kevin Konkel
Lead Custodian
Glendale-River Hills School District

Dan LaPorte
Transportation & Maintenance Supervisor
School District of Winter

Franklin Lord
Buildings and Grounds Supervisor
Hartford Union High School District

Gary Malchow
Building Manager - Prairie View Elementary
Mukwonago Area School District

Larry McGowan
Buildings and Grounds Coordinator
New Glarus School District

Todd Miller
Director of Facilities
University School of Milwaukee

Dave O'Mara
Director of Buildings and Grounds
De Soto Area School District

Christopher Osowski
Maintenance
Whitnall School District

Nicholas Phillips
Facilities Director
Pulaski Community School District

Tony Proft
Maintenance and Grounds Coordinator
Melrose-Mindoro School District

John Rick
Facility Director
Hillsboro School District

Steve Shulta
Buildings and Grounds Director
Evansville Community School District

Kristin Slava
Environment and Facilities Manager
Preschool of the Arts

Gary Stanley
K-12 Specialist
DLA Architects, Ltd.

Daniel Thompson
IT Director
Hillsboro School District

Tom Voight
Facilities and Grounds Manager
Princeton School District

Wayne Vorwerk
Maintenance Department Manager
Concordia University Wisconsin

Timothy Williamson
Director of Buildings and Grounds
School District of Waukesha

Mark Worthing
Director of Business
Services
School District of
Cambridge



WASBO Facilities Manager Certification recipients after receiving their certificates on May 17.

COMMITTEE PARTICIPATION

WASBO offers a variety of committees which plan conferences, develop policy positions, and provide direction on membership needs. From these varied options, you are sure to find a committee matching your interests as well as your available time. For additional details on each committee's mission and goals and to indicate your interest in joining a committee, visit WASBO.com/committees.

CONFERENCE PRESENTATIONS

WASBO provides programming for 12 or more conferences every year and is therefore continually considering presentation topics. If you are interested in presenting at one of WASBO's professional development activities, please complete the online form at WASBO.com/present. Final programming decisions are made by the appropriate planning committee for each event.

Selection criteria includes, but is not limited to:

- Presentation meets the planning criteria of the conference planning committee
- Presentation is informative in nature (not a marketing pitch)

PROFESSIONAL ARTICLES

We also look for members to submit articles for our newsletter, Taking Care of Business. Learn more at WASBO.com/newsletter.

Go to WASBO.com or call 608.249.8588 to maximize your membership through participation!

Legal Considerations for Drafting Administrator Contracts

Contributor | Rick Verstegen

Around this time of the year, school boards are often in the process of hiring new district administrators or other administrators in the district. When hiring new administrators, a board must determine whether a particular administrator is entitled to a written employment contract, and, if so, what provisions the contract should include. Wis. Stats. §118.24 applies to the employment and contracts of school district administrators, business managers, and principals, and their assistants. The contracts of personnel administrators and supervisors, curriculum administrators and their assistants are also governed by §118.24, but only if they perform administrative duties exclusively. The above administrators must have a written contract. This contract must be approved by a majority vote of the full membership of the board. Administrative positions that do not fall within these categories are not governed by §118.24.

Administrator contracts often contain items such as duration clauses, salary and benefit provisions, termination and liquidated damages clauses, and various other provisions.

Most provisions are generally subject to negotiation between the administrator and the boards. Administrators may have their own ideas of what should be in their contract or may have a version they have used elsewhere. This FYI will briefly discuss various provisions that are often included in such contracts.

Duration Clauses

Section 118.24 states that “[t]he term of each employment contract may not

exceed 2 years.” As a result, the duration of any such contract must not be longer than two years. Contracts are usually either one year or two years in duration, but such contracts can include other durations, as long as the contracts do not exceed two years. Contracts often identify the dates by which the contract will begin and end. For example, a contract may state as follows: “This contract shall cover a period of two (2) years beginning on July 1, 2019, and ending on June 30, 2021.” The expiration date of a contract term is an important component as affecting renewal/nonrenewal, as will be discussed in the next section of this FYI.

In some contracts, salary and benefits may also be determined based on a “contract year,” so the contract may also define a “contract year.” The contract may state as follows: “A contract year shall be July 1 through June 30.” Contracts often identify the number of working days required under any contract (e.g., 220 or 260 working days). A contract may state that such working days will be assigned by the district and are subject to any applicable leave provisions. A contract may also state that the number of working days will be used to determine applicable per diem payments or pro-rated benefits.

Renewal/Nonrenewal Provisions

Section 118.24 includes requirements related to the renewal and nonrenewal of administrator contracts. With respect to renewal, the statute provides for the automatic renewal of a contract at the expiration of the contract if the board has not issued notice of renewal or nonrenewal. If a board does not want the contract to be renewed, the board can prevent the renewal if it follows steps to notify the administrator that the contract will not be renewed. Board action and the issuance of notices related to the non-

renewal of the contract must begin at least five months prior to the expiration of the contract, so it is important for a board to plan accordingly if it does not wish for a contract to renew.

Awareness of the nonrenewal deadlines is particularly important because, as mentioned, the statute includes an automatic renewal provision. This provision states that, if a board fails to renew or nonrenew a contract, the contract will be renewed for a period of two years. Thus, even a contract shorter than one year may be renewed for a period of two years if proper notice is not given. Therefore, boards must pay particular attention to such renewal and nonrenewal dates, especially if the board wishes to renew a contract with a term of less than two years (e.g., one year).

The contract often just simply recognizes the application of the statute to the contract. For example, such contracts may state as follows: “Renewal or nonrenewal of this contract shall be governed by Wis. Stat. §118.24.” In some cases, the parties only wish for the contract to last a specific term; if so, the parties should seek legal counsel to include language to ensure that the contract ends as intended.

Extension Clauses

Section 118.24 specifically states that “[a] contract for a term of 2 years may provide for one or more extensions of one year each.” Based on this language, boards may include an extension clause in two-year contracts, but are not required to do so. Such extension provisions are not permitted by statute in contracts that are less than two years. There also may not be more than a single two year contract in effect at the same time. Thus, for example, a board may not approve a 2019-21 and a 2021-23 contract.

It is important to distinguish extension of a contract from renewal of the contract. Extension of a contract typically extends the contract for one year, and often any decision to extend the contract occurs around the middle of a two-year contract. Such extension is dependent on the specific contract language. Such extension language for a July 1, 2019 to June 30, 2021 contract may state as follows: “This contract may be extended on July 1, 2020, for an additional one (1) year (from July 1, 2021 to June 30, 2022) if the Board notifies the administrator in writing on or before June 15, 2020, that the contract is to be extended at the end of the then current two-year term.”

Section 118.24 does not provide specifics on what actions must occur for the contract to be extended. In the example above, the board must take action to notify the administrator in writing about the extension by a date certain. However, alternative language could permit an automatic extension at a specific date, without the board taking any action. Finally, a contract may provide for multiple one-year annual extensions, commonly termed a “rolling horizon” contract. The parties will need to negotiate and be aware of the exact actions necessary for any extension.

Salary and Benefit Provisions

Salary and benefit provisions are often included in administrator contracts, and the language of such provisions vary from district to district. With respect to salary, such provisions will often identify the specific annual salary, the frequency of installments for such payments, and any deductions that may be taken from this salary. For example, a salary provision for a one-year contract may state: “In consideration for the services rendered, the board will pay to the administrator an annual salary of \$_____ for the contract year. Payments during the contract year will be made in 24 installments.” For contracts that are more than one year, the board should specify exactly how the salary for any second year (or subsequent years, if a contract is extended or renewed) will be determined. Often, language is included that the salary will be deter-

mined by a certain date and will not be less than the salary of the previous year.

With respect to benefits, administrator contracts will often also include provisions related to leave (sick, vacation, personal, etc.); holidays; insurance (health, dental, long-term disability, life, etc.); retirement; professional association memberships; and reimbursements for conferences, credits, or use of personal car. For these provisions, the board should identify the exact nature of the benefit, any time limits for such benefits, and any approval necessary for such benefits. For example, a sick leave provision may state as follows: “The administrator is entitled to eleven (11) sick days per contract year, cumulative to a total of sixty (60) days. Such sick days are subject to approval of the district administrator.”

For certain benefits, it is also important for the board to recognize the tax consequences for the benefit. For example, a contract may include a provision for reimbursement for moving expenses. In such instances, because of a change in the tax law, starting as of January 1, 2018, any amounts paid as a reimbursement of an employee’s moving expenses are subject to income and employment taxes. These amounts are to be included as taxable wages on an employee’s W-2. Boards can still reimburse reasonable moving expenses, but the amounts reimbursed are treated as taxable wages.

Termination and Liquidated Damages Provisions

Section 118.24 establishes some basic requirements related to termination or dismissal during the term of an existing administrator contract. In particular, the statute states that “[n]o such person may be employed or dismissed except by a majority vote of the full membership of the board.” Again, this is not just a majority of those present at that meeting but a majority of the full board. (e.g., if you have a 7 member board you need 4 votes, even if only 5 members are present). The statute also states that “[n]othing in this section prevents the modification or termination of an employment contract by mutual agreement of the

parties.” In this respect, such provisions should specify what impact any mutual termination will have on other provisions in the contract, including payment to the board for any liquidated damages and payment to the administrator for any accumulated and unused vacation or sick leave.

Some contracts also contain liquidated damages clauses, which allow for the board to recover a specified amount as damages if the administrator seeks to terminate (or breaches) the contract during the term of the contract. Liquidated damages provisions vary in amount, sometimes based on the type of position and/or based on when the administrator terminates the contract. Liquidated damages provisions should be carefully reviewed and should ensure that they apply when the administrator either breaches the contract or seeks release from the contract.

Finally, some contracts include provisions that apply when the board wants to terminate the contract prior to the expiration of the contract. In those instances, it is important that the contract specifies the standard that will be applied for such termination (e.g., arbitrary or capricious). The contract may also provide some examples of conduct that may qualify for termination, such as failure to maintain an appropriate license for the position. For such terminations, the board must also be aware that constitutional due process protections may apply to the termination.

Conclusion

Drafting administrator contracts can be challenging. Contracts must be worded appropriately to avoid any challenges at a later date. Boards must also consider how board policies and employee handbooks apply to any such contracts. Contracts do not need to be exactly the same for all administrators in a district, but boards should carefully consider the rationale behind any differences. Of course, any questions about such contracts should be brought to your legal counsel.

For more information, contact the contributor at rverstegen@boardmanclark.com

Register for the 2019-20 Wally Zastrow Leadership Academy

“ The Wally Zastrow Leadership Academy provided me personalized professional development. Our class developed a camaraderie and we were able to talk about specific challenges we faced on a daily basis. The facilitators provided tools to help with the challenges! The tools were simple to implement and at the same time, very effective. I've participated in a lot of professional development sessions. The Wally Zastrow Leadership Academy is clearly at the top of my list!”

—Lynn Knight, Business Manager

What You Will Learn

Session I: Taking Your Leadership Pulse

July 29-30, 2019 • WI School Leadership Center, Madison

- Assess your current leadership strengths and opportunities to grow.
- Develop a leadership goal to strengthen your effectiveness as a leader.
- Identify the three core values to guide your daily practice of leadership.
- Explore the importance of failure and why it is important for leaders to fail.
- Build an Academy team to support you on your leadership journey.

Session II: The Leader as an Innovator

September 26-27, 2019 • WI School Leadership Center, Madison

- Review your emotional intelligence assessment and target 1 area to improve.
- Understand the leader's role in organizational innovation.
- Practice the 5 skills of innovative leaders.
- Create a systematic approach to organizational innovation.
- Develop new problem-solving skills involving creativity/design thinking.

Session III: The Leader as a Communicator

November 7-8, 2019 • WI School Leadership Center, Madison

- Identify your preferred communication style and strengths (True Colors Assessment)
- Become more adept at working with others who have a different style.
- Practice having candid conversations.
- Develop new listening skills.
- Learn how to measure the effectiveness of communication.

Session IV: Building High Performance Teams

February 12-13, 2020 • WI School Leadership Center, Madison

- Learn how to motivate your team to excel every day.
- Learn why an Inquiry Midset is essential for promoting high performance.
- Create a User Manual so team members know what you expect when working with you.
- Identify the team behaviors that interfere with high performance.

Session V: The Leader as a Change Agent

March 12-13, 2020 • WI School Leadership Center, Madison

- Explore an effective change management model.
- Develop strategies for leading and sustaining change.
- Learn new tools for implementing and effecting change in complex environments.
- Practical ways to motivate followers in the change process.
- Learn when to make a decision yourself and when to make a group decision.

Session VI: Closing the Achievement and Opportunity Gap

April 22-23, 2020 • WI School Leadership Center, Madison

- Deepen your understanding of how to work effectively with diverse populations.
- Develop innovative new approaches to changing achievement and equity outcomes.
- Learn new techniques about how to build community in order to address tough issues.
- Explore ways to narrow the achievement gap in your district.

Academy Graduation

May 14-15, 2020 • Spring Conference, Kalahari, WI Dells

Attendees that successfully complete the academy will be recognized at the WASBO Spring Conference.

“The Leadership Academy is the best piece of professional development ever provided by WASBO. It has forced a lot of internal reflection about my role in the district and how I can bring improvement, to not only myself, but those around me. Well worth every penny. ”

—Andy Chromy, Business Manager, SFO, CSRM

2019 Wally Zastrow Leadership Academy Graduates

The 2019 graduates of the first inaugural Wally Zastrow Leadership Academy were recognized on both May 16 and 17 of the WASBO Spring Conference. The cohort spent numerous hours over six sessions throughout the 2018-19 school year in order to graduate from the Academy led by instructors Buck Rhyme and Brett Remington.

Andrew Chromy

Chief Business and Finance Officer
Oak Creek-Franklin Joint School District

Hilary Cordova

Fiscal Administrator,
CESA 9

Jeanne Deimund

Associate Executive Director
WASBO

Janel DeZarn

Business Administrator
Columbus School District

Lynette Edwards

Business Manager
Osceola School District

Tim Erickson

Chief Financial and Operations Officer
Hudson School District

Shannon Grindell

Business Manager
Spooner Area School District

Lynn Knight

Business Manager
School District of Nekoosa

Jeffrey Mahoney

Director of Business
McFarland School District

Jonathan Mitchell

Director of Finance and Operations
St. Francis School District

Kathy Stoltz

Business Official
Richland School District

Woody Wiedenhoef

Executive Director
WASBO

Michael Williamson

Director of Business Services
Whitnall School District

Caitlin Windler

Director of Finance and Operations
West Allis-West Milwaukee School District

2019 Wally Zastrow Leadership Academy Graduates along with facilitators Buck Rhyme and Brett Remington as they concluded their presentations on May 16 of the WASBO Spring Conference.



Wally Zastrow Leadership Academy

A six-session academy series designed to assess, gain, and enhance valuable leadership skills and the ability to develop leadership skills in others.

Session I: July 29-30, 2019

Session II: September 26-27, 2019

Session III: November 7-8, 2019

Session IV: February 12-13, 2020

Session V: March 12-13, 2020

Session VI: April 22-23, 2020

Academy Graduation: May 14-15, 2020



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To learn more about how our School Law Team can assist you, please contact Chrissy Hamiel at chamiel@vonbriesen.com or Andy Phillips at aphillips@vonbriesen.com.

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Dental care and vision screenings — at no cost to your school

UnitedHealthcare's mission is to help people live healthier lives and to help make the health system work better for everyone.

UnitedHealthcare is supporting DentaMed Healthcare and VisionQuest 20/20 in their efforts to bring dental services and vision screenings to students, at no cost to schools.

Dental Care:
Through a grant from UnitedHealthcare, DentaMed will provide comprehensive dental care to students at schools like yours via its new state-of-the-art mobile dental clinic. Screenings are available to any student, regardless of whether the child has health insurance.

To discuss bringing the DentaMed mobile dental clinic to your school, email: info@dentamedhealth.com or call 414-877-0707.

Vision Screenings:
VisionQuest 20/20 will provide schools in Wisconsin with access to its EyeSpy 20/20 vision screening software to check students for vision problems. Participating schools will receive unlimited use of the EyeSpy 20/20 vision screening software and training on how to administer the screenings and utilize the data collection systems.

To discuss bringing the EyeSpy 20/20 vision screening software to your school, contact: Chris Greening, 630-503-7650, chris@good-lite.com.

DentaMed and VisionQuest 20/20 are not affiliated with UnitedHealthcare and each entity is responsible for its own contractual and financial obligations.

2019 Certified School Risk Manager Designees

The 2019 recipients of the Certified School Risk Manager program were recognized May 17 during the Spring WASBO business meeting. Presenting their certificates were Joe Bellomo and Jodi Traas.

Shawn Alfred
Director of Business Services
Manitowoc Public School District

Kristi Buhr
Finance Coordinator
Denmark School District

Holly Burr
Business Manager
Clintonville Public Schools

Melissa Clark
District Bookkeeper
Almond-Bancroft School

Linda Dallman
Business Manager
Poynette School District

Shawn Erickson
Commerical Insurance Advisor
Ansay & Associates LLC

Dawn Foeller
Director of Administrative Services
Unified School District of De Pere

Kay Goss
Director of Business Services/Finance
Augusta School District

Ben Irwin
Director of Business Services
Cedarburg School District

Seth Johnson
Risk Management
Consultant
Aegis Corporation

Daniel Klemann
Client Development
Midwest Glass Tinters

Laurie Krueger
Operations Supervisor
Kenosha Unified School
District

Joel Pesch
Commercial Lines Senior
Underwriter
EMC Insurance

Anne Romaine
Senior Loss Control
Consultant
United Heartland

Angela Sommers
Marketing Strategist
CESA 10

Steven Squires
Director of Building and Grounds
Salem School District

Todd Wideman
Commercial Insurance Agent
Spectrum Insurance Group



WASBO CSRM recipients after receiving their certificates on May 17.

risk damage my school budget. I will not let unexpected risk damage my school budget.

risk damage my school budget. I will not let unexpected risk damage my school budget.

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risk damage my school budget. I will not let unexpected risk damage my school budget.

risk damage my school budget. I will not let unexpected risk damage my school budget.

Certified School Risk Managers Designation Series

All Spring classes will be held at the Wisconsin School Leadership Center, Madison

- Fundamentals of Risk Management • Sept. 18, 2019
- Handling School Risks • Sept. 19, 2019
- Measuring School Risks • Oct. 16, 2019
- Funding School Risks • Oct. 17, 2019
- Administering School Risks • Nov. 13, 2019

CSRM/CISR Update Credit – anyone may attend

- Crisis Prevention • Nov. 14, 2019

Info at WASBO.com/riskmanagement

Stay Connected

Interim Assignments

As school business officials (business managers, bookkeepers, facility directors and other critical positions) take new positions or retire, the districts they depart are left with a void. In addition, many districts are in need of consulting help on project or oversight work. These districts are in need of assistance from interim school business officials until their openings are filled or specific projects are completed. If you would like to be considered, please send a one-page resume and other pertinent details to Mike Barry at mike.barry@wasbo.com.

Network by Participating on a WASBO Committee

Meet professional school colleagues and service affiliates, share ideas, enhance WASBO services and enrich your professional development. Serve on a WASBO committee — you'll do all that, and more. Find out more at WASBO.com/committees. Contact Kaitlyn Peters at kaitlyn.peters@wasbo.com

Share Your Expertise

Has your school district implemented a new practice? Do you have a story to tell? Share your experience by writing an article for *Taking Care of Business*. Email your submission to wasbo@wasbo.com

Mentorship Program

New professionals are entering the field regularly. If you know of someone new in your region who could use the help of a mentor, contact WASBO's Mentor Coordinator, Mary Jo Filbrandt, at maryjo.filbrandt@wasbo.com. For a school facilities mentor, contact Joe Ledvina at jledvina@lacrossesd.org or Dave Hoh at david.hoh@oshkosh.k12.wi.us.

Dues Renewal

To continue receiving the benefits of your WASBO membership, including your subscription to *Taking Care of Business*, be sure to renew your membership for 2019-20. When you are the only one in your district fulfilling your job role, you need to stay connected to your colleagues across the state who are facing the same challenges.

Service Affiliate Checklist

While WASBO works to replace a new Service Affiliate contact person, please contact wasbo@wasbo.com for the below inquiries:

- Sponsorship Opportunities:
 - Custodial & Maintenance Conferences
 - New Administrators & Support Staff Conference
 - Fall Conference
 - Midwest Facility Masters Conference
 - Winter at a Glance Conference
 - WASBO/WASPA School Personnel Academy
 - WI Federal Funding Conference
 - Facilities Management Conference
 - Accounting Conference

- Exhibit opportunities are available for three Custodial & Maintenance Conferences this summer. Visit wasbo.com/custodial for more information.
- Taking Care of Business* articles due July 15 for the August issue.

- Advertise in *Taking Care of Business*. Advertising contracts now available for 2019-20.

- Update your profile and communication preferences at WASBO.com to ensure you are receiving communications about the above.

- Renew your 2019-20 membership dues!



Look Before You Leap: Workers' Compensation Owner Direct Insurance Programs ("ODIP")

What is an ODIP?

An ODIP allows a DWD-approved construction project owner-school district to receive bids net of workers' compensation ("WC") insurance expenses. In return, the successful contractors each receive a project-specific WC policy purchased by the project owner-school district.

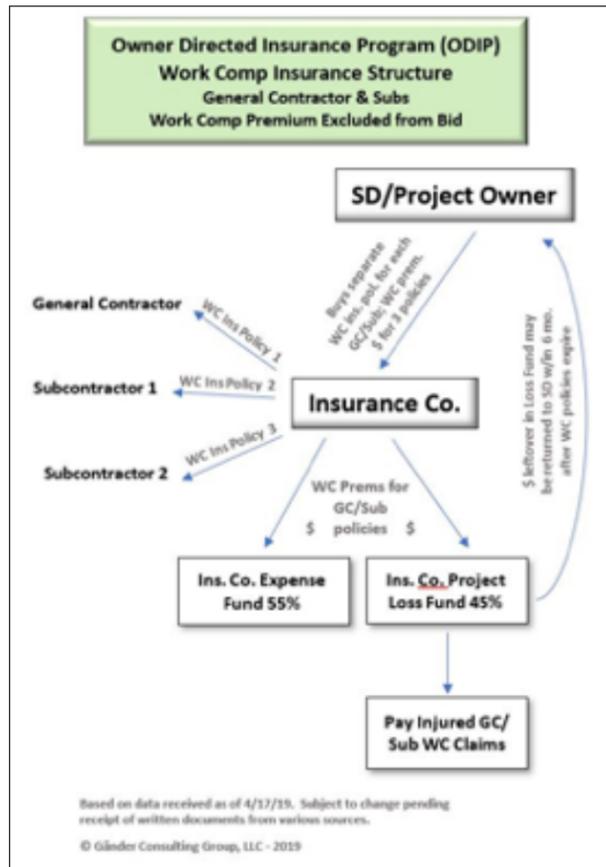
Theoretically, focusing on the project's safety may result in better than average (lower) WC claim losses, which are reflected in savings passed back to the school district.

Wisconsin Administrative Code DWD 80.61 describes the obligations of all parties involved in an ODIP. DWD has the authority to approve, or deny, the use of an ODIP. Only construction projects with a completed value of \$25M and estimated standard WC premium of \$250,000 are eligible for consideration by DWD.

Why might an ODIP be useful to a school district?

The impetus for an ODIP should be implementing a better-than-average project safety program. Fewer claims mean fewer injuries, construction interruptions and greater overall project efficiency.

If WC claims are less than expected, the savings between WC premiums paid by the district for the individual contractors' WC policies and the typical WC premium expenses included in a bid may accrue to the district.



Of what items? should a school district be aware before entering into an ODIP?

1. SD project owners are obligated to pay the contractor's injured employees' WC claims if a coverage dispute arises between the contractor's two WC insurance companies. See DWD 80.61 (3) (C) 2.f.

2. SD project owners must annually reimburse DWD for the costs it incurs because of the ODIP. Annual expenses have been as low as \$3,000 and as high as \$10,000. See DWD 80.61 (3) (C) 2.a.

3. The district must prove to DWD it has the authority to implement an

ODIP. See DWD 80.61 (2) (a) 2.

4. DWD determines whether a district has the knowledge and capacity to appropriately implement and oversee a project's safety plan.

5. There is no guarantee an ODIP will save the district money.

Conclusion

ODIPs, also known as wrap-ups, may offer the opportunity for a district to enhance safety on its large construction projects. However, ODIPs require the upfront and annual commitment of time and money, and there is no guarantee using an ODIP will save the district money. So...look before you leap!

If you have questions about this article, contact one of the

WASB Insurance Plan's Endorsed Insurance Agencies at <https://wash.org/wasb-insurance-plan> or Joy Gänder at Gänder Consulting Group, LLC 608-286-0286.

Does the school district need a business manager?

Contributor | Rebecca Kanable

While the search for a superintendent is taking top priority, the question is being asked does the Milton school district need a business manager?

The current superintendent and director of administrative operations will no longer work for the district as of July 1 and the director of business services retired in March.

Seeking insight on the topic of whether or not the school district needs a business manager, the Milton Courier contacted Woody Wiedenhoef, the executive director of the Wisconsin Association of School Business Officials since 2006. Prior to joining WASBO, Wiedenhoef completed a 35-year career in public education as a teacher, school business official, and school consultant. He has been active in WASBO since 1974 and is a member of the Wisconsin Society of Association Executives and the Association of School Business Officials International (of which WASBO is an affiliate).

Wiedenhoef was at the spring WASBO conference in Green Bay when the Milton Courier spoke with him by phone in mid-May

Altogether, Wisconsin has 422 public school districts of varying size.

"There are school districts just by size alone that may not need a business manager, but the business functions still need to be done," Wiedenhoef said.

What are those functions?

First, he said there's more to school business management and to fiscal responsibility than accounting and bookkeeping. WASBO on its website

describes school business officials as employees who serve in areas of business administration, accounting, facilities/buildings and grounds, transportation, food service, purchasing, and others on the non-instructional side of school district operations.

In other words, the business manager takes care of the business side.

A license for fiscal responsibility

The Department of Public Instruction has among its licensures, the 08 license for school business administrators. The license is required for any person who has primary budget and fiscal responsibility in a school district.

Smaller districts might not have a business manager. Instead, everyone might report to the superintendent and the superintendent has an 08 license. In very small school districts, the superintendent might be "everyone" from an administrative perspective. If a larger school district had a business manager, but now is thinking a business manager isn't needed, Wiedenhoef said time may tell.

"If you had a really good business manager and everything is in very good shape," he said, "you may not see any problems show up for a year or two. But when they show up, usually they become bigger problems than what the cost of the business manager is. Generally speaking, business managers pay for themselves and they are able to demonstrate that."

More so than preventing mistakes (and therefore additional cost), he said savings are gained through the application of best practices known by business managers.

Trends and titles

While there are different organizational structures for school business

management, Wiedenhoef said he's not really seeing any new trends.

"Different districts have different titles," he said. Business manager, director of business services, director of operations, assistant superintendent, he said "they all end up with the same responsibilities." In the private sector, he said business manager would be synonymous with CFO.

"It's not the title that presumes the responsibilities," he continued, "it's the school board that presumes the responsibilities. It's the school board that decides on the titles, but it's also the superintendent who has to hire someone that will meet the goals that are being set by the community."

While the titles may be different, he said the goals are similar: "Is the money being spent where it has to be for good instruction?" Which, he reminded involves more than a teacher and a classroom.

As a school business official, Wiedenhoef had many titles. In 1978, his title was director of operations and he said he had the same duties as a business manager.

The 'business'

"The title difference is not necessarily a change in duties," he said. "The basic notion is that it was a person who was to report to the superintendent to meet the goals of the community and the board."

And, he said the end goal is well educated children and families who are happy with their education. Attaining that goal, however, isn't as simple as it may sound.

"Today we get into discussions about educational gaps and so forth," he said. "There are other issues that have

to be dealt with.”

For the business manager, that means more work to be done with the alignment of resources.

Not every resource is a cost, he added. Some things associated with instruction have higher costs than others and might not even be immediately associated with instruction, he said.

He gave as an example of a leaking roof. While board members might want to just patch it, a CFO might instead suggest replacing the roof to prevent the problem from getting worse and to provide a long-term solution.

“Generally successful businesses don’t just do their work on shoestrings,” he said. “They try to have a reasonable environment for what they’re trying to do.”

Just as a CFO of a large private business has to know the goals of the business to make sure resources are allocated appropriately, he said the business manager needs to know the

business of the school district. In a school district like Milton’s with about 3,500 students and an annual budget of more than \$40 million, Wiedenhoef said there generally will be someone who handles the business (non-instructional) side.

In larger school districts, he said there’s more breadth and depth. In other words, not only more people but more distinguishing of responsibilities. Business managers may have several other employees (for instance a bookkeeper or payroll clerk) under them or helping them.

He clarified that the business side isn’t all business by saying, “it isn’t like the business side of the schoolhouse is not about instruction. It’s all about instruction. It all goes into instruction and making that as effective as possible.”

Just as a CFO at a company that makes cheese is familiar with the cheese making process, he said business managers need to know about instruction.

“They need to have an alignment of where those resources are going to go so that they’re effective and they can help the superintendent, the board understand that alignment,” he said.

When looking for a business manager, he said a school board should ask: What’s the standards that we want and what’s the criteria we need to reach those standards?

WASBO has more than 1,400 members from school districts and organizations who provides goods and services to districts of various sizes.

“Good business practices in instruction are very important because usually a school is the one of the larger ‘businesses’ in a community with one of the larger sources of revenue and usually that revenue is taxpayer money,” he said. “You would like to think there’s some integrity to how that’s being used.”

For questions, contact the author Rebecca Kanable couriernews@hngnews.com. This article was featured in the Milton Courier and is re-printed with author permission.

Welcome to our New Members!

District Professionals

- **Joelle Doye**, Communications Director, Mineral Point Unified SD
- **Ben Gappa**, Assistant B&G Supervisor, Holmen SD
- **Shannon Gordon**, Chief Operating Officer, Racine Unified SD
- **Lynn Ruhl**, Budget Analyst, Milwaukee Public Schools
- **Nathan Sladky**, Maintenance Technician, Wilmot Union High SD

Service Affiliates

- **Tiffany Farnsworth**, Senior Associate-District Assistant, AXA Advisors, LLC
- **Rick Harrington**, Senior Executive Vice President, MidAmerican Building Services
- **Tom Kaleko**, Executive Vice President, Baker Tilly
- **Parris Killen**, Director of Operations, Rachel Wixey & Associates LLC
- **Eric LaRue**, Canon Solutions America
- **Lou Macdaid**, Safety Officer, Hedge Tactical Solutions
- **Alex Mielke**, Marketing, JP Cullen
- **Kim Tant**, Event/Marketing Coordinator, Marco Technologies

Student Member

- **Adam Majerus**, SD of Hartford Jt #1



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Member Moves and Retirements

Retirements

- **Jeff Albers**, Director of Business Services, Medford Area Public SD
- **John Beil**, Director of Facilities, Belleville SD
- **Joe Bellomo**, Director of Facilities & Safety Coordinator, Waunakee Community SD
- **Warren Flitcroft**, Business Manager, Lake Geneva Area Schools
- **Susan Frank**, Business Office Manager, Three Lakes SD
- **Lanny Gleason**, Director of Operations, Oregon SD
- **Dan Hornickel**, Head Custodian, De Forest Area SD
- **Gary Niemi**, Director of Buildings & Grounds, Superior SD
- **Barbara Ploessl**, Finance Secretary, River Ridge SD
- **Bill Rodenberg**, Director of Facilities & Operations, Racine Unified SD
- **Brent Zimmerman**, Business Manager, Mosinee SD

On the Move

- **Jeff Gross**, Chief Financial Officer, Kettle Moraine --to-- Business Manager, Arrowhead Union High SD
- **Todd Hajewski**, Director of Business Services, Greendale SD --to-- Baird Public Finance
- **Jonathan Mitchell**, Director of Finance & Operations, St. Francis SD --to-- Director of Business Services, Greendale SD
- **Jason Shanda**, Health Solutions Sales Executive, Humana --to-- Account Executive, M3 Insurance
- **John Stellmacher**, Chief Financial and Operations Officer, Hartford Joint #1 --to-- Chief Financial Officer, Kettle Moraine SD
- **Eddie Then**, School Business Manager, SD of Crandon --to-- Human Resources Director, Merrill



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School Forced to Settle Lawsuit Based on School's Preference for Female Leadership

Contributor | Kirk D. Strang

A federal court in Maryland recently issued a reminder to schools and school districts across the country: federal discrimination laws protect employees from discrimination based on gender no matter what an employee's gender may be. Contemporary legal developments indicate that this was not an isolated case, but reflects more general enforcement practices of the Equal Employment Opportunities Commission ("EEOC").

EEOC v. Park School of Baltimore

In EEOC v. Park School of Baltimore, Case 1:18-cv-02319-RDB (February 8, 2019), a male employee claimed that his contract was non-renewed because he was male. The employee, Richard Schneider, worked as a softball coach for the Park School of Baltimore. Schneider was first hired as head softball coach in 2014, and had satisfactory performance reviews for three consecutive years in the position. However, in 2016 the school found a female head coach for the softball team. As a result, in early 2017, the school informed Schneider that it would not renew its contract, because of its preference for female leadership.

The EEOC filed suit on Schneider's behalf, contending that the school's decision violated Title VII because the school's hiring and nonrenewal decisions were specifically based on gender.

The EEOC claimed that the school had stated that its decision was based on its preference for female leadership. As a result, the EEOC contended that the school's practices

"deprive(d) Schneider of equal employment opportunities and otherwise adversely affect(ed) his status as an employee because he is male."

The EEOC also claimed that special circumstances presented in the case warranted more serious sanctions. In this regard, the EEOC claimed that the employment practices of the school "were intentional" and "were done with malice or with reckless indifference to the federally protected rights of Schneider." As a result, the EEOC urged that any award should not be limited to back pay with pre-judgment interest; in addition, damages for past and future non-pecuniary losses, such as "pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, frustration and humiliation" should be available. For the same reasons, the EEOC contended that punitive damages should be awarded "for (the school's) callous indifference to his federally protected right to be free from discrimination based on gender."

Before the case could go to trial, the parties entered into a consent decree (essentially a settlement agreement) before the court. Although the consent decree did not "constitute an adjudication or finding on the merits of the case", the school agreed to pay \$41,000.00 to Schneider. In addition, the school agreed to a series of other requirements, including agreeing to an injunction, modifications to its discrimination policies and procedures, and anti-discrimination training for its personnel. Finally, the parties agreed that the injunction against the school was "intended to survive the life of the Consent Decree."

The consent decree issued by the federal court in Maryland is not an isolated development in enforcement of federal discrimination laws.

Writing for "Education Dive", Lisa Burden reports that the EEOC also reached an agreement with Children's Home, Inc., last year to pay a male employee \$18,000 to settle claims that he was discriminated against based on sex, because the Tampa non-profit "questioned the male employee's ability to change diapers and work with pregnant women." She also notes that an Arkansas Buffalo Wild Wings franchise was forced to settle claims brought by male employees for \$30,000.00 because the restaurant refused to hire men to be bartenders. Finally, Burden points out that Estee Lauder paid more than 1 million dollars to settle claims that it was offering unequal parental leave for men and women.

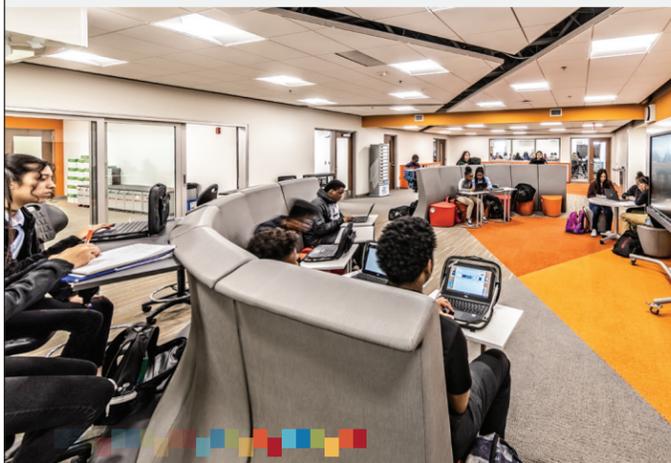
Import to Wisconsin School Districts

The message from the EEOC is absolutely clear: the agency will enforce federal sex discrimination laws on behalf of both men and women.

These cases and the EEOC's enforcement practices suggest the following friendly reminders for Wisconsin school districts:

- An individual does not have to be a member of a recognized "protected classification" to be protected by federal discrimination laws. While membership in a protected classification can influence the procedures that are used by our courts to evaluate claims, in the end an employer cannot use gender—male or female—as the basis

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for its employment decisions.

- An employer can lawfully consider gender in cases where the employee's sex is a bona fide occupational qualification ("BFOQ"). In schools, this may apply in cases where, for example, a teacher is required to supervise students in changing areas and showers.

However, schools also should understand that the EEOC—with court approval—contends that the BFOQ exception can be invoked only in the most narrow of circumstances. As a result, this exception must be used with great care, because men and women may both be able to do any number of jobs, even though gender may traditionally have been thought to be a valid factor in hiring for a particular job or set of jobs.

Critically, schools should also remember that they are going "all in", and do so at their peril if they rely on a BFOQ defense. As an initial matter, if postings for a job do not identify gender as a requirement, invoking the BFOQ defense later is likely to be viewed with suspicion. In any event, relying on the BFOQ exception requires the school district employer to first admit that it used gender as a factor in its decision-making. Once this concession is made, the school

district's case depends on proving that the BFOQ exception applies because, if the school district employer can't meet this burden, the school district is left with having admitted to discrimination on the basis of sex.

- The EEOC will sue on behalf of the complaining party if the agency believes the case merits agency intervention. Wisconsin school districts often view state and federal agencies as neutral parties and, for most purposes, they are. However, school districts need to remember that the EEOC is also charged with enforcing federal discrimination laws and, to do so, the agency does bring lawsuits against employers.

Consequently, while the agency does perform neutral investigative and dispute resolution functions, it does pick up the sword against school district employers on occasion. When it does, the economics of discrimination cases is radically altered, because the school district winds up facing the federal government and all its resources, rather than an individual employee who, generally, has less economic wherewithal to take a complaint through trial.

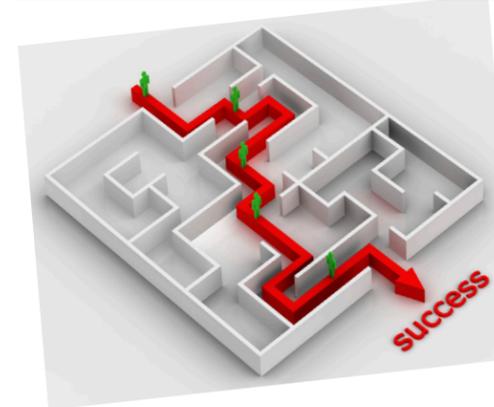
Conclusion

Wisconsin school districts should review their employment practices and policies to ensure compliance with federal law. Gender and gender identity issues of today can make forging appropriate, defensible policies and practices an uncertain enterprise. Further, the rate of change in cultural norms and perspectives on gender all but ensures that policy makers will have to capture moving legal targets in their legislation, and must be ever-ready to scuttle existing policy and institute additional reforms to keep pace with our changing culture.

All that being said, the more difficult obstacles cannot be scaled without getting the basic foundation right. Federal employment laws concerning sex discrimination don't simply protect one sex. School districts cannot favor one gender over another in employment decisions. For at least some, the first step to compliance is to get over the incorrect and dangerous assumption that only one gender actually has legal protection under federal employment laws.

For more information, contact Kirk Strang at kstrang@strangpatteson.com

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*The Year of Success Program

This conference is the first of six conferences in the Year of Success Program, a six-conference series that serves as an ideal introduction to those new to the business office. Enrollment in the Year of Success Program is \$1,500 for members, \$1,565 for non-members.



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August 15: CESA 3

October 17: CESA 4

November 20: CESA 6, 7, 8



Summer WASBO Event Calendar

Here is a look at the conferences, workshops, regional meetings, committee meetings, and other events that make up the Summer 2019 WASBO Event Calendar. For more information, see the Calendar of Events at wasbo.com

June

6
WASBO Board of Directors Meeting
9 AM, WASBO office

14
WI Valley Regional Meeting
Time & location TBD

18
Custodial & Maintenance Conference
8 AM - 3 PM, Wisconsin School
Leadership Center, Madison (Module 7
sessions ONLY)
www.wasbo.com/custodial

19
Midwest Facility Masters Conference
Planning Committee Meeting
10 AM, conference call

20
Fall Conference Planning Committee
Meeting
9 AM, conference call

July

11
Midwest Facilities Masters Conference
Exhibitor and Attendee Registration
www.wasbo.com/facilitymasters

17
Custodial & Maintenance Conference
8 AM - 3 PM, New Berlin
www.wasbo.com/custodial

24
Custodial & Maintenance Conference
8 AM - 3 PM, Westby
www.wasbo.com/custodial

29
Wally E. Zastrow Leadership Academy
10 AM, School Leadership Center,
Madison
www.wasbo.com/leadership

30
Wally E. Zastrow Leadership Academy
8 AM, School Leadership Center,
Madison
www.wasbo.com/leadership

31
Custodial & Maintenance Conference
8 AM - 3 PM, Appleton
www.wasbo.com/custodial

August

6
School Facilities Committee Meeting
9:30 AM, WASBO office

Safety & Risk Management
Committee Meeting
11:45 AM, WASBO office

7-8
New School Administrators &
Support Staff Conference
Holiday Inn Stevens Point
www.wasbo.com/newadmin

15
Southwest Business Office
Professionals Conference
8:30 AM, CESA #3, Fennimore
www.wasbo.com/sbo

16
WI Valley Regional Meeting
9 AM coffee & rolls, 9:30 meeting;
Unified SD of Antigo

21
Midwest Facility Masters Conference
Planning Committee Meeting
10 AM, conference call

22
Fall Conference Planning Committee
Meeting
9 AM, conference call



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- Carl Hayek, Waupaca



ASBO INTERNATIONAL MEETING DATES

2019 Annual Meeting & Expo
Oct. 25-28,
2019 - National
Harbor, MD

2020 Annual Meeting & Expo
Oct. 2-5, 2020 -
Nashville, TN

2021 Annual Meeting & Expo
Oct. 13-16, 2021 Milwaukee, WI

2022 Annual Meeting & Expo
Sept. 14-21, 2022 Portland, OR



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