The mission of the Wyoming School Boards Association is to educate, support, and inspire school board members to strengthen public education for all Wyoming students.
Dear WSBA Conference Attendees:

Whew!! We have made it to November, in one of the craziest years we have ever experienced. We will all be excited and relieved when we finally have a cure for the COVID-19 virus.

I would like to welcome you to the 1st - and hopefully last - virtual Wyoming School Boards Association annual conference. It saddens me that we are not able to gather in person in Casper, as I always look forward to visiting with the many of you whom I have met through the course of my 14 years serving on my local school board. Unfortunately, those chats this year will have to be online, and I look forward to hearing from many of you throughout the conference.

The WSBA staff, with input from the WSBA Board of Directors have worked hard to bring you an informative and worthwhile conference this year.

WSBA is an organization committed to providing the necessary tools to you, our local school boards, so that you may provide the best educational opportunities to the children of your community. WSBA strives to be the leading voice for education in the State of Wyoming, advocating at the Wyoming Legislature and with individual legislators, always promoting what’s best for kids. In this time of revenue decline in the state, WSBA continues to advocate for adequate funding for education and to ensure that we maintain an appropriate balance between state and local control.

Thank you for attending this virtual conference. My sincerest hope is that each and every one of you get something out of this conference that you can take back to your local district and at least start a conversation about. As always, your WSBA Board of Directors stand ready to serve the needs of your community. Please feel free to contact your area director to discuss your district’s needs or concerns, or if you are newly elected board member, reach out just to pick their brain and learn from a veteran school board member.

Sincerely,

Greg Borcher

Serving Wyoming Education Through School Board Leadership
WYOMING SCHOOL BOARDS ASSOCIATION
2020 ANNUAL CONFERENCE
November 18-20, 2020

Agenda At-A-Glance*

Wednesday, November 18

1:00 – 1:30 pm  Delegate Check-in
1:30 – 5:00 pm  WSBA Delegate Assembly

Thursday, November 19 – General Session I

8:00 am  Performance – Cheyenne East High School Band
8:15 am  Opening Remarks – Greg Borcher, WSBA President
8:30 am  Keynote Speaker – David Horsager, Trust Edge Leadership Institute
  sponsored by PFM Financial Services
  Trust is a fundamental, bottom line issue. Without it, leaders lose teams, and organizations lose impact, retention of good people, relationships, and revenue. But with trust, individuals and organizations enjoy greater influence, productivity, freedom, and results.
10:00 am  Break
10:15 am  Featured Speaker – Dr. Kathy McFarland, Ohio School Boards Assn
  sponsored by Ignite Wyoming
  Sometimes we need to be reminded that it is OK to make ourselves a priority. When we improve ourselves, everyone around us benefits. Learn strategies that can help you be the best version of yourself.
11:00 am  Presentation - All Wyoming School Board
11:30 am  Guest Speaker – Dr. Rod Kessler, Wyoming School Boards Association
  2020 is a year like no other we’ve experienced in public education. Board members have the power to shape the way schools and communities move forward together!
12:00 noon  Adjournment – Reconvene November 20th at 8:00 am

Friday, November 20 – General Session II

8:00 am  Opening Remarks – Ignite Wyoming Update
8:15 am  Presentation – Profile of a Graduate
8:30 am  Presentation – Golden Bell Awards
9:00 am  Legal Update – Tracy Copenhaver & Scott Kolpitcke
  sponsored by UMR
  A review of statutory and rule changes affecting education in Wyoming.
11:30 am  Closing Remarks – Brian Farmer, WSBA Executive Director
12:00 noon  WSBA 2020 Annual Conference Adjourns

*Agenda is tentative and subject to change.
Cheyenne East High School Band

<table>
<thead>
<tr>
<th>Song</th>
<th>Title</th>
<th>Composer(s)</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Jazz Police</td>
<td>Gordan Goodwin</td>
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<tr>
<td>2</td>
<td>Hold the Mayo!</td>
<td>Howard Rowe</td>
</tr>
<tr>
<td>3</td>
<td>Hop, Skip and a Jump</td>
<td>George Shtack</td>
</tr>
<tr>
<td>4</td>
<td>Abracadabra</td>
<td>Larry Barton</td>
</tr>
</tbody>
</table>

Dan Holroyd
Director
2020 WSBA Annual Conference Speakers

David Horsager, MA, CSP, CPAE
David is the CEO of Trust Edge Leadership Institute, national bestselling author of The Trust Edge, inventor of the Enterprise Trust Index™, and director of one of the nation’s foremost trust studies: The Trust Outlook™. His work has been featured in prominent publications such as Fast Company, Forbes, and The Wall Street Journal. David has advised leaders and delivered life-changing presentations on six continents, with audiences ranging everywhere from FedEx, Toyota and global governments to the New York Yankees and the Department of Homeland Security.

Kathy McFarland, Ed.D.
Dr. McFarland is a former teacher and principal, and is currently serving as the deputy chief executive at the Ohio School Boards Association, where she works directly with legislators, school board members and other officials who shape educational policies.

Rod Kessler, Ed.D.
Dr. Kessler has been serving the Wyoming School Boards Association the past two years as the Director of Leadership Development. Rod spends most of his training time in local school district settings with board members and administration that make up the District Leadership Team. His background includes 35 years of teaching and administration. Dr. Kessler believes the keys to Extraordinarily Successful School Districts are centered around Quality Relationships and Clear Roles and Responsibilities for all the team players.
Tracy Copenhaver

Tracy is the senior partner in Copenhaver, Kath, Kitchen & Kolpitcke, LLC. He graduated from the University of Wyoming Law School in 1982. Tracy is licensed to practice law in all courts in the State of Wyoming, as well as the 10th Circuit Court of Appeals and the United States Supreme Court. Current areas of practice include: insurance defense work for all liability claims, as well as public entity representation. Tracy does a considerable amount of work in education law and defense of public employers and employees.

Scott Kolpitcke

After graduating from the University of Wyoming College of Law in 1996, Scott passed the bar exams in Wyoming and Colorado and began working for a small law firm in Laramie, WY. Scott joined Copenhaver, Kath, Kitchen & Kolpitcke, LLC in 1998 and represents school districts, cities, towns, hospitals, and other local governmental agencies in Wyoming. Scott regularly gives presentations to school boards, city councils, and other groups on issues such as employment law, school law, public records, open meetings, government ethics and other issues.
THE TRUST EDGE

Why Trust?

The Trust Edge Leadership Institute defines trust as a ____________ in a person, product, or organization.

The Trust Edge is the _______________ when others confidently believe in you.

"A lack of trust is your BIGGEST expense"
CLARITY

COMPASSION

CHARACTER

COMPETENCY

COMMITMENT

CONNECTION
CONTRIBUTION

CONSISTENCY

KEY TAKEAWAYS

KEY COMMITMENT

Learn more at www.TrustEdge.com

Claim your complimentary attendee follow-up program with micro-learning videos and productivity tips! Email “Trust Tools” to Alison@TrustEdge.com

Invite David to speak at your event, equip your team, or gain clarity with the Enterprise Trust Index. Contact Anne at 651.340.6555 or Anne@TrustEdge.com
Fill YOUR tank
Man YOUR bus
Own YOUR

How to take care of
YOU
so you can take care of them!
WRITE DOWN....

ONE PERSON THAT MAKES YOU HAPPY

2-3 THINGS YOU LOVE TO DO

1-2 GOALS YOU HAVE
Thinking of you
You make me happy
Thank you for being in my life
Fill YOUR tank
You wouldn't let this happen to your phone.

Don't let this happen to you either.

Self-care is a priority. Not a luxury.
Evaluate your current condition

◊ SCALE: 1-5
◊ 1=LOW / not good at all
◊ 5=HIGH / really great
Spiritual

- Life is meaningful
- I have a purpose
Physical

REGULAR EXERCISE  PROPER NUTRITION  ADEQUATE SLEEP  AVOIDING UNHEALTHY HABITS
BEING IN TOUCH WITH YOUR EMOTIONAL PRESENCE

COMFORTABLE WITH YOUR OWN THOUGHTS AND FEELINGS

ABLE TO EXPRESS YOUR EMOTIONS
ENGAGE IN LIVELY INTERACTIONS
CONTINUED LEARNING, PROBLEM SOLVING AND CREATIVITY
CONNECTING WITH OTHERS ON A CEREBRAL LEVEL
Environmental

Healthy Work and Living Space

Understanding Your Role in Bettering the Environment

Gaining Personal Fulfillment from Our Surroundings
Social

RELATING, INTERACTING AND COMMUNICATING WELL WITH OTHERS

BEING COMFORTABLE WITH OURSELVES
Financial

Financial resources to meet practical needs

Sense of control and knowledge about personal finances
Occupational or Career

- Meaning and purpose in your work
Drill Down

- Finances: talk to someone; look for resources
- Physical: get an accountability partner; join a gym; sign up for a class; find a running/walking group
- Emotional: therapy
- Intellectual: book club; interest groups; blogging
- Environmental: get rid of the junk; garden
You believed in Santa for 8 years, you can believe in yourself for 10 seconds.
In the next 3 days, do what makes you happy.
It’s the small habits. How you spend your mornings. How you talk to yourself. What you read. What you watch. Who you share your energy with. Who has access to you. That will change your life.
A few things to do.....

♢ Set some goals (You have one already)
♢ You have plenty of time
♢ Stop waiting for the perfect time
♢ Work on your mindset
♢ Ask for help
♢ Make the choice to notice what makes you happy
♢ Surround yourself with good people
Man YOUR bus
YOU ARE MOST LIKE THE 5 PEOPLE YOU SPEND THE MOST TIME WITH.

#CHOOSEWISELY
# Choose wisely

- Those that have to be on;
- Those we choose;
- Those that should be.
The PUSHER: A pusher is someone who pushes you to be the best you can be. They make YOU question life, your choices and your direction. They check you.

The ENERGIZER: Energizers are those people who have an infectious zest for life. Not only are they optimistic but they encourage you to dream big. Energizers leave you laughing, inspired and filled with amazing positive energy!

The LOYAL CONFIDENT: This is the person who loves you and will always be there to hear what’s on your mind; the good, bad and ugly.

The MENTOR: A mentor is someone who has already done what you are trying to do and is successful. They can guide you down the path letting you know what has worked and failed for them.
List ONE person you will reach out to in order to get one step closer to your goal.
Own YOUR $#%&
Letting go of your Nuts
It’s not your circumstances; it’s your response

Two sons of an alcoholic father
One struggles through life as a drunk
The other becomes a successful, sober businessman

“Why are you the way you are?”

Both respond: “My father was an alcoholic”
Stay in your lane
Ships don’t sink because of the water around them; ships sink because of the water that gets in them. Don’t let what’s happening around you get inside you and weigh you down.
Perspective is everything
Depending on how you look at it, half of 8 could be 4, 3 or 0
Re-set
Re-adjust
Re-start
Re-focus....
As many times
as you need to.
Remember to.....

- Invest in yourself.
- Meditate.
- Read.
- Eat healthy food.
- Drink water.
- Move your body.
- Spend time in nature
- Rest up.
- Find good people.
- You are worthy.
All Wyoming School Board

2020 Awards
Karen Bienz
Albany County School District #1

Nominated by Jubal Yennie
Carol Garber
Sheridan County School District #1

Nominated by Pete Kilbride
Molly Steel
Sheridan County School District #2

Nominated by Craig Dougherty
William Scarlett, IV
Teton County School District #1

Nominated by Gillian Chapman
Tina Chick
Weston County School District #1

Nominated by Brad LaCroix
2020 WSBA Fall Virtual Conference
November 18-20
Moving Forward Together for Our Students, Staff and Community!!!
Ok, this has been a different year!!! The spring of 2020 was like no other that we experienced in public education. Looks like politics, community experts, and many others are going to help you manage the school district for 2020-2021! So, let’s jump into the plan!

1. Smart Start Plans? How is going?
2. What do you like about your plan?
3. What concerns do you have with the plan?
4. How well versed is the board, admin, staff, community and students about your Smart Start Plan?
5. What possible changes may be needed with the plan?
6. Who will monitor the plan?
7. What roles and responsibilities does the admin team, staff, students, community and/or board have with the plan?
8. What is your stump speech when approached on your plan? Masks, positive cases, political biases, religious views, other districts, other states, social media, board unity, district staff, etc.
9. How are you dealing with different views among your District Leadership Team in relation to the plan?
10. Model, Communicate, Model, Communicate, etc.
A School Board Member Must Be ...

...All Things to All People

Visiting schools is snooping
Failing to visit is lack of interest

Increasing salaries is too expensive
Failing to increase salaries is anti-employee

Evaluating is being critical
Failing to evaluate is proof you're arbitrary

Voting “yes” is a rubber stamp
Voting “no” is controversial
Settling is caving-in
Failing to "settle" is bad faith

Firing a coach is being too involved
Failing to fire the coach is being unresponsive

Asking questions is micro-managing
Failing to ask is a sign of indifference

Attending conventions is a free vacation
Failing to attend is having tunnel vision

A board member can't always be right
But must always keep the students in-sight!
Today’s learning opportunity will start with a few questions.

1. As a new board member or veteran board member what are 3 things you want to know more about in relation to your role as a school board member?

2. How are we doing as a District Leadership Team?

3. How do we know?

4. What evidence do we have that we are doing our job well?
   - Strategic Plans, District Goals, Communication, Data, Self Evaluations, Surveys, etc.

5. How can we identify the things we need to work on as a board and District Leadership Team (DLT)?

6. Are my responses on my role as a board member different than that of other team members?
Successful School Board Members:

- Communicate effectively
- Use talents, conflicts, differences, and common values creatively
- Function as part of a team
- Understand school board roles and responsibilities
- Make decisions collaboratively
- Connect with the community
- Manage meetings efficiently
- Evaluate the performance of the Superintendent and the Board
- Monitor student performance
Key Work of School Boards

1. Set the vision for the district.

2. Establish accountability processes.

3. Develop good policies.

4. Promote community leadership

5. Cultivate a positive Board – Superintendent relationship
The Way We Do Business

1. How the board meeting agenda is developed and how to place items on the agenda:

2. Obtaining additional information about board meeting agenda items before the meeting:

3. Introducing new ideas for the board’s consideration:

4. Responding to staff or community complaints or concerns at board meetings:

5. Communicating between and among the board members and the superintendent:

6. Responding to staff or community complaints or concerns outside of board meetings:

7. Requesting information from a staff member:

8. When and how the board evaluates the superintendent:

9. When and how the board conducts a self-evaluation:

10. How to visit schools and participate in district activities as a board member:
ETHICAL OR UNETHICAL
That is the Question!

A. You strongly recommended that the administration hire your best friend’s daughter.
   Ethical___ Unethical ___

B. You visited schools following the district's visitation procedure.
   Ethical___ Unethical ___

C. At a board meeting, you asked for more documentation from the business manager.
   Ethical___ Unethical ___

D. You commented to your spouse about a board report given during executive session concerning a teacher's inappropriate behavior at a school function.
   Ethical___ Unethical ___

E. You told the superintendent that you were disappointed in his inability to complete a district goal after several deadlines were not met.
   Ethical___ Unethical ___

F. You advocated for a special program that was listed on the meeting agenda by providing additional data during the board meeting.
   Ethical___ Unethical ___

G. You intervened for a parent whose child had problems with a teacher by calling the principal and recommending a class change.
   Ethical___ Unethical ___
H. You had the school secretary type your personal correspondence during school hours.  
Ethical ___  Unethical ___

I. You failed to study the budget proposal you've had for three weeks.  
Tonight is the budget meeting and you are unprepared.  
Ethical ___  Unethical ___

J. You made recommendations to a teacher about how to manage a noisy class.  
Ethical ___  Unethical ___

K. You spoke to a neighborhood group as the board’s designated spokesperson.  
Ethical ___  Unethical ___

L. You agreed with members of a local men's club that the school's instructional program is "not challenging".  
Ethical ___  Unethical ___

M. You gave your side of the story to the newspaper after your motion failed to pass at last night's board meeting.  
Ethical ___  Unethical ___
1. Please identify three points of pride about your school district.

2. What qualities, skills and/or knowledge should a student possess as a graduate of your district?
**1. Teaching and Learning**
(curriculum, instruction, assessments, intervention, etc.)

**2. Communication**
(internal, external, routine, critical, digital/innovative, etc.)

**3. Operations**
(budget, transportation, technology, food service, etc.)
4. Student Activities and Programs
(extracurricular, cocurricular, athletics, etc.)

5. Culture
(relationships, values, expectations, norms, morale, support, etc.)

6. Governance
(board of trustees, administration, parent involvement, etc.)
How does Policy influence our decisions, actions and delivery of our roles to the district and community?

1. Do you have a self evaluation process in place for each board member? Please explain how it works.

2. Do you measure what you are going to do? Please explain.

3. Does the Board as a whole measure how they are doing?

4. If things are not changing or improving what normally happens next?

5. Does the board ever have discussions on how they want to monitor how they are doing? Example?
Team Effectiveness Questionnaire

Please take a few moments to elaborate on the following statements. The purpose of this questionnaire is to assist the board in becoming the most effective team possible. Our hope is that we learn and grow from our team member discussions so we can better serve our students, staff and community members in the future.

1. **Our team would be more effective if I could**..........................
   Example: have time to review agenda attachments to get questions and answers prior to public board meetings
   Example: be more open minded and flexible

2. **Other board members could help the team be more effective if they would**......................
   Example: be more conscientious about listening before forming an opinion
   Example: keep an eye on the big picture; don’t focus on little details, it creates distrust in the team overall

3. **The board chair could help the team be more effective if he/she would**..........................
   Example: be more careful to listen to the other board member’s opinions regarding issues affecting the board
   Example: move the meetings along, find ways to get us back on track when we wonder in the woods on stuff
Team Effectiveness Questionnaire

4. The superintendent could help the team be more effective if he/she would................................
   Example: make sure board members understand the information being discussed before the meeting
   Example: help the board members realize where the line is between board/superintendent responsibilities

5. To be truly effective, this team must always remember to................................................
   Example: be courteous during the meetings and not try to “run the show”
   Example: be willing to listen to all opinions, then support the final decision

6. To be truly effective, this team must always avoid.........................................................
   Example: personal agendas and lack of communication
   Example: complacency

NSBA Trainers Conference, 2019
LEVELS OF DECISION MAKING

LEVEL 1
The superintendent has complete authority to decide and act within the limits of law, board policy, propriety and common sense.

LEVEL 2
The superintendent has complete authority to act but must inform the board about each decision or action.

LEVEL 3
The superintendent must obtain prior approval from the school board before taking action.

LEVEL 4
The school board makes the final decision but may permit or require a recommendation from the superintendent.

LEVEL 5
The manner in which decisions are to be made should result from discussion between the board and superintendent.
Living Your Commitments

• Keep your vision, mission, beliefs, goals handy

• Know, follow, and review your policies

• Conduct frequent feedback sessions

• Develop and follow a formal board evaluation process

• Keep learning together
Questions?

Dr. Rod Kessler
Director of Leadership Development

rod@wsba-wy.org
307.634.1112
Ignite Wyoming
A Public Education Support Campaign

Wyoming School Boards Association
The Issue

Perceived value of a public education in Wyoming may be low due to:

- Public conversations about the cost of funding a high-quality education (perception that schools receive too much)
- Public conversations that state is not receiving the "bang for the buck" -- primarily due to a lack of understanding
- General lack of awareness about the great things Wyoming schools are doing/providing for their students

The value of a public education should be continually reinforced among Wyoming lawmakers, stakeholders, and residents of the state.
Why it matters:

- Perceptions of public education can have a direct impact on public school funding, which is regularly reviewed by lawmakers through the recalibration process. Negative or even neutral perceptions of the value of a public education can result in fewer resources for Wyoming students and school districts.

- Potential funding cuts (or support/demands for funding cuts) to education can result in teacher/leader shortages, lack of access to a high-quality education, and low student performance.
Ignite Wyoming is a public education support campaign based on four defining principles:

- Students are a state’s greatest natural resource, who represent the promise of the future of Wyoming.
- As such, the state must invest in its public schools to ensure students are able to reach their potential.
- In turn, our state’s future will reap the benefits of this investment.
- Additionally, our state Constitution promises students equitable access to a high-quality education.
Every student, regardless of where they live or how they learn, should have educational opportunities that will allow them to develop their talents and empower them to become productive and successful contributors to society.

- A high-quality public education fuels not only the aspirations of Wyoming students, but also provides a link between an educated workforce and a robust economy.

- The future of Wyoming’s economy is dependent on a strong public education system; therefore, Ignite Wyoming is committed to supporting and celebrating our state’s excellent schools, which are vital to Wyoming’s success.

- A high-quality public education can ensure students leave Wyoming schools college- and career-ready, increase credibility and support for our schools and teachers, and lead Wyoming to becoming a national leader among states.
The Goals

Through positive messaging, combat negative misconceptions about public education and create a broader understanding of the crucial role schools have in contributing to the future of our state:

- Raise general awareness and appreciation for the good work that goes on in Wyoming public schools.
- Inspire public schools to continue doing amazing work and reaching for other opportunities to provide a high-quality education.
- Provide clear, timely messaging around educational events (WY-TOPP release, grad rate, WAEA release, legislative session, recalibration, holiday programs, student activities/competitions, etc.).
Tied to Legislative Goals

Aligned with State Statute and Constitution

• Invest in children who will lead innovative ways to diversify WY’s economy (W.S. 21-2-204(b)(iv))

• Attract and keep the best and brightest (W.S. 21-2-204(b)(iii); applicable to students and teachers)

• Keep investment in WY education strong (W.S. 21-2-204(b)(iii) - keep up with best of best nationwide and worldwide)

• Increase credibility and support for WY public schools (W.S. 21-2-204(b)(ix))
Call to Action

- Our Call to Action
  - WSBA is relying on local school boards and all people involved in public education to champion this message in their communities (resources)
- Public/Community
  - Visit with local school board and stay informed about the campaign
  - Visit/volunteer at local schools
  - Let others know about the campaign
  - Share good news about schools in the community with other community members, local legislators, local business members, etc.
  - Sign a petition to support Wyoming’s public education
- Policymakers
  - Continue to support adequate funding for public education
Our public schools: fueling Wyoming’s future.
Learn more at ignitewy.org

Questions/Suggestions?

Dr. Julie Kocourek
WSBA Director of Member Services

julie@wsba-wy.org
307.287.1791
Why Develop a Profile of a Graduate?

- Honor the most important needs of students and stakeholders
- Assure Wyoming graduates are Life Ready
  - Ready for college, career, or military service
  - Ready to participate in our democracy
- Provide a more aligned K-12 education system in Wyoming
- Establish guidance for state education policy decisions and standards
- Create more flexibility for student experiences, opportunities and innovation
- Fulfill the board’s constitutional and legislative duty to establish Wyoming graduation standards.

Three Phases

Finding the Foundation

- Catalog state and district graduation requirements
- Catalog UW & community college entrance requirements
- Review UW employability study
- Discover district graduate profiles and the process used to create them
- Discover business hiring/employability profiles
- Host conversations with stakeholders regarding their perspectives (graduates, educators, boards, business interests, parents, community at large)

Producing the Profile

- Utilize the data from Phase 1 to develop a draft of a Profile of a Graduate
- Create a graphic and broadly distribute for input
- Engage in broad stakeholder listening sessions in response to the draft profile
- Adjust the profile based on feedback
- Approve a Wyoming Profile of a Graduate

Setting the Standards

- Utilize the profile and produce a matrix of possible approaches to graduation standards
- Distribute matrix for public comment
- Review public comment
- Approve a set of graduation standards by State Board of Education
- Develop a strategic plan to review rules and decision making processes to support the Profile of a Graduate (design with the end in mind)
Profile of a Graduate

2020 WSBA Conference
November 20, 2020
Every high school graduate from my district is . . .

Do graduation requirements fully align to your definition of student success?
Redefining Student Success: Profile of a Graduate

Policymakers can use new definitions of student success that enable student-centered learning systems to:

- Support student learning and meet individual needs;
- Empower educators to facilitate learning and growth toward a new, more comprehensive definition of success; and
- Create coherence and alignment in state education systems.

-Susan Patrick, Aurora Institute
What is a Profile of a Graduate?

A Graduate Profile is a visual representation of the essential skills & behaviors that define learning experiences. It is aspirational, memorable, and involves a public commitment to redefine success rather than relying solely on grades, test scores, or accumulated credits.
Virginia Graduation Requirements

Profile of a Virginia Graduate
In Virginia, the Life Ready Individual Will During His or Her K-12 Experience:

- Achieve and apply appropriate academic and technical knowledge
- Attain and demonstrate productive workplace skills, qualities, and behaviors
- Align knowledge, skills, and personal interests with career opportunities
- Build connections and value for interactions with diverse communities

CONTENT KNOWLEDGE

CAREER PLANNING

COMMUNITY AND CIVIC RESPONSIBILITY

WORKPLACE SKILLS
Central New Mexico: Profile of a Graduate
Why develop a Wyoming Profile of a Graduate?

- Honor the most important needs of students and stakeholders
- Assure Wyoming graduates are Life Ready
  Ready for college, career, or military service
  Ready to participate in our democracy
- Create more flexibility for student experiences, opportunities and innovation

And . . .
... when we begin with the end in mind we can,

- provide a more aligned K-12 education system in Wyoming,
- establish guidance for state education policy decisions and standards, and
- fulfill the board’s (SBE) legislative duty to establish Wyoming graduation standards.
Developing a Profile of a Graduate for Wyoming

Three Phases

1. Finding the Foundation
2. Producing the Profile
3. Setting the Standards
Next Steps

A Design Team of representatives from various stakeholder groups has been formed to lay out the process for collecting data and input for Phase I.

Information regarding opportunities for input, including listening sessions and surveys, will be posted on the Wyoming State Board of Education website and provided to stakeholder groups including school districts and WSBA.

Please be watching and participate in opportunities for input.
Post your graduation photo to the SBE’s Facebook page and on Twitter with a comment about what it means to be a Wyoming graduate, using the hashtag #WYOGrad. When posting to Twitter, participants should tag the SBE @WYStateBoardEd.
Chris Rothfuss
Albany County School District #1

Nominated by Albany County School District #1
Nate Breen
Laramie County School District #1

Nominated by Laramie County School District #1
LEGAL UPDATE

TRACY COPENHAVER &
SCOTT KOLPITCKE
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lawfirm@ckattorneys.net
• Sexual Orientation and Transgender Discrimination in Employment
• Title IX Policies
• Changes to Wyoming Procurement Laws – Again
• CoVid 19 Issues for Wyoming Schools
• Reduction in Force Policies
• FERPA Issues Related to Virtual/Remote Education
• Conflicts of Interest for Wyoming School Trustees.
• Changes to Kindergarten Admission Age
DISCRIMINATION BASED ON SEXUAL ORIENTATION AND TRANSGENDERED STATUS
Bostock v. Clayton Cty.


The decision combined three different employment cases.

Each case involved a long-time employee who was terminated after the employee revealed that he or she was gay or transgendered.
Bostock worked as a child welfare advocate for Clayton County, GA. The county won national awards for its work under his leadership. After a decade with the county, Bostock began participating in a gay recreational softball league. He was fired for conduct “unbecoming” a county employee.
Aimee Stephens worked at a Funeral Home in Michigan. Aimee originally presented as a male. After treatment for depression, she was diagnosed with gender dysphoria, and doctors recommended that she begin living as a woman. After she wrote a letter to her employer explaining that she planned to live and work as a woman, the funeral home fired her.
The issue before the Court:

“Today we must decide whether an employer can fire someone simply for being homosexual or transgender.”
The legal question involves how to interpret Title VII of the Civil Rights Act of 1964.

Title VII makes it “unlawful...for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual ... because of such individual’s race, color, religion, sex, or national origin.”
“From the ordinary public meaning of the statute’s language at the time of the law’s adoption, a straightforward rule emerges: An employer violates Title VII when it intentionally fires an individual employee based in part on sex. It doesn’t matter whether other factors besides the plaintiff’s sex contributed to the decision.”
“Title VII’s message is simple but momentous: an individual employee’s sex is not relevant to the selection evaluation, or compensation of employees.”
“The statute’s message for our cases is equally simple and momentous: An individual’s homosexuality or transgender status is not relevant to employment decisions. That’s because it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual on the basis of sex.”
“When an employer fires an employee for being homosexual or transgender, it necessarily and intentionally discriminates against that individual in part because of sex. And that is all Title VII has ever demanded to establish liability.”
“Under Title VII, we do not purport to address bathrooms, locker rooms, or anything else of the kind. The only question before us is whether an employer who fires someone simply for being homosexual or transgender has ..discriminated against that individual ‘because of such individual’s sex.’”
This decision does NOT address questions about transgendered students with respect to locker rooms, bathrooms, and participation in athletics. Those questions arise under Title IX (of the Education Amendments of 1972). Those questions may be addressed in future decisions.

BUT... will this case influence court decisions about Title IX? Stay tuned.
TITLE IX

New Regulations
New Title IX rules and regulations were rapidly adopted with requirements for accelerated implementation. A new grievance process was to be in place and staff trained by August 2020.

Speculation that a Democrat president would repeal or scale back the regulations? Unknown.
The new regulations seem to be a reaction to a concern that mostly colleges when dealing with an accusation of sexual harassment, were providing minimal information to the accused and moving forward to discipline and/or expulsion without adequate due process.
• New regulations require a significant and detailed grievance process inclusive of a requirement to inform all parties that the accused is presumed not to have sexually harassed the accuser until after a full investigation is completed.

• The new regulations require increased access to all information by both the complainant and the respondent.

• An ability to ask questions of the other party.

• A right to have an advisor present during the process.

• Prompt timelines for completing the grievance process.
• Assurance that the Title IX coordinator, the investigator, the decision-maker, anyone responsible for mediating an informal resolution process, and an appeal decision-maker all be unbiased and have no conflict.

• There are specific training requirements for all of those individuals, including the Title IX coordinator, investigator, decision-maker, informal resolution mediator, and appeal decision-maker.

• This has caused a burden upon the districts to provide the training, pay for the training, and even find the personnel to handle the grievance process.
• Consider working with other districts to share personnel?
• There are significant pitfalls and procedural requirements that must be followed and training is required.
Last year we discussed changes that the Wyoming legislature and federal government adopted to the procurement laws.

In 2020, the Wyoming legislature again changed the procurement laws.
H.B. 51 (Procurement of Professional Services)

This act amended W.S. 21-3-110 to specifically require school board to comply with the laws adopted in 2019 for procurement professional services (architects, engineers and surveyors).

Districts must advertise once a week for two consecutive weeks for any project where the professional services fees are estimated to exceed $50,000. The advertisement must appear in a newspaper of general circulation, AND on the state procurement website prior to initiating the selection procedures.
For any project where the estimated professional fees exceed $50,000, the district shall request proposals from three firms, who shall submit unpriced proposals.

The District must interview not less than three firms from those that submitted proposals.
Nothing in this section prohibits an agency from determining that fewer than three firms with current statements of qualifications, or which have submitted applications are qualified to perform the services.
The district **may** request a fee estimate during the interview. The district must keep a record of the interviews.
School districts must consider several factors in determining which firm to select:
- The ability of the professional personnel;
- Past performance;
- Ability to meet time requirements;
- Location;
- Current and projected work loads;
- Volume of work previously awarded to the firm;
- The equitable distribution of contracts among the firms.
HB 51

The district may consider the estimated fee (if requested), along with other factors above in deciding which firm to select.

Once a firm is selected, the district shall negotiate a written contract with the selected firm.
Nonresident firms may be selected if:

- no resident firms have submitted statements of qualifications or applications; or

- if the resident firms are determined not qualified.
SF 16 changed the statutory thresholds for bids for the purchase of insurance, supplies, or materials.

Old law: Districts had to obtain competitive bids for any purchase of insurance, supplies or materials costing more than $10,000 and less than $25,000. If purchases exceeded $25,000, the district had to advertise in a newspaper at least once.
New threshold (effective October 1, 2020): Districts must obtain competitive bids for any purchase of insurance, supplies or materials costing more than $25,000 and less than $50,000. For purchases that meet or exceed $50,000, the district must advertise in the newspaper at least once, AND ON THE STATE PROCUREMENT WEBSITE (NEW).
For capital construction projects with an estimated value of at least $50,000, the board shall publish a call for bids at least once a week for two consecutive weeks. (No change in the threshold amount).
CoVid and Staff Concerns
CoVid 19 Issues for Wyoming Schools
Wyoming Department of Health Guidance for Educational Institutions:

• Constantly changing
• K-12 schools may provide in-person instruction for all students and groups of up to 50 persons with spacing guidelines. All plans for reopening should follow all applicable requirements and policies set forth by WDE.
Public Health Order September 29, 2020

• March 13, 2020 Governor Gordon declared a state of emergency and public health emergency in the State of Wyoming
• Governor directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aide to those locations where there is a threat or danger to public health, safety and welfare.
ORDER

1. “Face covering” means a covering made of cloth, fabric or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.

9. K-12 schools may provide onsite instruction to students under the following conditions:
a) Groups of students and teachers shall be limited to 50 in each separate room, however, 6 feet of separation between individuals should be maintained as much as possible;
b) Up to 250 people may be allowed in rooms where 6 feet of separation between the individuals can be maintained (cafeterias, auditoriums, large classrooms);
c) Students, teachers and school staff shall wear face coverings both indoors and outdoors where 6 feet of separation between individuals cannot be maintained;
(d)(2) Individuals with a medical condition, mental health condition, or disability that prevents wearing a face covering: K-12 schools shall require documentation from the student’s parent/guardian or the student’s medical provider that the student meets this exception;
(d)(5) Students with an IEP or 504 may be exempted if their disability necessitates exempting them from wearing a face covering;
(d)(6) Children for whom a face covering may interfere with the ability to effectively participate in educational activities or may increase the risk of disease transmission because of increased hand-to-face contact;
(d)(7) Individuals engaged in athletic activities.
9(h) Individuals with symptoms of CoVid 19, or exposure to an individual with CoVid 19 within the last 14 days, may not attend the institution unless otherwise directed by public health officials.

13. This order supersedes all individual county health orders currently in effect, except to the extent any county order is more restrictive.
WDE Memorandum No. 2020-115

Anything in SmartStart Guidance related to health practices that is inconsistent with a current or future local or state health order is to be disregarded in favor of the prevailing health order.

Gatherings of more than fifty (50) people are prohibited in order to help stop the spread of Covid-19 and protect the health of the public.

Gatherings at the following are exempted from this Order:

4(e) federal, state and local government facilities, including government service centers

A school district is a local governmental entity.
Events not specifically identified by name within the Order may allow indoor gatherings of more than fifty (50) people but not more than two hundred fifty (250) people. Events not specifically identified by name may allow outdoor gatherings of more than fifty (50) people but not more than fifty percent (50%) of venue capacity (or 250, whichever is greater), with a maximum of 1,000 people.

This would include sporting events.
These events are subject to multiple limitations, including:

- Groups of attendees seated or standing must be limited to eight (8).
- A 6-foot distance must be maintained between individual groups at all times.
- Prior to the event staff, hosts, organizers and participants must be screened for symptoms of CoVid or exposure to a person with CoVid 19 during the previous 14 days.
- Staff who come within 6’ must wear a face covering.
• In the event the required 6’ of distance between individual groups cannot be maintained, face coverings must be worn during the event to the greatest extent possible.
• The event shall not take place without appropriate protective equipment for staff.
• Event shall encourage contactless and non-signature payment as applicable. If not, card and payment stations must be sanitized after each use and staff must sanitize between handling payment options.
• Signage must remind attendees not to enter if they have symptoms of CoVid. Signage must also be posted on event premises reminding parties to stand at least 6’ apart.
• Food and beverage service shall follow provisions for restaurants.
• Participants in sporting events shall not congregate in groups larger than fifty (50).
For clarification, the person limit 50-250 is not calculated by adding participants and spectators/attendees together.
ENFORCEMENT.

W.S. §35-1-105. No person, corporation, or other organization shall:

1) Willfully violate, disobey or disregard the provisions of the public health laws of Wyoming or the terms of any lawful notice, order, rule or regulation issued pursuant thereto.

Upon conviction of any of the offenses prohibited by this statute, the violator shall be fined not to exceed $100 or imprisonment not to exceed 6 months, or both, and shall be liable for all expenses incurred by health authorities in removing the nuisance or cause of sickness.
W.S. §35-4-101. The State Department of Health shall have the power to prescribe rules and regulations for the management and control of communicable diseases. Any person violating or refusing to obey such rules and regulations or resisting or interfering with any officer or agent of the State Department of Health while in the performance of his duties shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by the imposition of such penalty as may be provided by law or, in the discretion of the court, said person may be punished by a fine of not more than $100 or imprisonment not exceeding 30 days, or both.
ENFORCEMENT.

- WDE is not the department/agency authorized to enforce state health orders.
- WDE has not adopted rules or regulations mandating specific actions or conduct required to instruct students relating to CoVid.
- Risk of liability?
- Risk of loss of insurance coverage?
COVID 19 RELATED PERSONNEL ISSUES

What happens if personnel refuse to work? Or if they refuse to comply with health orders?

Applicable laws:
- Families First Coronavirus Response Act / Emergency Paid Sick Leave (available through December 31)
- Family Medical Leave Act (FMLA)
- Americans with Disabilities Act (ADA)
Families First Coronavirus Response Act (FFCRA):

- Expanded FMLA coverage
- Coverage expanded to provide 12 weeks of job-protected leave to care for an employee’s child if the child’s school or place of care is closed or the child care provider is unable due to the CoVid 19 public health emergency.
- When passed, it was to remain in effect until December 31, 2020 (extension ?)
- After the initial 10-day period, employer must pay 2/3 of the employee’s regular rate limited to a maximum of $200 per day.
• FFCRA requires employers to provide emergency paid sick leave.
• Up to 80 hours of paid emergency sick leave for certain qualifying Coronavirus-related reasons (expires December 31. (Extension ?)
• Employees qualify if they are unable to work or telework because of 1) subject to quarantine; 2) advised by health care provider to self-quarantine; 3) experiencing symptoms of CoVid and seeking a medical diagnosis; 4) the employee is caring for an individual who is subject to an order to quarantine; 5) the employee is caring for a son or daughter if the school or place of care is closed or the provider is unavailable due to CoVid precautions.
• Emergency paid sick leave is capped at $511 per day or, for an employee taking leave to care for someone else, compensation is at 2/3 their regular rate capped at $200 per day.
• Employee must be allowed to use the paid sick time under the Act before being required to use any other accrued paid time off. Benefit is in addition to any other existing benefits.
School Board Policy GBGA, Staff Health.

The district may require an employee to have a physical examination which would include CoVid testing whenever a staff member’s medical condition is such that it interferes with his/her ability to perform his/her duties or there is a risk to the health and safety of others. The district has a responsibility to take necessary steps to evaluate the employee’s condition and make appropriate employment decisions.
If you have credible information that an employee has CoVid virus or has had immediate close contact and refuses to quarantine, you can mandate testing, and if they refuse to comply with a directive that is in the interests of the safety and health of the employee and/or others, you could suspend them for 30 days pending an investigation if it is a certified teaching employee, or otherwise suspend them pending the outcome of testing.
Be careful of acting on rumors. Just as WDE does not have authority to enforce state health orders, neither does the district. Work with your county health officials.

If you have credible evidence that a student is a risk to the health or safety of others, if need be and the student and/or parents won’t comply with quarantine directives, you could suspend or expel for conduct harmful to the health, education and welfare of other students.
An employer can require an employee to quarantine only if there is a reasonable belief that the employee poses a direct threat to the health or safety of the employee or others. If the employee poses a direct threat to the health or safety of others, you can exclude them from the workplace.
• An employer can test all employees for CoVid, for example, taking temperature, asking about symptoms, ask if they have been exposed to anyone who tested positive for CoVid, and administer testing, however, you cannot test for antibodies and cannot ask about family members’ health conditions, etc.

• An employer can exclude an employee from the work place if they have symptoms of CoVid, report that they have been exposed to someone who has tested positive for CoVid, or refuse to screen, however, if they refuse to screen the employer should inquire as to why and see if there is any way to address the concerns about testing, such as confidentiality.

• An employer is not required to do screening.
Questions to ask regarding employees who refuse to work due to COVID 19:

- Do they have documentation from a health care provider or public health official?
- Does the provider require the employee to stay home? Does the script say the employee cannot wear a face covering?
- What are the employee’s job duties? (is he or she a teacher, bus driver, custodian, para, counselor?)
- Does the employee’s job description specifically require them to be in the school building? Do they have to interact with others while at work?

- Is there a reasonable way for the employee to do their job remotely, or without a face covering?

- If students attend school in person, is remote work a reasonable accommodation for a teacher? A counselor?
• An employer cannot exclude a pregnant employee from the work place due to a concern of risks related to CoVid. An employee must offer any accommodations that are provided to other employees to a pregnant woman for health and safety reasons.
• Medical information concerning an employee is confidential. If an employee tests positive for CoVid, you cannot disclose the name or identity of the person who tested positive but you can confirm there has been a positive test result and give the location, such as the school.

• Information such as the temperatures from a screening or disclosure of symptoms is confidential and should be maintained in a confidential log with very limited access only to persons who have a need to know.
Employer has a duty to accommodate an employee only if the employee requests the accommodation and has a disability. An employee is not entitled to an accommodation merely because they live with someone who has a disability. In other words, a fear by an employee that if they get CoVid it will adversely impact another family member or someone with whom they live does not legally require the employer to provide an accommodation.
An employer is not required to eliminate an essential function of the job nor grant an accommodation which would cause undue hardship to the school district.

Just because the school district was forced to work remotely and educate students remotely when the school was shut down does not mandate that you allow workers to work from home unless the ADA requirements are met: 1) the employee has a disability; 2) permitting the employee to work remotely allows the employee to fulfill all the essential functions of the job.
Is teaching in person an essential function of the job?

Whether teaching remotely when the school was closed was effective is a relevant consideration.

Was the essential function of quality teaching performed effectively in a remote manner?
Interactive Process.

If an employee claims to have a disability, the employer must engage in an interactive conversation and discussion with the employee. The employer may request medical documentation to determine the disability unless the disability is obvious. The employer gets to choose among various effective accommodations even if the employee prefers a different accommodation so long as it allows the employee to perform the essential functions of the job.
Just because students are allowed to learn remotely does not equate to being required to allow teachers to teach remotely.
If due to a disability an employee is entitled to accommodations which may be frustrating to the employer or other co-employees, care must be taken to avoid any appearance of harassment or hostility as “hostile work environment claims” are actionable under the ADA.
Similarly, discrimination/harassment claims can arise in any protected classification. Mocking older workers because they have a fear of catching CoVid would form a basis for an age discrimination/harassment claim.
• But I don’t want to wear a mask.

• I have personal reasons for not being able to wear a mask.

• I have a note from my parent that says I should not have to wear a mask.

• I have a note from my provider that recommends I don’t have to wear a mask.
• The district has the right to require medical documentation.

• Medical documentation should provide more than a recommendation but rather, identify a disability or medical reasons why the individual cannot wear a mask.
• There is no law to guide us. If the employee does not have a disability, you are not required to excuse them from wearing a mask without regard to what their doctor recommends.

• If the employee has a disability, does it prevent them from wearing a mask?

• If a staff member cannot wear a mask, are there other reasonable accommodations that would allow the staff member to perform the essential functions of their job?
• Is working from home and teaching virtually a reasonable accommodation mandated by the ADA?

• Is being at school and teaching face-to-face an essential function of the job?

• Job descriptions? Should attendance at school be an essential function of the job?
• Be cautious about creating virtual jobs or allowing staff to decide whether to teach in person or virtually as you may be establishing that attendance at school is not an essential function of teaching.

• Should exceptions only be granted when students can’t be present rather than when the employee can’t be present?

• Can you require students who want to learn in person to take courses virtually because the staff member wants to or needs to teach virtually?

• Generally an accommodation that mandates you hire an extra person, for example, to monitor a class when the teacher is not present, is not a required reasonable accommodation.
Family Medical Leave Act:

Allows eligible employees to take up to 12 weeks of **unpaid** leave due to a serious medical condition, or to care for a family member with a serious medical condition.

If an employee runs out of other types of leave, and must stay home because of a COVID 19 related reason, they may qualify for FMLA leave.
REDUCTION IN FORCE
If you anticipate a possible reduction in force (RIF) because of budget cuts, this is a good time to review your RIF policy.
A RIF policy should give the board discretion to terminate the contract of a teacher at the end of a school year because of a decrease in the size of faculty due to decreased enrollment, financial need, change in programs, or other event beyond the control of the board.
Notice of the non-renewal (RIF) for continuing contract teachers must be given.

The District must give notice to the teacher prior to April 15, and the notice must state the reason for the termination.
W.S. 21-7-111 allows a school district to terminate a teacher due to a RIF without a hearing ...

BUT - due process may require a hearing anyway.

RIF policy should allow a hearing before the board unless the board elects to appoint a hearing officer.
The RIF policy should allow the school district to terminate teachers based on what the superintendent and board believe will result in the best educational program for the students, based on the criteria or factors the superintendent believes are appropriate.
It is generally not a good idea for RIF policy to give preference to seniority, experience, etc. There may be less experienced teachers who perform better than a more experienced teacher.
RIF policies should not apply to initial contract teachers or other non-teaching staff, who can be terminated for any reason or nonrenewed at the end of their annual contract.
STUDENT PRIVACY ISSUES
Family Educational Rights and Privacy Act (FERPA)

FERPA is a federal law that protects student education records.

An "education record" is any record that is "directly related" to a student and is "maintained by an educational agency or institution".

Information such as grades, disciplinary records and services provided through IEP or 504 are clearly educational records.
FERPA also protects students’ personally identifiable information (PII) which is any information that directly or indirectly identifies a student or would allow a reasonable person to identify the student with reasonable certainty (name, address, date of birth, or an identification number).

FERPA does allow “directory information” to be shared without parental consent, which may include student’s name grade level, phone number, picture, and address.

This should be in the district’s FERPA notice and parents have a right to opt out.
DISTANCE LEARNING:

A student’s participation in virtual learning or sharing a student’s name or image in a way that is visible on digital learning platforms generally does not implicate FERPA. Generally, information about a student that is shared among classmates and educators in a virtual learning setting is not personally identifiable information.

HIPAA is normally not a concern for an educational institution and typically does not apply in an educational context (there are a few exceptions not normally applicable).
Using digital platforms to have live virtual classes through video conferencing does not violate student privacy laws.

Best practices:

• Set meeting preferences so attendees do not automatically share their video when joining the call.

• Do not require students to have their video turned on during classes.

• Let parents know about live virtual classes ahead of time so they can decide whether they want their student to join by video.
When recording a lesson that will include students’ names or videos, take precautions when storing the video. Ensure it remains protected and accessible only to those who are allowed access to student records under FERPA.
• When recording a lesson that will include students’ names or videos, take precautions when storing the video. Ensure it remains protected and accessible only to those who are allowed access to student records under FERPA.
Access or attendance by parents to virtual classes:

- FERPA does not prohibit parents from observing their student’s classroom, including students with disabilities. If you have a policy on classroom visitors that you can adapt to online learning, that is an option.

- Student privacy is a priority but concerns about privacy should be carefully balanced with the need to provide education to all students in accessible and equitable ways. Requiring that a family member not be present during live virtual sessions raises equity issues for students who share space with other members of the household or may need a parent or caregiver present to help them access content.
Live virtual classes may be recorded for students to watch at a later time.

An image or video that is directly related to a student and kept by the educational agency is considered a part of the student’s education record and is subject to FERPA. “Directly related” generally means that a student is or becomes the focus of a video or if content of the video includes personally identifiable information in the student’s education record.
Recording virtual classes. Consider:

- What is the purpose of recording a live lesson?
- Is it solely for educational purposes?
- Can another option be used to achieve the same goal (e.g., teachers record themselves without students present) or the camera tracks the teacher and not a student so their images are not depicted?
• Who will the recording be shared with? If it is other parents, we need to take care to make sure it is not an educational record of another student. If it is for the teacher’s or administration’s use or other school employees who have a legitimate educational reason to access the video, it is not a FERPA violation even if it has PII.

• Where are the recordings be stored or how are they being stored? Is it secure enough to protect student data?
One-on-One Services (i.e., Speech Language, Physical Therapy, One-on-One Reading, Etc.):

• There is not a problem with providing services on behalf of schools for students with disabilities or even regular ed students on a one-to-one basis virtually. So long as the platform used is adopted by the school and the session is not recorded or shared with others, there is not a FERPA concern nor an IDEA concern. If recorded, it would be a student record and have to be maintained confidentially.

• Caution: data about health or disability status must never be used to track students in any way or to limit their educational access or the types of opportunities available to them.
CONFLICTS OF INTEREST FOR WYOMING SCHOOL BOARD TRUSTEES

Wyoming law governs when elected officials (including school board trustees) must abstain from a vote.

The law can be confusing, so it is important to pay attention to potential conflicts and ask legal counsel before voting on an issue if there is a question.
The Ethics and Disclosure Act - Wyoming

W.S. 9-13-102 (Definitions)

-“Family member” includes a spouse, parent, sibling, child, grandparent, grandchild, or a member of the individual’s household.
W.S. 9-13-106(a): “A public official ...shall not make an official decision or vote on an official decision if the public official has a personal or private interest in the matter.”
W.S. 9-13-106(a): A personal or private interest is one which:

1. Is direct and immediate, as opposed to speculative and remote;
2. Is an interest that provides the public official a greater benefit or a lesser detriment than it does for a large or substantial group of persons who are similarly situated.
W.S. 9-13-106(b): “A public official described in subsection (a) ...shall abstain from voting on the decision and from making any official decision in the matter.”
Example: A board member is married to a school district teacher. The board is going to vote on whether to approve step and lane advancements for teachers for the next fiscal year.

-Is the trustee’s interest direct and immediate?
-Will the action provide the board member with a greater benefit than a large or substantial group of similarly situated persons?
Does the answer change if the employee is the board member’s adult step-son? Nephew?

What if the employee is not a “family member” as defined by statute? (i.e. a cousin, uncle / aunt, nephew / niece)?
W.S. 9-13-106(a): in determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection.
If you strictly follow the statute, a trustee is actually required to vote unless they have a clear personal or private interest in the matter.

However, there may be situations which do not squarely fit within the statutory definition of a personal or private interest where you should consult with legal counsel, and consider abstaining.
W.S. 9-13-104(a): No public official shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of a school district. A public official...shall not supervise or manage a family member...”

W.S. 9-13-104(b): A public official shall not participate in his official responsibility or capacity regarding a matter relating to the employment or discipline of a family member.
Trustees should not participate in any matter involving the hiring, firing, discipline or pay of a family member.

A trustee who has a family member employed by the school district should abstain from the approval of the vouchers / payroll if it includes a payment to the trustee’s family member.
Example: A board of trustees will vote on whether to hire an outside contractor to provide food services for the school district. If the board approves the contract, the school district will likely terminate most or all of its food service staff. One of the trustee’s spouses works for the district in the food service department. Should the trustee vote on the contract for the food service contractor?
W.S. 9-13-109: Any person who violates [the Ethics and Disclosure Act] is guilty of a misdemeanor punishable upon conviction by a fine of not more than $1,000.00.

Violation of any provision of this act constitutes sufficient cause for ...removal of a public official ... from his office or position.
Conflicts of Interest in Contracts:

W.S. 16-6-118: Prohibits elected officials from having any interest, either directly or indirectly, in their own name or in the name of any other person or entity, in a contract with the board. Any contract approved in violation of this statute is void, and the official may be removed from office.
W.S. 16-6-118(b) - There is an exception to the general rule which prohibits elected officials from having an interest in a contract with the school district. The contract between the school district and a trustee can be lawful if the trustee:
-discloses the nature and extent of his interest to all the contracting parties;

-absents himself or herself during the considerations and vote;

-does not attempt to influence any of the contracting parties

-does not act directly or indirectly for the public entity in the inspection, operation administration or performance of the contract.
The requirement to “absent himself from the consideration and vote” means that the trustee must leave the room during the vote, and during any discussion of the matter. The trustee should not participate in any discussion of potential projects in which he or she may eventually participate as a subcontractor, contractor, or vendor.
CHANGE TO KINDERGARTEN ADMISSION DATES
The Wyoming Legislature recently amended the law related to admission age for kindergarten kids.

A student may register in kindergarten in the year in which the student’s fifth birthday falls on or before August 1. However, if the student’s fifth birthday falls after August 1 but on or before September 15 and if based upon the kindergarten readiness assessment the district determines the student is mature enough (developmentally ready both academically and socially), the student may attend kindergarten.
The district is required to develop and utilize a kindergarten readiness assessment which will be utilized to assess whether the students are sufficiently mature, which is defined to mean developmentally ready both academically and socially, to be admitted to the applicable grade.

If a student whose fifth birthday falls after August 1 and prior to September 15 is admitted to kindergarten, then that student may also register in first grade the following year. Otherwise, a student may register in first grade in the year in which his sixth birthday falls on or before August 1.
Questions?

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WSBA – Legal Services