



## WEEKLY UPDATE TO THE BOARD OF EDUCATION

February 11, 2021

### A MESSAGE FROM SUPERINTENDENT CARLTON D. JENKINS

Dear Board Members,

This week, which marks the third week of the 3rd Quarter, has certainly been eventful. Yesterday, we announced our plan for beginning a safe, phased approach to offering our families an in-person instructional option, beginning with Kindergarten on March 9<sup>th</sup>. We recognize the COVID-19 pandemic is a global health crisis. Therefore, we are continuing to follow the guidance of public health experts as well as monitor data from the CDC and PHMDC as we take a measured approach towards safely reopening schools. Moving forward after yesterday's announcement will require continued rigorous preparation of our facilities as well as intentionally addressing the social-emotional needs of our students, staff and families.

During Monday's Operations Work Group (OWG) meeting, board members had vigorous dialogue with district leadership and other staff around topics such as summer school planning, budget development and referendum facilities planning feedback. Each of these topics is critical to supporting the social-emotional health of our students, staff and families, as well as the academic growth of our students. We must remain committed to our core values if we are to intentionally implement innovative and equitable policies and practices to address these and other critical issues.

As we continue on our journey towards equity and excellence, we must continue to listen to the voices of our students, staff and families. On Tuesday, I had the opportunity to engage 7<sup>th</sup> grade students from Sherman Middle School, and their thought-provoking questions illustrated the unlimited potential of our community. Tonight, we will host a Facebook Livestream session where families and staff can find out additional information about our plans for a safe, phased reopening of schools.

Thanks for your continued support and partnership. We look forward to providing you with more updates on our district's progress next week.

Sincerely,

*Carlton*

Carlton D. Jenkins, Ph.D.

## BOARD OF EDUCATION QUESTIONS



### **Class Size Report**

As per [board policy #3450](#), the class size report is now available based on official September enrollment counts. We will provide an updated report reflecting the January counts when it is available. We expect to have to make some adjustments based on our phased reopening.



### **Response to Work Group Question**

During the Operations Work Group meeting on January 19, a question was asked comparing average teacher salaries in Title I v. non-Title I schools. Below are the average salaries:

All Teachers \$61,932  
Title Schools \$59,948  
Non-Title Schools \$63,422

## OTHER INFORMATION



### **West High School Capital Campaign - 5 separate projects**

West High School has completed a first draft of their Project and Fundraising Plan which is currently going through review by MMSD staff. They are combining multiple elements into one fundraising plan including the following: (a) enclosed atrium to maximize use of space and create a warm, inviting culture, especially during the lunch period and before and after school; (b) digital design studio to round out music and arts offering with a modern space that is appealing to students and helps broaden their skill set for the 21st century job market; (c) field house expansion to include more usable space for the physical education curriculum, athletics, recreational athletics, and community use; (d) an expanded and enhanced aquatics facility to include a stretch pool and a warm water pool to better meet the needs of students, including students with disabilities, student athletes, and the community; and (e) parking to address the severe shortage of available parking for students and staff. West has obtained private funds to pay for a feasibility study by Eppstein Uhen Architects (EUA) to investigate and evaluate the potential of the site to accommodate these project components. West will present a Project and Fundraising Plan to the board at the 2/22/21 Regular board meeting after which the board will vote on West moving forward with raising funds for components (a) atrium and (b) digital design studio. West will return to the board after the feasibility study is completed with additional information on components (c) field house, (d) aquatics; and (e) parking.

### **Memorial High School Pool - 2nd of two projects**

Memorial High School has obtained private funds to pay for a feasibility study by Eppstein Uhen Architects (EUA) to investigate and evaluate the potential of the site to accommodate a wider pool with competition-width lanes. Memorial will present the project to the board after the feasibility study is completed if the study concludes that the project is feasible on the site. This would entail a separate

fundraising effort from the Memorial Music and Theater project the Board approved on 1/25/21.

## ➤ **Proposed Consent Agenda**

Attached is a list of all the proposed consent items for the February 22, 2021 Regular meeting. All the supporting documents have been uploaded into BoardDocs, which you can view at any time. There may be some changes to these documents before the final versions are released in the Regular meeting packet on **Thursday, February 18**.

***Please be sure to send any questions Richard in time for them to be answered either at your briefing or well before the Regular meeting. Thank you!***

## ➤ **Community Events:**

**All dates for community announcements are posted on the [Board Community Activities Calendar](#)**

- MMSD is hosting a **Community Conversation with Dr. Jenkins** tomorrow, **Thursday, February 11**, from 6-7 p.m. on Facebook Live. This will be a great opportunity for the community to ask questions regarding reopening. The Facebook event link can be [found here](#).
- There is also a **Covid-19 Vaccine Virtual Town Hall**, hosted by Public Health Madison & Dane County, taking place tomorrow, **Thursday, February 11**, from 6:30-7:30 p.m. This is a great opportunity for the public to ask questions. More info. can be [found here](#).
- The MMSD Planetarium is hosting a **Live Virtual Planetarium Event: Landing on Mars**, on **Tuesday, February 16**, from 6:30-7:30 p.m. In February 2021 there will be 3 spacecraft from 3 nations arriving on Mars, and this is an opportunity to learn more about the missions. Event info. can be [found here](#).
- The YWCA of Madison is hosting a **Virtual Circle of Women Event: Reimagining Resilience**, on **Wednesday, February 17**, from 12-12:30 p.m. Participants will have the opportunity to be “in community” with one another while learning about the work and future goals of the YWCA. More info. can be [found here](#).
- Last but not least, the **Virtual Feedback Session: New Rimrock Area School** event will take place on **Tuesday, February 23**, from 5:30-6:30 p.m on Facebook Live. This engagement session is a great chance for families and the community to give input on the referendum that passed last November. More info. can be [found here](#).
- UW PLACE (Professional Learning and Community Education) is hosting **The Power of Real Talk to Make Real Change** virtual event on **Thursday, February 25**, from 3-5 p.m. The main topics will branch off of race and equity. More info. can be [found here](#). This event is free to register.
- This year’s **Latino Youth Summit**, co-hosted by UW Badger Precollege and Centro Hispano, will be held virtually from 10 a.m.-1 p.m. on Monday, **March 29**, and **Tuesday, March 30** (the Monday and Tuesday of Spring Break). This is an

opportunity for Latinx students and families to connect across schools and engage in culturally and linguistically relevant pre-college workshops and experiences. Centro Hispano is reaching out to [point people](#) at each of your schools in the coming days to support recruitment. Check out the [flyer](#), [website](#), and [application form](#) for more info. For further questions, contact FYCE Coordinator Hannah Nerenhausen ([hnerenhausen@](mailto:hnerenhausen@)) or La Follette Escalera Coordinator Yari Hernandez ([yhernandez4@](mailto:yhernandez4@)).

## OUR UPCOMING BOARD CALENDAR

- **Week of February 15**      **Board Member Briefings**
- Mon., Feb. 15, 5 p.m.      Special meeting in open session  
Virtual
- Tues., Feb. 16      Spring Primary Election
- Mon., Feb. 22, 9 a.m.      Board Officers  
Virtual
- Mon., Feb. 22, 6 p.m.      Regular BOE meeting  
Virtual
- Tues., Feb. 23, 4 p.m.      Student Senate  
Virtual

## ITEMS ATTACHED FOR INFORMATION

1. 2020 Class Size Report
2. Proposed February consent agenda
3. Mail:
  - a. WASB *Policy Perspectives*—Jan-Feb 2021

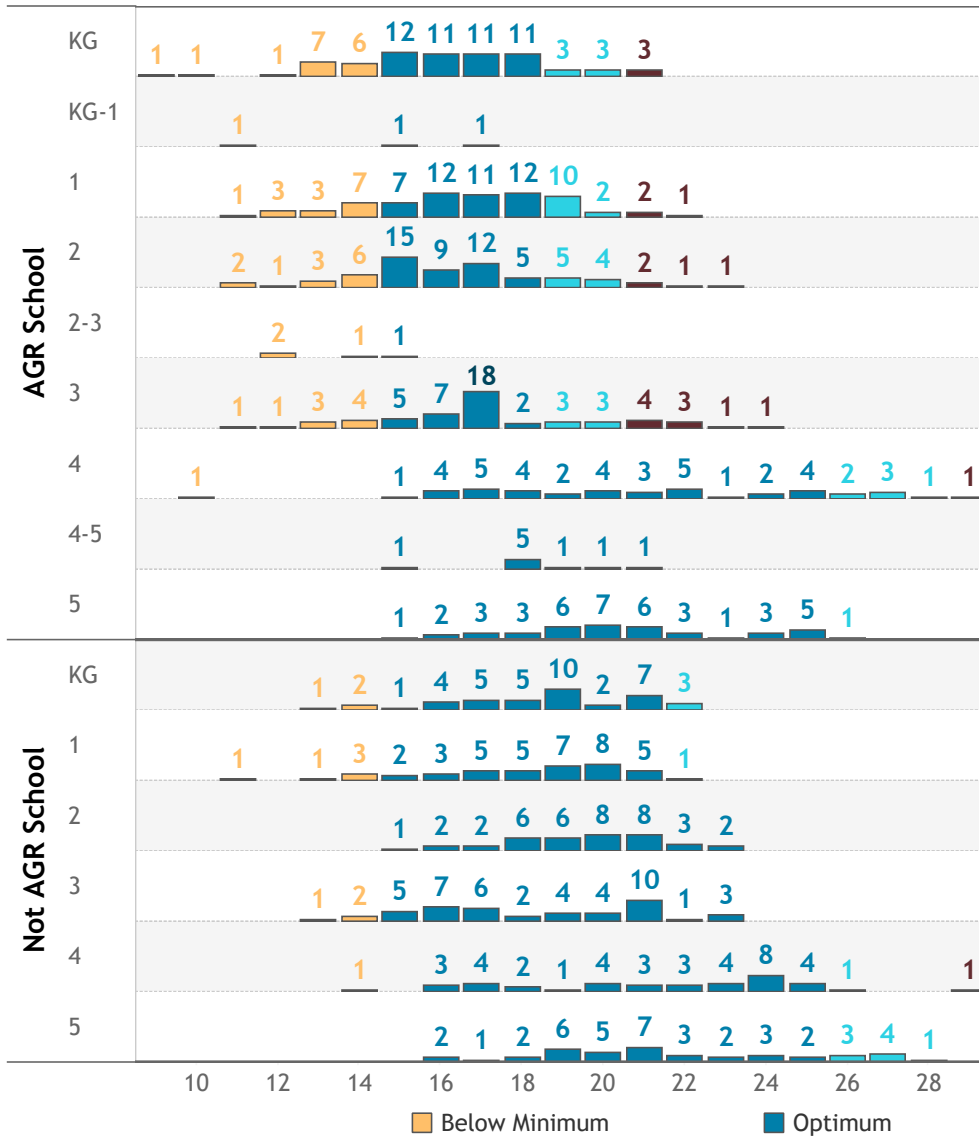
# Elementary Homeroom Sizes December 2020

This report summarizes class sizes as of December 2020 in accordance with Board Policy 3450: Class Size. The graphic at left shows the distribution of homerooms sizes, color coded by their compliance with general guidelines. The graphic at middle shows average sizes. The table at right shows the total number of sections meeting each guideline.

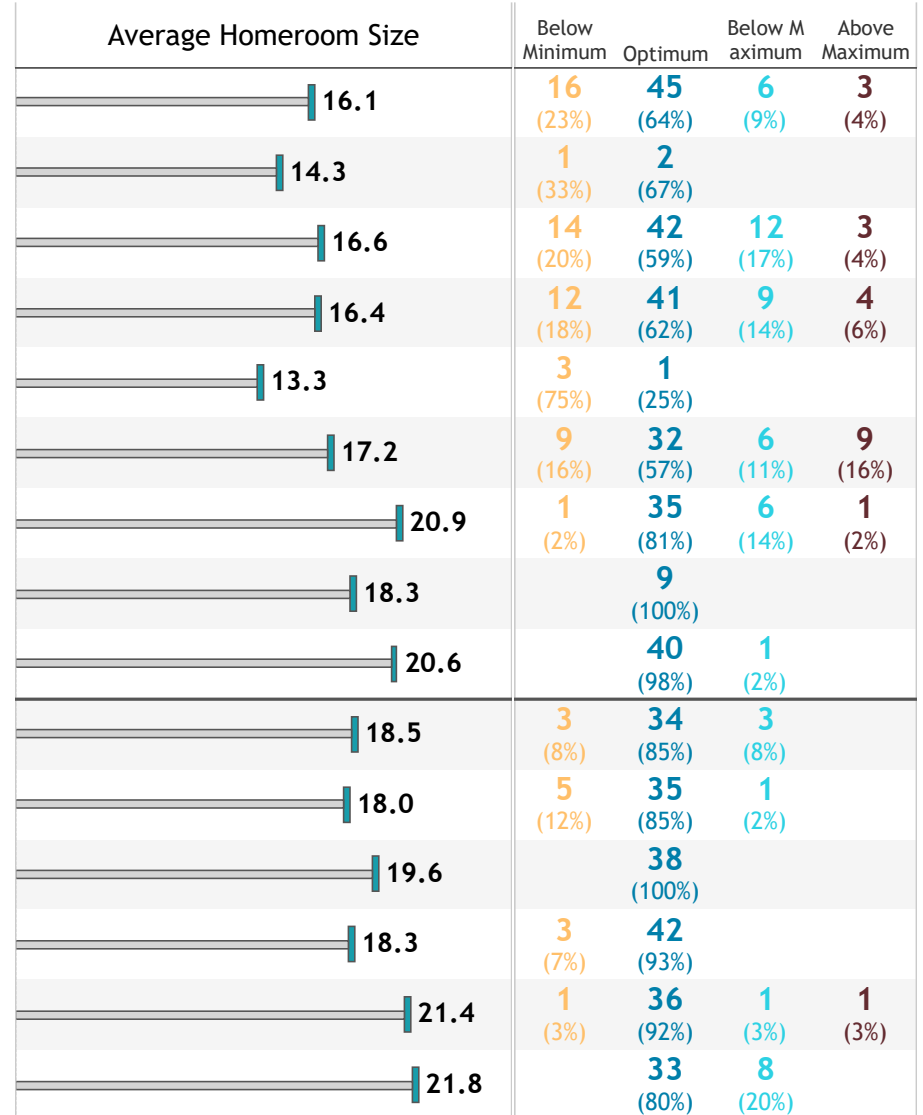


Note: AGR Schools with class sizes above 18 utilize the Instructional Coaching Strategy to meet requirements.

### Homeroom Size Distribution



### Average Homeroom Size



# Secondary Course Sizes

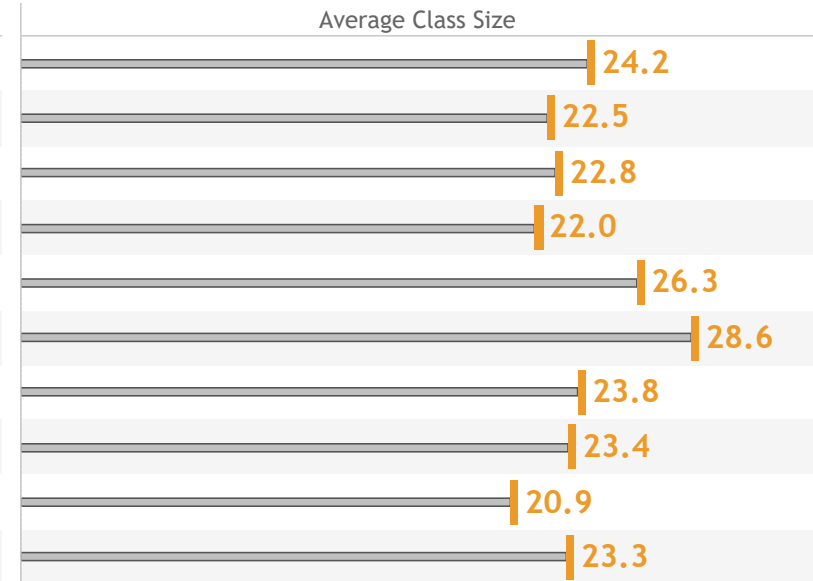
## December 2020

This report summarizes class sizes as of December 2020 in accordance with Board Policy 3450: Class Size. The table at left shows the distribution of class sizes banded by cutoffs outlined within the policy. The graphic at right shows average sizes. Sections below 10 students are excluded as likely administrative errors.



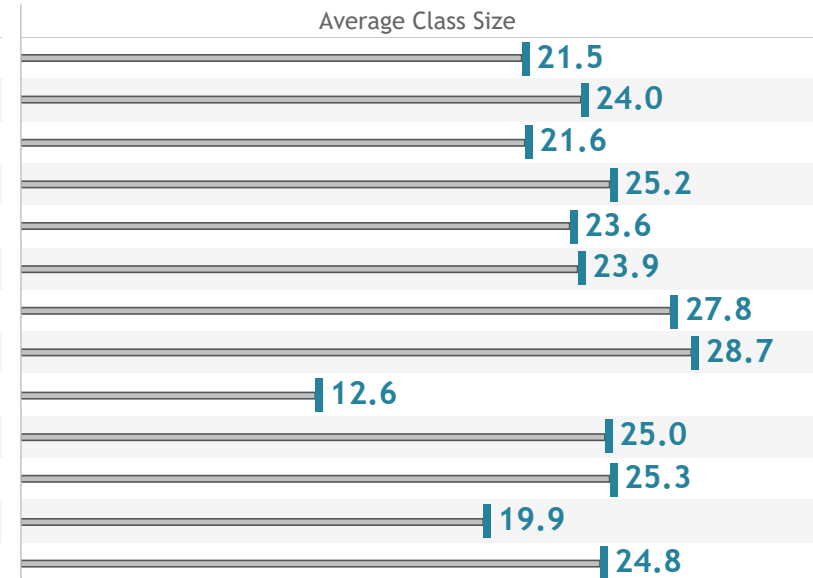
Middle School

	10-14	15-19	20-24	25-29	30-39	40+
Art	7 (9%)	19 (23%)	20 (24%)	25 (30%)	8 (10%)	3 (4%)
English	6 (3%)	30 (17%)	81 (47%)	51 (30%)	4 (2%)	
Family & Consumer Sci.	1 (2%)	20 (37%)	13 (24%)	9 (17%)	11 (20%)	
Math	25 (10%)	67 (25%)	84 (32%)	62 (24%)	24 (9%)	1 (0%)
Music	5 (3%)	24 (13%)	66 (36%)	48 (26%)	30 (16%)	12 (6%)
Physical Education	9 (5%)	42 (22%)	59 (32%)	36 (19%)	23 (12%)	18 (10%)
Science		35 (15%)	99 (44%)	72 (32%)	20 (9%)	
Social Studies	7 (3%)	41 (18%)	90 (39%)	74 (32%)	19 (8%)	
Tech Ed.	2 (6%)	11 (32%)	16 (47%)	5 (15%)		
World Language	6 (5%)	39 (30%)	46 (35%)	24 (18%)	8 (6%)	7 (5%)



High School

	10-14	15-19	20-24	25-29	30-39	40+
Art	11 (14%)	11 (14%)	30 (39%)	22 (29%)	3 (4%)	
AVID		7 (18%)	11 (28%)	22 (55%)		
Computer	4 (14%)	8 (28%)	9 (31%)	5 (17%)	3 (10%)	
English	26 (9%)	16 (6%)	53 (18%)	133 (46%)	62 (21%)	
Family & Consumer Sci.	5 (8%)	7 (12%)	19 (32%)	22 (37%)	6 (10%)	
Math	41 (14%)	25 (9%)	66 (23%)	98 (34%)	59 (20%)	
Music	6 (13%)	10 (22%)	6 (13%)	6 (13%)	8 (18%)	9 (20%)
Physical Education	4 (3%)	6 (5%)	18 (14%)	37 (30%)	56 (45%)	4 (3%)
Reading	20 (77%)	6 (23%)				
Science	21 (7%)	29 (10%)	50 (18%)	134 (47%)	51 (18%)	
Social Studies	21 (8%)	19 (7%)	51 (19%)	116 (43%)	61 (23%)	
Tech Ed.	7 (21%)	8 (24%)	14 (41%)	5 (15%)		
World Language	7 (4%)	22 (13%)	44 (25%)	70 (40%)	32 (18%)	



## **Proposed Consent Agenda for February 22, 2021**

### **10. Consent Agenda**

10.1 Main Motion

10.2 Requests for Shortened Day Agreements

10.3 Interim Bills

10.4 Referendum Construction Bills

10.5 PLACEHOLDER: new auditors

10.6 PLACEHOLDER: Black Excellence awards

10.7 ConnectEd Contract

10.8 Purchase Advanced Placement tests from The College Board for 2020-2021

10.9 Funding for LETRS Training - Voyager Sopris Learning

10.10 Developmental Designs Training for FY21

10.11 Muir Elementary School Digital Control Upgrade

10.12 Doyle Parking Space Lease Agreement

10.13 Donation from Friends of MSCR

10.14 BJA STOP School Violence Grant Award

10.15 Grants and Donations under \$10,000.00

10.16 Human Resources Transactions Report



# POLICY PERSPECTIVES

Vol. 42, No. 7  
January-February 2021

## GENERAL REMINDERS WHEN SETTING POLICIES GOVERNING STUDENT DRESS

The current political climate in communities around the state and country has resulted in students, like other citizens, actively expressing their views on current issues and movements in a variety of ways, including through written messages and/or visual depictions displayed on the clothing or apparel (e.g., face coverings) they choose to wear. Examples of some of these messages and/or depictions include “Black Lives Matter”, “Blue Lives Matter”, “I Can’t Breathe”, “We are Q” (and QAnon logos), and depictions of the Confederate flag or the Nazi Swastika. These student dress expressive activities have found their way into the school environment in some Wisconsin communities and have spurred some school district leaders to consider setting student dress code restrictions in an effort to prevent disruptions to the learning environment.

With more schools around the state re-opening with in-person instruction, it is a good time to remind school officials of legal and policy considerations they should keep in mind when establishing and implementing policies restricting particular types of student dress.

School boards and school administrators have authority under section 120.13(1)(a) of the state statutes to establish such rules pertaining to student conduct and dress as necessary to maintain good decorum and a favorable academic atmosphere.

Student dress code policies should be reasonably related to legitimate educational concerns and should be applied on a fair and consistent basis. A student dress code policy that holds different students to different standards may not be upheld by the courts.

The U.S. Supreme Court has held that students have a right to exercise their First Amendment rights

to free expression while in the schools and school officials may not restrict those rights unless there is reason to believe that the expression will substantially interfere with education or discipline or will interfere with the rights of others.

The following two-pronged test was developed, based on a 1969 U.S. Supreme Court decision (*Tinker vs Des Moines Independent School District*), to determine whether particular student attire possesses sufficient communicative elements to implicate First Amendment free expression protections:

1. The attire must be intended to convey a particularized message, and
2. There must be a substantial likelihood that the message will be understood by the people who view it.

It is important for school officials to determine whether there is a message intended by the student’s attire before banning it. Where articles of clothing or apparel may have several meanings, it is advisable for school officials to investigate the student’s reasons for wearing the attire before banning it. When student attire does possess sufficient communicative elements to implicate First Amendment protections, school officials can restrict the student’s right to wear it if they can demonstrate either of the following:

- The student’s attire has caused, or is likely to cause, a substantial disruption of or material interference with school activities. It is important to be able to demonstrate a link between the potential disruption and the student’s attire at issue. According to information found in the October 2020 *WASB Legal Comment*, for example, past evidence of interference or disruption arising due to similar forms of



expressive clothing or speech can be proof that the current form of expression will similarly be disruptive. Also, for example, if a district can identify a history of racial tensions or specific past incidents where the Confederate flag caused a substantial disruption, that district is more likely able to prohibit clothing in school that depicts the Confederate flag.

- The student’s attire interferes with the school district’s educational mission. School districts have considerable latitude in restricting student dress because it interferes with the school’s educational mission.

In addition, based on other U.S. Supreme Court decisions, school officials may have authority to restrict the student’s attire if it is offensively lewd and indecent or if the student’s attire can reasonably be viewed as promoting or advocating illegal drug use in violation of state law or district policy or rule.

Districts may not discriminate against students’ speech/expression on the basis of its viewpoint. The U.S. Supreme Court has held that a blanket ban on racial epithets by “proponents of all views” is permissible, while a ban on the use of such epithets by one group of speakers but not “those speakers’ opponents” constitutes prohibited viewpoint discrimination.

For additional information regarding Free Speech/Expression and student clothing, refer to the April 2020 and October 2020 *WASB Legal Comments*, found on the WASB’s website.

School officials should be careful to protect students’ religious expression. Dress code policies must accommodate students whose legitimate religious beliefs require or encourage certain types of dress or accessories. Refer to the U.S. Department of Education’s “Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools” for further information.

When developing and implementing policies governing student dress, school officials are encouraged to involve people who will be affected by the policies and people responsible for enforcing them in the policy development process in an effort to help

build support for the policy and ensure its fair and consistent implementation.

School officials should also keep in mind other district policies that address related topics. For example, policies related to equal educational opportunities, accommodating a student’s religious beliefs, student expression activities, student harassment and bullying, student conduct and discipline, student alcohol and other drug abuse, gangs and gang-related activities, and student health and safety.

Keeping in mind legal considerations and related district policies, school officials may want to consider questions such as the following when developing and implementing policies restricting particular types of student dress:

- Why is it important to restrict students from wearing the particular attire?
- What effect does, or will, the wearing of such attire have on the educational environment (e.g., unhealthy or unsafe, incompatible with district’s educational mission or policies, disrupts or interferes with school activities, damages school property)?
- How will the student dress restriction help better maintain good decorum and a favorable academic atmosphere?
- Is the dress restriction reasonable and can it be enforced on a fair and consistent basis?
- What will happen if a student violates the policy?
- Who will be responsible for informing students and parents and guardians of the dress code policy and overseeing the proper implementation of the policy?

The school board and school administrators should be ready to defend any student dress code policy standards that are adopted. School officials should know that the underlying policy and its implementation is valid before taking disciplinary



# 2021 ONLINE SCHOOL LAW CONFERENCE

HOSTED BY THE  
WISCONSIN SCHOOL  
ATTORNEYS ASSOCIATION

WEDNESDAY, FEB. 24

1-4:30 PM

## 2021 Online School Law Conference sessions include:

- The Future of Charter Schools in Wisconsin
- Moving Targets in Special Education/Pupil Services
- When Social Media Gets Ugly: Responding to Social Media Assaults on District Leadership
- Untangling Complicated Employment Issues Caused by COVID-19
- Guidance from In-House Counsel on Responding to the Thorniest Legal Issues
- Meeting Mandatory Reporting Obligations in a COVID World

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action for dress code policy violations or the action may be challenged.

Once adopted, the student dress code policy should be available to all students enrolled in the district and their parents and guardians, including transfer students.

## GOVERNOR EVERS RE- ISSUES FACE COVERINGS EMERGENCY ORDER

On 1/19/21, Governor Tony Evers re-issued an emergency order (Emergency Order # 1) that requires all individuals in Wisconsin who are five (5) years of age and older to wear a face covering when they are indoors or in an enclosed space with anyone outside their household living unit. This emergency order is in effect until 3/20/21, or until a subsequent superseding emergency order. Like the previous state emergency orders on the subject, face coverings are also strongly recommended in all other settings, including outdoors when it is not possible to maintain physical distancing. The order also enumerates exceptions to the requirement, listing activities such as when an individual is eating, drinking or swimming. Individuals with health conditions or disabilities that would preclude the wearing of a face covering safely are also exempt from the requirement.

All Wisconsin school districts are required to comply with the state emergency order applicable to the wearing of face coverings and to comply with any local or county ordinances addressing the subject.

Subject to any such public health orders or rules, school districts also generally have authority to establish local policies or rules that address the use of face coverings by persons who are (1) present on school district premises or at other district-controlled locations (e.g., on school-provided transportation) or (2) participating in district-sponsored activities. Such local district policies/rules may be more restrictive provided they are in line with any applicable law provisions.

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School officials are encouraged to refer to WASB's Coronavirus information and resources on the hot policy topics page on WASB's website for regular updates relevant to districts during the COVID-19 public health emergency.

## RETIREMENT MESSAGE FROM DIRECTOR OF POLICY SERVICES

*This is the last issue of Policy Perspectives I will be writing for the WASB as I am retiring from the Wisconsin Association of School Boards after 41 years of providing policy services and assistance to Wisconsin school districts. I have enjoyed working with school board members, administrators and other school staff on a wide variety of policy issues over the years; writing WASB policy publications and resources – Policy Perspectives, The FOCUS, and the Policy Resource Guide; and working with state and regional partners on policy issues of importance to districts. Continue your good work and take care! Nancy Dorman*

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Sue Today, President      John Ashley, Executive Director

### POLICY SERVICES STAFF

122 West Washington Avenue, Suite 400, Madison, WI 53703  
Phone: 608.257.2622 or 877.705.4422 (toll free)

Nancy Dorman  
Director of Policy Services  
ndorman@wasb.org

Teresa Kimball  
Policy Services Assistant  
tkimball@wasb.org

Dan Mallin  
Legal and Policy Services Counsel  
dmallin@wasb.org

Scott Mikesh  
Legal and Policy Services Counsel  
smikesh@wasb.org

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