

Policy Brief

Wisconsin Institute for Law & Liberty



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Silent Successes: *The (Still) Undertold Stories of School Districts using Act 10*

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Introduction

In 2010 Scott Walker beat Tom Barrett in the Wisconsin gubernatorial election, running on promises of creating more jobs and financial stability. When Walker took office, he inherited a \$3.6 billion dollar budget deficit. A “budget repair bill,” subsequently known as Act 10, was Governor Walker’s solution to the financial crisis. The bill was so opposed by some of the Wisconsin Democratic senators that they fled to Illinois to delay the vote, and protestors crowded the streets in Madison to voice their concerns. The legislation eventually went through and the senators returned, but efforts to recall the governor had already begun. Tom Barrett faced off against Governor Walker again in 2012 during the recall election and Scott Walker again prevailed – making him the first Governor recalled to win in U.S. history. Walker won reelection in 2014 and is running for Governor again this year. Wisconsin voters sided with the policy changes Walker made during his first term with Act 10 because it changed the way public sector employees could interact with their employers, saving Wisconsin taxpayers millions. Act 10 did three major things:

Takeaways:

- **Support for Act 10, according to public opinion polls, has declined slightly over the years.**
- **The negative media stories on Act 10 are often blamed for a lack of support. This report shows, in the last 7 years, only 2% of all the news articles on Act 10 have been “positive.”**
- **Yet a number of school districts have implemented merit pay, according to their employment contracts WILL obtained through records requests. These stories often go unreported.**
- **This report describes districts that are using their new freedom under Act 10 to reward high performing teachers and reform their management structure to make it more reactive to the needs of teachers, parents, and students.**



1. Prohibited public employee unions in Wisconsin from collecting “fair-share-fees.” These are fees unions collect from non-members for the cost of representation. In June 2018, the U.S. Supreme Court banned the practice of fair-share-fees in *Janus v. American Federation of State, County and Municipal Employees* because the fees violate the “first amendment by compelling workers to support unions they may disagree with.” The *Janus* decision effectively took this element of Act 10 nationwide while ending the Act 10 exemption for police and firefighter unions.¹

2. Limited the scope of collective bargaining. Public employee unions could now only negotiate on wages and salary. This gave local governments and superintendents a new flexibility common in the private sector. The result has been innovative compensation packages like merit and performance pay along with greater leeway in hiring and firing.

3. Required public employees to contribute a minimum percentage toward their pension and health insurance. Specifically, teachers in 2018 have to contribute at least 5.9% into their pension and an average of 12% towards healthcare premiums.²

The savings resulting from these contributions have been critical to local governments. For instance, John Stellmacher, Director of Business Services for the Hartford J1 School District, told Wisconsin Public Radio that Act 10 savings on healthcare premiums allowed the district to “remain competitive” with surrounding school districts and boosting teacher starting salaries by \$10,000.³ And according to the MacIver Institute, competitive benefit and salary plans resulting from Act 10 “have helped Wisconsin boast of one of the top-rated government retirement funds in the nation.”⁴

Existing Act 10 Research

Act 10 has been the subject of a number of scholarly research articles and studies in recent years. Biggs and Richwine (2012)⁵ compared the pension benefits of public employees in Wisconsin with

¹ Mark Sommerhauser. “Supreme Court: Public Safety Unions in Wisconsin Can’t Require Fees to be Paid by Non-Members.” Wisconsin State Journal. June 28, 2018. https://madison.com/wsj/news/local/govt-and-politics/supreme-court-public-safety-unions-in-wisconsin-can-t-require/article_a0b8127a-486e-5041-ba2f-2376e48bbcd6.html

² M.D. Kittle. “Impact of Act 10: New report finds big benefits in WI’s Act 10.” Wisconsin Watchdog. March 10, 2012. Accessed March 15, 2016. <http://watchdog.org/5076/wirep-impact-of-an-act-new-report-finds-big-benefits-in-wis-act-10/>

³ Ximena Conde. “Teachers are Covering More of Their Healthcare Costs Since the Passage of Act 10.” Wisconsin Public Radio. July 3, 2018. <https://www.wpr.org/teachers-are-covering-more-their-health-care-costs-passage-act-1>

⁴ Matt Kittle. “Dem Candidates for Governor Pledge to Repeal Act 10, A taxpayer Success Story.” MacIver Institute. May 31, 2018. <http://www.maciverinstitute.com/2018/05/dem-candidates-for-governor-pledge-to-repeal-act-10-a-taxpayer-success-story/>

⁵ Biggs, Andrew and Jason Richwine. 2012. “The Impact of Act 10 on Public Sector Compensation in Wisconsin.” American Enterprise Institute Paper.



those in the private sector after passage of the law. They found that public employee salaries in Wisconsin remained on par with those of similarly educated private sector workers, but that pension benefits remained far greater than those enjoyed in the private sector.

In 2016, WILL examined public education and the teacher workforce in Wisconsin with that of neighboring states before and after the passage of Act 10. WILL found that Act 10 did not lead to the sort of dramatic negative outcomes that were often forecast by opponents. Student-teacher ratios remained similar to neighboring states, as did the gross salary and average experience level of teachers. The study did reveal that teachers saw a reduction in fringe benefits, which is consistent with the purpose of the legislation that required employee contributions to pensions and healthcare.⁶

A researcher from Stanford University examined how Act 10 impacted the market for teachers once districts were given new tools to hire, fire, and attract quality educators. Comparing districts who took advantage of the freedom to implement alternative, individualized salary structures under Act 10 with those that did not, the study found that high-quality educators were more likely to move to districts that had implemented creative and attractive compensation packages.⁷

Declining Popularity and the Media?

It is difficult to evaluate the policy implications of Act 10 apart from the politics. Changes in state law have rarely resulted in the level of intense protest, counter-protest, and recall elections. From February of 2011, when the Budget Repair Bill was first introduced, to June 2012, the month Scott Walker survived his recall election, Wisconsin experienced more than a year of open political warfare centered on Act 10. Despite the positive achievements of the law, feelings about Act 10, particularly negative feelings, were hardened during this time.

The Marquette University Law School Poll has regularly shown more Wisconsin residents support Act 10 than oppose it, but the margin of support has slipped some. Before the recall election, support for Act 10 rested at 50% support, 43% opposed. Two years later, before Governor Walker's election to a second term, 52% supported the law to 42% opposed. But in March 2018, the number supporting Act 10 slipped to 46% in favor of "keep[ing] the current law that eliminated most of collective bargaining" to 41% in favor of "returning collective bargaining."⁸ What was a margin of 10 percentage points, has been cut in half.

⁶ Lueken, Marty, Will Flanders and CJ Szafir. 2016. "The Impact of Act 10 on Wisconsin's Education Workforce A comprehensive statewide analysis of Act 10's effect on students per teacher and teacher experience, salary, and benefits." Wisconsin Institute for Law & Liberty Policy Report.

⁷ Biasi, Barbara. 2017. "Unions, Salaries, and the Market for Teachers: Evidence from Wisconsin." Unpublished manuscript.

⁸ Marquette Law School Polls, 2014-18. <https://law.marquette.edu/poll/>

Beneath the numbers is a difference in intensity of feeling about the law. A statewide poll conducted by WILL in the spring of 2018⁹ found a plurality of Wisconsin residents thought Act 10 had a negative impact on students and teachers. But Democrats and Independents were far stronger in their intensity that Act 10 was negative than Republicans were positive.

In addition to the intensity of feelings associated with the time period from 2011-12 when Act 10 was front and center, the negative tone of media coverage about the law may have played a role in the erosion of support.

In order to study this, we took advantage of the Sentiment Software available from Meltwater Media Intelligence and Social Monitoring. The system aggregates news articles from around the nation that can be searched for using keywords in a method similar to LexisNexis. Where this software exceeds the capabilities of alternatives like LexisNexis is in its ability to automatically analyze articles for their tone – or sentiment. The Sentiment software looks for keywords and patterns that allow it to assess an article as positive, neutral, or negative on the topic in question. Words like “absurd” and “neglect” tend to be associated with negative tone while words like “achievement” and “renown” connote positivity. Similar systems are often utilized by academics in fields such as political communications¹⁰ and social psychology.¹¹ A sample of some articles adjudged positive, negative and neutral by the system are included in the appendix.

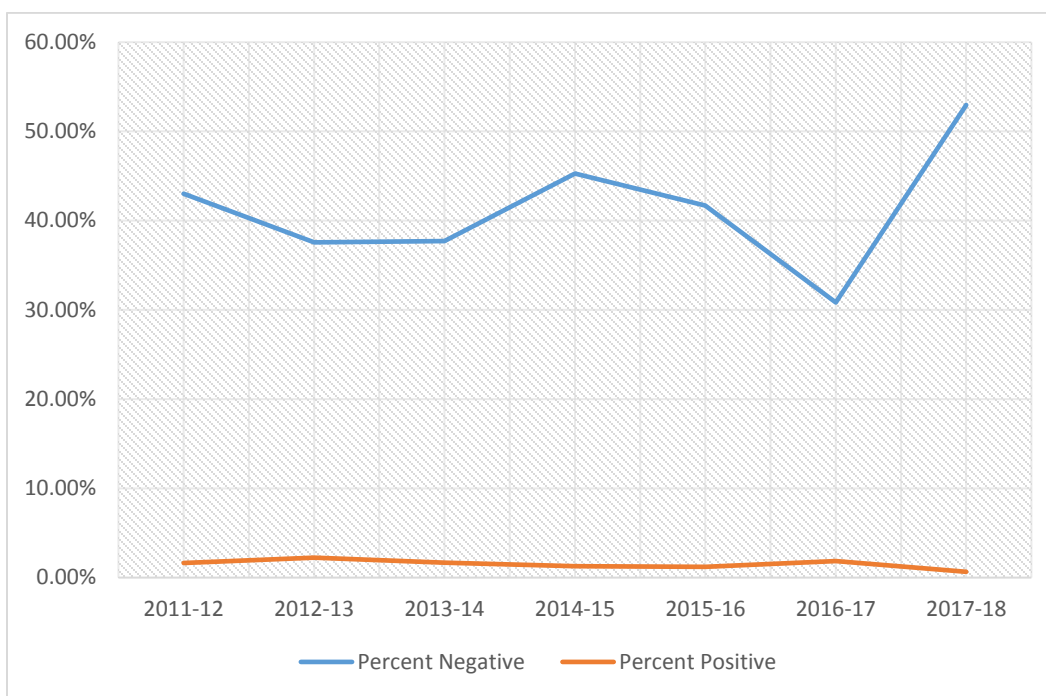
For our purposes, we searched for all articles that include the words “Act 10” and “Wisconsin” on a yearly basis beginning with the month the law was passed in June 2011. Because we wanted to assess the entirety of the media environment that people were likely exposed to, op-eds, letters to the editor, and high-traffic blogs were also included. The first point revealed by this research was that Act 10 was a very popular subject. 27,412 individual media pieces were found in the database since 2011. This is perhaps not very surprising, but the tone is much more so. The table below depicts the tone of media coverage of Act 10 each year since passage.

⁹ Flanders, Will. 2018. “Message Matters: How effective messages on education reform shape opinions.” Wisconsin Institute for Law & Liberty Policy Report.

¹⁰ Young, Lori and Stuart Soroka. 2012. “Affective News: The Automated Coding of Sentiment in Political Texts.” *Political Communications* 29: 205-231.

¹¹ Carr, Jason. 2014. “Measuring Twitter Sentiment and Implications for Social Psychological Research.” *Journal of Applied Psychology* 5: 109-113.

Table 1. Tone of Media Coverage of Act 10 over Time



Overwhelmingly the tone of coverage has been negative. On average over the past 7 years more than 42% of articles about the legislation have been negative, while only 1.44% have been positive. In most years, the majority of coverage does fall into the neutral category – about 56.53% on average over the time frame of analysis.¹² The one exception to this is the most recent year, in which the majority of coverage was negative for the first time. With such overwhelmingly one-sided media coverage, it is little wonder that popular support for Act 10 has been waning.

Positive Stories:
School Districts Using Act 10 For Merit Pay, Greater Flexibility

Regardless of the reason, there are positive stories of Act 10, happening every year. Consider school districts using the new freedom under Act 10 to reward high performing teachers (so-called merit pay) and reform their management structure to make it more reactive to the needs of teachers and students.

¹² With such an overwhelming negative nature to the news coverage, one must consider the possibility that the software was predisposed to negativity. To account for this possibility, we conducted a similar search for a more innocuous term – ice cream. That search yielded 54% neutral articles, 34% positive articles, and only 12% negative articles. In other words, the news media’s tone is not likely to be the result of a defect in the software.



A. Merit pay

Before Act 10, teachers unions negotiated strict compensation schedules based on seniority and education. A teacher would be placed in a column on the “salary schedule” based on their level of education and start date, and then every year or so they would be increased one row with a slightly higher salary level. This prohibited any merit or performance pay. The results in the classroom didn’t really matter, and the teachers who were employed the longest were the highest paid and typically safe from layoffs.

This changed after Act 10. Superintendents and school boards were allowed to create merit or performance pay options for teachers to better compensate them for the job they are actually doing in the classroom. Under this system, performance actually counts.

A 2016 report from WILL, *Undertold Stories of Act 10*, documented stories from school districts using Act 10 reforms. For this policy brief, WILL examined contracts between Wisconsin school districts and their unions to determine how superintendents are using Act 10 reforms. Open records requests to all 422 school districts for contracts between the school district and their teacher unions from 2008 to 2018 resulted in documents from over 85% of Wisconsin school districts. A review of these documents found two types of merit pay:

i. *Paying teachers at the discretion of the school board*

Alma School District updated their 2009-2011 teacher contract to say "The Board may decide to pay a teacher above the salary schedule for meritorious teaching service...for excellence in teaching, for outside work activities, and for other reasons which the Board may consider as advantageous to improve the quality of education in the Alma School District."¹⁵

Flambeau School District’s 2009-2011 contract similarly said, "Exceptional merit may be recognized by the Board of Education by advancement of one year in the salary schedule. The Board reserves the right to deny an increase to any employee not fully performing the duties of his/her position." In this case, the performance of the teacher not only determines pay increases, but also holds underperforming teachers accountable.

Likewise, Arrowhead School District provided a [distributed] supplemental pay increase of \$36,756 to bargaining staff members who “have met the District’s performance expectations” in their 2009-2011 contract.³⁰

Elmwood School District, Mondovi School District, Monona Grove School District, Southern Door County School District, Swallow Elementary, and Oconomowoc School District all included a clause in their teacher contracts that says their respective “Board” reserves the right to pay above the pay schedule for “meritorious” service.

Merit pay at the discretion of the School Board is a way for school districts to reward outstanding teachers for their work with students and the school. Teachers who went above and beyond their regular teaching duties are now paid above and beyond the pay schedule as the Board sees fit. Before Act 10, this was not possible.

ii. *Paying teachers based upon evaluations*

Cedarburg School Board can distribute funds to teachers who score highly on evaluations. The teacher handbook says, "The Board's offer of increasing teacher base wages by the July 1, 2017 Consumer Price Index for All Urban Consumers (CPI-U) of 1.26% or \$136,211.57, will be distributed to eligible teachers based on performance who worked for the District in 2016-17 and are returning in 2017-18, resulting in a total of 172 teachers rated either Effective, Highly Effective or Distinguished receiving an \$804.65 increase to their base wage, with part-time teachers receiving a commensurate increase relative to their FTE, exclusive of newly hired teachers whose initial contract with the District establishes their 2017-18 salary and 5 teachers in need of improvement who will receive a \$0 increase to their base wage."

Milton School District changed the way they compensate teachers to merit pay based on performance and efforts to improve their skills. If a teacher scores high in their evaluations and he or she takes up to a certain number of development hours, they can significantly increase their base salary.

Hartford J1 distributes merit compensation based on how many points a teacher respectively gets during evaluation. During the 2011-2012 school year, each merit point was worth \$33.32 – which added up to be \$75,000 worth of merit money distributed to teachers that year.²⁶

Brillion School District is a great example of how merit pay can be integrated directly into a school's compensation plan. Instead of degrees or seniority, "placement on the ladder is based on current salary and evaluation cycle. Movement up in levels is based on evaluation." Additionally, "Administrative recommendation of supplemental pay shall be based on extraordinary service and availability of funding." Brillion School District uses merit in their salary schedule *and* supplemental pay for exemplary service at the discretion of the school board.

B. Flexibility in Teacher Management, Specifically Layoff Procedure

Before Act 10, collective bargaining agreements forced school districts to follow a procedure known as "last hired, first fired." Teachers, often the youngest, who were most recently hired, were also the first ones to be cut during layoffs. This practice rarely addresses the actual needs of the school when it comes to teachers. For instance, Megan Sampson, an MPS teacher named "Outstanding First-Year Teacher" in 2011 was laid off because she was one of the "last hired" in 2010.

Since Act 10, school boards are free of the union's "last hired, first fired" rules. Now, districts can consider the school's needs, performance of teachers, and other factors to determine who will be laid off.

Oconomowoc School District and other Menomonie Area School Districts consider the "educational needs of the District, qualifications as established by the district, qualifications of remaining employees in the Grade Level, Department, or Certification Area, performance of the employees, and length of service, adding that "employees who are laid off do not have any right to displace or "bump" another employee" because of length of service, and length of service "will not be the sole deciding factor in any decision regarding who will be laid off" as respectively outlined in the 2017-2018 and 2018-2019 school handbooks.

Similarly, the Rhinelander Employee Handbook for the 2011-2012 School year listed "job performance...as previously and currently evaluated by the employee's supervisor(s)" as the only specific criteria used when determining who will be laid off in a reduction of force.

The School District of Janesville, in their March, 2018 version of the Teacher Handbook, outlines their layoff procedure with their only criteria for layoff as attrition, performance, licensure, and other qualification considerations. They do not consider the "seniority" of teachers at all like schools had to before Act 10.

Likewise, the Lac Du Flambeau School District put in their teacher contract that "the district may exempt an employee from layoff regardless of their seniority status for the purpose of maintaining District programs" because what is best for the school is not always the teacher that has been there the longest.

This ability to determine the teachers to lay off during reduction has drastically changed who the school can retain based on its needs. Before Act 10, even if a teacher was "outstanding" and what the school needed, she would be terminated due to her "seniority." Now schools can adjust to their needs and what is best for their students.

Conclusion

Even to this day Act 10 remains a controversial piece of legislation, as many of the Democratic candidates running for Governor this year promise to repeal Act 10 and reinstate union power when they take office. However, many of Act 10's opposition overlook all the good Act 10 has done for public sector work. Through new institutions like merit pay, and flexibility of hiring and firing, and school districts making benefits more competitive, Act 10 has not only helped balanced the state budget, but it brought competitive rewards for hard work back into the public sector.

APPENDIX

Below is a selection of five stories rated by the Meltwater Sentiment Analysis software as positive, neutral, and negative. This subset of articles was chosen at random from the 2011-2012 range of years.

Negative		
Date	Title	Outlet
6/1/2012	Wisconsin Showdown Pits Unions Against Taxpayers	Investor's Business Daily
5/24/2012	Forum crowd is restless	Watertown Daily News
5/8/2012	Barrett, Walker Primed for Second Showdown	Hudson Patch
4/3/2012	Wisconsin Recall: For Me, It's K.V.	Daily KOS
4/4/2012	Historic Period for Wisconsin	Lake Geneva News
Positive		
4/1/2012	Barney challenges Bowe for seat 7	Discover Hometown (Germantown)
1/3/2012	County Executive: 2011 Was Year of Great Change	Muskego Patch
9/27/2012	Mayor Barrett proposes 2012 city budget	BizTimes
3/17/2012	Gov. Walker: Commends historic legislative session	WisPolitics
5/27/2012	Guest column: Keep state moving forward to prosperity	Green Bay Gazette
Neutral		
9/22/2012	Falls teachers union, district at odds over taking dues from paychecks	Menomonee Falls Now
9/27/2011	Union leaders choose oblivion over elections	Sun Prairie Star
9/26/2011	Act 10 realizing collective savings for school districts	Wisconsin Reporter
10/25/2011	'It's Working' website touts budget reforms	Milwaukee Journal-Sentinel
1/25/2012	Walker: 'We're heading in the right direction'	Wisconsin Reporter

School District	Contract/Handbook Year	Provision
Alma School District	2009-2011	"The Board may decide to pay a teacher above the salary schedule for meritorious teaching service, for work experience at improving teaching ability, for excellence in teaching, for outside work activities, and for other reasons which the Board may consider as advantageous to improve the quality of education in the Alma School District. The Board shall notify the Association in each case."
Arrowhead School District	2009-2011	"The District shall also provide a supplemental pay increase of \$36,756. The supplemental pay increase amount of \$36,756 amounts to a per cell increase of 0.4614% when spread among the full salary schedule. This supplemental pay will be part of the teacher's individual contract salary. The above supplemental pay will be part of the teacher's individual contract salary. The above supplemental pay is only available to bargaining unit staff members who have met the District's performance expectations."
Brillion School District	2017-2018	"1. Placement on the ladder is based on current salary and evaluation cycle 2. Movement up in step numbers is based on years of service 3. Movement up on step letters is based on evaluation 4. Movement up in levels is based on evaluation 5. Movement up in step letters shall require a minimum evaluation score average of 2.5 within each domain of the Danielson framework, with no component score of a 1. Evaluation shall be completed by the building principal and shall require approval of the superintendent. 6. Movement up in levels shall require a minimum evaluation score average of 2.5 in each of domains 2 and 3 with no component score of a 1. A minimum evaluation score average of 3.25 (a minimum of two levels 4s) shall be required in each of Domains 1 and 4 with no component scores of either 1 and 2. Evaluation shall be determined by a district evaluation team with team membership determined by the superintendent."
Cedarsburg School District	2017-2018	"The Board's offer of increasing teacher base wages by the July 1, 2017 Consumer Price Index for All Urban Consumers (CPI-U) of 1.26% or \$136,211.57, will be distributed to eligible teachers based on performance who worked for the District in 2016-17 and are returning in 2017-18, resulting in a total of 172 teachers rated either Effective, Highly Effective or Distinguished receiving an \$804.65 increase to their base wage, with part-time teachers receiving a commensurate increase relative to their FTE, exclusive of newly hired teachers whose initial contract with the District establishes their 2017-18 salary and 5 teachers in need of improvement who will receive a \$0 increase to their base wage."
Elmwood School District	2009-2011	"In cases of special merit and at the discretion of the School Board, salaries above that provided by the regular schedule may be paid."
Fambeau School District	2009-2011	"Exceptional merit may be recognized by the Board of Education by advancement of one year in the salary schedule. The Board reserves the right to deny an increase to any employee not fully performing the duties of his/her position."
Hartford J1 School District	2011-2012	"Merit Compensation: \$75,000 will be distributed on merit basis with each merit point awarded during evaluation carrying a weight of \$33.32 (20 points maximum & pro-rated for less than full time staff). Merit raises will be given only to staff members who were employed by Hartford Joint #1 during the 2011-2012 school year."
Janesville School District	2018 "version"	"The following criteria may be considered as part of the selection process: A. Attrition Consideration of any normal attrition resulting from employees retiring or resigning. B. Performance of the Employees Under Consideration. C. Licensure and Other Qualifications Consideration of the licenses that staff hold and/or other qualifications of staff."
Menomonie Area School District	2018-2019	Selection for Reduction Procedures: In the implementation of staff reductions under this section, individual employees shall be selected for full or partial reduction in staff in accordance with the following procedures. A. Attrition: Normal attrition resulting from employees retiring or resigning will be relied upon to the extent that it is administratively feasible in implementing staff reductions. B. Administration: In collaboration with the Board shall select the employee in the affected job category: 1. Educational needs of the District: determined by the District will be those needs as identified and determined by the Board through normal channels in accord with its constituted authority. 2. Qualifications as established by the Board: Included, but not limited to specific skills, certification (if applicable), training, performance evaluations, etc. 3. Qualifications of the remaining employees in the affected area, Grade Level, Department, or Certification area: relevant qualifications will be those experiences and training that best relate to the position(s) to be maintained and District needs as determined by the Board. These experiences shall include but not be limited to: current and past assignment and practical experience in the area of need; and 4. Length of Service of the Employee; a. Length of Service is defined as the length of service with the District commencing on the most recent date of hire. No distinction will be made between full-time and part-time employees in calculating length of service. b. Tie Breaker on Length of service: In the event two or more employees start on the same date, the employee who is senior shall be determined by the district. c. Length of service list: the District will annually produce a length of service list by September 30th.

Milton School District	2015-2016	<p>"A) In order to attain Professional Teacher Status, the Educator should achieve ratings of proficient or exemplary on each Performance Standard and overall. A principal considering making an employment decision that would lead to PTS for any Educator who has not been rated proficient or exemplary on each performance standard and overall on the most recent evaluation shall confer with the superintendent by May 1. The principal's decision is subject to review and approval by the superintendent. B) In order to qualify to apply for a teacher leader position, the Educator must have had a summative evaluation performance rating of proficient or exemplary for at least the previous two years. C) Educators with PTS whose summative performance rating is exemplary whose impact on student learning is rated moderate or high, shall be recognized and rewarded with leadership roles, promotions, additional compensation, public commendation or other acknowledgement as determined by the district through collective bargaining where applicable."</p>
Mondovi School District	2009-2011	"The Board reserves the right to provide merit pay. Merit pay will be at the discretion of the Board."
Monona Grove School District	2009-2011	"The Board of Education reserves the right to reward unusual merit or service to the system in an appropriate manner."
Oconomowoc School District	2017-2018	<p>"Selection for Reduction - Steps: For certified staff, the elimination of a position does not necessarily mean the teacher occupying the position will be dismissed. When determining who will be laid off as part of a reduction in force, the District will consider the following criteria: Educational needs of the District: Will be those needs as identified and determined by the District in accordance with its constituted authority. Qualifications as Established by the District: Will be those needs as identified and determined by the District in accordance with its constituted authority. Qualifications as Established by the District: Including, but not limited to specific skills, certification [if applicable], training, evidence of professional growth, adaptability to other assignments (academic and extracurricular), District evaluations, etc. Qualifications of the Remaining Employees in the Grade Level, Department or Certification Area: Relevant qualifications will be those experiences and training that best relate to the position(s) to be maintained and District needs as determined by the Board. These experiences shall include but not be limited to current and past assignment and practical experience in the area of need. Performance of the Employees Considered for Layoff: Effectiveness of teaching and in professional responsibilities of the employees under consideration as previously and currently evaluated in the last two summative evaluations as well as the type, quantity, and quality of service made to the teaching profession, staff member performance as determined by the Oconomowoc Area School District, contribution to the school community beyond classroom, and the school system. Length of Service of the Employee: Is defined as a length of service with the District commencing on the most recent date of hire. Although length of service in the District will be considered when laying off employees, it will not be the sole deciding factor in any decision regarding who will be laid off. Employees who are laid off do not have any right to displace or "bump" another employee."</p>
Rhineland School District	2011-2012	<p>"When a reduction in the District's professional staff is expected for the coming year, the following procedure will be used: A. Based on the District's needs, the Superintendent/Designee will determine the number of positions to be reduced in an area, a subject, or a program(s) that will lose positions for the upcoming year. Professional employees who hold these positions will be notified no later than April 30th. B. Job performance in the District, as previously and currently evaluated by the professional employee's supervisor(s), will be used, in part, to assist in determining future employment of the professional employee. 1. For a period of twelve (12) months after notice of their layoff, laid-off professional employees will be the first to be considered for re-employment if a position becomes open in the category or subject matter area for which they are certified. It shall be the responsibility of the laid-off individual to apply for a vacancy that he/she may be interested. 2. Should any professional employee on layoff reject an offer for re-employment equivalent to or greater than the time-equivalent position he/she last had before layoff, he/she loses all further consideration for re-employment rights during the twelve (12) month period. 3. Should any professional employee on layoff reject an offer for re-employment in a vacant position, which is less than the time equivalent than the position he/she had before layoff, he/she will maintain consideration for reemployment rights during the twelve (12) month period. C. Upon re-employment, the professional employee's salary and fringe benefits shall be fully restored at the level established at the time of lay off."</p>
Southern Door County School District	2009-2011	"The Board of Education reserves the right to exceed the salary schedule for reasons of merit. Conditions of merit are to be determined by the supervisory personnel and the Board of Education."
Swallow Elementary School	2009-2011	"Merit Pay: Merit pay may be granted to a teacher or team of teachers at the discretion of the Superintendent and Board, of budget allows for it."