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Details: Public Hearing – January 17, 2008

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Education (SC-Ed)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

*MB*

## Vote Record Committee on Education

Date: 1/29/08

Moved by: Olsen

Seconded by: Kreitlow

AB \_\_\_\_\_

SB 396

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage   
  Adoption   
  Confirmation   
  Concurrence   
  Indefinite Postponement  
 Introduction   
  Rejection   
  Tabling   
  Nonconcurrence

Committee Member

**Senator John Lehman, Chair**

**Senator Jon Erpenbach**

**Senator David Hansen**

**Senator Pat Kreitlow**

**Senator Luther Olsen**

**Senator Glenn Grothman**

**Senator Mary Lazich**

Aye    No    Absent    Not Voting

**Totals:**    7    0    0    0

Motion Carried   
  Motion Failed

# Vote Record Committee on Education

Date: 1/29/08

Moved by: Olsen      Seconded by: Kreitlow

AB \_\_\_\_\_      **(SB) 396**      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_      SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_      SR \_\_\_\_\_      Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
**(S) Sub Amdt LRB 50232/2**  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage      ~~Introduction~~       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator John Lehman, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Jon Erpenbach</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator David Hansen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Pat Kreitlow</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Luther Olsen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Mary Lazich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried       Motion Failed

## Vote Record Committee on Education

Date: 1/29/08

Moved by: Kreitlow

Seconded by: Olsen

AB \_\_\_\_\_  SB 396 \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt  LRB-S023212

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator John Lehman, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Jon Erpenbach</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator David Hansen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Pat Kreitlow</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Luther Olsen</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Mary Lazich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed





# WISCONSIN CHARTER SCHOOLS ASSOCIATION

RECEIVED  
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BY:

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Charter Schools Consultant  
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## WCSA

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TO: Senator John Lehman  
Representative Brett Davis

FROM: Holly Hart, President (715-834-2488)  
Cindy Zautcke, Vice-President (414-288-1540)

DATE: January 16, 2008

RE: Legislative proposals regarding virtual charter schools

SB 396?

The Wisconsin Charter Schools Association supports legislative efforts to maintain the choice of families choosing virtual charter schools in Wisconsin.

Legislation recently introduced in the Assembly by Representative Brett Davis accomplishes this goal. Their bill clarifies state statutes to make certain that the parents' ability to choose the best public school option for their children is secure. Furthermore, the Assembly Bill 697 was designed in consultation with people trying to solve the issues created by recent court rulings: parents, teachers, and authorizers of virtual charter schools.

Legislation proposed in the Senate by Senator John Lehman, however, does not protect this option for families. It proposes cutting funding for virtual schools by 50 percent. It creates enrollment restrictions on students and sets arbitrary burdens on virtual school teachers.

We encourage legislators to work with grassroots efforts to protect the thousands of families that have selected this innovative option for their children.

CC: Assembly Education Committee  
Assembly Education Reform Committee  
Senate Education Committee





# WISCONSIN CHARTER SCHOOLS ASSOCIATION

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TO: Senate Committee on Education

FROM: Jim Morgan, Treasurer (608-235-6660)

DATE: January 17, 2008

RE: Legislative proposals regarding virtual charter schools

SB 396 ?

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A QUALITY  
EDUCATION  
FOR  
EVERY  
CHILD



# State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Senate Committee on Education  
January 17, 2008

## Department of Public Instruction Testimony on Senate Bill 396

Thank you to Chairperson Lehman and members of the committee for the opportunity to testify before you today. My name is Jennifer Kammerud. I am the Legislative Liaison for the Department of Public Instruction and with me today are Sheila Ellefson, Chief Legal Counsel for the Department, and Brian Pahnke, Assistant Superintendent of Finance and Management. We are here today on behalf of State Superintendent Elizabeth Burmaster to testify in support of Senate Bill 396 (SB 396) as it provides the necessary language to advance quality virtual education in Wisconsin and provides an appropriate legislative response to the recent Court of Appeals decision.

Virtual education is an innovative reality in the 21st century and an effective educational strategy for many students. We believe that as many as 3,500 students may currently be enrolled in a virtual school, many of whom are open enrollment students. This number has been steadily increasing since the first virtual schools were created in 2002 and just over 250 students were enrolled. Virtual education, while growing represents a small percentage of the total student population. In 2006-07, we had 876,700 students enrolled in public school, 133,419 in private school and 20,157 in home-based private education statewide.

The rapid advances in the application of technology in education have created many opportunities for students, but they also pose a challenge to the state as we look to updating statutes and policies to reflect the reality and ensure the quality of virtual education. The recent Wisconsin Court of Appeals decision, which found that the operation of Wisconsin Virtual Academy (WIVA) violates current state statutes, demonstrates that our current laws do not really address how virtual education should be delivered in this state.

In the decision regarding WIVA, a virtual charter school, the court looked at three statutes --the operation of charter schools, open enrollment, and teacher licensing -- and found violations of all three.

First, state statute prohibits a school district from operating a charter school located outside the district. The court found WIVA violates this statute.

Second, state statute requires that open-enrollment students attend a school in the district to which they open enroll. The court found that WIVA's open-enrollment students do not meet this requirement.

SB 396 would address both of these issues by removing the current requirement that virtual schools conduct learning within the geographical boundaries of the chartering school district. Furthermore, the bill acknowledges the basis for local control of education, that district schools were created to educate the children within the district and are accountable to voters in the district. As such, SB 396 requires that at least 15 percent of a virtual charter school's enrollment is made up of students who live in the chartering district, beginning in the 2009-10 school year.

Third, the statutes require that teachers in all public schools, including charter schools, be state certified. The court found that WIVA violates this provision. The court said that parents can help their children with homework and volunteer in classrooms, but parents cannot be the primary teachers in a public school funded with taxpayer dollars.

SB 396 addresses this finding in a couple of ways. The bill provides a transition period for existing virtual charter schools to come into compliance by July 1, 2009. By that date, anyone who teaches at a virtual charter school must be certified. It provides an amount of time students are to be in direct contact with a teacher and clarifies that additional professional development is needed for teachers who teach online beginning in 2013. If we provide state funding for virtual charter schools, we must also assure the public that a quality education is provided using licensed teachers. In requiring certified teachers the bill also clearly distinguishes between virtual schools and home schools.

The bill states that school boards may not exclude a pupil from an online course solely because the pupil's parent or guardian will not participate. The language makes clear that parents can not be used in lieu of a licensed teacher. This provision also ensures fair access to this form of public education. Currently, students in virtual charter schools are more likely to be white, economically advantaged, and English proficient, and less likely to have a disability, than students in the state as a whole.

SB 396 responds to the decision by the Court of Appeals and provides a clear direction forward by establishing minimum standards for quality virtual education. We must be proactive, as other states have been, to ensure that Wisconsin has minimal standards in place so that every student has access to a quality virtual education experience. This includes issues such as instructional standards, pupil-teacher contact, assessment of pupil progress, and methods to measure pupil participation.

The responsibility for important aspects of virtual education is also clarified under SB 396. It is important for parents to know that no matter which virtual school their child attends, key aspects of their education are ensured. SB 396 makes clear that school boards are vested with the authority to provide safe and secure online environments, ensure that coursework and pupil records remain confidential, verify the authenticity of

pupil coursework, determine average equivalency hours, determine residency status, and ensure a minimal amount of direct contact time.

The final aspect of this bill that the department would like to bring to your attention is the creation of a statewide web academy. The department strongly supports the creation of a state web academy and the potential for all school districts, CESAs, and private schools to access this content. We feel this academy will allow more students to experience virtual education, enrich the curriculum available to all students, public and private, and aid in a more successful educational experience for a number of students for whom open enrollment does not work.

The court of appeals has ruled that WIVA can not operate under current law and is not entitled to open enrollment transfer payments for students who have open enrolled into WIVA. Normally, open enrollment transfer payments are made in June. Whether these payments will be made to WIVA and other virtual schools depends on further actions by the courts, whereas legislation would provide a measure of certainty. The department would like to see quality virtual schools move forward. SB 396 recognizes that the decision to create a virtual school should be based on educational criteria, not financial, and that for virtual education to move forward quality standards must be in place.

Thank you. At this time we would be happy to answer any questions you may have.





Wisconsin State Senate  
**John Lehman**  
Senator – 21st District

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**Testimony of Senator John Lehman  
e-Learning and Accountability Act—SB 396  
January 17, 2008**

All of us know that we are here today because of the recent District II Court of Appeals decision that effects northern Ozaukee school district, Wisconsin Virtual Academy (WIVA) and their contractor, K-!2 Inc. of Virginia.

One legislative response to that decision is to simply legalize the current combined use of Wisconsin charter school law and open enrollment law which the court found wanting. I understand that Senator Olsen testified in favor of that limited option yesterday, Rep. Davis' Assembly Bill 697.

More responsible, I believe is Senate Bill 396, which we have before us. In response to the court, SB396, the e-Learning and accountability Act allows on-line instruction, encourages on-line instruction, clarifies the proper use of the on-line learning environment in Wisconsin and points us forward to an expanded use of e-learning for all Wisconsin public school children.

1. Rather than simply approving the status quo, like AB 697, this bill—most significantly-- authorizes a statewide on-line clearinghouse and directs the Department of Public Instruction to make on-line courses available to schools statewide and establish quality standards for these schools.
2. This bill directs school boards and the DPI to work together to establish how courses are counted toward graduation, which qualified teacher would be assigned to each course and

which and how many students may enroll in each course. School boards are also encouraged to stay closely tied to their virtual schools by the requirement of a 15% local enrollment floor.

3. Thirdly, the bill restores taxpayer accountability to virtual school funding. We owe it to our citizens to “follow the money”.
  - a. SB 396 protects against corporate profiteering by establishing the amount of state aid at 50% of the current Open Enrollment payment to “brick and mortar” schools. I am particularly concerned about the language in the Davis bill that could allow the so-called “2r” charters to become profit centers at the expense of our taxpayers.
  - b. Local school boards chartering virtual schools must make available their agreements with private contractors providing e-learning content and services. The citizens of this state are paying the bill; they need to see that they are getting their money’s worth.

As responsible legislators we must be certain that on-line schools are not used as profit-centers, but, rather deliver for us both high-quality and cost-effective learning.

4. Finally, this bill insures real public school instruction through minimum contact-time language. We ask that students be instructed directly by the taxpayer-supported teachers at a level that reasonably insures “schooling”. (This instruction might be via chat rooms, so-called “illumination session”, telephone talk, back and forth email or actual face-to-face gatherings.)

So, really we have four key features of this bill:

1. "Make them legal" Don't let the court shut 'em down.
2. Provide some quality guidance.
3. Offer reasonable financial support.
4. Make sure that we have teachers teaching kids...not home school support.

Again, SB 396, is written to clarify what good e-learning should be. SB396 is written to rationalize the environment which the court has said has been created haphazardly. SB 396 provides the accountability to the taxpayers and citizens that is sorely lacking in the Assembly alternative.



**Wisconsin Coalition of Virtual School Families**

SB 396

**Hearing on LRB-3144**  
**Senate Education Committee**  
**Open Enrollment Program and Virtual School Financing**  
**Testimony by Richard G. Chandler**

January 17, 2008

Good morning. My name is Rick Chandler. I'm the President of Chandler Consulting, LLC, and I'm providing consulting services to the Wisconsin Coalition of Virtual School Families on state school finance issues related to the operation of virtual schools. I'm familiar with school finance issues based on 14 years of experience as the Director of the State Budget Office from 1987 to 2001.

I'm testifying today to provide background information related to the virtual school bills under consideration by the Legislature. The central points of my testimony will be:

- The open enrollment program under which virtual schools operate is revenue neutral for the state and for property tax payers in individual school districts.
- The per pupil transfer aid amount under the open enrollment program is set based on a logical approach recommended by a Legislative Council study committee.
- Setting a different lower transfer aid figure for virtual school open enrollment pupils would be arbitrary and would create a windfall for sending districts.
- The open enrollment finance system is currently working well and changing it would cause virtual schools to close, to the detriment of pupils and teachers.

Here are some basic background facts about school finance in Wisconsin:

- In the 2006-07 school year, average per pupil spending in Wisconsin schools was budgeted at \$11,085 per pupil, according to the Wisconsin Taxpayers Alliance.
- The amount of this spending that was subject to the state revenue limits was \$9,149 per pupil on average. This was the average amount that districts were allowed to spend for each pupil from the combination of the property tax levy, general school aids and computer aid. (This figure varies from district to district, and the proportion of this figure that comes from state aids varies from district to district.)

Here's some background information about how the state's open enrollment program works. In 2006-07, when a student moved from one district to another under the open enrollment program, the following happened:

- The receiving district had its state equalized aids increased by \$5,845, and the sending district had its state aids reduced by \$5,845.
- The receiving district did not count that student for revenue limit purposes. The receiving district got \$5,845 in open enrollment transfer aid but did not levy any additional school property taxes.
- The sending district was still able to count that student for revenue limit purposes. The average sending district was able to spend \$3,304 related to that pupil from a combination of state aids and the property tax levy (the difference between the average revenue limit figure of \$9,149 and the transfer aid amount of \$5,845). The sending district did not levy any additional property taxes related to that pupil.

The \$5,845 per pupil transfer aid figure was based on a calculation that DPI makes each year. That amount is intended to reimburse receiving districts under the open enrollment program for the variable costs which accompany students they receive, while still allowing sending districts to recoup the fixed costs associated with pupils they send.

- Each year, DPI is required to determine an open enrollment transfer aid figure based on statewide average per pupil costs for regular instruction, co-curricular activities, instructional support services and pupil support services.
- These are regarded as the variable costs that are incurred by the receiving school districts when students transfer.
- The sending districts still have fixed costs that they have to pay when students transfer (e.g., costs incurred for administrative overhead), so they retain some revenue to pay those costs.
- This methodology for calculating open enrollment transfer aids was recommended by a 1996 Legislative Council study committee which helped develop Wisconsin's open enrollment program.

The current approach under the open enrollment program has several desirable features. It strikes a balance that reimburses receiving districts and sending districts for costs they incur.

In addition, the current open enrollment transfer aid formula is revenue neutral for the state, for receiving districts, and for sending districts.

- The state pays the same amount of equalization aid when a student transfers.
- The receiving district does not collect any additional property taxes when a student transfers.
- The sending district collects the same amount of property taxes when a student transfers.

The \$5,845 transfer aid figure is a reasonable figure for virtual schools, and cutting it in half as has been proposed is not reasonable.

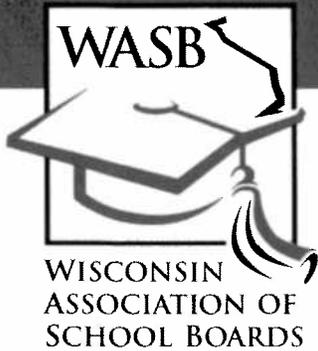
- Virtual schools are already educating students for close to half the average cost for bricks and mortar schools.
  - Last year, virtual schools spent about \$5,845 per pupil, and bricks and mortar schools spent about \$11,085 per pupil.
- Setting the transfer aid figure at half of the figure that was set under existing law last year (which would have set it at \$2,922) would be problematic for several reasons:
  - The 50% figure is an arbitrary figure which has not been justified by any studies comparable to the Legislative Council study at the inception of the open enrollment program.
  - The 50% figure would create a windfall for sending districts, which would retain \$6,227, much more money than they need to cover their fixed costs.
- For virtual schools, the \$5,845 figure results in their breaking even in some cases, losing money in some cases, and making a modest profit in some cases.
  - Setting the transfer aid figure at a significantly lower level for virtual schools would result in large operating losses for the schools and a shutdown of their operations.
- Arguing that the \$5,845 figure overcompensates virtual schools overlooks the difference between “course costs” and “school costs.” While virtual schools have costs that are related to course materials they offer, they also have other costs related to teaching, supervision and administration that need to be covered.

I would argue that the open enrollment program has worked well for students, for bricks and mortar schools, and for virtual schools. It has provided a viable and beneficial educational option for many students. It strikes a balance that provides a reasonable transfer aid funding level that reimburses receiving districts for their additional costs and doesn't penalize sending districts. It was structured in a way that gives students the opportunity to enroll in the educational program that best meets their needs, without creating financial incentives for transfers or setting up financial roadblocks to transfers.

Thank you for the opportunity to testify.

Richard G. Chandler  
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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Senate Education Committee

FROM: Sheri Krause, Legislative Services Coordinator

DATE: January 17, 2008

RE: LRB 3144/6, related to online courses for elementary and secondary school pupils

SB 396

The Wisconsin Association of School Boards (WASB) has serious concerns regarding the provisions of LRB 3144/6 that would increase the state rules and regulations for all online courses taken by students enrolled in Wisconsin public schools and threaten the viability of the current public virtual charter schools.

The WASB supports the continuation of virtual charter schools and acknowledges that there have been legitimate questions raised about the viability of the current virtual charter schools under the provisions of LRB 3144/6. In addition, the WASB has serious concerns regarding the provisions that would impact all online courses, including:

**Section 3: Professional Development**

LRB 3144/6 would prohibit a person from teaching an online course in a public school unless he or she has completed a Department of Public Instruction (DPI)-approved professional development program that is designed to prepare a teacher for online teaching.

- School districts currently access online courses provided by higher education institutions, both in Wisconsin and out of state, as well as other experts who likely would not have access to a DPI-approved professional development program.
- This requirement would apply to all persons teaching an online course in a public school regardless of their experience, skills or abilities.

**Section 14: Online Courses, Department Duties**

LRB 3144/6 would require the DPI to establish instructional standards for all online courses taken by students enrolled in public schools and establish standards addressing the frequency, length and type of pupil-teacher contact, the assessment of pupil progress, and methods to measure pupil participation.

- The WASB has serious concerns about the potential for this provision to result in additional state mandates on all online courses and the narrowing of online learning opportunities.

- In April 2004, the Wisconsin Collaborative Online Network (WCON) Advisory Group, consisting of representatives from the WASB, DPI, the Wisconsin Association of School District Administrators, the Wisconsin Education Association Council, CESAs, school districts, Wisconsin virtual schools and Wisconsin technical colleges, developed an “Online Policy and Standards Guidance Document” to help school districts implement and manage quality online learning opportunities for their students. These guidelines have been used extensively by boards as they established their policies for implementing online programs and managing online learning opportunities for their students.
- School districts across the state have been providing quality online learning opportunities for their students for a number of years now based on the state model academic standards and the appropriate policies and guidelines put in place by their local boards. Additional instructional standards are unnecessary and would impede the ability of districts to offer a wide spectrum of online courses and adapt programming to individual needs and evolving technologies.

#### **Section 14: Online Courses, School Board Duties**

School boards already meet many of the responsibilities outlined by LRB 3144/6. However, there are concerns in regards to the provisions that would require school boards to “ensure that all pupils enrolled in online courses reside in this state” and ensure that there are specified minutes or hours of direct contact with a teacher depending upon the age of the student and how many courses he or she is taking.

- State statutes 121.77 and 121.78 provide for the admission of nonresident students and tuition payments by school districts. It is the position of the WASB that it is unnecessary to limit school districts to enrolling only state residents in all of their online courses and programs.
- The WCON recommendations do not include specific hours or minutes of direct student-teacher contact time for online courses. It is the position of the WASB that student-teacher contact time is best determined locally based on individual circumstances.



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# WISCONSIN EDUCATION ASSOCIATION COUNCIL

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Affiliated with the National Education Association

*Every kid  
deserves a  
Great School!*

Testimony before the Senate Education Committee  
Concerning SB 396, Relating to Virtual Schools  
January 17, 2008

I come before this committee to express my significant concerns regarding virtual education as it now operates in Wisconsin and to support Senate Bill 396. My name is Lucy Brown. I am not an educator; I am legal counsel for the Wisconsin Education Association Council and have been involved in the lawsuit that WEAC and others brought against the Northern Ozaukee School District in regard to its operation of the Wisconsin Virtual Academy (WIVA). My comments to you today are not about the quality or lack thereof in virtual education. My comments deal with my concerns about the lack of accountability for educational quality and funding fairness in the way virtual charter schools have been operating in Wisconsin.

First, my concerns are grounded in my knowledge of the operations of WIVA. This school is primarily home schooling of elementary age pupils by the parents with public dollars being paid to support the home schooling and to pad the budget of the local school district. K12 Inc., the for-profit company behind WIVA, sends educational materials to the students and their parents. These materials include guides to assist the parents with their presentation of the lessons and their evaluation of the student's work. The required contact that WIVA students have with a certified teacher consists of one or two twenty- to thirty-minute phone calls per month; and at most four approximately half hour classes over the computer per month. In addition, each student is required to send several work samples to their certified teacher each month. No additional contact is required. The assistant principal of WIVA reassured parents in a newsletter that only 2% of the students' school time would be taken up by these required contacts with the certified teachers.

Mary Bell, President  
Dan Burkhalter, Executive Director

It is accurate that WIVA students and parents can, and I am sure some do, have additional contact with their teachers through computer contact, telephone contact, and in-person contact at optional field trips and gatherings organized by WIVA. It is also accurate that WIVA teachers, who carry a full-time load of approximately 60 students, reported numerous problems with parents and students who failed to follow the curriculum, with parents and students who avoided even the few required contacts with the teacher, and with parents who were incapable for a variety of reasons to teach their child. But there was no way for these teachers to step in and take over the instruction when such failures or problems occurred.

The other fact about WIVA that I believe is important to understand is the funding structure. Less than 1% of the students in WIVA live in the Northern Ozaukee School District. Not one cent of local tax dollars supports WIVA's operation; all of the funds come from open enrollment moneys deducted from state school aids earmarked for WIVA students' home districts. The Northern Ozaukee School District, however, benefits financially from the other school districts' losses. In the present school year, the Northern Ozaukee School District will receive from the open enrollment payments, approximately \$150,000 above the amount incurred for all of WIVA's expenses. This is money Northern Ozaukee used to support its local, brick-and-mortar schools. Furthermore, WIVA and K12 spend large amounts of the money on advertising for WIVA; more money from other districts that is not spent on the education of the students.

There are two safeguards that WEAC believes are of primary importance for the legislature to consider when crafting a law that will permit virtual education, but also provides assurances of quality and funding fairness.

The first safeguard is the presence of highly qualified teachers in the classroom with the public school student. A certified teacher is trained to evaluate learning, to diagnose and address appropriately any learning issues. To fully perform these functions, especially when young children are being educated, the teacher must be able to observe and interact directly with the student. Because of the need for close, in-person observation of young children, it may be appropriate for the legislature to consider handling quality assurances for young children in a different manner than for high school students.

The second safeguard that has always been part of the Wisconsin public education system is local control of the schools. Local control cannot act as an assurance of quality in the school if the local community has no connection to the school. A local chartering community is less likely to care about the quality of the school if their tax dollars do not support the school and if their students do not go to the school; the community needs to be able to see evidence of the school in the community. When there is no such presence, the primary interest of the local school board and the community is likely to be that the school brings in revenue for the community schools where the community's children are educated. Seeking to maximize profits is rarely the way to produce the best product.

Finally, using the open enrollment payments to fund virtual charter schools is problematic. The open enrollment formula has no relationship to the actual costs of educating a student in a virtual charter school like WIVA. And I believe the legislature has taken an important first step with Senate Bill 396 in addressing the question of whether the taxpayers of the state of Wisconsin should pay the full open enrollment amount for virtual schooling if that schooling provides fewer services to the student than a brick and mortar school.

In conclusion, WEAC supports the use of virtual education in Wisconsin's public schools. It wants to see, however, that the safeguards that the legislature has always insisted upon to ensure quality in public schools are not discarded simply because the method of delivery of the education has changed. WEAC does not believe that the mantra of parental choice can take the place of the quality assurances that come with real local control, a qualified teacher instructing the student, and funding fairness.

WEAC supports Senate Bill 396 because it is true to Wisconsin students for assuring quality public education – local control of the district schools and a requirement that the virtual public school student have regular and substantial contact with a teacher, and for young children, we urge this committee to consider that this contact be in-person contact.

Lucy Brown  
WEAC Legal Counsel  
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# WISCONSIN EDUCATION ASSOCIATION COUNCIL

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*Every kid  
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**Testimony on**  
**Sen. Lehman's SB 396—E-Learning Options and Accountability**  
**Senate Committee on Education**  
**January 17, 2008**

Presented by:

Annette Walaszek

Algoma High School Science Teacher

Wisconsin Virtual School (WVS) Instructor

I have had the great pleasure of teaching Chemistry and Physics to the students of Algoma High School for the past thirteen years. I have also taught these subjects to students across the state for seven years as a contract employee for Wisconsin Virtual School. Prior to my teaching career I worked as a Chemical Engineer / Technical Trainer for Abbott Laboratories in North Chicago. Additionally I was a member of the State Superintendent's Advisory Committee on Virtual Education.

I support Sen. Lehman's SB 396. This proposal contains several key ideas which will ensure the quality and availability of online courses and require that teachers and administrators of online course programs be accountable for student learning and success.

Online teaching can be of the same quality and have the same impact on student achievement as face-to-face teaching. Online learning provides an alternative for students with scheduling conflicts or students in schools where there may not be a teacher for a subject they need or desire to take.

The key to the success of these online programs is the quality of the courses and the accountability of the teachers for the success of their students. As an online teacher with WVS, I benefit from engaging courses developed by professionals. As an online teacher, just as in the classroom, I am accountable for helping each student progress to the next achievement level. In the brick and mortar world I am available to my students during and after class for their questions. In the virtual world I am available on the student's schedule. I encourage e-mails with questions. I send tips, examples and PowerPoint graphics to help explain the concepts. I give extra credit problems after some unit tests to encourage students to revisit important ideas that they have not mastered.

Nowhere is the benefit of online learning more striking than in the Advanced Placement courses I teach and other AP online courses the students in my district have taken. Many students have, as judged by the independent AP test,

Mary Bell, President

Dan Burkhalter, Executive Director



gained the knowledge necessary to gain credit for a typical first year college course. If not for online classes, many students would not have had the option of participating in this eye-opening preview of the rigor of college programs.

I support making online courses available to all students for a reasonable fee. Online courses have been an integral component in supporting the AP program at many schools which results in important college preparatory work and possible college credit. Online learning and the professional communication required when taking an online class are important life-skills for our students. Most of my students are in grades 10 through 12. This is a very appropriate time for them to experience this alternative to the traditional classroom as many will go on to take online classes in college or as part of an on-the-job training program. In smaller districts, such as the Algoma School District, some courses are not available. Online gives our district the opportunity to provide more course offerings to students. Offering online courses "in-house" at a reasonable cost gives students this important experience while maintaining local control. Students who take these courses while staying in our district also benefit from extracurricular opportunities and guidance and special education services. These components of schooling are best maintained by a local district and are critical to student success.

I support state aid adjustment for virtual charter schools. As an online teacher I realize the cost of virtual education may be lower than the cost of traditional schools. For instance, one responsibility I do not have when teaching online which is required when I teach face-to-face is developing the instruction. For my brick-and-mortar classes I spend time each weekend planning the next week's classes as well as time over the summer evaluating and improving lesson ideas. The course developers have already completed this work for my online classes. The tests have been tied to the content for me and I don't spend time preparing and validating tests and quizzes. In my role as a teacher online I don't maintain a classroom. In a typical AP Chemistry course, setting up labs often requires time after the teaching day. My online students benefit from excellent virtual labs which supplement their previous face-to-face chemistry lab experience without setup time on my part. As a point of reference, a 6-class course load from Wisconsin Virtual School for a full school year currently costs \$3900.

I support a contact time requirement to ensure the quality of online education. Online learning is much more than a student and a computer. A teacher is integral in evaluating student stumbling blocks and providing targeted instruction to help the student succeed. Certified teachers know about alternate methods of learning and have experience with texts and quality websites that supplement student instruction. A reasonable student/teacher ratio is required so that all students have the benefits of the teacher's support and knowledge in a timely manner. Another important point of contact is the local mentor, usually a guidance counselor or teacher at the online student's school, who provides an

additional level of support to help all students succeed. Contact requirements, however, that require a high school student and online teacher to communicate at a set time are problematic. A primary advantage of online learning for high school students is that they can choose the times they will interact with the teacher and the course.

Finally, I support a professional development program that prepares teachers to teach online. Additional professional education has been instrumental in supporting my role as an online instructor. I have taken several courses in using technology in the classroom and delivering instruction online which have helped me understand the role of discussion, technology and collaboration in the online environment. I participate each year in professional development opportunities sponsored by Wisconsin Virtual School. I attend conventions and workshops, such as the Wisconsin Collaborative Online Network Symposium, to learn what other educators are doing to improve online instruction. These have been important additions to the work I completed to earn my teaching certification.

For all of these reasons, please support SB 396.

Annette Walaszek  
616 Henry Street  
Kewaunee, WI 54216  
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STATE REPRESENTATIVE

# DON PRIDEMORE

TO: Senate Committee on Education

FROM: State Representative Don Pridemore

RE: Senate Bill 396, relating to Virtual Charter Schools

DATE: Thursday, January 17, 2008

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Thank you, Chair Lehman and the members of the Senate Committee on Education, for hearing Senate Bill 396 today.

Education is, and must continue to be, one of our main priorities as a legislature. By investing in quality education for our students, the future of our state will be improved immeasurably. The Court of Appeals has ruled that under current state law, virtual charter schools cannot be operated as previously specified; legislation to ensure that these schools may continue to operate is essential.

In order to achieve the goal of a quality education for all students, we as parents, citizens, and taxpayers must be open to all choices which benefit students. All students do not learn in the same way and at the same pace. Virtual charter schools provide an alternative for students to learn the specified material with the assistance of their involved parents, and also provide the advantage of practical education of the technology and computing skills which the employers of the present and future require.

Senate Bill 396, as introduced by Senator Lehman, does not create an environment in which virtual charter schools can grow and thrive. By reducing the funding for these schools by 50%, virtual charter schools are left with half of the funding that the Open Enrollment program provides to other charter schools, a loss of \$3000. Cutting the funding of these virtual schools is short sighted and is clearly contrary to good public policy. First, these virtual schools are already educating children at a significantly lower cost than a bricks and mortar school. Second, the software provided by the company in the private sector should be realizing a profit. By cutting all profit out of the industry we will stifle competition and eliminate any incentive these companies have to invest in research and development thus reducing the quality of the programs. I believe that our children deserve state of the art programs, and it is our duty to provide the tools necessary to make this happen. Hiding these cuts in a cloak of fiscal responsibility and professing to have the taxpayers' best interests at heart, this bill negatively affects the quality of education which virtual charter school students will receive. Companies which develop educational products must use revenue to research and develop new products and procedures in order to continuously improve education—this reasoning parallels the

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requirements that state-licensed teachers must complete continuing educational credits in order to keep their methods and resources current. We should demand that virtual charter schools be able to continuously improve as well, for this will be to the benefit of students.

The state of Wisconsin, as the Department of Public Instruction must be well aware, is composed of only a few metropolitan areas with the majority of students and school districts located in rural areas. As proposed, Senate Bill 396 requires that virtual charter schools enroll a minimum of 15% of students from the physical school district in which they are chartered. This arbitrary number irresponsibly limits the number of students who may benefit from virtual education, decreasing the number of educational options available to students. We must not conflate the existence of the Open Enrollment Program with a plethora of options that are assumedly available to each student, for the distance between schools in rural areas is prohibitive. Virtual charter schools address this issue by providing high-quality education with active involvement by both parents and state-licensed teachers to students who may have no other option for an education outside their local public school. In essence, if the option of virtual charter schools was not popularly supported, these schools would not exist—indeed, would not grow and thrive; therefore, these opportunities must be opened to as many students as possible, and not be subject to an arbitrary limit based on the input of persons who are not educational experts.

The motives of those who oppose funding virtual charter schools at a parity level with other charter schools are questionable at best. It is counterintuitive for those who continuously rail against cuts in educational funding to call for reduced funding for these students. The number of students involved is not minimal, either; with only twelve charter schools currently established in-state, over 3000 students are now enrolled, a number which is sure to increase once our legislation matches the demands of the appellate court.

The extra requirement of time that a teacher must spend with each child in a one-on-one setting contained in SB 396 is short-sighted for two reasons. First, everyone who testified yesterday who had actual experience with the day-to-day workings of virtual schools, including teachers, administrators, parents, and students, said that teachers are already able to spend much more one-on-one time with students in a virtual school than in a traditional classroom setting. Secondly, one size does not fit all: some students need more time and assistance from their teacher than others for a host of different reasons. A student may need more help with math than science or English, for example. A program such as the virtual charter school provides all students with an advantage previously reserved only to students covered by the federal Americans with Disabilities Act, an individualized educational program. As teachers' groups have incessantly called for additional "free periods" for their members in order to allow them to develop such individualized and specific programs, it is a surprise that they would lobby against the interests of students who desire individualized and relevant programs in this case.

Indeed, the best interests of individual students may be best addressed only by virtual charter schools in many circumstances. Choices are now available to parents and students

which would have been unimaginable ten or twenty years ago. Imagine a teenager so enthralled with marine biology that he or she spends their free time doing not much of anything else. How about a high school that in addition to the regular school menu has an extensive menu of marine biology courses? How about a health science or engineering curriculum? Not only will a student be able to choose particular field but will have several choices within those fields to choose from. The mathematically gifted child in a rural setting will no longer be limited to one particular program or need to travel across the state. Imagine the child of a restaurant owner that chooses to enter the family business right out of high school. How about a virtual school designed for an entrepreneur? Such a program may include human resource management techniques and a basic accounting course, along with endless other options he or she may find valuable. The flexible and state-wide nature of these schools will offer unique opportunities to all students. The economies of scale will allow hundreds of schools across the state to offer specialized programs, and options such as this can only benefit our students. There is no reason that every school district cannot participate in these programs; our goal must be the overall benefit of our children, rather than a selective benefit for a few school districts and union organizations. We need to keep our state a leader in education, and at this time, our best option to combine technology and education in many cases is through the option of a virtual charter school.

In summary, it is critical that virtual charter schools are supported in an actual way. To halve the funding of virtual charter schools will cripple their ability to provide the best education possible to the students whom they serve. Although this may be disguised as a measure to protect taxpayers, this will actually directly harm the students who currently benefit from virtual charter schools by reducing their quality and availability. Virtual charter schools are not the best option for all students: many, many students do thrive in our public schools as currently active. However, the option of virtual charter schools must be available to all Wisconsin students, regardless of their geographic location—this is one of the main benefits of their virtual placement. In order to continuously provide the best education to all students, we must not reduce the level of funding provided to virtual charter schools in relation to other charter and open enrollment schools. I believe that although all students do not learn in equal ways and at an equal pace, all students are equally important and should receive equal opportunities to succeed. Therefore, Senator Lehman's bill as drafted is not the correct choice for our Wisconsin students and schools. Please oppose SB 396. Thank you.



SB 396?

- Department of Public Instruction advised Wisconsin school districts that the charter school statute and open enrollment statute allowed for the registration of virtual school students. See DPI presentation from spring of 2007.  
<http://dpi.wi.gov/sms/ppt/07chartconf.ppt>
- **Why do we have a virtual school?**
  - Vision of former Monroe Virtual School Principal Dan Bauer.
    - Serving those students who the education system was failing (at either end of the spectrum)
    - Helping to ensure that those students who are at-risk of not graduating could earn a high school degree and have the opportunity for success in their life.
- **Who do we serve?**
  - Students who the regular education system was not working for in one way or the other
    - Accelerated Students—We've had a national scholar
    - Students with Discipline Issues—Truancies or Expulsions
    - Medical Conditions—Photophobia, Stomach Migraines, ADHD, Simple Biorhythm Issues
    - Teenage Mother/Fathers or other Heads of Households
    - Previously Home-Schooled Students
    - Students who felt threatened, bullied or picked on in their schools
    - Parent/Student Schedules: Olympic-Training, etc..
    - Adult learners who have returned to get their high school diploma
  - This model does not work for all. It will never replace brick and mortar schools. The students must have some self discipline and want to learn to be successful.
  - Students from Monroe, from throughout the state and in some cases students from other states.
- **How do we educate?**
  - Licensed teachers make home visits, provide student support and guidance, administer testing and issue grades for students
  - Curriculum and Coursework Lessons provided primarily by universities along with some supplementary sources
    - University of Nebraska
    - University of Missouri
    - Brigham Young University
    - Stetson University

- School District of Monroe Developed Coursework
  - School District of Monroe Independent Study Programs
  - CESA 2, Aventa Learning and others for additional subjects such as Drivers Education, Music Lessons, Additional Middle School Offerings
- **What do we stand to lose?**
    - The educational opportunity for our students
    - The hope and purpose that this educational opportunity instilled in those students
    - A number of families who were beginning to view public schools in a more positive light (Our parents are questioning why their student and their school is being threatened in a manner which would never occur with a “typical school”?)
    - 15 or more staff members in the Monroe School District (7 certified staff and 2 support staff in the virtual school plus potential additional District layoffs/reductions due to loss of revenue)
    - The quality of our “regular” schools will be impacted
    - Fewer opportunities for Monroe Students
    - Community Support—This will impact our financial situation and the District vision laid out in our last referendum
    - Community Trust at both State and Local level—If we would lose 07-08 funding, no one will understand how we could operate the school and incur a years worth of expenditures and then not have funding available which would cost the district approximately a \$1.3M loss

Three Points on Bill:

- Required Contact Hours – not realistic – not what virtual education is all about
- 85 – 15 enrollment requirement – arbitrary – this should be a parent choice
- Open enrollment funding – cutting funding by 50% will most likely close our doors – the logic behind reducing funding from the district that is educating the student and returning it to the district that is not educating the student is a concern





**Jerome K. Fiene**  
Agency Administrator

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**Senate - Committee on Education**  
**Public Hearing January 17, 2008**

**Re: LRB-3144/6 - Testimony provided by Jerome Fiene, CESA 9 Administrator and Dawn Nordine, Director of Wisconsin Virtual School ((WVS))**

Thank you Committee for the opportunity to spend a few minutes to provide informational testimony and a voice for quality online learning for the State of Wisconsin and its students. I am Jerry Fiene, Administrator of Cooperative Educational Service Agency #9 located in Tomahawk, Wisconsin. CESA #9 operates Wisconsin Virtual School, otherwise referred to as WVS, a statewide supplemental online learning program.

The last 8 years WVS has provided nearly 7,000 online courses for Wisconsin students in Grades 6-12. WVS provides standards based online curriculum, certified content specific teachers, a learning management system, local mentor training and support with policy development for school districts both public and private in Wisconsin. CESA 9 facilitated the formation of the Wisconsin Collaborative Online Learning Network (WCON) and was a member Superintendent Burmaster's Virtual Advisory Group. CESA 9 WVS is also a member of NACOL, the North American Council for Online Learning ([www.nacol.org](http://www.nacol.org)) - a non-profit organization leading the development of national standards for online learning.

The current court ruling does not impact the online learning opportunities that WVS currently provides. Over two-thirds of Wisconsin school districts have utilized the WVS online learning opportunities during its eight years of operation. All these school districts maintained their enrollments locally and kept the per pupil revenue and state aid for each student. All of WVS teachers are licensed in their specific content area. WVS provides an educational service that is locally controlled by the school district.



Antigo • Arbor Vitae-Woodruff • Athens • D.C. Everest • Edgar • Elcho • Lac du Flambeau • Lakeland Union High • Marathon City • Merrill  
MHLT (Minocqua) • Mosinee • North Lakeland • Northland Pines • Phelps • Prentice • Rhinelander • Rib Lake • Stratford • Three Lakes • Tomahawk • Wausau

We have long advocated for legislation that provides the framework to support quality online educational opportunities for all students in Wisconsin. We commend Senator Lehman for introducing legislation that opens dialog for such legislative support.

I would like to introduce, Dawn Nordine, the current director of Wisconsin Virtual School. She is also a former district administrator of a small rural Wisconsin school district. She will share specific reasons why legislation will move our state forward in this process.

Senator Lehman's proposed legislation defines a virtual charter school as an online learning **program** and recognizes that there is a difference in what a supplemental online program provides compared to a virtual charter school. WVS and CESA 9 supports legislation that expands access to online education by directing the Department of Public Instruction to make online courses available to all schools statewide for a reasonable fee. **Thirty-eight states** have significant supplemental online programs or initiatives. Wisconsin should look to other states for guidance in the development and funding of a state-led program. Detailed information about other states and online learning practices can be found in the *Keeping Pace with K-12 Online Learning: A Review of State-Level Policy and Practice 2007*.

(<http://www.nacol.org/docs/KeepingPace07-color.pdf>) **In particular**, we can learn from the *Trujillo Commission on Online Education: Final Findings and Recommendations* in Colorado (<http://www.nacol.org/docs/TrujilloCommissionOnlineEducationFinalReport-2-15-2007.pdf>) that provided recommendations that included defining virtual public schools and requiring accountability, as well as the recommendation to provide a state-led program.

Legislation would **provide groundwork** for a funding solution, quality standards, equity of access, and accountability for online learning opportunities. It allows Wisconsin the opportunity to control some factors of online learning options, yet continues to encourage local control. Without guiding legislation, Wisconsin will continue in its inconsistencies of **what** online learning is **or is not**. It will have no quality assurances of online curriculum. There will be a weakening of the importance of a highly qualified teacher and their involvement in a student's education. The battling over student enrollments and per pupil funding will continue between public schools in Wisconsin.

True online learning requires a certified teacher as integral part of a student's success in an online course. Our experience has told us that our trained online teachers can evaluate student

learning needs and provide targeted instruction to help the student succeed. Certified teachers know about alternate methods of learning and have experience with online content and quality resources that supplement the individual student's instructional needs. A reasonable student/teacher ratio is required so that all students have the benefits of the teacher's support and knowledge consistently and in a timely manner. Students can receive an online high school course experience with a 25 to 1 student to teacher ratio or less in the WVS model.

Models of current costs of funding online education exist in our state today. A supplemental program like WVS can provide a full time student's course load **in their local district** for under \$4000 per year. Local district control and participation in such a program reduces the duplication of expenses for services that are needed to support an online student.

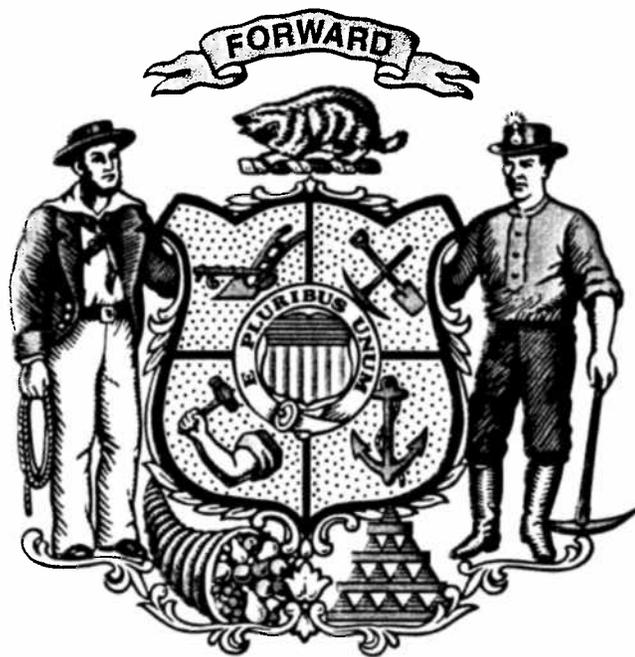
It is true that Senator Lehman has gone beyond the issues of the current court ruling to set Wisconsin on a road to quality online experiences for K-12 students. This legislation would be the first of its kind in Wisconsin and defines the duties of DPI and local school boards as they pertain to online learning. We believe that greater access to online opportunities for students can occur if legislation is passed. Legislation charging DPI to provide oversight to develop a statewide supplemental web academy or program, establish standards for all online courses, including how much time teachers and students must be in contact throughout the course, develop standards for assessment of pupil progress, methods to measure pupil participation, and provide readiness tools to improve student success with online learning. Many of these oversight duties are similar to what DPI now provides for brick and mortar education. This will continue the fairness of accountability and quality standards for all schools.

We support legislation defining school board duties as determining which pupils can participate, which course they can take, and the number of students that participate in online learning opportunities. The local district is to provide a safe and secure online environment, ensure academic integrity of the program, require that a licensed teacher is assigned to each online course, and can locally determine the equivalency hours for online course. Many of these duties currently fall under local school board direction already.

Wisconsin virtual schools and programs vary in operation, funding, and services due to non-existent virtual education legislation, a lack of guidance from the state education department, and lack of public information concerning available online learning options. We believe that all

schools can provide an online learning program **within** their local districts using current supplemental programs in our state such as WVS. We believe that the local district can and should work with their home schooled population to provide opportunities that meet the needs of their local student population. Local districts do not necessarily need to create a virtual charter school that requires sustainability through open enrollment funding to provide both online learning and e-learning options. Wisconsin is in the minority of states that has not funded the development and support of a state-led online supplemental program – the result is where we are today involved in lawsuits and finding it difficult to agree on virtual education legislation.

Your task ahead is vital to the importance of **true** online learning for K-12 students in Wisconsin and the direction our state chooses to bring education legislation in alignment with 21<sup>st</sup> century learning models. We are encouraged that the state legislature has the vision to consider proposals to address these issues. We welcome an opportunity to assist you. Thank you for listening today.



Statement of Richard Halverson

Relating to: online courses for elementary and secondary school pupils and granting rule-making authority

January 17, 2007

SB 396

Senator John Lehman and Members of the Committee,

I'd like to provide some information to the Committee concerning bill LRB-3144/6. I am an Assistant Professor in the Department of Educational Leadership and Policy Analysis at the University of Wisconsin-Madison. One of my areas of specialization is the relation of technology, schools and school leadership. I'd like to focus my comments by describing how students might benefit from on-line learning opportunities as a means to consider some of the issues raised in the current debate about virtual schooling.

Virtual charter schools are an emerging phenomena that can play an important role in helping public school students learn 21<sup>st</sup> century skills such as networking, creativity, communication and collaboration skills, information and media literacy. Seeing the question from the perspective of student learning will allow state leaders to design virtual learning experiences to improve learning opportunities for all students rather than fight the old fiscal and political battles of right vs. left, homeschoolers vs. schools, and districts vs. each other.

*Technology and the student experience of tomorrow*

What will the educational experience look like for K-12 students in 10 years? Students may use a Facebook-like social networking interface to access a variety of virtual channels for their education, such as...

- Connections to platforms such as Infinite Campus for announcements, homework, attendance and office information;
- A course management system like Desire2Learn, BlackBoard or Moodle to access course materials, post homework, comment on other students work and engage in collaborative projects;
- Participate in dynamic on-line learning environments, modeled on massively multiplayer games like *World of Warcraft*, to explore virtual worlds and engage in collaborative learning projects with other students around the world;
- Access the text and visual information they need through the next version of sites such as Google Reader, Wikipedia and YouTube that will benefit from the yet-to-be-defined revised copyright agreements;
- Use the next generation of cell phones/PDAs to participate in class, talk with friends, gather data for in school experiments and demonstrations;
- Post and share personal information in a dynamic on-line yearbook/directory that is linked to the students personal web-site.

While some of these pieces are already in place, this version of the student experience is at some distance from the current state of schools. K-12 schools often find themselves resisting the latest technologies in order to preserve their existing methods of teaching and learning. When students begin to use cell phones, iPods, instant messaging, social networking sites or massively multiplayer gaming, schools often respond with by banning new tools and using filters to restrict student use. But students don't stop finding innovative uses for the new technologies -- they just do it outside of school. As a result, teachers and school leaders keep the integrity of their instructional programs, but continue to fall behind the technological learning curve and find it more difficult to integrate new learning tools in their classroom.

Leaders and teachers in virtual charter schools have embraced the challenge of bringing about the school environments of the future. However, virtual charter schools are relegated to the fringes of public schooling in Wisconsin. Many virtual schools aim at educating students who struggle with traditional schools, or who have dropped out of the public system altogether. Even though fewer than 1% of Wisconsin students are enrolled full-time in virtual charter schools, the threat of these mysterious schools sparks court decisions and legislative action. Casting the spectre of virtual charters in the traditional opposition between teacher certification and choice allows for debate to continue without a strong grasp of the potential of virtual schooling for student learning.

*Virtual schooling in terms of traditional schooling?*

It is tempting to think of virtual schooling in terms of conventional schooling. We already know how to think about staffing and to quantify learning in place-based education. But the appropriate metrics for on-line learning are still being developed. For example, LRB-3144/6 proposes the state use categories such as maintaining quality, certification, and contact time. The meaning of each of these terms is uncertain and emerging as virtual education matures. For example:

- *Maintaining program quality.* Many on-line education programs are nothing more than on-line textbooks with exercises for students to complete and turn in for grading. The curricula are developed to meet relevant state learning expectations, but can replicate and standardize what is worst about the traditional textbook learning. Quality standards for on-line learning should consider whether virtual learning programs take advantage of the multimedia and web-based media to enrich the educational process
- *What counts as a certified on-line teacher?* Teachers accustomed to classroom learning may struggle with the focused, critical coaching required for many on-line learning environments. Programs such as UW-Stout's on-line certification are beginning to define these competencies, and the work of research-practitioners like Ben Vogel in Appleton Public Schools to develop performance-based appraisal system for on-line educators will help educational professionals understand what it takes to be a successful on-line teacher.
- *What counts as contact time?* There is no "seat time" in most on-line learning environments. Virtual learning environments require more focused attention on the products of student work, rather than generalized presence before groups of students in a particular space.

Treating virtual charters with the same categories as traditional schools is like judging a word processor in terms of typewriter quality. This is not to say that virtual schooling is a perfect alternative to traditional schooling, but a healthy debate about where virtual schooling excels, and where it struggles, will help to define new standards for virtual schooling and mark areas of overlap where traditional K-12 schooling can benefit from the innovative aspects of virtual schools.

*The Web Academy as a promising development*

One promising direction for virtual education in Wisconsin is the proposed web academy idea as described in section 118.57a. The Web Academy would be designed to "making courses available to all students for a reasonable fee." This version of a virtual school service broker is already offered in part by many district and CESA level organizations in Wisconsin – creating the web academy would send an important signal about how the legislature sees the emergence of virtual school options at the state level.

The web academy concept needs further development. Many states have already moved toward a state-level agency to provide virtual learning options. There are two clear alternatives for how the web academy might be organized. On the one hand, the web

academy might follow the precedent set by the Missouri Virtual Instruction Program to directly offer K-12 classes that centralizes virtual school services into one organization. This model would require considerable bureaucratic and pedagogical staff and would threaten the autonomy of schools such as the Wisconsin Connections Academy, the Kiel Charter School, the iQ Academy and the Wisconsin Virtual Academy.

On the other hand, the web academy might also follow a model like Nebraska's Distance Education Council or Washington's Digital Learning Commons that broker e-learning resources and opportunities through the state. The brokerage model might build on efforts of existing organizations such as CESA 9's Wisconsin Virtual School or the Wisconsin Center for Academically Talented Youth, and would allow existing virtual charters to continue to operate autonomously.

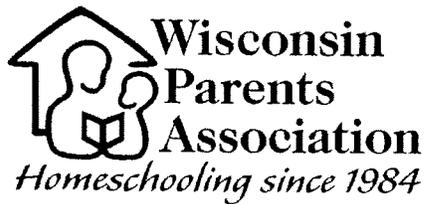
### *Conclusion*

Does the legislature want Wisconsin schools want to take the lead in setting the conditions for the next generation of learning? Debate over the virtual charter schools is an important step in integrating new interfaces, new forms of teacher-student interaction, and new approaches to learning into K-12 public schooling. Unfortunately, the current debate seems aimed more at reinforcing traditional political divisions rather than on student learning. Liberals seem to want to stifle, or at least check, the development of virtual charters to protect the interests of existing educational institutions and organizations; conservatives seem to promote virtual charters mainly as a way to undermine the power of traditional educational organizations. Neither side will create the direction needed to realize the potential of virtual charter schools to transform traditional education.

I realize that my comments side-step the hard questions of financing and control discussed in LRB-3144/6 and LRB-3684/5. This is a deliberate strategy designed to raise questions about how virtual schooling as an emergent technology might lead the way to a new form of hybrid K-12 school. Wisconsin's virtual charter schools can play an important role in bringing together the worlds of new technologies and instruction. Virtual school leaders create spaces for teachers to experiment with innovative technologies; virtual school teachers use technologies to learn from their students. Embracing the potential of virtual schools can shift school technology policies to look more toward what is possible with new tools than what could go wrong and count as inappropriate use. The virtual charter school debate is a signal of whether Wisconsin school leaders and teachers will continue to fight the traditional public vs. private battles, or will choose to participate in the design of technologically smart schools.

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SB 396

Public Hearing on Senate Bill LRB-3144/6  
Before the Education Committee of the Wisconsin Senate  
Thursday, January 17, 2008, 10 AM

Testimony Presented by Larry Kaseman  
Executive Director, Wisconsin Parents Association

Mr. Chair and Members of the Committee:

Thank you for the opportunity to testify today.

I am Larry Kaseman, Executive Director of the Wisconsin Parents Association, a state-wide, grassroots organization of 1,000 member families that was founded in 1984. WPA works to protect the rights of parents and families in education, primarily homeschooling.

I want to begin by thanking the Legislature for listening carefully to homeschoolers in 1984, for passing one of the most reasonable homeschooling laws in this country, and for not changing that law. Wisconsin's homeschooling law recognizes the right of parents to educate their children according to their principles and beliefs, not those of the state. This law has served hundreds of thousands of homeschoolers well over the past 24 years. It has also served the state of Wisconsin well. Wisconsin benefits from its strong homeschooling families and its commitment to freedom of education.

Parents of virtual charter school students deserve respect for their commitment to their children and their efforts to find an approach to education that works for them. As a homeschooler, I am not at all surprised that having their children at home instead of in a brick and mortar school is working well for them. However, I'm concerned about the ways in which virtual charter schools undermine fundamental freedoms.

**I am speaking for information, to express several concerns.**

**First, it is important to maintain the distinction between homeschools and virtual charter schools.** Homeschoolers take responsibility for their children's education, including setting their own priorities and standards, choosing curriculum, establishing a yearly calendar and daily schedule, and assessing children's learning. On the other hand, virtual charter school parents turn their children's educations over to the state. They follow the curriculum chosen by the state, report frequently to the public school teachers directing their work, and have the state assess their children's learning. Homeschools are private and, like other private schools, do not have to comply with the values and beliefs incorporated into state standards. By contrast, virtual charter schools are supported by public money and are required to comply with state standards. In short, homeschools are very different from virtual charter schools.

Because virtual charter schools are public schools and receive tax money, they are subject to the same standards, accountability, and regulation as other public schools. Because homeschools do not receive tax money, they are not subject to state regulation.

(over)

**Second, virtual charter schools could undermine the sanctity of the home. Virtual charter school families are required to report frequently to their supervising teacher.** Their activities are closely monitored, including the use of web cams that allow public officials to view what is happening in their homes in real time. We don't want public schools in people's homes to become the government's ticket into the homes of private citizens and set a precedent for further government intrusions into family life. At the same time, because virtual charter schools receive tax dollars, they need to be accountable and demonstrate that taxpayers' money is not being wasted. A way needs to be found to gain this accountability without undermining the sanctity of the home. I am opposed to language like that currently in AB 697 that identifies virtual charter school parents as providers of "educational services" because this would allow the Department of Public Instruction to make and enforce rules about parents' interactions with their own children in their own homes.

**Third, a way needs to be found to prevent unreasonable amounts of tax dollars from going to out-of-state corporations and educational institutions that are making a profit by selling computerized curriculums.** Because costs of virtual charter schools are so different from costs of brick and mortar schools, a new set of standards needs to be developed to determine what is reasonable. At present, under open enrollment, large sums of money are transferred from the school district where a virtual charter school student resides to the school district operating the virtual charter school they are attending. From that district, much of the money goes to out-of-state corporations and educational institutions.

To be more specific, for the current school year, the estimated cost per public school pupil in Wisconsin is \$12,000. (This figure is derived by using the actual 2005-2006 per pupil figure of \$10,989 and adding an average yearly increase of 4.5% for the 2006-2007 and 2007-2008 school years.) This year, the school district of residence keeps approximately \$6,000 even though the school does not see the student or do any work except for a modicum of administrative bookkeeping. The rest of the \$12,000, an estimated \$6,043, is sent through open enrollment to the district operating the virtual charter school. (The final figure will be determined in May, 2008.)

However, for only \$1,128, any family can purchase a curriculum for elementary students from K12, Inc., the corporation that has contracted with Northern Ozaukee's virtual charter school. Just think how large the discount should be if a school district were purchasing 400 curriculums. Why are Wisconsin taxpayers paying \$12,000 for each virtual charter school student? How is this expenditure justified by legislators, especially those who consider themselves fiscally conservative?

One additional point: We are hearing today from families who claim that their children will be harmed if virtual charter schools close and they have to attend brick and mortar schools. Let me point out that these families have several other options. They could purchase a curriculum from a provider such as K12, Inc. and follow its clear instructions on their own. Or, if they could not or did not want to spend that much money, they could develop their own curriculum and homeschool very inexpensively. Of course, this would be different from participating in a virtual charter school. But it is important to remember that these families would have choices besides enrolling their children in a brick and mortar public school. Is it really worth undermining fundamental rights and freedoms, threatening the sanctity of our homes, and misusing tax dollars, just so a few families will be spared the inconvenience of choosing one of the other options available for their children?

Thank you for considering the serious and long range implications that legislation on virtual charter schools will have.



**Public Hearing on AB 697  
Before the Education Committee of the Wisconsin Assembly  
Wednesday, January 16, 2008, 1 PM**

**Testimony Presented by Larry Kaseman  
Executive Director, Wisconsin Parents Association**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify today.

I am Larry Kaseman, Executive Director of the Wisconsin Parents Association, a state-wide organization of 1,000 member families that was founded in 1984. WPA works to protect the rights of parents and families in education, primarily homeschooling.

I want to begin by thanking the Legislature for listening carefully to homeschoolers in 1984, for passing one of the most reasonable homeschooling laws in this country, and for not changing that law. Wisconsin's homeschooling law recognizes the right of parents to educate their children according to their principles and beliefs, not those of the state. This law has served hundreds of thousands of homeschoolers well over the past 24 years. It has also served the state of Wisconsin well. Wisconsin benefits from its strong homeschooling families and its commitment to freedom of education.

I want to make sure the Legislature understands and maintains the distinction between homeschools and virtual charter schools. Homeschoolers take responsibility for their children's education, including setting their own priorities and standards, choosing curriculum, establishing a yearly calendar and daily schedule, and assessing children's learning. On the other hand, virtual charter school parents turn their children's educations over to the state. They follow the curriculum chosen by the state, report frequently to the public school teachers directing their work, and have the state assess their children's learning. Homeschools are private and, like other private schools, do not have to comply with the values and beliefs incorporated into state standards. By contrast, virtual charter schools are supported by public money and are required to comply with state standards. In short, homeschools are very different from virtual charter schools.

**I oppose AB 697 for three major reasons.** First, the provisions in AB 697 would undermine fundamental principles essential to citizens in Wisconsin. Second, it would violate the sanctity of the homes of private citizens. Third, instead of saving taxpayer dollars, virtual charter schools waste them.

Beginning with the first objection, the Wisconsin Court of Appeals ruled that virtual charter schools are illegal in part because much of the teaching is done by parents who are not certified teachers, and Wisconsin statutes require that teachers in public schools be certified. AB 697 attempts to solve this problem by describing a virtual charter school parent as "providing educational services to the pupil in the pupil's home." **This provision undermines fundamental principles.**

As homeschoolers, we have worked very hard to get the general public to understand that parents have the right to educate their own children according to their principles and beliefs and that parents can homeschool their children without direct oversight or control by the state. The success of hundreds of thousands of homeschoolers demonstrates this, and Wisconsin statutes reflect and support it.

However, AB 697 would require that parents of virtual charter school students be closely supervised and monitored by certified teachers for two reasons. One, the statutes require that teachers in public schools be certified. Two, virtual charter schools receive tax dollars and need to show that this money is being used effectively and not wasted. However, virtual charter school parents are capable of educating their own children, as other parents are, without monitoring and supervision.

The risk from AB 697 is that legislators, the media, the general public, and parents themselves will lose sight of the legal reasons why virtual charter school parents are being monitored by the state and begin thinking that they are being monitored because they are incapable of educating their children without such monitoring. This would undermine and could eventually destroy one of the most important principles of parental and family rights and a key support for families, which are the fundamental unit of our society and every known society.

(over)

**Second, AB 697 undermines the sanctity of the home.** It sets a precedent and provides ways for the government to monitor and supervise what families are doing in the privacy of their homes. It would give the state control and authority over the interactions of parents with their own children in their own homes and give the state the authority to make rules governing these interactions. It would violate basic principles of individual liberties and freedom. It would create dependency rather than independence on the part of parents and children.

Virtual charter school families are required to report frequently to their supervising teacher. Their activities are closely monitored, including the use of web cams that allow public officials to view what is happening within their homes in real time. We don't want public schools in people's homes to become the government's ticket into the homes of private citizens and set a precedent for further government intrusions into family life.

**Third, instead of saving taxpayer dollars, virtual charter schools waste them.** Under open enrollment, large sums of money are transferred from the school district where a virtual charter school student resides to the school district operating the virtual charter school they are attending. From that district, much of the money goes to out-of-state corporations and educational institutions making a profit by selling computerized curriculum.

To be more specific, for the current school year, the estimated cost per public school pupil in Wisconsin is \$12,000. (This figure is derived by using the actual 2005-2006 per pupil figure of \$10,989 and adding an average yearly increase of 4.5% for the 2006-2007 and 2007-2008 school years.) This year, the school district of residence keeps approximately \$6,000 even though the school does not see the student or do any work except for a modicum of administrative book-keeping. The rest of the \$12,000, an estimated \$6,043, is sent through open enrollment to the district operating the virtual charter school. (The final figure will be determined in May, 2008.)

However, for only \$1,128, any family can purchase a curriculum for elementary students from K12, Inc., the corporation that has contracted with Northern Ozaukee's virtual charter school. Just think how large the discount should be if a school district were purchasing 400 curriculums. Why are Wisconsin taxpayers paying \$12,000 for each virtual charter school student? How is this expenditure justified by legislators, especially those who consider themselves fiscally conservative?

Three additional points: First, some people may say that we homeschoolers are just concerned about the competition from virtual charter schools. Actually, after over six years of effort, there are only about 3,000 students attending virtual charter schools, indicating that these schools are not growing very rapidly despite free computers and curriculum. Although advocates of virtual charter schools have claimed that as many as 80% of virtual charter school students are former homeschoolers, our investigations indicate only roughly one third of the students are former homeschoolers. In other words, homeschoolers clearly are not flocking to virtual charter schools, and we are not worried about the competition.

Second, we are hearing today from families who claim that their children will be harmed if virtual charter schools close and they have to attend brick and mortar schools. Let me point out that these families have several other options. They could purchase a curriculum from a provider such as K12, Inc. and follow its clear instructions on their own. Or, if they could not or did not want to spend that much money, they could develop their own curriculum and homeschool very inexpensively. Of course, this would be different from participating in a virtual charter school. But it is important to remember that these families would have choices besides enrolling their children in a brick and mortar public school. Is it really worth undermining fundamental rights and freedoms, threatening the sanctity of our homes, and misusing tax dollars, just so a few families will be spared the inconvenience of choosing one of the other options available for their children?

Third, AB 697 attempts to provide a stop-gap solution that would have dangerous long-term consequences. It violates a number of what I see as fundamental principles of true conservatism. The basic idea of trying to privatize education by using statutes and public funds is a contradiction and an oxymoron. AB 697 sacrifices the independence of individual citizens, brings the state into the daily life of families, and makes families dependent on the government. It leads to a violation of basic principles of liberty and private interests. It gives the government increased power and authority over citizens and opens the door to government monitoring of the activities of private citizens in their own homes. It promotes government spending and is fiscally irresponsible.

A better solution would be to provide families with economic relief that is not tied to education. This could be done, for example, by increasing tax deductions for dependent children.

It is ironic that lawmakers would try to solve education problems by applying more of the same bad practices and, in the process, undermine one of the few institutions that holds some promise of a solution, namely, the family. I am surprised and disappointed to see conservatives supporting this bill. Perhaps that is because they mistakenly think it will promote the privatization of education in a healthy and effective way. It will not.

I hope the committee will vote to defeat AB 697.

Thank you.