

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

1997-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on
Education
(SC-Ed)

COMMITTEE NOTICES ...

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

INFORMATION COLLECTED BY COMMITTEE
CLERK FOR AND AGAINST PROPOSAL

➤ Appointments ... Appt

➤ **

Name:

➤ Clearinghouse Rules ... CRule

➤ **

➤ Hearing Records ... HR (bills and resolutions)

➤ **97hr_sb0106_SC-Ed_pt01**

➤ Miscellaneous ... Misc

➤ **

SB 106??

Vote Record

Senate Committee on Education

Date: April 9 1997 Executive Session Public Hearing

Bill Number: _____

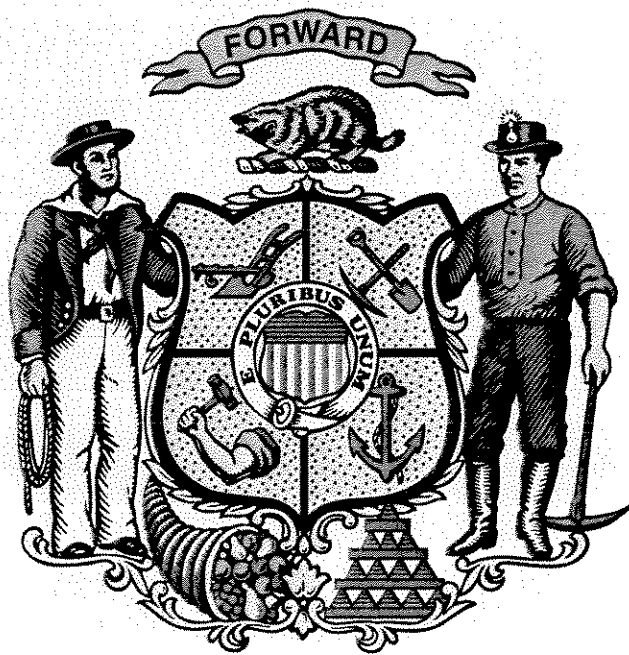
Moved by: _____ Seconded by: _____

Motion: _____

| <u>Committee Member</u> | <u>Aye</u> | <u>No</u> | <u>Absent</u> | <u>Present</u> | <u>Absent</u> |
|---------------------------|---|--------------------------|--------------------------|--------------------------|--------------------------|
| Sen. Calvin Potter, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Robert Jauch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Kevin Shibilski | <input type="checkbox"/> <i>Excused</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Richard Grobschmidt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Alberta Darling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Joanne Huelsman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Carol Buettner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Totals: _____

Motion Carried Motion Failed





BILL MURAT

STATE REPRESENTATIVE • SEVENTY FIRST ASSEMBLY DISTRICT

TO: Committee Members
Senate Committee on Education

FROM: Representative Bill Murat

RE: **TESTIMONY - SENATE BILL 106**
Hearing - Wednesday, April 9, 1997; 9:30 A.M.
119 MLK, Joint Finance Room

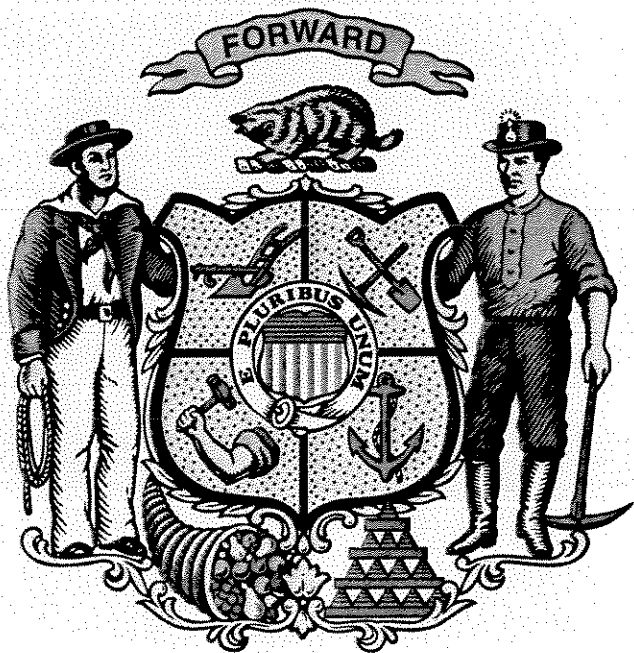
DATE: April 9, 1997

Chairman Potter, and members of the Committee, my name is Representative Bill Murat and I would like to voice my support for Senate Bill 106 which relates to eligibility to attend a home-based private educational program.

Recently I met with Portage County Health & Human Services agency staff, and I was informed that enforcement of home schooling is a continuing problem. Some parents are not fulfilling their obligation to give their children an education of the same standards as public schooling.

By mandating school attendance for juveniles who have been convicted of being habitually truant Senate Bill 106 would prevent abuse of homeschooling by people who are misusing it to avoid their educational responsibilities.

Please support Senate Bill 106. Thank you.



POST OFFICE BOX 2502
MADISON, WISCONSIN 53701-2502
Voice Mail 608-283-3131

Fact Sheet: Reasons to Oppose Legislation (SB 106) That Would Fundamentally Change Wisconsin's Homeschooling Law

Wisconsin Senate Bill 106 (SB 106) would fundamentally change Wisconsin's homeschooling law by giving the state the authority to determine who is eligible to homeschool. This bill is unnecessary, poorly timed, would not work, and would seriously undermine Wisconsin's homeschools by increasing the state's power and control over homeschools and decreasing homeschooling freedoms, rights, and responsibilities. SB 106 should be stopped as soon as possible.

This Fact Sheet is addressed both to members of the general public, including legislators, and to homeschoolers. Part I provides background information and the text of SB 106. Part II offers general reasons to oppose the bill. Part III explains in more detail how the bill would affect homeschoolers and why we oppose it so strongly. Suggestions for ways to oppose the bill are in Part IV, "What We Can Do." The most important first step is to call the Senators who introduced the bill and ask them to withdraw it.

Part I Background and Text of SB 106

Wisconsin has one of the most reasonable homeschooling laws in the nation. The current law protects both the rights and responsibilities of homeschooling families and the interests of the state. It holds homeschoolers accountable and requires that they meet the same criteria as other private schools. Homeschoolers who do not comply with the law may be prosecuted for truancy.

SB 106 reads as follows:

An Act to amend 118.15 (4) of the statutes; relating to: eligibility to attend a home-based private educational program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 118.15 (4) of the statutes is amended to read: 118.15 (4) Instruction in a home-based private educational program that meets all of the criteria under s. 118.165 (1) may be substituted for attendance at a public or private school unless the child has been found to be in need of protection or services under s. 938.13 (6) or (6m) or to have violated an ordinance enacted under s. 118.163 (2) or (2m).

Section 2. Initial applicability. (1) This act first applies to children found to be in need of protection or services or to have violated an ordinance under section 118.163 (2) or (2m) on the effective date of this subsection. (END)

Notes: The underlining indicates the words SB 106 would add to the current homeschooling law. S. 938.13 (6) or (6m) and 118.163 (2) or (2m) deal with truancy.

Part II General Reasons to Oppose SB106

• **SB 106 is unnecessary.** Wisconsin's current homeschooling law has worked well since 1984. Evidence has not been presented that truants are flocking to homeschooling and should be prevented from doing so. Under existing law, people who have been charged with truancy and who then begin homeschooling can still be prosecuted for those truancy charges. Homeschoolers who do not comply with the requirements of the homeschooling law can be prosecuted. In addition, there are already a wide range of truancy laws.

• **SB 106 would undermine one of Wisconsin's most important educational assets, its homeschools.**

Wisconsin needs a reasonable homeschooling law so families can find an educational alternative that works well for them. Some families choose public schools; others choose private schools, including homeschools. To function effectively as alternatives to conventional schools, private schools, including homeschools, need the flexibility to operate independently of the state educational bureaucracy. By giving the state the authority to determine who is eligible to homeschool, SB 106 seriously threatens that independence. It does not make sense to undermine the thousands of homeschools that are working well in the hopes of keeping out a few families for whom homeschooling might not work well.

• **SB 106 sets a dangerous precedent of state control over private education.** See the preceding point.

• **SB 106 is poorly timed.** The Wisconsin Assembly is appointing a subcommittee to study truancy. It would make much more sense to wait for its findings than to pass yet one more truancy law.

• **SB 106 would not work.** Truancy is a complex problem that will not be solved or even mitigated by preventing truants from homeschooling. It is better to use existing laws that provide for schools to offer truants alternative programs and contracts with non-sectarian private schools. In addition, homeschooling often works for young people who have had difficulty learning in a conventional school setting.

• **SB 106 violates two fundamental principles of American jurisprudence.** The current homeschooling law is based on two principles. One is parents' right to choose for their children an education consistent with their principles and beliefs. The second is "innocent until proven guilty." If homeschoolers do not comply with the law, they can be charged with truancy and prosecuted. To give the state the authority to determine who is eligible to homeschool would violate both these principles. It would give the state more authority than parents in determining how children should be educated and force us to ask whether children belong to the state.

(over)

Part III. Additional Information for Homeschoolers

Homeschoolers have extra incentive to oppose SB 106 because the bill would affect us most directly. Here are additional reasons we oppose SB 106. (Note: These points are necessarily brief presentations of sometimes complex ideas. For clearer, more detailed explanations, see "Special Bulletin for Homeschoolers, March, 1997," available from WPA.)

- **By giving the state the authority to determine who is eligible to homeschool, SB 106 means that we would have to qualify to homeschool before we could submit our form PI-1206 to the DPI.** To be sure, few if any of our children have been found to be habitual truants, but once the principle is established that the state has the authority to determine eligibility, who knows what additional requirements it will impose on prospective homeschoolers.

- As homeschoolers, we can be prosecuted for truancy if we fail to comply with the homeschooling law. **Therefore, SB 106 could be used to prosecute current homeschoolers for truancy and thereby prevent us from continuing to homeschool.** In addition, new, harsher measures were enacted as part of the Juvenile Justice Code in 1995, despite the efforts of parents working through WPA to stop this legislation. This means that when families are prosecuted for truancy, judges are to preserve the unity of the family "whenever appropriate." (Earlier laws used the stronger phrase "whenever possible.") Social workers and judges are to use "most effective" measures. (Previous laws called for "least restrictive.") Parents of children who are charged with truancy can be ordered "to participate in mental health treatment, anger management, individual or family counseling or parent training and education." (For more information, see WPA Newsletter #45, April, 1995.)

- **We homeschoolers oppose this bill because it is clearly a bill directed against homeschooling.** It is not a reasonable attempt to solve truancy problems.

- **SB 106 would open Wisconsin's homeschooling law.** Note that the language from SB 106 would be put directly into the homeschooling law. Once a law is open in the legislature, it is much easier to change that law in a whole range of ways. We want to maintain Wisconsin's homeschooling law.

- **As homeschoolers we are unwilling to surrender our freedoms, rights and responsibilities** in a misguided attempt to supposedly keep out a few families for whom homeschooling might not work. In fact, many of us feel a moral obligation to help make the benefits of homeschooling available to other families, to support and assist others as we ourselves were supported when we began homeschooling. We realize that we face much more serious threats from the state's increasing its authority over homeschooling and families than we do from the possibility of a few families whose children have been truant not complying with the homeschooling law. We also realize that if we do not want others to judge us to see if we are qualified to homeschool, we cannot judge potential homeschoolers. In addition, we do not need a law to prevent large numbers of truants from turning to homeschooling. If this law is not passed, there will not be large numbers of truants beginning homeschooling.

Part IV. What We Can Do

- **Contact the two Senators who introduced SB 106,** Roger Breske (608-266-2509 or 715-454-6575 in his district) and Timothy Weeden (608-266-2253 or 608-362-7877 in his district), and ask them to withdraw the bill. It is very important that as many people call them as possible.

- **Contact our Representative in the Wisconsin Assembly and our State Senator or their aides.** Their names and phone numbers are available from the public library or the Legislative Hotline (800-362-9472). Share our concerns about SB 106. Ask them to refuse to cosponsor the bill (or to withdraw their names if they have already signed on), to vote against it, and to encourage their colleagues either to withdraw the bill or not to report it out of committee.

- The Senate Education Committee has scheduled a **hearing on SB 106 for Wednesday, April 9 at 9:30 AM** in the Joint Finance area behind the Senate Chamber on the first floor of the building at 119 Martin Luther King Blvd. (This building is near the capitol and is being used by the legislature during renovations on the capitol.) Plan now to attend to show our opposition to the bill. (People who attend hearings may testify for or against the bill under consideration or for information only. People who do not want to testify may still make their voices heard by registering either for or against the bill.) Important note: If SB 106 is withdrawn, the hearing on this bill will not be held. To find out whether the hearing is proceeding as scheduled, call the WPA Voice Mail at 608-283-3131 on April 7 or 8 for a recorded message with updated info.

- **Share this information with others.** Make copies of this Fact Sheet in its entirety (including WPA's letterhead) and give them to other homeschoolers, parents who are concerned about maintaining their rights, and others who might be interested.

- **Join homeschoolers and other parents who are working to maintain parental rights and responsibilities. Become a member of Wisconsin Parents Association.** Membership is \$20 per year and includes a subscription to the WPA Newsletter, special bulletins, and discounts on conferences and handbooks.

- **Purchase a copy of WPA's handbook, *Homeschooling in Wisconsin: At Home With Learning*** for more information about homeschooling and ways of maintaining our rights and responsibilities. To understand more about legislation, see especially pp. 90-103 and 151-214 of the handbook.

- **Attend WPA's 14th annual Home Education Conference** on Friday and Saturday, April 25-26 at the University Center of UW—Stevens Point. It includes 75 workshops for beginning and experienced homeschoolers; a vendor area with 70 vendors; and an excellent opportunity to meet other homeschoolers, find support, and renew your commitment to homeschooling. For a free conference registration packet, call 608-283-3131.

Wisconsin Parents Association (WPA) is a state-wide grassroots organization that has been working since 1984 to serve the needs of individual homeschoolers, to maintain the right of parents to choose for their children an education consistent with their principles and beliefs, and to counter challenges to Wisconsin's reasonable homeschooling law. People interested in homeschooling are welcome to join WPA.