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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Education, Ethics and Elections...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Senate

Record of Committee Proceedings

Committee on Education, Ethics and Elections

Senate Bill 161

Relating to: waivers of laws and administrative rules governing elementary and secondary education.

By Senators Harsdorf, Roessler, A. Lasee, Schultz, Welch, Kanavas and Darling; cosponsored by Representatives Rhoades, Gronemus, M. Lehman, Loeffelholz, Kerkman, Gundrum, Hines, Musser, Ladwig, Gunderson, J. Wood, Pettis, Ott, Hahn, Jeskewitz, Albers, Friske, Bies, Seratti, Gottlieb, Vrakas and Grothman.

May 14, 2003 Referred to Committee on Education, Ethics and Elections.

February 25, 2004 **PUBLIC HEARING HELD**

Present: (5) Senators Ellis, Stepp, Jauch, Robson and Hansen.
Absent: (2) Senators S. Fitzgerald and Reynolds.

Appearances For

- Sen. Sheila Harsdorf
- Kay Lynn Taylor, River Valley Board of Education, Lone Rock, WI 53556
- Joe Wieser, New Holstein School District
- Rick Lautenschlager, Hortonville School District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

Thomas Slota, Greendale, WI 53219
Joe Quick, Madison Metropolitan School District, Madison, WI
John Forester, School Administrators Alliance, Madison, WI 53704
Senator Bob Welch
Paul Wysocki, Mukwanago Area School District
Willard Griesbach, Hortonville School District
Mike Rundle, Janesville, WI 53545
Dave Eschenbach, Amherst Jct., WI, 54407

Ellen Lindgren, Middleton-Cross Plains Area School District

Registrations Against

Tom Johnson, Wisconsin Department of Public Instruction

Jeff Spitzer-Resnick, Wisconsin Coalition for Advocacy

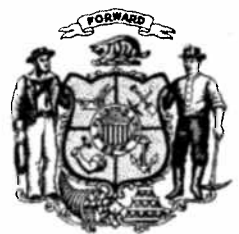
March 11, 2004

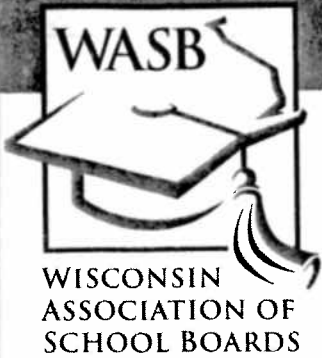
Failed to pass pursuant to Senate Joint Resolution 1.

Michael Boerger
Committee Clerk



WISCONSIN STATE LEGISLATURE





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KEN COLE, EXECUTIVE DIRECTOR

TO: Senate Education, Ethics and Elections Committee Members

FROM: Sheri Krause, Legislative Services Coordinator

DATE: February 25, 2004

RE: SB 161, relating to waivers of laws and administrative rules governing elementary and secondary education.

The Wisconsin Association of School Boards (WASB) strongly supports the passage of SB 161 to provide much needed mandate relief to local school districts.

Given the current fiscal environment and the increasing emphasis on student assessments, now is the time to give school boards greater opportunity to work with their communities and target their limited resources towards programs and services that most directly benefit students. School board members will be held accountable for the outcomes of their decisions.

Currently, the authority to grant waivers rests with the State Superintendent. As a result, some districts have been stymied in their efforts to be relieved from costly mandates that hinder academic achievement. This has discouraged districts from seeking waivers and developing creative alternatives. Furthermore, districts are seldom granted a full, four-year waiver and instead are forced to continue seeking waivers for ongoing programs.

SB 161 would streamline the waiver process by allowing school boards to waive a law or related administrative rule in chapters 115 to 121, with certain exceptions, if the board has held a public hearing. The exceptions, according to statute, include any laws or rules relating to:

1. The health or safety of pupils.
2. Pupil discrimination.
3. The pupil assessment program or the standardized reading test.
4. Pupil records.
5. The collection of data by the Department of Public Instruction (DPI).
6. The uniform financial fund accounting system and audits of school district accounts.
7. Teacher licensure or certification.
8. The commencement of the school term.

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All of the state assessments and accountability measures would remain in place. In addition, SB 161 would not apply to federal law. All of the requirements under the No Child Left Behind Act and the Individuals with Disabilities Education Act (IDEA) would remain in effect.

Below is a list of state laws and administrative rules that have been identified by school board members and administrators as costly, unnecessary or that actually hinder innovative attempts to improve student achievement. *This is not intended to be an all-inclusive list nor would all board members agree that the waiving of these particular laws and rules would be helpful for their districts. These examples merely illustrate the need for greater local authority.*

- Reading specialist [s.s. 118.015]. Districts are currently required to employ a certified reading specialist. Many classroom teachers are or could be trained to assess and evaluate their district's reading curriculum. In addition, test results may indicate that resources are needed in another curriculum area.
- School performance report [s.s. 115.38(2)]. District officials have found the school performance reports to be valuable in disseminating information about the achievement of their students, but they would like to distribute the reports in a more cost-effective manner. Suggestions have included posting the report on the district's Web site and/or mailing postcards to each student's household notifying parents that the report is complete and providing hard copies upon request. In addition, districts are now mandated to include a comparison of their performance with districts in the same athletic conference. This has added substantially to the size of the reports and is already available on the DPI's WINSS Web site.
- Private school transportation [s.s. 121.54(2)(b)]. Current law requires school districts to provide transportation to private K-12 schools even when the public school is not in session. Many districts have indicated that they are not opposed to transporting private school students, but it is costly to do so when the public schools are not open.
- Two-way communication devices [s.s. 118.258]. This is an example of an outdated law that, while not costly, consumes time for both administrators and school board members. It requires school boards to adopt rules prohibiting the possession and use of pagers and other two-way communication devices by students on school premises, with limited exceptions, and to submit the rules to the DPI when they are adopted or revised. Certainly, school boards want the authority to limit the use of cell phones and similar devices during school hours. But school boards would have that authority even without a specific law and it is unclear why districts should submit their policies to the DPI.
- GED/HSED [PI 5.03(2)]. This is an example of an administrative rule that hinders academic achievement. It requires that students be at least 18 ½ years old or that

their regular class had graduated in order to participate in a general educational development (GED) or high school equivalency diploma (HSED) program. Districts have asked for waivers to provide GED/HSED classroom preparation on site to some students who were still in school but would have otherwise not graduated.

With the state and federal governments' increasing emphasis on student assessments and outcomes, the state should be giving local school districts the maximum flexibility to meet their targeted goals and improve student achievement. Any law or rule waived by a locally elected school board would be subject to scrutiny by parents and other community members.

We urge your support for SB 161.





State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Written Statement of Dr. Tony Evers Deputy Superintendent Wisconsin Department of Public Instruction

2003 Senate Bill 161 Senate Committee on Education, Ethics and Elections February 25, 2004

Mr. Chairperson and Committee Members:

The Department of Public Instruction (DPI) presents this statement in opposition to Senate Bill 161. We believe this bill could erode educationally sound principles, decrease educational accountability, reduce our commitment to quality and eliminate choices and opportunities for parents and their children.

SB 161 requires DPI to grant a waiver of statutes or administrative rule requirements upon receiving a request from a school board if the board has held a public hearing on the request. In doing so, the bill eliminates departmental and legislative educational accountability and reduces the responsibility of the school board to the public and the state. Moreover, it eliminates all rationale as to why the legislature would ever pass educational policy, if a school board doesn't have to follow any of that policy.

Statutes and rules are in place to offer uniform requirements for all school districts to follow in preparing students for work or college. This bill could cause the quality and quantity of courses and services offered to students to vary greatly from district to district, adversely affecting the application of Wisconsin's high standards and further complicate students' ability to enter our higher education system. Reducing services to school children diminishes the commitment of the state to provide a quality education for every child in Wisconsin.

The possibility exists under this proposal to create a quilt-like pattern of rules and regulations that could cause unequal opportunities for students and confusion among parents who move from district to district in our increasingly mobile society.

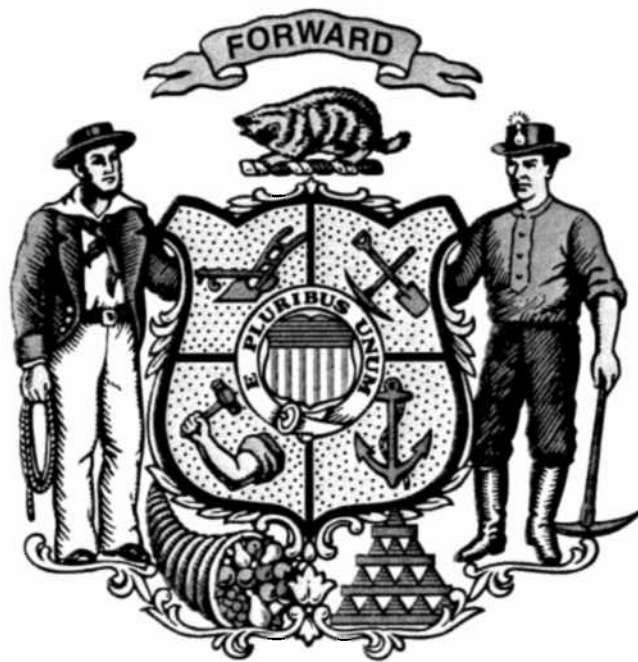
Possible waivers could include elimination of:

- the requirement that school boards offer foreign language in junior high school.
- school board obligations to meet any of the educational goals and expectations found in 118.01 (basic skills, vocational skills, citizenship, personal development, etc.)
- the rights of parents to inspect all human growth and development instructional materials.
- the requirement that pupils enroll in school until 18 years of age.
- the requirement that schools offer the pledge of allegiance.
- the requirement that school superintendents be licensed.
- the requirement that districts allow students to participate in the youth options program.
- the minimal requirements for graduation.
- the requirement to offer gifted and talented programs.

An unintended consequence of this bill would be to have the state turn its back on our commitment to public school choice in Wisconsin, thus eliminating the opportunity for parents and children to use the open enrollment program to meet their needs by moving from one district to another. What this bill opens the door to is providing school districts around the state to both not allow students to choose a public school outside their district and allow school districts to not accept the choice of parents and their children on what school they choose to attend. While it may not be the intention of the bill, the fact is it would erode our state's commitment to providing opportunity and choice to parents and children.

School boards and districts already enjoy waiver request authority from state statutes and rules. These waiver requests are regularly approved by the state superintendent provided they

meet the state's obligation to ensure a quality education for every child. Instead of simply requiring the granting of a waiver without accountability and without public, department, or legislative oversight, consideration should rather be given to repealing specific statutes that are not necessary to provide a quality education to Wisconsin's students.





WISCONSIN COALITION FOR ADVOCACY

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

TESTIMONY AGAINST SB 161

by

Jeffrey Spitzer-Resnick
Managing Attorney

As many of you know, the Wisconsin Coalition for Advocacy (WCA) is Wisconsin's protection and advocacy agency for people with disabilities. In my position at WCA, I focus much of my attention on special education. It is with that perspective that I am testifying against SB 161.

SB 161 is an invitation to school districts to violate the state and federal constitution, as well as federal and state law. It is shocking to imagine that there are legislators who believe it is appropriate for local school boards, simply by holding a public hearing, to exempt themselves from any law which they may be obligated to follow. The only exception to such broad powers which the bill would provide to school boards is that they cannot waive revenue limits.

Perhaps the sponsors of this bill did not realize the potentially devastating impact which the bill could have. It is simply hard to believe that the sponsors believe that school boards only need to hold a public hearing in order to abrogate state and federal constitutional provisions, including due process and equal protection. It is just as hard to believe that the authors think it is acceptable for school boards to exempt themselves from state and federal civil rights laws, which protect the rights of students with disabilities to receive a free appropriate public education, and further protect not only students with disabilities, but other students from minority backgrounds from unlawful discrimination.

Our society has made much progress in the area of civil rights in education. However, there is still a long way to go. No legislator should be under the illusion that we have arrived in a place where school districts do not need laws to make sure that they do not discriminate, or otherwise violate the rights of their students. While all of us may wish this were the case, it is simply not true.

Finally, if this bill passes, it will surely unleash many lawsuits which will challenge the law and its application if school boards use it to waive themselves from either constitutional or statutory requirements. This legislature will not be doing anyone any favors by unleashing such litigation. If you have any questions about this bill, I would be glad to respond to them.