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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Education...

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**

* Contents organized for archiving by: Stefanie Rose (LRB) (December 2012)

Registrations for Information Only

- None.

October 19, 2011

EXECUTIVE SESSION HELD

Present: (7) Senators Olsen, Vukmir, Grothman, Darling,
Vinehout, C. Larson and T. Cullen.

Absent: (0) None.

Excused: (0) None.

Moved by Senator Grothman, seconded by Senator Vinehout that
Senate Amendment 1 be recommended for adoption.

Ayes: (7) Senators Olsen, Vukmir, Grothman, Darling,
Vinehout, C. Larson and T. Cullen.

Noes: (0) None.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
Ayes 7, Noes 0

Moved by Senator Vinehout, seconded by Senator Vukmir that
Senate Amendment 2 be recommended for adoption.

Ayes: (7) Senators Olsen, Vukmir, Grothman, Darling,
Vinehout, C. Larson and T. Cullen.

Noes: (0) None.

ADOPTION OF SENATE AMENDMENT 2 RECOMMENDED,
Ayes 7, Noes 0

Moved by Senator Vukmir, seconded by Senator Vinehout that
Senate Bill 234 be recommended for passage as amended.

Ayes: (6) Senators Olsen, Vukmir, Grothman, Darling,
Vinehout and T. Cullen.

Noes: (1) Senator C. Larson.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 1

Sarah Archibald
Committee Clerk

Vote Record Committee on Education

Date: _____
Moved by: Grothman

Seconded by: Vinehout 239

AB _____ SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt _____
A/S Amdt 1 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

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Luther Olsen, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kathleen Vinehout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chris Larson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Timothy Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	_____	_____

Vote Record Committee on Education

Date: _____

Moved by: Vinehout

Seconded by: Vukmir

237

AB _____ SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt 2 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

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Luther Olsen, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kathleen Vinehout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chris Larson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Timothy Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

Vote Record Committee on Education

Date: _____
 Moved by: Vukmir

Seconded by: Winehout 234

AB _____ SB _____ 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 _____

Passage as amended

- Be recommended for:
- | | | | | |
|---------------------------------------|------------------------------------|---------------------------------------|---|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling | <input type="checkbox"/> Nonconcurrence | |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Luther Olsen, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kathleen Vinehout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chris Larson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Timothy Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	6	1	_____	_____

Motion Carried Motion Failed

Board of Directors

Margaret Farrow
Board Chair
Pewaukee, WI

Rose Fernandez
Mukwonago, WI

Richard Laabs
Lutheran Urban Mission
Initiative

Andrew Neumann, Ph.D.
Secretary
The HOPE Schools

Paul Petitjean, Treasurer
Brookfield, WI

Mark Schug, Ph.D.
University of Wisconsin
Milwaukee

Tim Sheehy
Metropolitan Milwaukee
Association of Commerce

Testimony on Senate Bill 234 October 19, 2011

Chairman Olsen and Committee Members:

Thank you for the opportunity to appear in support of Senate Bill 234.

This bill is a follow up to the 2011-2013 budget bill that included a number of provisions regarding the Milwaukee Parental Choice Program and newly-created Parental Private School Choice Program in Racine.

Some of these provisions are needed to resolve conflicts as the result of the expansion of the program while others are the result of interpretations by the Department of Public Instruction.

To provide a framework, let me briefly outline the provisions of SB 234. The bill will:

- Ensures that parents whose income cannot be verified through the Department of Revenue can use an alternative income verification method through the Department of Public Instruction.
- Clarifies in the statutes that any Milwaukee student that participated in the MPCP in 2010-11 may continue to participate in the MPCP in 2011-12 and consecutive years going forward regardless of family income as long as they maintain Milwaukee residency.
- Clarifies that all schools in the Milwaukee and Private Parental School Choice Programs (Racine) may continue to charge fees as was allowed in the past.
- Prevents leaders of schools terminated by the DPI from working in or opening a school in the MPCP or PPSCP (Racine) for seven years.
- Requires schools that received exemption from accreditation through PAVE to become accredited by an approved agency in the statutes by 2015.
- New organizations were given the ability to preaccredit schools for the MPCP and PPSCP (Racine) in the budget. This bill narrows that list to organizations directly familiar with the programs in Wisconsin.

- Under current law schools are required to submit an occupancy permit issued by the municipality the school is located in to participate in the MPCP and PPSCP (Racine). This proposal allows the local or regional governmental unit with authority to issue occupancy permits to schools that reside in a municipality that does not issue occupancy permits.

The DOR verification process was initiated to streamline the process of determining income for families entering the program. The system put together between DOR and DPI operated smoothly when DOR had sufficient data to make verification.

When DOR did not have sufficient data, the process was not clear on allowing families to use the original verification process. SB 234 simply allows applicants to use the alternative income verification when DOR has insufficient data.

The "Once in, always in" provision in the budget allows students that have proven income eligibility to remain in the program, regardless of increasing family income. DPI interprets the budget language as applying in the 2012-2013 academic year. SB 234 clarifies that this provision is in effect for the 2011-2012 academic year.

In the budget, high schools in the MPCP and PPSCP (Racine) were allowed to charge additional tuition to those families whose income was between 220% and 300% of poverty. There was no language altering what schools in the programs could charge for fees. DPI, however, made dramatic changes to the fee allowances post-budget.

SB 234 takes the fees allowances that were in place prior to the budget and clarifies in statute. DPI rule language was used to maximize consistency.

The Bad Actor provision in SB 234 is taken from existing DPI rule. It would allow DPI to keep school leaders of schools terminated by DPI out of the programs for seven years. By placing the rule into statute, DPI will be more effective in keeping accountability standards high for the program.

Schools that were approved for scholarship funding for PAVE in the 2005-2006 school year were exempted from the accreditation requirements for the MPCP. However, PAVE is not an accrediting organization, and they are in support of removing this exemption.

If this exemption is removed, the schools will have until December 2015 to become accredited. Additionally, many of the schools with PAVE exemptions are already working toward accreditation on their own so we are only talking about maybe 15 or so schools.

Pre-accrediting was expanded for the MPCP and PPSCP (Racine) in the budget to include organizations other than the Institute for Transformation of Learning. This expansion included the National Council for Private School Accreditation. As there are organizations within the NCPSA that are not familiar with the Wisconsin Programs,

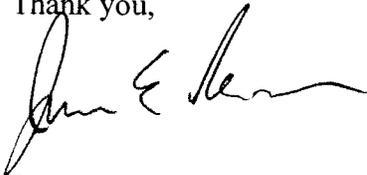
SB 234 lists only those organizations already operational in Wisconsin and removes the umbrella organization.

Current law requires that a school have an occupancy permit generated by their municipality. With the expansion to the Racine area and schools outside of the City of Milwaukee some municipalities where schools reside do not issue occupancy permits. SB 234 allows an occupancy permit generated by the local or regional governmental entity responsible for issuing occupancy permits for that municipality to qualify.

These provisions do not represent in any way an expansion of the programs or a reduction in accountability. In fact, the Bad Actor, PAVE exemption and Pre-Accreditation provisions all increase accountability measures for the program.

I ask for your support of SB 234.

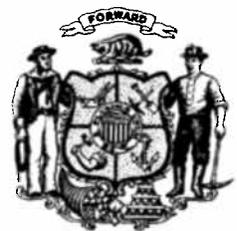
Thank you,

A handwritten signature in black ink, appearing to read "James Bender", written in a cursive style.

James Bender
President



WISCONSIN STATE LEGISLATURE



**Senate Committee on Education
October 19, 2011**

**Testimony of School Management Services Team Director Robert Soldner
on 2011 Senate Bill 234**

I want to thank Chairperson Olsen and members of this committee for the opportunity to testify before you today on behalf of the State Superintendent on Senate Bill 234.

It is our understanding this legislation was introduced to clarify some of the biennial budget bill provisions that expanded the state's voucher program in Milwaukee and now to Racine; however, there are a few additional items included in this bill as well.

The proposed changes involve several areas of the statutes, including:

- allowing private schools in the program(s) to charge certain fees;
- clarifying that a pupil that participated in the program may continue to do so if their family income increases and the family continues to reside in Milwaukee or Racine;

- clarifying and partially changing the process the Department of Revenue (DOR) uses in verifying income eligibility for the programs and allowing DOR to use income documentation from the previous year and the 2nd preceding year;
- requiring parents and schools to provide additional information to DOR concerning family members;
- specifying that the Wisconsin Evangelical Lutheran Synod School Accreditation and the National Lutheran School Accreditation organizations will be allowed to preaccredit and accredit private schools participating in the voucher programs;
- prohibiting any organization recognized by the National Council for Private School Accreditation to serve as a preaccreditation agency; and
- requiring all private schools in the program to become accredited by an approved entity by 2016 to remain in the program and removing the “PAVE exemption” in current law.

We would like to express our appreciation to Representative Vos for inviting us to look at this legislation and for including provisions related to a "disqualified person" that should assist us in ensuring parents and students participating in the program will have additional safeguards against private school operators that may not be capable of providing a safe and sound educational program.

Under this new accountability measure, a private school will be prohibited for seven years from retaining a "disqualified person", for compensation or as a volunteer, as an owner, officer, director, trustee, administrator, person designated by the administrator to assist in processing pupil applications, or person responsible for administrative, financial, or pupil health and safety matters.

Again, thank you Chairperson Olsen and members of the committee for the opportunity to speak before you today.





WISCONSIN CATHOLIC CONFERENCE

TO: Senator Luther Olsen, Chair
Members, Senate Committee on Education

FROM: Kim Wadas, Associate Director *Kimberly N. Wadas*

DATE: October 19, 2011

RE: Senate Bill 234, Changes to the Parental Choice Programs

The Wisconsin Catholic Conference urges your support for Senate Bill 234, which clarifies and improves upon several policies regarding the parental choice programs in Milwaukee and Racine.

Currently, over 30 Catholic schools within the Archdiocese of Milwaukee are responsible for educating over 10,000 Choice program students. After the implementation of recent program reforms, questions have been raised by Catholic school administrators and other Choice advocates as to the proper interpretation of revised statutes. Many have also voiced concern regarding policies surrounding program eligibility and ongoing accountability for disqualified Choice school staff and administrators. SB 234 responds to these concerns by establishing clear and consistent policies that ensure quality programming within Choice participating schools and the continued participation of eligible students and their families.

Recent statutory revisions regarding what a Choice school may receive as payment beyond the voucher amount has dramatically altered how schools operate. Prior to the recent changes, Choice schools were permitted to charge certain fees to Choice students in a manner similar to that permitted for public schools when serving low-income students. However, under the newly revised Choice provisions, the Department of Public Instruction (DPI) announced that a Choice school serving Choice pupils in kindergarten through eighth grade, or Choice high school-aged students whose family incomes were below 220 percent of the federal poverty level, could not charge those students any optional fee or amount, including payments by a parent or guardian to a vendor or other third party. As a result, schools could not charge for items such as school or gym uniforms, extracurricular activities, transportation (including that for extracurricular activities), yearbook pictures, graduation caps or gowns, or any remaining amount on a reduced-price lunch or snack.

This policy change, published in a DPI bulletin dated August 2011, blindsided schools that had already completed their academic year budgets, had solicited fees from families for school-related services and items, and most important, had committed to contracts with vendors and third parties serving students within their schools. It resulted in greater restrictions being placed on the collection of fees in Choice schools than those currently placed upon public schools.

Administrators and staff of our Catholic Choice schools immediately alerted Archdiocesan administration to the host of problems and uncertainty this policy shift created. School administrators were at a loss as to how to fulfill contracts for items such as school and gym

uniforms. Some had questions as to whether you could charge a Choice student for replacing an item, or if you had to provide Choice students with multiples of items worn daily.

High schools had questions regarding the provision of lunch for low-income students when served "a la carte." What amount of food was considered sufficient? Did schools have to pay for a student's entire lunch, no matter how big? Several considered eliminating their school lunch programs rather than incur the unforeseen added expense of subsidizing all Choice student lunches, including those not eligible for free or reduced lunch.

Schools that traditionally aided families that could not afford fees for extracurricular activities, instead opted not to provide the activities, such as violin lessons or band. They could not afford the costs of the programs when required to pay them for all Choice students.

Often, the voucher payment amount does not cover the costs of the educational needs of Choice students, let alone any ancillary expenses. Yet Catholic and other Choice schools absorb these costs above the voucher amount because of their commitment to serving those who are of limited means. However, when these costs are compounded by fees traditionally charged to families school-wide, they become challenges that many schools find difficult, if not impossible, to manage.

Senate Bill 234 corrects the current interpretation by restoring much of the former Choice student fees policy. By once again permitting schools to charge reasonable fees for non-educational related activities, SB 234 empowers schools to continue to offer a range of services to their families, both Choice and traditional.

Beyond revising the current fees policy, SB 234 also increases program accountability. It is important that actors within the Choice program who fail to meet basic accountability standards are not allowed to remain in the program, harming students and the good reputation of their fellow Choice participating schools. SB 234 codifies that "bad actors" within the Choice program cannot continue to participate by simply transferring to another school or by establishing a new one.

Senate Bill 234 also clarifies the role of the Department of Revenue (DOR) in determining income eligibility for Choice program applicants; recognizes the different units of government that may provide a certificate of occupancy for Choice schools; and further defines who and what income is to be included as "family income." It also clarifies that once a student is found eligible to participate in the Choice program, even if a seat for that student is not available at a Choice school, that student does not have to go through the onerous process of again verifying their family income in succeeding years.

Finally, the WCC appreciates that SB 234 includes a provision that anticipates changes in the Choice program, including changes that may occur to the entities that evaluate Choice schools, by permitting both a diocese and an archdiocese to act as a pre-accrediting and accrediting authority for Choice participating schools.

Senate Bill 234 recognizes some of the unforeseen and unnecessary administrative burdens that Choice families and schools bear and alleviates them without diminishing accountability. It provides clarity and certainty for Choice families and schools.

Thank you for the opportunity to provide this testimony. The WCC urges your support for SB 234.