

Assembly Education Committee  
February 6, 2020

**Wisconsin Department of Public Instruction  
Statement for Information on 2019 Assembly Bill 849**

Assembly Bill 849 (AB 849) repeals the current part-time open enrollment program for public schools, found under Wis. Stats. 118.52, and replaces it with a course choice program. The new program includes private schools and nonprofit organizations and extends the applicability of those provisions from high school to grades 1-12.

Background

Part-time open enrollment, allowing a student to take up to two courses at any time in a nonresident school district, was first created in the 1997 budget (1997 Wisconsin Act 27).

The 2013 budget (2013 Wisconsin Act 20) renamed and expanded part-time open enrollment statutes to create the course options program. The course options program allowed a student in a public school in any grade to take up to two classes at any time at a nonresident school district, the UW system, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, or any nonprofit organization approved by the Department of Public Instruction (DPI).

2013 Act 20 also altered resident school district rejection criteria to specify that an application could be rejected if the course did not satisfy a high school graduation requirement or the course did not conform to or support the pupil's academic and career plan. It also removed the ability for a resident district to reject an application due to an undue financial burden.

Under 2013 Act 20 the resident district was to pay the nonresident district an amount equal to the cost of providing the course or courses. These amounts were determined by the DPI. No appropriation was created to pay for tuition under the act. Funds used by the resident district to pay tuition were subject to the resident district's revenue limit.

The 2017 budget bill (2017 Wisconsin Act 59) eliminated the course options program. It was replaced by two separate provisions, a return to part-time open enrollment and a new early college credit program.

Currently, part-time open enrollment allows any high school student to take up to two courses at a non-resident public school. Resident school districts can reject applications if they conflict with a student's individualized education plan or pose an undue financial

burden on the district. Aid is also provided to the DPI to provide transportation assistance to parents whose students qualify for free and reduced price lunch. This aid appropriation is the same one that funds transportation assistance for full-time open enrollment and the early college credit program.

### Analysis

The course choice program created under AB 849 would expand the current law part-time open enrollment program in two ways.

1. It eliminates the restriction of the program to high school students. All students in grades 1-12 would be able to access the program.
2. It allows students from any educational institution to participate. Educational institution is defined as a public school, charter school, private school, and nonprofit organization. Participation is only optional for private schools and nonprofits.

While much of the bill is similar to the prior course options program, those provisions existed for only a few years, and with minimal participation, so it is unknown the degree to which this program would be utilized moving forward and its corresponding impact.

Outlined below are provisions the DPI believes need to be addressed.

1. *Student Safety*

There are no requirements for background checks for adults who work with students under the bill. Background checks are part of the DPI licensing process and are included in the Milwaukee, Racine, and Wisconsin Parental Choice Programs. There are no similar requirements for other private schools or nonprofit organizations to conduct background checks under the bill.

2. *Out-of-State Institutions*

The bill does not appear to limit the participation of course providers to educational institutions located within Wisconsin. Can a virtual or brick-and-mortar private school or nonprofit located out of state apply to provide courses under the program?

3. *Transportation Assistance*

The transportation assistance in the bill is currently provided to low-income students under part-time open enrollment from an appropriation that also funds similar assistance for full-time open enrollment and the early college credit programs. This bill would give an additional preference to students enrolled full-time in an educational institution located in a rural community. This raises a few questions:

- Rural is undefined. The bill should define rural, or the department will need to define this, in order to give preference.
- Clarification is needed around how to treat students enrolled full-time in a virtual school. The bill is currently drafted assuming students live near the

educational institution they attend full-time for reimbursement purposes and preference. The DPI would recommend amending the bill to recognize this.

- Depending on usage with the expanded program, there may be impacts on the availability of funds to provide assistance for all programs that draw on this appropriation. The current transportation aid is prorated at approximately 20 percent.

Further, DPI's implementation of the proposed course choice program will be streamlined if the bill is amended to clearly provide rulemaking authority.



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Chairman Thiesfeldt and members of the Assembly Education Committee,

Thank you for allowing us to speak on AB 849. We believe that every student in Wisconsin deserves access to important courses – like physics and computer science. But the sad reality is that for too many Wisconsin students, particularly those in underserved regions, their schools lack certain courses. This contributes to inequality of learning, giving certain students opportunity to achieve their potential while leaving others behind.

### **What is part-time open enrollment?**

Part-time open enrollment, previously known as course choice, allows Wisconsin K-12 students to take courses at other schools and education providers while remaining in their public school. This program has been available to Wisconsin students since 1997, but the current program is very limited and parents lack information about what courses are available.

### **How does the existing program work?**

High school students attending a traditional public school may apply to take a course at a nonresident public school district. The student applies to the nonresident district, requesting to participate in the class. The resident district pays the nonresident district an amount equal to the cost of the course, calculated in a manner determined by the Wisconsin Department of Public Instruction (DPI).

No public transportation is provided by the district. A family may request low-income assistance from DPI to be reimbursed for the costs incurred from transporting the student. Families receive preference if the student satisfies the free or reduced price lunch criteria.

The resident district can prohibit the student from taking the course if the cost of the course would impose an undue financial burden on the resident district. The nonresident district can only deny the application if the student doesn't meet the criteria for being admitted into the course or if space is not available.

### **Problems with status quo**

#### ***1. Lack of information***

DPI's website provides a [short explanation of the program](#), but there is no centralized information about the types of courses available or even data relating to past participation.

School districts rarely post information about the program on their websites and it is wholly incumbent on the parents and students to find the list of courses and apply.

Even with little information available to parents, demand exists for course options. By contacting school districts and submitting open records requests, we found that 18 school districts had nonresident students taking courses at their school – both in the classroom and virtually, particularly in accelerated courses (AP), foreign languages, and the arts (including music). Through the existing part-time open enrollment program, students took Livestock and Equine Management, Mandarin, AP statistics, Horticulture and Landscape, AP Music Theory, and Engineering courses at nonresident public schools. Students are willing to travel to participate in classes at other school districts. For example, a student from Winneconne school district took Advanced Physics Concepts at Neenah school district, about 15 miles away.

2. *Lack of Course Access Contributes to Racial Achievement Gap, Holds back Rural K-12 Students*

Wisconsin students are struggling to compete with their peers and do not have equal access to robust curriculums. Overall, the state report cards show that Wisconsin students' proficiency in math and reading hovers around 40%. Wisconsin's urban districts have one of the worst academic achievement gaps between white students and their minority peers. In practice, the NAEP scores indicate that 8th grade African Americans in Wisconsin are performing academically just one grade ahead of 4th grade white students.

Part of the problem is a lack of course access for certain school districts. In a forthcoming study, we have done an assessment of different areas of the state on course access. For example, surveying all traditional Milwaukee Public Schools,

- 5% offer AP computer
- 16% offer AP economics
- 16% offer AP physics
- 26% offer AP chemistry
- 37% offer AP studio arts
- 42% offer AP US government
- 42% offer AP Spanish

This is not just a Milwaukee problem. We surveyed Northeastern Wisconsin, focusing on school districts 40-50 miles north and west of Oconto Unified School District and as far south as Pulaski. Of the nine high schools surveyed:

- 0% offer AP Spanish
- 0% offer AP economics
- 10% offer AP Art History
- 22% offer AP government

- 22% offer AP computer science
- 33% offer AP English
- 33% offer AP physics

3. Law prohibits collaboration between public and private schools

Existing law unfairly prevents collaboration between public, charter, and private schools. During former Governor Walker's administration, the part-time open enrollment was expanded to allow any public school student to take courses from both public and nonprofit organizations, including private schools (from 2013-2017).

This resulted in partnerships between school districts and nearby private schools, which had space in their classrooms. For example, students from the Green Bay Area Public School District, Howard-Suamico School District, and Ashwaubenon School District took courses at Notre Dame Academy. The majority of those students enrolled in Notre Dame's Mandarin and IB German programs. It was a win-win for all.

But in the 2017-2019 budget, this program was rolled back to prevent public school students from taking courses at private schools.

**AB 849 would make Wisconsin a national leader in course access**

1. Expands the program to allow students at public schools to take courses at private and public charter schools.

The existing law does not explicitly include public charter schools and the bill will require public charter schools to participate in the program. The bill also returns the program to the Walker-era to allow public school students to take courses at both public and private schools.

2. Allow students at private schools to take courses at public and private schools.

The program allows, for the first time, private school students to participate and take courses at other participating schools, including public schools. This will allow an education marketplace to develop because private schools can opt into participation for their students.

In an informal survey of private schools, WILL found that over 65% of private schools would be willing to allow students from public schools to take courses at their school.<sup>1</sup>

3. Increase transparency on the program to give more information to parents and schools.

There is very little information about the program from the Department of Public Instruction (DPI) and rarely information posted on school district websites. The bill will require DPI to

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<sup>1</sup> Out of 28 private schools surveyed, 19 said that they would be interested in participating if the course was expanded to include private school students.

include more information about courses available and all participating schools. The bill will also require participating private schools to include information about the program, if they have opted in.

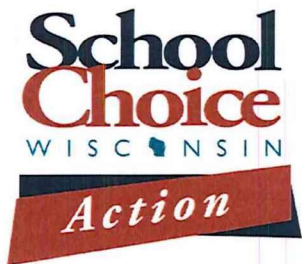
4. *Provides access to additional funding for rural and economically disadvantaged students.*

Existing law gives economically disadvantaged families access to a transportation voucher from DPI to help cover transportation costs. The bill also gives families who live in rural areas access to a transportation voucher to cover costs. This is vital for Wisconsin rural communities when schools are located several miles apart.

Thank you so much for the time. Do not hesitate to reach out if you have any questions.

CJ Szafir  
Executive Vice President

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Education Policy Director



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**Date:** February 6, 2020  
**To:** Assembly Committee on Education  
**From:** Jim Bender, President, School Choice Wisconsin  
**RE:** Testimony on AB 849

Chairman Thiesfeldt and committee members, thank you for taking testimony on Assembly Bill 849. Expanding options in K-12 education for Wisconsin families can be accomplished by simply increasing flexibility within the current educational structures. AB 849 accomplishes that goal.

Creation of the Course Choice Program will allow both private and public high school families to gain access to courses offered in either sector. The benefits will be as diverse as the individual course offerings in urban, suburban and rural areas. In addition, expanding the program will likely incentivize the creation of new, innovative courses to enhance the rich portfolio of offerings in Wisconsin.

With public support of educational options on the rise across our country, enhancing our current education infrastructure with the Course Choice Program will be welcomed by the families seeking new opportunities.

We support Assembly Bill 849 and thank you for your consideration.





Members of the Assembly Committee on Education:

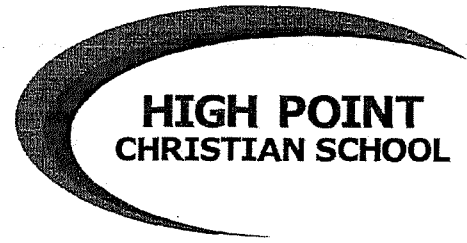
Every student deserves access to the courses and learning opportunities that best support their individual needs. Often the schools children attend may not offer a specific course or courses that support their unique learning styles, academic and career interests, and future goals. Increasing flexibility in how and where students take coursework, without additional costs, empowers families to equitably access the best educational opportunities for their children.

ExcelinEd in Action supports the flexibility offered by Assembly Bill 849, which would expand the course offerings available to high school students by allowing students to take courses offered by non-resident districts, as well as independent, certain private schools and nonprofit organization schools that meet certain criteria, at no additional cost.

Wisconsin has the opportunity to help all students achieve success in college and careers by expanding access to high-quality, advanced coursework. We support empowering Wisconsin's families to customize each student's educational experiences to meet their unique strengths, interests and needs.

Sincerely,

Zach Eckert  
Regional Legislative Director  
ExcelinEd in Action



February 6, 2020

Chairman Thiesfeldt and Committee Members:

Thank you for the opportunity to provide input to you on AB 849, an important piece of legislation that will help students across Wisconsin access more courses. My name is Charles Moore, and I am the Principal at High Point Christian School as well as the Executive Director of Impact Christian Schools. Our two campuses serve 240 students from preschool to eighth grade in the Madison area. Unfortunately, I am unable to testify in person due to my job responsibilities at High Point Christian School.

High Point Christian School was founded in 1975 as a non-denominational Christian school. We strive for academic excellence for all of our students and focus on classes and programs that will challenge our students. I support AB 849 because it will help my students and many others at private schools access additional courses. It is not always possible for High Point Christian School to offer classes in every topic our students are interested in. AB 849 will allow High Point Christian students to access a course that we don't offer. We would be willing to work with public schools if there was a change in state law to permit it.

High Point Christian School serves students from all economic backgrounds. I also speak with many of our High Point Christian families who are looking at high schools for their middle school students. Many families tell me that a major consideration when selecting a high school is the types of classes and topics that the high school will offer.

As an educator in the Madison area, I know that access to high quality education is vital for all of our students. AB 849 is a bill that will help give every child access to high quality classes.

Thank you,

A handwritten signature in black ink, appearing to read "Charles Moore", is written over a horizontal line.

Charles Moore, Ph.D.

Principal

High Point Christian School

Executive Director

Impact Christian Schools

**Testimony of Dr. Benjamin Scafidi<sup>1</sup>**

**February 5, 2020**

*Publicity, discussion, and agitation are necessary to accomplish any work of lasting benefit*

*Robert M. La Follette, Sr. (1906)*

In 1906, Wisconsin's own progressive icon, Robert M. LaFollette, Sr., suggested that improvements in public policy could only come about through "publicity, discussion, and agitation." Notice that LaFollette listed "publicity" first. The people and their elected representatives cannot have a productive discussion about important policy issues unless important facts are publicized. I agree, and that is why I support efforts to make information on total public school revenues and expenditures per student readily available **at both the school district and the individual school level**. Empowering public school families, educators, media, researchers, elected officials, and all other Wisconsin taxpayers with accurate and easy to digest information on your public schools is essential for you to "accomplish any work of lasting benefit" for Wisconsin's school-aged children.

Your Department of Public Instruction has a great web tool to download data on expenditures per student for each public school district in Wisconsin, (<https://apps4.dpi.wi.gov/sfsdw/CompCostReport.aspx>).

Using the link above, I selected the year 2016 and "Show All Agencies". I then multiplied "Current Year Membership" by "Total District Cost Per Member" for every school district in Wisconsin. Summing up those total expenditures by each district came to a statewide total of **\$11,057,462,439**.

However, your Department of Public Instruction (DPI) also reports total expenditures annually to the National Center for Education Statistics at the U.S. Department of Education. For FY 2016 (the most recent year available from this source), the DPI reported to the feds that public schools in Wisconsin had expenditures of **\$11,690,833,000**.

([https://nces.ed.gov/programs/digest/d18/tables/dt18\\_236.30.asp?current=yes](https://nces.ed.gov/programs/digest/d18/tables/dt18_236.30.asp?current=yes))

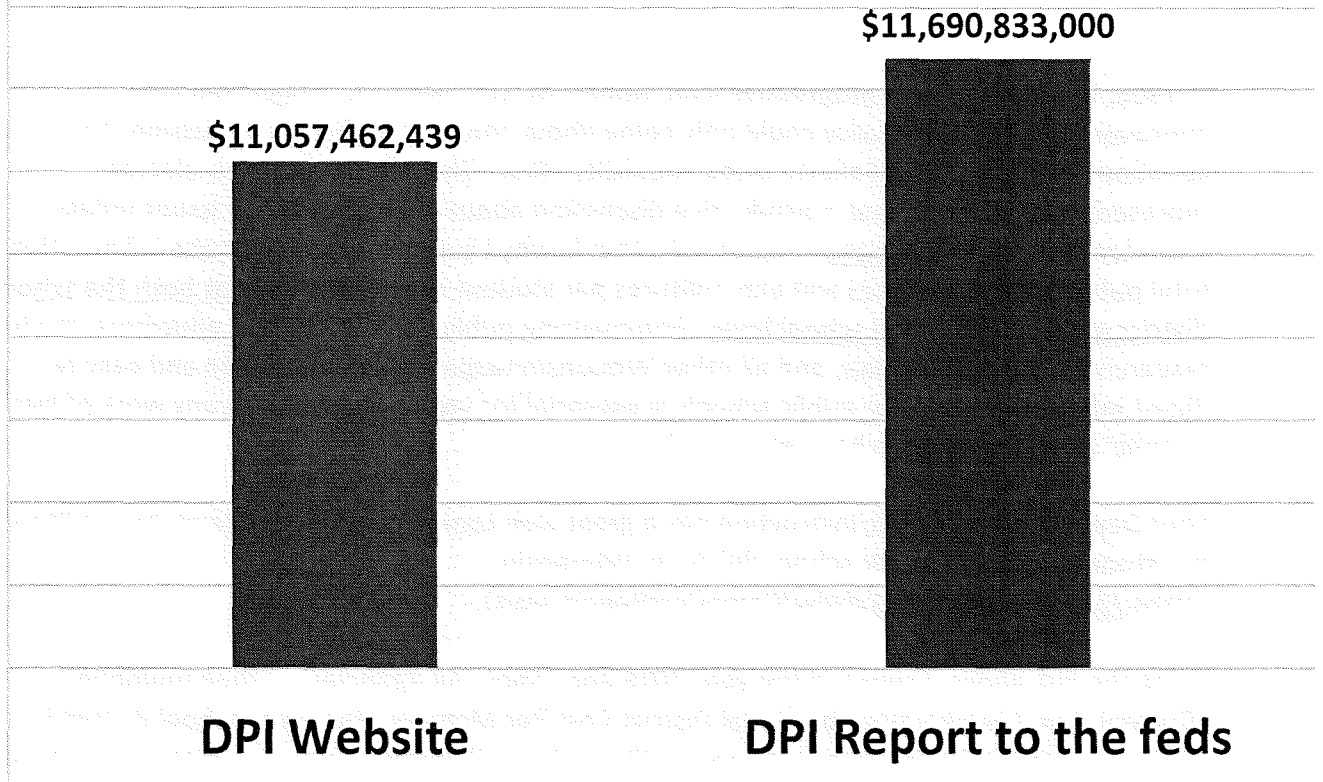
Given that the source of both figures for total expenditures come from the DPI, **this difference of over \$633 million is very large**. The DPI should promptly reconcile the differences in these numbers to the Wisconsin State Legislature and to the public. That is, the DPI should share which funds are excluded from the figures on its website. More importantly, all reporting of total revenues and expenditures on public schools should include all funds. All. If Wisconsin public schools spend it, then Wisconsin taxpayers have a right to know about it—in total.

With respect to underreporting public school revenues and expenditures on the Department of Public Instruction website—"Fighting Bob" La Follette would not approve.

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<sup>1</sup> Ben Scafidi is a professor of economics and director of the Education Economics Center at Kennesaw State University. He is also a Friedman Fellow with EdChoice. Scafidi holds a B.A. in Economics from the University of Notre Dame and a Ph.D. in Economics from the University of Virginia. He received no compensation to prepare this testimony.

**FY 2016 "Total" Expenditures in Wisconsin Public Schools**  
**Source: Wisconsin DPI**



Sources: <https://apps4.dpi.wi.gov/sfsdw/CompCostReport.aspx> .

Using the link above, I selected the year 2016 and "Show All Agencies". I then multiplied "Current Year Membership" by "Total District Cost Per Member" for every school district in Wisconsin. Summing up those total expenditures by each district came to a statewide total of **\$11,057,462,439**.

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February 6, 2020

Chairman Thiesfeldt and Committee Members:

Thank you for giving the Independent Business Association of Wisconsin (IBAW) the opportunity to provide written testimony in support of Assembly Bill 849 today. We are sorry we are unable to attend today's public hearing in person.

Since 1973, the IBAW has been helping entrepreneurs and professionals through a variety of engaging programming, peer-to-peer networking and advocacy for their businesses in both Madison and Washington, D.C.

Our members represent the backbone of the American economy: the small business owner. The average IBAW member employs less than 50 people and the businesses represented among them include manufacturers as well as legal, financial, technical and service industries.

Being an organization that largely represents small business owners and entrepreneurs our members are generally among the first that feel the impact when an economic slowdown occurs. A little over a decade ago, many of our members were trying to survive the doldrums of the Great Recession. Now, our members are facing a different challenge: a shortage in skilled workers.

As many of you know, our nation and our state is experiencing a period of prosperity and economic growth that we were told was never going to happen again. In order for that growth and prosperity to sustain itself, we need to ensure that we have a workforce that can meet both the current and future needs of our economy. It is more important now than ever that our educational institutions at all levels are preparing the next generation of entrepreneurs and employees to meet those demands.

Assembly Bill 849 is a great piece of legislation that we believe will help provide Wisconsin's students with additional education opportunities to prepare them for the future. We all want what is best for ourselves and that means having options. By providing additional course choices to Wisconsin's students - we are giving them options and hopefully what is best for their education. Thank you.

Regards,

**Steve Kohlmann**  
IBAW Executive Director

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Cell: 414-640-5785

Feb. 6, 2020

State Rep. Jeremy Theisfeldt  
AB 849

I believe that the idea of allowing any student to take a class at another school which may not offer that particular class is a wonderful idea.

Obviously the parent would be responsible for transporting the student from school A to school B and making sure they are on time so it is a large burden for the parent to do so but the choice should be theirs.

It has been more than 20 years when I watched then Gov. Tommy Thompson's State of the State speech in which he promoted the idea of what I will call video classrooms. In other words, the teacher could be in the southern portion of Wis. While the student or students may be in the northern part of the state yet they are linked up by a video connection.

At the time this was a revolutionary idea, why it has not caught on is beyond me. With the advances in technology this has to be easier, more effective and less costly that it was 20 years ago.

Please support AB 849 and allow the parents make the choice about which classes their students will take for the good of the children.

Thank You for your consideration.

Orville Seymer

A handwritten signature in cursive script that reads "Orville Seymer".

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