



CINDI DUCHOW

STATE REPRESENTATIVE • 99th ASSEMBLY DISTRICT

(608) 266-3007
Toll-Free (888) 534-0099

Rep.Duchow@legis.wi.gov
RepDuchow.com
P.O. Box 8952
Madison, WI 53708-8952

Assembly Committee on Education
AB 118 – Open Enrollment
March 4, 2021

Thank you Chairman Thiesfeldt and members of the Committee for holding a public hearing on Assembly Bill 118. This legislation aims to protect the future of open-enrolled students who choose a virtual-only option for instruction in the 2021-22 school year.

Under current law, a school district cannot accept open-enrolled nonresident students who are not physically located within the district without first establishing a virtual charter school. This places unnecessary burden on school districts and has caused uncertainty about the future of many open-enrolled students who may need virtual-only instruction for the upcoming school year.

Given the likely prevalence of COVID-19 at the start of the 2021-22 school year, the fully virtual option may still be in some students' best interest due to compromised health issues at home. By removing the burden of creating a virtual charter school, we continue to support schools working to provide the same education to all students.

Assembly Bill 118 ensures that pupils in the open-enrollment program have the same access to an education as all other students for the upcoming school year. This bill also ensures school districts have the ability to get through the current pandemic without establishing a charter school or forcing open-enrolled students to change their choice of school.

Thank you Committee members for your consideration of Assembly Bill 118.

Representative Cindi Duchow



JOAN BALLWEG

STATE SENATOR · 14TH SENATE DISTRICT

Assembly Bill 118: Virtual Open Enrollment Offered by a Nonresident School District
Assembly Committee on Education
Testimony of Senator Joan Ballweg
March 4, 2021

Good morning, members of the committee. Thank you for hearing this important piece of legislation.

Because of the COVID-19 pandemic, school districts are offering in-person, hybrid, and virtual options, and students and families are making choices for what works best from them. Despite the disruption to the educational system, every child still deserves the best education possible no matter where they live.

Under current law and DPI's guidance, a school district may not offer a fully virtual program through open enrollment to a *nonresident* student who is not physically present in the school district boundaries, unless it creates a virtual charter school. DPI's guidance is based on the interpretation of *Johnson v. Burmaster 2008 WI App. 4*. In this case, a school district tried to use the charter provision in statute to create a virtual charter school financed through open enrollment transfer payments before there was statutory language created that specifically addressed virtual charter schools.

This proposal will provide temporary flexibility to school districts for the 2021-2022 school year to offer a virtual option through open enrollment to a nonresident student. I was made aware of the need for this by one of my school administrators, Tom Wermuth, from the Adams-Friendship School District, who is also providing testimony. Adams-Friendship offers in-person instruction to their students, but like many districts across the state, they offer an online curriculum to meet the requests of their resident students. Given the rural nature of the area that I represent and Adams-Friendship serves, they also want to be able to offer their virtual option to students in surrounding areas. However, Adams-Friendship is not able to do this unless they create a virtual charter school, which they are not interested in forming. This creates an uneven playing field for Adams-Friendship, because they lose students to virtual charter schools in other schools districts without having the same ability to offer their virtual option to nonresident students.

There is urgency to get this passed since the open enrollment application period ends April 30th, 2021. Therefore, for students to have this option for next year, our goal is to get this passed and to the governor's desk very quickly. The Senate Committee on Education has already held a public hearing on the senate companion bill, and it is holding an executive session to vote on the bill this afternoon. Students and families deserve the ability to choose which school district best meets their educational needs through open enrollment whether it is in-person or virtual. This is especially true as schools and families adapt their family's response to the pandemic.

Thank you for your consideration of AB 118.

Assembly Committee on Education
March 4, 2021

Wisconsin Department of Public Instruction
Testimony in Support of AB 118

The Department of Public Instruction (DPI) appreciates the opportunity to provide this written information in support of 2021 Assembly Bill 118 (AB 118). Many districts and charter schools have implemented new virtual learning options for students and families in response to the COVID-19 pandemic and parents are interested in continued access to these virtual education options in the 2021-22 school year.

Under current law a school district or charter school seeking to offer virtual options to its resident and open-enrolled students in the 2021-22 school year has some options. A school district or charter school may offer programming with virtual and in-person instructional aspects to an entire school or grade level through innovative instructional design, as allowed under DPI administrative rule PI 8, to both resident and open-enrolled students. This is considered a hybrid model and allowed under the law.

It is also possible under the law for resident and open-enrolled students to have completely virtual instruction, but open-enrolled students have to be physically present within the school district's boundaries when class is in session.

A school district may also opt to provide a completely virtual option for resident students, but cannot accept non-resident students through open enrollment into this option unless they operate or participate in a virtual charter school. This is due to a Wisconsin Court of Appeals decision, *Johnson v. Burmaster*. Under that decision the court held that Wisconsin Statutes 118.51, which provides authority to nonresident students to attend schools in a district, does not allow a nonresident student to attend a virtual school. In response to that decision, the legislature created statutory provisions allowing students to attend a nonresident district virtually through virtual charter schools.

School districts began the 2020-21 school year knowing instructional models would likely be fluid due to COVID-19 health concerns, required quarantines, and infection control and mitigation strategies. Due to the changing nature of the situation, DPI allowed school districts to move forward and serve open-enrolled students in fully virtual settings without having to be enrolled in a virtual charter school. The DPI determined that when the fully-online instruction was offered to all students as a short-term solution to the COVID crisis, open-enrolled students were able to be treated the same as their other resident in-person peers with respect to accessing fully-online instruction. Under current law, however, this cannot be a permanent situation for open-enrolled students unless they are enrolled in a virtual charter school.

AB 118 would address this situation by modifying current open enrollment law for the 2021-22 school year so that a fully-virtual option is considered to be located in the nonresident school

district. This change would permit an open-enrolled student to be in a fully-virtual option as the open-enrolled student would be determined to be attending "in" the nonresident district and affected open-enrolled students would not need to be enrolled in a virtual charter school.

This bill will provide parents who are enrolling their child in a nonresident school district through open enrollment with the choice to access virtual instruction during the next school year and clarify the law should the nonresident district need to provide fully-virtual instruction for all district students.

If you would like further information on the open enrollment program or have questions regarding this testimony, please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov.

SCHOOL DISTRICT OF BELOIT TURNER

1237 Inman Parkway, Beloit, WI 53511

DENNIS MCCARTHY, Ed.D.
Superintendent
(608) 364-6372
(608) 368-3154
(608) 364-6373 fax

February 25, 2021

To: State Representatives

CHRISTINE BROWN
Director of Pupil Services
(608) 368-3145
(608) 364-6373 fax

Re: Written Testimony for 2021 Assembly Bill 118

BRAD BOLL
Director of Business Services
(608) 364-6372
(608) 364-6373 fax

Dear Representatives:

CHRIS KOEPPEN
Principal
F. J. Turner High School
1231 Inman Parkway
(608) 364-6370
(608) 365-4768 fax

I write to you on behalf of the School District of Beloit Turner, our families, and our staff in support of 2021 Assembly Bill 118. The 2020-21 school year has been a challenge like no other, but we are proud of our efforts in keeping the needs of our families at the forefront of our decision making. The balance that in person learning provides in combination with a virtual option for parents who select the option is imperative to our operations. We appreciated the flexibility of both legislators and the DPI in working with us to provide these options for families this school year.

CORY EVERSON
Principal
Turner Middle School
1237 Inman Parkway
(608) 364-6367
(608) 368-3148 fax

I write to you in order to ensure that the option for open enrolled students who chose to attend virtually this year in a nonresident district remains on the table for the 2021-22 school year. In a district with more than 30% of our students open enrolled in, including many who have been with us since 4 year-old kindergarten, it is imperative that a choice for them remains. Without action on this bill, families who are not able to return their children for in person learning next year will be forced to leave our district. That is not in the spirit of the choice that we have provided families in the State of Wisconsin.

MATT BRIGHT
Assistant Principal
High School/Middle School
1237 Inman Parkway
(608) 364-6370 HS
(608) 364-6367 MS
(608) 368-3148 fax

The entire pandemic has been a learning process for everyone. We remain adaptive to our families and their needs. Many have needs that will simply not allow their children (with preexisting conditions or with compromised family members) to return to school for in person learning next year. Those needs should not force them to leave the only district they have ever known. Furthermore, it should also not force districts to develop additional virtual charter schools and the costs associated with them when we have a model that works well for our families in the form of concurrent instruction with their peers.

RYAN BERTELSEN
Principal
Townview Elementary School
2442 West Beloit Newark Road
(608) 364-6365
(608) 365-7549 fax

This legislation (AB-118) is needed for the families of Wisconsin children who have exercised their right to choose the best district that fits their needs. We thank you for your consideration.

VICKIE SMITH
Principal
Powers Elementary
620 Hillside Drive
(608) 364-6360
(608) 364-6362 fax

Sincerely,



Dr. Dennis McCarthy, Superintendent
School District of Beloit Turner



Benefits of AB 118

Ted Neitzke, CEO

- Smooth service to students through the transition from pandemic to “normalcy.”
- No major disruption in the lives of children who are open enrolled.
- Supports mental health of students and families concerned about exposure and safety.
- Makes sense for one year and allows districts to look at further innovations and efficiencies in the offering of curriculum as we move forward.
- Thank you Rep’s Duchow, Kitchens, Thiesfeldt, and Skowronski.

Assembly Committee on Education
March 4, 2021

**Wisconsin Department of Public Instruction
Testimony for Information on AB 119**

The Department of Public Instruction (DPI) appreciates the opportunity to provide this written information on 2021 Assembly Bill 118. Under current law, full-time open enrollment applications for a student may be submitted to no more than three nonresident school boards in any school year.

Open enrollment applications are rarely denied under current law. For the 2019-20 school year, only 11 out of approximately 25,000 regular applications were denied under the three-district limit. This could, however, be due to the fact that parents are simply complying with said limit and not attempting to apply to additional school boards.

This bill specifies that an application submitted to a nonresident school board for a pupil to attend a virtual charter school under the open enrollment program does not count for purposes of the three-district limitation.

It is unknown how many additional open enrollment applications would be submitted under the bill. Interest and enrollment in virtual charter schools (VCS) has increased substantially in the current school year, likely due to COVID-19. In fact, the third Friday in September enrollment count in VCS increased from 8,696 in the 2019-20 school year to 16,020 in the 2020-21 school year. This is an 84 percent increase in enrollment.

If you have questions about the open enrollment program, or the information in this testimony, please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov.



ADAMS-FRIENDSHIP AREA SCHOOL DISTRICT

Date: March 4, 2021

To: Assembly Education Committee

From: Thomas R. Wermuth, Ph.D.
District Administrator
Adams-Friendship Area School District
201 W. 6th Street
Friendship, WI 53934

Re: In favor of AB118

Dear Assembly Education Committee,

Thank you for allowing me to provide testimony today and thank you for the important work that you are doing to serve students in Pre-Kindergarten through 12th grade across Wisconsin. I am currently the District Administrator in the Adams-Friendship Area School District where I have served since July 1, 2019. Previously, I served as District Administrator in the River Valley School District, located in Spring Green, WI.

From March 13th of 2020 through the end of the 2020 school year, school districts across Wisconsin and the United States struggled to meet the needs of the students and families they serve. The Adams-Friendship Area School District (AFASD) was no different. The AFASD is a geographically large school district (488 square miles), serving 1404 students in grades pre-K through 12th grade. We experienced a number of challenges trying to provide non-traditional instruction to the students and families we serve during the final trimester of last school year. In addition to providing a high quality educational experience for our students, we needed to ensure that we were meeting the food insecurity challenges faced by a number of our families. Obviously, this past year has been very challenging for many on a number of different levels.

After surveying our families last spring and summer, it was clear to us that we needed to provide a rigorous virtual option for our students who were not comfortable attending school in-person on a full-time basis. After discussion with a few third party vendors of virtual curriculum, we made the investment to purchase the Edmentum Calvert Learning program for students in Kindergarten through 5th grade and the Edmentum Courseware program for students in grades 6th through 12.

Based on the fact that approximately 20% of our student population elected our virtual option, we were able to re-assign teachers from the AFASD to staff our virtual school. By staffing our virtual school with our own staff, we were able to provide a high level of connectedness to the students and families who



CINDI DUCHOW

STATE REPRESENTATIVE • 99th ASSEMBLY DISTRICT

(608) 266-3007
Toll-Free (888) 534-0099

Rep.Duchow@legis.wi.gov
RepDuchow.com
P.O. Box 8952
Madison, WI 53708-8952

Assembly Committee on Education
AB 118 – Open Enrollment
March 4, 2021

Thank you Chairman Thiesfeldt and members of the Committee for holding a public hearing on Assembly Bill 118. This legislation aims to protect the future of open-enrolled students who choose a virtual-only option for instruction in the 2021-22 school year.

Under current law, a school district cannot accept open-enrolled nonresident students who are not physically located within the district without first establishing a virtual charter school. This places unnecessary burden on school districts and has caused uncertainty about the future of many open-enrolled students who may need virtual-only instruction for the upcoming school year.

Given the likely prevalence of COVID-19 at the start of the 2021-22 school year, the fully virtual option may still be in some students' best interest due to compromised health issues at home. By removing the burden of creating a virtual charter school, we continue to support schools working to provide the same education to all students.

Assembly Bill 118 ensures that pupils in the open-enrollment program have the same access to an education as all other students for the upcoming school year. This bill also ensures school districts have the ability to get through the current pandemic without establishing a charter school or forcing open-enrolled students to change their choice of school.

Thank you Committee members for your consideration of Assembly Bill 118.

Representative Cindi Duchow



JOAN BALLWEG

STATE SENATOR · 14TH SENATE DISTRICT

Assembly Bill 118: Virtual Open Enrollment Offered by a Nonresident School District
Assembly Committee on Education
Testimony of Senator Joan Ballweg
March 4, 2021

Good morning, members of the committee. Thank you for hearing this important piece of legislation.

Because of the COVID-19 pandemic, school districts are offering in-person, hybrid, and virtual options, and students and families are making choices for what works best from them. Despite the disruption to the educational system, every child still deserves the best education possible no matter where they live.

Under current law and DPI's guidance, a school district may not offer a fully virtual program through open enrollment to a *nonresident* student who is not physically present in the school district boundaries, unless it creates a virtual charter school. DPI's guidance is based on the interpretation of *Johnson v. Burmaster 2008 WI App. 4*. In this case, a school district tried to use the charter provision in statute to create a virtual charter school financed through open enrollment transfer payments before there was statutory language created that specifically addressed virtual charter schools.

This proposal will provide temporary flexibility to school districts for the 2021-2022 school year to offer a virtual option through open enrollment to a nonresident student. I was made aware of the need for this by one of my school administrators, Tom Wermuth, from the Adams-Friendship School District, who is also providing testimony. Adams-Friendship offers in-person instruction to their students, but like many districts across the state, they offer an online curriculum to meet the requests of their resident students. Given the rural nature of the area that I represent and Adams-Friendship serves, they also want to be able to offer their virtual option to students in surrounding areas. However, Adams-Friendship is not able to do this unless they create a virtual charter school, which they are not interested in forming. This creates an uneven playing field for Adams-Friendship, because they lose students to virtual charter schools in other schools districts without having the same ability to offer their virtual option to nonresident students.

There is urgency to get this passed since the open enrollment application period ends April 30th, 2021. Therefore, for students to have this option for next year, our goal is to get this passed and to the governor's desk very quickly. The Senate Committee on Education has already held a public hearing on the senate companion bill, and it is holding an executive session to vote on the bill this afternoon. Students and families deserve the ability to choose which school district best meets their educational needs through open enrollment whether it is in-person or virtual. This is especially true as schools and families adapt their family's response to the pandemic.

Thank you for your consideration of AB 118.

Assembly Committee on Education
March 4, 2021

Wisconsin Department of Public Instruction
Testimony in Support of AB 118

The Department of Public Instruction (DPI) appreciates the opportunity to provide this written information in support of 2021 Assembly Bill 118 (AB 118). Many districts and charter schools have implemented new virtual learning options for students and families in response to the COVID-19 pandemic and parents are interested in continued access to these virtual education options in the 2021-22 school year.

Under current law a school district or charter school seeking to offer virtual options to its resident and open-enrolled students in the 2021-22 school year has some options. A school district or charter school may offer programming with virtual and in-person instructional aspects to an entire school or grade level through innovative instructional design, as allowed under DPI administrative rule PI 8, to both resident and open-enrolled students. This is considered a hybrid model and allowed under the law.

It is also possible under the law for resident and open-enrolled students to have completely virtual instruction, but open-enrolled students have to be physically present within the school district's boundaries when class is in session.

A school district may also opt to provide a completely virtual option for resident students, but cannot accept non-resident students through open enrollment into this option unless they operate or participate in a virtual charter school. This is due to a Wisconsin Court of Appeals decision, *Johnson v. Burmaster*. Under that decision the court held that Wisconsin Statutes 118.51, which provides authority to nonresident students to attend schools in a district, does not allow a nonresident student to attend a virtual school. In response to that decision, the legislature created statutory provisions allowing students to attend a nonresident district virtually through virtual charter schools.

School districts began the 2020-21 school year knowing instructional models would likely be fluid due to COVID-19 health concerns, required quarantines, and infection control and mitigation strategies. Due to the changing nature of the situation, DPI allowed school districts to move forward and serve open-enrolled students in fully virtual settings without having to be enrolled in a virtual charter school. The DPI determined that when the fully-online instruction was offered to all students as a short-term solution to the COVID crisis, open-enrolled students were able to be treated the same as their other resident in-person peers with respect to accessing fully-online instruction. Under current law, however, this cannot be a permanent situation for open-enrolled students unless they are enrolled in a virtual charter school.

AB 118 would address this situation by modifying current open enrollment law for the 2021-22 school year so that a fully-virtual option is considered to be located in the nonresident school

district. This change would permit an open-enrolled student to be in a fully-virtual option as the open-enrolled student would be determined to be attending "in" the nonresident district and affected open-enrolled students would not need to be enrolled in a virtual charter school.

This bill will provide parents who are enrolling their child in a nonresident school district through open enrollment with the choice to access virtual instruction during the next school year and clarify the law should the nonresident district need to provide fully-virtual instruction for all district students.

If you would like further information on the open enrollment program or have questions regarding this testimony, please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov.

SCHOOL DISTRICT OF BELOIT TURNER

1237 Inman Parkway, Beloit, WI 53511

DENNIS MCCARTHY, Ed.D.
Superintendent
(608) 364-6372
(608) 368-3154
(608) 364-6373 fax

February 25, 2021

To: State Representatives

CHRISTINE BROWN
Director of Pupil Services
(608) 368-3145
(608) 364-6373 fax

Re: Written Testimony for 2021 Assembly Bill 118

BRAD BOLL
Director of Business Services
(608) 364-6372
(608) 364-6373 fax

Dear Representatives:

CHRIS KOEPPEN
Principal
F. J. Turner High School
1231 Inman Parkway
(608) 364-6370
(608) 365-4768 fax

I write to you on behalf of the School District of Beloit Turner, our families, and our staff in support of 2021 Assembly Bill 118. The 2020-21 school year has been a challenge like no other, but we are proud of our efforts in keeping the needs of our families at the forefront of our decision making. The balance that in person learning provides in combination with a virtual option for parents who select the option is imperative to our operations. We appreciated the flexibility of both legislators and the DPI in working with us to provide these options for families this school year.

CORY EVERSON
Principal
Turner Middle School
1237 Inman Parkway
(608) 364-6367
(608) 368-3148 fax

I write to you in order to ensure that the option for open enrolled students who chose to attend virtually this year in a nonresident district remains on the table for the 2021-22 school year. In a district with more than 30% of our students open enrolled in, including many who have been with us since 4 year-old kindergarten, it is imperative that a choice for them remains. Without action on this bill, families who are not able to return their children for in person learning next year will be forced to leave our district. That is not in the spirit of the choice that we have provided families in the State of Wisconsin.

MATT BRIGHT
Assistant Principal
High School/Middle School
1237 Inman Parkway
(608) 364-6370 HS
(608) 364-6367 MS
(608) 368-3148 fax

The entire pandemic has been a learning process for everyone. We remain adaptive to our families and their needs. Many have needs that will simply not allow their children (with preexisting conditions or with compromised family members) to return to school for in person learning next year. Those needs should not force them to leave the only district they have ever known. Furthermore, it should also not force districts to develop additional virtual charter schools and the costs associated with them when we have a model that works well for our families in the form of concurrent instruction with their peers.

RYAN BERTELSEN
Principal
Townview Elementary School
2442 West Beloit Newark Road
(608) 364-6365
(608) 365-7549 fax

This legislation (AB-118) is needed for the families of Wisconsin children who have exercised their right to choose the best district that fits their needs. We thank you for your consideration.

VICKIE SMITH
Principal
Powers Elementary
620 Hillside Drive
(608) 364-6360
(608) 364-6362 fax

Sincerely,



Dr. Dennis McCarthy, Superintendent
School District of Beloit Turner



Benefits of

AB 118

Ted Neitzke, CEO

- Smooth service to students through the transition from pandemic to “normalcy.”
- No major disruption in the lives of children who are open enrolled.
- Supports mental health of students and families concerned about exposure and safety.
- Makes sense for one year and allows districts to look at further innovations and efficiencies in the offering of curriculum as we move forward.
- Thank you Rep’s Duchow, Kitchens, Thiesfeldt, and Skowronski.

Assembly Committee on Education
March 4, 2021

**Wisconsin Department of Public Instruction
Testimony for Information on AB 119**

The Department of Public Instruction (DPI) appreciates the opportunity to provide this written information on 2021 Assembly Bill 118. Under current law, full-time open enrollment applications for a student may be submitted to no more than three nonresident school boards in any school year.

Open enrollment applications are rarely denied under current law. For the 2019-20 school year, only 11 out of approximately 25,000 regular applications were denied under the three-district limit. This could, however, be due to the fact that parents are simply complying with said limit and not attempting to apply to additional school boards.

This bill specifies that an application submitted to a nonresident school board for a pupil to attend a virtual charter school under the open enrollment program does not count for purposes of the three-district limitation.

It is unknown how many additional open enrollment applications would be submitted under the bill. Interest and enrollment in virtual charter schools (VCS) has increased substantially in the current school year, likely due to COVID-19. In fact, the third Friday in September enrollment count in VCS increased from 8,696 in the 2019-20 school year to 16,020 in the 2020-21 school year. This is an 84 percent increase in enrollment.

If you have questions about the open enrollment program, or the information in this testimony, please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov.



ADAMS-FRIENDSHIP AREA SCHOOL DISTRICT

Date: March 4, 2021

To: Assembly Education Committee

From: Thomas R. Wermuth, Ph.D.
District Administrator
Adams-Friendship Area School District
201 W. 6th Street
Friendship, WI 53934

Re: In favor of AB118

Dear Assembly Education Committee,

Thank you for allowing me to provide testimony today and thank you for the important work that you are doing to serve students in Pre-Kindergarten through 12th grade across Wisconsin. I am currently the District Administrator in the Adams-Friendship Area School District where I have served since July 1, 2019. Previously, I served as District Administrator in the River Valley School District, located in Spring Green, WI.

From March 13th of 2020 through the end of the 2020 school year, school districts across Wisconsin and the United States struggled to meet the needs of the students and families they serve. The Adams-Friendship Area School District (AFASD) was no different. The AFASD is a geographically large school district (488 square miles), serving 1404 students in grades pre-K through 12th grade. We experienced a number of challenges trying to provide non-traditional instruction to the students and families we serve during the final trimester of last school year. In addition to providing a high quality educational experience for our students, we needed to ensure that we were meeting the food insecurity challenges faced by a number of our families. Obviously, this past year has been very challenging for many on a number of different levels.

After surveying our families last spring and summer, it was clear to us that we needed to provide a rigorous virtual option for our students who were not comfortable attending school in-person on a full-time basis. After discussion with a few third party vendors of virtual curriculum, we made the investment to purchase the Edmentum Calvert Learning program for students in Kindergarten through 5th grade and the Edmentum Courseware program for students in grades 6th through 12.

Based on the fact that approximately 20% of our student population elected our virtual option, we were able to re-assign teachers from the AFASD to staff our virtual school. By staffing our virtual school with our own staff, we were able to provide a high level of connectedness to the students and families who

elected this option. This has been very beneficial for the students and families who are attending school virtually in our district.

Because of the success of our virtual option, we were hoping that we could use this experience to recruit students from nearby school districts to enroll in our District's virtual option. Unfortunately, when we looked into this further, we found that the only way for us to be competitive with our virtual program was to create a Charter School. However, our School Board was not interested in creating a Charter School, at this time, just to forward our virtual option and asked me to reach out to our elected officials to address their concerns.

At this time, we contacted Senators Testin and Ballweg and had a discussion about our dilemma. We believe that we are providing a high quality virtual experience for our students and that others could benefit from our program as well. We are functioning in a time of school choice and open-enrollment where some of our neighbors advertise to attract students from our district to theirs on the local radio station located in the City of Adams. We also believe in local control regarding the running of our school district and believe this option would allow us more local control.

The only significant barrier to our virtual option is the need for families to have high speed internet access that is capable of streaming video and content at the same time. Unfortunately, that level of internet access does not exist or is cost prohibitive for families in some parts of our school district and throughout central Wisconsin.

Finally, the AFASD is a school district that has a negative 100+ student differential between the students who open-enroll in to our district compared to the students who open-enroll out of our district. In addition, we have almost 100 students who are home schooled with our borders. We believe that attracting these students back into our virtual option as well as reaching out to individuals who live close to us but outside of our borders, we could help the financial stability and future of our school district.

Thank you again for your time today.

Respectfully,

Thomas R. Wermuth, Ph.D.
District Administrator
Adams-Friendship Area School District
201 W. 6th Street
Friendship, WI 53934

The Adams-Friendship School District believes in promoting a safe, friendly and supportive educational experience for our students. Our staff, parents and students work together to live up to our mission statement:

"Preparing students to perform for life."

201 W 6th St
Friendship, WI 53934

Thomas R. Wermuth, Ph.D.
District Administrator

Phone: 608-339-3213
Fax: 608-339-6213



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 East Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

March 4, 2021

Chairman Thiesfeldt and members of the Assembly Education Committee,

Thank you for the opportunity to submit testimony in support of Assembly Bills 59, 118 and 119. The Wisconsin Institute for Law & Liberty (WILL) believes that every student in Wisconsin deserves access to a high quality education and these bills advance that principle by removing barriers in the Open Enrollment and Wisconsin Parental Choice Programs.

Assembly Bill 59

Too many Wisconsin students' educational options are limited by their zip code. AB 59 addresses this barrier by expanding access to both the Open Enrollment and Wisconsin Parental Choice Programs.

The Open Enrollment Program is the state's largest school choice program with over 65,000 students choosing to attend a public school outside of their residential district last year. Our research¹ found that demand and utilization of this program has grown over the past 20 years. In fact, overall participation increases each year 3-6% (or approx. 2,000-4,000 students). However, over 9,000 applications (24%) were denied in the 2019-2020 school year by districts and the overwhelming reason for denial was space.

Furthermore, the COVID-19 pandemic highlighted families' interest and need for additional educational options. Without a doubt, more families are looking for the best educational options for their student outside of their assigned public school. The program must be amended to respond to the increased demand. But the Open Enrollment Program limits applications to only 3 non-residential districts per year, which restricts families' options even further. AB 59 expands options for families by removing the three application limit for the 2021-2022 school year so families can find the school that best meets the educational needs of their child.

The Open Enrollment Program also allows students to apply outside of the traditional enrollment window by submitting an "alternative application" under certain circumstances, including "best interest for the child." Just last year, 14,000 of the 15,000 alternative applications were submitted for that reason. AB 59 prohibits a child's resident school district from denying a student transfer to a nonresidential district if both the parents and nonresidential district agree it's in the best interest of the child. This will help families seeking alternative education options from being denied access to a nonresidential public school.

AB 59 also increases access to the Wisconsin Parental Choice Program (WPCP) by raising the income threshold from 220% to 300%. Under the current WPCP, a family of four must have a

¹ Public School Choice in Wisconsin: A work in progress, January 2021, <https://www.will-law.org/wp-content/uploads/2021/01/publicschoolchoicev7.pdf>



yearly income of \$57,640 or less. By raising the income limit to 300%, families of four making \$78,600 will be eligible for the WPCP. Expanding access to the parental choice program will help more families access private schools' education, which is especially important for Wisconsin families navigating the fallout of the economic downturn due to the pandemic.

Interest in the WPCP continues to grow as more private schools join the program and the program is able to respond to the increased demand. In 2019-2020, 307 schools participated in the program, educating nearly 10,000 students and growing participation in the program by more than 30%. AB 59 will help more students access the WPCP and attend a school of their choice.

Assembly Bill 118

The COVID19 pandemic has resulted in families looking at new educational options that best fit their child's needs. The Open Enrollment Program allows Wisconsin families to stay in public schools while attending a nonresident public school, either in person or online. AB 118 creates a vital opportunity for families by expanding the virtual school options available to students.

The pandemic resulted in more families having access to virtual learning, which has expanded the demand for fulltime virtual education. WILL research found that more families were seeking out virtual options over the past school year. In fact, school districts with virtual charter schools had an increase of approximately 4.5% in enrollment relative to other districts in the 2019-2020 school year.² This trend is likely to continue as districts and schools navigate providing educational options both in person and virtually.

AB 118 expands the Open Enrollment Program for the 2021-22 school year by allowing students to use the program to attend a fully virtual option offered by a nonresident school district or charter school. This will expand educational options for families across the state, particularly those families located in regions where additional educational options are not easily accessible for in-person instruction.

Given the complexities that families and students are navigating, AB 118 provides more educational options to families to find the best school for their child.

Assembly Bill 119

The Open Enrollment Program is an important resource for more than 65,000 families who attend a public school outside of their resident district. As educational options expand, and more families look to transition to virtual learning, AB 119 removes a barrier for families seeking these virtual options.

As a result of the pandemic, more school districts across the state are offering virtual options. In 2020-2021, the state has more than 50 virtual charter schools that operated across 45 districts. Most of these schools existed prior to the pandemic but many of these districts saw an increase

² Opting Out: Enrollment Trends in Response to Continued Public School Shutdowns, December 2020, <https://www.will-law.org/wp-content/uploads/2020/12/2020-12-10-reopening-and-enrollment-trends1.pdf>



of 4.5% in enrollment compared to other districts.³ Parents are paying attention to the types of educational options available to their students and virtual education is here to stay as an important option for families.

But the Open Enrollment Program currently limits student applications to three nonresident districts each year. But this can be a barrier for families who are looking at both in-person and virtual options for the students. Such families are limited to applying to a total of three options. AB 119 removes that barrier by allow families to apply to an unlimited number of virtual options while maintaining the limit on the number of applications for in-person learning at a nonresident district. This will expand options available for Wisconsin students who are looking to attend a school that meets their needs.

The landscape of education is changing and Wisconsin should be a leader in providing educational options for all students, regardless of where they live or what type of educational model they are looking for.

Thank you,

Libby Sobic
Education Policy Director
libby@will-law.org

³ Opting Out: Enrollment Trends in Response to Continued Public School Shutdowns, December 2020, <https://www.will-law.org/wp-content/uploads/2020/12/2020-12-10-reopening-and-enrollment-trends1.pdf>