



BARBARA DITTRICH

STATE REPRESENTATIVE • 38th ASSEMBLY DISTRICT

November 9, 2021

Assembly Committee on Mental Health

RE: Rep. Dittrich Testimony on AB 600 - Relating to: state aid payments for pupils in grades kindergarten to 12 who transfer schools due to the existence or absence of mandates regarding pupil face coverings or COVID-19 vaccines; school district membership in an interscholastic athletic association in the 2021-22 school year; and making an appropriation.

Hello, Committee Chair Tittl and members of the committee. I appreciate the opportunity to speak to you on a topic that has quickly become the most controversial decision made by school boards and a way to place control on which option is best for a student where it squarely belongs — with the parents.

At a time when families are incredibly unnerved with how their school district is responding to COVID-19, parents need to have the option to enroll their children in the best educational option especially in regards to mask/vaccine policies, whether that includes masking/vaccines or refraining from those practices. School boards are under incredible pressure regarding these mandates.

We know that one-size does not fit every student. And too often parents feel the decisions of their school board don't represent their views, giving them the freedom to ensure their children are taught and protected in a way that they, the parents, feel is correct. Wisconsin has already seen the school choice program provide children the opportunity to find a more suitable educational setting by putting parents in the driver's seat of their child's education.

For parents that believe that that our kids neither need to be masked all day at school nor that it's good for their social-emotional health, this allows them to be put their children in a school that more closely reflects their values. Conversely, parents that wish to have their children masked while in a school setting will be allowed to choose a school that follows these practices. Wisconsin students and parents deserve to be taught in a way that allows them flourish. Frustration and fear over COVID is detracting from the education of our children!

AB 600 allows children to continue playing sports over the decision of their parents to transfer them to a school that accurately represents their beliefs. Participation in sports is extremely helpful to the physical, emotional, and social well-being of a student. Children should not be pulled from a sport on the sole grounds of the decision of a parent to have the child attend a different school.

While I have never been against masking or vaccines, government mandates are detrimental to the nuanced needs of each student and take away a parent's right to make the best choices for their kids. This legislation remedies that challenge while helping our students to move forward in their education. Thank you for your time, and I'll answer any questions you have on this legislation.



Assembly Committee on Mental Health
November 9, 2021

Wisconsin Department of Public Instruction
Testimony in Opposition on Assembly Bill 600

The Department of Public Instruction (DPI) submits the following testimony in opposition to Assembly Bill 600.

Assembly Bill 600 (AB 600) provides that, during the 2021-22 and 2022-23 school years, a pupil enrolled in or attending a public or private school may transfer to another school if one of the following conditions is met:

1. If a school requires pupils to wear face coverings to prevent the transmission of the novel coronavirus SARS-CoV-2, a pupil may transfer to a school that does not require pupils to wear face coverings.
2. If a school does not require pupils to wear face coverings, a pupil may transfer to a school that does require pupils to wear face coverings.
3. If a school requires pupils to receive, or to show proof of having received, COVID-19 vaccines, a pupil may transfer to a school that does not require pupils to receive or to show proof of having received COVID-19 vaccines.
4. If a school does not require pupils to receive, or to show proof of having received, COVID-19 vaccines, a pupil may transfer to a school that does require pupils to receive or to show proof of having received COVID-19 vaccines.

Under the bill, if a pupil is eligible to transfer schools, the pupil's parent must apply to the school the pupil wants to attend (transferee school), and, if the pupil is accepted and attends the transferee school, the Department of Public Instruction (DPI) must make a payment to the transferee school on behalf of the pupil. The payment amount is one of the following:

2021-22 Transferee School Payment Amounts

	<u>Pupil without a disability</u>	<u>Pupil with a disability</u>
Public School including ICS	\$8,161	\$13,013
Private School	\$8,336 (K-8) \$8,982(9-12)	\$13,013

If the pupil transfers after the third Friday in September, DPI must prorate the applicable per pupil payment amount. The bill requires DPI to offset the payments made to transferee schools, via a reduction to state aid (for school districts) and withholding from state payments (for ICS and choice/SNSP private schools); the reduction would be applied to the school district, ICS, or private choice/SNSP school from which the pupil transfers. Because the state does not make payments to private schools that do not participate in a parent choice program or the SNSP, no funds can be withheld to offset the transfer payments made on behalf of tuition-paying students in a private school who transfer to a school district, ICS, or private choice/SNSP school under the bill. The bill creates a sum sufficient GPR appropriation to pay the costs associated with this type of transfer.

The bill establishes the following timeline for action on transfer applications:

1. The school must act on an application and notify the parent whether the application was approved or denied within 20 days.
2. If approved, the parent must within 10 days notify the school whether or not they intend to enroll their child. A pupil could enroll immediately, but the parent must enroll the pupil within 15 days of notice from the school.
3. The acceptance of a transfer may be cancelled by the transferee school if the parent does not enroll their child within the 15-day period.

The DPI has identified several concerns with the bill:

- The bill provides no criteria for the approval or denial of a transfer application by a transferee school/district.
- The bill permits a year-round application and transfer process under specific situations for enrollment in another school district, ICS, or private choice/SNSP school, outside the processes, eligibility criteria, and timelines that exist under current law for these programs.
- The bill does not require that approved transfers be reported to DPI, even though DPI would be required to adjust aid payments to reflect the transfers.
- The bill's provisions relating to public school transfers are redundant, because under current law, a parent may apply to transfer their child to a different school district under the Open Enrollment alternative application. A parent may submit an Open Enrollment alternative application at any time during the school year.
- The bill does not address transportation provisions for pupils transferring to another school district.
- Under current law, parents may already be able to submit applications to enroll their child in an ICS at any time during the year, because ICS can set their own enrollment periods.

Further, ICS are required to have a random selection process for pupil applicants and may already have an existing wait list which would prevent additional pupils under the bill from enrolling.

- The bill does not require that a pupil would need to meet the current law eligibility criteria for participation in any of state's three private school parental choice programs or the SNSP.
- Private school students not participating the choice programs or SNSP could transfer under this bill to another private school that does not participate in the choice or SNSP programs and the school will receive a state payment, funded with a newly created sum sufficient GPR appropriation, for these students.
- There is no prohibition on a private school charging tuition for transfer students.
- Choice schools are required to have a random selection process for pupil applicants and may already have an existing wait list which would prevent additional pupils under the bill from enrolling.

Additionally, for pupils transferring to a public school or an ICS, the transfer amount would be equal to \$8,161 per 1.0 full-time equivalent (FTE) for a child without a disability, and \$13,013 per FTE for a child with a disability. This is compared to the current law payments for pupils regularly enrolled in an ICS, which is \$9,201/FTE, or \$1,040 greater than the open enrollment transfer amount in the bill. For a pupil with a disability, the open enrollment payment amount is \$13,013, or \$3,812 more than the per pupil payment for ICS.

For pupils transferring to a private school participating in a choice program or the SNSP, the payments would be equal to current law payments under these programs (choice schools: \$8,336 for K-8 and \$8,982 for 9-12; SNSP schools: \$13,013).

In summary, because the bill permits an application process for enrollment in ICS and private choice/SNSP schools without regard to the current law processes, eligibility criteria, or timelines for those programs, the bill creates a confusing landscape for parents and schools.

Membership in an Interscholastic Athletic Association

The bill also prohibits a school district from being a member of an interscholastic athletic association in the 2021-22 school year unless, for the 2021-22 school year, the association considers the method by which educational programming was delivered during the 2020-21 or 2021-22 school year to be an extenuating circumstance that justifies a request to waive the association's transfer rules for a pupil. Additionally, if a waiver is granted based on the method of delivering educational programming in the 2020-21 or 2021-22 school year, the association must allow the pupil to play any level of athletics during the 2021-22 school year, including varsity athletics.

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The bill attempts to indirectly impact interscholastic athletic association policies by directly prohibiting the ability of school districts to continue membership unless the association complies with the provisions of the bill. In matters related to the Wisconsin Interscholastic Athletic Association (WIAA), the department defers those discussions to the athletic association.

The department appreciates the opportunity to provide this information.



National Vaccine Information Center

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NVIC.org & NVICAdvocacy.org

Submission to the Wisconsin Assembly Committee on Mental Health in Opposition to AB600

November 9, 2021 - 11am

By Judith Jolly, RN, BSN - Wisconsin State Director

My name is Judith Jolly and I am a resident of Pardeeville Wisconsin. I am a registered nurse with a Bachelor of Science in nursing and the Wisconsin State Director and the Director of Diseases and Vaccine Website Content for the National Vaccine Information Center, or NVIC, the nation's oldest vaccine safety and informed consent advocacy organization.

For nearly 40 years, the national charitable non-profit NVIC has been dedicated to preventing vaccine injuries and deaths through public education and advocating for informed consent protections in medical policies and public health laws. We defend the human right to freedom of thought and conscience and support the inclusion of flexible medical, religious and conscientious belief exemptions in vaccine policies and laws.

I am speaking today in opposition to Section 3 and 4 of AB600, pertaining to the language on school requirements for the COVID-19 vaccine.

Under Chapter 252.04, the Wisconsin Legislature gave the authority to the Wisconsin Department of Health Services (DHS) to determine what the vaccine requirements are for K-12 schools in the state. To add a vaccine requirement, DHS must go through the rule-making process. At this time, there is no requirement for COVID-19 vaccines for K-12 students.

This means, that individual schools or school districts should not have the authority to issue vaccine requirements. Further, in the event that COVID-19 vaccines become a requirement for school attendance in Wisconsin, current law permits parents to exempt from that particular requirement for medical, religious, or philosophical reasons.

If there is, however, a scenario where a local health officer may, under the current state of emergency, have the ability to make their own COVID-19 vaccine requirements, then this legislature must ensure that this is not possible in Wisconsin. We should not have segregated schools based on a person's vaccine status. Wisconsin families should not be put in a situation where they are potentially unable to send their children to their local school because a local public health official was permitted to order a school board to require COVID-19 vaccination without any option of exercising their right to one of the three vaccine exemptions that the State permits under law.

I respectfully request that language pertaining to COVID-19 vaccination be removed from AB 600 as schools and school boards should not have the ability to make their own vaccine policies.



Memo

To: Members, Assembly Committee on Mental Health
From: Bob Baxter, Executive Director
cc: Peggy Wirtz-Olsen, President
re: Opposition to AB 600, relating to aid payments for pupils who transfer schools because of COVID policies
Date: November 9, 2021

The Wisconsin Education Association Council or WEAC represents teachers and other public school employees in every part of Wisconsin. As professionals on the front lines of our public school system, WEAC members are committed to working with administrators, school boards, and parents to promote safe, healthy, and effective learning environments.

WEAC members have seen first-hand how COVID-19 has had an impact on the mental health of our state's school children. The situation is serious. It is very necessary and important for the Legislature to take action to address the school mental health crisis. AB 600 is NOT the answer.

Rather than support a punitive system where school districts are required to forfeit state aid payments when a pupil decides to transfer in the middle of a school year, as AB 600 would do, legislators should authorize more funds for mental health programs and personnel in the schools. Legislators should go back and look at what Governor Evers proposed for school mental health aid in his original 2021-23 state budget. It was a serious effort to address the mental health crisis. That and more is what is urgently needed in schools across the state.

Specifically, AB 600 provides for the following during the 2021-22 and 2022-23 school years:

- 1) If a school requires pupils to wear face coverings to prevent transmission of COVID, a pupil may transfer to a school that does not require pupils to wear face coverings.
- 2) If a school does not require pupils to wear face coverings, a pupil may transfer to a school that does require pupils to wear face coverings.
- 3) If a school requires pupils to receive, or provide proof of having received, COVID vaccines, a pupil may transfer to a school that does not require pupils to receive or to show proof of having received vaccines.

Peggy Wirtz-Olsen, President
Bob Baxter, Executive Director

- 4) If a school does not require pupils to receive, or to show proof of having received, a COVID vaccine, a pupil may transfer to a school that does require pupils to receive or show proof of having received vaccines.

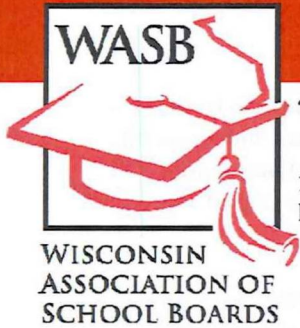
If the transfer is authorized, the Department of Public Instruction (DPI) must make a payment to the transferee school on behalf of the pupil. These amounts would vary from \$8,161 for a pupil without a disability attending a public school to \$13,013 for pupil with a disability attending either a public or private school. These amounts would be prorated for transfers after the third Friday in September, which would obviously be the case for this school year.

This proposal was put together with very little understanding of how school finance works in the state, as you will hear and see from testimony from DPI, the school boards association, and the school administrators. Put simply, AB 600 would create chaos in school districts across Wisconsin. It would upend the stability and direction of our schools and harm education for all students.

“As I listen to our educators statewide about their solutions for addressing mental health needs for our students, who have experienced trauma, and for our educators, who have experienced secondary trauma, not a single one is asking for this legislation,” WEAC President Peggy Wirtz-Olsen said. “Students and educators need real mental health supports. Educators deserve to be listened to and given the opportunity to discuss real solutions, not legislation designed to score political points.”

WEAC implores legislators to go back to the drawing board and develop proposals that would actually address the mental health crisis in our schools. This should include more funding for school-based mental health professionals and more funds for schools to collaborate with outside agencies to address the needs of the school community.

WEAC stands ready to work with any and all state policymakers to ensure that our schools are healthy and safe. We always welcome the opportunity to be part of the discussion to support and strengthen our state’s public schools.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

TO: Members, Assembly Committee on Mental Health
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: November 9, 2021
RE: OPPOSITION to ASSEMBLY BILL 600, relating to: state aid payments for pupils in grades K through 12 who transfer schools due to the existence or absence of mandates regarding pupil face coverings or COVID-19 vaccines; and school district membership in an interscholastic athletic association in the 2021-22 school year.

The Wisconsin Association of School Boards (WASB) is a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards. The WASB opposes this bill based on our member-approved resolutions.

In a nutshell, Assembly Bill 600 would allow a pupil in a public or private school to transfer to any other private or public school during the 2021-22 and 2022-23 school years if that school has different COVID masking or vaccine policies. A taxpayer-funded payment amount must then follow the pupil to their new school (called a "transferee school" under the bill). The bill specifies the amount of the taxpayer-funded payment depending on whether the pupil is transferring to a private or public school and whether the pupil has a disability or not.

The bill would require the parent of a pupil who wants to transfer to a "transferee" school as allowed under the bill to submit an application to the governing body of the transferee school. No later than 20 days after the governing body of a transferee school receives an application, the governing body must notify the applicant whether the governing body accepts or rejects the application.

The bill, however, provides no criteria for the approval or denial (acceptance or rejection) of a transfer application by a transferee school or district. In addition, the bill does not require that approved transfers be reported to DPI, even though DPI would be required to adjust aid payments to reflect the transfers. These are serious flaws.

Our members have taken a position opposing public dollars going to private schools. WASB Resolution 2.70 states:

The WASB strongly opposes the use of state or federal taxpayer dollars to subsidize nonpublic schools or nonpublic students/parents through a system of vouchers, scholarship tax credits, tuition tax credits or deduction plan or other similar arrangements.

All publicly funded schools, including private schools receiving voucher funding, must have the exact same accountability and transparency standards and requirements.

This bill reflects a wholesale expansion in the flow of public dollars to private schools. It disregards existing voucher school eligibility procedures in allowing transfers and awarding taxpayer-funded amounts to transferring pupils and their families.

This bill could allow taxpayer dollars to flow to any private school whether the private school participates in a choice program or not. Yet it does not appear that those private schools receiving public dollars under this bill would be subject to any additional transparency and accountability provisions, nor would a private school receiving taxpayer dollars under this bill be prohibited from charging a transfer pupil tuition on top of the public transfer payments it would receive for such a pupil.

Under this bill, a pupil transferring to a private school would not be required to meet the existing eligibility criteria for participation in any of state's three private school parental choice programs or the special needs scholarship program (SNSP), in order for the private school to receive a state taxpayer funded payment.

Under this bill, a private school pupil who does not participate in the parental choice programs or SNSP could transfer under this bill to another private school that does not participate in the choice or SNSP programs and the transferee school would receive a state payment, funded with a newly created sum sufficient GPR appropriation, for that pupil.

The WASB is concerned that this bill is a potential avenue for a wide-open "money follows the student" system. The bill could open the door to full privatization of K-12 education, and we have no doubt if this temporary system is put in place, voucher advocates would immediately shift their efforts to making it permanent. Such a step would fully realize the dream of privatization advocates to "put a voucher in every backpack."

Beyond the obvious privatization implications of this bill, the WASB has concerns with other provisions of this bill that are independent of privatization concerns.

The WASB is particularly concerned that bill ignores or disregard existing public school open enrollment procedures, eligibility criteria or timelines. This includes ignoring open enrollment space availability determinations by public schools.

The bill's provisions relating to public school transfers are redundant, because under current law, a parent may apply to transfer their child to a different public school district under the Open Enrollment alternative application at any time during the school year.

The bill clearly contemplates the ability of a "transferee school" to reject an application, but as noted, provides no criteria under which a rejection could occur.

COVID-related masking policies in schools have been changing in districts across the state as boards reevaluate decisions based on additional data and circumstances at the state and local level. This prompts two questions left unanswered by the bill: 1) What happens if a school or district changes its masking of vaccination policies after an application is submitted or approved? and 2) Who is responsible for tracking every school's or district's policies to ensure that the transfers and payments of public money comply with the provisions of this bill?

Finally, the bill does not address who is responsible for the transportation of pupils transferring to another public school district or whether funding is available to assist low-income parents with transportation costs.

This bill also contains the provisions from a previously vetoed bill—Senate Bill 384—prohibiting a school district from being a member of an interscholastic athletic association (i.e., the WIAA) unless the association allows an exception to its transfer rules based on the manner in which educational programming was delivered during the 2020-21 and 2021-22 school years.

The WASB's opposition to these provisions was noted in our testimony regarding Senate Bill 384 and is unchanged.

The WASB continues to oppose these provisions on the ground that they interfere with the ability of school boards to control or influence the policies of an organizations of which they are voluntary members. The WASB also opposed similar provisions last session.

WASB Resolution 3.98 states:

The WASB supports the autonomy of WIAA to govern itself and to determine regulations and standards for athletics and student eligibility while taking into account the input of its member schools. The WASB opposes legislative efforts to impose explicit or implicit mandates on the WIAA or its member schools (2018-8)

Interscholastic athletics and other extracurricular activities offered in public schools are, as the name suggests, something extra. They are intended to supplement the school curriculum. In this regard, the sports, music, drama, forensics, and other activities offered by each public school district are viewed as an extension of the classroom and of the school day. School-based athletic programs, for example, are not community or recreational youth sports programs. They are neither designed nor intended to provide programming to the general public in the way a YMCA or community-based recreation program might. Again, they are an extension of the school day.

Public schools provide athletics and other extracurricular activities because they have educational value and create incentives for pupils to enroll in and remain in public schools and perform well enough to remain eligible to participate in those activities. These opportunities reduce truancy, reduce discipline referrals, boost pupils' grades (GPA), promote a sense of belonging and community, improve school climates, increase graduation rates, and keep pupils engaged in school offerings and interested in their education.

Public schools exert institutional control at the district level (by requiring such things as school attendance, certain levels of academic standing or grade point averages, and adherence to codes of conduct) over who may participate in such activities and are accountable for how those activities are conducted.

Public schools also exert institutional control at the conference and at the state level through membership in bodies such as the Wisconsin Interscholastic Athletic Association (WIAA) that establish and enforce eligibility criteria and other rules, including transfer rules, intended to promote competitive fairness. Those statewide rules, like the local district rules, govern who may participate in such activities.

Those rules also provide for an appeal process under which a student athlete's individual circumstances are carefully considered. School districts exercise this institutional control at the statewide level through a representative process into which they have input. This bill would interfere with our member school boards' ability to regulate and control a private, non-profit organization in which they are members and would instead substitute lawmakers' judgment for the judgment of the WIAA and its public school members about what is in the best interests of competitive fairness.

For the above reasons, the WASB opposes Assembly Bill 600.