



ADAMS-FRIENDSHIP AREA SCHOOL DISTRICT

February 22, 2021

Dear Committee Members,

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 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
608-339-3213 ext. 1015
Cell: 608-574-2865

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."



February 22, 2021

Dear Senator Darling and other esteemed members of the Senate Education committee,

In March of 2020, due to the COVID pandemic, all schools in Wisconsin were closed and all students began to be instructed primarily through virtual methods.

Over the summer districts across our state worked to determine how they might reopen schools and how they would provide for the needs of all students that they serve. My district, like the majority of districts in our state, determined that while a majority of our parents and staff wanted to return to face-to-face (F@F) instruction in the fall with appropriate mitigation measures in place, there were some students who needed to continue to learn through virtual instruction. They were a significant minority and we made a huge commitment to continue serving them. We are now being told that we cannot provide the support our parents of Open Enrollment-In students have understood to be their rights, should they require virtual learning. I have included below excerpts from guidance provided the Wisconsin Department of Public Instruction and links to that guidance. This is what has brought me here to speak with you today.

Wisconsin Department of Public Instruction - Carolyn Stanford Taylor, State Superintendent
COVID-19 Regulatory Flexibility Framework = Provisions for the 2020-21 School Year
08/24/2020

Open Enrollment (08/24/20) Virtual Instruction Under Wisconsin Statutes 118.51(13), a pupil open enrolled into a nonresident school district has all of the rights and privileges of resident pupils. If a school district offers a virtual instruction program in response to concerns under the current pandemic, either as one of several options or as the only option, the school district must offer the same program to open enrolled students.

Wisconsin Department of Public Instruction - Carolyn Stanford Taylor, State Superintendent
11/9/2020

The effect of the state statutes and the Appeals Court decision is to require all open enrolled students, except those enrolled in virtual charter schools, to physically attend school in a school located in the nonresident school district on the days that school is in session. Only students open enrolled in virtual charter schools, that meet the statutory definition and virtual charter school requirements, are excused from daily physical attendance at a school located in the nonresident school district.

Q-2. If a virtual or online school does not want to identify itself as a virtual charter school, is it required to do so?



A-2. No, there is no statutory requirement for a school to identify itself as a virtual charter school. However, it may not then accept open enrolled students unless it requires students to physically attend within the geographic boundaries of the district each day school is in session.

Q-5. Is a school district prohibited from allowing open enrolled students to take online courses in a school that is not a virtual charter school?

A-5. No. However, the school must require students to physically attend school within the school district during the days and hours that school is in session.

Wisconsin Department of Public Instruction - Carolyn Stanford Taylor, State Superintendent Clarification of Virtual Instruction - 12/15/2020

The Department of Public Instruction (DPI) knows that many districts and independent charter schools have implemented new virtual learning options for students and families this school year in response to the COVID-19 pandemic. We also understand that districts, independent charter schools, and parents may be interested in continued access to these virtual education options in the 2021-22 school year and beyond.

Given the changes to the education landscape resulting from COVID-19, the DPI has identified paths available for a district or independent charter school seeking to offer virtual options to its students in the 2021-22 school year. The paths available to a district are based on whether the district wants to provide an option which combines in-person and virtual instruction (hybrid model) or provide completely virtual instruction and whether or not students will be physically present within their school district's boundaries when class is in session.

Fully-Virtual Option

- A district may opt to provide a completely virtual option for resident students but can't accept non-resident students through open enrollment into this option unless they operate a virtual charter school.
- If a district wants to offer a fully-virtual option and open enrolled students will be participating in the option without being physically present in the district each day school is in session, the district must create a virtual charter school.

The need for the proposed nonstatutory language is essential to protect the needs and health of OE-In students and parents. Thank you for considering this important request.

Respectfully,
Patricia F Deklotz, PhD,
Superintendent

SCHOOL DISTRICT OF БЕЛОIT TURNER

1237 Inman Parkway, Beloit, WI 53511

DENNIS MCCARTHY, Ed.D.

Superintendent
(608) 364-6372
(608) 368-3154
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February 22, 2021

To: State Legislators

CHRISTINE BROWN

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

Re: Written Testimony for 2021 Senate Bill 109

Dear Legislators:

BRAD BOLL

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

I write to you on behalf of the School District of Beloit Turner, our families, and our staff in support of 2021 Senate Bill 109. 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.

CHRIS KOEPPEN

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

CORY EVERSON

Principal
Turner Middle School
1237 Inman Parkway
(608) 364-6367
(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.

MATT BRIGHT

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

This legislation 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.

RYAN BERTELSEN

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

Sincerely,



Dr. Dennis McCarthy, Superintendent
School District of Beloit Turner

VICKIE SMITH

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



CINDI DUCHOW

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Senate Committee on Education
SB 109 – Open Enrollment
February 23, 2021

Thank you Ms. Chairwoman and members of the Committee for holding a public hearing on Senate Bill 109. 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.

Senate Bill 109 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 Senate Bill 109.

Representative Cindi Duchow



JOAN BALLWEG

STATE SENATOR · 14TH SENATE DISTRICT

Senate Bill 109: Virtual Open Enrollment Offered by a Nonresident School District
Senate Committee on Education
Testimony of Senator Joan Ballweg
February 23, 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. 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 time. I am happy to answer any questions you may have.

Senate Committee on Education
February 23, 2021

**Wisconsin Department of Public Instruction
Testimony in Support of SB 109**

The Department of Public Instruction (DPI) appreciates the opportunity to provide this written information in support of 2021 Senate Bill 109 (SB 109). 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.

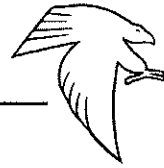
SB 109 would address this situation by modifying current open enrollment law for the 2021-22 school year so that a fully-virtual option is considered to be located in the nonresident school

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.

WHITNALL SCHOOL DISTRICT



DR. LISA OLSON

February 22, 2021

TESTIMONY IN SUPPORT OF SB109

Thank you for your willingness to discuss the urgent and important issue of allowing a student to attend a fully virtual option offered by a nonresident school board in a nonresident school district through the full-time open enrollment program. Whitnall School District supports this option and would like to provide some details about how it impacts the Whitnall School District.

During July and August, the Whitnall School District solicited feedback from its parents to determine their preferences in how we offered learning during the 2020-21 school year in a pandemic. We spent considerable time listening to our parents in both surveys and focus groups to deeply understand their concerns and questions. Whitnall determined that we would provide in-person learning as the primary mode of learning but would provide the option of virtual learning to those parents who had circumstances in which they could not or did not want to send their child in person.

Approximately 80% of parents selected the in-person learning option and we opened the school year on September 1 with in-person learning 5 days a week. We have had in-person learning for 5 days a week without any pauses at our elementary schools and a short two-week pause in November at our middle and high school due to staff isolations and quarantines. At semester, we allowed parents to choose to change learning options based upon circumstances; we had more parents return their child to in-person learning. We continue to be in-person 5 days a week for the majority of our families.

Keeping our schools open has required extreme mitigation efforts and extraordinary measures by our staff. Those measures also include providing a virtual learning option to those students whose parents chose virtual learning due to pre-existing medical conditions or concerns about their child's health or a family member's health. We have been able to meet their needs this year and are proud of our response to our families and the community.

Whitnall has historically accepted open enrollment students to provide stability in resident enrollment and programming options. Once accepted, those students are considered part of the Whitnall community. As is stated in state law, open enrollment students must be afforded the same rights and privileges as resident students. During this past school year, virtual learning was made available to all parents, regardless if they had an open enrollment student or resident student. Should Whitnall determine that a virtual learning option is necessary for 2021-22, we would want that same option for our families. Requiring a virtual charter school to be created to address a temporary need is not in the best interest of personnel or families.

I ask that you support SB109 to allow a student to attend a fully virtual option offered by a nonresident school board in a nonresident school district under the full-time open enrollment program during the 2021-22 school year.

Should you wish to discuss my letter or observations more, feel free to contact me at lolson@whitnall.com or 414-525-8411.

Sincerely,

A handwritten signature in cursive script that reads "Lisa L. Olson".

Lisa L. Olson, Ph.D.
Superintendent



Senate Education Committee
February 22, 2021

Testimony in Support of Senate Bill 109

Senator Chair Darling, Senator Co Chair, Bernier and members Senator Nass, Senator Larson and Senator Smith, thank you for engaging around the critical issue of allowing a pupil to attend a fully virtual option offered by a nonresident school board in a nonresident school district under the full-time open enrollment program. I appreciate your collaborative approach to safeguarding our students' health and wellbeing. Franklin Public Schools is supportive of this as well and I would like to share a few comments.

Beginning on September 1, 2020, and continuing through today, Franklin has offered students two options for instruction, a 5 day a week in-person option, as well as a 5 day a week virtual option. Around 80% of our students chose in-person instruction. We're proud to report that through the utilization of a number of mitigation measures, we have been able to keep our schools open to in person learning all year, with the exception of a two week window at our high school in November. That said, we also have a number of families and students who have pre-existing medical concerns, or general concerns about their children's health related to COVID. Our virtual program has proven to be a good option for them.

Like many other school districts, we have a long history of accepting open enrollment students into our district. Once accepted, our open enrollment students become part of our school community. They are provided all of the same rights and privileges as resident students. More importantly, they are proud to attend our school district and ultimately graduate as a Franklin student.

As we prepare for 2021-22, we believe it is essential to continue to respond to our families and their needs. Due to the current uncertainty regarding the availability of a vaccine for children, we believe there will still be a small number of families who need a virtual program option for next school year. As with any other decision, we ask that our open enrollment families be allowed to have the same choice we may offer our resident students.

I am therefore asking for your support of SB 109 on behalf of Wisconsin school districts which allows a pupil to attend a fully virtual option offered by a nonresident school board in a nonresident school district under the full-time open enrollment program during the 2021-2022 school year.

This bill further supports State law that states that open enrollment students shall be afforded the same rights and privileges as residents.

Sincerely,

A handwritten signature in black ink that reads "Judy Mueller".

Judy Mueller, PhD

District Administrator
Franklin Public Schools

cc: Senator Julian Bradley
Assembly Representative Ken Skowronski

#ITRUSTPARENTS



WISCONSIN COALITION FOR
VIRTUAL SCHOOL FAMILIES

February 23, 2021

State Senator Alberta Darling
Chair, Senate Committee on Education
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Darling and members of the Senate Committee on Education:

Thank you for consideration of my comments regarding the bills before you today.

Thanks to your wisdom and that of several of your colleagues who trust parents, Wisconsin law allows for near-year round open enrollment. We applaud this approach that allows thousands of children the opportunity to transfer into established, reliable online virtual charter schools. While we speak for our members today, we are also on record in support of educational options for *all* Wisconsin families, whether they attend online or in person, are homeschooled or utilize a hybrid combination of these options.

We applaud policymakers who put kids' interests first. We appreciate officials who trust parents and treat us like adults, and we support public policy that empowers families to take an active role in the education of their children.

To that end, we support SB39, SB109 and SB110.

We encourage members of the committee to look at more opportunities to promote options and reform. We always appreciate any incremental progress Wisconsin makes, but we continue to hope and advocate for bold strokes.

Thank you for your consideration.

Sincerely,

Ty

Ty Babinski

President, Wisconsin Coalition of Virtual School Families