



Luther S. Olsen

State Senator

14th District

TO: Senate Committee on Education
FROM: Senator Luther Olsen
DATE: Tuesday, January 28, 2020
SUBJECT: Testimony for Senate Bill 688

Thank you members of the Senate Committee on Education for holding a hearing and allowing me to testify in support of Senate Bill 688 (SB 688).

In 1997, Wisconsin Act 27 established Wisconsin's open enrollment program and went into effect for the 1998-99 school year. Starting that year, it allowed students to apply to attend any public school district within the state, but it set a cap of how many each student is allowed to apply to in any given year with three being the max.

It wasn't until five years later that the state's first virtual school, Appleton School District's Wisconsin Connection Academy, opened in September 2002. Today, there are over 40 virtual schools. Under current law, if a student applies to more than three districts their additional application is considered ineligible. The law does not allow for any flexibility or additional applications even if all three of the initial applications have been denied.

Students who have been expelled from their resident district often seek open enrollment into nearby districts. These students may be denied open enrollment into a traditional public school for a number of reasons including behavioral health challenges, but could still be well-served by a virtual school. The Department of Public Instruction even has a list online of virtual charter schools that are willing to consider accepting students that have been expelled.

When Act 27 was signed into law, it didn't take virtual schools into account because they didn't exist yet. This law will remove the limit on the number of schools a student can apply to under open enrollment for applications to a virtual charter school. The idea for this legislation was brought to our attention after a family had been denied enrollment into a virtual school, not because the school didn't want to accept them, but because they had already been denied by three other districts. Unfortunately, due to current law the student didn't have any other public school options for the remainder of the year, despite the virtual school being willing to offer enrollment.

Again, thank you for holding a hearing today. I ask for your support on SB 688 and I would be more than happy to answer any questions.



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony before Senate Committee on Education
Senate Bill 688
Rep. Amy Loudenbeck

Thank you, Mr. Chairman and committee members, for the opportunity to testify in favor of Senate Bill 688 relating to applications for full-time open enrollment.

Senate Bill 688 resolves an issue that was brought to our attention by a Wisconsin school district administrator. Under current law, a family may apply for open enrollment to a maximum of three districts within a given school year. The law does not allow for any exceptions or additional applications if a student is denied admittance into all three of the districts to which they applied.

Virtual school options are numerous in Wisconsin, which was not the case in 1999 when the language limiting the number of open enrollment applications was put into statute. This bill removes the limit on the number of virtual charter schools a student can apply to under open enrollment.

I learned of the three application limit from the Elkhorn Area School District (EASD) which is often able to accept students from other schools, including students who have been expelled, by admitting them into their virtual school, or one of their other programs.

Unfortunately, two families were recently denied enrollment into the EASD's virtual school not because EASD didn't want to accept them, but because the law didn't allow them to. Prior to applying to Elkhorn's virtual school their children had already been denied by three other school districts, which triggered the three district maximum rule. Due to the way the statute is currently written these families had no other public school option for the remainder of the school year, even if the EASD was willing to offer acceptance and enroll the students in their virtual school.

Expulsions occur in districts across the state. We believe that students who have been expelled should continue to receive educational services in a setting that is safe and appropriate, if possible.

Senate Bill 688 also recognizes there are many reasons, in addition to expulsion, a student could be denied open enrollment to a traditional public school including behavioral health challenges or complex medical issues. These students could also be well-served by admittance to a virtual school.

SB 688 provides an option for students who are currently being denied the opportunity to open-enroll into a virtual school due to the three application limit. It is important to note SB 688 does not require a virtual school to accept a student and it is our understanding virtual schools are supportive of this legislation.

Thank you for your time today. We would be happy to answer any questions at this time.

2019-2020 Virtual Charter Schools Accepting Expelled Students

These virtual charter schools will consider application from expelled students on a case-by-case basis. The department recommends contacting schools prior to submitting applications.

Barron Area School District
Advanced Learning Academy of Wisconsin
Grades: KG-12
1050 E Woodland Ave Barron WI 54812-1052
Jessica Mullikin
715-537-5627
mullikinj@barron.k12.wi.us
barron.k12.wi.us/schools/alaw.cfm
Year Opened: 2011

Birchwood School District
Bobcat Virtual Academy
Grades: K4-12
300 S Wilson St Birchwood WI 54817-8841
Jeffrey Stanley
715-354-3471
jstanley@birchwood.k12.wi.us
birchwood.k12.wi.us
Year Opened: 2015

Cameron School District
Cameron Academy of Virtual Education (CAVE)
Grades: K4-12
750 S 1st St Cameron WI 54822-0378
Jon Griffith
715-458-5610
jgriffth@cameron.k12.wi.us
cave.cameron.k12.wi.us
Year Opened: 2010

Chetek-Weyerhaeuser Area School District
Link2Learn Virtual Charter School
Grades: K4-12
PO Box 6 Chetek WI 54728-0006
Kim Ruda
715-924-3136
krude@cwasd.k12.wi.us
www.cwasd.k12.wi.us/schools/virtual_school.cfm
Year Opened: 2011

De Soto Area School District
De Soto Virtual School
Grades: KG-12
615 Main St De Soto WI 54624-8644
Scott Kelly
608-648-3311
skelly@desoto.k12.wi.us
sites.google.com/desotopirates.org/de-soto-virtual-school/home
Year Opened: 2015

Elkhorn Area School District
Elkhorn Options Virtual School
Grades: K4-12
3 N Jackson St Elkhorn WI 53121
Trisha Spende
262-723-1696
info@elkhorn.k12.wi.us
<http://elkhornoptions.ss5.sharpschool.com/>
Year Opened: 2015

Elmwood School District
Western Wisconsin Virtual Charter (WWVC)
Grades: K4-12
213 S Scott St Elmwood WI 54740
Glenn H Webb
715-639-2711
webbg@elmwood.k12.wi.us
www.elmwood.k12.wi.us
Year Opened: 2019

Grantsburg School District
iForward
Grades: 6-12
480 E James Ave Grantsburg WI 54840-7959
Constance Quade
218-623-1406
constance.quade@iforwardwisconsin.com
iforwardwisconsin.com/
Year Opened: 2007

Janesville School District
ARISE Virtual Academy
Grades: KG-12
450 N Crosby Ave Janesville WI 53548-3340
David Parr
608-743-6110
dparr@janesville.k12.wi.us
ariseva.com
Year Opened: 2007

Kiel Area School District
Kiel eSchool
Grades: 7-12
PO Box 201 Kiel WI 53042-0201
Eric Ward
920-894-2263
eward@kiel.k12.wi.us
www.kiel.k12.wi.us/kielleschool/
Year Opened: 2002

Lake Mills Area School District
JEDI Virtual Charter School
Grades: K4-12
1221 Innovation Dr Ste 205 Whitewater, WI
53190
Jamie Syvrud
262-473-1469
jlsjedi@cesa2.org
www.jedivirtual.org
Year Opened: 2005

McFarland School District
Destinations Career Academy of Wisconsin
Grades: 9-12
4709 Dale-Curtin Dr McFarland WI 53558
Nicholaus Sutherland
608-838-9482
nsutherland@k12.com
widca.k12.com
Year Opened: 2016

McFarland School District
Wisconsin Virtual Academy Hi (WIVA)
Grades: 9-12
4709 Dale-Curtin Dr McFarland WI 53558
Nicholaus Sutherland
608-838-9482
nsutherland@k12.com
k12.com/wiva
Year Opened: 2014

McFarland School District
Wisconsin Virtual Academy K-8 (WIVA)
Grades: KG-8
4709 Dale-Curtin Dr McFarland WI 53558
Nicholaus Sutherland
608-838-9482
nsutherland@k12.com
k12.com/wiva
Year Opened: 2014

Medford Area Public Schools
Rural Virtual Academy
Grades: K4-12
624 College St Rm 104 Medford WI 54451
Charles Heckel
715-748-4620
charles.heckel@medford.k12.wi.us
ruralvirtual.org
Year Opened: 2005

Merrill Area Public Schools
Bridges Virtual Academy
Grades: K4-12
1201 N Sales St Merrill WI 54452
John Hagemeister
715-539-8360
john.hagemeister@bridgesvirtualacademy.com
bridgesvirtualacademy.com
Year Opened: 2012

Montello School District
Montello Virtual Charter School
Grades: KG-12
222 Forest Ln Montello WI 53949-9390
Theresa Crawford
608-297-2128
tcrawford@montelloschools.org
montelloschools.org
Year Opened: 2014

Norris School District
Norris Virtual Academy
Grades: KG-12
W247S10395 Centr Dr Mukwonago WI 53149
Johnna Noll
262-662-5911
info@norrisacademywi.org
norrisacademywi.org
Year Opened: 2017

Northern Ozaukee School District Wisconsin
Wisconsin Virtual Learning (WVL)
Grades: K4-12
401 Highland Dr Fredonia WI 53021-9499
Mike Leach
262-692-3988
mleach@nosd.edu
wisconsinvl.net
Year Opened: 2009

Prairie du Chien Area School District
Mighty River Academy of Virtual Education
Grades: KG-12
800 E Crawford St Prairie du Chien WI 53821
Michael A Liddell
608-326-3843
lidellmi@pdc.k12.wi.us
pdc.k12.wi.us/mightyriver/
Year Opened: 2013

Richland School District
Richland Online Academy
Grades 6-12
1996 US Hwy 14 W Richland Center WI 53581
Steve Board
608-647-6131
roa@richland.k12.wi.us
richland.k12.wi.us/roa
Year Open: 2014

Saint Croix Central School District
Saint Croix Academy of Virtual Education
Grades: KG-12
PO Box 118 Hammond WI 54015
Stephani Posta
715-796-5383
sposta@scc.k12.wi.us
www.scc.k12.wi.us/o/virtual-school
Year Opened: 2014

Turtle Lake School District
Laker Online Virtual Charter School
Grades: K4-12
205 Oak St N Turtle Lake WI 54889-8929
Kent Kindschy
715-986-4470
kkindschy@turtlelake.k12.wi.us
<https://www.turtlelake.k12.wi.us/schools/lakeronline/>
Year Opened: 2015

Wauwatosa School District
Wauwatosa Virtual Academy
Grades: 6-1
12121 W North Ave Wauwatosa WI 53226-2096
Dean Heus
414-257-6821
heusde@wauwatosa.k12.wi.us
wauwatosavirtualacademy.com
Year Opened: 2013



JASON K. TADLOCK
District Administrator
WILLIAM TREWYN
District Business Manager
RITA GEILFUSS
Director of Pupil Services
AMY GEE
K-5 Director of Instruction & Gate
SARAH BOSCH
6-12 Director of Instruction
TRISHA SPENDE
Director of Online & Blended Learning

Esteemed Legislators,

My name is Jason Tadlock, I am the District Administrator for the Elkhorn Area School District. Accompanying me today is my administrative assistant Jodi Essman, she also serves as our school district's open enrollment coordinator and has been key to helping us identify the challenge that families across Wisconsin currently face.

Getting expelled is a traumatic experience for all parties involved. The students suffer, guardians suffer, administrators often lose sleep and school boards, despite having to make the difficult decision to remove a student from school. Yet it is sometimes a necessary process to protect the interests of other students and it can serve as a catalyst for students to get back on track if done right.

In the Elkhorn Area School District we have made a commitment to the students and families of expelled students. The students may be restricted from attending the traditional high school, but they are all given a pathway to graduation through a variety of programming and educational offerings that we provide to them depending on their offense that led to the expulsion. We do not wash our hands of the students. We do not cut them off from critical support at a time that they and their families need them the most.

Unfortunately, that is not the case for many students throughout the state of Wisconsin. Quite often we have found that many districts will exercise their right to simply expel the students and offer no further educational services. Once a student is expelled in Wisconsin, other districts may reject an expelled student's enrollment request based on their expulsion order. I have seen students that were expelled in middle school for what is termed repeated refusal to obey school rules up through age 21. Effectively enabling any school district in the state to reject the enrollment of the said student.

I met with one such young man this summer to discuss his enrollment in our school. He was expelled in 8th grade from a Wisconsin school district for repeated refusal to obey school rules. He was given a pathway back to school if he completed an online program, community service hours, and counseling for the school from which he was expelled. His mother decided to send him to his father's house in Illinois so he could attend school there. He did so for his freshman year, but due to an abusive environment and the alcoholism of his father, his mother brought him back to Wisconsin to live with her. When she attempted to enroll him back in school she was told that he could not enroll because he did not complete the terms of his expulsion order exactly as they had prescribed. He did not have the proper verification forms of his counseling services. In an attempt to get

him back in school she moved to a city just north of us near her work not realizing that they too can refuse to enroll him due to the expulsion that was in place from his previous school district. His mother, not knowing what to do, didn't find any other educational options and he spent his sophomore year at home depressed, disengaged and often times thinking about harming himself.

When I met with him and his mother this summer, I reviewed our educational options that he could participate in, the young man proclaimed excitedly, "Are you serious! Are you serious! No way! I can't believe that I get to go back to school." He then began to sob and shared that while taking a shower in preparation for our meeting he had prayed to God as he had never prayed before that he would be allowed to return to school.

Students and families like this young man around the state are searching for educational opportunities. We are listed by the state as one of 20 school districts willing to accept expelled students. As such we are contacted on a regular basis by area families as well as social workers from around the state on behalf of students with whom they are working. Hoping that they will be able to find a public educational solution for their student.

This brings me to the reason why I am here today. I would like to review two cases, that brought to light the need for a change to our current legislation.

Student A

In October 2019 the Elkhorn Area School District received an Alternative Open Enrollment Application requesting our virtual charter school. It is important to note that Student A's legal guardian indicated there is no current school of attendance.

Per open enrollment policies and procedures, Elkhorn, as the non-resident district, is required to provide a copy of the application to the resident school district, in this case Central-Westosha. At such time, Elkhorn was informed by the resident school district that Student A had submitted three prior Alternative Open Enrollment Applications to other districts, thus making this, the fourth application, to Elkhorn ineligible under Wisconsin statutes and administrative code. Even though the first three applications to non-resident districts were all denied, Elkhorn, under current law, could not entertain the idea of accepting this student.

Per state statutes and administrative code, a parent can only apply to three non-resident districts per school year. The year is defined as the school year the application was submitted in, not the school year that the application was submitted for. This is important because the legal guardian of Student A applied for open enrollment for the 2019/20 school year in the 2019/20 school year (using the alternative OE procedure). Therefore, they can only apply to the initial same three nonresident districts during the upcoming regular application period (even though, in this scenario, the applications would be for a future school year) because that period is occurring during the 2019/20 school year. After July 1, 2020, the legal guardian can apply to up to three new nonresident school districts for the 2020/21 school year. Under these rules, the first opportunity the family has to re-apply to Elkhorn is when the Alternative Open Enrollment procedure opens July 1, 2020.

When Elkhorn's open enrollment coordinator reached out to DPI to confirm the interpretation of state statute and administrative code, she was informed that Elkhorn would be breaking the law if they accepted this application. Therefore, Elkhorn denied Student A's application.

Student B

Virtually the same situation for Student B, except this student was expelled from Central/Westosha for being in possession of a THC vape pen until his 21st birthday. Student B was given no pathway to return to school.

Again, Elkhorn was the fourth non-resident district this student applied to, and therefore the application was ineligible under state statutes and Elkhorn had to deny.

The legislation being proposed would not have a negative impact on any school district in the state of Wisconsin, as it does not require a school district to accept a student who has been expelled. It simply allows parents to continue looking for public education options for their expelled student, even if they have been denied by three districts. It would also allow districts willing to help these students and families do so, without the risk of violating state statutes.

Thank you for your time and consideration.

Sincerely,

Jason Tadlock
District Administrator
Elkhorn Area School District



Westosha
Central High School
to go

Darlene Anderson <andersonda@westosha.k12.wi.us>

Exception App

2 messages

Darlene Anderson <AndersonDa@westosha.k12.wi.us>
To: "Danfield, Jennifer L. DPI" <Jennifer.danfield@dpi.wi.gov>

Tue, Oct 29, 2019 at 9:12 AM

I spoke with you yesterday regarding a resident student who has applied to 4 different virtual schools and now I have another resident student who has done the same. I just want to reiterate our conversation yesterday. So those applications are automatically denied because of the excessive amount of applications or does the non-resident and resident school have the ability to approve the application. This has never happened to me before. Can they ever apply again another time? Any input would be good to know. Thanks

Darlene

Demrow, Jennifer DPI <Jennifer.Demrow@dpi.wi.gov>
To: Darlene Anderson <AndersonDa@westosha.k12.wi.us>

Tue, Oct 29, 2019 at 1:13 PM

Hi Darlene,

If a parent applies to more than 3 nonresident districts during a school year, the alternative application is considered ineligible and the denial reason would be "too many applications submitted". You can find this information in statute under Wis. Stat. § 118.51(3) (a) and in our administrative rules under Wis. Admin. Code § PI 36.06(1)(b).

A parent can only apply to 3 nonresident district per year. The year is defined as the school year the application was submitted in, not the school year that the application was submitted for. In this situation, since the parent applied for open enrollment for the 19-20 school year in the 19-20 school year, they can only apply to these same 3 nonresident districts during the upcoming regular application period because that period is occurring during the 19-20 school year. After July 1, 2020, the parent can apply to up to 3 new nonresident school district for the 20-21 school year now because we would be in the 20-21 school year.

Jen Demrow

School Administration Consultant

Public School Open Enrollment

Department of Public Instruction

608-264-6707 or 888-245-2732, option 2, then 3

Jennifer.Demrow@dpi.wi.gov

DISCLAIMER: The content of this email is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain legal advice, including compliance with state and federal laws and regulations.

[Quoted text hidden]

Fadia Afaneh
Head of Schools

WIVA, WIDCA and ISWI
4709 Dale-Curtin Drive
McFarland, WI 53558

Phone: 608-838-9482 ex. 1108
Fax: 608-838-9483
E-mail: fafaneh@k12.com



Dear Representatives:

On behalf of Wisconsin Virtual Academy, I write to you today in support of AB737 and SB688, which could serve as a lifeline for students in need throughout Wisconsin.

Wisconsin Virtual Academy, also known as WIVA, is one of our state's oldest online charter schools. Authorized by McFarland School District for grades K-12, Wisconsin Virtual Academy (WIVA) lets students learn in the ways that are right for them. For some, like those who know the promise of an online platform, we are their first choice. However, we also know that for some of our students, we are a lifeline that is clung to after unfortunate experiences in a traditional school. Some students who attend online charter schools have been the victims of bullying, while others may struggle in a traditional academic setting because of physical illness or anxiety. At WIVA, we combine the research-based, award-winning curriculum with expert teachers and extensive support to provide an outstanding education that is tailored to meet our students' individual needs.

We support AB737 and SB688 because we believe that Wisconsin's Open Enrollment process should be as open as possible in order to serve the needs of Wisconsin students. Wisconsin lawmakers have wisely expanded the enrollment window in recent years, and we believe this reform will further help students here. If a public school is willing to enroll a child of Wisconsin, arbitrary limits imposed by state statutes should not stand as a barrier to that child's educational opportunity.

We appreciate your consideration of our written testimony and encourage you to support AB737 and SB688. Thank you.

Sincerely,

Fadia Afaneh, M.Ed
Head of Schools

Wisconsin Virtual Academy
Destinations Career Academy of WI
Insight School of Wisconsin

Fadia Afaneh
Head of Schools

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4709 Dale-Curtin Drive
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Phone: 608-838-9482 ex. 1108
Fax: 608-838-9483
E-mail: fafaneh@k12.com



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Sincerely,

Fadia Afaneh, M.Ed
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Destinations Career Academy of WI
Insight School of Wisconsin