



# KEN SKOWRONSKI

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Good Afternoon Chairman Schraa and committee members,

Thank you for holding a public hearing on Assembly Bill 216. AB 216 helps address an issue with the school report cards on behalf of the Franklin School District, which serves as the school district of record for students in the Milwaukee House of Correction.

Under current law, the Department of Public Instruction is required to publish a school and school district accountability report card annually by November 30<sup>th</sup>. The report card is based on measurements in several key areas such as Student Achievement, Growth, Post-Secondary success, and attendance. School districts that are home to juvenile detention centers or secured residential care centers for children or youth, such as the Franklin School District, are unfairly penalized when students leave these facilities, return to their primary residence and chose not to reenroll in their home school district. When these students do not reenroll in school, the responsibility for their "drop out" is assigned to the Franklin School District; thereby distorting the Franklin School District attendance measurement and subsequent report card.

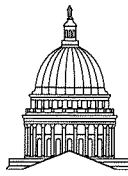
Assembly Bill 216 makes a simple change, by excluding the attendance data for students at Milwaukee House of Correction (and other juvenile detention centers or secured care centers) if 50 percent or more of the pupils do not reside in the facility for the entire school term. This will give Franklin parents a more accurate picture of the Franklin School District's attendance and drop out rates.

Senate Bill 235, AB 216's companion, passed the Senate Education Committee and the Senate unanimously. Thank you for your support of AB 216.

Thank you,

A handwritten signature in black ink, appearing to read "Ken Skowronski".

Ken Skowronski  
State Representative



**JULIAN BRADLEY**  
WISCONSIN STATE SENATOR

**Assembly Bill 216: Measuring a school district's improvement for the school and school district accountability report**

**Assembly Committee on Corrections  
Tuesday, September 14**

Chairman Schraa and committee members:

Thank you for scheduling a hearing on Assembly Bill 216, which addresses an issue with school report cards impacting the Franklin School District.

By November 30, current law requires the Department of Public Instruction to annually publish a school and school district accountability report, also referred to as school and school district report cards. These include certain measurements, such as student attendance. School districts with a juvenile detention facility or secured residential care center for children are unfairly penalized when students leave these facilities and fail to reenroll when returning to their primary residence. Currently, eleven of these facilities exist with the potential of four additional facilities in the future, with funding becoming available to Milwaukee, Dane, Brown, and Racine to construct secured residential care centers for children.

In *State ex rel. School District No. 1 of Waukesha v. Thayer*, 74 Wis 48 (1889), the Wisconsin Supreme Court ruled that for school purposes, a child that resides away from their primary home is considered a resident of the school district in which the child is actually residing rather than the one in which they are a primary resident – as long as the purpose for the child living away from their parents is other than to attend the school for which the child actually resides.

This legislation creates more representative reporting of the performances of school districts throughout the state by excluding the data for students at these facilities if 50% or more of the students at the facilities do not attend for a full academic year.

Thank you for your time and consideration.



To: Members, Assembly Committee on Corrections  
From: Judy Mueller, District Administrator, Franklin Public Schools

Date: September 14th, 2021  
Re: In Favor of AB 216

Good Afternoon Mr. Chairman & Members of the Committee,

Thank you for the opportunity to speak with you today in support of AB 216. My name is Judy Mueller, and I currently serve as Superintendent of Franklin Public Schools.

I would like to begin with a bit of background. The Franklin Public School District is one of at least eight districts across the state of Wisconsin that operate a school within a juvenile detention facility, the Milwaukee County House of Corrections. The program includes two Franklin Public School employed teachers, and a number of educational assistants. The program serves an average of 146 students per year.

Nearly all of the students served by this program originate from school districts outside of Franklin, with the majority receiving their education in the Milwaukee Public School District. Additionally, the vast majority of students served are only enrolled in the detention facility for a short period of time. In fact, only around 50% of the students served by the program are in the program for 6 weeks or less.

Upon release, these students return to their community of origin, and need to re-enroll in their local district in order to continue to receive educational services. The majority of these students are 17-19 years old, and unfortunately, many of them choose to drop out of school upon release rather than re-enroll in their originating district. Since the Franklin Public School District was the last district of enrollment for these students, the responsibility for the drop out is also assigned to Franklin Public School District. FPS is also given limited opportunity to intervene on behalf of released students, with facility guidelines preventing our social work or school counselor staff from intervening to ensure these students re-enroll.

I would also like to share a bit of background about our school accountability system in Wisconsin. Under current statute the Wisconsin Department of Public Instruction issues state accountability reports cards annually for each public school and district in the state. All districts are statutorily required to send these report cards to our families annually, with schools and districts being rated across five performance categories. The intent is to accurately reflect the performance of the district and its schools, so families can compare districts, and make the best possible choice in schooling for their children. Under current statute, academic performance is only included for students who attend for a full academic year. Graduation rate, on the other hand, includes any student who was enrolled in the district for any period of time prior to their dropping out.

This means that students who originate outside the Franklin Public School District, are incarcerated, are released after a few weeks, and choose not to re-enroll in their originating district, lower the Franklin Public School state report card score. Since the inception of the state accountability report card, this factor has decreased the report card in three primary areas:

- Closing Gaps, which takes into account differences in graduation rate based on demographic,
- On Track for Post Secondary Readiness, which takes into account overall graduation rate and attendance, &
- The Overall Score Accountability Score

For example, on the most recently released state report card, the Franklin Public School District received a rating of 79.5 or exceeds expectations. If the juvenile detention facility data were to be removed, Franklin would have scored an 83.6, or at a level of significantly exceeds expectations. This would have also moved the Franklin Public School Districts from a 4 star rating to a 5 star rating.

We are very proud of the work we are able to do on behalf of the students served by the facility, and have helped a number of students earn their GED or even a Franklin High School diploma. We are all for high levels of accountability, as well transparency in our performance. We just ask that we be compared fairly to surrounding districts who do not operate within a juvenile detention facility, by accounting for factors that are beyond our control.

It is important to note that the bill before you would only remove the data from these facilities from the district report card. Each school would still be issued a state report card demonstrating the progress of that school, including in our case, the school within the Milwaukee County House of Corrections, where we've earned a rating of satisfactory progress every year.

Finally, we believe an expectation similar to the one this bill asks for is already within statute. Data from virtual schools having 50% or more of their students attending via open enrollment are not counted in the district's report card. Thank you.



April 27, 2021

Honorable Assembly Corrections Committee Members,

Great schools make great communities. When a family is looking to buy or build a home, one of the questions they ask is, "How good are the schools?" When they look up DPI school report card data, they deserve an accurate accounting of our performance as a district, especially as it relates to other districts.

Ongoing confusion has been generated within our community by perceptions resulting from the data reported from DPI that is inconsistent with our neighboring districts, making us appear less than we are. While we as a School Board are proud of the work that we do at the Milwaukee County House of Corrections in educating those that are incarcerated there, we believe that the MCHC school report card should be considered separate from our district scorecard. The main reason for this is the transient nature of these students and our inability to follow up with them once they are released.

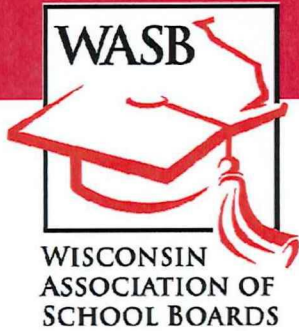
This caused our Board to work together with our administration to submit the following resolution to the Wisconsin Association of School Boards Delegate Assembly, which passed in January 2020. We also reached out to our legislators to seek constructive change, which led us here today.

"The WASB supports legislation to provide that for purposes of measuring a school district's or high school's improvement, the DPI may not include data derived from a public school located in a juvenile detention center, jail, or other court-ordered residential placement that is located within and operated by the school district, if at least 50% of the pupils attending the school are not enrolled for the entire academic year."

The Franklin Board of Education respectfully asks for you to vote in favor of Assembly Bill 216. Your Support will mitigate those factors that are outside of the direct control of our district by excluding data from a juvenile detention facility, if a majority of the students are there for less than a full academic year.

Thank you for your consideration.

Mike Spragg  
Franklin Board of Education  
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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Assembly Committee on Corrections  
FROM: Dan Rossmiller, WASB Government Relations Director  
DATE: September 14, 2021  
RE: SUPPORT for ASSEMBLY BILL 216, relating to measuring a school district's improvement for the school and school district accountability report.

The Wisconsin Association of School Boards (WASB) a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards.

Assembly Bill 216 is a simple, straightforward bill meant to address a situation that causes a distortion in the way the School District of Franklin's report cards are calculated. To correct this distortion, the bill requires the DPI, for purposes of measuring a school district's improvement, to exclude data derived from a juvenile detention facility or secured residential care center for children and youth if 50 percent or more of the pupils residing at the facility do not reside there for the entire school term.

The WASB supports Assembly Bill 216. Our support is based on a resolution adopted by our membership at our 2020 Delegate Assembly.

When school report card scores are calculated, the components of a school's or district's score that are based on state assessment results (i.e., standardized test results) are calculated using full academic year students. However, full academic year student status *is not* used in the calculations of attendance, absenteeism, dropout, and graduation rates; these measures apply to all students. Thus, even students who attend school within a district for a relatively short period of time may strongly affect a district's report card score if they drop out or fail to graduate.

The Franklin School District's overall district dropout rate and overall district graduation rate and ultimately its overall score as a district is significantly negatively impacted because the district operates a school for students in the Milwaukee County House of Corrections. Too often, these students are only enrolled in the school Franklin operates for a short period of time while they are detained in the House of Corrections. Once students leave that juvenile facility and return to their home school districts, the Franklin School District has no jurisdiction over those students and no ability to follow-up with them to make sure they are re-enrolled in school and attending in their home (resident) district. Regrettably, many of the juvenile offenders Franklin serves through the school it operates within the juvenile facility do not re-enroll in their home school district after they leave that facility. This causes those students to count as dropouts and non-graduates on Franklin's school district report card, even though Franklin may have had only minimal contact with them. This bill addresses that issue.

It should be noted that there is a precedent in state law for the approach called for by this bill. In 2015, for similar reasons, the Legislature changed the report card law so that data for all students in virtual charter schools in which at least 50 percent of the students are attending under full-time open enrollment are excluded from the district report card calculation of the district that is home to the virtual charter school.



**Assembly Committee on Corrections**  
**April 28, 2021**

**Department of Public Instruction Testimony  
for Information on Assembly Bill 216**

The Department of Public Instruction (DPI) appreciates the opportunity to provide Chairman Schraa and members of the committee this written information on Assembly Bill 216 (AB 216), which would make changes to the state report cards DPI is required to publish annually.

**Background**

*Report Cards*

Under state law the Department of Public Instruction is required every year, by November 30, to publish a school and school district accountability report, commonly referred to as school and school district report cards. DPI must establish an index system and, using this index system, place each school and school district in a performance category based upon certain measures, including pupil achievement, growth in pupil achievement, and graduation rates, for the preceding school year.

Index scores and score components based on assessment results are calculated using students enrolled for the full academic year, which include all such students in tested grades. Full academic year status is not used in the attendance, absenteeism, dropout, or graduation calculations. These measures apply to all students.

This bill would require DPI, for purposes of measuring a school district's improvement under state law, to exclude data derived from a juvenile detention facility or secured residential care center for children and youth if 50 percent or more of the pupils residing at the facility do not reside there for the entire school term.

Wisconsin is also responsible for implementing a federal accountability system under the Elementary and Secondary Education Act (ESEA). DPI is required under the ESEA to test all students and provide school-level identifications of the lowest performing public schools and schools with low performing student groups in each state.

*Education of students in Juvenile Detention or Secured Residential Care Centers<sup>1</sup>*

The school district in which the facility is located is responsible for providing an education to a student being held in the facility. See *State ex rel. School District No. 1 of Waukesha v. Thayer*, 74 Wis. 48 or 41 N.W. 1014 (1889). The court ruled that for school purposes, the child who resides away from his parents' home is considered a resident of the school district in which the child actually resides rather than the one in which the parents live, so long as the child's primary

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<sup>1</sup> Additional information on this topic can be accessed in *Education of Students in Jails & Detention Centers* at [https://dpi.wi.gov/sites/default/files/imce/ged/Education\\_of\\_Students\\_in\\_Jails\\_Detention\\_Centers.pdf](https://dpi.wi.gov/sites/default/files/imce/ged/Education_of_Students_in_Jails_Detention_Centers.pdf).

purpose for residing away from his parents is other than to attend the schools of the district in which the child actually resides.

The length of time is not relevant to the fact that the school district in which the facility is located must provide free public education for the individuals eligible for these services just as they do for others who are residents of the school district. A school district has no authority to deny enrollment to a resident of that district.

IDEA protections apply to students with disabilities in jails and detention centers. The school district responsible for educating students in a particular jail or detention facility must ensure students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The due process and discipline protections afforded students by IDEA apply equally to students in jails or detention facilities. Special education and related services for students in jails and detention facilities must be provided by appropriately qualified personnel. School districts must have in place policies and procedures to identify, locate and evaluate students who are in jails or detention facilities who may have a disability.

State law provides that school districts required to educate students who reside in certain facilities as a result of governmental action be paid tuition by the state (Wis. Stat. § 121.79). The law, which has in place for about 100 years, uses the term “children’s homes” to describe one such category of facilities where students are confined by court action, such as juvenile detention facilities, secured residential care centers for children and youth, or county jails (but not facilities operated by the Departments of Corrections or Health Services). Other facilities for which the state would pay districts tuition include Fort McCoy, the Tomah VA Center, and certain foster or group homes (depending on taxable status or share of enrollment).

Like other state aids, eligibility for state tuition under § 121.79 is based upon claims submitted by districts for the prior year. Claims for students residing at eligible facilities may be based upon the statutory tuition formula (Wis. Stat. § 121.83) or a district's actual costs of serving them. Claims are prorated if they exceed funds available in the appropriation.

### **Analysis**

AB 216 would create an exemption to the state accountability system for the performance of a group of students in the state accountability system. This bill would remove students in the school district from the district report card for which the school is held responsible for educating. More specifically, students who are full-term members of the district in which the facility resides would be excluded from district report cards. This means students would be excluded who were present in the facility all school year or students who left the facility mid-year and enrolled in another school within the same district for the duration of the school year.

Implementing the provisions of this bill will require changes to DPI data systems and additional work would be required both by DPI and the respective school district to identify and track students specified under the bill. DPI may not be able to complete this work until the 2023-24 school year and depending on the population at these centers, DPI may be required to create a school-level report cards for facilities.

Please contact Dee Pettack, Policy Initiatives Advisor, at [dee.pettack@dpi.wi.gov](mailto:dee.pettack@dpi.wi.gov), with questions about this testimony.