



**DALE KOOYENGA**  
WISCONSIN STATE SENATOR

---

State Capitol · P.O. Box 7882 · Madison, WI 53707-7882 · (608) 266-2512

September 19, 2019

**TO:** Members of the Assembly Committee on Education  
**FR:** Senator Dale Kooyenga  
**RE:** Support for Assembly Bill 115

Thank you for holding a public hearing on Assembly Bill 115. This bill would allow for an emergency exception for high performing school districts to the number of hours of direct pupil instruction requirement.

After a winter full of heavy snow and the cancellation of school days due to severe weather, I heard from many school administrators across my district asking for flexibility to meet instructional time requirements. Under current law, schools are required to provide 1,050 hours of direct pupil instruction for grades 1 to 6, and 1,137 hours of direct pupil instruction for grades 7 to 12. If classes are cancelled due to severe weather, the school typically makes up this lost time by extending the school year through additional pupil instruction hours in order to meet the legal requirement.

Assembly Bill 115 would provide an emergency exception to this requirement for school districts that are classified as *Exceeds Expectations* or *Significantly Exceeds Expectations* (the top two categories) on the most recent school district accountability report. The school district would then be given the discretion to choose whether it will make up this lost time following the cancellation of school due to inclement weather.

Thank you again for hearing AB 115 and I respectfully ask for your support.

Assembly Committee on Education  
September 19, 2019

### Statement in Opposition to Assembly Bill 115

Thank you Chairman Thiesfeldt and members of the Committee for the opportunity to provide information regarding Assembly Bill 115. This bill requires the Department of Public Instruction (DPI) to count hours of direct pupil instruction that are canceled because school is closed due to an emergency or inclement weather if the school district was in one of the top two performance categories on the most recent school and school district accountability state report card.

#### Background

##### Required Instructional Time

According to the Education Commission of the States<sup>1</sup>, all 50 states currently require either a minimum level of instructional time per year measured by hours per year or days per year.

Under Wis. Stat 121.01 (1)(f) Wisconsin school districts are annually required to schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours under this paragraph include recess and time for pupils to transfer between classes but do not include the lunch period.

Private schools participating in Wisconsin Parental Choice programs are also subject, under Wis. Stats. 118.60(2)(8) and 119.23(2)(8), to schedule at least at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12.

Under Wis. Stats. 118.38 a school district may request the DPI to waive the school hours requirements. In order to request a waiver, a school board is first required to hold a public hearing on the request. The DPI is required to consider the following factors in determining whether to grant a waiver request:

1. Whether the requirement impedes progress toward achieving a local improvement plan.
2. If the school board has adopted educational goals for the school district, whether the requirement impedes progress toward achieving the goals.

The DPI also takes into consideration the public's response to the request as evidenced at the public hearing and whether there is sufficient time remaining in the school year to provide the required hours of instruction.

For the 2018-19 school year the department received two requests to waive the minimum hours

<sup>1</sup> Education Commission of the States. 2018. "Minimum Number of Days or Hours Per School Year." Accessed September 18, 2019. <http://ecs.force.com/mbdata/mbquest2ci?rep=IT1801-2>.

of instruction related to emergency or inclement weather. In both of those instances the DPI denied the requests due to the significant time remaining in the school year, during which required instructional time could be provided.

When developing school calendars, school districts as a practice include additional hours of instruction to account for unforeseen events and emergencies that may necessitate school closures including inclement weather.

Additionally, administrative rule PI 8 recognizes hours of instruction offered through innovative instructional design. This is instructional programming aligned to school district standards and used to improve student achievement through instruction offered outside of the normal school day, virtually, or in an alternative setting.

#### *State Report Cards*

There are five categories of school and school district performance on the state report cards. The top performance categories are significantly exceeds expectations (5 stars) and exceeds expectations (4 stars).

According to the most recent accountability report of Wisconsin's 422 school districts from 2017-18, there were 49 school districts that significantly exceeded expectations and 206 school districts that exceeded expectations. The number of public school districts in the top two performance categories totaled 255 districts that year. This number represents over half of Wisconsin school districts who would be exempt from minimum hours of instruction under the bill in the case of inclement weather or an emergency.

#### **Analysis**

As evidenced by the small number of waiver requests, school districts are already building additional hours into their school calendars to account for potential emergencies or inclement weather events. The law also allows for innovative instructional design methods to be used to allow for flexibility and, if a school district feels they cannot make up time, there exists in statute a way to request an exception to current law requirements.

Current waiver requirements require a public hearing notice and consideration of how the waiver would affect the educational performance of students. The provisions of this bill do not offer similar considerations.

Even though a school district is performing at a high level, there may be individual students and groups of students who are not. Students struggling academically in high performing school districts will lose needed direct instructional time if their school district uses the provisions of this bill. Conversely, students who are taking advanced coursework will lose needed instructional time.

Thank you for allowing the department to share information regarding the counting of hours of instruction for school closures due to emergency or inclement weather as proposed under AB 115.



GRAFTON

# Grafton School District

*Preparing Learners for a Dynamic Tomorrow  
Every Student ~ Every Day*

**DISTRICT OFFICE**

1900 Washington St.  
Grafton, WI 53024-2103  
262-376-5400  
262-376-5599 (Fax)

**JEFF S. NELSON**  
Superintendent  
262-376-5549

**DIANNA KRESOVIC**  
Director of Teaching and  
Learning  
262-376-5420

**LAURA STAUTZ**  
Director of Pupil Services  
262-376-5495

**TOPHER ADAMS**  
Director of Business Services  
262-376-5411

**RICK SEYBOLD**  
Director of Technology  
262-376-5427

**GRAFTON HIGH SCHOOL**  
Scott Mantel, Principal  
262-376-5500  
262-376-5510 (Fax)

**JOHN LONG MIDDLE SCHOOL**  
Kevin Deering, Principal  
262-376-5800  
262-376-5810 (Fax)

**KENNEDY ELEMENTARY SCHOOL**  
Craig Gunderson, Principal  
262-376-5650  
262-376-5660 (Fax)

**WOODVIEW ELEMENTARY SCHOOL**  
Michael McMahon, Principal  
262-376-5750  
262-376-5760 (Fax)

<http://www.grafton.k12.wi.us>

**BOARD OF EDUCATION**  
Paul Lorge, President  
Carrie Walls, Vice-President  
Mark Koehler, Treasurer  
Jo Maehl, Clerk  
Steve Nauta  
Jerry Rossi  
John Scolman

September 17, 2019

Representative Jim Ott  
State Capitol  
PO Box 8953  
Madison, WI 53708  
[Rep.OttJ@legis.wisconsin.gov](mailto:Rep.OttJ@legis.wisconsin.gov)

Dear Representative Ott,

I am writing to voice the support of the Grafton School District for Assembly Bill 115. The proposed bill would exempt school districts, such as Grafton, that are in the top two performance categories on the most recent state report card from having to make up hours of direct pupil instruction that were missed because schools were closed due to an emergency or inclement weather. This would be a logical and practical exception to the requirements for direct pupil instruction hours and would assist these high performing districts in dealing with situations that are ultimately beyond their control. Performance ratings of "significantly exceeds expectations" or "exceeds expectations" indicate that districts have consistently demonstrated effectiveness in educating students. These districts will hold themselves responsible to successfully continue that work even when direct instruction hours are reduced in rare emergency situations or severe weather conditions. As has happened in the past on days when school has not been in session, our students will be completing their schoolwork to maintain their class standing and continue their learning even without formal classes. This exemption will also keep districts from having to extend the school year in the summer months when learning conditions are not ideal and students are less receptive to learning. Therefore, the Grafton School District advocates passage of this bill.

Sincerely,

Jeff S. Nelson  
Superintendent