



# Amy Loudenbeck

REPRESENTING WISCONSIN'S 31<sup>ST</sup> ASSEMBLY DISTRICT

Testimony before Assembly Committee on Education  
Assembly Bill 737  
Rep. Amy Loudenbeck

Thank you, Mr. Chairman and committee members, for the opportunity to testify in favor of Assembly Bill 737 relating to applications for full-time open enrollment.

Assembly Bill 737 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.

Assembly Bill 737 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.

AB 737 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 AB 737 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.



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## Luther S. Olsen

State Senator

14th District

**TO:** Assembly Committee on Education  
**FROM:** Senator Luther Olsen  
**DATE:** Thursday, January 23, 2020  
**SUBJECT:** Testimony for Assembly Bill 737

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Thank you Chairman Thiesfeldt and members of the Assembly Committee on Education for holding a hearing and allowing me to testify in support of Assembly Bill 737 (AB 737).

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 Chairman Thiesfeldt and members for holding a hearing today. I ask for your support on AB 737 and I would be more than happy to answer any questions.



**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

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*

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