



SCOTT ALLEN

REPRESENTATIVE • 97TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 779

*Virtual Charter School pupil participation in interscholastic athletics
and extracurricular activities*

February 6, 2020

Chairman Thiesfeldt and Committee Members:

Thank you for holding this hearing on Assembly Bill 779.

Students in public Virtual Charter Schools are currently precluded from beneficial activities, widely available to almost every other public school student in Wisconsin.

In 2015, the legislature amended the law to allow homeschooled pupils the ability to participate in the resident's local school district athletics and extracurricular activities to the same extent as any other pupil. This bill extends those privileges to pupils who attend a virtual charter school. It provides, in part, that school districts are not allowed to be members of an interscholastic athletic organization unless the association requires school district members to allow virtual charter school pupils residing in a school district to participate in local school district athletics. The opportunity for participation would be equal – on the same basis, and to the same extent – as a pupil enrolled in a traditional public school. Students would pay the same fees, meet the same eligibility requirements, and follow the same rules. Nothing less, nothing more.

Virtual charter schools are public schools which allow a pupil to participate remotely, online. There are 48 such institutions in Wisconsin, with over 7,000 students participating. With open enrollment, students from around the state can participate in whichever virtual charter school they choose. Virtual charter school students are often enrolled in a host school district which may be hundreds of miles away from their home. Therefore, many virtual charter school students are not enrolled as students in their resident, local school district.

While a virtual school could form its own sports teams, being a virtual school, it is highly unlikely that the school has a facility in which to practice or host a game. Furthermore, it would

be impractical for virtual students of a school hosted at a district in Appleton, who live in Superior or Kenosha, to practice or participate in a game.

We all know that square pegs don't fit into round holes. If your school district or athletic association controls the round holes, it is to say, "sorry, you don't fit." This bill says, "make some square holes." Virtual, online schools are not part of some passing fad; they are not going away. Online learning is our future. Student participation in Wisconsin has grown and will continue to grow.

How long will we deny our students access to enriching activities like chess club, debate team, forensics, or basketball? While not seen as compulsory, these are activities that help make students well-rounded young adults and prepare them for whatever future endeavor they choose, whether they proceed to the military, private sector employment, or an institution of higher learning.

Remember, the same rules which apply to students enrolled in a traditional public school and homeschool students will apply to students at a public virtual charter school.

Thank you for your careful consideration of this bill. I am happy to answer any of your questions at this time.



WISCONSIN INTERSCHOLASTIC ATHLETIC ASSOCIATION

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Memo To: Wisconsin legislators
From: Wisconsin Interscholastic Athletic Association
Re: Opposition to Assembly Bill 779 and Senate Bill 705, Requiring schools accept virtual school student participation in athletics and extracurricular activities

The WIAA respectfully requests opposition to AB 779 and SB 705 which would require our member schools to accept participation of virtual school students in interscholastic activities and extracurricular activities.

The WIAA is a non-profit, member driven organization that for 124 years has put the student-athlete first with an aim to provide a fair, safe, and uniform environment for students to participate in athletics in their local schools. Our member schools are the pulse of high school sports and direct the WIAA to continue to evolve in order to provide the best possible experience for the student-athletes and their schools. In regard to mandatory virtual school student participation, our more than 500 member schools—who serve your communities and constituents—voted overwhelmingly against Virtual School Eligibility by a vote of 52-344 in 2017.

There are many reasons for this opposition. First, this bill upends equity for those who attend high school. These students must maintain certain standards including grades, behavior and attendance that can be verified by their coaches, teachers and their school administration in order to participate. These standards are important to foster an environment where kids are students first and athletes second. No such checks can be reasonably made on the virtual school student. The bill serves to erode education-based athletics, turning them into a community recreation program and presents starkly and distinctly different standards and expectations between participants.

Another issue resides in funding. Virtual schools are provided state aid for an open-enrolled student, but the school they participate in athletically typically receives only a fraction of that aid. Even though fees can be charged, the full freight cost of participating in a school's athletic structure will likely not be reimbursed forcing the school district to carry a cost while potentially displacing its own enrolled students from teams and opportunities.

Finally, there is an issue of continuity. Our member schools strive to create an environment where the academics, athletics and extra-curriculars work in concert. Participating in your high school's athletic program means being part of the school community and all that this has to offer. It's a mutual agreement where each side upholds their end of the bargain. Mandating participation for those who don't attend the schools for which they want to participate in a sport disrupts that continuity and school community.

In closing, parents have every right to choose the pathway that makes the most sense for their child. Those choices will open some doors for their student yet inevitably close others. Our members ask if the interests of parents and their students not attending a school should supercede the interests of the parents and students that are physically engaged in all aspects of the school community?

This question is sincere. Our office is often asked to consider the interests of individuals, and while we respectfully approach all requests with hopes to find a satisfactory outcome, our over-arching responsibility is to an entire membership and to all the students and families they serve.

We have no doubt the authors of this bill believe they are bringing equity of choice to those who attend a virtual school, but in essence, it is likelier to cause inequity for those students who are full participants in a school's student-athlete experience.

Since sports have been offered in schools, they have been regarded as an extension of the classroom and the instructional day. Kids can access sport through a wide array of providers. Access to a school's sport opportunities have only been offered to those who are full time students, who fulfill the requirements of daily attendance, good citizenship, academic performance and behavior.

For these reasons, we again ask that you not support this Bill and help preserve what is special and unique about school based sports.

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February 6, 2020

Wisconsin State Assembly Education Committee Public Hearing

Re: Assembly Bill 779

Relating to: participation in interscholastic athletics and extracurricular activities.

Testimony from Christopher Schulteis, Logistics and Marketing Manager, eAchieve Academy - Wisconsin (a virtual charter school chartered by the School District of Waukesha)
Contact Information: (262) 970-1138 | cschulte@eAchieve.com

I am here today in support of Assembly Bill 779. I also represent the students, parents and staff of eAchieve Academy, and in particular our school principal, Rick Nettesheim. Rick is a passionate educator and a tireless advocate for virtual school families and has been an outspoken supporter of this legislation for quite some time. He very much wanted to testify today but due to a recent health crisis, he is unable to be here.

The vast majority of students in Wisconsin receive a high quality public education at the neighborhood public school. But traditional, classroom-based public school is not the best learning environment for every student. Families choose virtual charter schools for their children's public school education for a variety of reasons. Some are dealing with physical or mental health issues that make it difficult to learn in a traditional classroom environment. Some have family obligations that are easier to meet when they go to school at home. Some don't like the long school bus rides or find the pace of classroom based school too fast or too slow. Some travel frequently or work part time. Some are bothered by classroom distractions and prefer to work at their own pace from the comfort of their own home. While we would never suggest that virtual school is the right solution for every student, our 16-years of experience and nearly 2,000 high school graduates indicate it is precisely the right solution for some students.

Virtual charter schools have almost everything traditional public schools have; hard working teachers, challenging curriculum, live classes, homework and assessments. One thing they don't have is athletic programs. Now there is a compelling case to be made for the value of interscholastic athletics; in addition to physical fitness, they provide opportunities for students to make life-long friendships, develop social skills, increase engagement and provide an incentive to do well academically to maintain eligibility. Yet virtual charter school students haven't been able to take advantage of any of those opportunities because they are prohibited from participating in interscholastic athletics.

It has been suggested that virtual schools actually can participate in interscholastic athletics; they simply have to join the WIAA and form their own teams. That is not a practical solution for four reasons:

1. Our students are scattered in every corner of the state and most live too far away to participate on a team that is based in the school's home district.
2. Virtual schools have no athletic facilities and since they receive about a third less funding than traditional public schools, they have no budget to support an athletic program.

3. The likelihood of enough students living in the same vicinity all interested in participating in the same sport is VERY low. In fact, when eAchieve tried to start a club volleyball team in Waukesha county we couldn't get enough students to participate, so the few who were interested were left with no option.
4. Combining with another school to form a co-op team would add our entire school enrollment to their school enrollment and potentially put the team into a different division with larger schools. It is highly unlikely that any school would be interested in such an arrangement. Even if they were, it would be of little benefit to the majority of our students students who live too far away to make this a viable option for them.

Some have argued that high school sports are only for students who attend that school. But that ignores the fact that a school's impact extends well beyond the walls of the school building. Community residents, civic organizations, government officials and local businesses are all part of the school community. I live in Greendale where a portion of my taxes goes to fund the local public schools even though I no longer have any school-age children. Like most Greendale residents, I support the schools' athletics and arts programs out of a sense of community pride. I'm sure the same can be said for communities across the state where our virtual charter school students live. Just because they don't attend the local school doesn't mean they have no attachment to the local school community and wouldn't be proud to represent that community as a high school athlete.

Imagine two fine young Wisconsin students who live next door to each other. One is registered as a homeschool student and the other attends a virtual charter school. Both go to school from home. Both are good students and talented athletes. Both have a community-based attachment to their local public school. Yet the homeschool student is allowed to play on the local school sports team and the virtual school student is not. Why? That makes no sense to me.

When the proposal was made a few years ago to allow home-based private education students to participate in sports and extracurricular activities at their resident district school, concerns were raised about verifying academic eligibility. That would not be an issue for virtual charter school students as they operate under the same rules and requirements for academic standards as traditional public school students.

The WIAA describes public school sports teams as, "...intended to supplement the school curriculum." There are state-sponsored programs such as Part-Time Open Enrollment that are clearly designed and intended to make the public school curriculum as broadly available as possible. If participation on sports teams at public schools is truly an extension of the school curriculum, why isn't the same philosophy, logic, and statutory consistency also applied to sports teams?

Do we really want to force students to choose between playing sports at a school that doesn't meet all their educational needs, or attending a school that matches up well with their educational needs but has no athletic program? If we are truly concerned with doing right by our young people, we'll encourage the traditional school kids to take an online class and let the virtual school kids play sports.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Assembly Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: February 6, 2020
RE: ASSEMBLY BILL 779, relating to participation in interscholastic athletics and extracurricular activities.

My name is Dan Rossmiller, I am the Government Relations Director for the Wisconsin Association of School Boards (WASB), a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards.

The proposal would allow virtual charter school students who reside in a district to participate in district athletics and other extracurricular activities. It would also require the WIAA to mandate to member school districts that they allow virtual charter school students who reside in the district to participate in athletics and other extracurricular activities.

The WASB opposes this bill based on our member-approved resolutions **3.97 & 3.98**, which state:

- **3.97 Access to Co-Curricular Activities**

The WASB opposes legislative efforts to mandate that districts provide students residing in the district who are not enrolled in the district schools access to district co-curricular activities. **(2014-1)**

- **3.98 WIAA Autonomy**

The WASB supports the autonomy of WIAA to govern itself and to determine regulations and standards for athletics and student eligibility while taking into account the input of its member schools. The WASB opposes legislative efforts to impose explicit or implicit mandates on the WIAA or its member schools. **(2018-8)**

Furthermore, School-based athletic programs are not community or recreational youth sports programs and are not designed to provide the general public with programming like a YMCA or community-based recreation program. Athletics and other extra-curricular activities offered in public schools are, as the name suggests, intended to supplement the school curriculum. In this regard, sports, music, forensics and other activities are viewed as an extension of the classroom and of the school day and are specific to each respective school or district.

Public schools provide athletics and other extracurricular activities because they have educational value and create incentives for students to enroll in and remain in public schools and perform well enough to remain eligible to participate in those activities. These opportunities reduce truancy, reduce discipline referrals, boost students' grades (GPA), increase graduation rates, and keep students engaged in school offerings and interested in their education.

Public schools also exert institutional control (by requiring such things as school attendance, certain levels of academic standing or grade point averages, and adherence to codes of conduct) over who may participate in such activities and are accountable for how those activities are conducted. If this proposal were to become law, student-athletes who are enrolled in public schools and who violate conduct rules could be subject to a completely different and additional set of school-determined sanctions as compared with students who reside in the school district but are enrolled in a virtual charter school.

For these reasons we oppose this bill. Thank you for your consideration.

2-6-2020

Our son is a new student to e-Achieve online academy through the Waukesha school district. He is a junior in high school and just made the transition from public school to e-Achieve this past month. We live in the Franklin public school district and were surprised to hear that he would not be eligible to participate in any of the athletic programs offered for high school students at Franklin High nor at Waukesha High (North, South, West). This is unfortunate for online students as they should be offered the same opportunities as students who attend brick and mortar schools. Many states across the nation provide equal access to public school activities for non-traditional students.

We would like to see our state's/district's legislation changed as we see the obvious benefits to keeping students physically active and engaged in competitive sports throughout their academic career. This is best offered through the public school system as formulating team sports and activities for online or homeschooled students would be impossible for several reasons: online students are fewer in number and would have difficulty forming teams with enough participants; for the same reason, leagues would not be able to function at a competitive level; students live too far from one another to formulate teams and offer practices and games. We believe online students, as well as homeschooled students, could easily be incorporated into the public school sports teams and activities.

Thank you for your consideration,

Elizabeth Harms
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414.940.3162

February 6, 2020

Hello, thank you for allowing us to spend our school day experiencing legislation verses reading about it. Today I am asking that you amend state statute 118.113 to allow virtual school students to participate in local school extracurricular and interscholastic sports. This change would have a positive impact on virtual school students everywhere, as well as on local communities, and will close the current loophole in the law. My name is Pam and my 3 school-aged children participate in public, virtual school. Next year we will have 4 in virtual school! We've been schooling at home in this way for 6 school years. Prior to schooling our children at home, I was a public school teacher in my local district for 10 years. When it was time for my oldest child to start school, I knew I needed to find a program and a curriculum that was the best fit to nurture and grow her natural talents and abilities, as well as challenge her in her areas of weaknesses. While I thought highly of our school district and school system, I didn't think the traditional brick and mortar setting would be the best setting for my child. Taking a leap of faith, I put in for a year of leave from my classroom job to be my daughter's home mentor or learning coach while she was enrolled in a virtual public school. This first year went so well that I ended up resigning from my teaching job and continuing to "school" my children at home. We like being a part of the public schools because we appreciate the accountability and we know our curriculum is aligned with state standards. Plus, the school teacher in me enjoys working collaboratively with my children's teachers to ensure they get the best education. They say it takes a village, and it does!

Schooling in this way has had very few drawbacks for our family, but fast forward 5 years and my oldest child is a 4th grader now, still attending school through the public virtual schools. As my child has grown, her interests and talents have also grown. One of these key interests has been participating in theater and drama activities. While the virtual schools can offer many clubs for interest areas like nature, legos, robots, tech, etc., replicating a drama experience online isn't a good fit. Extracurricular activities, like drama club have been linked to higher grades and achievement and lower drop-out rates. Currently state statute 118.113 does not allow my public school children to participate in their local brick and mortar extracurricular activities such as theater or other clubs. Changing this would give virtual school students an opportunity to grow in their interest areas and even try new things.

Changing state statute 118.113 to allow virtual school students participation in extracurriculars and interscholastic sports would also have a positive impact on the local communities. Getting to know other children in the neighborhood and building positive relationships with other families in local neighborhoods is important in building strong communities. Children in virtual schools should not be isolated or excluded from interacting with their local peers. Plus our local tax dollars are going to these schools.

Finally, I am asking you to consider this bill to close the unfortunate loophole that exists. Did you know that families who file with the dpi to traditionally homeschool CAN participate in extracurriculars and interscholastic sports in their districts? You might ask why this is a loophole, well some families have found that they can enroll in virtual school and then disenroll to traditionally homeschool when their sports season or drama season happens at their local school. Following the end of the season, they can fill out the paperwork to re-enroll in their virtual school. This loophole isn't good and it wastes the resources of the school and the dpi. Furthermore, it feels like because we chose a "public" school to do at home that we are being penalized and discriminated against at our local level. Part of the reason we chose public virtual school was to have the accountability, not to be penalized by it. Would the state prefer we opt out of public education?

We like being a part of the public schools and appreciate having a teacher and a school to get assistance from and to be held accountable to. BUT, driving 2 hours to participate in a club or sport is unrealistic. With young children, the need for extra clubs or sports hasn't been a problem, but as my child approaches middle school and "ages-out" of park and recreation types of clubs and activities, I see a growing need for her to be able to participate with her peers in our local community school extracurricular programs. As a parent, this is a tough spot to be in. I don't think I could sacrifice the wonderful, learning, and growing environment we have doing school at home "virtually" in order for them to participate in clubs, but at the same time, I want them to be able to develop their skills, talents, and define who they are through their experiences. I believe amending state statute 118.113 would have a positive impact on virtual school students, build positive relationships within local communities, and close the loophole that currently exists.

Pam MacDonald
Parent of Public Virtual School Students
Appleton, WI

Imagine being in school everywhere you go, like at the state capital on a Thursday afternoon. That is one thing I like about being a virtual school student. My name is Aliyah and I have been enrolled in public virtual school going on 6 years. Today, I am here because I want to be able to take part in my local school's activities. In order to do that, I need you to amend the law that prevents me from participating. I believe changing this law will give students, like me, more opportunities to do the things they like, more opportunities to meet new people, and will encourage virtual school students to do their best in school.

Allowing virtual school students to participate in their local school activities will give them more opportunities to do the things they enjoy and are interested in. For me, that would be theater. You can't really do a play on the computer in the virtual world and driving 2 hours to the city where my virtual school originates from is too far.

Participating in my local school extracurricular activities would give me a chance to meet new people. I would love to meet other kids like me who enjoy theater in my own neighborhood. Making friends in the neighborhood is important too. Friends solve problems and work through conflicts together. Meeting new people helps me practice my social skills, which is different in person than on the computer.

In order to be in clubs or sports, you have to do your school work and do your best. You can't have failing grades or lots of missing work. Clubs and sports help students to want to do their best so they can take part in the things they like. Students who do sports and clubs are more likely to have good grades and go to college.

I like doing school at home because I can be with my family. I can also do extra things, like field trips to the capital to speak for my language arts assignment. Virtual school is a great option for some kids, but it would be even better if the law allowed virtual school students to participate in local school activities. Changing the law would have a positive impact on the community as well as the students in virtual school. Let's be Wisconsin and move Forward on changing this law!

Aliyah MacDonald

Age 10

Public Virtual School Student

Appleton, WI

February 6, 2020

I am the mom of two boys in a Virtual Charter School, WISE Academy, in Nekoosa, WI. We live in Plover, which is approximately 40 minutes away from the town of Nekoosa, and part of the Stevens Point School District.

Both of my boys have special needs; one extremely advanced and one with organic brain damage. They both needed something that our local school district was unable to successfully accommodate educationally.

WISE Academy, is not an online school. Most people think "virtual" means being on a computer. What it actually means is "not in a brick and mortar school building."

There's all sorts of technical jargon, but in layman's terms...I am given an allotment of funds. I am given help selecting curriculum that meets the individual needs of my children. And, I'm given support from a Nekoosa teacher to implement that curriculum. The curriculum MAY have a computer component (CD ROM or live streaming), but it also includes books, videos, in-person classes, manipulatives, and sometimes even field trips. I am not just sitting my boys in front of a computer and calling that school.

Years ago, my oldest son played soccer. When we decided to pull him from brick and mortar and enroll him in WISE, the distance, along with other regulations, kept him from continued play. While he changed gears and poured his passion into other avenues, he lost all motivation for sports. Had he been allowed to play sports closer to home, I am confident he would still be playing today.

Along with the uniqueness of what a virtual charter school is, how we found ourselves using one, and how that negatively impacted my son participating in sports, I'd like to point out one last thing...funding.

Funding for virtual students comes from traditional local, state, and federal taxes, just like any other student. The difference is that the local district keeps approximately 40% of the funds while contracting the educational services to another district.

Again - the local district contracts the educational services to another district, but keeps 40% of the funds.

That means that allowing a student who is physically in the district, but educationally out of the district, to play on an in-district sports team, is already funded.

In this age, where we are trying to pull our kids away from screens and toward physical activity, I would think that people would work together to remove barriers.

This bill is valuable. I respectfully ask that you support it.

Testimony read by Rep. Nick Milroy in support of Assembly Bill 779 on behalf of Sara Beattie of Superior, WI:

My name is Sara Beattie and I live in Superior with my husband, Dave, and our two children, Brooklyn (16 years old) and Jackson (9 years old). Our family has been through a lot. Jackson was born with severe kidney disease due to a birth defect. His medical team had hoped they could get him to 7 years old before he would need a transplant, but that wasn't to be the case. At 20 months old our baby had a kidney transplant thanks to his 20 year old cousin who was his living donor. What a gift!!

Our family has since measured everything as risk vs reward. When Jackson was old enough to start school my husband and I knew we needed to take a non-traditional path with him. Our daughter is a sophomore at the high school in Superior and we know how hard it has been to keep her healthy. If we sent him to the public grade school she went to (3 blocks from our house), we risked him getting sick as he is immune-compromised due to his post-transplant medications and with any illness his kidney would be at risk each time.

Our directions from the University of MN is with any fever over 101 degrees, he needs to go to the emergency room and be hospitalized. We needed something so illness wouldn't stop his education and his education (or his learning space) wouldn't cause illness. We looked for something close to home but didn't have options.

We found Eachieve Academy out of Waukesha and he started kindergarten in the fall of 2016. We could have homeschooled him but really wanted the structure that public school in Wisconsin offered. Our decision has been a rewarding one. He has not been hospitalized in over 5 years. In the pediatric transplant world that is a huge accomplishment. He is also excelling in all areas especially math and literacy. Virtual school gave us a huge reward with zero risk. He is now in 3rd grade at Eachieve Academy and we hope to continue on this path.

I learned of this bill only a few weeks ago and instantly knew I needed to do what I could to support it because I knew it could greatly benefit our son. I deeply regret not being there today but for my family it would be a 10 hour drive there and back. If I could have made it happen I would be there. Jackson makes sacrifices every day for his health. At 9 years old he knows his life will be different than others. This bill can give him more normal in his life and less sacrifice. He shouldn't be punished because we chose public school over homeschooling him. I know right now a homeschooler does get the benefits of eligibility to play in school district sports and extracurricular activities.

Jackson golfs and hopes to play tennis. He could benefit from math and stem clubs. If he were here today you would see he has an incredible personality and entertains everyone he meets. Perhaps he would have the opportunity to be in drama/theater. You would never know looking at him all that he has been through.

This bill gives an equal opportunity for all the amazing kids in our great state. He shouldn't be discriminated against because he was dealt an unlucky hand. There aren't a lot of opportunities in Superior for activities and sports outside of the school district of Superior. Someday, I hope

the district here will invest in a virtual program but for now this doesn't exist. As a family, we shouldn't have to choose health vs education vs sports/activities. I believe he should be able to have it all like other kids.

I want to thank Sen. Jerry Petrowski and Rep. Scott Allen for bringing this bill forward. I don't know what inspired them to do so but from a family that sees the value and benefit from it, we hope you know how much it means to us. I wish we could have been there today to thank you in person. I would have been so proud to tell you about Jackson and how this could benefit him in person in our beautiful capitol building.

I do strongly believe our family is a great example of how this bill could make a difference as we are so far from Waukesha (making us able to participate in their districts activities impossible) and our decisions are due to health and an effort to do the best we can for our son AND his life saving kidney. I ask you to please consider making this happen.

Thank you so much for your time and consideration on a bill that impacts kids throughout Wisconsin and could truly change their path forward.



Jackson Beattie (9) with his living donor.