

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

Testimony before the Senate Committee on Education

SB 789 & AB 849

3/11/2020

Good morning Chair Olsen and committee members. Thank you for taking the time to hear testimony on Senate Bill 789/Assembly Bill 849 which provides options for a more customized education for Wisconsin students.

Part-time open enrollment, previously known as Course Choice, is a program that allows certain Wisconsin students at K-12 schools to take courses at schools other than where they are enrolled. Despite being available to students since 1997, this program is vastly underutilized due to access, availability, and lack of information.

SB 789/AB 849 provides more transparency and expands eligibility of the current “part-time open enrollment program and renames it the “course choice program”. Eligibility would now be open to students in grades one through eight in addition to high school grades. The bill also expands the program to allow students to attend courses in another “educational institution,” which includes a public school, an independent charter school, a private school, or any nonprofit organization approved by the Department of Public Instruction (DPI).

A student attending a course at another educational institution is responsible for his or her own transportation, but can apply to DPI for reimbursement of transportation costs if the student is unable to pay them. In reimbursing students who apply, DPI must give preference to low-income students and to students who regularly attend an educational institution in a rural school district.

Senate/Assembly Amendment 1 makes two minor clarifications. The amendment changes transportation reimbursement for rural school communities to rural school districts and clarifies eligible “educational institutions” must be located within the state.

Currently, students take advantage of the program through virtual and traditional classes in a variety of topics, including foreign languages, Advanced Placement courses, and the arts, including music and band. Senate Bill 789/Assembly Bill 849 would expand and encourage all students across all sectors to take courses not offered in the school in which they are enrolled. More students, especially those at under-served schools and communities, will now have access to more courses.

I want to thank my co-author, Representative Jeremy Thiesfeldt for his partnership and thank you for taking the time to hear Senate Bill 789/Assembly Bill 849. I hope to count on your support for this important bill.

Senate Education Committee
March 11, 2020

**Wisconsin Department of Public Instruction
Statement in Opposition to Senate Bill 789 and Assembly Bill 849**

Description of Bill

SB 789 and AB 849 repeal the current part-time open enrollment program for public schools, found under Wis. Stats. 118.52, and replace it with a course choice program. The new program includes private schools and nonprofit organizations and extends the applicability of those provisions from high school to grades 1-12.

Background

Part-time open enrollment, allowing a student to take up to two courses at any time in a nonresident school district, was first created in the 1997 budget (1997 Wisconsin Act 27).

The 2013 budget (2013 Wisconsin Act 20) renamed and expanded part-time open enrollment statutes to create the course options program. The course options program allowed a student in a public school in any grade to take up to two classes at any time at a nonresident school district, the UW system, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, or any nonprofit organization approved by the Department of Public Instruction (DPI).

2013 Act 20 also altered resident school district rejection criteria to specify that an application could be rejected if the course did not satisfy a high school graduation requirement or the course did not conform to or support the pupil's academic and career plan. Additionally, it removed the ability for a resident district to reject an application due to an undue financial burden.

Under 2013 Act 20 the resident district was to pay the nonresident district an amount equal to the cost of providing the course or courses. These amounts were determined by the DPI. No appropriation was created to pay for tuition under the act. Funds used by the resident district to pay tuition were subject to the resident district's revenue limit.

The 2017 budget bill (2017 Wisconsin Act 59) eliminated the course options program. It was replaced by two separate provisions, a return to part-time open enrollment and a new early college credit program.

Currently, part-time open enrollment allows any high school student to take up to two

courses at a non-resident public school. Resident school districts can reject applications if they conflict with a student's individualized education plan or pose an undue financial burden on the district. Aid is also provided to the DPI to provide transportation assistance to parents whose students qualify for free and reduced price lunch. This aid appropriation is the same one that funds transportation assistance for full-time open enrollment and the early college credit program.

The course choice program created under SB 789 would expand the current law part-time open enrollment program in two ways.

1. It eliminates the restriction of the program to high school students. All students in grades 1-12 would be able to access the program.
2. It allows students from any educational institution to participate. Educational institution is defined as a public school, charter school, private school, and nonprofit organization. Participation is only optional for private schools and nonprofits.

Analysis

The department is opposing SB 789 and AB 849. While DPI appreciates the amendment introduced by Representative Thiesfeldt to AB 849, and his work in getting it adopted by the Assembly, those changes did not address our concern for student safety. The Assembly amendment did, however, clarify that participating educational institutions had to be located within Wisconsin and provided a definition for rural school districts for the purposes of the bill's transportation reimbursement preference provisions that assist low income students. As student safety concerns were not addressed by the Assembly, the DPI is changing our position, which was for information, to opposition.

While much of the proposed legislation is similar to the prior course options program, those provisions existed for only a few years, and participation was primarily by public schools, so it is unknown at this time the degree to which this program would be utilized moving forward and its corresponding impact.

Outlined below are provisions the DPI believes need to be present in both bills.

1. *Student Safety*

There are no requirements for background checks for adults who work with students under the bill. Background checks are part of the DPI licensing process and are included in the Milwaukee, Racine, and Wisconsin Parental Choice Programs. There are no similar requirements for other private schools or nonprofit organizations to conduct background checks under the bill.

2. *Out-of-State Institutions*

The bill does not appear to limit the participation of course providers to educational institutions located within Wisconsin. Can a virtual or brick-and-mortar private school or nonprofit located out of state apply to provide courses

under the program?

3. *Transportation Assistance*

The transportation assistance in the bill is currently provided to low-income students under part-time open enrollment from an appropriation that also funds similar assistance for full-time open enrollment and the early college credit programs. This bill would give an additional preference to students enrolled full-time in an educational institution located in a rural community. This raises a few questions:

- Rural is undefined. The bill should define rural, or the department will need to define this, in order to give preference.
- Clarification is needed around how to treat students enrolled full-time in a virtual school. The bill is currently drafted assuming students live near the educational institution they attend full-time for reimbursement purposes and preference. The DPI would recommend amending the bill to recognize this.
- Depending on usage with the expanded program, there may be impacts on the availability of funds to provide assistance for all programs that draw on this appropriation. The current transportation aid is prorated at approximately 20 percent.

4. *Rulemaking Authority*

DPI's would like explicit rule-making authority to implement the proposed course choice program to ensure effective administration.

Again, the department appreciates amendments introduced by Representative Thiesfeldt and adopted by the Assembly. The DPI would have liked those changes to also address student safety. The DPI respectfully requests the committee ensures both the Assembly amendment and student safety provisions are present in any final bill.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: March 11, 2020
RE: SENATE BILL 789 and ASSEMBLY BILL 849, relating to expanding the part-time open enrollment program.

Good morning. My name is Dan Rossmiller and I am the Government Relations Director for the Wisconsin Association of School Boards (WASB), a voluntary membership association representing Wisconsin's 421 locally elected public school boards. We OPPOSE these bills for reasons I will outline.

Under the current part-time open enrollment program, a pupil enrolled in a public school in the high school grades may attend no more than a total of two courses at any one time at a public school in a nonresident school district at no cost to the pupil.

Senate Bill 789 and Assembly Bill 849 would expand the part-time open enrollment program to additional educational institutions, including private schools, independent charter schools, and nonprofit organizations approved by the Department of Public Instruction, and it would also expand the grade levels in which students may utilize this program from only high school grades (i.e., 9-12) to all grades (1-12.)

The WASB has strong concerns about the workability of the changes to current law proposed to be made under these bills as currently drafted. These bills are flawed for a number of reasons, including that:

- 1) the bills would expand the program to all grade levels without recognizing the inherent difficulties in defining what constitutes a "course" at the early elementary grade levels and without addressing how parents will safely or expeditiously transport young children from one school to the other in order to participate in the expanded program;
- 2) the bills would extend preference in funding transportation costs not only to low-income students, as under current law, but to students attending "rural schools" without defining what would be considered "rural";
- 3) the bills would eliminate a provision in current law that gives school districts the ability to give preference in allocating spaces to resident students and full-time open enrolled students over students who only want to take classes on a part-time basis; and
- 4) the bills would not require background checks for all those who may be teaching "course choice" classes. (These bills are silent on whether the DPI could require teachers teaching classes at private schools or non-profit organizations approved by the DPI to undergo background checks.)

In addition, the WASB opposes these bills because, in their present form, they would create confusion and problems for school districts trying to implement them.

The bills, for example, fail to acknowledge, let alone address, that private high school students can already take up to two classes in the high school of their district of residence free of charge under s. 118.145(4), Stats. Under these bills, it isn't clear what happens if a pupil's private school opts not to participate in the course choice program created under these bills. Does the student retain the rights under 118.145 (4), Stats., or does the student lose those rights? And, if the student retains those rights and his or her school opts to participate in the course choice program created under these bills, could that student still take two classes in their district of residence free of charge and two additional classes for which the private school would pay? We don't know because these bills are silent on how these statutes —118.52 and 118.145 (4)—interact.

These bills are also silent regarding what preference, if any, a private school student seeking to part-time open enroll through the course choice program created under these bills is to be given in relation to a private school student who utilizes s. 118.145 (4) to attend classes in the high school of his or her resident district. Similar questions arise about how preferences are to be allocated with relation to s. 118.53, Stats., which allows home-schooled students to attend up to two courses at a time in two or more districts.

We strongly recommend that these bills be changed in response to our concerns, which I describe in greater detail in the testimony that follows.

Expansion

We question the expansion of the part-time open enrollment program under these bills to grades 1-8, particularly early elementary grades.

Under these bills, a pupil enrolled in an “educational institution”¹ (as defined in the bills) in grades 1-12 may attend no more than a total of two courses at any one time at another educational institution. While “courses” taught at the high school level under the current program are relatively well understood and easily defined, this begs the question of what qualifies as a “course” in elementary school? Typically, for example, reading is taught throughout the school day or at different times on different days, making it impractical, if not impossible, for a student to “take” a “course” in reading.

Despite having given this matter some serious thought, the WASB has not been able to come up with a definition of “course” that would satisfactorily describe the way elementary schools deliver subject matter instruction that would fit the dimensions of these bills.

We also question the wisdom of extending this program to elementary grades for more practical reasons. Under these bills, parents would be responsible for transporting their children, including potentially very young children, from the “educational institution” their child attends on a full-time basis to the elementary school their child would be temporarily attending and back again.

¹ The bills define an “educational institution” as any of the following:

1. A public school under the control of a pupil's resident school board, including a charter school authorized by the resident school board.
2. A public school under the control of a pupil's nonresident school board, including a charter school authorized by the nonresident school board.
3. An independent charter school.
4. A private school.
5. A nonprofit organization approved by the Department of Public Instruction.

We wonder how many parents, practically speaking, will be equipped to meet this transportation obligation, especially those with young (elementary age) children. Because these different schools, particularly in rural and suburban areas, could be many miles apart, parent transportation would be not only essential but necessary for young children to utilize this program.

Ironically, a concern about pupil transportation and pupil safety may very well be one strong reason why the current (i.e., existing) part-time open enrollment program has been limited to pupils in high school grades. High school age pupils are more likely to have access to transportation, including many pupils who have drivers licenses and who are able to transport themselves (or others).

The WASB strongly recommends that the changes contemplated in these bills be limited to students in grades 9-12. Doing so would largely preserve the intent of these bills and it will provide an opportunity for policymakers to evaluate the success of an expanded program. Insights gained could inform future consideration of expanding the program to additional grades. The practical concerns expressed here have nothing to do with restricting access to the program but have everything to do with creating a workable program for students, parents and schools.

If part-time open enrollment is to be expanded at all, let's try it at the high school level first. If it works, and if there is sufficient demand to justify the burden of administering the program, it could later be expanded to grades 6-8 (or lower) if the issues identified in this memo can be overcome.

Voluntary for private schools/nonprofits; mandatory for public schools

Under these bills, participation in the new course choice program created under the bills is mandatory for public schools (just as participation in the existing part-time open enrollment program is currently mandatory for public schools). However, these bills provide that a private school or nonprofit organization may opt out of participating in the course choice program established under the bills. This raises an interesting set of questions about the potential interaction between an existing provision in state law and the scheme set up in these bills.²

In general, under these bills, if the private school or nonprofit organization that a pupil is enrolled in or attends full time chooses not to participate in the course choice program established under these bills, the pupils enrolled in or attending that particular private school or nonprofit organization would not be eligible to participate in the course choice program established under bill.

However, existing section 118.145 (4), Wis. Stats., provides that:

*“The school board of a school district operating high school grades **shall** allow a pupil enrolled in a private school or a pupil enrolled in a tribal school, who has met the standards for admission to high school under sub. (1), to take up to 2 courses during each school semester if the pupil resides in the school district in which the public school is located and if the school board determines that there is sufficient space in the classroom.”(emphasis added)*

² Participation in the course choice program created under this bill is optional for a private school or a nonprofit organization. (See section 10 of these bills.) If a private school or nonprofit organization chooses not to participate, students attending those institutions may not attend courses at other educational institutions under the course choice program created under these bills since their institution would be required to pay the costs for those students to attend courses at other educational institutions.

There are two possible interpretations as to how the program proposed to be created under these bills might interact with this existing statute. (The failure of these bills to explicitly address this existing statute is just one glaring example of the lack of coordination between this legislation and existing statutes. Other examples are cited later in this memo.)

One interpretation is that the current law provision could sit side-by side with the changes made in these bills. Thus, this current law provision would continue to apply to *only a private school pupil's resident district*. If this view is correct, then a private school pupil who meets the standards for admission to high school would continue to be able to take up to 2 courses during each semester at his or her resident district with no money changing hands.

However, if these provisions can sit side-by side, then it is also possible that if the pupil's private school opts to participate in the program created under these bills, a pupil could take up to 2 courses per semester in his or her resident district free of charge and could also take up to 2 additional courses paid for by his or her participating private school. This interpretation raises a couple of questions:

- One question is how the resident district should calculate the order of acceptance into its classes. Should a pupil whose private school is paying the cost of the course under the program created under these bills receive preference in admission over a pupil who is using the provision in section 118.145?
- Another question is whether a student who is enrolled in or attending four classes in another educational institution can any longer be considered to be enrolled in or attending his or her original school on a full-time basis. In our view, the implications of this need to be considered further.

Another possible interpretation is that these two provisions **cannot** sit side-by-side and that the new more comprehensive scheme created by these bills should govern. In other words, a pupil taking up to 2 courses under section 118.145 (4), Stats., would not be eligible to take up to 2 courses under the program created under these bills. If this interpretation is correct, these bills could potentially exclude private school pupils who are enrolled in or attend a private school on a full-time basis from taking up to 2 courses during each school semester in their resident school district if their private school opts out of participating in the program created by these bills. *That interpretation would negate the existing provision in current law.*

Under this latter interpretation, private school students could lose a privilege they already have if their school does not participate in the program created under these bills. *This needs to be clarified.*

The Impact of Deleting Certain Provisions in the Existing Part-Time Open Enrollment Statute

Under the current part-time open enrollment law (see section 118.52 (5), Stats.) a public school board may give preference in attendance in a course to pupils who are district residents over non-resident pupils. This provision is eliminated under these bills as drafted (See Section 17 of these bills.) We believe this introduces substantial ambiguity and may even be an error in drafting. The new language that is substituted in this section of the bills would require public schools to give equal preference with respect to courses to applicants under the program created under these bills. The practical effect of this new language is that pupils who seek to attend only one or two courses could potentially displace pupils who are full-time enrollees, including district residents.

We believe this provision needs to be reworked to expressly clarify: (1) that space availability is determined only after a school accounts for the needs of all pupils for whom the school or school district is their primary school or school district of enrollment; and (2) how the space determinations under the program created under these bills gets balanced against existing programs such as those established in section 118.53, Stats. (i.e., for home-schooled pupils) and in section 118.145 (4), Stats. (i.e., for private school and tribal school pupils).

Deleting existing language from a statute has meaning. We believe it should be made clearer that a school district may give preference to its resident pupils over pupils who merely wish to take one or two courses under the program that would be created under these bills. The existing provision serves an important purpose. We see no reason why the existing provision should be removed (i.e., discontinued) in its entirety. We acknowledge that further clarification may be needed. We suspect, for example, that, if asked, private schools would want to give preference to their full-time, tuition paying, enrollees as well.

In addition, we believe the definition of ‘resident school district’ in these bills is flawed as it is missing at least two categories of pupils who should be included on the basis that they currently have the same rights and privileges as pupils who are district residents. These are pupils who are full-time open enrolled in the district and pupils who are attending full-time based on a tuition waiver.

It should also be made clearer that a school district may give preference to full-time open enrollment pupils and tuition waiver pupils who are taking a full course load over pupils who merely wish to take one or two courses under the program that would be created under these bills.

We believe that with regard to public schools at least, these bills should be clear that space availability for a course relates only to the seats that are left after the needs of all full-time pupils—both resident pupils and full-time open enrollment pupils (as well as tuition waiver pupils)—have been addressed.

In addition, in Section 12 of these bills, the language of section 118.52 (3) (b), Stats., should be rewritten to make clearer that the applications referred to in that section are *applications under the program that would be created under these bills*. The language of that section should be amended through the addition of the bold, underlined language below to read something along the following lines:

”(3) (b) If the governing body of an educational institution receives more applications *under this section* for a particular course than there are spaces available in the course, the governing body of the educational institution shall determine which pupils to accept *under this section* on a random basis.”

Rights and Privileges of Program Participants

Section 20 of the bills is misleading in that it purports to provide that a pupil who participates in the program that would be created under these bills would have “all the rights and privileges” of pupils attending educational institution on a full-time basis. This is misleading in that we do not believe it is the intention of these bills that those pupils would get to go to the prom, be in the student yearbook or participate in extracurriculars, just to name a few activities. The language in section 118.52 (9), Stats. should be amended to make it clear that student who participate in the program that would be created under these bills would have “all the rights and privileges *with respect to such course*” as those attending the educational institution on a full-time basis.

Transportation-Related Concerns

Similar to the way low-income transportation assistance is offered under current (i.e., existing) part-time open enrollment law, these bills would provide that a pupil attending a course under the course choice program created under these bills may also apply to DPI for financial assistance for the cost of transportation to a course the pupil attends under the course choice program if the pupil is unable to pay the cost of the transportation. Under current law, in awarding transportation assistance, DPI must give a preference to low-income pupils who satisfy the criteria for free or reduced-price lunch.

Under these bills, the DPI would also be required to give a preference to pupils who regularly attend an educational institution located within a “rural school district,” as defined in the bill as amended by the Assembly.³ Because of the longer distances between rural schools, providing transportation assistance in rural areas could eat up the lion’s share of any funding provided.

These bills contain no appropriation. Given that these bills would add a preference in the allocation of transportation assistance for pupils attending rural schools but would not provide any additional funding, we would expect adding rural schools to eligibility for funding might force further proration of the existing funding, perhaps to the extent that the funding provided to parents is totally inadequate to pay the costs of transporting their children, jeopardizing their ability to participate.

In short, these bills could result in proration of assistance such that the financial needs of neither low-income parents nor rural parents would be met. If low-income children are unable to utilize this program because insufficient funds are available for meeting their transportation costs, these bills could create a program that low-income children, who comprise about 40 percent of pupils in our state, would be unable to access. This raises serious equity issues.

Adoption of School Board Policies

Under these bills, each school board must annually, by June 1, adopt a resolution specifying the acceptance and rejection criteria and policies for students who submit applications under the program created in these bills. (See Sections 16, 17 and 18 of the bills.)

This language does not reflect the way school boards establish board policies to govern their districts. School board policies, once adopted, remain in force until and unless they are amended or repealed. A more accurate and appropriate requirement would be to set a date (such as by June 1, 2020) by which school board must have established these policies—keeping in mind that participation by *public schools* in the program established under these bills is mandatory not optional—and providing that any revisions or changes to those criteria and policies that will apply to an upcoming school term or semester must also be made by resolution and by a date certain—such as by a certain amount of time before the school term or semester begins.

³ Assembly Amendment 1 to Assembly Bill 849 changes the preference for reimbursing transportation costs so that it applies to low-income students and students who regularly attend an educational institution located within a “rural school district,” rather than in a “rural community.” The amendment defines “rural school district” as a district with a membership of no more 745 students in the previous school year

The requirement under these bills for the governing bodies of *private schools and other nonprofit organizations* to adopt written policies on acceptance and rejection criteria before June 1 preceding the school year in which the educational institution wishes to participate would make perfect sense given that private schools and other nonprofit organizations would have the ability—on an annual basis—to opt in or out of the program that would be created under these bills.

By contrast, the requirement in these bills for annual policy making makes little sense, and perhaps no sense, when applied to public schools, which are mandated to participate in the program. Moreover, requiring such annual policy making would result in a waste of time and other resources.

Thank you for the opportunity to share these concerns.



School Administrators Alliance

Representing the Interests of Wisconsin School Children

TO: Senate Committee on Education
FROM: John Forester, Executive Director
DATE: March 11, 2020
RE: SB 789 – Expanding the Part-Time Open Enrollment Program

The School Administrators Alliance (SAA) opposes Senate Bill 789, relating to expanding the part-time open enrollment program.

In creating the course choice program, Senate Bill 789 expands the current part-time open enrollment program by allowing all students in grades 1-12 access to the program. Currently, the program is restricted to high school students. SB 789 also allows students from any educational institution – public school, private school, charter school and nonprofit organization – to participate. Participation is optional for private schools and nonprofit organizations.

In anticipation of this hearing, I sought input on SB 789 from a cross-section of SAA members, including school superintendents, special education directors, school business officials and principals of elementary, middle and high schools. I'd like to share with you some of their thoughts, questions and concerns on the bill.

- In general, SAA members are uncomfortable with expanding the program beyond the current high school grades. They tend to agree with my colleague Dan Rossmiller from the Wisconsin Association of School Boards (WASB) that, while high school courses are relatively easy to define, that is not the case for elementary level “courses”. SAA members have also shared that elementary teachers need a good deal of flexibility to move around the instruction times of some subjects during the school day in response to developments that arise from the challenges of working with elementary school age children. They believe that at the elementary level it would be difficult to adhere to a rigid “course” schedule during every school day to accommodate the needs of course choice students.
- For high schools that operate under block scheduling, this bill would allow a private school student to attend up to two blocks per day (or 50% of his/her school day) in a public school and not be counted toward the public school’s enrollment. (Most block schedules only have four blocks in a school day).
- If the course choice private school student has a disability, does the student have an Individual Services Plan (ISP) when they are attending the private school and an Individualized Education Program (IEP) when they attend their courses in the public school?

- Again in the case of a private school student with a disability, do public schools pay for services out of their federal flow through funds when the student is in the public school and pay for services for the student again in the equitable services set-aside requirement when the student is in the private school?
- If the private school student is attending the private school under the Special Needs Scholarship Program (SVSP), it appears that the public school has to fund the student's services at the private school under SNSP and incur costs for the student again if he/she attended their resident school district under the course choice program.

Finally, SAA members feel strongly about the student safety concerns raised by the Department of Public Instruction (DPI). There are no requirements for background checks for adults who work with students under the bill. We believe that the background check requirements that are currently in place for public schools and the parental choice programs should be extended under the bill to also cover adults who work with students under the course choice program in participating private schools and nonprofit organizations.

Thank you for your consideration of our views. If you should have any questions on our thoughts on SB 789, please call me at 608-242-1370.



COURSE ACCESS-OPEN ENROLLMENT

March 2020- Senate Bill 789

Chairman Olsen and Honorable Members of the Senate Education Committee –

My name is Zach Eckert, and I am the Regional Legislative Director at ExcelinEd in Action, a national organization dedicated to advancing student-centered education policies. I join you today to convey our strong support for SB 789 proposed by Sen. Darling (and AB 849 by Rep. Theisfeldt).

Senate Bill 789 is a great step for Wisconsin to take in terms of expanding educational opportunities for students. This bill would expand the part-time open enrollment program in Wisconsin by allowing any student in grades K-12 to participate.

A student's education should not be limited by their zip code. If a student in a rural school is limited by their school's course offerings, or if a student in an urban school is limited by their school's course offerings, that student should have the right to receive certain courses online to help them reach their full potential.

These expanded course offerings could include anything from Chinese to Computer Science and AP courses. For many students, a lack of access now to college and career-ready coursework will translate to fewer opportunities for a well-paid job and continued future advancement down the line. For some students, having access to these courses might be the difference in them attending or not attending college.

A report from the U.S. Department of Education, for instance, found that only 50 percent of high schools nationwide offer calculus and that only 63% offer physics. Additionally, the report found that 1 in 4 high schools with the highest percentage of black and Latino students do not offer Algebra 2, and a third of them do not offer chemistry.

Wisconsin has made good steps for its students in terms of course access and open enrollment. This bill is the right next step.

OUR CONTACT INFORMATION

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March 11, 2020

Chairman Olsen and members of the Senate Education Committee,

Thank you for allowing us to speak on SB 789. We believe that every student in Wisconsin deserves access to important courses that prepare them for both college and career. But the sad reality is that for too many Wisconsin students, particularly those in underserved regions, their schools lack certain courses, including computer science, music, foreign language, and advanced placement courses. This contributes to inequality of learning, giving certain students opportunity to achieve their potential while leaving others behind.

Part-time open enrollment, previously known as course choice, allows Wisconsin K-12 students to take courses at other schools and education providers while remaining in their public school. This program has been available to Wisconsin students since 1997, but the current program is limited and parents lack information about it. SB 789 makes improvements to the existing program and creates an environment that gives students access to more courses and school leaders the ability to collaborate.

Why SB 789 is Needed

1. Parents need more information about the program

School districts rarely post information about the program on their websites and it is wholly incumbent on the parents and students to find the list of courses and apply. DPI's website provides a short explanation of the program, but there is no centralized information about the types of courses available or even data relating to past participation.¹

Even with the lack of information, **evidence does exist that some families utilize part-time open enrollment.** We contacted school districts and submitted open records requests and learned that at least 18 school districts had nonresident students taking courses at their school – both in the classroom and virtually, particularly in accelerated courses (AP), foreign languages, and the arts (including music). This includes Elmbrook School district, Wauwatosa School District, Wausau School District, and Racine Unified School District. Records indicate that students used the part-time enrollment program to take Engineering, Livestock and Equine Management, Mandarin, AP statistics, Horticulture and Landscape, and AP Music Theory. In addition, students are willing to travel great distances to participate in classes at other school districts. For example, a student from Winneconne school district took Advanced Physics Concepts at Neenah school district, about 15 miles away. A

¹ Department of Public Instruction, Applying for Part-Time Open Enrollment for Public High School Pupils 2018-2019, <https://dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/ptoe-brochure-2018-19.pdf>

student from Milwaukee Public Schools took band and aerospace engineering at Oak Creek-Franklin school district, about 13 miles away.

2. Lack of Course Access Contributes to Racial Achievement Gap, Holds Back Rural K-12 Students

Wisconsin students are struggling to compete with their peers and do not have equal access to robust curriculums. Overall, the state report cards show that Wisconsin students' proficiency in math and reading hovers around 40%. Wisconsin's urban districts have one of the worst academic achievement gaps between white students and their minority peers. In practice, the NAEP scores indicate that 8th grade African Americans in Wisconsin are performing academically just one grade ahead of 4th grade white students.

Part of the problem is a lack of course access for certain school districts. In our study on course choice (available on [our website here](#) and upon demand), we have done an assessment of different areas of the state on course access. For example, surveying AP courses offered at all high schools within the traditional Milwaukee Public School system,

- 5% of high schools offer computer science
- 16% offer economics
- 16% offer physics
- 32% offer statistics
- 37% offer studio arts
- 26% offer chemistry

This is not just a Milwaukee problem. We surveyed Northeastern Wisconsin, focusing on school districts 40-50 miles north and west of Oconto Unified School District and as far south as Pulaski. Looking at AP courses offered at the nine high schools surveyed:

- 0% offer Spanish
- 0% offer economics
- 22% offer government
- 22% offer computer science
- 33% offer English
- 33% offer physics

3. Legal barriers prevent collaboration between public and private schools

Existing law unfairly prevents collaboration between public, charter, and private schools. When state law permitted collaboration, students at Green Bay Public Schools took courses at a local private school, Notre Dame Academy de la Baie. The majority of those students enrolled in Notre Dame's Mandarin class, presumably because it was hard, if not impossible, for them to take it at Green Bay.

But in the 2017-2019 budget, this program was rolled back to prevent public school students from taking courses at private schools.

Yet, demand still exists for collaboration. In an informal survey of private schools, WILL found that over 65% of private schools would be willing to allow students from public schools to take courses at their school.²

SB 789 would make Wisconsin a national leader in course access. By expanding access for both public charter and private schools, more opportunity will exist for all Wisconsin students to access courses that will advance their knowledge, passions, and careers

Thank you so much for the time. Do not hesitate to reach out if you have any questions.

CJ Szafir
Executive Vice President

Libby Sobic
Education Policy Director

² Out of 28 private schools surveyed, 19 said that they would be interested in participating if the course was expanded to include private school students.

Increasing Course Access for Students

Everything You Need To Know About AB 849/ SB 789

1. Background

What is the part-time open enrollment program?

The part-time open enrollment program is an existing program that gives high school public school students the option to take a course at a different public school. This program is for individual students as a resource only if they are interested in taking additional courses. These classes do not have to be for college credit (like IB or AP). Instead, the student looks to take a class based on her interest or need.

How long has the program been in place?

In 1997, the legislature created the part-time open enrollment program to allow a student to take up to two courses at any time in a nonresidential school district. The program has gone through a few expansions and changes – in 2013, the program was expanded to allow students to take classes at the UW system, a technical college, a nonprofit institution of higher education, a tribal college, a charter school and nonprofit organization approved by the Department of Public Instruction (DPI). But in 2017, the program was limited back to its original form – permitting only public high school students to take courses from a nonresidential district.

How does the part-time open enrollment program work under current law?

A public high school student cannot access a course at a nonresidential school district unless the student applies to the nonresidential district; there is space for the student; and that student is qualified

Short Version

- All students deserve the opportunity to reach their academic potential. But far too many students attend schools that lack courses valuable for academic growth.
- For AP courses, 5% of Milwaukee Public School High Schools offer computer science, 16% offer economics, and 16% offer physics. Rural Wisconsin also struggles. 0% of high schools in the Northeastern Wisconsin area offer AP Spanish or economics and 22% offer AP government or computer science.
- Wisconsin's part-time open enrollment program gives students the chance to take courses outside of their resident school. A WILL study showed that this program is utilized. But it is limited due to restrictions that prevent collaboration between public and private schools and provide very little information to parents the program exists.
- A new bill, AB 849 / SB 789, would fix those problems and make Wisconsin a leader in course access. By ensuring all students have access to important courses, the bill would work to improve the next generation of the workforce and close the racial achievement gap.

to take the course. The student's full-time school can claim undue financial burden if the cost of the course is a burden on the school's finances. If the school claim's undue financial burden, the student is then unable to participate in the class at the nonresidential school.

Current law requires a nonresidential district to select students randomly if more students apply than there are spaces available in the class.

Is transportation provided under current law?

No public transportation is provided by the district. Under current law, a family may request low-income assistance from DPI to be reimbursed for the costs incurred from transporting the student. DPI must give preference if the student satisfies the free or reduced price lunch criteria.

How is the current program funded?

DPI's administrative rule, PI 36.19, provides the formula to determine the cost of the course. The student's full-time school pays the nonresident school for the cost of the course.

How is this program different than existing programs designed to give students access to college courses?

Part-time open enrollment is different than dual enrollment and the early college credit program. Dual enrollment programs permit students to enroll simultaneously in both high school and college to earn both high school and college credit. Dual enrollment classes taught at high schools require teachers to have specific credentials to begin and to continue teaching college credit general education courses in their high schools.

The early college credit program allows any high school student, public or private, the option to take college courses at the UW system, technical colleges and a nonprofit institution of higher education.

How is the program different from programs that give nonpublic school students access to classes at their residential districts?

The part-time open enrollment program is also different from an existing admissions process that allows local private high school students to take up to two classes at their local public school at no charge to the student (Wis. Stat. 118.145(4)). Under this limited program, high school students that live in the district and attend a private school may apply to the local public school to take a course. The local public school counts the private school student for that course and receives some state aid for the student. This enrollment option does not provide private school students access to courses across districts or to other schools, like public charter schools.

How many students utilize the existing program?

It is not known how many students utilize the existing program. Participation in the program is not tracked by DPI. But WILL analyzed part-time open enrollment at 26 school districts. Students took Livestock and Equine Management, Mandarin, AP statistics, Horticulture and Landscape, AP Music Theory, and engineering courses at nonresident public schools. Students took courses at many non-resident school districts including Elmbrook, Racine, Wausau, Wauwatosa, Green Bay, and Sheboygan. Virtual schools are common and utilized under the current program.

Students are willing to travel to participate in classes at other school districts. For example, a student from Winneconee school district took Advanced Physics Concepts in the Neenah school district, about 15 miles away.¹

Yet the program has strict limitations and little publically available information for parents.

II. Tell Me About AB 849/ SB 789

What exactly does AB 849/ SB 789 do?

The existing program provides students with limited access to courses. AB 849 and SB 789 improve the existing program by:

1. Expanding the program to allow public school students to take courses at private and public charter schools.
2. Allow private school students to use the program to take courses at public and private schools.
3. Increase transparency about this program so families know it is a resource for their students.
4. Expands the ages of students to participate to first through twelfth grade.

So, is there a course access problem in Wisconsin?

Yes, research shows that access to various courses, including Advanced Placement or Computer Science, are not available in every public school in Wisconsin. For example, according to code.org, only 42% of Wisconsin public high schools offer computer science courses.²

A WILL analysis of AP courses at Milwaukee Public Schools concluded that only 5% of high schools offer an AP Computer Science course, 16% offer AP Physics, 26% offer AP Chemistry, and 42% offer

¹ The full study can be found on our website will-law.org or available upon request.

² Code.org. "Support K-12 Computer Science in Wisconsin." <https://code.org/advocacy/state-facts/WI.pdf>

AP Government/Civics. Northeastern Wisconsin public schools were worse; 0% of high schools offer AP Spanish, 0% of high schools offer AP German, and 0% of high schools offer AP economics.³

Are private schools even interested in this program?

Yes, private schools did participate in the program when permitted. But the number of private schools is unknown because program participation was not tracked by DPI. In written testimony submitted to the Assembly Committee on Education, Notre Dame Academy de la Baie, a private school in Green Bay, discussed how the school participated in the program from 2016-2018. Notre Dame Academy served students from four school districts that enrolled and took classes in Mandarin and IB German.

In an informal survey of private schools, WILL found that over 65% of private schools would be willing to allow students from public schools to take courses at their school.

Does AB 849 / SB 789 mandate that private schools participate in the program?

No, the bill does not mandate that private schools participate in the program. The bill allows private schools to opt into the program. If a private school opts into participating, the bill requires private schools to both allow students to take classes at their school (providing that there is space) and private school students could use the program to take classes at other schools.

Once a private school opts in, the private school can claim, like public schools, undue financial burden if the cost of the course is a burden on the school's finances.

Why does the bill expand the age range of students able to participate in the program?

Students of all ages have different needs for their education. This bill improves the existing program so it is a resource for more students. For example, students in middle school could benefit from the expanded program by taking foreign languages or computer science. Gifted and talented students, of all ages, could benefit from this program by accessing accelerated classes that are not available at their existing school. Education is changing and this bill is forward-thinking so that this program is a resource to students of all ages as their education needs and experience change.

How can rural students benefit under the improvements in the bill?

Rural public school students can benefit under current law by taking virtual classes from virtual public charter schools. But the bill expands the opportunities available to rural students.

³ The full study can be found on our website will-law.org or available upon request.

According to WILL research, 21% of all Wisconsin private schools are located in rural counties.⁴ This bill will provide many students located in rural areas access to a private school that is closer than another public school.

Additionally, the bill provides a transportation aid preference to parents whose students attend school in a rural community. There is not a requirement for students to meet the free and reduced price lunch criteria to access this transportation aid.

How is course access related to workforce development?

Students should have access to courses that prepare them for college and career. According to ExcelinEd, students who take Algebra II in high school are more likely to enroll in college or community college.⁵ And students who take high-quality math in high school are more likely to declare STEM majors. AB 849 / SB 789 will help more Wisconsin students customize their education so that they are prepared for college and career.

Testimony from Project Lead the Way highlighted that there is a crisis in STEM-related fields in Wisconsin. As of February 5, 2020, there were 87,154 available jobs listed on the Job Center of Wisconsin website, run by the Wisconsin Department of Workforce Development and many require at least some STEM-related skills. While Project Lead the Way is working to address these critical skills gaps in over 400 schools, more resources like this bill can help students' access STEM courses.

Does this bill create an additional fiscal note to the state?

No, according to Fiscal Bureau, the bill does not require new state funding for the program. The bill expands the type of students that could benefit from transportation assistance offered by DPI to give preference to students whose full-time education institution is located in a rural community. This transportation funding assistance comes from DPI's GPR annual appropriation. The bill does not change the appropriation.

⁴ Flanders, Will. "The case for school choice in rural Wisconsin." April 2017. <https://www.will-law.org/wp-content/uploads/2017/04/REPORT-Rural-Schools-Need-to-Expand-WPCP.pdf>

⁵ ExcelinEd. "College and Career Pathways: equity and access." 2018. <https://www.will-law.org/wp-content/uploads/2017/04/REPORT-Rural-Schools-Need-to-Expand-WPCP.pdf>



Testimony in Support of Course Choice

Dear Members of the Senate Committee on Education,

Thank you for the opportunity to provide testimony in support of Senate Bill 789/Assembly Bill 849 which would expand the part time open enrollment program in Wisconsin. Americans for Prosperity – Wisconsin is a grassroots organization with thousands of activists committed to supporting a free society. One of the pillars of a free society is educational opportunity, where every student’s potential is unleashed through an education system that recognizes the individual needs of every child. SB 789/AB 849 takes an important step closer to reaching this goal.

Senate Bill 789/Assembly Bill 849, authored by Senator Darling and Representative Thiesfeldt, will expand and revamp the part time open enrollment program in our state offering more students access to more courses and more opportunity.

Currently, the part-time open enrollment program is limited to students in the traditional public-school system. The bill would rename the program “Course Choice” and expand it to students in all schools, grades 1 through 12, if those private schools choose to participate. Under the revamped Course Choice, private schools will be able to opt into the program, and students at those schools will be able to participate as well.

The new and improved Course Choice program will help all students in Wisconsin have access to courses that they may not otherwise have. The individual interests and potential of each student will be further met by allowing access to thousands of more course options throughout the state. Our students across Wisconsin deserve this opportunity.

Americans for Prosperity – Wisconsin thanks Senator Darling and Representative Thiesfeldt for authoring this important bill to provide more opportunity to more students in Wisconsin. Thank you, Chairman Olsen and members of the Committee on Senate Education, for hearing this needed reform. We respectfully encourage you to support this bill.

Sincerely,

Megan Novak
Legislative Director
Americans for Prosperity – Wisconsin

March 11, 2020

Dear Chairman Olsen and Members of the Senate Education Committee,

My name is Ashalah Taylor, and I am an alumni of the Milwaukee Parental Choice Program. I am also a recent graduate of Wisconsin Lutheran College. In college, I realized that I had a passion for the arts—theater, art, and music. After taking several lower level courses, I finally was able to get into the hands-on classes. By then I was already a junior, and senior in college; with these newly found passions, it would have been of great pleasure to be able to take entry level courses at other schools while in high school. I also really enjoyed and thrived in mathematics. I passed pre-calculus, in high school, with an A, however, pre-calc was the cap on math courses I could take because my school didn't offer AP courses.

Therefore, when I made it to college, I had to take a calculus course. I say all this to say, access to desired courses in other schools, whether public or private, will allow students to customize their education the way I wish I could have.

State programs, such as the one I, and many other students, have benefitted from, can really change the trajectory of students lives. The more involved a student is in their education, the more they are willing to put in the effort to succeeding. I believe in doors being opened for students and families, so they can have the choice in choosing courses in other schools that will help improve their education and awareness in subjects even if it is not offered at the school they are enrolled in.

Although I was not a beneficiary of a program similar to the one under SB 789, I advocate for any program that will allow students to push and expand their education to remarkable heights. This is one more opportunity to make K-12 education great for students around Milwaukee and Wisconsin. Remember that these scholars are our future leaders, engineers, artist, teachers, mathematicians, and authors. They should be allowed to take courses that will allow them to explore and support their education, talents and dreams even if it is not in the school they attend.

Thank you for listening to my testimony, and I pray that you see fit in your hearts to stand behind the children of our great state.

Ashalah Taylor

March 11, 2020



Chairman Olsen and Committee Members:

Thank you for the opportunity to provide input to you on SB 789, an important piece of legislation that will help students across Wisconsin access more courses. My name is Charles Moore, and I am the Principal at High Point Christian School as well as the Executive Director of Impact Christian Schools. Our two High Point Christian School campuses (Madison and Mount Horeb) serve 265 students from preschool to eighth grade and Impact Christian Schools, which includes Abundant Life Christian School (kindergarten to twelfth grade with 249 students), and Lighthouse Christian School (preschool to eight-grade with 199 students) in the Madison area. Impact Christian School also works with the Community Christian School of Baraboo (kindergarten through twelfth with 119 students). Unfortunately, I am unable to testify in person due to my job responsibilities at High Point Christian School.

High Point Christian School was founded in 1975 as a non-denominational Christian school. We strive for academic excellence for all of our students and focus on classes and programs that will challenge our students. I support AB 849 because it will help my students and many others at private schools access additional courses. It is not always possible for High Point Christian School to offer classes in every topic our students are interested in. SB 789 will allow High Point Christian students to access a course that we don't offer. We would be willing to work with public schools if there was a change in state law to permit it.

High Point Christian School serves students from all economic backgrounds. I also speak with many of our High Point Christian families who are looking at high schools for their middle school students. Many families tell me that a major consideration when selecting a high school is the types of classes and topics that the high school will offer.

As an educator in the Madison area, I know that access to high quality education is vital for all of our students. SB 789 is a bill that will help give every child access to high quality classes.

Thank you.

A handwritten signature in black ink, appearing to read "Charles Moore", is written over a horizontal line.

Charles "Chuck" Moore, Ph.D.
Principal, High Point Christian School
Executive Director, Impact Christian Schools



Notre Dame Academy

March 11, 2020

Chairman Olsen and Committee Members:

I am happy to provide input to you in support of SB 789, legislation that would expand part-time open enrollment so private schools could opt in and participate. My name is Karen Konop and I am the Outreach Administrator for Notre Dame de la Baie Academy (NDA) located in Green Bay. Thank you for allowing me to give my testimony via letter as my schedule makes me unable to attend Madison in person.

We are a co-educational Catholic school located in the Diocese of Green Bay and the Green Bay Public School District (GBAPS). Our student population reside in over 15 public school districts other than GBAPS. Our student population is approximately 780 (with growth projected for next year) and they represent all socio economic backgrounds.

NDA participated in the Course Options program beginning in 2016 when the law permitted private schools to do so. We had students in four different school districts enroll and take classes in Mandarin and IB German. These students were able to do so until the Course Options program ended after 2018 and left these students with no option to continue their studies in these areas.

While participating in the part-time open enrollment program, we worked closely with the public schools families to ensure that they felt welcome and part of the NDA community. For example, we met with the families to communicate how our daily school schedule and annual calendar was set. Just like for our NDA students, our goal and expectation was for these students to academically thrive in our Mandarin and IB German classes.

As individual schools, we are not all able to offer every opportunity in education for all students. However, together we can offer much more and access for all students.

Karen Konop
Outreach Administrator
Notre Dame Academy



960 Timber Pass
Brookfield, WI 53045
262.844.0333
www.IBAW.com

March 9, 2020

Chairman Olsen and Committee Members:

Thank you for giving the Independent Business Association of Wisconsin (IBAW) the opportunity to provide written testimony in support of Senate Bill 789 today. We are sorry we are unable to attend today's public hearing in person.

Since 1973, the IBAW has been helping entrepreneurs and professionals through a variety of engaging programming, peer-to-peer networking and advocacy for their businesses in both Madison and Washington, D.C.

Our members represent the backbone of the American economy: the small business owner. The average IBAW member employs less than 50 people and the businesses represented among them include manufacturers as well as legal, financial, technical and service industries.

Being an organization that largely represents small business owners and entrepreneurs our members are generally among the first that feel the impact when an economic slowdown occurs. A little over a decade ago, many of our members were trying to survive the doldrums of the Great Recession. Now, our members are facing a different challenge: a shortage in skilled workers.

As many of you know, our nation and our state is experiencing a period of prosperity and economic growth that we were told was never going to happen again. In order for that growth and prosperity to sustain itself, we need to ensure that we have a workforce that can meet both the current and future needs of our economy. It is more important now than ever that our educational institutions at all levels are preparing the next generation of entrepreneurs and employees to meet those demands.

Senate Bill 789 is a great piece of legislation that we believe will help provide Wisconsin's students with additional education opportunities to prepare them for the future. We all want what is best for ourselves and that means having options. By providing additional course choices to Wisconsin's students - we are giving them options and hopefully what is best for their education.

Thank you.

A handwritten signature in black ink, appearing to read 'Steve Kohlmann', written in a cursive style.

Regards,
Steve Kohlmann
IBAW Executive Director

3/11/2020

Dear Chairman Olsen and Members of the Senate Education Committee,

My name is Sarah Useche. I am a graduate of Verona High school and currently a student at Madison College. I testified in favor of AB 849 in the Assembly. Unfortunately, I cannot miss lab today so I submit written testimony in favor of Senate Bill 789 (Assembly Bill 849). I want to tell my story and how my educational and course choices helped me – growing up – and got me where I am today. I wish for all students from lower-income backgrounds and students of color to have similar opportunities to succeed.

During my childhood, I experienced some of the challenges many young people of color in Wisconsin face today. My parents are immigrants and I grew up speaking both Spanish and English. When I was old enough to go to school, my mom chose to enroll me in a small charter school because she wanted me to have access to some religious education, but mostly because she wanted me to have access to rigorous academics. At this school, I received top-notch academic instruction that prepared me well for higher education and for life.

Later, I transferred to a public school. My parents did not want to send me to a school in the Madison district because there weren't as many opportunities and higher-level classes given here. So, they made sure we lived in an area where I would attend Verona. While in Verona, I was able to take many AP or college-bound classes and also participated in the Project Lead the Way (primarily focusses in STEM), which were all specifically targeted at my field of interest. I graduated from Verona Area High School and later attended Madison College -- where I launched my pursuit of a degree in Biology.

I can tell you this story now because I personally benefitted from the array of course options my parents sought out for me. This is why I support Senate Bill 789 (AB 849). When I was younger, I benefitted from being in a smaller school with a number of other children who were of color and/or spoke Spanish. I became an avid reader and a proficient writer – in English. Later, when I was in High school, I benefitted from the variety of course choices – which allowed me to explore academic and career options and helped me prepare for college.

I am aware of -- and understand -- the various political debates surrounding issues of school choice generally. But I also hope Senate Bill 789 will receive bi-partisan support, like it did in the Assembly. In Madison and Dane County -- and other communities around our state---smaller charter schools or Catholic schools are very much part of our communities. I believe that regardless of the type of school, we all have the same goal: educating kids. Senate Bill 789 *does not* undermine any schools – public or otherwise. Rather, it suggests partnerships and cooperation within our Wisconsin communities.

From personal experience, I can tell you that Senate Bill 789 will be a gateway for a lot of kids from lower-income backgrounds and students of color to have more options and access to courses that will help prepare them when pursuing higher education and their dream career.

Thank you for consideration of this important bill,

Sarah Useche
Student, Madison College

Zantow, Jenna

From: Amy Rosno <amyrosno11@gmail.com>
Sent: Tuesday, March 10, 2020 6:50 PM
To: Zantow, Jenna
Cc: CJ Szafir
Subject: Bill SB 789-Written Testimony

Ms. Zantow - Below is a written testimony for Bill SB 789. Due to my work schedule, I am unable to attend in person. Thank you for your time,
Amy Rosno

March 10, 2020

Dear Chairman Olsen and Members of the Senate Education Committee:

You are receiving my statement because I strongly support SB 789 expanding course access for Wisconsin's students. My name is Amy Rosno, and I am a teacher for the School District of Waukesha. Due to the demands of my profession, I'm unable to make the trip to Madison today, but I wanted to share my support for this important bill.

I have been an English teacher for the School District of Waukesha since 1996. In 2004, Waukesha was one of the first districts in the state to open a virtual school, iQ Academy, now eAchieve Academy. Since 2005, I have been educating students online. My love for technology is what initially attracted me to the position, but, over the years, I have recognized and appreciated the unique opportunity virtual schools can provide students. However, these educational opportunities are currently limited for part-time students

By expanding course access, Wisconsin students' educational opportunities will no longer be limited for part-time students. While the majority of my eAchieve students are enrolled full-time, we do attract a number of part-time students who are allowed to take up to two classes. Part-time students come to us for several reasons:

- eAchieve offers courses not available in a traditional school including twenty-two Advanced Placement classes and foreign languages such as Mandarin Chinese and Latin.
- Students face scheduling conflicts in face-to-face school, so they choose a class online.
- Students have family or work obligations, making a flexible course offering attractive.
- Students have health issues and attending part-time allows them flexibility in their day for doctor's appointments.

While this is not an all-inclusive list, it provides a snapshot of why students and families are seeking educational options. By expanding course access, more students can take advantage of course offerings, thus expanding their educational opportunities. Wisconsin needs to move away from the antiquated one size fits all educational approach and allow flexibility and opportunity for all students.

Every day, I work with students and families who are trying to expand their child's learning capabilities. Course access is incredibly important. But not every child has the ability to take courses outside of his/her school. Wisconsin law unfairly prohibits collaboration between private, public charter, and traditional public schools when it comes to expanding course access. Parents also have very little information about the types of courses offered at different schools for their children. Bill SB 789 will help Wisconsin families access classes when they need it.

Thank you for your consideration,
Amy Rosno
English teacher
School District of Waukesha
eAchieve Academy



March 10, 2020

Senator Luther Olsen, Chairman
Senate Committee on Education
Room 112 South
Wisconsin State Capitol
PO Box 7882
Madison, WI 53707

Dear Senator Olsen and Members of the Committee,

Unfortunately my work obligations prevent me from appearing in person. But I submit written testimony in support of SB 789 because, as someone with a strong business background, I believe that it can help improve K-12 education and have a material, long-tail impact on creating the "next generation" workforce Wisconsin is in dire need of today.

In my role as Partner/Chief Strategy Officer for Sun Prairie, WI based Flexion, Inc I can testify to the reality that in order for Flexion to grow and serve the software development and technology modernization needs of private and public sector clients we have had to adapt our operating model the last ten years to accommodate an *increasingly mobile, location independent, and home-based workforce*.

Why? Simply put, scarcity of the right talent available at the time needed to meet market demands.

Flexion's flexibility and adaptability in "how we work" removed impediments and enabled the business to grow, solve problems, and build world-class solutions for our customers. These positive outcomes have been rewarded by clients with "more work" requiring more people resulting in a "scaled-up" business with employees in not less than fourteen states and two Canadian provinces in the last ten years.

Additionally, it has been my honor to serve the last ten years as Chairman, Small Business Committee, and five years as a Director on the Board of Wisconsin Manufacturers and Commerce.

In this capacity, I have observed all enterprises - from start-ups to multinationals struggle to find the people needed to fuel business plans and maximize the ROI of pre-existing, Wisconsin based plant and equipment investments. In many instances, employers are choosing to hire less than qualified people and invest in training them up to compensate for existing "skill gaps" or missing pieces in the talent puzzle. These missing pieces should be present given the credential value



awarded and expected in a Wisconsin high school graduate. Wisconsin employers, educators, and parents should work together with an attitude of continuous improvement to bridge the gap, and passing SB 789 will provide the platform tooling to achieve this objective.

Presently, Flexion is recognized as a leading small business, prime contractor to help modernize the quality measures and payments systems for the Centers for Medicare and Medicaid and re-position critical B2B and B2C constituent services for digital consumption. This opportunity for Flexion (and other selected small businesses) revealed itself after traditional delivery methods had failed under their own weight.

Years ago, every American together experienced the catastrophic failure of the website launch in support of regulatory implementation of the Affordable Care Act.

After the ACA website systems failure, root cause analysis revealed that operating assumptions and decision structures of the CMS bureaucracy itself was core to the problem statement.

This was remedied by agency introspection, industry outreach, investments in new methods, policies and tools in the areas of procurement reform, project/product execution, and measured experimentation. To generalize, an ***expansion of options and choices combined with a culture of learned experience yielded a change in direction and improvement in the trajectory of outcomes.***

Change required a new mindset of continuous improvement.

I share this story as an illustration of what can happen when any organization responsible for service delivery loses track of the marketplace, and is not held accountable in the past by its core customer until the event horizon envelopes everyone, impacting individuals and industry; each demanding change.

Together, Wisconsin parents and students, business owners and educators require a more responsive and flexible education delivery model that acknowledges the real challenges and opportunities of 21st century life, and intentionally designs new features to create an education delivery model that is highly accessible, modern, and moves at the pace students and employers already require today.

SB789 promotes improved situational awareness, expanded access to options and choices, and provides hope through directional ownership of the education process to the parent/student that one's location in Wisconsin does not place a constraint on their academic mobility near-term and/or their economic contribution and impact over the long-term.

SB 789 would help address the following points of interest:

- By increasing the types of courses offered to students, Wisconsin policymakers can ensure that they are giving all students access to important courses that can better educate the next generation of the workforce.



FLEXION

- Sadly too many Wisconsin students attend K-12 schools that lack important course offerings such as computer science and AP Physics. A recent study has shown that this is a major problem in Milwaukee and northern Wisconsin. Across the state, for example, roughly 40% of high schools offer computer science and far less (only 87 schools) offer AP computer science.
- SB 789 could help give more students the ability to take important courses. **Current law unfairly prevents public schools from collaborating with private schools.** In addition, parents have little to no publicly available information about how to take courses outside of their school. SB 789 fixes those shortcomings. **It also allows students to fully embrace online learning.**

I ask each of you to have the courage to acknowledge the short-comings of the present DPI model, traditions of bureaucracy, and challenge to existing assumptions on what will best prepare people for the future.

SB 789 bridges gaps and promotes inter-institutional experimentation and student self discovery, both critically important to maximizing individual development, and readiness in the pursuit of academic success and overall happiness. SB 789 fosters greater collaboration, location independent access, and improved leverage of presently existing curriculum investments which only enhances the ROI for the Wisconsin taxpayer and curriculum author alike.

Wisconsin's education system must be a sustaining force setting a solid foundation for the people of Wisconsin to formulate solutions to the challenges of our times, and your support of SB 789 will provide access to critical missing pieces in the puzzle of life.

Thank you for your consideration and please do not hesitate to reach out with any questions.

Respectfully,



Aaron B. Powell, Partner/Chief Strategy Officer
Flexion Inc

- Patent attorney with DeWitt law firm
- Privileged to serve on a volunteer basis as Statewide Leadership Chair of Project Lead The Way Wisconsin
 - largest k-12 science, technology, engineering, and math ("STEM") program in Wisconsin
 - currently in over 400 schools, having served over 500,000 Wisconsin students since our launch in 2004
 - provides me with unique visibility into STEM education across Wisconsin
- Member of the education steering committee for the Waukesha County Business Alliance
- Served on the education workgroup of the Milwaukee Tech Hub initiative
- Parent of a son who is now a college freshman

- Support Senate Bill 789 relating to course choice because at its core, it will make more educational opportunities available to all students, particularly those from underserved communities

- Also support Senate Bill 789 because it will potentially make more STEM-related courses available to all students, particularly those from typically underserved groups.

- STEM education is essential to meeting the demands of Wisconsin's growing workforce shortage.
 - As of yesterday, March 10, 2020, there were 86,953 available jobs listed on the Job Center Of Wisconsin website, run by the Wisconsin Department of Workforce Development
 - Many of these unfilled jobs require at least some STEM-related skills
 - STEM-related careers, especially those in the skilled trades, can provide great family-supporting careers
 - Anecdotally, I hear from clients, colleagues, and friends that the workforce shortage is one of the significant challenges facing Wisconsin businesses

- I see Senate Bill 789 as an opportunity to continue building a talented workforce in Wisconsin, particularly enabling students from underserved communities to gain access to additional STEM-related courses that will better prepare them for Wisconsin's workforce and further educational opportunities.

- Welcome any questions.

As an example, ~~at~~ high school students w/ access to PLTW's biomedical program can study the foundations of epidemiology, including tracking down a infectious disease outbreak, which would likely be very intresting to today's student. It is unfair to Wisconsin students or Wisconsin citizens that ~~a student would be~~ an intrested ^{PS} student would not have access to this Principles of Biomedical Science ^{course} b/c the student lives in the wrong zip code or school district.

(wrong)

March 11, 2020

Chairman Olsen and Honorable Committee Members –

Thank you for the opportunity to testify in support of SB 789, a bill that addresses course access challenges for students across Wisconsin. This is an important issue and one that I believe is worthy of your support. My name is Shannon Whitworth, and I am the Director of the Free Enterprise Academy at Milwaukee Lutheran High School. Milwaukee Lutheran High School serves over 800 students from across greater Milwaukee. Over 95% of our students participate in a parental choice program.

As the Director of the Free Enterprise Academy, I work with dedicated staff to give our students access to coursework based on the principles of economics, personal finance, entrepreneurship and self-discipline. It is the mission of the Free Enterprise Academy to challenge students to think critically about free markets, business as an enterprise, the role of the government in an economy, and to be financially literate.

Milwaukee Lutheran is blessed to be able to provide this academic support for our students. Senate Bill 789 has the potential to expand this opportunity for other students in Milwaukee as well as provide our students with access to courses and programs not offered at Milwaukee Lutheran.

Our economically disadvantaged students in Milwaukee deserve access to a high-quality education that will prepare them for college and the workforce. I believe SB 789 is an important first step in support our students and providing them with the opportunity to succeed.

I urge you to support SB 789.

Thank you,

/s/

Shannon Whitworth