



BARBARA DITTRICH

STATE REPRESENTATIVE • 38th ASSEMBLY DISTRICT

March 4, 2021

Assembly Committee on Education

RE: Rep. Dittrich Testimony on AB 59 - applications for the full-time open enrollment program in the 2020-21 and 2021-22 school years and the family income requirement for the Wisconsin Parental Choice Program in the 2021-22 school year.

RE: Rep. Dittrich Testimony on AB 62 - participation in interscholastic athletics and extracurricular activities and school district membership in an interscholastic athletic association in the 2021-22 school year.

Good Morning Committee Chair Thiesfeldt and members of the Assembly Committee on Education. I appreciate the opportunity to share with you my support for AB 59 and AB 62. Both of these pieces of legislation build on current law, providing students and their families greater access to educational and sporting opportunities. I also want to thank Senators Kooyenga and Stroebel for their leadership in introducing these bills and working so hard to expand options for our kids and families.

Assembly Bill 59 expands eligibility for students in the Wisconsin Parental Choice Program due to income restrictions and prohibits school districts from denying full-time student applications from non-resident districts. Wisconsin has successfully offered school choice to residents for over 25 years. However, there are currently income eligibility limits set at 220% federal poverty level (FPL). This bill would expand that eligibility to 300% FPL, allowing more students the opportunity to receive a quality education while continuing to save taxpayers. Additionally, AB 59 would expand the number of available options for applicants, including outside their resident districts, as long as both parents and respective school boards agree that attending the out of district school is in the best interest of the child.

If ever there was a time where Wisconsin craves school choice in greater numbers than ever, it is now. Closures and difficulties with online learning have left children in educational peril. Students in some cases have been found to be falling 6 months to more than a year behind in their learning because of the disruption brought on by the COVID-19 virus. Families need a full array of options to get their students back on track as quickly as possible. AB59 would expand those options for more families than ever.

Assembly Bill 62 would expand provisions to participate in sports and extracurricular activities that are extended to homeschool students to include charter school students. Charter school students could not be charged fees beyond the same charged to students already enrolled in the school district.

Those arguing against this legislation would have us believe that this legislation is unfair and would create the option for "super teams." I would counter with the fact that this option already exists with open enrollment. We have already seen students transfer within the state for this very reason.

Further, those arguing against this legislation should understand that students who move to a virtual charter school do so for a very serious reason and are unlikely to return to their home district. Homeschooled children are already allowed to participate in school sports within their home district. By not including this segment of students in public school sports and extracurricular activities, the state is merely pushing them to become homeschool students outside of the virtual charter school option

In summary, both of these bills are needed, especially in light of the COVID-19 pandemic and the myriad of issues that seem to have arisen. By advancing AB 59, allowing more families to choose which school is best for their child, we accelerate educational recovery. And advancing AB 62 allows charter school students the same athletic opportunities as their homeschool peers.

I want to thank the committee for considering both of these bills today. I am more than happy to answer your questions.



DALE KOOYENGA
STATE SENATOR · 5TH DISTRICT

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March 4, 2021

TO: Members of the Assembly Committee on Education
FR: Senator Dale Kooyenga
RE: Support for Assembly Bill 59

Chairman Thiesfeldt and committee members, thank you for hearing Assembly Bill 59, legislation that aims to expand education opportunities for children across Wisconsin.

This bill will increase educational opportunities for children by modifying the Wisconsin Parental Choice Program (WPCP) by expanding the eligibility requirements to include families with income up to 300 percent of the federal poverty level. This change would bring the WPCP in-line with the Racine and Milwaukee Parental Choice Programs.

The bill also eliminates the limit on the number of open enrollment applications that can be submitted to a nonresident school district and prohibits denying an open enrollment application if the student's parent and nonresident school board agree that attendance at the school would be in the child's best interest.

For nearly a full year, schools in some of the largest districts in the state have chosen to remain closed for in-person instruction. Economically disadvantaged areas, both rural and urban, are more likely to have lower student achievement and higher achievement gaps between white and minority students. Early research suggests virtual instruction only exacerbates these issues.

School choice has given children the opportunity to escape failing schools by putting parents in the driver's seat of their child's education. This legislation increases school choice options and trusts parents to know what is best for their children including the choice between in-person and virtual education.

Thank you for attention to this matter. I respectfully ask for your support for Assembly Bill 59.

Assembly Committee on Education
March 4, 2021

Wisconsin Department of Public Instruction
Testimony for Information on Assembly Bill 59

The Department of Public Instruction (DPI) appreciates the opportunity provided by Chairman Thiesfeldt to provide this written testimony for information on 2021 Assembly Bill 59 (AB 59). What follows is background information and an analysis of the provisions of the bill.

Background – WPCP Eligibility Provisions

The private school choice programs in Wisconsin include the Milwaukee Parental Choice Program (MPCP), the Racine Parental Choice Program (RPCP) and the Wisconsin (statewide) Parental Choice Program (WPCP).¹ Schools participating in the program receive a state aid payment for each eligible student on behalf of the student's parent or guardian.

Determination of which program a student is eligible for is based on where in Wisconsin a student resides. If a student resides in the City of Milwaukee, they are eligible to apply to the MPCP. If a student resides in the Racine Unified School District, they are eligible to apply to the RPCP. If a student resides outside of the City of Milwaukee and the Racine Unified school district, they are eligible to apply to the WPCP. Additionally, applicants are required to meet income and age requirements and may be required to meet an application grade or prior year attendance requirement.²

Choice students are required to reapply each year. Students who participated in any choice program in the prior year and students on a choice waiting list in the prior year applying to the same choice program are not, however, required to provide income documentation and meet the income requirement each year.

Students in the expanded choice programs are funded indirectly with aid withheld from their resident school districts. School districts receive a nonrecurring revenue limit exemption for choice withholdings and may raise local property taxes to account for the loss. In the year following initial enrollment in a choice school, choice students are included in resident districts' aid membership counts, but the specific amounts generated

¹ The Special Needs Scholarship Program is an additional private school choice program, but has specific eligibility requirements that are not subject to the provisions of Assembly Bill 59.

² For more information, please see the Student Applications (Information for Parents & Schools) webpage at <https://dpi.wi.gov/parental-education-options/choice-programs/student-applications>.

for a school district vary under the aid formula and as such do not often match up to the aid withheld.

The overall impact is that any new choice student is funded 100 percent by their resident school district in their first year. Revenues available to school districts to make up for aid withheld by the state include the tax levy, fund balance, or budget reductions.

In subsequent years, the choice student is included in general school aids. General aids are determined for each school district based on three main factors consisting of membership, property value per member, and how much each district spends per member compared to other districts. These are all relative factors so any changes in one district affects the distribution for everyone else. As a result, any aid generated by a choice student for a resident school district will affect aid for other school districts. As a school district's tax levy may equal up to their revenue limit minus general aid, any loss in aid may be made up on the levy. Alternatively, losses in aid may also be borne by budget cuts or a school district may use fund balances.

Analysis - WPCP Eligibility Provisions:

The bill changes the income limit criteria for the WPCP to match the MPCP and RPCP. DPI has an income limits resource³ laying out current limits.

The application period for the WPCP for the 2021-22 school year began on February 1, 2021 and ends on April 15, 2021. As the application period has already begun, there would be impacts to making a change to the 2021-2022 income limit requirements for the WPCP and a limited opportunity if the bill became law for parents or guardians to submit an application under the changed eligibility provisions.

Background - Open Enrollment:

Under the full-time open enrollment program, students in grades kindergarten (including four-year-old kindergarten) to 12 may apply to attend any public school district in the state. Parents may apply for a child to attend four-year-old kindergarten, prekindergarten, early childhood education, and school-operated daycare only if the child's resident school district offers the same type of program and if the child is eligible for the program. A pupil is permitted to submit applications to no more than three nonresident school boards in any school year. There is no tuition cost to parents for participation in open enrollment. Parents of open enrolled pupils may be charged the same fees as resident pupils. Parents are responsible for transporting students to and from school.

2011 Wisconsin Act 114 created an alternative application procedure by which parents may apply for open enrollment at any time during a school year, if any of the following criteria are met:

³ The income limits resource is available from the DPI at [https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Student Application Webpage/income limit all programs 2021-22 final.pdf](https://dpi.wi.gov/sites/default/files/imce/parental-education-options/Choice/Student%20Application%20Webpage/income%20limit%20all%20programs%202021-22%20final.pdf).

- The pupil's resident school board has determined that the pupil has been the victim of a violent criminal offense. The application must be made within 30 days of the determination by the resident school board;
- The pupil is or has been homeless in the current or preceding school year;
- The pupil has been the victim of repeated bullying and harassment, the bullying or harassment has been reported to the pupil's resident school board and, despite any action taken, the bullying or harassment continues;
- The pupil's or parent's residence has changed as a result of military orders. The application must be made within 30 days after the date the military orders were issued;
- The pupil moved into the state. The application must be submitted within 30 days after moving into the state;
- The pupil's residence has changed as a result of a court order or custody agreement or because the pupil was placed in or removed from a foster home or the home of a person other than the pupil's parent. The application must be made within 30 days of the pupil's change of residence;
- The pupil's parent, the nonresident school board, and the resident school board agree that attending the nonresident school district is in the pupil's best interests;
- The pupil's parent and the nonresident school board agree (but the pupil's resident school board disagrees) that attending the nonresident school district is in the pupil's best interests.

If the pupil's resident school board prevents the pupil from transferring, the parent may file an appeal with the DPI. The nonresident school board may deny an application under the alternative procedure for the same reasons it may deny applications submitted under the regular application procedure. The nonresident school board may also deny an application if it determines that the transfer is not in the pupil's best interests or that the criteria upon which the application is based do not apply to the pupil. Parents or guardians do not have appeal rights for a nonresident denial of an alternative application. The resident school board may deny an application if it determines that the transfer is not in the pupil's best interests or that the criteria upon which the application is based do not apply to the pupil.

In the 2019-20 school year over 65,000 students transferred to a nonresident school district under open enrollment.

Analysis – Open Enrollment Provisions:

Under the bill, during the 2020-21 and 2021-22 school years, if a pupil submits an open enrollment application using the alternative application procedure on the basis of the pupil's parent and nonresident school board agreeing that attending school in the nonresident school district is in the best interests of the pupil, the pupil's resident school board may not deny the application for any reason.

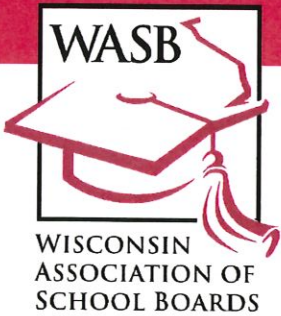
In the 2019-20 school year, there were 14,003 alternative open enrollment applications submitted with best interest of the pupil chosen as the reason for the application. Of these, only 92, or 0.66 percent, were denied by the resident district. Parents or guardians have appeal rights to the DPI under current law if the resident district denies an alternative application.

Under current law, full-time open enrollment applications for a student may be submitted to no more than three nonresident school boards in any school year. Open enrollment applications are rarely denied under the current law 3-district limit. For the spring 2020 regular application period, only 11 out of approximately 25,000 regular applications were denied under the 3-district limit. The Department does not have data available to suggest if this number would increase as it may currently be limited due to parents or guardians complying with the 3-district limit and not trying to apply to more.

It is unknown how many additional open enrollment applications would be submitted under the bill.

If you have questions regarding this information, please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov.

id	Date/Time Joined	First Name	Last Name	Street Address 1	Street Address 2	City	State	ZIP Code	ZIP-4	County	Country	State Senate District	State House District	City District	Source	Email 1	Phone 1		
20977776	3/4/2021 14:59	Rebecca	Abuya	2101 Good Hope Rd		Glen Dale	WI	53209	2743	Milwaukee	US	8	24	84	Testimony Request - AB59	rbuya@yahoo.com	1268928093		
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20622935	3/4/2021 5:34	Vigilante	Hobbs	4835 Alvin Rd		West Bend	WI	53090	1223	Washington	US	16	16	46	46	Testimony Request - AB59	d_jguse@att.net	16692798390	
37332	3/4/2021 4:32	Beatrina	Hollman	6901 N River Rd		West Bend	WI	53090	1223	Washington	US	20	20	21	7	Testimony Request - AB59	johallman@yahoo.com	16692798390	
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21496	3/3/2021 21:08	Iahn	Kohlwey	17358 Boulder Dr		Spring Green	WI	53588	160	Stuik	US	23	23	68	68	Testimony Request - AB59	ronlab@att.net	17158358333	
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20627368	3/3/2021 22:02	Christine	Manning	583W 2635 Seavoy Ct		Milwaukee	WI	53213	1053	Milwaukee	US	13	13	37	37	Testimony Request - AB59	christinemart@gmail.com	17156701074	
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20625322	3/3/2021 21:03	Ray	Nolden	810 Clyman St		Sheboygan	WI	53081	2113	Sheboygan	US	9	9	17	17	5	Testimony Request - AB59	ray_nolden@yahoo.com	14149363934
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37544	3/4/2021 2:44	Christine	Rodriguez	W16137 Pinewood Dr		Waukesha	WI	53186	2683	Waukesha	US	4	4	12	12	11	Testimony Request - AB59	lauro301@gmail.com	19512940536
20621073	3/3/2021 21:01	Laurie	Sanchez	5400 W Verona Ct		Milwaukee	WI	53219	4434	Milwaukee	US	4	4	12	12	8	Testimony Request - AB59	christinehartz@gmail.com	14146901935
21494	3/3/2021 21:13	Lori	Schaefer	7901 W Glenbrook Rd		Milwaukee	WI	53208	1017	Milwaukee	US	6	6	18	18	10	Testimony Request - AB59	omphbeauty@gmail.com	14146901935
20938156	3/3/2021 21:16	Patricia	Schmelling	2225 N 55th St		Milwaukee	WI	53149	8559	Waukesha	US	28	28	83	83	14	Testimony Request - AB59	schlecth.br@gmail.com	14146901935
21235	3/3/2021 21:08	Terri	Tesch	W27558500 Lakeview Ln		Mukwonago	WI	53207	2924	Milwaukee	US	7	7	19	19	14	Testimony Request - AB59	paitschmelting@yahoo.com	14146901935
20450093	3/3/2021 23:35	Michelle	Weed-Brown	2332 E Oklahoma Ave		Milwaukee	WI	54914	6409	Outagamie	US	19	19	55	55	14	Testimony Request - AB59	gablenombard@yahoo.com	19204271199
42651421	3/4/2021 1:10	Laura	Wierzbinski	2598 W Timber Crest Ct		West Milwaukee	WI	53214	3558	Milwaukee	US	3	3	7	7	Testimony Request - AB59	mweedbrown2013@gmail.com	14146880359	
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19990500	3/3/2021 21:24	Isaac	mcMillan	4851 N 53th St		Milwaukee	WI	53218	3275	Dane	US	4	4	11	11	7	Testimony Request - AB59	mmikes535@gmail.com	19209331655
42646638	3/3/2021 21:31	Richard	michal	6904 S Packard Ave		Cudahy	WI	53110	4028	Milwaukee	US	7	7	20	20	Testimony Request - AB59	isaacmcmillan@msn.com	14146983931	
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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Assembly Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: March 4, 2021
RE: OPPOSITION to ASSEMBLY BILL 59, relating to: applications for the full-time open enrollment program in the 2020-21 and 2021-22 school years and the family income requirement for the Wisconsin Parental Choice Program in the 2021-22 school year

Chairman Thiesfeldt and members of the committee, thank you for the opportunity to detail our opposition to the provisions of Assembly Bill 59.

The Wisconsin Association of School Boards (WASB) is a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards. Our members are responsible for, among other things, making an annual designation of available spaces for full-time open enrollment students, setting school district policies on full-time open enrollment in areas where discretion is given to school boards, and applying criteria to be considered when accepting or denying open enrollment applications and approving any discretionary transportation contracts.

The WASB opposes the nonstatutory provisions of Assembly Bill 59 that would usurp local school board decision making and policy making in these areas for the remainder of the current 2020-21 school year and the coming 2021-22 school year. Our members have spoken on this. The WASB's position is based on resolution language adopted by the full WASB membership at our Delegate Assembly.

Among other things, that resolution language places the WASB in support of:

- requiring that all open enrollment applications be submitted within the statutory window period (i.e., the regular application process);
- restoring the original statutory open enrollment window period so it begins on the first Monday in February and ends on the second Friday in March; and
- requiring open enrollment applications submitted outside the statutory window period (i.e., through the alternative application process) be subject to the sole approval by the school board of the resident district.

The WASB also opposes the nonstatutory provisions that would allow student to apply for open enrollment in an unlimited number of districts. This will place unnecessary administrative burdens on school districts as students offered acceptance into multiple districts sift through these offers to decide which one they will accept. Meanwhile, school districts are put on hold despite statutory deadlines to which they must adhere.

The WASB also opposes the provisions in this bill that would increase the family income eligibility for the statewide voucher program (a/k/a the Wisconsin Parental Choice Program) to 300 percent of the federal poverty level for new applicants for the program in the 2021-22 school year.

This change would raise the family income eligibility for a family of four from \$57,640 to \$78,600 and to \$85,600 if the student's parents are married. For a family of five this bill would raise the family income eligibility from \$67,496 to \$92,040 and to \$99,040 if the student's parents are married.

According to the U.S. Census Bureau, median household income in Wisconsin (in 2019 dollars) was \$61,747. At a time when many family income in many families is falling not rising due to the pandemic, the need for this change is highly questionable.

The co-signer memo for the Senate companion bill to Assembly bill 59 suggests that this change is necessary to allow parents and guardians more choice in the instructional mode they wish for their students; however, since it applies to next school year—the 2021-22 school year—this argument is likely illusory as nearly all schools, public and private, are likely to be providing full-time in-person instruction next fall.

Even without this change, there will be additional slots opening up in the statewide voucher program next year as district enrollment caps are raised from 5 percent to 6 percent and more schools have been accepted to participate in the program, two changes likely to drain additional state aid from the school districts in which additional voucher participant students reside.

The DPI recently announced that the Wisconsin Parental Choice Program, which allows students residing outside of the city of Milwaukee and Racine Unified School District to participate, has 307 private schools and school systems registered for the 2021-22 school year, an increase of 27 from the previous school year.

Making the change at this late date is likely to create confusion and administrative burdens. Unlike the Milwaukee and Racine voucher programs, the statewide voucher program has a single application period. The application period for parents/guardians to apply for acceptance of their students into the statewide voucher program for the 2021-22 school year is already open. It opened Feb. 1, 2021 and closes on April 15, 2021.

WASB members, through the resolution process and their votes, have spoken clearly about their thoughts on the voucher program. The WASB opposes the current voucher funding mechanism, under which taxpayer-financed vouchers are provided to private schools through deducting state aid from public school districts harms the majority of Wisconsin's students by diminishing resources available for public schools or requiring school boards to raise local property taxes to compensate for lost aid. Creating two publicly supported education systems threatens the sustainability of public schools. Assembly Bill 59 would further threaten the sustainability of public schools.

In closing, the WASB appreciates that the provisions Assembly Bill 59 would be temporary in application. This is a positive aspect, but it does not remove our objection to these provisions. That objection is based on a resolution adopted by the full WASB membership at our Delegate Assembly.

Thank you for the opportunity to share our concerns with you. Please feel free to contact me if you have questions or would like additional information. I can be reached at drossmiller@wasb.org or (608) 512-1720.

**Written Testimony on Assembly Bill 59 – March 4, 2021
Assembly Committee on Education**

Mr. Chairman and members of the Assembly Education Committee, thank you for holding a public hearing on Assembly Bill 59. School Choice Wisconsin Action (SCWA) supports the empowerment of parents in K-12 education.

As background, Wisconsin currently has four Parental Choice Programs. The Special Needs Scholarship Program has no eligibility requirement based on family income, the Milwaukee and Racine Parental Choice Programs have a limit of 300% of federal poverty and the Wisconsin Parental Choice Program has a limit of 220% of federal poverty.

AB 59 would raise the income limit for the Wisconsin Parental Choice Program to 300% of federal poverty, matching the Milwaukee and Racine Parental Choice Programs. SCWA supports raising the income to 300%.

Even prior to COVID, private schools were routinely turning parents away based on income. At 220% of income, many families were not able to pay income taxes, sales taxes and property taxes (all of which fund public schools) and then afford private school tuition as well.

Since the advent of COVID, where private schools have led the way in providing in-person instruction, there has been an increased demand for enrollment in private schools. Now, more than ever, parents deserve options for finding the right solution for their family's education.

AB 59 will empower more parents to find a school that fits their unique needs.

Jim Bender
School Choice Wisconsin Action

Assembly Bill 59



WISCONSIN FEDERATION
for Children

Assembly Bill 59 increases the income threshold for parents who want to enroll in Wisconsin's Parental Choice program to 300% of the federal poverty level, or about \$78,000 a-year for a family of four.

Is a family of four making 300% of FPL too "rich" for a voucher? No!

The current income threshold level, 220% of the federal poverty level, is *only* \$56,650+ a \$7,000 marriage bonus for a family of 4.

At this current level, essential workers such as a nurse or an educator with a stay at home spouse could be disqualified from eligibility based on their income.¹ Very few would argue that they are considered "rich."

Consider the following example of two married teachers, with two children, making the minimum average entry-level salary of \$35,893. They would barely qualify for the 300% income cap of \$72,900.²

Using a conservative estimated annual budget, it is easy to see how private tuition is nearly unattainable for working families:

\$71,786	Annual Salary for Two Educators
-\$14,357	Avg. Tax Liability (20%)
-\$17,230	Avg. Annual Housing Costs (30%)
-\$9,600	Avg. Food Cost (\$200/week) ³
-\$5,527	Avg. Retirement Contribution ⁴
-\$6,317	Avg. Health Insurance Cost (8.8%) ⁵
-\$4,800	Avg. Car Payment (\$200/month x2)
-\$2,400	Avg. Debt/Student Loans
-\$2,800	Avg. Gas (Vehicle) ⁶
-\$1,200	Avg. Car Insurance (x2 Cars) ⁷
-\$1,152	Avg. Electric ⁸
-\$600	Avg. Internet
\$5,803	Annual Disposable Income

As shown by the chart, this family has:

less than \$484 per month in expendable income.

This does not even take into consideration rising insurance deductibles, home and auto maintenance, etc. Even with flexibility and a strict budget, there are very few families that can afford private tuition.

Essential workers are celebrated as heroes, and yet they could be disqualified from equal education options for their family.

Hard working, middle class families across the state deserve the best educational opportunity for their children just the same as those in Milwaukee and Racine do.

¹ U.S. Bureau of Labor Statistics

² Current law allows for a \$7,000 marriage bonus for eligibility in the Parental Choice Program.

³ USA Today

⁴ The Motley Fool

⁵ JS Online

⁶ The Motley Fool

⁷ ValuePenguin

⁸ Electricity Local

Essential Worker Salaries

Donna Rozar – 69th District Marathon & Wood County

Teacher Salary:

- High: \$97K
- Low: \$24K

Police Officer Salary:

- State Average: \$64K

Sandy Pope – 80th District Dane, Green & Iowa County

Teacher Salary:

- Average: \$53.8K

Police Officer Salary:

- Average: \$45K
- High: \$79K
- Low: \$39K

Gary Hebl – 46th District Dane County

Teacher Salary:

- Average: \$50K
- High: \$78K
- Low: \$22K

Police Officer Salary:

- Average: \$45K
- High: \$78K
- Low: \$12K

Dan Vruwnk – 43rd District SE Dane, SW Jefferson, Walworth County

Teacher Salary:

- Average: \$53.3K

Police Officer Salary:

- Average: \$45K

David Considine – 81st District NE Iowa, NW Dane, NW Columbia County

Teacher Salary:

- Average: \$64K

Police Officer Salary:

- Average: \$45-50K

Lakeshia Myers – 12th District NW Milwaukee County

Teacher Salary:

- Average: \$67K
- High: \$116K
- Low: \$18K

Police Officer Salary:

- High: \$74K

Statewide Additional Occupations

Registered Nurses:

- Average: \$71.5K ^{1 2}

Firefighters:

- Average: \$43.6K ³

Grocery Workers:

- Average: \$23.8K ⁴

Agriculture & Food:

- General Labor: \$26K ⁵
- Skilled Labor: \$32.2K
- Managers: \$39.3K

Transportation:

- Bus Drivers: \$46K

Critical Trades:

- Carpenters: \$50.6K
- Construction: \$43.9K
- Electricians: \$60.1K
- Plumbers: \$41.2K

Other:

- Mechanics: \$41.1K
- Food Prep: \$21.8K
- Cashier: \$21.8K
- Childcare: \$22.6K

¹ U.S. Bureau of Labor Statistics

² Nurse Salary Guide

³ Patch

⁴ U.S. Bureau of Labor Statistics

⁵ University of Wisconsin – Madison Extension



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March 4, 2021

Chairman Thiesfeldt and members of the Assembly Education Committee,

Thank you for the opportunity to submit testimony in support of Assembly Bills 59, 118 and 119. The Wisconsin Institute for Law & Liberty (WILL) believes that every student in Wisconsin deserves access to a high quality education and these bills advance that principle by removing barriers in the Open Enrollment and Wisconsin Parental Choice Programs.

Assembly Bill 59

Too many Wisconsin students' educational options are limited by their zip code. AB 59 addresses this barrier by expanding access to both the Open Enrollment and Wisconsin Parental Choice Programs.

The Open Enrollment Program is the state's largest school choice program with over 65,000 students choosing to attend a public school outside of their residential district last year. Our research¹ found that demand and utilization of this program has grown over the past 20 years. In fact, overall participation increases each year 3-6% (or approx. 2,000-4,000 students). However, over 9,000 applications (24%) were denied in the 2019-2020 school year by districts and the overwhelming reason for denial was space.

Furthermore, the COVID-19 pandemic highlighted families' interest and need for additional educational options. Without a doubt, more families are looking for the best educational options for their student outside of their assigned public school. The program must be amended to respond to the increased demand. But the Open Enrollment Program limits applications to only 3 non-residential districts per year, which restricts families' options even further. AB 59 expands options for families by removing the three application limit for the 2021-2022 school year so families can find the school that best meets the educational needs of their child.

The Open Enrollment Program also allows students to apply outside of the traditional enrollment window by submitting an "alternative application" under certain circumstances, including "best interest for the child." Just last year, 14,000 of the 15,000 alternative applications were submitted for that reason. AB 59 prohibits a child's resident school district from denying a student transfer to a nonresidential district if both the parents and nonresidential district agree it's in the best interest of the child. This will help families seeking alternative education options from being denied access to a nonresidential public school.

AB 59 also increases access to the Wisconsin Parental Choice Program (WPCP) by raising the income threshold from 220% to 300%. Under the current WPCP, a family of four must have a

¹ Public School Choice in Wisconsin: A work in progress, January 2021, <https://www.will-law.org/wp-content/uploads/2021/01/publicschoolchoicev7.pdf>



yearly income of \$57,640 or less. By raising the income limit to 300%, families of four making \$78,600 will be eligible for the WPCP. Expanding access to the parental choice program will help more families access private schools' education, which is especially important for Wisconsin families navigating the fallout of the economic downturn due to the pandemic.

Interest in the WPCP continues to grow as more private schools join the program and the program is able to respond to the increased demand. In 2019-2020, 307 schools participated in the program, educating nearly 10,000 students and growing participation in the program by more than 30%. AB 59 will help more students access the WPCP and attend a school of their choice.

Assembly Bill 118

The COVID19 pandemic has resulted in families looking at new educational options that best fit their child's needs. The Open Enrollment Program allows Wisconsin families to stay in public schools while attending a nonresident public school, either in person or online. AB 118 creates a vital opportunity for families by expanding the virtual school options available to students.

The pandemic resulted in more families having access to virtual learning, which has expanded the demand for fulltime virtual education. WILL research found that more families were seeking out virtual options over the past school year. In fact, school districts with virtual charter schools had an increase of approximately 4.5% in enrollment relative to other districts in the 2019-2020 school year.² This trend is likely to continue as districts and schools navigate providing educational options both in person and virtually.

AB 118 expands the Open Enrollment Program for the 2021-22 school year by allowing students to use the program to attend a fully virtual option offered by a nonresident school district or charter school. This will expand educational options for families across the state, particularly those families located in regions where additional educational options are not easily accessible for in-person instruction.

Given the complexities that families and students are navigating, AB 118 provides more educational options to families to find the best school for their child.

Assembly Bill 119

The Open Enrollment Program is an important resource for more than 65,000 families who attend a public school outside of their resident district. As educational options expand, and more families look to transition to virtual learning, AB 119 removes a barrier for families seeking these virtual options.

As a result of the pandemic, more school districts across the state are offering virtual options. In 2020-2021, the state has more than 50 virtual charter schools that operated across 45 districts. Most of these schools existed prior to the pandemic but many of these districts saw an increase

² Opting Out: Enrollment Trends in Response to Continued Public School Shutdowns, December 2020, <https://www.will-law.org/wp-content/uploads/2020/12/2020-12-10-reopening-and-enrollment-trends1.pdf>



of 4.5% in enrollment compared to other districts.³ Parents are paying attention to the types of educational options available to their students and virtual education is here to stay as an important option for families.

But the Open Enrollment Program currently limits student applications to three nonresident districts each year. But this can be a barrier for families who are looking at both in-person and virtual options for the students. Such families are limited to applying to a total of three options. AB 119 removes that barrier by allow families to apply to an unlimited number of virtual options while maintaining the limit on the number of applications for in-person learning at a nonresident district. This will expand options available for Wisconsin students who are looking to attend a school that meets their needs.

The landscape of education is changing and Wisconsin should be a leader in providing educational options for all students, regardless of where they live or what type of educational model they are looking for.

Thank you,

Libby Sobic
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³ Opting Out: Enrollment Trends in Response to Continued Public School Shutdowns, December 2020, <https://www.will-law.org/wp-content/uploads/2020/12/2020-12-10-reopening-and-enrollment-trends1.pdf>