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K-5 Director of Instruction & Gate
SARAH BOSCH
6-12 Director of Instruction
TRISHA SPENDE
Director of Online & Blended Learning
CHRIS TROTTER
Director of School to Work Opportunities

Good morning,

My name is Jodi Essman and I am the Open Enrollment Coordinator for the Elkhorn Area School District.

In my role, I work with families who are often at the end of their rope, so to say, with trying to find a school district that will accept their student who has been expelled from school. These conversations are usually filled with emotion as the parent is desperate for someone to take a chance on their child, to give them an opportunity at a future. When we can provide that hope that the family so desperately needs, you can feel the weight being lifted off of their shoulders.

Unfortunately, due to the current rules restricting families to only three open enrollment applications, we've had to have several tough conversations. To tell a family that if it weren't for Elkhorn being their fourth open enrollment application we would accept their student is disheartening. In light of COVID, I believe that most will agree that kids need stability and an education that fits their specific needs.

The legislation being proposed would provide a pathway for families to find the school that best fits their student's needs without the fear of becoming ineligible based on how many "tries" it takes.

Thank you for your time and consideration.

Sincerely,

Jodi Essman
Open Enrollment Coordinator
Elkhorn Area School District

Senate Committee on Education
February 23, 2021

**Wisconsin Department of Public Instruction
Testimony for Information on SB 110**

The Department of Public Instruction (DPI) appreciates the opportunity to provide this written information on 2021 Senate Bill 110. 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 current law. For the 2019-20 school year, only 11 out of approximately 25,000 regular applications were denied under the three-district limit. This could, however, be due to the fact that parents are simply complying with said limit and not attempting to apply to additional school boards.

This bill specifies that an application submitted to a nonresident school board for a pupil to attend a virtual charter school under the open enrollment program does not count for purposes of the three-district limitation.

It is unknown how many additional open enrollment applications would be submitted under the bill. Interest and enrollment in virtual charter schools (VCS) has increased substantially in the current school year, likely due to COVID-19. In fact, the third Friday in September enrollment count in VCS increased from 8,696 in the 2019-20 school year to 16,020 in the 2020-21 school year. This is an 84 percent increase in enrollment.

If you have questions about the open enrollment program or the information in this testimony, please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov.



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

Testimony before Senate Committee on Education
Senate Bill 110
Rep. Amy Loudenbeck

Thank you, Madam Chair and committee members, for the opportunity to testify in favor of Senate Bill 110 relating to applications for full-time open enrollment.

Senate Bill 110 resolves an issue that was brought to our attention by a Wisconsin school district administrator. Under current law, a family may apply for open enrollment to a maximum of three districts within a given school year. The law does not allow for any exceptions or additional applications if a student is denied admittance into all three of the districts to which they applied.

You may recognize this bill from last session where it was passed by the Assembly and awaiting a floor vote in the Senate when Covid prevented further session days.

Virtual school options are numerous in Wisconsin, which was not the case in 1999 when the language limiting the number of open enrollment applications was put into statute. This bill removes the limit on the number of virtual charter schools a student can apply to under open enrollment.

I learned of the three application limit from the Elkhorn Area School District (EASD) which is often able to accept students from other schools, including students who have been expelled, by admitting them into their virtual school, or one of their other programs.

Unfortunately, two families were recently denied enrollment into the EASD's virtual school not because EASD didn't want to accept them, but because the law didn't allow them to. Prior to applying to Elkhorn's virtual school their children had already been denied by three other school districts, which triggered the three district maximum rule. Due to the way the statute is currently written these families had no other public school option for the remainder of the school year, even if the EASD was willing to offer acceptance and enroll the students in their virtual school.

Expulsions occur in districts across the state. We believe that students who have been expelled should continue to receive educational services in a setting that is safe and appropriate, if possible.

Senate Bill 110 also recognizes there are many reasons, in addition to expulsion, a student could be denied open enrollment to a traditional public school including behavioral health challenges or complex medical issues. These students could also be well-served by admittance to a virtual school.

SB 110 provides an option for students who are currently being denied the opportunity to open-enroll into a virtual school due to the three application limit. It is important to note SB 110 does not

require a virtual school to accept a student and it is our understanding virtual schools are supportive of this legislation.

Thank you for your time today. We would be happy to answer any questions at this time.



JOAN BALLWEG

STATE SENATOR · 14TH SENATE DISTRICT

Senate Bill 110: Application Limit for Open Enrollment Program
Senate Committee on Education
Testimony of Senator Joan Ballweg
February 23, 2021

Good morning, members of the committee. Thank you for hearing this important piece of legislation.

Open enrollment is an excellent program to allow students, regardless of where they live, the option to attend an education program that works best for them. When a student applies to an open enrollment program, the school board of the nonresident school district may deny a student's application for various reasons, such as the pupil has been expelled or is serving an expulsion, is habitually truant, has services required under an individualized education program that are not available in the nonresident school district, or there is a lack of space at the school or in the program. DPI recently released *The Wisconsin Inter-District Public School Open Enrollment Program* report to the governor and legislature for 2019-20, which states that 9,260 applications were denied by nonresident school districts for that year.

Current law limits the number of applications a pupil may submit for full-time open enrollment to three nonresident school boards in any school year. As I just noted, many students are denied for various reasons, and sometimes they hit their three application limit. This leaves the student and family in a bind to figure out where that student can go to school for that year.

This proposal changes the law so an application to attend a virtual charter school through full-time open enrollment does not count for the purposes of the limitation on the number of applications that may be submitted. This will allow families who have been denied and hit their application limit due to the reasons I mentioned earlier to still have the option to attend a public school through virtual enrollment.

Thank you for your time. I am happy to answer any questions you may have.



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Director of School to Work Opportunities

My name is Jason Tadlock, I am the District Administrator for the Elkhorn Area School District. Accompanying me today is my administrative assistant Jodi Essman, she also serves as our school district's open enrollment coordinator and has been key to helping us identify the challenge that families across Wisconsin currently face.

Getting expelled is a traumatic experience for all parties involved. The students suffer, guardians suffer, administrators often lose sleep and school boards, despite having to make the difficult decision to remove a student from school. Yet it is sometimes a necessary process to protect the interests of other students and it can serve as a catalyst for students to get back on track if done right.

In the Elkhorn Area School District, we have made a commitment to the students and families of expelled students. The students may be restricted from attending the traditional high school, but they are all given a pathway to graduation through a variety of programming and educational offerings that we provide to them depending on their offense that led to the expulsion. We do not wash our hands of the students. We do not cut them off from critical support at a time that they and their families need them the most.

Unfortunately, that is not the case for many students throughout the state of Wisconsin. Quite often we have found that many school districts will exercise their right to simply expel the students and offer no further educational services. Once a student is expelled in Wisconsin, other districts may reject an expelled student's enrollment request based on the expulsion order from their resident district. I have seen students that were expelled in middle school for what is termed repeated refusal to obey school rules up through age 21. Effectively enabling any school district in the state to reject the enrollment of that student.

I met with one such young man two summers ago to discuss his enrollment in our school. He was expelled in 8th grade from a Wisconsin school district for repeated refusal to obey school rules. He was given a pathway back to school if he completed an online program, community service hours, and counseling for the school from which he was expelled. His mother decided to send him to his father's house in Illinois so he could attend school there. He did so for his freshman year, but due to a number of factors outside of his control, his mother brought him back to Wisconsin to live with her.

When she attempted to enroll him back into his school she was told that he could not enroll because he did not complete the terms of his expulsion order exactly as they had prescribed while out of state at his father's home. He did not have the proper verification forms of his counseling services.

In an attempt to get him back in school she moved to a city just north of us near her work not realizing that they too can refuse to enroll him due to the expulsion that was in place from his previous school district. His mother, not knowing what to do, did not find any other educational options. The young man spent his sophomore year at home depressed, disengaged and oftentimes thinking about harming himself.

When I met with him and his mother, I reviewed our educational options that he could participate in, the young man proclaimed excitedly, "Are you serious! Are you serious! No way! I can't believe that I get to go back to school. He then began to sob and shared that while taking a shower in preparation for our meeting he had prayed to God as he had never prayed before that he would be allowed to return to school.

This student is now a senior, actively involved in co-curriculars, school activities, and other events. He brings a cheerful attitude to school and is on-track to graduate this spring. He has completed several college level courses at Gateway Technical College and is focused on his post-high school plan to continue his schooling in Michigan in the field of business. This is despite experiencing a significant disruption to his education and coming to Elkhorn missing his entire 10th grade year.

Students and families like this young man around the state are searching for educational opportunities. We are listed by the state as one of 20 school districts willing to accept expelled students. As such we are contacted on a regular basis by area families as well as social workers from around the state on behalf of students with whom they are working. Hoping that they will be able to find a public educational solution for their student.

This brings me to the reason why I am here today. I would like to review two cases, that brought to light the need for a change to our current legislation.

Student A

In October 2019 the Elkhorn Area School District received an Alternative Open Enrollment Application requesting our virtual charter school. It is important to note that Student A's legal guardian indicated there is no current school of attendance.

Per open enrollment policies and procedures, Elkhorn, as the non-resident district, is required to provide a copy of the application to the resident school district, in this case Central-Westosha. At such time, Elkhorn was informed by the resident school district that Student A had submitted three prior Alternative Open Enrollment Applications to other districts, thus making this, the fourth application, to Elkhorn ineligible under Wisconsin statutes and administrative code. Even though the first three applications to non-resident districts were all denied, Elkhorn, under current law, could not entertain the idea of accepting this student.

Per state statutes and administrative code, a parent can only apply to three non-resident districts per school year. The year is defined as the school year the application was submitted in, not the school year that the application was submitted for. This is important because the legal guardian of Student A applied for open enrollment for the 2019/20 school year in the 2019/20 school year (using the alternative OE procedure). Therefore,

they can only apply to the initial same three nonresident districts during the upcoming regular application period (even though, in this scenario, the applications would be for a future school year) because that period is occurring during the 2019/20 school year. After July 1, 2020, the legal guardian can apply to up to three new nonresident school districts for the 2020/21 school year. Under these rules, the first opportunity the family has to re-apply to Elkhorn is when the Alternative Open Enrollment procedure opens July 1, 2020.

When Elkhorn's open enrollment coordinator reached out to DPI to confirm the interpretation of state statute and administrative code, she was informed that Elkhorn would be breaking the law if they accepted this application. Therefore, Elkhorn denied Student A's application after serious consideration to violate the law.

In retrospect, I wish we had violated the law and done what was in the best interest of the child.

Student B

Virtually the same situation for Student B, except this student was expelled from Central/Westosha for being in possession of a THC vape pen until his 21st birthday. Student B was given no pathway to return to school.

Again, Elkhorn was the fourth non-resident district this student applied to, and therefore the application was ineligible under state statutes and Elkhorn had to deny.

The legislation being proposed would allow parents to continue looking for public education options for their expelled student, even if they have been denied by three districts. It would also allow districts willing to help these students and families do so, without the risk of violating state statutes. During the current pandemic we have seen a significant increase in open enrollment requests and open enrollment denials as families seek the best learning structures for their students. The need to approve this new legislation and rectify this oversight has only grown since we last spring.

Thank you for your time and consideration.

Sincerely,

Jason Tadlock
District Administrator
Elkhorn Area School District

#ITRUSTPARENTS



WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION

February 23, 2021

State Senator Alberta Darling
Chair, Senate Committee on Education
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Darling and members of the Senate Committee on Education:

Thank you for consideration of my comments regarding the bills before you today.

Thanks to your wisdom and that of several of your colleagues who trust parents, Wisconsin law allows for near-year round open enrollment. We applaud this approach that allows thousands of children the opportunity to transfer into established, reliable online virtual charter schools. While we speak for our members today, we are also on record in support of educational options for *all* Wisconsin families, whether they attend online or in person, are homeschooled or utilize a hybrid combination of these options.

We applaud policymakers who put kids' interests first. We appreciate officials who trust parents and treat us like adults, and we support public policy that empowers families to take an active role in the education of their children.

To that end, we support SB39, SB109 and SB110.

We encourage members of the committee to look at more opportunities to promote options and reform. We always appreciate any incremental progress Wisconsin makes, but we continue to hope and advocate for bold strokes.

Thank you for your consideration.

Sincerely,

Ty Babinski

President, Wisconsin Coalition of Virtual School Families