



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Senate Bill 302

April 21, 2021

Thank you Chairwoman Darling and members of the Senate Committee on Education for holding a public hearing on SB 302, a bill I have authored with Representative Wittke. This legislation is effectively a “trailer” to several provisions that were signed into law last April through 2019 Act 185.¹

Act 185 granted authority to the Department of Public Instruction (DPI) to issue one-time extensions or modifications to various reporting deadlines and requirements set forth in the statutes and administrative code for independent charter schools and private choice schools. Using the authority established under Act 185, DPI has worked with the administrators of choice school programs and independent charter schools to accommodate for the temporary changes to schools’ day-to-day operations that followed the onset of the COVID-19 outbreak. Examples include changes to the format of enrollment data and extensions to the deadline for audits to account for periods in which virtual instruction served as the primary mode of instruction and school buildings were closed to the public.

Act 185 granted DPI this waiver authority until October 31, 2020. SB 302 simply seeks to extend DPI’s waiver authority by one year to October 31, 2021 to ensure both the 2019-20 and 2020-21 school years are fully covered. As you will hear in the testimony that follows, the waiver authority has allowed DPI, choice school programs and independent charter schools to better navigate the change in circumstances that occurred over the past year. Thank you for your time and consideration.

¹ 2019 Wisconsin Act 185, Section 62: <https://docs.legis.wisconsin.gov/2019/related/acts/185/62>

Senate Education Committee
April 21, 2021

**Wisconsin Department of Public Instruction
Testimony in Support of Senate Bill 302**

I want to thank Chairwoman Darling and members of the committee for the opportunity to testify today in support of Senate Bill 302 (SB 302). My name is Chanell Crawford, and I am the director of the Parental Education Options Team (PEO) at the Department of Public Instruction (DPI). The PEO team administers and provides technical assistance related to a number of program areas, including the Private School Choice Programs (Choice), the Special Needs Scholarship Program, and charter schools.

SB 302 extends DPI's authority to waive requirements and establish alternative deadlines for schools participating in the Choice and the Special Needs Scholarship Program and for independent charter schools.

While school districts have an existing mechanism for requesting statutory requirements or administrative rules be waived under Wis. Stat. s. 118.38, there is no similar process for private schools or independent charter schools. The authority granted under 2019 Wisconsin Act 185 to the DPI during the 2019-20 school year, allowed the DPI to work with private schools and independent charter schools to waive requirements and shift deadlines based on COVID-related needs and issues.

For example, for each choice program, the school must identify which of the open application periods the school will accept applications. Students may only apply to a school during a participating private school's open application periods. The Milwaukee Parental Choice Program (MPCP) has open application periods from February through January, and the Racine Parental Choice Program (RPCP) has available open application periods from February through September. Schools participating in the MPCP or RPCP may choose all or some of the open application periods and must select these periods by January 10 as part of the Intent to Participate. The DPI heard from private schools participating in the Racine Parental Choice Program (RPCP) and Milwaukee Parental Choice Program (MPCP) that, had they known in January 2020 that they would be contending with the conditions of the pandemic, the schools would have identified additional open application periods during which they would accept applications for the 2020-21 school year. Establishing an alternative deadline through the waiver authority, by which RPCP and MPCP schools could identify which application periods they would participate in, allowed those schools to add application periods, which limited some of the impact COVID had on the application process for those MPCP and RPCP participating schools.

Given that schools have continued to be impacted by COVID in the 2020-21 school year, the DPI believes the extension of DPI's authority in this bill will allow the agency to continue to be responsive to the COVID-related needs of private schools participating in the Choice and Special Needs Scholarship Program and independent charter schools.

A list of all waivers granted and alternative deadlines established as part of the initial authority granted to DPI in 2019 Wisconsin Act 185 is included as an appendix to my testimony. At this time I would be happy to answer any questions you may have.

Appendix - Waivers Granted and Alternative Deadlines Established

Pursuant to the authority granted the DPI in 2019 Wisconsin Act 185, the DPI submitted the following memos to the Legislative Reference Bureau required under s. 118.38 (4) (b) 1., Stats., of waivers the DPI is providing under s. 118.38 (4) (a) 1., Stats., and alternative deadlines established under s. 118.38 (4) (a) 2., Stats.

April 17, 2020 Legislative Reference Bureau Memo & Administrative Register Notice

Due Date Changes for the Private School Choice Programs

1. Change the date by which schools that submitted a surety bond to comply with s. 118.60 (7m) (a) or 119.23 (7m) (a), Stats., in a previous school year must provide a completed 2020-21 surety bond form to the DPI under ss. 118.60 (7m) (b) (1) and 119.23 (7m) (b) (1), Stats., from May 1, 2020 to June 1, 2020.
2. Change the due date for the summer school course list report under ss. PI 35.08 (2) and 48.08 (2) from May 1, 2020 to the later of the following:
 - a. June 1, 2020.
 - b. Five (5) days before the first day summer school classes will be offered during the summer of 2020 by the private school providing the summer school.
3. Change the due date for the 2019-20 second Friday in January enrollment audit required under ss. PI 35.07 (1) (b) and 48.07 (1) (b) so that all second Friday in January enrollment audits for the 2019-20 school year are due on June 30, 2020.
4. Change the due date for the 2020-21 school year hours of instruction report required under ss. PI 35.03 (7) (a) and 48.03 (7) (a) from May 1, 2020 to September 30, 2020.

Due Date Changes for the Special Needs Scholarship Program

1. Change the due date for the summer school course list report under s. PI 49.16 (2) from May 1, 2020 to the later of the following:
 - a. June 1, 2020.
 - b. Five (5) days before the first day summer school classes will be offered during the summer of 2020 by the private school providing the summer school.
2. Change the due date for the certificate of occupancy, letter or form required under s. PI 49.03 (5) (a), for schools that are new to the special needs scholarship program in the 2020-21 school year, from May 1, 2020 to June 1, 2020.
3. Change the due date for the 2019-20 second Friday in January enrollment audit required under s. PI 49.07 (1) (b) from May 1, 2020 to June 30, 2020.

Requirements Being Waived for the Private School Choice Programs

1. Waive the requirement for the revised hours of instruction report under ss. PI 35.03 (7) (e) and 48.03 (7) (e) for the 2019-20 school year.
2. Waive the requirement in s. 118.33 (1m) (a), Stats., that a student must take and pass a civics exam during the high school grades in order for schools participating in a program under s. 118.60 or 119.23 to grant a high school diploma to the student in the 2019-20 school year.

3. Waive the requirement that schools schedule, notify parents and the DPI, and hold two (2) governing board meetings during the 2019-20 school year under ss. 118.60 (7) (b) 3m. and 119.23 (7) (b) 3m., Stats.
4. For any schools that included 4-year-old kindergarten pupils in the 0.6 full-time equivalent category on the second Friday in January enrollment reported under s. PI 35.06 (8) or 48.06 (8), waive the requirement that the school provide at least 87.5 hours of 4-year-old kindergarten outreach activities for the 2019-20 school year as required under ss. PI 35.06 (6) (b) 3. and 48.06 (6) (b) 3.
5. For any schools that included 4-year-old kindergarten pupils in the 0.6 full-time equivalent category on the second Friday in January enrollment reported under s. PI 35.06 (8) or 48.06 (8), waive the requirement that the auditor test whether the 4-year-old kindergarten program provided at least 87.5 hours of 4-year-old kindergarten outreach activities for the 2019-20 school year as required under ss. PI 35.07 (3) (b) and 48.07 (3) (b).
6. Waive the requirement that schools receive prior written approval from the department if they will cease instruction prior to the end of their scheduled 2019-20 school term as required under ss. PI 35.03 (7) (e), PI 35.19 (4), 48.03 (7) (e), and 48.19 (4).
7. Waive the requirement that schools provide a certain number of instructional hours during the 2019-20 school term as required under ss. 118.165 (1) (c), 118.60 (2) (a) 8. and 119.23 (2) (a) 8., Stats.

Requirements Being Waived for the Special Needs Scholarship Program:

1. For any schools that included 4-year-old kindergarten pupils in the 0.6 full-time equivalent category on the second Friday in January enrollment reported under s. PI 49.06 (5) (b), waive the requirement that the school provide at least 87.5 hours of 4-year-old kindergarten outreach activities for the 2019-20 school year as required under s. PI 49.06 (3) (b) 3.
2. For any schools that included 4-year-old kindergarten pupils in the 0.6 full-time equivalent category on the second Friday in January enrollment reported under s. PI 49.06 (5) (b), waive the requirement that the auditor test whether the 4-year-old kindergarten program provided at least 87.5 hours of 4-year-old kindergarten outreach activities for the 2019-20 school year as required under s. PI 49.07 (3) (b).
3. Waive the requirement that schools receive prior written approval from the department if they will cease instruction prior to the end of their scheduled 2019-20 school term as required under s. PI 49.13 (5).
4. Waive the requirement that schools provide a certain number of instructional hours during the 2019-20 school term as required under s. 118.165 (1) (c), Stats.

• **May 4, 2020 Legislative Reference Bureau Memo & Administrative Register Notice**

Requirements being Waived for the Private School Choice Program

The application of ss. PI 35.10 (3) (a) 2. and 48.10 (3) (a) 2. is waived for any Paycheck Protection Program loans received under P.L. 116-136 Section 1102, Coronavirus Aid, Relief, and Economic Security Act, which are forgiven on or before June 30, 2020.

Requirements being Waived for the Special Needs Scholarship Program

The application of s. PI 49.09 (3) (a) 2. and (b) 2. is waived for any Paycheck Protection Program loans received under P.L. 116-136 Section 1102, Coronavirus Aid, Relief, and Economic Security Act, which are forgiven on or before June 30, 2020.

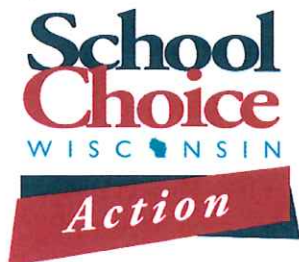
May 18, 2020 Legislative Reference Bureau Memo for Private School Choice Program and Legislative Reference Bureau Memo for Independent Charter Schools & Administrative Register Notice

Due Date Changes for the Private School Choice Program

The department is changing the date through which schools can amend the Milwaukee Parental Choice Program and Racine Parental Choice Program open application periods for the 2020-21 school year under ss. PI 35.03 (3) (c) and 48.03 (3) (a) 3. from January 10, 2020 to June 15, 2020.

Requirements Being Waived for the Independent Charter Schools

1. For any schools that included 4-year-old kindergarten pupils in the 0.6 full-time equivalent category on the third Friday in September or second Friday in January enrollment reported under s. 118.40 (2r) (e) or s. 118.40 (2x) (e), waive the requirement that the school provide at least 87.5 hours of 4-year-old kindergarten outreach activities for the 2019-20 school year.
2. For any schools that included 4-year-old kindergarten pupils in the 0.6 full-time equivalent category on the third Friday in September or second Friday in January enrollment reported under s. 118.40 (2r) (e) or s. 118.40 (2x) (e), waive the requirement that the auditor test whether the 4-year-old kindergarten program provided at least 87.5 hours of 4-year-old kindergarten outreach activities for the 2019-20 school year.
3. For any schools authorized under s. 118.40 (2x), Stats, the requirements under s. 115.415, Stats. for the school to consider pupil performance on statewide assessments administered under s. 118.30 in the 2019-20 school year and, to include pupil performance on those assessments in the evaluation score assigned to a teacher or principal under the educator effectiveness evaluation system developed under s. 115.415, Stats., is waived.



350 Bishops Way, Suite 104
Brookfield, WI 53005
414-319-9160
SCWaction@parentchoice.org
www.SCWaction.org

April 21, 2021
Senate Committee on Education
Public Hearing on Senate Bill 302

Thank you, Chairwoman Darling and members of the Education committee, for the opportunity to testify today in support of Senate Bill 302 (SB 302). I am here representing School Choice Wisconsin Action (SCWA) as their Government Affairs Consultant. We are here testifying with the Department of Public Instruction to highlight the work both organizations have done to find solutions during this pandemic for administration of the Parental Choice Programs.

SB 302 extends by one additional year the waiver authority found under 2019 Wisconsin Act 185 to the DPI which applied to the 2019-20 school year. In partnership with DPI, SCWA and DPI also drafted a Memorandum of Understanding (MOU) around specific requirements where this authority was to be used. The success of that process is what brings us back here today.

We are still identifying items for this year's MOU and continue talks with the Department. However, with the recent influx of federal dollars, that process is not quite complete. We anticipate finalizing that agreement very soon.

We are supportive of the one-year extension found in SB 302 and I am happy to take any questions.

Jim Bender
School Choice Wisconsin Action



April 20, 2021

Subject: SB302 and AB261

Dear Representative Wittke and Senator Stroebel,

This letter is to express our support of SB302 and AB261. Seton Catholic Schools supports 10 schools located primarily in the city of Milwaukee, with over 2,400 students. A majority of our students are economically disadvantaged and we have had to raise money from private donors to fund student Chromebooks, Internet access and technology support to keep students learning. Our dedicated teachers have often worked without breaks for lunch or prep time during the day to meet the full needs of our students including COVID safety in the classroom and school

Among the many accomplishments of the Seton team during the pandemic are:

- O Delivery of 211,000 meals to students in our neighborhoods at the end of the spring trimester
- O Being among the first schools to have in-person instruction plans approved by the Milwaukee Health Department
- O Offering parents the choice of in-person or digital instruction for 2020-21
- O Developing concurrent instruction capabilities for teachers to engage both their in-person and digital students as an integrated classroom community
- O Ensuring that every Seton student has a laptop and home internet access to succeed
- O Continuation of MAP testing to measure student progress and implementation of plans to overcome gaps

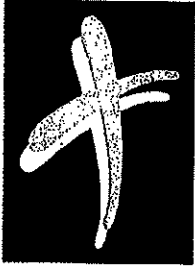
Throughout this pandemic, we are doing our best to meet the requirements of participation in the Parental Choice Programs. But with staff often unable to meet and collaborate in person, many of our processes have been difficult to execute with periodic quarantines required for individual pods, schools and/or grade levels.

Due to these and the many more challenges this school year has required us to address, we fully support SB302 and AB261 to provide the Department of Public Instruction with the authority to waive state education statutes, and rules. The per pupil cost of education at our schools is far less than most public schools. Without this waiver authority, our schools may not be able to receive the voucher funds applicable to the students we have been educating – which would negatively impact our schools' financial viability.

Please do not hesitate to contact me if we can be of further assistance.

Sincerely,

Brian P. Couch
President



ST. VINCENT PALLOTTI CATHOLIC SCHOOL

201 N. 76th Street, Milwaukee, WI 53213

Phone: 414.258.4165

www.stvincentpallotti.org

WE INSPIRE.

WE CHANGE LIVES.

April 16, 2021

Dear Jim Bender and Wisconsin Senate Committee:

St. Vincent Pallotti Catholic School is writing to express our support for Senate bill SB302. The projected waivers for schools in view of the many COVID challenges for school operations in 2020-2021 would be a great help.

We have struggled to function and to be compliant in the midst of sporadic quarantines, closures, and schedule adjustments caused by COVID conditions. Last year's waivers tremendously aided our ability to properly carry out a pandemic school year. Thank you for that.

Please support bill SB302.

Sincerely,

St. Vincent Pallotti Catholic School

Jeffrey Johnson

Principal

Deb Brunner

Choice Coordinator



Pilgrim Lutheran Church & School

1731 St. Agnes Dr. Green Bay WI 54304-3099
Church (920) 965-2233 School (920) 965-2244

website: www.pilgrimluth.org



April 16, 2021

Dear Wisconsin Senators:

I am writing to you speaking in favor of SB302 which would waive state education statutes and rules related to establishing alternative deadlines for requirements related to the Wisconsin Parental Choice Program. As a private, non-public school we have been greatly affected by the decisions made by our governor, our legislature, and the Supreme Court during this COVID pandemic. I am asking that you strongly consider extending the period of time that our Department of Public Instruction (DPI) has the authority to establish deadlines to October 31, 2021 and extending DPI's authority to deadlines that would otherwise occur or are related to events on or before October 31, 2021.

As a school affected by these decisions, I am in support of a waiver which would provide DPI the flexibility needed to accommodate a variety of issues related to this deadline during the COVID pandemic. Thank you for your consideration of this bill which would benefit our private, non-public schools tremendously!

Serving our Savior in prayer,

John E. Schultz

John E. Schultz
Principal
Pilgrim Lutheran School
Green Bay, WI
johnschultz@pilgrimluth.org
920-965-2269

1 Thessalonians 5:18 – “In everything give thanks!”

Our Mission-Purpose Statement
Educating children with the foundation and love of Jesus Christ

Rev. Scott Malme
Pastor

Rev. Michael Hanson
Pastor

John Schultz
Principal



St. Marcus Lutheran School

2215 N. Palmer Street

Milwaukee, WI 53212

April 16, 2021

Wisconsin State Senate
Wisconsin State Capitol
Madison, Wisconsin 53707

Re: Support of Senate Bill 302

Ladies and Gentlemen of the Wisconsin State Senate,

This is to express St. Marcus Lutheran School's support of Senate Bill 302, which we understand is the subject of a Senate hearing. St. Marcus is a high performing (five star), parochial voucher school located in the inner city of Milwaukee. We currently serve approximately 900 scholars on two campuses. The demographics of our student body consists primarily of low-income African American students.

Like all schools, our schools, school families and students have been challenged by the pandemic. The flexibility which was provided under 2019 Wisconsin Act 185 to the Wisconsin Department of Instruction helped immensely with DPI being able to fashion responses and relief which greatly enhanced our ability to effectively navigate all of those challenges and uncertainties. We face new and additional challenges and uncertainties almost daily as a result of the pandemic and related policies and responses implemented by governing authorities to address the pandemic. We believe it will be helpful for DPI to retain flexibility and authority necessary to enable it to fashion appropriate responses and relief to assist schools facing pandemic challenges. We therefore support extending that authority as proposed in SB302, and humbly ask the Senate to approve that bill. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred Lautz", written over a horizontal line.

Fredrick G. Lautz
Executive Director



April 19, 2021

The purpose of this letter is to provide written testimony relating to waiver bill SB302, the department of public instruction's waiver authority related to parental choice programs, the Special Needs Scholarship Program, and independent charter schools. This testimony specifically relates to K4 Outreach in a virtual world.

Messmer Catholic Schools is a K-12 school serving more than 1,200 students in the City of Milwaukee. The area that our students and their families live in has been extremely hard hit in many ways by the COVID-19 pandemic. They live in some of the areas most affected by COVID cases and struggle to continue working due to that and the many jobs lost due to the conditions of the pandemic. For these reasons, families have been working very hard to assist their children in what this year has been a virtual, hybrid and moving into a four day a week educational model.

Messmer has arranged for far more than the 87.5 hours of outreach for our 44 K-4 students and their parents this year. The activities have been adapted and changed throughout the year to try to make the activities flexible in dates and times that would allow them to be completed while ensuring the health and safety of all. There was much success with in-person activities in prior years that took place in our elementary buildings at various times throughout the school year and summer.

Despite the planning to make activities available to our K4 families, they have not been utilized except for a few parents and their K4 students. This is a direct symptom of the fact that these families are overwhelmed by the circumstances of the pandemic. Messmer Catholic Schools has already begun to plan K4 outreach for the 21-22 year using all the feedback from families from this year. Although we expect that many of our families will continue to be overwhelmed, we do expect that we will be able to continue to adapt and provide the flexibility that will be needed to carry out the K4 outreach plans. We hope to be able to provide in-person activities at points during the 21-22 school year and summer in addition to the activities that can be done on Zoom meetings and at home.

Respectfully,

Jim Piatt, President

MESSMER SAINT MARY

3027 N. Fratney St. Milwaukee, WI 53212
414-264-6070

MESSMER SAINT ROSE

514 N. 31st St. Milwaukee, WI 53208
414-933-6070

MESSMER HIGH SCHOOL

742 W. Capitol Dr. Milwaukee, WI 53206
414-264-5440



April 20, 2021

Chairwoman Alberta Darling
Education Committee
Wisconsin State Senate

Re: Senate Bill 302

Dear Chairwoman Darling:

I am writing to ask for your support in granting an extension of the waiver authority for the Department of Public Instruction for the 2020-21 school year. This action is needed in light of the extraordinary and unprecedented events we have all faced during this academic year due to the COVID-19 pandemic. School operations have not been normal, despite our best efforts to act in good faith to serve our students. I would respectfully ask the legislature to allow DPI the ability to extend the statutory deadlines related to the parental choice programs, Special Needs Scholarship Program, and independent charter schools through October 31, 2021, so as to include the entire audit season for the 20-21 school year.

Siena Catholic Schools participates in the Racine Parental Choice Program and has served over 1580 students in the current year. Approximately 80% of our students participate in the RPCP. Granting an extension of the waiver authority to the Department of Public Instruction would be in the best interest of the students we serve in Siena Catholic Schools of Racine.

On behalf of our students, families, and staff, I thank you for your consideration of this request.

Sincerely,

Brenda White
President