



Feb. 22, 2021

## WIAA Statement on Opposition to Legislation SB 39

The WIAA respectfully objects to the provisions in SB 39 wherein the legislature is inserting themselves into the decision-making process of a private, member driven organization.

Our first objection is to the requirement that member schools accept participation of virtual school students, who are not enrolled through their local school in interscholastic athletics. The most recent vote taken by our members on this issue was overwhelmingly against this change by a vote of 52-334.

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

Another issue resides in funding. Virtual schools are provided state aid for an enrolled student but the school they participate in athletically would not be. Even though fees can be charged, the full freight cost of participating in a school's athletic program will likely not be reimbursed forcing the school district to carry a cost while potentially displacing their own enrolled students from teams and opportunities. Furthermore, the bill is unnecessary because students are afforded eligibility when enrolling in virtual programming offered by their own local high school.

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

Our second objection to SB 39 is the legislature inserting itself into WIAA's transfer policy and rules. These rules are designed to promote fairness and equity to all student-athletes and member schools. The WIAA Board and its members continuously discuss and update transfer rules and we are closely monitoring the situation as it relates to COVID-19 and the impacts that have followed. The provision in SB 39 was never discussed with WIAA and is a hacksaw approach to an intricate process.

Diminishing our member's transfer rule in this manner is inviting the rise of "super teams." It will displace students who have spent their entire life in a school system and its programs, and it will siphon away funding from your local schools as a result of students leaving with no guardrails in place

In closing, parents have every right to choose the pathway that makes the most sense for their child's education. Those choices will open some doors for their student yet inevitably close others. We believe the authors of this bill believe they are bringing equity of choice to those who attend a virtual school or who prefer an instruction model different from what their school presently offers, but in essence, it is likelier to cause inequity for those students who are full participants in a student-athlete experience.

Date: 2/23/2021

To: Senate Committee on Education

Fr: Jeff Lancial, Director, State Account Relations, Pearson Online & Blended Learning

Re: S.B. 39: Relating to: participation in interscholastic athletics and extracurricular activities and school district membership in an interscholastic athletic association in the 2021-22 school year.

I am writing to express support of Senate Bill 39. Pearson, and Wisconsin Connections Academy have partnered with the Appleton Public School System since 2002, and was Wisconsin's first virtual charter school!

1. Equality for ALL Students

By approving SB-39, this provides ALL students equal access to a full educational experience. Currently in Wisconsin, students who enroll in a state-wide full-time virtual program are deprived of participating in Extra-curricular activities such as Marching Band, Sports, and Future Farmers of America. These students deserve to be able to participate in these types of programs and doing so within their resident district is the least restrictive location. This is merely an expansion of the current law that allows home-school students to participate in Extra-Curricular activities within their resident district.

2. Neighboring States Allow It

Although I realize each state is autonomous on this, due to my work in an 8-state region, I know how other States are handling this. Two bordering states (Iowa and Minnesota) are affording equal access to students in a state-wide, full-time virtual school by allowing them to participate in Extra-curricular activities within their resident district. And, it has had minimal (if any) impact on Districts' programs or each State's Associations. As such, by approving this bill(s), these students can be treated like other Wisconsin students with little (if any) impact.

3. What's Best for Kids

As you all know, students learn in many ways. Some elect to attend full-time virtual schools because it is what is deemed best for their situation. God bless Wisconsin for allowing this option for students. Do the same regarding this bill. Give students the opportunity to maximize their potential as a student-athlete and other Extra-curriculars by approving this bill. Do what's best for kids!



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on SB 39

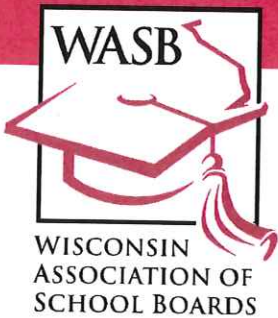
*February 23, 2021*

Good morning Chairperson Darling and members of the committee. I am here to testify in favor of Senate Bill 39, which would require two things relating to extracurricular activities. First, SB 39 would require a school board to allow an attendee of a virtual charter school to participate in extracurricular activities in the pupil's resident school district, as homeschool children can under current law. Second, SB 39 prohibits all public schools from being a member of an interscholastic athletic association unless it abides by a transfer policy from publication through the 2022 school year. Effectively, SB 39 requires WIAA to allow any transferring athlete to continue athletic participation by deeming the method of delivering educational programming as a *per se* valid reason for transferring schools.

COVID-19 has disrupted most facets of life for Wisconsinites and has taught us many things about what is really important and what our priorities should be. Student engagement, mental health, and individualized needs are more important than traditional battle lines over institutional turf. Countless parents have either chosen virtual education for their children or were forced into virtual education by lack of an in-person offering. It seems foolish to coerce parents out of choosing a charter school, whose entire business model is virtual education, because an extracurricular activity is important to their children.

WIAA rules have always been frustrating for parents because any accountability for decision-making was always attenuated through its governing structure. The single biggest obstacle for many parents from choosing the right educational format for their children is knowing they must forgo athletics. SB 39 sets a transfer policy presuming most transfers in the era of COVID are not a nefarious attempt at recruiting, but rather parents and students trying to make the best of a difficult situation. Thank you for considering this measure.





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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Education  
FROM: Dan Rossmiller, WASB Government Relations Director  
DATE: February 23, 2021  
RE: OPPOSITION to SENATE BILL 39, relating to: participation in interscholastic athletics and extracurricular activities and school district membership in an interscholastic athletic association in the 2021-22 school year

Madame Chair and members of the committee. Thank you for the opportunity to detail our opposition to the provisions of Senate Bill 39.

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 setting school district policies on participation in extracurricular activities and interscholastic athletics.

The WASB opposes the provisions Senate Bill 39 that would usurp local school board decision making and policy making in these areas. The WASB opposed similar provisions last session.

Interscholastic athletics and other extracurricular activities offered in public schools are, as the name suggests, something extra. They are intended to supplement the school curriculum. In this regard, the sports, music, drama, forensics, and other activities offered by each public school district are viewed as an extension of the classroom and of the school day. School-based athletic programs, for example, are not community or recreational youth sports programs. They are neither designed nor intended to provide programming to the general public in the way a YMCA or community-based recreation program might. Again, they are an extension of the school day.

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

WASB members believe it should be up to the discretion of local school boards to determine who is eligible to participate in athletics and other extra-curricular activities offered by the school district. We do not think it is the Legislature's job to make these decisions for school boards.

A school board may, through local board policymaking, allow students who reside in the district but are enrolled in a virtual charter school authorized by another school district to participate in its extracurricular activities if it chooses to do so. If a student enrolled in a non-resident virtual charter school wishes to participate in such activities, they or their parents should petition their school board (i.e., their resident school board) to adopt a policy that accommodates their wishes. Many school boards have adopted such policies.

We also oppose legislative attempts to regulate private, non-profit organizations such as the WIAA by restricting school districts' ability to participate in organizations such as the WIAA or its activities unless they follow legislative mandates such as those that would be imposed by Senate Bill 39.

# #ITRUSTPARENTS



WISCONSIN COALITION OF VIRTUAL SCHOOL FAMILIES  
VERBODEN TOEGANG VERBODEN TOEGANG

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*

Ty Babinski  
President, Wisconsin Coalition of Virtual School Families