

TO: Members, Assembly Education Committee

FROM: Sharon L. Schmeling, Executive Director

DATE: April 22, 2021

RE: AB 160 – Transportation
CR 21-01 – Criteria related to learning disabilities
AB 261 – DPI waiver authority

Thank you for this opportunity to provide input on how these proposed bills may impact Wisconsin's private school children and staff. We represent 100,000 students in over 600 K-12 schools, the vast majority of which have provided in-person instruction during the Pandemic.

AB 160 – Transportation to private schools. Many parents entitled to transportation aid sent their children to school when MPS shut down for the Pandemic and ceased providing transportation. The state's transportation law requires public schools to transport private school children even if the public schools are not in session. This should include students served by parent contracts, which the law provides. This bill simply clarifies MPS's responsibility to provide transportation during the pandemic via parent contracts, and gives the district access to state transportation aid. **We urge you to support this bill.**

CR 21-011 – Criteria related to learning disabilities. We generally support efforts to make state process and procedures around special education and learning disabilities more current with research-based best practices because the federal IDEA is terribly outdated.

However, we question the elimination of a portion of PI 11.36 (6) (h) that says, *"If a child with a specific learning disability performs to generally accepted expectations in the general education classroom without specially designated instruction, the IEP team shall determine whether the child is no longer a child with a disability."*

We are concerned with the work of IEP teams because the Special Needs Scholarship Program is based on a student having an operative IEP. Under the proposed language change to remove this section, a child's IEP could become inoperative without the overt decision of the IEP team.

An unintended consequence of eliminating this language could be that a child

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would be found without an operative IEP, which would eliminate eligibility for the state SNSP. **We would caution that the language needs to be clear that this rule change cannot be used to withhold an IEP, thus eliminating a child's access to the SNSP.**

AB 261 – DPI Waiver Authority. We support this much-needed authority but suggest it be granted for at least the balance of the Fall 2021 school term (to 12/31/21), if not the whole school year, instead of just to 10/31/21. For example, the USDA just announced this week that it will continue free lunch for all students, not just low income, in the upcoming school year. Stateside, this confuses eligibility documentation for the Choice programs. While that announcement might be timely enough for DPI to address with this waiver authority, it exemplifies the kind of federal changes that can be announced at a moment's notice that impact private schools, which DPI will need to address through the school year.

There is much that is unknown about how the Pandemic will affect education in the fall and winter months and DPI needs the ability to respond nimbly to what is occurring in other programs, rules, and private schools, which have been leaders in pivoting to provide in-person education. **We urge you to support this bill with modification.**

Thank you for your time and consideration.