

TO: Members, Senate Education Committee

FROM: Sharon L. Schmeling, Executive Director

DATE: April 21, 2021

RE: CR 21-011 – Criteria related to learning disabilities  
SB 302 – DPI waiver authority  
SB 221 – Transportation to private schools  
SB 041 – Full time open enrollment/income requirement  
for WPCP

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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 without additional financial assistance from taxpayers.

**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 out dated.

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 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.**

**SB 302 – DPI Waiver Authority.** We support this much-needed authority but suggest it be granted for the balance of the Fall 2021 school term (12/31/21) instead of just 10/31/21. There is much that is unknown about how the Pandemic will affect education in the fall and winter months and DPI needs

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the ability to respond nimbly to what is occurring in private schools, which have been leaders in pivoting to provide in-person education. **We urge you to support this bill.**

**SB 221 – Transportation to private schools.** Many parents entitled to this 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 parents using contracts, which the law allows. 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.**

**SB 041 – Full time open enrollment/Income requirement for WPCP.** WCRIS has no position on public school open enrollment provisions. However, we support adjusting the WPCP income eligibility requirement to 300% of poverty. The bill should be amended to cover all future school years, not just 2021-22. This adjustment brings the income level in line with the Milwaukee and Racine Parental Choice Programs. The state of Indiana just this week adjusted its state-wide voucher program to 300% of poverty in recognition of how family income has been permanently affected by COVID-19. Our rural schools and families who use the WPCP are struggling amid the economic shifts of the Pandemic. It will take years for many to recover from the financial losses and strains of this past year. **We urge you to support SB 041 and amend the WPCP income requirement to cover all future school years.**

Thank you for your time and consideration.