

Senate Committee on Education  
April 20, 2017

**Department of Public Instruction Testimony for Information Only  
Special Session Assembly Bill 6**

I want to thank Chairman Olsen and members of the committee for the opportunity to testify today on Special Session Assembly Bill 6 (SS AB 6). My name is Jeff Pertl, Senior Policy Advisor for the Department of Public Instruction (DPI). I will provide some background on the bill and be happy to answer the Committee's questions to the best of my ability. Rep. Nygren's office has worked on an amendment that addressed some technical concerns.

**Bill Analysis**

**Origin:** This bill is one of the legislative recommendations from Lt. Governor Rebecca Kleefisch and State Rep. John Nygren, Co-Chairs of the Governor's Task Force on Opioid Abuse, and is included in Governor Walker's call for a Special Session on Opioid Abuse.

**Scope:** This bill authorizes the director of the Office of Educational Opportunity (OEO) in the University of Wisconsin System to contract with a person to operate, as a four-year pilot project, one recovery charter school for no more than 15 high school pupils in recovery from substance use disorder or dependency.

Under the bill, the operator must provide an academic curriculum that satisfies the requirement for graduation from high school as well as therapeutic programming and support. Pupils who wish to attend the recovery charter school must meet the following:

- 1) that the pupil has begun treatment in a substance use disorder or dependency program;
- 2) that the pupil has maintained sobriety for at least 30 days prior to attending the charter school; and
- 3) that the pupil will submit to a drug screening assessment and, if appropriate, a drug test prior to being admitted.

The operator of the charter school may not admit a pupil who tests positive for drugs, and pupils must receive counseling from substance use disorder or dependency counselors. From our discussions with the bill authors and Gary Bennett, the needs of students who might relapse while enrolled will be addressed individually.

**Funding:** Unlike other independent charter schools, students under this bill will be funded from a separate state appropriation. There will be no fiscal impact on other schools. A \$50,000 start-up grant is available if matching funds are secured.

**Medical Coverage:** The contract between the operator of the recovery charter school and OEO must contain a requirement that, as a condition of continuing enrollment, an applicant for enrollment in the recovery charter school submit claims for coverage of certain services provided by the recovery charter school to his or her health care plan for which the applicant is covered for mental health services. The bill also requires the director of OEO to, following the fourth year of the operation of the charter school, submit a written report to the Department of Health Services (DHS) regarding the operation and effectiveness of the charter school.

The bill prohibits a health care policy, plan, or contract from excluding coverage for mental health or behavioral health treatment or services provided by the recovery charter school if the policy, plan, or contract covers mental health or behavior health treatment or services when provided by another health care provider.

**A Companion to At-Risk Programs:** Wisconsin law requires school districts to identify students at-risk and provide an individual plan to meet their needs. However, “at-risk” is narrowly defined in statute and does not include alcohol or other drug (AODA) issues.

Children at risk of not graduating from high school are defined, under §118.153 (1) as pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts, or are two or more of the following:

- one or more years behind their age group in the number of credits attained;
- two or more years behind their age group in basic skill levels;
- habitual truants;
- parents;
- adjudicated delinquents; and
- 8th grade pupils whose score below the basic level on the state assessment or who failed to be promoted to the 9th grade.

The Wisconsin Challenge Academy and Milwaukee Public Schools Partnership Schools serve students at-risk of dropping out or who are struggling in traditional school settings.

While at-risk programs focus on graduating students most likely to drop out in a traditional school environment, the proposed Recovery Charter could serve as a bridge program, helping student transition from residential or intensive AODA treatment back to a structured school setting. This bridge setting would allow students to re-establish their academic footing in a specialized environment and help family assess the best school environment for their student.

We are eager to see the outcomes of this pilot approach. I would be happy to answer any question the Committee might have.