

May 3, 2011
Assembly Committee on Education

**Department of Public Instruction Testimony
on 2011 Assembly Bill 110**

Thank you to Chairperson Kestell and members of the committee for the opportunity to testify before you today. My name is Jennifer Kammerud. I am the Legislative Liaison for the Department of Public Instruction. With me today are Stephanie Petska, Director of Special Education and Jerry Landmark, Director of School Financial Services. On behalf of State Superintendent Tony Evers we are here today in opposition to Assembly Bill 110 (AB 110). This bill strips special education students of due process rights and rights to services. It allows for the segregation of students based on disability. It will devastate funding for public education in select districts. It will result in the largest expansion of private school regulation ever seen in Wisconsin and, at the end of the day, no one will have any data to show if it resulted in a better education.

Our state's founders made a commitment to educating Wisconsin's children in public schools. Your predecessors in this legislative chamber continued our state's leadership by making historic commitments to educating students with special education needs before passage of laws at the national level. In Wisconsin, we have long valued and protected the rights of all children to receive a free and appropriate public education. Your predecessors, and some of you, voted repeatedly to enshrine these rights and programs in Wisconsin law.

This legislation does not improve the education of children with special needs. There is no legal requirement for a private school that receives a voucher to provide any specialized education to a child with identified special education needs. The private school does not have to follow any part of the individualized educational plan (IEP), the legal education document created by parents and public school educators that guides and mandates goals and services. The private school does not have to follow any of the long standing civil and legal rights provided by state and federal law to students in public schools. The private schools do not have to provide parents any avenue for dispute resolution or even basic due process rights. The private schools do not have to follow Wisconsin pupil nondiscrimination law. And the private schools do not have to follow any laws regarding discipline of students with disabilities. At the same time, students, parents, and Wisconsin taxpayers receive no data to inform their choices and the effectiveness of the program – no state tests, no attendance reporting, no graduation rates or drop-out reporting, or any other measure. A private school could receive a voucher far larger than their tuition and not spend an extra dime educating special education students than their other students with no public reporting of academic progress and program effectiveness.

This is not the way we operate public schools. This is not accountability; it is a blank check --- a rather large blank check written on the taxpayers' account.

Concurrently, the State of Wisconsin will be required to regulate, investigate and review private schools like never before in order to enact this voucher program. Under the bill, the state will require each participating private school to comply with applicable health and safety laws, hold a valid occupancy permit, comply with federal nondiscrimination law, conduct criminal background checks of its employees, and demonstrate that all employees did not commit an offense that prohibit the individual from holding a teaching license. The state would require the annual submission of a school financial report prepared by a CPA and the filing of a surety bond or demonstrated ability to cover total amount of vouchers received. Also, the state would investigate a range of issues and potentially bar program participation. Finally, the state, in order to determine the amount of the voucher, will need to review and cost out private schools' educational programs, staff costs, budgets, expenditures, and services.

Additionally, the program, as laid out in the bill, is simply unworkable. There is no direction on how costs, which vary greatly across the state, should be determined or how the department would begin to approach costing out IEPs from other states or home school programs. There are no enforcement mechanisms to ensure the provision of needed information. There are no timelines to govern the program. There is no appeals process created to deal with disagreements from parents or schools. There is no reference to how or when the department is to make payments. There is no clarification on what attending a public school in the prior year means for determining eligibility. There is no acknowledgement of what the department is to do if there isn't enough aid available to take from a school district and there is no reference to what GPR appropriation the department is to take any needed funds to pay for this sum sufficient program.

There is a reason why organizations that fight for the welfare and rights of children, especially children with disabilities, are united in opposition to this legislation with all groups and leaders of public education.