



August 7, 2020

Representative Robin Vos, Assembly Speaker  
Room 217 West  
State Capitol  
PO Box 8953  
Madison, WI 53708

Dear Mr. Speaker:

I am writing in response to the letter some members of the Assembly Republican Caucus sent to Wisconsin school superintendents on and around July 29, 2020.

In your letter, you correctly recognize that Wisconsin school leaders are in the process of making very difficult decisions as they plan for the beginning of the 2020-21 school year. In large part, the letter goes on to present your preference to have students in school for in-person instruction in the fall. You encourage school superintendents to adopt school start plans that align with this preferred outcome and provide further input on how to operate various aspects of schooling. Be assured, the opinions you shared in your letter about in-person instruction and how to operate schools this fall have been a part of the conversation in local school districts across this state for weeks. Superintendents share your interest in getting students back in school but have the responsibility to do so in a way that mitigates the real health risks inherent to doing so.

Your letter references parent sentiments and concerns. Superintendents have heard these concerns, as well. Schools are in regular communication with their parents, and parent feedback is extremely important to district planning efforts. Superintendents recognize that the pandemic, related school closures, and virtual learning have been very difficult for students and families. Remote learning does not replace in-person instruction, and parents want their children back in school. They also know that the health and well-being of their children is of paramount concern to parents—they want their children safe. Your letter gives little mention to considerations of the serious challenges of addressing the COVID-19 health risks to children, employees, families, and the community at large. In their role, superintendents are responsible for addressing these risks and the challenges of equitable student learning.

Indeed, in the midst of this unprecedented public health crisis and interruption to student learning, all levels of government in Wisconsin have placed the responsibility for balancing the educational needs of children, with the health and safety of students, families, staff and community squarely on the shoulders of school district superintendents. This decision-making responsibility is supported only by guidance and recommendations which are often incompatible and, in any event, difficult to implement. The challenge is compounded further by passionate and divergent public opinions about how best to open schools. Yet, as you observed, superintendents have embraced this responsibility and, together with their staff, have been working hard to make thoughtful decisions that serve the needs of children, families, employees, and their communities.

These decisions in support of the public good will be made in an environment in which all aspects of the upcoming school year—fiscal, logistical, instructional, health, and safety—are shrouded in enormous uncertainty. The costs for school districts to open as safely and as effectively as possible will be significant. The logistical considerations are staggering. Transportation, providing personal protective equipment (PPE) for staff and students, innovative scheduling and staffing, providing electronic devices and internet connectivity for students, facility preparedness, sanitation, and regular deep cleaning are just some of the issues that must be addressed effectively to begin the new school year in our current environment. Government and the public expect no less. Superintendents can deliver, but tangible support will be needed.

You are clearly interested in having students back in school for in-person instruction. Superintendents share that interest but have the responsibility to accomplish it in a way that minimizes the health risks to all involved to the greatest extent possible. If this is to happen effectively, it will not be done in a business-as-usual manner. Superintendents will need meaningful engagement of policymakers, beyond your expressed opinions and input. At this critical moment in the lives of Wisconsin children and parents, I am compelled to seek your help for school leaders to successfully tackle the unprecedented challenges they face as the beginning of school approaches. In addition to the obvious financial support needed, we will be seeking your support for temporary statutory flexibility in the following areas:

**1. Broad Flexibility in Teacher and Professional Staff Licensure**

School districts throughout Wisconsin anticipate facing unprecedented challenges in hiring teachers and professional staff to meet student needs for the 2020-21 school year. Districts need the flexibility to leverage existing licensed teachers to teach outside of their existing licenses. Licensed paraprofessional staff will also be needed to deliver content instruction in cooperation with licensed teachers. Districts may also need to flexibly deploy teachers with substitute-only licenses.

**2. Retired Teachers/Staff Returning to Work**

Districts need flexibility to rehire retired teachers and staff for critical full-time, part-time, virtual, and substitute teaching positions. The SAA recommends temporarily allowing annuitants to return to WRS-covered school employment without limits on hours or suspension of annuities. We also recommend reducing the “break-in-service” requirement to 15 days.

**3. Pupil Counts – September, January, and Summer School**

Actual student counts on the third Friday in September, the second Friday in January, and summer school have a significant impact in determining a school district's general aid distribution and revenue limit. Because of COVID-19, these actual student counts may decrease, leaving school districts to face the fiscal consequences for 2020-21 and beyond. School districts should not suffer financially because of the uncertainties of a public health crisis. For 2020-21, the SAA recommends allowing school districts to use their 2019-20 pupil counts or their actual 2020-21 counts (whichever is larger) in determining general aid and revenue limits.

**4. Transportation Aid**

School districts are required to report to DPI the number of pupils for whom transportation is provided. The actual student counts, upon which district transportation aid is based, may decrease due to COVID-19, even though student health and safety concerns could drive substantial increases in pupil transportation costs. The SAA recommends allowing districts to use their 2019-20 student counts for 2020-21 to prevent a significant loss of transportation aid for school districts.

**5. Immunity from Civil Liability for Schools**

Clearly, the stated policy of our state and federal governments is for schools to fully open in the fall of 2020. In their good-faith efforts to open schools effectively and as safely as they can, school districts should not be subsequently subjected to costly litigation stemming from COVID-19 related death, injury, or damages. The SAA recommends that Wisconsin provide school districts and district employees with immunity from civil liability for these issues.

**6. Student Assessments**

The SAA supports suspending student assessment requirements for the 2020-21 school year. Administering assessments can create COVID-19 related challenges to the health and safety of students and educators. Furthermore, teachers need to focus on overcoming the loss of instruction and addressing the social and emotional needs of children. They need time to build relationships with students and move instruction forward based on individual student needs. In the current environment especially, these student-centered objectives are much more important than taking time to prepare for standardized tests.

**7. School and School District Performance Reports**

Given the tremendous uncertainty and potential for instructional disruption surrounding COVID-19 and the 2020-21 school year, we question this report's value to parents and to the larger community this year. The SAA recommends suspending the school report card for 2020-21.

**8. Open Enrollment Space Determination**

Considering COVID-19 and the need for school districts to socially distance students in classrooms, the SAA recommends that Wisconsin allow districts to reset their available space for non-resident students to open enroll into the district in 2020-21.

**9. Long-Term Capital Improvement Trust Fund (Fund 46) Flexibility**

The LT-CAP has several requirements, including a board resolution to create the Trust, a separate bank account to segregate the funds, a board adopted 10-year capital improvement plan, and a five-year waiting period before funds deposited into the LT-CAP can be spent. Once deposited in the Trust, funds can be used only for specific items in the long-term capital plan. Funds may not be reversed out of the Trust. Given the significant unbudgeted expenditures that will be required for school districts to reopen this fall as effectively and safely as possible, the SAA recommends that Wisconsin provide school districts with temporary flexibility (2020-21) in how they may use funds deposited in Fund 46.

Our lobbyist, SAA Executive Director John Forester, and school leaders throughout Wisconsin will be following up with their legislators in support of this urgent common-sense agenda. We look forward to working together on these time-sensitive proposals.

Thank you for your consideration of our views. If you have any questions or require additional information about these proposals, please call me at (608) 235-8622. We welcome the opportunity to discuss these policy responses to the unprecedented challenges facing school leaders in this uncertain environment.

Sincerely,

*Jon R. Bales*

Jon R. Bales  
Executive Director  
WASDA

cc: Rep. Jim Steineke, Assembly Majority  
Rep. Tyler August, Assembly Speaker Pro-Tempore  
Rep. Dan Knodl, Assembly Majority Caucus Chair  
Rep. Mary Felzkowski, Assembly Assistant Majority Leader  
Rep. John Nygren, Assembly Chair, Joint Committee on Finance  
John Forester, School Administrators Alliance