



SAA Statutory Flexibility Agenda for the 2020-21 School Year August 2020

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.

On December 2, 2020, the Department of Public Instruction (DPI) published Emergency Rule 2043, to provide flexibility under administrative rule PI 34 to help address staffing needs in schools as well as student teaching requirements in clinical programs. The rule amends the short-term substitute provisions in PI 34 to allow for extended assignments.

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.

This proposal was drafted, but not circulated for co-sponsorship, by Representative Jeff Mursau (R-Crivitz). This proposal was also addressed in Governor Evers’ COVID-19 Legislative Response released on November 17, 2020, and in the Assembly GOP COVID-19 Relief Package released on December 1, 2020.

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.

This proposal was addressed in the Pandemic School Stability Package circulated for co-sponsorship on October 6, 2020 by Democrat Senators Larson and Smith and Democrat

Representatives Pope and Considine. The DPI also included a Student Count Mitigation proposal in its 2021-23 Biennial Budget Request releases on November 9, 2020.

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.

This proposal was addressed in the Pandemic School Stability Package circulated for co-sponsorship on October 6, 2020 by Democrat Senators Larson and Smith and Democrat Representatives Pope and Considine.

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.

This proposal was addressed in legislation circulated for co-sponsorship on September 1, 2020 by Senator Chris Kapenga and Representatives Mark Born and Dan Knodl. It was also included in the Assembly GOP COVID-19 Relief Package released on December 1, 2020.

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.

This proposal was addressed in the Pandemic School Stability Package circulated for co-sponsorship on October 6, 2020 by Democrat Senators Larson and Smith and Democrat Representatives Pope and Considine. This proposal was also included in Governor Evers' COVID-19 Legislative Response released on November 17, 2020.

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.

This proposal was addressed in the Pandemic School Stability Package circulated for co-sponsorship on October 6, 2020 by Democrat Senators Larson and Smith and Democrat Representatives Pope and Considine. This proposal was also included in Governor Evers' COVID-19 Legislative Response released on November 17, 2020.

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.

This proposal was not addressed prior to the September 18, 2020 third Friday count, at which point it was no longer viable.

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.

This proposal was addressed in the Pandemic School Stability Package circulated for co-sponsorship on October 6, 2020 by Democrat Senators Larson and Smith and Democrat Representatives Pope and Considine.