

Statutory Flexibility Agenda for the 2020-2021 School Year
COVID-19
September 15, 2020

Adapted from the School Administrators Alliance (SAA) Agenda dated August 2020.

The following list of requested statutory items was developed by soliciting input from the SWSA membership and engaging in multiple conversations with K-12 Advocacy partners across the state.

The items listed below are a list of statutory changes that SWSA has identified as essential to support instruction for public school children during the 2020-2021 school year as the world navigates the COVID-19 pandemic.

1. Broad Flexibility in Teacher and Professional Staff Licensure

School districts are facing unprecedented challenges in hiring teachers and professional staff to meet student needs for the 2020-21 school year. In order to comply with CDC (Center for Disease Control) and DHS (Department of Human Services) guidelines to keep both children and staff safe, districts have had to increase staffing to meet these needs.

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 (reference item number #1 above). The SWSA recommends temporarily allowing annuitants to return to WRS (Wisconsin Retirement System) covered school employment without limits on hours or suspension of annuities. We also recommend reducing the “break-in-service” requirement to 15 days.

The SWSA has actively advocated for permanently repealing these provisions, but at a minimum, we would appreciate a temporary fix for the 2020-2021 school year. This simple change will provide much needed flexibility for our districts. SWSA districts are already reporting difficulty in finding substitutes and this is only September.

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.

As a result of the pandemic, we have noted that there is increased student mobility as parents and students navigate instructional options available to them due to COVID-19. Some students might start in a virtual setting outside of their district, but then move to in-person instruction in their district once the likelihood of infection is reduced. Others might start with in-person instruction and then move to a virtual setting because of a concern for safety or simply being uncomfortable at this point in the pandemic.

Whatever the reason, we believe that we must honor and respect the decisions made by these students and families. Children will not learn in an environment where they are fearful and don't feel safe. The 3rd Friday pupil count does not take any of this mobility into consideration.

Students and their families are not aware that funding is directly tied to three arbitrary days when students are counted.

School districts should not suffer financially because of the uncertainties of the pandemic. SWSA recommends that For 2020-21, school districts should be allowed 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 SWSA 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

As schools continue to grapple and balance “in-person” instruction with “virtual instruction”, they are working hard to open schools as effectively and as safely as they can. School districts, just like businesses, should not be subsequently subjected to costly litigation stemming from COVID-19 related death, injuries, or damages. SWSA is recommending that Wisconsin provide school districts and district employees with immunity from civil liability for these issues.

6. Student Assessments

The SWSA school districts will provide high quality instruction to all students during the pandemic. However, administering standardized assessments may create COVID-19 related challenges to the health and safety of students and educators (social distancing requirements for safety, timing of the exams, etc.) The focus for the 2020-2021 school year must be focused on instruction as well as addressing the social and emotional needs of children.

The SWSA believes the student centered objectives noted above are much more important to the children during this critical year rather than taking time to try to prepare and administer standardized tests. The SWSA supports suspending student assessment requirements for the 2020-21 school year.

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, the SWSA is concerned about the value and efficacy of school report card data for this school year. The SWSA 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 and maintain safety in classrooms, the SWSA 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 (LT-CAP) 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.

Our districts are reporting spending hundreds of thousands of dollars to reopen this fall as effectively and safely as possible. Given the significant unbudgeted expenditures that have been required the SWSA recommends that Wisconsin provide school districts with temporary flexibility (2020-21) in how they may use funds deposited in Fund 46.