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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Human Services, Children and Families
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: January 21, 2021
RE: Opposition to Senate Bill 6, relating to: requirements for a school board to close a school building to in-person instruction for more than 14 consecutive days during the 2020-21 and 2021-22 school years and a school board requirement to offer a full-time, in-person option to all pupils.

Mr. Chairman and members of the committee. I am Dan Rossmiller, Government Relations Director for the Wisconsin Association of School Boards (WASB), a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards.

Thank you for the opportunity to provide testimony on Senate Bill 6. The bill would create a pair of nonstatutory provisions aimed at:

- a) limiting a school board's ability to close a school building to in-person instruction or to in-person instruction for a specific grade or grades for a period that exceeds 14 consecutive days; and
- b) requiring a school board to offer a full-time, in person option to all pupils enrolled in the district by no later than 15 days after the date on which the Department of Health Services indicates that COVID-19 vaccinations may be allocated to individuals in phase 1c. of the state's vaccination prioritization guidelines (unless the school board votes unanimously not to offer a full-time, in-person option to some or all pupils enrolled in the school district).

Not only do these provisions interfere with local control of the district by the duly elected school board, but they also substitute the prerogatives of lawmakers in Madison for the judgment of local school board members, elected by their communities. As an organization deeply wedded to advocating on behalf of local control, the WASB and its members are extremely concerned about the precedent the attempts by the legislature to micromanage local decision making would create.

With regard to the first of these provisions, 14 days is an arbitrary time period that may be divorced from sound medical advice and guidance or the school district's ability to adequately staff its school buildings for in-person instruction. This provision would become effective immediately upon publication of this bill, should it become law.

The 14-day limitation in the bill does not accommodate the reality that, as one example, a school or a grade level in a school building could be subject to multiple, overlapping cases or exposures. The 14-day limitation also does not acknowledge that the advice/recommendations provided by the local county health department/medical advisor may have for longer timelines than those listed in the bill. Operating in-person instruction contrary to such advice or recommendations could subject a school district to potential liability should a student or family member contract the virus.

The arbitrary requirement for a two-thirds vote of the board could allow a minority of board members to force a district into an instructional model that may not be in the best interest of the district and its staff. It would also allow a minority of board members to potentially overrule the recommendations of public health officials. Having a minority of an elected body dictate such health and safety decisions is not sound governance.

With regard to the second of these provisions, there is unlikely to be any type of strong or predictable correlation between “the date on which the Department of Health Services indicates that COVID-19 vaccinations may be allocated to individuals in phase 1c.” and an appreciable increase in vaccinations actually being administered to school age individuals.

The current two-dose approach to vaccination, when combined with the logistics of vaccine supply and distribution, means that it may be a few months between the first possible date that school-age individuals, as a complete cohort, are eligible to seek a vaccination and the date that enough students in any school have developed the full immune response as a result of being vaccinated to make a difference in the potential risks.

In other words, the decision to allocate the Phase 1c. vaccine doses is not the same as administering those doses. Since students would receive their vaccinations in the Phase 1c. allocation, this bill would almost certainly require school boards to provide in-person instruction as an option before all or even most students have had an opportunity to receive vaccinations even if the parents of those students may wish their children to be vaccinated before returning to school for in-person instruction. In our view, the requirement to offer an in-person option in response to phase 1.c is, at a minimum, premature based on the current status of vaccination approvals.

In addition, providing both an in-person option and a virtual option places greater demands on school district staff to provide instruction via multiple modes. As a practical matter, limitations on a district’s staffing and technology may make it difficult, if not impossible, for a district to offer an in-person option if substantial numbers of parents continue to request a virtual option for their children after this provision becomes effective..

We note that while the likelihood that a district will need to resort to virtual instruction will decrease over time in direct proportion to the percentage of the district’s population that is vaccinated against the virus, at this point public opinion surveys indicate there is considerable resistance to vaccination efforts that needs to be overcome before we reach a state of “herd immunity.” Additionally, we note that the vaccines currently approved under an emergency use authorization have not yet been subjected to clinical trials on populations under age 18 and have not yet been approved by the FDA for use on those under age 16.

It is probable that there will be high variability in local circumstances at least through the end of the 2020-21 school year. School boards should retain local control to assess their unique circumstances and determine an appropriate local approach to the issues addressed by the bill.

For the above reasons, the WASB opposes the proposal before you today.