

Wisconsin Coalition of Virtual School Families

P.O. Box 70760

Madison, WI 53707-0760

For Immediate Release
March 7, 2005

For further info, call:
George 414-763-3661

Parents Fight Union, State to Save a Public School

**WEAC Questions Parents' Moral Fitness;
Coalition Fights Back, Files Amicus Brief over Wisconsin Virtual Academy**

[*Madison, Wisc...*] Saying parents have a Constitutional right to participate in the education of their children, a new coalition launched passionate battle to save their kids' public school today.

The parents are weighing in on a lawsuit in which the State Department of Public Instruction and the State's largest teachers' union are seeking to close the Wisconsin Virtual Academy (WIVA).

"We're concerned that our state, and the teachers' union want to deny our children this opportunity to gain a quality public education," said Rose Fernandez, president of the Wisconsin Coalition of Virtual School Families. "Our public school is successful and we should celebrate, not fear, that."

The Wisconsin Virtual Academy is a public charter school, part of the Northern Ozaukee School District. Students enrolled in WIVA learn at home with the help of their parents. Certified teachers provide instruction, monitor student progress and oversee the learning process.

The Coalition consists of hundreds of parents, students, teachers and others concerned about the educational opportunities available to Wisconsin families. Fernandez has three children in WIVA.

On January 7, 2004, the Wisconsin Education Association Council (WEAC) filed a complaint in Ozaukee County Circuit Court against WIVA, the school district, and the Wisconsin Department of Public Instruction (DPI) in an effort to shut down the school. They argued that parental participation was too significant. DPI, although it originally had approved the charter school, took the union's side in the dispute in December.

-MORE-

PARENTS' COALITION RELEASE
ADD ONE

“This suit is an outrage,” said Coalition member Bob Reber, whose child is a kindergarten student in WIVA. “It’s an attempt to shut down a public school that encourages strong partnerships between parents and teachers—something both DPI and WEAC say is a ‘key to academic success!’”

The complaint by DPI and WEAC officially questions the “moral character” of parents who participate in public education, a legal maneuver that threatens the right of *every* parent in Wisconsin who seeks to participate in their child’s education.

“WEAC and DPI are completely out of touch with the needs of children and instead are going out of their way to protect their own special interests and deny parents' and families' choices,” said Coalition member Janet Gustman, herself a former public school teacher who has two children attending WIVA. “The suit is a threat to all public school parents who participate by assisting with homework assignments, acting as a volunteer in school, or facilitate distance learning over closed circuit video or the Internet.”

The Coalition filed an Amicus brief in the matter on Monday, hoping their side will be heard as the dispute is resolved.

In addition to filing the brief, the parents will soon launch a website and plan on spreading their message to Wisconsin’s opinion leaders and lawmakers in the weeks ahead.

The case is now pending decision on motions for summary judgment submitted by the parties. If the court finds there are no facts in dispute, it could decide the matter and interpret the statutes in question without a trial. If the court finds that it needs to establish various facts before it can apply the statutes to this situation, then the case must proceed to a trial for a decision. When the trial court reaches a final disposition of the case, the case then may be appealed to the Wisconsin Court of Appeals.

###

FACT SHEET ON WIVA AND THE LAWSUIT

- **The Wisconsin Virtual Academy (WIVA) is a public charter school, part of the Northern Ozaukee School District.**
- Students enrolled in WIVA learn at home, with the help of their parents.
- Instructional plans **are designed and managed by Wisconsin-certified teachers** from the school who, in addition to many other responsibilities, oversee the learning process, regularly interact with students, monitor attendance, review student work, ensure student academic progress and mastery of subject areas, provide guidance, proctor state tests, and organize social and academic outings for the student body.
- On January 7, 2004, the Wisconsin Education Association Council (WEAC) filed a complaint in Ozaukee County Circuit Court against WIVA, the school district, and the Department of Public Instruction (DPI) **in an effort to shut down the school because, they argued, parents participated too much in the education of their own children.**
- **WIVA was established with the full approval of DPI and began operations in September 2003.** However, in a stunning turnabout, Superintendent Burmaster and DPI filed a brief with the court in December of 2004, agreeing with WEAC's position on parental involvement. **Even though DPI was a defendant in the lawsuit, they sided with the teachers union against the public school.**
- In their legal briefs, DPI and WEAC misread and misapply Wisconsin law and attempt to usurp the **constitutionally protected right of parents to participate in the education of their own children.** DPI and WEAC question not only the "moral fitness" of the parents participating in WIVA, but of all parents who they would determine have become overly involved in their own child's public education, **arguing that a state license issued by DPI is necessary to determine the "moral character" of any parent** or individual who participates in "any teaching function" with their own child. This litigation could threaten parents' participation in education from assisting in homework, helping a child study, acting as a volunteer in school, or participating in distance learning over closed circuit video or the Internet.
- In this case WEAC, ironically, also completely ignores **WIVA's public school teachers – all of whom are dues-paying members of WEAC** – and attempts to take away their jobs and put them out of work. Every student is assigned to one of WIVA's 12 highly-qualified, licensed teachers employed by the school. WEAC never even bothered to talk to any of their own union members who teach at WIVA before filing the lawsuit to eliminate their jobs and shut down the school.
- Michael Best & Friedrich, one of Wisconsin's oldest, largest and most respected law firms, is representing the Coalition. Christopher Mohrman of Michael Best is the Coalition's counsel.