

Wisconsin Coalition of Virtual School Families

www.wivirtualschoolfamilies.org

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WEAC Finally Wins a Round in Fight to Close Public School, Kids Lose Appeals Court Gives Teacher's Union the 'Win' They've Sought for Years

[Madison, WI] A state appeals court today ruled that a successful and innovative public school, which has educated hundreds of Wisconsin children for several years, must close. The decision comes in a case where WEAC, the state's teachers' union, questioned the moral character of the parents who participated in the educational process.

"This is a terrible day for Wisconsin parents and we are deeply disappointed. The Court has decided to shut down a public school that is working well. And just think, WEAC is happy today. They have been relentless in their attack on the parents, kids and unionized teachers at the Wisconsin Virtual Academy," said Rose Fernandez, President of the Wisconsin Coalition of Virtual School Families. "They file cases, lose and then appeal. They finally won a round, but even in 'victory' their actions show that they really don't care about the people this is affecting most; the kids."

This ruling puts online education at risk in districts throughout Wisconsin. It could result in the immediate closure of several public virtual schools and jeopardizes the use of distance learning programs throughout Wisconsin's public schools.

In January of 2004, the Wisconsin Education Association Council (WEAC) filed a complaint in Ozaukee County Circuit Court in an effort to shut down the Wisconsin Virtual Academy (WIVA). Although the students are taught by licensed teachers, WEAC argued that the parental participation in WIVA was too significant. The Wisconsin Department of Public Instruction (DPI), although it originally did not object to the Charter school, took the union's side in the dispute. In March 2006, Ozaukee County District Judge Joseph McCormack issued a summary judgment ruling strongly in favor of the school district and rejected WEAC and DPI's arguments. WEAC immediately appealed. The Court of Appeals heard Oral Argument in the case on October 30, 2007.

"This is the first setback in our long struggle. For nearly four years now families who have made the choice to attend this great public school have been forced to live under the uncertainty of whether or not the school will be open from year to year," said Fernandez. "WEAC is going to extraordinary efforts to close a school staffed by their own union members, and the state DPI and Department of Justice have been their willing accomplice in this crusade."

In the litigation, WEAC raised questions about 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 public education. The Coalition filed an amicus brief with the court defending WIVA and the right of parents to be involved in their children's education. Fernandez said this issue is far from over.

"As long as a parent's right to participate in the public education of their children is being threatened, we will continue to fight for children, parents, and teachers involved in public virtual education in Wisconsin," said Fernandez. "This is the best public school option for thousands of children in Wisconsin in over a dozen such schools. Just because the teacher's union finally found a court sympathetic to their ridiculous arguments, doesn't mean we're going to go away."

WEAC has tried to shut down two public virtual schools in Wisconsin. A court dismissed a lawsuit brought against Connections Academy in Appleton in 2003. Although this suit was brought two years ago, the immediate closing of WIVA school was only first sought by Wisconsin Department of Justice representatives during oral argument in October.

The Wisconsin Coalition of Virtual School Families consists of hundreds of parents, students, teachers and supporters concerned about the educational opportunities available to Wisconsin families. Wisconsin has many virtual schools whose existence may be threatened by this ruling. Thousands of students from all over the state attend these schools and many other public schools use on-line instruction.

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