

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Testimony on Assembly Bill 304 & Assembly Bill 300

AB 304

Chairman Olsen and members of the committee, good afternoon and thank you for holding a hearing on Assembly Bill 304 and 300.

I have introduced this legislation, once again, to clear up the inconsistent application of the “opt out” provision in Wisconsin’s K-12 education testing program. This inconsistent application exists due to the state assessment statute having never been updated when the tested grades expanded.

When it becomes law, this bill will ensure the parents and guardians of students in all grades between 3-12 have equal ability to opt their child(ren) out of state mandated testing. A similar version of this bill passed Assembly and Senate Committees last session but fell short of being scheduled for the Senate floor.

Recently updated by the *Every Student Succeeds Act (ESSA)*, federal education law continues to generally require testing of all students in grades 3-8 and once in high school. Current state statute [118.30 (1m)] only dictates testing in grades 4, 8, 9, 10, and 11, with an opt-out provision [118.30 (2) (b) 3] for those same grades as well. The absence of grades 3, 5, 6, and 7 from state testing statute is a vestige left over from the time prior to the enactment of *No Child Left Behind* (2001) when federal law did match our statutes. In spite of the current gap in our state’s assessment statute, Wisconsin has been testing students in alignment with federal law, by generally testing all students in grades 3-11.

It seems most school districts have chosen to provide opt outs to students at parental request. Regardless of grade levels. However, some school districts have erroneously claimed they are required by law to refuse opt outs for grades 3, 5, 6, and 7, and some have also claimed those grades to be at their discretion. The Wisconsin Department of Public Instruction (DPI) website agrees with the latter, and has posted advice on its website indicating that opt outs for grades 3, 5, 6, and 7 are at the discretion of the school board. Consequently, parents requesting opt-outs for the other grades (3, 5, 6, and 7) are sometimes being compelled to take the tests.

I have personally made calls to superintendents to explain that the law does not preclude them from opting out grades 3, 5, 6, and 7. Nevertheless, this statutory inconsistency should be fixed so no district feels they are in violation of the law, and families across the state are treated equally under K-12 assessment law.

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The two differences in this legislation from last session, is that I separated out AB 300 and also removed the section of the bill that restricted the DPI from placing a penalty on school and school district report cards. In a 'good faith' agreement, DPI is voluntarily no longer enforcing the test participation deduction that had been applied to district and school report cards falling below 95% participation rate. Future deductions will only be applied for chronic situations amongst subsets of students.

(Notes: Nothing in ESSA expressly requires students to participate in the state test—there is no federal preemption of state or local law. This bill does not allow an opt out for the civics test which is required for graduation. This bill only applies to required state and federal tests and not any district selected tests.)

AB 300

AB 300 will create additional transparency regarding standardized testing that is administered to students in our schools. It will require a school district to provide a clear informational inventory of all standardized assessments required by 1) the federal government, 2) the State of Wisconsin, and 3) the local school district. Also required would be further information related to the assessments, such as specific grade levels, expected date of administration, purpose, duration, and the process to obtain an opt-out. This would also be required of all charter schools as well as those schools participating in any of the state's school choice programs.

As those who testify today will likely tell you, tests keep popping up like weeds in the spring and it would be nice to have a larger overview for the year versus an email from the school district stating there is a test coming up in a few days.

Prior to this bill passing the Assembly committee, the DPI informed me that the new federal ESSA legislation includes testing transparency for our state's schools along the lines of this bill. Assembly Amendment 1 to this bill, at minimum, assures we fully align with the federal law. DPI will soon be in the process of informing districts and schools of the new federal requirements.

As an example of what AB 300 would look like in application, I refer you to the School District of Sun Prairie's information sheet. This information is provided parents at the beginning of each school year. I'm sure Sun Prairie is not alone in currently providing such a form, but I believe this is information that all districts in the state should annually provide to the families they serve. It provides a minimum statewide standard and would help parents and guardians take more ownership as districts work to assist them in navigating their children's education. It also offers the districts an opportunity to answer legitimate questions that families may have related to varying tests.

Thank you for your consideration and feel free to ask any questions you may have.

Assessment **Grades Tested** **Test Window(s)** **Domain** **Purpose for Administration and Resulting Data**

Standardized Assessments

STAR	1-10 (required) 11-12 (if desired)	9/6-23 12/12-1/6 5/1 - 5/19	Local	STAR assessment data is a universal screener that can be used for instructional planning, standards benchmarking and some progress monitoring. Educators have immediate access to skill-specific, actionable data to target instruction and practice, select students for intervention, and predict state-test performance.
Fountas and Pinnell	K-5	8/15 - 9/30 (Mandatory) 12/1 - 1/6 (optional) 5/8 - 6/2 (Mandatory)	Local	F&P is used to screen all students to determine independent and instructional levels in literacy. Resources in the classroom are aligned to each individual student's readiness.
Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT)	9-11	10/19	Local - Student choice	The <i>PSAT/NMSQT</i> is a standardized test that provides firsthand practice for the <i>SAT</i> . It also provides juniors an opportunity to enter NMSC scholarship programs and gain access to college and career planning tools. The <i>PSAT/NMSQT</i> measures critical reading skills, math problem-solving skills, and writing skills.
Phonological Awareness Literacy Screening (PALS)	4K-2	9/22-10/6 (1,2) 10/10- 10/21 (4K-K) 1/17-1/31* 4/24-5/5	State	<i>PALS</i> is an early literacy screening tool that provides valuable information necessary to improve the reading skills of students. <i>PALS</i> is designed to ensure students who are in need of additional support are identified early on. *Students K - 2 below benchmark during fall assessment take the Winter assessment.
WI Forward Exam	3-8, 10	3/20-5/5	State	The <i>WI Forward Exam</i> will be given in the spring of the 2015-16 school year. Students in grades 3-8 will be assessed in English Language Arts and Math. Students in grades 4 and 8 will also be assessed in Science and Social Studies. Students in grade 10 will be tested in Social Studie ONLY.
Dynamic Learning Maps (DLM)	3-11 Select Students	3/20-5/5	State	The <i>DLM</i> assessment system is designed for students with severe cognitive disabilities who are determined unable to participate in other assessments established in the state assessment system (<i>Smarter Balanced, Aspire, ACT</i>). This determination is made by the IEP Team annually.
ACT Aspire	9-10	4/24-5/26	State	<i>ACT Aspire</i> is a vertically-articulated, benchmarked, standards-based system of assessments that can be used to highlight progress towards ACT College Readiness Standards and Benchmarks. <i>ACT Aspire</i> assesses student readiness in English, math, reading, science, and writing.
ACT	11	2/28	State	The <i>ACT Plus Writing</i> consists of four multiple-choice tests: English, Mathematics, Reading, and Science; and a 30-minute essay test that measures writing skills.

ACT WorkKeys	11	3/1	State	<i>ACT WorkKeys</i> is an applied skills assessment system that helps students compare their skills to the skills real jobs require. Wisconsin students will take three <i>WorkKeys</i> assessments: Locating Information, Reading for Information, and Applied Mathematics.
Assessing Comprehension & Communication in English State-to-State for ELLs (ACCESS for ELLs)	K-12 Select Students	12/6-2/10	State	<i>ACCESS for ELLs</i> ® is designed to measure English language proficiency. It is a large-scale test that addresses the World-Class Instructional Design and Assessment (WIDA) Consortium English Language Proficiency Standards that form the core of Wisconsin's approach to instructing and testing English language learners.
National Assessment of Educational Progress (NAEP)	Varies	2/7 Cardinals Hts 2/8 Creekside Math and Reading	National	The <i>NAEP</i> is the largest nationally representative and continuing assessment of what America's students know and can do in various subject areas. Assessments are conducted periodically in mathematics, reading, science, writing, the arts, civics, economics, geography, U.S. history, and Technology and Engineering Literacy. Selected schools are notified of participation the prior spring. District receiving Title I funds are <i>required</i> to participate. Schools do not receive student results for this assessment.
Student Survey				
Student Engagement Survey	K-12	May, 2017	Local	This survey is designed to gauge student engagement and satisfaction with their overall experience in the district.
Parent Engagement Survey	K-12	May, 2017	Local	This survey is designed to gauge parent satisfaction with programming and services with the school and district.
BrightBytes Survey - Student	3-11	September May	Local	This survey is geared specifically to measure the roll, impact and level of engagement with our technology. Results from the survey will be used determine in-part the return on investment of the Digital Media and Technology Plan.
Progress Monitoring				
AIMSweb	K-12 Select Students	As determined by site level instructional teams for students receiving targeted and intensive intervention.	Local	<i>AIMSweb</i> is a curriculum based measurement system used to frequently monitor student progress in the areas of reading, math, and writing.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Senate Bills 222 & 234

Thank you for holding a public hearing on Senate Bills 222 and 234. These bills are an important, positive step for school district transparency and parental participation in our education system. First, SB 222 requires schools to provide, with the best information available at the time, a list of all the standardized tests being administered in a school year and relevant information about the tests so parents are made fully aware. This modest requirement will provide important guidance to parents about a fast-evolving area of education.

Second, SB 234 updates our law regarding opting out of standardized test. Our statutes recognize a right of parents to opt out of standardized testing, but the law has not been updated to account for new testing and testing at different grade levels. The language in SB 234 codifies the right, and previous policy, of a parent to decide whether his or her children will participate in standardized testing.

The best student outcomes occur when an informed parent makes decisions for his or her child in collaboration with a school. Senate Bills 222 and 234 will improve transparency and increase parental involvement in the important area of standardized testing. Thank you.

Senate Committee on Education
December 19, 2017

Department of Public Instruction
Senate Bill 222 / Assembly Bill 300
Statement for Information Only

Senator Olsen and members of the committee, thank you for holding a hearing on Senate Bill (SB) 222 / Assembly Bill (AB) 300. We appreciate Rep. Thiesfeldt's consultation on this bill and Assembly Amendment 1; which adopts the Department's suggested modification.

SB 222 / AB 300 would require every public, charter, and choice school to annually provide enrolled families with specified information about the pupil examinations administered in the school. This is similar to last session's 2015 SB 193/AB 293, which passed in committee, but were not adopted by either house of the legislature.

Subsequent to last session, Congress adopted the Every Student Succeeds Act (ESSA), which included expanding reporting requirements for districts around pupil assessments.

Background

Under current law s. 118.30 (1m) (d), schools must publish information about the examinations administered to pupils in the school district on their website. This requirement applies to those examinations required under s. 118.30, but it does not detail what specific information a school district must publish.

Legislative Proposal

SB 222 / AB 300 will increase assessment reporting requirements, including providing a written summary containing the following information:

- Each examination required under state or federal law that will be administered to pupils, except an examination that is required for high school graduation.
- Each examination required by the school board, operator, governing body, or managing entity to assess pupil, school, or school district performance that will be administered to pupils, **except** an examination that counts toward a grade or score for a class or that is required for high school graduation.

Thus, the bill would exclude the state civics exam.

Other required information includes:

- The grade level to which each examination identified will be administered.
- The expected date on which each examination identified will be administered.
- The duration of each examination.
- The process used to determine an appropriate alternative in-school activity for pupils who have been excused from taking an examination.
- The school's policies and procedures regarding opting a pupil out of any examination.
- The purpose of administering each examination and a description of how the school will use data derived from each identified examination.

Assembly Amendment 1 to AB 300:

Assembly Amendment 1 to AB 300 was adopted by the Assembly Committee on Government Accountability and Oversight. Assembly Amendment 1 aligns AB 300 with revised federal assessment reporting requirements to ensure uniform reporting for all publicly-funded schools.

Federal ESSA Reporting (*emphasis added*)

<http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf> (see page 56)

From SEC. 1112, 20 U.S.C. 6312 (e)(2). LOCAL EDUCATIONAL AGENCY PLANS.

(2) TESTING TRANSPARENCY.— (A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the **parents may request**, and the local educational agency will provide the parents on request (and in a timely manner), **information regarding any State or local educational agency policy** regarding student participation in any assessments mandated by section 1111(b)(2) and by the State or local educational agency, **which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.**

(B) ADDITIONAL INFORMATION.—Subject to subparagraph (C), each local educational agency that receives funds under this part **shall make widely available through public means** (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, **and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—**

- (i) the subject matter assessed;
- (ii) the purpose for which the assessment is designed and used;

(iii) the source of the requirement for the assessment; and

(iv) where such information is available—

(i) the amount of time students will spend taking the assessment, and the schedule for the assessment; and

(ii) the time and format for disseminating results.

(C) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.



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Testimony in Support of Senate Bill 222/Assembly Bill 300
Senate Committee on Education
Public Hearing, December 19, 2017
Julaine Appling
President, Wisconsin Family Action

Thank you, Chairman Olson and committee members, for the opportunity to testify in support of Senate Bill 222 and Assembly Bill 300.

Wisconsin Family Action (WFA) represents thousands of Wisconsin families, many of whom have their children in public schools or participate in a Parental Choice Program. We believe parents are responsible for the education of their children and that as the party ultimately responsible for their education, anything the state can do to make it easier for parents to be fully informed about the education of their children is good and appropriate.

Senate Bill 222/Assembly Bill 300 gives parents important information about mandated state and federal testing their children be undergoing. The bill requires the information to be consolidated and understandable and available via the Internet, if the district or school, has an Internet site.

As a former teacher and private school administrator, as well as currently being involved with a private school that now accepts voucher students, I am keenly aware, of the proliferation of testing. I know to many parents it seems their children are always being confronted with a standardized test. SB 222/AB 300 will give parents a kind of "one-stop" place to get information regarding the standardized tests in their district or school and will enable them to make prudent decisions about their child's education.

Too often parents have little to no idea as to what a district's or a school's testing program entails, let alone information regarding each test, its purpose, its scope, the district's use of results, and so on. Again, the more knowledge parents have, the better for the children.

In the Assembly hearing, we all became aware that new federal ESSA legislation includes similar testing transparency, and I note that Representative Thiesfeldt offered an amendment to bring this bill into line with the federal requirements, thus clearing up any potential confusion for school districts and schools as to differences and streamlining compliance for both. The Assembly adopted this amendment and another amendment changing the effective date from the current school year to the 2018-2019 school year.

To summarize, SB 222/AB 300 represents a good step towards helping parents fulfill their responsibility for the education of their children without unduly burdening districts or individual schools.

Wisconsin Family Action urges the committee to support this bill and move it to the full Senate for concurrence.

Again, thank you for this opportunity; and I am happy to answer questions.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

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TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: December 19, 2017
RE: OPPOSITION to SENATE BILL 222/ASSEMBLY BILL 300, providing information about mandatory pupil examinations.

The Wisconsin Association of School Boards (WASB) **opposes** Senate Bill 222/Assembly Bill 300 in its current form because it appears to largely duplicate certain existing requirements imposed by the federal Every Student Succeeds Act (ESSA) and, as drafted, appears to be largely unnecessary.

Wisconsin school districts are already required by section 118.30(1m)(d), Wis. Stats., to annually publish information on the district's website about the **state-required** 4th, 8th, 9th, 10th and 11th grade examinations administered to students enrolled in the district. The information to be published is not specified in the statute.

SB 222/AB 300 would augment this requirement to provide that annually, using the best available information, each school board must prepare a summary written in commonly understood language that includes all of the following:

1. Each examination **required under state or federal law** that will be administered to pupils enrolled in the school district, as well as:
 - o The grade level to which each of these examination swill be administered;
 - o The expected date(s) on which each of these examinations will be administered;
 - o The duration of each examination;
 - o The process the school board uses to determine an appropriate alternative in-school activity for pupils who have been excused from taking each of these examinations;
 - o The school board's policies and procedures regarding parents or guardians opting a pupil out of any of these examinations; and
 - o The purpose of administering each of these examinations and a description of how the school board will use data derived from each of these examinations.
2. Each examination **required by the school board** to assess pupil, school, or school district performance that will be administered to pupils enrolled in the school district **except** an examination that counts toward a grade or score for a class or that is required for high school graduation (i.e., the Civics test).

SB 222/AB 300 would also require school boards to post this summary on the district's website and would require that annually, before a school board administers an examination required to be included in the summary, the school board must provide the parent or guardian of each pupil enrolled in the district a copy of the summary the board prepared for that school year or instructions on how to access or obtain the summary.

Under the bills as introduced, these provisions would first apply to examinations administered during the 2017-18 school year. (Assembly Bill 300 has been amended to delay this until the 2018-19 school year.)

As noted above, Congress imposed very similar requirements on school district to those found in SB 222/AB 300 when it enacted ESSA. School districts receiving federal Title I program funds are required by ESSA (see 20 U.S.C. § 6312(e)2B) to make widely available through public means (including posting on the district's website) information on each state and district-required assessment for each grade served by the district, including:

- (1) the subject matter assessed;
- (2) the purpose for which the assessment is designed and used;
- (3) the source of the requirement for the assessment; and
- (4) where such information is available--
 - the amount of time students will spend taking the assessment and the schedule for the assessment; and
 - the time and format for disseminating results.

Public school districts receiving federal Title I program funds are also required by ESSA (see 20 U.S.C. § 6312(e)2A) to notify the parents of each student attending any school receiving such funds that the parents may request information regarding any state or local school district policy regarding student participation in any assessments mandated by federal or state law and by the district. This notification must be given at the beginning of the school year. When parents request this information, the district must provide it in a timely manner and the information provided must include a policy, procedure or parental right to opt their child out of the mandated assessments, where applicable.

Public schools receive federal Title I aid when they have significant numbers of students from low-income families. (All but a handful of the smallest K-8 districts in the state receive allocations under Title I, Part A.)

Changes made to Assembly Bill 300 bring the requirements of the bill into closer harmony with the federal requirements for school districts that receive federal Title I program funds. However, the language used in the bill is not identical to the federal law and it may be confusing for school districts to understand and comply with these similar yet different sets of requirements.

In our view it makes little sense to have duplicative requirements in both state and federal law that each impose mandates on school districts. It might make more sense for this bill to apply state law requirements only to those school districts that do not receive federal Title I program funds. That would ensure that all Wisconsin school districts are covered in a way that would not be duplicative.

If those changes were made, the only significant mandates that would remain in SB 222/AB 300 that are not required by federal law would be the requirement that the school district provide information about: a) examinations required by *federal* law; and b) "the process the school board uses to determine an appropriate alternative in-school activity for pupils who have been excused from taking each of these examinations."

As you consider amending the bill, we believe the bill should retain the original provisions as they apply to the governing bodies of independent charter schools (to the extent that those schools do not receive Title I program funds) and to the governing bodies of private schools that participate in the state's parental choice (voucher) programs to maintain the bill's original intent that requirements set forth in the bill should also apply to these schools. (Private schools do not receive Title I program *funds* directly but may receive Title I *services* from the public school district or districts in which the private school's pupils reside.)