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State Senator

14th District

TO: Senate Committee on Education
FROM: Senator Luther Olsen
DATE: Tuesday, December 19, 2017
SUBJECT: Testimony for Senate Bill 536 & Assembly Bill 488

Thank you members of the Senate Committee on Education for holding a hearing and allowing me to testify in support of Senate Bill 536 (SB 536) and Assembly Bill 488 (AB 488). This legislation was drafted as a result of the red tape review process and several discussions with the Department of Public Instruction (DPI).

Under current law, DPI must allow a person to view the Wisconsin Knowledge and Concepts Exam (WKCE) if they submit a written request within 90 days after it has been administered. Because we have since replaced the WKCE with the Forward Exam, The ACT Suite and the Dynamic Learning Maps Exam this statute now applies to our current assessments.

This bill would change current law by requiring students to make practice exams or sample items related to the exams available upon request. It would remove the outdated section in statute regarding the security and confidentiality of the exams since it would no longer allow the viewing of actual exam that is administered. It would still protect confidential property of the vendor while still providing people with the opportunity to view sample tests once they have been made available to the department.

Again, thank you for holding a hearing today. I ask for your support on SB 536/AB 488 and I would be more than happy to answer any questions.

Senate Committee on Education
December 19, 2017

**Wisconsin Department of Public Instruction
Testimony - Senate Bill 536 / Assembly Bill 488**

Senator Olsen and members of the committee, thank you for holding a hearing on Senate Bill (SB) 536 / Assembly Bill (AB) 488. This bill requires the Department of Public Instruction (department) to make available, upon request, practice examinations or sample items related to knowledge and concept examinations required to be administered under state law.

Under current law, the department must allow a person to view a knowledge and concepts examination if the person submits a written request within 90 days after the examination is administered. Wis. Stat. s. 118.30 (3), statutory authority was provided for the State Superintendent to promulgate rules to allow a person to view the 4th, 8th, and 10th grade Wisconsin Knowledge and Concepts Examinations (WKCE) and the high school graduation examination. PI 28 establishes requirements for school boards, charter schools, and the department providing the tests and procedures for persons requesting to view the tests.

As part of the Red Tape Review, the Assembly Education Committee has been reviewing the department's administrative rules and discussing potential revisions to those rules. On May 18, 2017, the committee held a public hearing to review a number of the department rules including Chapter PI 28 - Test Access. AB 488 and SB 536 were drafted in response to the committee discussions and department feedback.

Background

Since 1992, when the knowledge and concepts examinations were first instituted in Wisconsin, the state superintendent has been required to make available, upon request, within 90 days of the date of administration, any of the required pupil assessments under s. 118.30, Stats. This requirement also applied to the high school graduation test when it was added in 1997.

2001 Wisconsin Act 16 created s. 118.30 (3) (b), Stats., requiring the state superintendent to promulgate rules establishing procedures to allow a person to view these tests. The current rules codify the requirements in the guidelines. Specifically, the rules:

- Do not allow a person to review a test that is being developed or validated.
- Require the test viewer to submit a written request and a signed confidentiality agreement to the state superintendent within 90 days after the date of administration of the test. In addition, if a person wants to view a test at a charter school under s. 118.40 (2r), Stats, [(2r) charter school] or school, require the test viewer to submit a written request and signed confidentiality agreement to the charter school or school board of the school.
- Require the school board, (2r) charter school, or the department to file a confirmation of destruction with the test publisher before allowing a test to be viewed.

- Require the school board, (2r) charter school, or the department to ensure that the individual making the request signs a confidentiality agreement.
- Require the school board, (2r) charter school, or the department to ensure the test viewer is accompanied by a staff member who is aware of the confidentiality requirements associated with the test.

In the past, each Cooperative Educational Service Agency (CESA) used to retain a single copy of a WKCE test after it was administered, in the event a parent requested to view a test. The CESAs, rather than school boards, charter schools, or the department responded to requests from parents wishing to view a particular WKCE test. However, only a very small number of parents actually requested test access via CESAs over a several year period.

The subsequent adoption of ACT and other vendor-owned assessments resulted in test materials being considered legally confidential and proprietary property of the vendor. Confidentiality provisions are standard language included in the department's current Assessment Services Agreements. As a result, disclosing or sharing test materials in a manner other than for its intended purpose is prohibited. Interested parents would still have the opportunity to access *sample tests* that are generally made available for viewing.

The department thanks the committee for engaging in this discussion and is happy to answer any questions you may have.