

# Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

## Testimony on Assembly Bill 304 & Assembly Bill 300

### AB 304

Chairman Hutton and members of the committee, good morning and thank you for holding a hearing on Assembly Bill 304.

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.

*Serving the communities of Fond du Lac, Oakfield, Byron, Empire, Taycheedah, and the western half of Calumet township*

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.

In the last few days as I prepared for this hearing, the DPI informed me that the new federal ESSA legislation includes testing transparency for our state's schools along the lines of this bill. I will be submitting a simple amendment to this bill to, at minimum, 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.



## MEMORANDUM

TO: **Chiefs, Deputies, Federal Liaisons, and Communications Directors**  
FROM: **CCSSO**  
DATE: **January 11, 2016**  
SUBJECT: **Testing and Opt-Out Provisions in ESSA**

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The following document describes the interaction of testing and opt-out provisions in the new Every Student Succeeds Act, which reauthorizes the Elementary and Secondary Education Act, replacing No Child Left Behind.

### Statutory Language

**ESSA Maintains Annual Testing Requirement** – Section 1111(b)(2)(B) of Title I of the Every Student Succeeds Act (ESSA) maintains the federal requirement that states administer statewide assessments in math and English language arts – annually in grades 3 through 8 and at least once in high school – and science – at least once in grades 3 through 5, 6 through 9, and 10 through 12.

**ESSA Maintains 95% Testing Participation Requirement** – While not specifically named as an indicator in the accountability system, Section 1111(c)(4)(E)(i) requires states to annually measure the achievement of not less than 95% of all students and subgroups of students in public schools using Title I State assessments. States are permitted to and must provide a clear and understandable explanation of how the 95% assessment requirement will factor into the accountability system.

**State and Local Laws re: Testing Participation** – Section 1111(b)(2)(K) of Title I states that nothing in the assessment section (which is different from the section that requires 95% participation) of Title I preempts state or local law with respect to a parental decision on assessment participation.

**States Determine How 95% Participation Factors into Accountability System** – Section 1111(c)(4)(E)(iii) requires that states “provide a clear and understandable explanation of how the State will factor the [95%] requirement ... into the statewide accountability system.”

### Analysis

The statutory provisions of the Every Student Succeeds Act (ESSA) maintain annual testing requirements and the 95% assessment participation requirement. (However, unlike No Child Left Behind, ESSA leaves it up to states to determine how the 95% participation requirement will factor into state accountability systems and what consequences or interventions there will be for schools that fail to meet the 95% threshold.) In addition, the provision clarifying that Federal law does not supercede state and local law, as described above, does not relieve states of the responsibility to require 95% testing participation. Nothing in federal law, therefore, expressly requires individual students to participate in state tests; ESSA does, however, make 95% participation a mandatory element of state accountability systems. What remains to be seen over the coming months is how the U.S. Department of Education will regulate on this matter; ultimately regulations and Department guidance on this issue could impact how states, school districts, and schools will implement its requirements.

Assessment	Grades Tested	Test Window(s)	Domain	Purpose for Administration and Resulting Data
<b>Standardized Assessments</b>				
<b>STAR</b>	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.
<b>Fountas and Pinnell</b>	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.
<b>Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT)</b>	9-11	10/19	Local - Student choice	The PSAT/NMSQT is a standardized test that provides firsthand practice for the SAT. It also provides juniors an opportunity to enter NMSC scholarship programs and gain access to college and career planning tools. The PSAT/NMSQT measures critical reading skills, math problem-solving skills, and writing skills.
<b>Phonological Awareness Literacy Screening (PALS)</b>	4K-2	9/22-10/6 (1,2) 10/10- 10/21 (4K-K) 1/17-1/31* 4/24-5/5	State	PALS is an early literacy screening tool that provides valuable information necessary to improve the reading skills of students. PALS 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.
<b>WI Forward Exam</b>	3-8, 10	3/20-5/5	State	The WI Forward Exam 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.
<b>Dynamic Learning Maps (DLM)</b>	3-11 Select Students	3/20-5/5	State	The DLM 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.
<b>ACT Aspire</b>	9-10	4/24-5/26	State	ACT Aspire is a vertically-articulated, benchmarked, standards-based system of assessments that can be used to highlight progress towards ACT College Readiness Standards and Benchmarks. ACT Aspire assesses student readiness in English, math, reading, science, and writing.
<b>ACT</b>	11	2/28	State	The ACT Plus Writing consists of four multiple-choice tests: English, Mathematics, Reading, and Science; and a 30-minute essay test that measures writing skills.

<b>ACT WorkKeys</b>	11	3/1	State	ACT WorkKeys is an applied skills assessment system that helps students compare their skills to the skills real jobs require. Wisconsin students will take three WorkKeys assessments: Locating Information, Reading for Information, and Applied Mathematics.
<b>Assessing Comprehension &amp; Communication in English State-to-State for ELLs (ACCESS for ELLs)</b>	K-12 Select Students	12/6-2/10	State	ACCESS for ELLs® 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.
<b>National Assessment of Educational Progress (NAEP)</b>	Varies	2/7 Cardinals Hts 2/8 Creekside <i>Math and Reading</i>	National	The NAEP 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.
<b>Student Survey</b>				
<b>Student Engagement Survey</b>	K-12	May, 2017	Local	This survey is designed to gauge student engagement and satisfaction with their overall experience in the district.
<b>Parent Engagement Survey</b>	K-12	May, 2017	Local	This survey is designed to gauge parent satisfaction with programming and services with the school and district.
<b>BrightBytes Survey - Student</b>	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 to determine in-part the return on investment of the Digital Media and Technology Plan.
<b>Progress Monitoring</b>				
<b>AIMSWeb</b>	K-12 Select Students	As determined by site level instructional teams for students receiving targeted and intensive intervention.	Local	AIMSWeb is a curriculum based measurement system used to frequently monitor student progress in the areas of reading, math, and writing.

grade level and subject area in which the teacher has been assigned.

(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.

(3) LANGUAGE INSTRUCTION.—

(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

# Wisconsin Education Landscape



WISCONSIN DEPARTMENT OF  
**PUBLIC INSTRUCTION**  
Tony Evers, PhD, State Superintendent

# Growing Poverty & Changing Enrollment



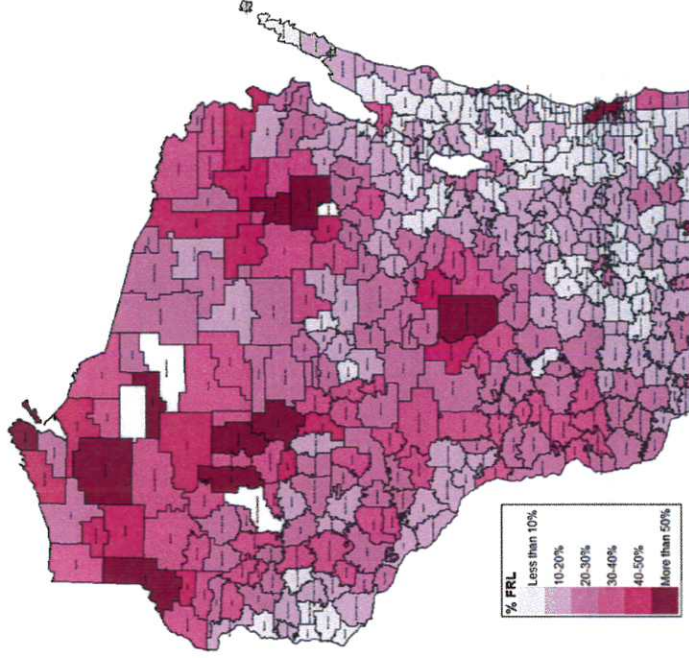
WISCONSIN DEPARTMENT OF  
**PUBLIC INSTRUCTION**  
Tony Evers, PhD, State Superintendent



# Poverty is Growing in Wisconsin

Change in Free & Reduced Lunch (2001-2012)

**Wisconsin  
FRL Rate  
Doubles  
2001: 21%  
2012: 43%**



In many rural districts, more than half the students are eligible for free-and-reduced lunch.

Source: Wisconsin Department of Public Instruction. School Finance Maps. <http://dpi.wi.gov/sfs/maps.html>

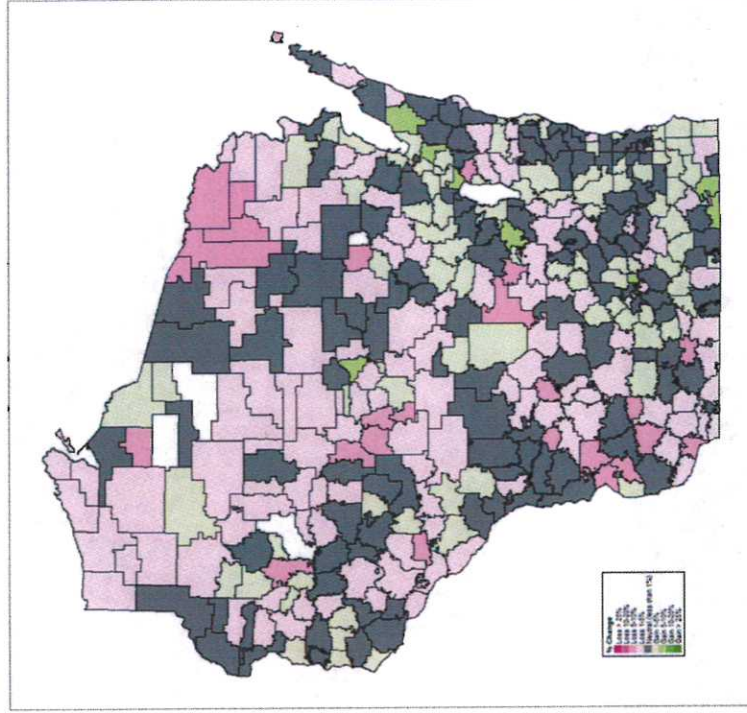
# Students are in Fewer Districts

## Change Student Membership (2001-2012)

In 2001, 1/3<sup>rd</sup> of districts were in declining enrollment.

By 2012, over 2/3<sup>rds</sup> districts were in declining enrollment.

Today, 75% of our students are located in just 30% of our districts.

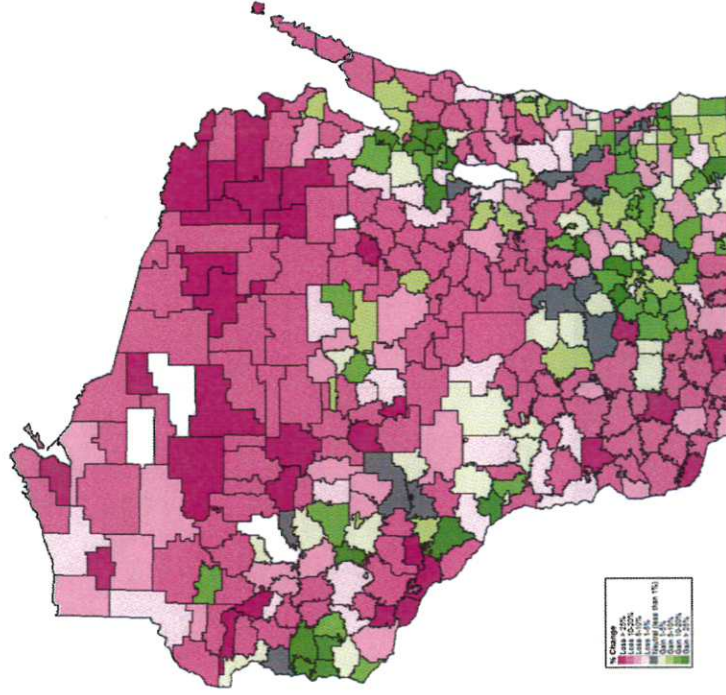


Cumulative Enrollment	Percentile	# of Districts	% of Districts
209,535	25%	8	2%
419,387	50%	41	11%
626,834	75%	114	30%
871,551	100%	424	100%

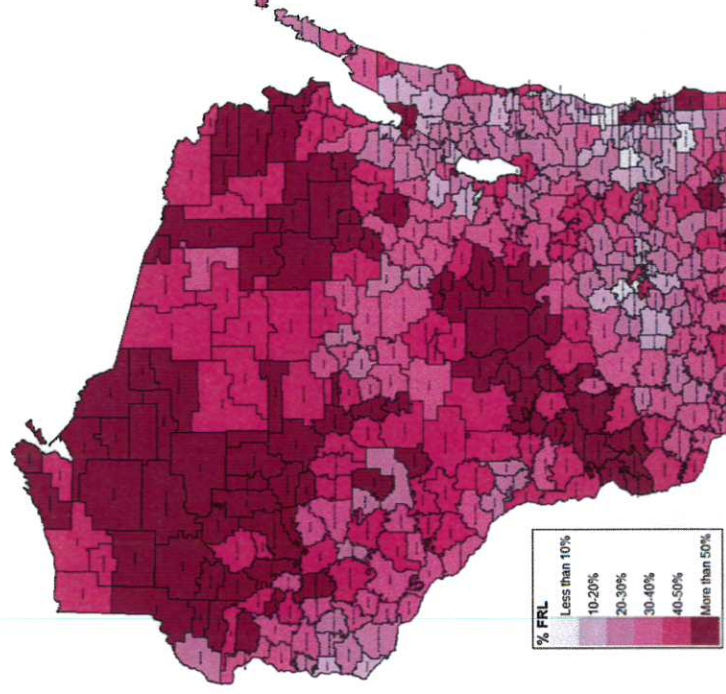
District Enrollment	% of Districts
Under 1,000	55%
Under 3,000	83%
Under 10,000	98%

# Rural Districts: Fewer Kids & Greater Poverty

Change in Enrollment

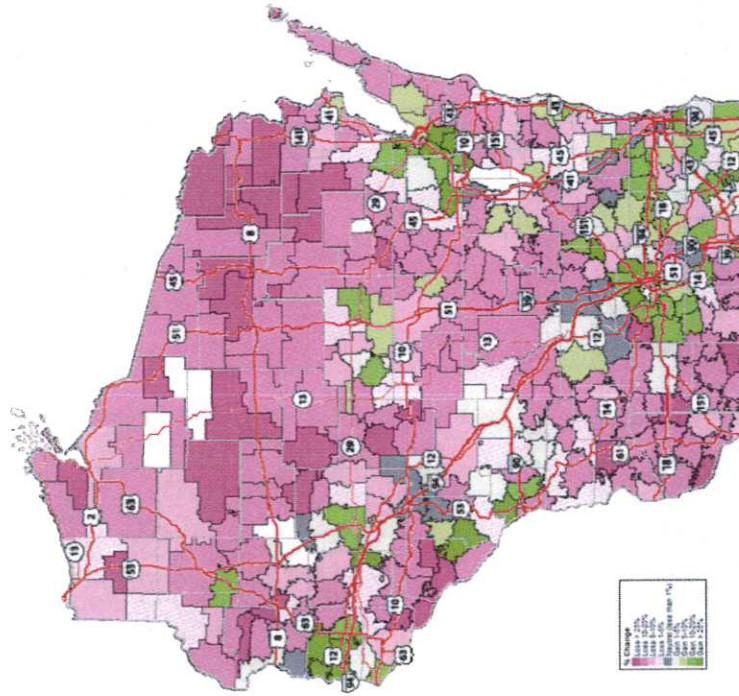


Change in Poverty

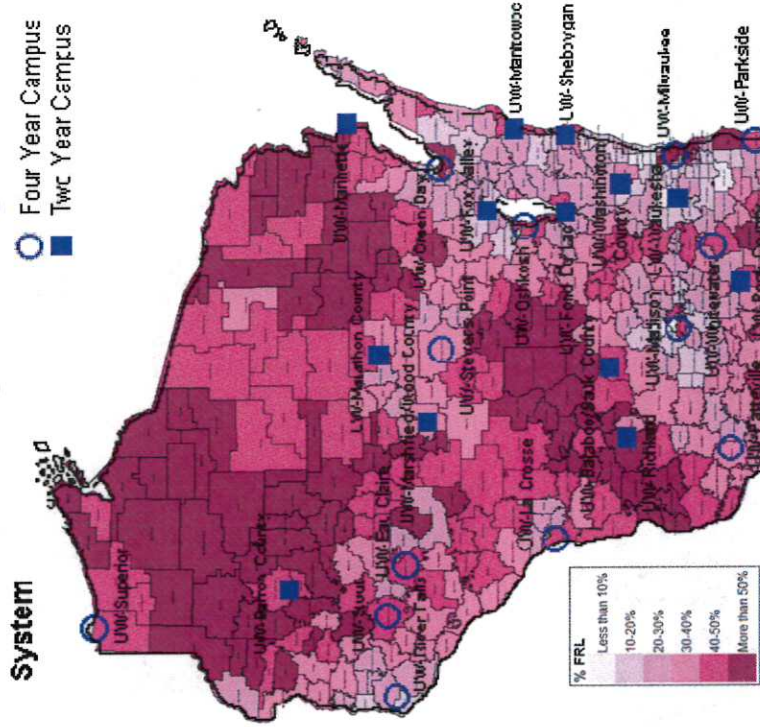


# Rural Districts: Fewer Kids & Greater Poverty

Shifting Enrollment



Growing Poverty



# The Changing Faces of Wisconsin



WISCONSIN DEPARTMENT OF  
**PUBLIC INSTRUCTION**  
Tony Evers, PhD, State Superintendent

# Schools are leading indicators...

# 12%



of Wisconsin's overall population  
identified as a person of color.  
(2013 U.S. Census)

\*Nationally, 38% of the population  
identify as people of color



**...and schools are much more diverse**

**28%** 

**of Wisconsin's public school population  
identified as students of color.**  
*(2013 U.S. Census)*



# 25 Districts with the Most Students of Color

#	District Name	% Native	% API	% Black	% Hispanic	% White	Enrollment
1	Menominee Indian	94%	0%	1%	5%	0%	796
2	Milwaukee	1%	6%	56%	24%	14%	78,363
3	Bayfield	74%	1%	2%	3%	21%	413
4	Brown Deer	1%	12%	52%	6%	30%	1,622
5	Beloit	1%	1%	28%	30%	41%	6,985
6	Racine Unified	1%	2%	29%	25%	44%	20,577
7	Madison Metropolitan	1%	11%	25%	19%	45%	27,112
8	Bowler	44%	1%	2%	4%	49%	394
9	Delavan-Darien	0%	2%	3%	44%	50%	2,438
10	Green Bay Area Public	5%	7%	10%	25%	53%	20,685
11	Gresham	42%	0%	1%	3%	53%	294
12	Kenosha	0%	2%	18%	25%	55%	22,570
13	Glendale-RiverHills	1%	6%	33%	6%	55%	1,024
14	WestAllis-WestMilw.	2%	4%	13%	21%	61%	9,390
15	SheboyganArea	1%	16%	5%	17%	61%	10,374
16	Greenfield	2%	8%	7%	21%	61%	3,890
17	Abbotsford	0%	1%	1%	36%	62%	736
18	Arcadia	0%	0%	1%	36%	62%	1,171
19	Crandon	31%	1%	1%	3%	64%	932
20	Shorewood	1%	10%	17%	6%	67%	2,059
21	Whitewater Unified	1%	3%	3%	26%	67%	1,948
22	Wauwatosa	1%	6%	20%	6%	67%	7,204
23	Hayward Community	27%	1%	1%	2%	68%	1,977
24	Menasha Joint	2%	6%	6%	18%	68%	3,714
25	Cudahy	2%	1%	9%	19%	69%	2,623

These districts enroll 27% of all Wisconsin students.

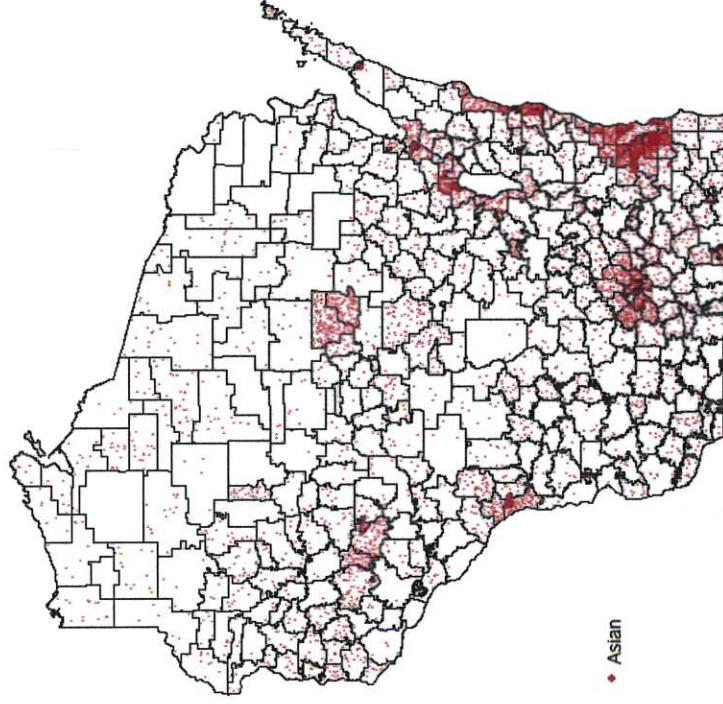
Nine are majority students of color.



# Students of Color Across Wisconsin

(Sparsity Districts Highlighted)

Asian



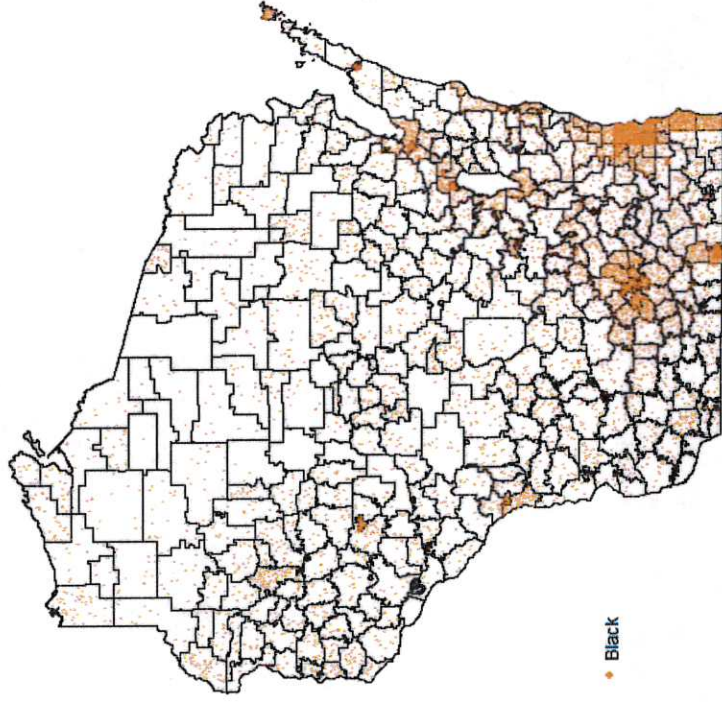
Source: ISES CD, 2015-16. Each dot represents 0.1%. Rural (=sparsity) districts outlined in black

# Students of Color Across Wisconsin

(Sparsity Districts Highlighted)

Nearly 90% of African Americans live in 6 counties (Milwaukee, Dane, Racine, Kenosha, Rock, and Waukesha).

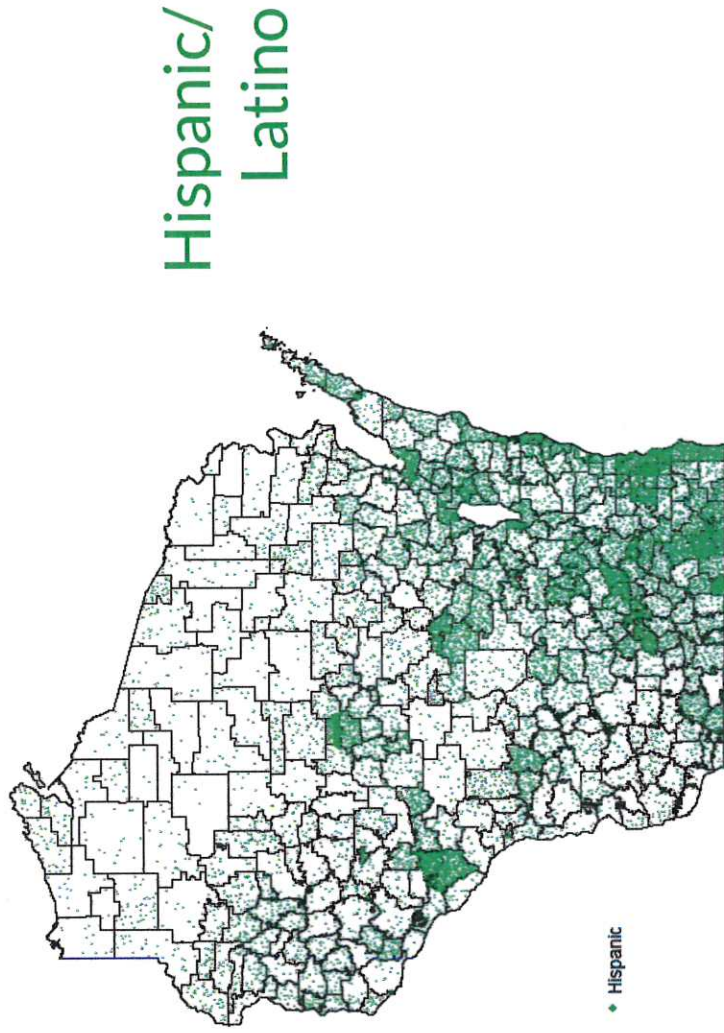
Black



Source: ISES CD, 2015-16. Each dot represents 0.1%. Rural (=sparsity) districts outlined in black

# Students of Color Across Wisconsin

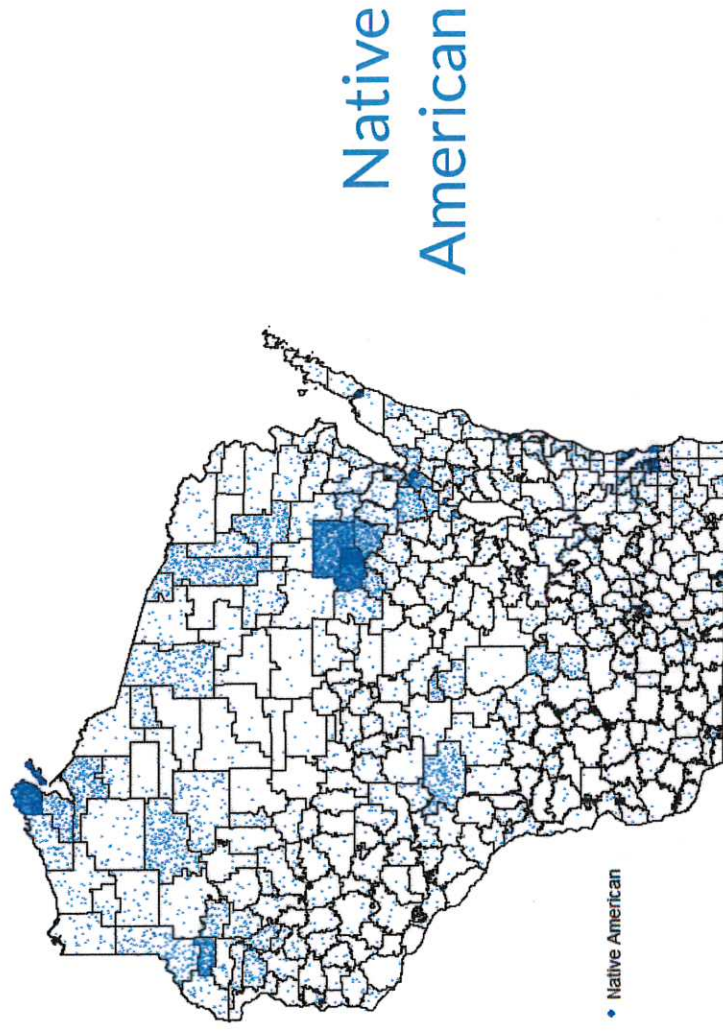
(Sparsity Districts Highlighted)



Source: ISES CD, 2015-16. Each dot represents 0.1%. Rural (=sparsity) districts outlined in black

# Students of Color Across Wisconsin

(Sparsity Districts Highlighted)



Source: ISES CD, 2015-16. Each dot represents 0.1%. Rural (=sparsity) districts outlined in black

Assembly Committee on Government Accountability & Oversight  
June 7, 2017

APPENDIX 1



Tony Evers, PhD, State Superintendent

March 17, 2017

Dear Colleague:

I want to make you aware of a change we are making regarding test participation and the state report card. To ensure school and district report cards ratings are as transparent as possible, the test participation deduction will be removed from the 2016-17 School Report Cards. **The 2016-17 state accountability report cards, which will be released in fall 2017, will not have deductions for test participation for districts or schools.**

Ensuring all students participate in state assessment remains a high priority. Although there will no longer be deductions, we will continue to report test participation rates in the School and District Report Cards. Assessing student performance to measure the progress each subgroup of students is making, and to clearly identify achievement gaps in our state remains a critical focus of the department.

For federal accountability, ESSA requires that schools annually test at least 95 percent of their students in Grades 3-8 and once in high school in ELA and mathematics. In addition, federal law requires that all non-tested students are included in the denominators when determining achievement. **Non-tested students will still count against schools in the federal calculation of participation and proficiency, but not in our state report cards.**

The department will continue to monitor test participation rates going forward. Further information on ESSA as well as Wisconsin's draft plan, which we anticipate will be available for public review in May, can be found online. Please visit our transition page: <https://dpi.wi.gov/esea/transition>.

If you have questions about accountability, please contact the Office of Educational Accountability or your district/CESA Accountability Trainer.

Sincerely,

Mike Thompson, PhD Deputy State Superintendent  
MT/mjc

**APENDIX 2**

**Effective with Assessments Administered in the 2016-17 School Year**

	<b>PUBLIC SCHOOL DISTRICTS (INCLUDING DISTRICT CHARTER SCHOOLS) AND INDEPENDENT CHARTER SCHOOLS</b>		<b>PRIVATE PARENTAL CHOICE (VOUCHER) SCHOOLS</b>
<b>Grade</b>	<b>Federal Requirements</b>	<b>State Requirements</b>	<b>State Requirements*</b>
<b>4k-2</b>	N/A	Literacy Screener	
<b>3</b>	ELA & Math	Science (once in the elementary grades)	Reading
<b>4</b>	ELA & Math		ELA, Math, Science & Social Studies
<b>5</b>	ELA & Math		ELA & Math
<b>6</b>	ELA & Math	Science (once in the middle school grades)	ELA & Math
<b>7</b>	ELA & Math		ELA & Math
<b>8</b>	ELA & Math		ELA, Math, Science & Social Studies
<b>9</b>	ELA & Math (once in grades 9 to 11)	Science (once in the high school grades)	<u>ACT ASPIRE</u> (covers English, Reading, Math, Science & Writing)
<b>10</b>			a) <u>ACT-ASPIRE</u> : ELA, Math, Science; b) <u>WFE (DRC)</u> for Social Studies
<b>11</b>			<u>ACT and WorkKeys</u> : includes Science (ACT with writing for FED accountability)

*\*State law requires private schools participating as a parental choice school to administer the assessments required under state and federal law for ELA, math and science in grades 3 to 8 and at least once in grades 9 to 11.*

- Grades 4k through 2, literacy screener: PALS for 2015-16; district choice beginning 2016-17
- Grade 3 reading:
- Grades 3 through 8, all subjects: Wisconsin Forward Exam [Data Recognition Corporation (DRC)]
- Grade 9: ACT Aspire
- Grade 10: ACT Aspire, except for Social Studies (Forward Exam - DRC)
- Grade 11: ACT with writing and ACT WorkKeys

FEDERAL REQUIREMENTS [USC 6311 (b) (3)]:

1. ELA & Math in grades 3 to 8 (Wisconsin Forward Exam) and once in HS (Wisconsin 11<sup>th</sup> grade ACT).
2. Science once in grades 3 to 5 (4<sup>th</sup> grade Wisconsin Forward Exam), 6 to 8 (8<sup>th</sup> grade Wisconsin Forward Exam) and grades 9 to 11 (Wisconsin **11<sup>th</sup> grade** exam [ACT]).

WISCONSIN LAW REQUIREMENTS:

1. Under **s. 118.016 (1)(a) [2016-17] and (1)(b) [2017-18 & thereafter]**:
  - a. Literacy/reading readiness screener in grades 4k through 2 (PALS for FY16)
  - b. *Not a federal requirement; does not apply to private voucher schools*
2. Under **s. 121.02 (r)**:
  - a. Reading assessment in grade 3
  - b. *Not a federal requirement; does not apply to private voucher schools*
3. Under **s. 118.30 – knowledge and concepts exams**:
  - a. ELA, Math, Science & Social Studies in grades 4, 8, and **10**
  - b. Grades 9 through 11 – Math, ELA & Science and measures of college & career readiness
    - i. Grade 9: ACT Aspire Early High School
    - ii. Grade 10: ACT Aspire Early High School Social Studies assessment by DRC)
    - iii. Grade 11: ACT with writing (*meets federal accountability requirement for ELA, Math, & Science*)
    - iv. Grade 11: ACT Work Keys (career-ready assessments)

**APPENDIX 3**

**Forward Exam Parent Opt-Outs by District (2015-16)**  
*Districts exceeding 5% opt-out rate are highlighted in yellow*

<i>District Name</i>	<b>Enrolled 3-8</b>	<b>Opt-out 3-8</b>	<b>%Opt-Out 3-8</b>
<i>State of Wisconsin Grade 3-8</i>	369529	2986	0.8%
<i>Abbotsford</i>	309		
<i>Adams-Friendship Area</i>	660		
<i>Albany</i>	147	4	2.7%
<i>Algoma</i>	264		
<i>Alma</i>	106		
<i>Alma Center-Humbird-Merrillan</i>	268		
<i>Almond-Bancroft</i>	172	2	1.2%
<i>Altoona</i>	681	7	1.0%
<i>Amery</i>	690	1	0.1%
<b>Tomorrow River</b>	<b>488</b>	<b>28</b>	<b>5.7%</b>
<i>Antigo</i>	1007	3	0.3%
<i>Appleton Area</i>	6872	175	2.5%
<i>Arcadia</i>	553	1	0.2%
<i>Argyle</i>	129	1	0.8%
<i>Ashland</i>	966	5	0.5%
<i>Ashwaubenon</i>	1386	15	1.1%
<i>Athens</i>	124		
<i>Auburndale</i>	377	1	0.3%
<i>Augusta</i>	297	1	0.3%
<i>Baldwin-Woodville Area</i>	710	4	0.6%
<i>Unity</i>	443	2	0.5%
<i>Bangor</i>	241		
<i>Baraboo</i>	1271	1	0.1%
<i>Barneveld</i>	199		
<i>Barron Area</i>	598	14	2.3%
<i>Bayfield</i>	164		
<i>Beaver Dam Unified</i>	1510	4	0.3%
<i>Belleville</i>	429	3	0.7%
<i>Belmont Community</i>	176		
<i>Beloit</i>	3026	4	0.1%
<i>Beloit Turner</i>	682	1	0.1%
<i>Benton</i>	93		
<i>Berlin Area</i>	637		
<i>Birchwood</i>	149	2	1.3%
<i>Wisconsin Heights</i>	305	3	1.0%



<i>Black River Falls</i>	760	1	0.1%
<i>Blair-Taylor</i>	284		
<i>Pecatonica Area</i>	179		
<i>Bloomer</i>	505		
<i>Bonduel</i>	343	1	0.3%
<i>Boscobel Area</i>	334		
<i>North Lakeland</i>	83		
<i>Bowler</i>	167		
<i>Boyceville Community</i>	307	4	1.3%
<i>Brighton #1</i>	132	1	0.8%
<i>Brillion</i>	416	2	0.5%
<i>Bristol #1</i>	459	9	2.0%
<i>Brodhead</i>	452		
<i>Elmbrook</i>	3056	22	0.7%
<i>Brown Deer</i>	673	6	0.9%
<i>Bruce</i>	203		
<i>Burlington Area</i>	1247	9	0.7%
<i>Butternut</i>	83		
<i>Cadott Community</i>	373	6	1.6%
<i>Cambria-Friesland</i>	182	2	1.1%
<i>Cambridge</i>	370	1	0.3%
<i>Cameron</i>	477		
<i>Campbellsport</i>	576	4	0.7%
<i>Cashton</i>	281		
<i>Cassville</i>	81	1	1.2%
<i>Cedarburg</i>	1249	42	3.4%
<i>Cedar Grove-Belgium</i>	473	2	0.4%
<i>Chequamegon</i>	318	2	0.6%
<i>Chetek-Weyerhaeuser</i>	408	3	0.7%
<i>Chilton</i>	531		
<i>Chippewa Falls Area Unified</i>	2152		
<i>Clayton</i>	171		
<i>Clear Lake</i>	265		
<i>Clinton Community</i>	515	1	0.2%
<i>Clintonville</i>	544		
<i>Cochrane-Fountain City</i>	297	1	0.3%
<i>Colby</i>	392		
<i>Coleman</i>	301		
<i>Colfax</i>	363		
<i>Columbus</i>	551	2	0.4%
<i>Cornell</i>	179	5	2.8%

<i>Crandon</i>	387	2	0.5%
<i>Crivitz</i>	347		
<i>Cuba City</i>	260	1	0.4%
<i>Cudahy</i>	1135	12	1.1%
<i>Cumberland</i>	410	2	0.5%
<i>Darlington Community</i>	342		
<i>Deerfield Community</i>	347	3	0.9%
<i>De Forest</i>	1536	13	0.8%
<i>Kettle Moraine</i>	1644		
<i>Delavan-Darien</i>	927	5	0.5%
<i>Denmark</i>	653	2	0.3%
<i>De Pere</i>	1777	7	0.4%
<i>De Soto Area</i>	218		
<i>Dodgeville</i>	514	3	0.6%
<i>Dover #1</i>	49	1	2.0%
<i>Drummond Area</i>	161	1	0.6%
<i>Durand</i>	383		
<i>Northland Pines</i>	569	6	1.1%
<i>East Troy Community</i>	716	16	2.2%
<i>Eau Claire Area</i>	4721	8	0.2%
<i>Edgar</i>	256		
<i>Edgerton</i>	779	5	0.6%
<i>Elcho</i>	157		
<i>Eleva-Strum</i>	265		
<i>Elkhart Lake-Glenbeulah</i>	185	1	0.5%
<i>Elkhorn Area</i>	1556	19	1.2%
<i>Elk Mound Area</i>	550	9	1.6%
<i>Ellsworth Community</i>	727	1	0.1%
<i>Elmwood</i>	152	1	0.7%
<i>Royall</i>	258		
<i>Erin</i>	218		
<i>Evansville Community</i>	833	3	0.4%
<i>Fall Creek</i>	364	1	0.3%
<i>Fall River</i>	223		
<i>Fennimore Community</i>	353		
<i>Lac du Flambeau #1</i>	272		
<i>Florence County</i>	158		
<i>Fond du Lac</i>	3130	4	0.1%
<i>Fontana J8</i>	176		
<i>Fort Atkinson</i>	1249	6	0.5%
<i>Fox Point -Bayside</i>	563	3	0.5%

<b>Maple Dale-Indian Hill</b>	<b>323</b>	<b>17</b>	<b>5.3%</b>
Franklin Public	1998	32	1.6%
Frederic	192		
Northern Ozaukee	448	22	4.9%
Freedom Area	692		
Galesville-Ettrick-Trempealeau	602	5	0.8%
North Crawford	197	4	2.0%
Geneva J4	130		
Genoa City J2	341	1	0.3%
Germantown	1728	28	1.6%
Gibraltar Area	253	2	0.8%
Gillett	251	2	0.8%
Gilman	164		
Gilmanton	68		
Nicolet Union High School	0		
Glendale-River Hills	661	12	1.8%
Glenwood City	318		
Goodman-Armstrong Creek	56		
Grafton	913	4	0.4%
Granton Area	97	1	1.0%
Grantsburg	462	1	0.2%
Black Hawk	145		
Green Bay Area	8993	23	0.3%
Greendale	1154	6	0.5%
Greenfield	1502	2	0.1%
Green Lake	116		
Greenwood	152		
Gresham	138		
Hamilton	2023	12	0.6%
Saint Croix Central	693	5	0.7%
Hartford Union High School	0		
Hartford J1	1081	43	4.0%
Arrowhead Union High School	0		
Hartland-Lakeside J3	721	11	1.5%
Hayward Community	930	3	0.3%
Southwestern Wisconsin	223		
Herman #22	45		
Highland	148		
Hilbert	184		
Hillsboro	226	2	0.9%
Holmen	1699	4	0.2%

<i>Horicon</i>	322	3	0.9%
<i>Hortonville</i>	1590	2	0.1%
<i>Howard-Suamico</i>	2643	5	0.2%
<i>Howards Grove</i>	362		
<i>Hudson</i>	2585	8	0.3%
<i>Hurley</i>	263		
<i>Hustisford</i>	194		
<i>Independence</i>	136		
<i>Iola-Scandinavia</i>	302	2	0.7%
<i>Iowa-Grant</i>	311	1	0.3%
<i>Ithaca</i>	192		
<i>Janesville</i>	4265	16	0.4%
<i>Jefferson</i>	787	4	0.5%
<i>Johnson Creek</i>	303	2	0.7%
<i>Juda</i>	144		
<i>Dodgeland</i>	328	3	0.9%
<i>Kaukauna Area</i>	1707	1	0.1%
<i>Kenosha Unified #1</i>	9158	20	0.2%
<i>Kewaskum</i>	776	11	1.4%
<i>Kewaunee</i>	423	1	0.2%
<i>Kiel Area</i>	541		
<i>Kimberly Area</i>	2270	2	0.1%
<i>Kohler</i>	358	6	1.7%
<i>La Crosse</i>	2839	23	0.8%
<i>Ladysmith</i>	332		
<i>La Farge</i>	112	1	0.9%
<i>Lake Geneva-Genoa City Union High School</i>	0		
<i>Lake Geneva J1</i>	1307	1	0.1%
<i>Lake Holcombe</i>	137		
<i>Lake Mills Area</i>	699	24	3.4%
<i>Lancaster Community</i>	395	3	0.8%
<i>Laona</i>	90		
<i>Lena</i>	188	1	0.5%
<i>Linn J4</i>	63		
<i>Linn J6</i>	75		
<i>Richmond</i>	320	1	0.3%
<i>Little Chute Area</i>	638		
<i>Lodi</i>	645	3	0.5%
<i>Lomira</i>	466		
<i>Loyal</i>	217		
<i>Luck</i>	215	2	0.9%

<i>Luxemburg-Casco</i>	806		
<i>Madison Metropolitan</i>	11270	471	4.2%
<i>Manawa</i>	293	1	0.3%
<i>Manitowoc</i>	2134	6	0.3%
<i>Maple</i>	582	2	0.3%
<i>Marathon</i>	268		
<i>Marinette</i>	900	1	0.1%
<i>Marion</i>	191	3	1.6%
<i>Markesan</i>	354		
<i>Marshall</i>	469		
<i>Marshfield</i>	1723	13	0.8%
<i>Mauston</i>	609	1	0.2%
<i>Mayville</i>	498	11	2.2%
<i>McFarland</i>	1785	67	3.8%
<i>Medford Area</i>	1121	31	2.8%
<i>Mellen</i>	119	1	0.8%
<i>Melrose-Mindoro</i>	348		
<i>Menasha Joint</i>	1472		
<i>Menominee Indian</i>	338		
<i>Menomonee Falls</i>	1701	19	1.1%
<i>Menomonie Area</i>	1391	7	0.5%
<i>Mequon-Thiensville</i>	1659	42	2.5%
<i>Mercer</i>	72		
<b><i>Merrill Area</i></b>	<b>1406</b>	<b>98</b>	<b>7.0%</b>
<i>Swallow</i>	409		
<i>North Lake</i>	250		
<i>Merton Community</i>	629	10	1.6%
<i>Stone Bank</i>	230	5	2.2%
<i>Middleton-Cross Plains</i>	3099	26	0.8%
<i>Milton</i>	1534	4	0.3%
<i>Milwaukee</i>	31567	94	0.3%
<i>Mineral Point Unified</i>	307	2	0.7%
<i>Minocqua J1</i>	357	1	0.3%
<i>Lakeland Union High School</i>	0		
<i>Northwood</i>	149		
<i>Mishicot</i>	355		
<i>Mondovi</i>	417		
<i>Monona Grove</i>	1398		
<i>Monroe</i>	1078		
<i>Montello</i>	310	2	0.6%
<i>Monticello</i>	158		

<i>Mosinee</i>	907	6	0.7%
<i>Mount Horeb Area</i>	1127	13	1.2%
<i>Mukwonago</i>	2180	34	1.6%
<i>Riverdale</i>	280	1	0.4%
<i>Muskego-Norway</i>	2121	4	0.2%
<i>Lake Country</i>	359	1	0.3%
<i>Necedah Area</i>	302	2	0.7%
<i>Neenah Joint</i>	2822	16	0.6%
<i>Neillsville</i>	408		
<i>Nekoosa</i>	503	3	0.6%
<i>Neosho J3</i>	127		
<i>New Auburn</i>	133		
<i>New Berlin</i>	2009	11	0.5%
<i>New Glarus</i>	452		
<i>New Holstein</i>	440		
<i>New Lisbon</i>	272		
<i>New London</i>	1030	4	0.4%
<i>New Richmond</i>	1436	5	0.3%
<i>Niagara</i>	194		
<b>Norris</b>	<b>12</b>	<b>1</b>	<b>8.3%</b>
<i>North Fond du Lac</i>	556	2	0.4%
<i>Norwalk-Ontario-Wilton</i>	305	5	1.6%
<i>Norway J7</i>	56		
<i>Oak Creek-Franklin Joint</i>	2828	7	0.2%
<i>Oakfield</i>	243	8	3.3%
<i>Oconomowoc Area</i>	2329	29	1.2%
<i>Oconto Unified</i>	459		
<i>Oconto Falls</i>	741	4	0.5%
<i>Omro</i>	540	2	0.4%
<i>Onalaska</i>	1356		
<i>Oostburg</i>	432	14	3.2%
<i>Oregon</i>	1671	62	3.7%
<i>Parkview</i>	321	3	0.9%
<i>Osceola</i>	740	4	0.5%
<i>Oshkosh Area</i>	4223	4	0.1%
<i>Osseo-Fairchild</i>	405		
<i>Owen-Withee</i>	228		
<i>Palmyra-Eagle Area</i>	367		
<i>Pardeeville Area</i>	354	1	0.3%
<i>Paris J1</i>	188		
<i>Beecher-Dunbar-Pembine</i>	114	1	0.9%

<i>Pepin Area</i>	92		
<i>Peshtigo</i>	506		
<i>Pewaukee</i>	1288	25	1.9%
<i>Phelps</i>	63		
<i>Phillips</i>	329	2	0.6%
<i>Pittsville</i>	245		
<i>Tri-County Area</i>	261		
<i>Platteville</i>	662		
<i>Plum City</i>	123		
<i>Plymouth</i>	923	16	1.7%
<i>Portage Community</i>	1058	2	0.2%
<i>Port Edwards</i>	139		
<i>Port Washington-Saukville</i>	1051	4	0.4%
<i>South Shore</i>	68		
<i>Potosi</i>	132		
<i>Poynette</i>	498	3	0.6%
<i>Prairie du Chien Area</i>	448	3	0.7%
<i>Prairie Farm</i>	165		
<i>Prentice</i>	188		
<i>Prescott</i>	607	2	0.3%
<i>Princeton</i>	172	2	1.2%
<i>Pulaski Community</i>	1639	3	0.2%
<i>Racine Unified</i>	8035	38	0.5%
<i>Randall Consolidated J1</i>	411	2	0.5%
<i>Randolph</i>	239		
<i>Random Lake</i>	387	1	0.3%
<i>Raymond #14</i>	267		
<i>North Cape</i>	104	4	3.8%
<i>Reedsburg</i>	1154	13	1.1%
<i>Reedsville</i>	224		
<i>Rhineland</i>	979	1	0.1%
<i>Rib Lake</i>	195		
<i>Rice Lake Area</i>	945	1	0.1%
<i>Richfield J1</i>	276	11	4.0%
<i>Friess Lake</i>	129	1	0.8%
<i>Richland</i>	604	2	0.3%
<i>Rio Community</i>	193		
<i>Ripon Area</i>	740	9	1.2%
<i>River Falls</i>	1448	5	0.3%
<i>River Ridge</i>	242		
<i>Rosendale-Brandon</i>	470	1	0.2%

Rosholt	244		
D C Everest	2578	3	0.1%
Rubicon J6	48		
Saint Croix Falls	519		
Saint Francis	416	1	0.2%
Central/Westosha Union High School	0		
Salem	588	10	1.7%
Sauk Prairie	1230	18	1.5%
Seneca	134		
Sevastopol	247		
Seymour Community	1064		
Sharon J11	183		
Shawano	1073		
Sheboygan Area	4355	12	0.3%
Sheboygan Falls	739	1	0.1%
Shell Lake	300	4	1.3%
Shiocton	309	1	0.3%
Shorewood	922	76	8.2%
Shullsburg	173		
Silver Lake J1	324	4	1.2%
Siren	202	2	1.0%
Slinger	1311	7	0.5%
Solon Springs	104	2	1.9%
Somerset	667	6	0.9%
South Milwaukee	1361	4	0.3%
Southern Door County	468		
Sparta Area	1218		
Spencer	315	1	0.3%
Spooner	547		
River Valley	535	9	1.7%
Spring Valley	344		
Stanley-Boyd Area	446		
Stevens Point Area	3013	7	0.2%
Stockbridge	104		
Stoughton Area	1333	9	0.7%
Stratford	412		
Sturgeon Bay	505	1	0.2%
Sun Prairie Area	3482	53	1.5%
Superior	1928	1	0.1%
Suring	184	2	1.1%
Thorp	255		



<i>Three Lakes</i>	215	1	0.5%
<i>Tigerton</i>	86		
<i>Tomah Area</i>	1246	6	0.5%
<i>Tomahawk</i>	560	7	1.3%
<i>Flambeau</i>	258		
<i>Trevor-Wilmot Consolidated</i>	340	5	1.5%
<i>Turtle Lake</i>	174		
<i>Twin Lakes #4</i>	218	2	0.9%
<i>Two Rivers</i>	763	5	0.7%
<i>Union Grove Union High School</i>	0		
<i>Union Grove J1</i>	565	3	0.5%
<i>Valders Area</i>	386		
<i>Verona Area</i>	2356	64	2.7%
<i>Kickapoo Area</i>	213		
<i>Viroqua Area</i>	469	1	0.2%
<i>Wabeno Area</i>	175		
<i>Big Foot Union High School</i>	0		
<i>Walworth J1</i>	306	1	0.3%
<i>Washburn</i>	241	6	2.5%
<i>Washington Island</i>	32		
<i>Waterford Union High School</i>	0		
<i>Washington Caldwell</i>	117		
<i>Waterford Graded J1</i>	1039	11	1.1%
<i>Waterloo</i>	307	1	0.3%
<i>Watertown Unified</i>	1537	6	0.4%
<i>Waukesha</i>	5479	102	1.9%
<i>Waunakee Community</i>	1816	55	3.0%
<i>Waupaca</i>	941	2	0.2%
<i>Waupun Area</i>	803		
<i>Wausau</i>	3472	19	0.5%
<i>Wausaukee</i>	200		
<i>Wautoma Area</i>	604		
<i>Wauwatosa</i>	3128	39	1.2%
<i>Wauzeka-Steuben</i>	137	3	2.2%
<i>Webster</i>	300		
<i>West Allis-West Milwaukee</i>	3849	5	0.1%
<i>West Bend</i>	2923	24	0.8%
<i>Westby Area</i>	496		
<i>West De Pere</i>	1473	13	0.9%
<i>Westfield</i>	423		
<i>Weston</i>	126		

<i>West Salem</i>	785	3	0.4%
<i>Weyauwega-Fremont</i>	349		
<i>Wheatland Center School J1</i>	331	1	0.3%
<i>Whitefish Bay</i>	1312	13	1.0%
<i>Whitehall</i>	326		
<i>White Lake</i>	63		
<i>Whitewater Unified</i>	825	21	2.5%
<i>Whitnall</i>	1078	7	0.6%
<i>Wild Rose</i>	249	3	1.2%
<i>Williams Bay</i>	320	1	0.3%
<i>Wilmot Union High School</i>	0		
<i>Winneconne Community</i>	703	2	0.3%
<i>Winter</i>	110		
<i>Wisconsin Dells</i>	805		
<i>Wisconsin Rapids</i>	2143	61	2.8%
<i>Wittenberg-Birnamwood</i>	509	2	0.4%
<i>Wonewoc-Union Center</i>	149	1	0.7%
<i>Woodruff J1</i>	332	2	0.6%
<i>Wrightstown Community</i>	545		
<i>Yorkville J2</i>	347		
<i>Wisconsin School for the Deaf</i>	35		
<i>Wisconsin Center for the Blind and Visually Impair</i>	8		
<i>Downtown Montessori Academy</i>	94	2	2.1%
<i>Milwaukee College Prep. School-36th Street</i>	301	1	0.3%
<i>Central City Cyberschool</i>	267		
<i>Milwaukee Academy of Science</i>	441		
<i>DLH Adademy</i>	167		
<i>21st Century Preparatory School</i>	241		
<i>Woodlands School</i>	208	3	1.4%
<i>Capitol West Academy</i>	163		
<i>Tenor High School</i>	0		
<i>Seeds of Health Elementary School</i>	264		
<i>Bruce Guadalupe Community School</i>	631		
<i>Veritas High School</i>	0		
<i>Urban Day School</i>	180		
<i>King's Academy</i>	113		
<i>Milwaukee Collegiate Academy</i>	0		
<i>Milwaukee Math &amp; Science Academy</i>	187		
<i>Milwaukee Scholars Charter Academy</i>	321		
<i>Northpoint Lighthouse Academies</i>	52		

*Escuela Verde/TrasCenter for Youth Inc.*

*Woodlands School East (WSE)*

*Rocketship Southside Community Prep*

*Milwaukee College Prep-North*

9		
68		
120		
254		

**Assembly Committee on Government Accountability & Oversight  
June 7, 2017**

**Wisconsin Department of Public Instruction  
Testimony in For Information Only on Assembly Bill 304**

Representative Hutton and members of the committee, thank you for holding a hearing on Assembly Bill (AB) 304. We appreciate Rep. Thiesfeldt's consultation on this bill, and the Department of Public Instruction (DPI) is here today to answer questions and provide testimony for information only.

AB 304 would extend the state's current opt out policy uniformly to all tested grades. While the DPI continues to have concerns around the unintended consequences of opting-out, we also understand the goal of treating all grades the same.

- The proposed bill will create a uniform standard around parental opt-out of assessments for all grades. Currently, opting-out is only specified in grades 4, 8 and 9-11.
- State assessments are used to calculate achievement gaps as well as district and school report cards, so the validity of data is extremely important.
- Opting-out tends to be more prevalent among the highest- and lowest-performing students, which can distort results.
- Wisconsin's policy has been to balance the student's rights to opt-out with data quality and federal requirements.
- The DPI has phased out the test participation penalty for district and school report cards; however, schools still must meet the 95 percent federal testing requirement.

**Background:**

Under current law **s. 118.30 (2) (b) 3**, a school board, an operator of an independent charter school, and a governing body of a private school participating in a parental choice program must excuse a pupil in 4th, 8th, 9th, 10th, or 11th grade from taking the state assessment upon request from a parent or guardian. Currently, the DPI's practice has been to let school districts decide how to handle opt-out requests in grades 3 and 5-7.

Historically, the district and state report cards included a penalty for missing the 95 percent testing requirement. However, these have been phased out over the last two years.

The **Every Student Succeeds Act (ESSA)** contains a provision that assures nothing in its requirements relating to academic assessments (main and alternate) may be interpreted to override a state's opt-out provisions that are authorized by law.

## District & School Report Cards

Original design: To accommodate federal testing requirements, Wisconsin's district and school report card originally imposed a penalty for missing the 95 percent testing requirement. To receive a penalty, the district or school had to miss the 95 percent threshold in BOTH the current year and over a three-year average.

District or schools that fell below 95 percent on both metrics received a 5-point deduction from their total score. Districts or schools that fell below 85 percent on both metrics received a 10-point deduction.

Removal of penalty: Federally, the reauthorization of Elementary and Secondary Education Act (ESEA) as ESSA shifted the focus of accountability from districts to schools. Based on this federal policy change, and supported by extensive stakeholder and legislative engagement, the DPI removed the test participation deduction for districts in the 2015-16 report card and subsequently for schools in the forthcoming 2016-17 report card.

Future considerations: Test participation will be reported but not included in the scores. The DPI will monitor test participation statewide with a particular focus on vulnerable subgroups in order to guard against selective testing. Test participation information will be shared with the Equity Council (or its successor), stakeholders, and state policy makers. Those groups will be consulted prior to any change in test participation policy.

## Federal Law

The Every Student Succeeds Act (ESSA): Federal law requires students to be assessed in grades 3-8 and once in high school. Federal law expects schools and districts to test at least 95 percent of all students and each subgroup of students or face a penalty.

20 U.S.C. 6311(c)(4)(E) ANNUAL MEASUREMENT OF ACHIEVEMENT.—

*(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I)....*

This means students who do not participate in required state testing, for any reason, count "against" proficiency rates for federal accountability purposes (i.e. non-tested are included in the denominator for proficiency calculations).

**This is different than Wisconsin's state accountability system, which does not include non-tested students in any achievement measures.**

Potential Actions: Under the direction of the U.S. Department of Education (USED), the DPI is required to enforce testing requirements in districts that chronically fail to assess students or that proactively encourage students to opt-out. These sanctions are outlined in dear colleague letters to Alaska, New Jersey, Montana, and West Virginia, and most recently to the Oregon

Department of Education in a May 27, 2015, letter and include:

- Notification of non-compliance
- Increased monitoring
- Conditioning federal Title I funds or ESEA Waiver provisions
- Placing the state on “high-risk” status (34 C.F.R. §80.12)
- Issuing a cease and desist order (GEPA section 456 (20 U.S.C. §1234e))
- Entering into a compliance agreement (GEPA section 457 (20 U.S.C. §1234f))
- Withholding all or a portion of the state’s Title I, Part A administrative funds (ESEA section 1111(g)(2) (20 U.S.C. §6311(g)(2)))
- Suspending and then withholding all or a portion of the state’s Title I, Part A programmatic funds (GEPA section 455 (20 U.S.C. §1234d))

Wisconsin’s Process: In 2015, theDPI was notified that three districts had proactively encouraged students to opt out, resulting in extremely low test participation, which resulted in:

1. all three districts were contacted by the Deputy State Superintendent;
2. districts were subsequently sent a letter (attached) placing them on “high-risk” status;
3. districts were required to submit a corrective action plan to ensure adequate testing in future years (failure to comply risked reduction in federal funding); and
4. all three districts complied and met the 95 percent testing threshold the following year.

## State Law

Current law: Wis. Stats. 118.30(1m) specifically requires districts to either administer the state assessment or develop their own assessment in grades 4, 8, and 9-11. Assessment in grades 3 and 5-7 are exclusively governed by federal law.

Per Wis. Stats. 118(2)(b)3, “*Upon the request of a pupil’s parent or guardian, the school board shall excuse the pupil from taking an examination administered under sub. (1m),*” which are the state-required assessments above.

The proposed legislative draft would extend the pupil opt-out to all grades.

The DPI’s current guidance: “*A parent must submit a written request for student opt-out to the principal or the school board. Per Wis. Stats. 118.30(2)(b)3., if the student is in grades 4, 8, and 9-11 the request must be granted. However, if the student is not in the above mentioned grade levels, the decision to grant the request is at the discretion of the school board.*” **This guidance would be modified to reflect changes in law.**

Opt-out Laws in Other States: According to the Education Commission of the States (ECS), few states have assessment opt-out laws.

- **California, Colorado, Oregon, and Utah** have laws or regulations expressly allowing parents to opt-out of assessments for any reason. (Legislative proposals have been recently introduced in **New Jersey** and **North Dakota**).
- In **Minnesota** and **Michigan** opt-outs are permitted by the department of education.
- **Oregon** and **Pennsylvania** excuse students to accommodate religious beliefs.

**Opt-Out Levels in Wisconsin**

Historically, Wisconsin has a very low opt-out rate. For the period of **2012 through 2014**, the public school parent opt-out rate has averaged 0.1 percent (Chart 1). The choice school parent opt-out rate has averaged 2 percent (Chart 2).

**Chart 1: Public School Opt-Outs at the State Level (2011-2014)**

School Year	Enrollment	Number of Parent Opt-outs	Percent of Parent Opt-Out
2013-14	432,667	583	0.1%
2012-13	432,103	388	0.1%
2011-12	431,363	500	0.1%

**Chart 2: Choice School Opt-Outs at the State Level (2011-2014)**

School Year	Enrollment	Number of Parent Opt-outs	Percent of Parent Opt-Out
2013-14	13,601	368	2.7%
2012-13	12,614	290	2.3%
2011-12	11,690	140	1.2%

During the **2015 Badger Exam**, parent opt-outs did increase to 2.1 percent; however, overall remained at a relatively low level (Chart 3). Over that same period, the choice school parent opt-out rate was around 5 percent (Chart 4).

**Chart 3: Public School Opt-Outs at the State Level (2014-2015)**

School Year	Enrollment	Number of Parent Opt-outs	Percent of Parent Opt-Out
2014-15*	363,093	7,444	2.1%

*\*2014-15 does not include 10<sup>th</sup> grade students as the Badger Exam was administered to grades 3-8 only.*

**Chart 4: Choice School Opt-Outs at the State Level (2014-2015)**

School Year	Enrollment	Number of Parent Opt-outs	Percent of Parent Opt-Out
2014-15*	13,012	652	5.0%

The Wisconsin Forward Exam was first administered during the 2015-16 school year and replaced the Badger Exam. There were 2,986 total parent opt-outs, which is less than 1.0 percent (Chart 5).

**Chart 5: Forward Exam Opt-Outs for Grades 3-8 at State Level (2015-2016)**

Grade	Enrollment	Number of Parent Opt-Outs	Percent of Parent Opt-Out
3	62,631	396	0.6%
4	61,334	491	0.8%
5	61,192	445	0.7%
6	61,836	450	0.7%
7	61,328	448	0.7%
8	61,208	756	1.2%
Totals	369,529	2,986	0.81%

There were 662 choice school parent opt-outs, which is around 4.9 percent (Chart 6)

**Chart 6: Choice School Forward Exam Opt-Outs for Grades 3-8 at State Level (2015-2016)**

Grade	Enrollment	Number of Parent Opt-Outs	Percent of Parent Opt-Out
3	2,515	94	3.7%
4	2,377	117	4.9%
5	2,219	123	5.5%
6	2,107	125	5.9%
7	2,108	99	4.7%
8	2,101	104	5.0%
Totals	13,427	662	4.9%

There were 278 parent opt-outs for the 2016 ACT Exam representing a 0.4% opt-out rate. (Chart 7)

**Chart 7: ACT Exam Opt-Outs at the State Level for Grade 11 (2015-16)**

Enrollment	Number of Parent Opt-Outs	Percent of Parent Opt-Out
62,377	278	0.4%

No opt-outs were reported for Choice schools administering the ACT in 2015-16.