

# 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
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**Standardized Assessments**

<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 grade 4 and 8 will also be assessed in Science and Social Studies. Students in grade 10 will be tested in Social Studies 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 (Smarter Balanced, Aspire, ACT). 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 Math and Reading	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 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.



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> 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.



**WISCONSIN FAMILY ACTION**  
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**Testimony in Support of Senate Bill 234/Assembly Bill 304**  
**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 234 and Assembly Bill 304.

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 128 simply clarifies and ensures consistent application of the “opt out” provision in state regarding our state’s education testing program.

Regardless of when a test is required, parents should always have the ability to opt their child out of taking any test. Currently, the Department of Public Instruction informs districts that it is up to them on whether or not they permit “opt outs” for tests administered in grades other than those specifically noted in state law. As a result, parents aren’t sure of their rights and school districts do as they like in this area.

While DPI and other professional associations would like 100% participation in the standardized testing program and the federal government holds out a standard of 95% participation, these are not the parties ultimately responsible for the education of the children; their parents are. And parents need to know they can elect to not have their children take one or any of these state and federal tests.

I do appreciate that the Department of Public Instruction no longer making deductions from district and school report cards for falling below the 95% participation level.

This is a bill that ensures all school districts are doing the same thing regarding recognizing the right of parents to opt their children out of a federal or state exam, and ensures all school families in the state are treated fairly in this area.

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.