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STATE REPRESENTATIVE • 5th ASSEMBLY DISTRICT

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Testimony on Assembly Bill 379/Assembly Committee on Education

Relating to: the student information system, a school and school district accountability system, low-performing schools and school districts, and charter school contracts.

Good afternoon Chairman Kestell and Committee members,

Thank you for the opportunity to testify on this bill today. First of all, I would like to recognize Chairman Kestell (R - Elkhart) and Senator Luther Olsen (R - Ripon). As the authors of the original accountability bill, they deserve much of the credit. They also deserve credit for being open to changes that we proposed, which I believe will accomplish our goals of ensuring that all schools that receive taxpayer dollars are performing at a level that our kids deserve.

Wisconsin's education system has historically been good, and is getting better thanks to recent reforms, but there's one more area that needs to be addressed – accountability standards. Our children's education needs to be accountable to parents and taxpayers.

Accountability standards are important for all schools that take taxpayer dollars, including public, charter, and choice schools. Granted, most of our schools are good and would never be considered failing. But there are some out there.

Currently, a school that is failing to educate kids to the standards we expect can continue to do so for years. If the district isn't addressing the issue, the taxpayers continue to send their money and kids to a school that isn't effective. This is not acceptable. Continuing to fund failing schools has already done harm to generations of children and we cannot continue to allow for it.

Since last fall, I've been working with others on a proposal that would create a workable accountability system for all schools receiving taxpayer dollars. The goal of this legislation is to hold all schools that receive taxpayer money accountable in the same way. Since the goal of all schools is the same (providing the best possible education) then accountability standards should be the same.

Accountability will be achieved through a report card system based on grades A – F. The report card will be issued by the Department of Public Instruction (DPI). DPI will determine a school's grade through four performance areas: achievement, value-added growth, attendance/graduation rates, and gap closure. All taxpayer-funded students will take the same test. That test will be the basis for the report card for all schools, and that report card will be graded the same way for all schools.

Our hope is that through the use of the report card (which is required for Wisconsin's federal waiver under the No Child Left Behind law), districts will be able to identify schools that are struggling and swiftly intervene to correct course. We firmly believe that in a vast majority of cases, this is exactly what will happen. However, if a district has a school that continues to fail and they are not able to be effective in reversing the trend, then we feel it is imperative to the future of the children attending that decisive action be taken.

If a public school receives an "F" three years in a row, the school will need to convert to a charter school or shut down. If a private school participating in the choice program receives an "F" three years in a row, it will not be able to accept any new kids and will be banned from the program. If a charter school receives three subsequent "F" grades, it will shut down. We will also refuse to accept consistently low performing schools. These schools that hover between an F grade and a D grade for 5 consecutive years would also be subject to sanctions.

There are exceptions available for all schools if they can demonstrate high-value added growth as determined by the University of Wisconsin's Value-Added Research Center. So as long as the school is making progress, no penalties would apply.

Parents will be able to easily see a school's grade since all schools must provide a link to the report card on their website's homepage.

This bill will bring long-awaited accountability to schools all across Wisconsin. Our children's education is too important for us to not take decisive action in improving accountability standards. I look forward to the Assembly passing this bill and it is my hope that the Senate will follow our lead.

**Assembly Committee on Education
February 12, 2014**

**Wisconsin Department of Public Instruction
Testimony on Substitute Amendment 1 to Assembly Bill 379**

Representative Kestell, thank you for holding this public hearing on this important issue. My name is Jeff Pertl, and I am a Senior Policy Advisor at the Department of Public Instruction (DPI). I am testifying in opposition to Substitute Amendment 1 (SA 1) to Assembly Bill 379 (AB 379).

AB 379 makes several improvements over other recently circulated drafts. Most notably, this version:

- Reinstates the current law testing requirement for all publicly-funded students to take the State Assessment, which is necessary for apples-to-apples comparison of student performance.
- Removes the 5% requirement that arbitrarily identifies 35-40 additional schools as failing, even though their performance did not warrant that label.
- Largely restores an equitable timeline for imposing sanctions on schools, although the initial five-year contract guarantee for charter schools remains inconsistent with this position.

However, despite these improvements, several areas of concerns persist, which are outlined below:

SUMMARY OF CONCERNS REGARDING SA 1 TO AB 379

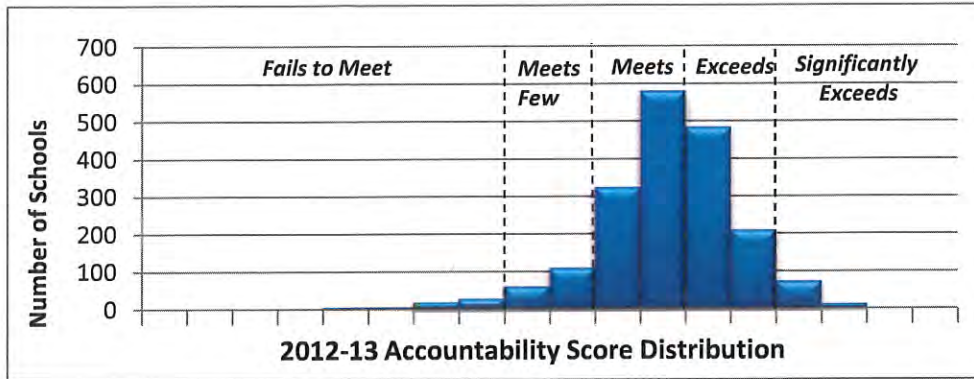
A challenging process: Wisconsin's accountability system governs 875,000 students, 2,000 schools and 424 districts. The framework was developed by a statewide Design Team that included a wide-array of stakeholders. It is designed to be a robust, multiple measures system that improves over time.

The process around the various accountability proposals has been difficult for everyone. Initially focused on the 2011 Wisconsin Act 20 requirement to include choice schools in the accountability system, over time the emphasis has shifted to the mechanics of the report card and sanctions.

While the DPI was consulted and provided technical feedback on numerous drafts, tremendous weight has been given to concerns expressed by private and charter schools advocates, while public schools leaders have been largely absent from the legislative discussions. Given the significant impact on the public education system and the severe sanctions proposed for struggling public schools, this is highly problematic. Moreover, the ability for parents, business leaders and school advocates of all types to analyze and comment on the drafts has been unfortunately limited.

Assigning grades: Contrary to the recommendation of the Design Team, this proposal would impose an A-F grading system on schools. This was a highly charged debate in the Design Team, but the significant majority of stakeholders opposed this measure. To force grades on schools now will only serve to break faith with stakeholders who participated in the process.

Furthermore, school and district scores are normally distributed (like a Bell Curve), which means most of the data points cluster in the middle (see below).



Over 80 percent of schools and over 90 percent of districts fall in the second (exceeds expectations) or third (meets expectations) categories. In contrast, student grades do not follow this pattern. According to the U.S. Department of Education, the average student has 3.0 GPA (or a B)—not a “C” average.¹

This may seem like a minor point, but parents and the public have strong perceptions related to grades. While “C” might mean average, it often carries a connotation of underperformance.

2012-13 Accountability Score Data

| Category | # schools | % schools | # districts | % districts | Grade |
|------------------------------------|------------|------------|-------------|-------------|----------|
| Significantly Exceeds Expectations | 86 | 5% | 9 | 2% | A |
| Exceeds Expectations | 693 | 36% | 134 | 32% | B |
| Meets Expectations | 904 | 47% | 269 | 64% | C |
| Meets Few Expectations | 169 | 9% | 10 | 2% | D |
| Fails to Meet Expectations | 58 | 3% | 1 | 0% | F |

Almost half of all schools and almost two-thirds of Wisconsin’s schools districts would no longer “meet expectations,” but rather would be graded a “C.” This sends the wrong message about school performance that would undermine Wisconsin’s history of strong public education.

Eliminating multiple measures of college and career readiness hurts workforce readiness: When the Design Team launched in 2011, it was a collective goal to move past the static, broken system of No Child Left Behind to a system that uses multiple measures of what is valued about our schools:

This system will hold schools accountable not just for whether students are performing at grade level, but also for how much student performance is growing from year to year. We also will consider other valid indicators - beyond test scores - that measure progress to college and career readiness, such as advanced coursework, college credit or industry certifications earned while in high school and improved dropout and graduation rates, for example. By considering multiple measures of student success, we can provide accurate, transparent and comprehensive information that promotes improvement in every school.

-- [Joint Editorial](#), Milwaukee Journal Sentinel, July 9, 2011

¹ -- “The Nation’s Report Card.” U.S. Dept. of Education. http://nationsreportcard.gov/hsts_2009/course_gpa.aspx

While this proposal would publicly report some college and career measures, states like Florida and Kentucky integrate military readiness exams, industry certifications, and postsecondary credit earning (AP, IB, dual enrollment, and course options) into their accountability system scores. Including measures such as these would create a much more robust and meaningful high school report card, while incentivizing and aligning Wisconsin's workforce readiness and college achievement goals.

Restore the ability for students to meet the "on track" (priority area four) indicator via the military readiness assessment, an industry certification, and/or earning postsecondary credit.

Adopting value-added growth will not meaningfully reduce the impact of poverty on school ratings: As the Department has previously stated, introducing value-added growth would disrupt the current report card system, while having a very marginal impact on growth and overall scores. Additionally:

- The U.S. Department of Education does not allow demographic controls in growth models for accountability purposes, jeopardizing Wisconsin's federal NCLB waiver;
- Using value-added growth without demographic controls does not make sense, would introduce new costs, and would be less helpful for school improvement efforts than the current growth model, which offers student-level growth projections; and
- School report cards are a multi-measure system with growth accounting for 25 percent of the score. Even with demographic controls, incorporating value-added would only marginally reduce the poverty correlation (from .7 to .67 according to VARC modeling).

While the policy goal of mitigating the impact of poverty on school report cards is a laudable one shared by the State Superintendent, replacing student growth percentiles with value-added growth will not accomplish this aim. Both growth metrics are highly correlated and neither addresses the underlying policy problem that student achievement, graduation and attendance correlate highly with poverty.

Introducing additional metrics as they become available, particularly at the high school level, is the best approach to reducing the impact of poverty on school performance ratings.

Increased weighting for attendance and graduation will artificially inflate scores: Currently the attendance and graduation (On Track priority area) of the report card is frozen at 20 percent. Other priority areas (student achievement, growth, and gap closing) are allowed to expand or "fill in" for schools missing a priority area (for example, high schools cannot receive a growth score until the new assessments are in place, so student achievement and gap closing receive more weight in their scoring).

However, Wisconsin's attendance and graduation rates are very high and relatively uniform across the state. Consequently, while they are important metrics to include, attendance and graduation rates should play a limited role in differentiating school performance.

Allowing attendance and graduation to count for more than the federally-required 20 percent will artificially inflate the scores for schools missing other priority areas, raising significant fairness issues. A better approach would be to incorporate the ACT WorkKeys assessment (2013 Wisconsin Act 20).

Charter schools should not have a longer initial “grace” period than other school types: Recent proposals, including SA 1 to AB 379, provide a minimum five-year initial contract for charter schools, during which those schools are protected from the normal sanction timeline and requirements outlined in the bill. This creates an uneven playing field for schools and raises equity concerns

This provision should be removed or applied equally to all new schools, regardless of sector.

Challenges with overemphasizing Charter Management Organizations (CMOs): One of the guiding principles of the Design Team was to “provide differentiated systems of support to the lowest performing schools and districts including professional development targeted to their districts.” This proposal provides no resources or measures that would improve struggling schools, but rather imposes punitive labels and unworkable sanctions.

Moreover, the scale of sanctions contemplated in this proposal is immense. In 2012, there were 158 schools (from 22 districts and including 6 independent charter schools) that had been in either of the bottom two categories for two consecutive years. While not all of these schools would ultimately face sanctions, the current proposal would require CMOs to absorb an unprecedented number of schools and engage in simultaneous turnaround efforts.

This is impractical and unworkable. Wisconsin’s CMO’s capacity is woefully inadequate for the scale of conversion. Additionally, there has been little interest in taking over large comprehensive high schools from CMO organizations – and the schools in question include most of the state’s largest high schools.

Finally, there is no authority for CMOs to operate independently statewide and the current financing would pull a significant amount of school aid from all other districts to fund these schools.

It would be impossible to implement the sanctions currently outlined for low-performing public schools. A viable public sector improvement option must be included.

Including other private school testing data: There are several challenges around constructing an additional report card score based on other assessments that include all private students.

The parameters of this proposal are too broad to implement well. It allows for an undefined number of tests without clear timelines or funding. Equating test results and growth data across an undefined number of assessments would be a costly endeavor and would likely require ongoing revision as assessments of all types adjust to changing academic standards.

Furthermore, to calculate an equivalent report card score would require those schools to submit demographic, graduation, and attendance data on private school students not in parental choice programs. This seems incongruous with other legislative proposals.

Eliminate this provision or modify it to simply include the aggregate private school performance data.

Additional technical comments around the drafting language will be submitted to Rep. Kestell’s office, and supplemental background information on the school and district report cards is included after the submitted testimony. Please feel free to contact Jeff Pertl at jeff.pertl@dpi.wi.gov or (608) 772-2907 if you have additional questions or want to discuss Wisconsin’s accountability system in greater detail.

Background: Wisconsin's Accountability System

WORKING TOGETHER TO IMPROVE ACHIEVEMENT FOR ALL KIDS

It has been a transformational time in public education. Wisconsin is changing what children learn, how they're taught and tested, and how schools and teachers are evaluated. The scope and pace of change is unprecedented, and students are fortunate to start from a position of strength. Wisconsin has top-level ACT scores, "Best in the Midwest" performance on Advanced Placement exams, and graduation rates that are the highest in the nation.

However, nearly 6,000 students drop out of school each year and graduation gaps persist for students of color, students with disabilities, English language learners, and students in poverty. Too many of Wisconsin's youngest students struggle to read, and child poverty and homelessness have reached the highest levels in recent memory.

State Superintendent Evers sincerely believes to meet these challenges we must find ways to work together to improve educational outcome for our kids. To that end, he has worked with Governor Walker, legislators from both political parties, business leaders and educators on school accountability, educator effectiveness and the Read 2 Lead efforts.

Diverse group promises to work together to forge a new system. In July 2011, elected officials, school leaders and education advocates released a joint editorial outlining the case for accountability reform that includes all publicly-funded schools.

"We believe that every school enrolling publicly funded students - traditional public schools, charter schools or private schools in choice programs - should be part of this new accountability system. Too often, Wisconsin's education reform conversation has centered around which type of school is better, instead of how to ensure a world-class education for all Wisconsin children, regardless of which school they attend. Ultimately, nothing is more important than student learning, and we believe all schools should be held accountable for this above all else."

-- By Scott Walker, Tony Evers, Luther Olsen, Steve Kestell, John Ashley, John Gee, Matt Kussow, Jim Lynch, James Bender, Gary Myrah, Miles Turner, Woody Wiedenhoef

These leaders came together and formed a School and District Accountability Design Team composed of statewide stakeholders from all education sectors to think through this new accountability system. The challenge was to not only address low-performing schools, but also to empower parents and educators to understand, improve and hold accountable the schools in their communities.

The results of this work are new school report cards designed to provide meaningful information about school performance for a wide-array of audiences: parents, educators, policy-makers and taxpayers. In an increasingly complex education eco-system, where parents can choose among traditional public, charter, choice and virtual schools, or open enroll into another district, the need for a meaningful, understandable and comparable school report card has never been greater.

To that end, Wisconsin's school report card cover page provides a simplified, color-coded rating along with summary data on important metrics such as student achievement, growth, gap closing and college or career readiness. This provides an important "snap-shot" look at school performance, while still providing a more substantial analysis to help parents make the best decision for their family.

The subsequent “report card detail” provides educators, policy-makers and interested members of the public with more robust information. Data is disaggregated to show how different students perform within a school and detailed growth information demonstrates how quickly students are improving.

Including all publicly-funded schools has been an ongoing process. The genesis of the report card rests with the 2011 Design Team, which worked to outline a unified system of accountability (state and federal) for all publicly-funded schools as part of the new flexibility offered under the federal No Child Left Behind (NLCB) waiver. While much progress was made, consensus was not reached on all items.

In an effort to move forward, the DPI used the Design Team’s work to inform the federal waiver application, while advocates and legislators worked to craft a parallel state accountability bill. However, because no state legislation was passed, choice schools were not included in the final version of Wisconsin’s accountability system.

However, the 2013-15 State Budget (2013 Wisconsin Act 20) proposed by Governor Walker and adopted by the legislature (1) required choice schools to participate in the state data system within five years; (2) statutorily defined the report card’s four priority areas and five rating categories; and (3) included choice schools in Wisconsin’s accountability system.

ACCOUNTABILITY IMPROVES OUTCOMES FOR ALL STUDENTS & SCHOOLS

Publicly-reported information enhances competition and improves choice student performance. Families need access to easily understandable, high-quality information about all the schools in their communities (public and private) in order to make the best choice about where to enroll their children.

Dr. Devon Carlson, who has worked on the School Choice Demonstration Project and written extensively about charter schools and open enrollment, recently published new research that indicates the performance measures adopted under 2009 Wisconsin Act 28 have significantly improved student performance in the Milwaukee Parental Choice Program (MPCP).

“Specifically, drawing on student outcome measures generated by an evaluation of the MPCP—the nation’s oldest and largest urban school voucher system—we estimate the effect of a performance measurement system requiring private schools to (1) administer standardized tests to all voucher students in grades 3–8 and 10 and (2) submit the results to the state’s supervising agency for review, analysis, and public reporting. Results of our analyses demonstrate that the performance measurement system produced gains in student achievement and that the magnitudes of these gains are substantial.... [T]he institutional efforts to increase test scores in the short term could be followed by longer-term quality improvements generated by families’ use of the newly provided information to make better schooling decisions.” (Carlson, et. al. 2013)

Based on these findings, expanding the school report cards to include choice schools will help clarify school performance and continue to improve student performance.

BUILDING A BETTER REPORT CARD

Ensuring accuracy and fairness through high quality data. Act 20 required choice schools to integrate into the state’s data system within five years. That timeline was based on the implementation of a single-vendor statewide student information system (SSIS). However, the Joint Finance Committee

amended the budget to create a multi-vendor system, which will result in the state upgrading much of its existing infrastructure and enabling all schools to use the vendor of their choice.

Since there is no longer a mandatory SSIS, the proposed legislation establishes a new timetable for choice schools to provide report card data beginning in 2014-15. Data collection is restricted to choice students only and schools may choose any commercially available data system they wish. Additionally, the implementation of a new student identifier system will significantly improve data accuracy, especially as students migrate among schools.

Please note, it takes a minimum of two years of data (preferably three) to calculate school report cards, and the minimum group size (i.e., the smallest number of students in a group for which a report card can show data) is 20. This ensures that as many students as possible are included in performance results, while still protecting the privacy of the students.

Defining a continually improving school report card. One of the greatest flaws of NCLB was the way in which it locked in rigid, unrealistic student achievement goals and did not allow the accountability system to evolve and incorporate new metrics like student growth. The new Wisconsin accountability system was designed to be more dynamic, adapting to new assessments and incorporating data elements such as military readiness exams and industry certifications for high school students as they become widely available.

As previously noted, the new report cards are governed by the NCLB waiver process. Methodologies and calculations are reviewed by an independent state-level technical advisory committee (TAC) and are subject to approval by U.S. Department of Education (ED).

Accountability systems by their nature tend to be complex. While maintaining simplicity is an important goal, it often fails to reflect the diverse challenges schools faces and undermines the validity and fairness of the system. In contrast, using multiple metrics, multiple years of data, and weighting produces a significantly more accurate and robust accountability system. Transparency is paramount with all the documents, processes and materials published online. Simplicity is preserved by organizing the final scores into easily understood, color-coded rating categories presented on a parent-friendly report card cover page.

Meetings, trainings and webinars were held across Wisconsin to familiarize schools with the new report cards, and new resources were created to help parents, educators and policy-makers understand the report cards. The interpretive guide provides a narrative explanation, while the technical guide is a step-by-step walkthrough of the calculations.

2012-13 Report Cards and Resources (<http://reportcards.dpi.wi.gov>)

- [Interpretive Guide](#) - (8/7/13)
- [School Technical Guide](#) - (8/2/13)
- [District Technical Guide](#) - (8/7/13)
- [Parent Guide](#) - (8/7/13)
- [Report Card at a Glance](#) - (8/7/13)
- [FAQ](#) - (8/7/13)
- [What's New](#) - (8/7/13)
- [Sample Parent Letter](#) - (8/7/13)
- e-Learning Module: A Guide to Wisconsin's School Report Card - coming soon
- e-Learning Module: A Guide to Wisconsin's School Report Card (iPad Version)

February 12, 2014

Wisconsin Assembly Education Committee, Public Hearing on Substitute Amendment to AB 379

Testimony of Bradley R. Carl, PhD

Associate Director, Value-Added Research Center, UW-Madison

The purpose of my remarks today, and of this memorandum, is to (a) describe in a brief, non-technical manner several methods for equating results from one test to one or more alternative tests; and (b) discuss several key policy considerations inherent in these equating strategies.

A summary statement would be that various methods for equating results across tests do indeed exist, and that a typical student (or school) that does well on Test A can be expected to do well on Test B given certain assumptions of comparability around content tested and similar test administration conditions (see below). At the same time, the precision and accuracy of different equating methodologies varies considerably, and just how precise the equating needs to be should almost certainly be determined by the intended uses of the information: for lower-stakes purposes (such as general public information), a less precise equating strategy may be sufficient, while for higher-stakes purposes (such as determining whether proficiency on Test A can be inferred to Test B, or whether longitudinal growth across different administrations of Test A is comparable to longitudinal growth for Test B) it seems reasonable to require a method that produces very precise comparisons before it is approved for use. If higher-stakes decisions (involving accountability) either *will* or *may* be made with the results, it also seems wise to consult the advice of independent testing experts in addition to that of test developers themselves.

It is clear that the most accurate and fair comparisons across schools and students are made when the same tests, measuring the same knowledge and administered under the same conditions, are given. All comparisons decline at least somewhat in quality (some only marginally and others much more so) when results are equated across different tests, especially when one or more assumptions about the tests being "equivalent" (see below) are in doubt or cannot be verified. It further stands to reason that the complexity involved in equating results across tests, especially for higher-stakes purposes, increases as the number of tests for which results are being compared increases; that is, equating across four different tests is much more complex (and likely more expensive) than equating across two tests.

Methods for Equating Tests

A generic description of equating is that a score on a particular test can be considered equivalent to a score on a different test if the scores represent the same relative position within a group of test-takers (Livingston, 2004). The simplest and most straightforward approach to equating may be to use an equipercentile equating strategy, in which scores are determined to be comparable based on their percentile rank within the overall score distribution. For example, if an ACT score of 24 represents the 70th percentile within the distribution of ACT-takers, it is possible to find the SAT score at the 70th percentile of SAT-takers and consider that equivalent, at least for the purpose of providing a student with a general idea of how score ranges on one test relate to scores on the other given that they use different scales (note that this would not necessarily imply that a university would accept scores from either assessment, although this is often the case). A similar approach would be to convert test scores

from different scales to a standardized or “normalized” score (often known as a z-score), which essentially puts scores from different test scales onto a common (and more compressed) scale representing the number of standard deviations above (or below) the mean that scores within a particular test score distribution lie. It should be noted, however, that any type of equating which *doesn't* involve a population of test-takers taking both tests in question requires an assumption that the two test-taking populations are essentially the same in all relevant aspects (distribution of ability level, motivation, etc.); if this assumption is not true, the validity of the equating could be compromised. Using the ACT/SAT example above, a simple equipercentile equating method might be suspect if the ACT was systematically administered at schools with more selective enrollment policies than schools where the SAT is taken, since the nature of the tested populations (one selective vs. one not) would be fundamentally different even if a comparable location within each distribution of scores could be identified using an equipercentile equating method.

A more complex, and more precise, method for equating results across tests (sometimes known as a concordance procedure) is to have a group of students take at least some (and ideally all) of both tests which are being equated. Since it is often impractical to have students take entire forms of two different tests, results are sometimes equated using a set of linking or “anchor” items, although the precise number of test items in the “anchor set” may vary depending on the technical properties of the test. The content of the anchor items should be designed to the same content specifications as the entire test, and both the *location* and the *difficulty* of the anchor items may also matter. In the case of location, student performance on the same 20 anchor items may be lower if these are the last 20 items on Test A as opposed to the first 20 items on Test B, and in the case of difficulty, if the anchor items are systematically harder or easier than the overall test, the quality of equating may vary for students located at different points along the proficiency continuum. The number of students who would need to take both tests (either in their entirety or just a set of anchor items) is also likely to vary somewhat, although a minimum of several hundred at each grade level would be a good starting point.

Policy Considerations Affecting the Validity of Equating

As noted above, the primary objective of equating is to determine whether results from two different tests represent the same relative position within the overall distribution of scores associated with each test. More practically, it should be a matter of indifference which test (or test form) a student is presented with, and equating is the statistical process for ensuring that's the case.

The validity of this type of comparison, however, may be impacted (diminished) if one or more of the following assumptions about test equivalence are not met:

- Content alignment (tests are measuring the same thing): unless content alignment can be corroborated across tests, there's no guarantee that they're really measuring the same set of student knowledge, despite both being “reading” or “math” tests. Tests are generally designed to measure content standards (expectations of what students need to know at different grade levels or ages), so appropriate alignment of the tests to the same (or equivalent) set of content standards should be verified if higher stakes decisions are being made. Alignment can be

demonstrated by comparing test blueprints (which document the number of items measuring each standard and sub-standard), as well as through commonly-used procedures such as the Webb Alignment Tool, which measures not just the number of items assessing each sub-set within the content standards, but also the cognitive demands of the items (Depth of Knowledge). Content alignment may be somewhat easier to document in reading (where most standardized tests test students' comprehension levels by having them read a passage and answer several questions) than in math (where test blueprints may vary widely).

- Usage for different purposes: as noted above, just because two tests can be equated *at a given point in time* (for determining proficiency, for example) does not necessarily guarantee that they are equivalent measures of *growth over time*.
- Administration procedures and conditions:
 - Testing windows: in order to be comparable, windows must be similarly situated within the year, and be of similar length; spring windows are generally preferable to fall for purposes of measuring student-level growth across school years
 - Timed vs. untimed administration: allowing some (or all) students extra testing time - or perhaps even unlimited time - while others must finish within time limits that are rigidly enforced may impact comparability
 - Test formats and item types: it should not be assumed that results from computer-based tests are comparable to paper/pencil administration, nor that all forms of computer-based testing are identical (some are "fixed form," where all students take the same test, while others are adaptive, adjusting in difficulty as students answer items correctly or incorrectly). In terms of item types, some tests are exclusively multiple-choice, while others involve short-answer (constructed response) items as well (which may be scored by people or by computers). The point is that students may perform better on tests with different formats and/or item types, so caution is warranted.
 - Accommodations: whether specific accommodations for some students (including students with disabilities and English Language Learners) are allowed can have a large impact on results, particularly when these types of students represent a significant share of the tested population.
 - Test preparation and instructions provided to students: results are known to vary depending on how much preparation time is involved (although more is not necessarily better) and how the purpose of the test is communicated by the school or teacher to students ("just do your best" vs. "this test will be used to evaluate our school's performance, so it's really important that we all do well")

In terms of generating a specific list of tests which might be considered equivalent to Wisconsin's current and future assessments (the WKCE and Smarter/Balanced, respectively), some of the more commonly-administered tests given in Wisconsin schools (including the NWEA MAP, Renaissance STAR, TerraNova, ITBS, and SAT-9) *could*, depending on the results of a thorough review and the purposes for which the information will be used, meet necessary technical standards (including, but perhaps not limited to, the criteria described above). It is strongly recommended, however, that no test be deemed equivalent ahead of time, without a thorough technical review either conducted or reviewed by

independent testing experts. A significant additional challenge for Wisconsin and other states as of this writing, of course, is that the technical properties of the new Smarter/Balanced assessment (and to a lesser extent those of the ACT Aspire sequence, which will become Wisconsin's new test battery at the high school grades) are not yet well-known.



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John H. Ashley, Executive Director

Corrected and Expanded Version

TO: Members of the Assembly Committee on Education

FROM: Dan Rossmiller, Government Relations Director

RE: Testimony on Assembly Bill 379 and Assembly Substitute Amendment 1, relating to a school and school district accountability system, low-performing schools, charter school contracts, the student information system, pupil records, and creating the academic accountability council.

DATE: February 12, 2014

Good afternoon Chairman Kestell and committee members. My name is Dan Rossmiller. I am the Government Relations Director of the Wisconsin Association of School Boards, representing Wisconsin's 424 locally elected school boards. Thank you for the opportunity to testify on the current version of school accountability legislation, one of many proposals that have been offered this session. I want to thank Chairman Kestell for the countless hours he has devoted to working on developing an accountability system. I hope and believe that other committee members are beginning to realize what a complicated task this really is.

Over two and a half years ago, key representatives of all taxpayer-funded schools in Wisconsin – voucher proponents, school boards, administrators, charter schools – as well as Governor Walker, key legislators and Supt. Tony Evers, all signed on to an easily achievable standard that was published in the *Milwaukee Journal Sentinel*, posted July 9, 2011:

“We believe that every school enrolling publicly-funded students – traditional public schools, charter schools, or private schools in choice programs – should be part of this new accountability system.”

All of the signers of the letter were also members of the Accountability Task Force, which met for several months to design an accountability framework for all taxpayer-funded schools that *all* groups agreed to support. It is time to make good on that pledge, before voucher expansion proceeds any further.

The WASB supported original version of accountability legislation (SB 286 & AB 379). Drafted by key legislative members of the design team and Accountability Task Force, the original bills respected the core principles agreed upon by the design team: treat all taxpayer-funded schools equally, no arbitrary closing of schools and multiple measures to assess *all* students' college and career readiness both upon high school graduation and in grade levels leading up to graduation.

We do not support the version before you today. While we recognize that it contains several improvements over the last draft to be circulated over on the Senate side--including that it would not arbitrarily label five (5) percent (about 1 in every 20) of our state's schools as "failing" and maintains the current law requirement that all taxpayer funded students take the state assessment---there are numerous aspects of the substitute amendment that we do not favor.

We believe that Assembly Bill 379, in its original form, better reflected the core principals and objectives agreed to by the Task Force. Specifically, we oppose the changes in the draft that would:

- Reverse current law to allow voucher schools to pick and choose whatever assessment they want to be graded on for school report card purposes. Public schools will not have this option and a thus an "apples-to-apples" comparison is not possible;
- Abandon the performance categories established by the Task Force and replace them with an "A-F" grading system;
- Require the closing of so-called "F" schools after three years in that category, or their conversion to privately-managed charter schools, and require the same for schools that fall in the "F" category in three-of-five consecutive years and in no higher than the "D" category for the other two years within that five-year period.

Public schools are already subject to an accountability framework, which came about both as a result of a waiver from many of the provisions of the federal No Child Left Behind Act (NCLB) that was entered into by the Department of Public Instruction and the U.S. Department of Education and as a result of legislation enacted by this Legislature. The task before us has been to bring all taxpayer-funded students and schools into that accountability framework, most notably by adding private schools that accept taxpayer-funded voucher pupils.

A brief comment on process before moving on to the substance of the substitute amendment: It is unfortunate, from our perspective, that **not** all members of the Design Team have been invited to participate in the process of drafting or redrafting this accountability legislation. The WASB and other groups that represent the state's roughly 850,000 public school students have been excluded from this process. The broad coalition of stakeholders who participated in the Task Force displayed considerable wisdom about what was fair and equitable to both taxpayers and those who operate schools. We believe the Legislature would be well advised to respect the sincere effort and judgment of all Design Team members and seek their input.

With regard to the substance of the bill, a number of points should be made. Earlier testimony today mentioned growing frustration on the part of both lawmakers and the public about what was described as the state “continuing to fund failure” with respect to low-rated schools. Yet, this is exactly what the substitute amendment does with respect to voucher students already enrolled in a voucher school that has received a “F” grade for three consecutive years or has received a grade of “F” in three of five consecutive school years and a grade no higher than “D” in the other two school years.

While the substitute amendment would cut off funding to such schools for any new voucher students, it would allow those “F” voucher schools to continue to receive taxpayer-funded vouchers for the students who remain in the school. Further, it would do so without any requirement for the school to remediate those students or to reform its instruction, its curriculum or its teaching staff, or even to work with its accrediting agency on a plan of improvement. Those “F” voucher schools would continue to receive taxpayer funding for the voucher students who remain in those schools for as long as they remain, even if the school continues to receive an “F” grade for the job it is doing educating those students.

While one would hope that once the voucher school is labelled as failing, the parents of voucher students would “vote with their feet” and remove their children from that voucher school. However, the fact that these children are likely to have attended that school during at least three years during which the school received an “F” grade (or during the five years it received only “D’s” and “F’s”), one wonders what kind of jolt might be necessary to spur parents to act.

As earlier testimony from Bradley Carl of the UW-Madison Value-Added Research Center indicated, very often schools receive low school report card grades based on the characteristics of the students they serve rather than on the job they are doing at educating students.

Factors that contribute to low report card score include having a high percentage of low-income students, a high percentage of students from single parent homes where the parent’s level of educational attainment is low, a high proportion of students who are members of racial and ethnic minority groups, a high degree of student mobility (i.e., the students who start the year in a particular classroom or school are not the same as those who finish the year), and a high proportion of English language learners—all factors the schools cannot control.

That makes it all the more important that the measures used to grade schools are valid and reliable and that we get them right before sanctions are imposed. If not, we will be imposing sanctions on schools based on factors the schools cannot control and then wondering why school performance has not improved.

The substitute amendment adopts a “label and sanction” model of accountability. An alternative approach would identify schools on which to focus resources, but that approach was not chosen.

The substitute amendment dramatically walks back school board authority over any public school that receives a “F” grade for three consecutive years or receives a grade of “F” in three of five consecutive school years and a grade no higher than “D” in the other two school years. A school board would be required either to permanently close such a school or to contract with a charter management organization (CMO) to operate the school as a non-instrumentality charter school, in which the employees of the charter school would be employees of the CMO.

(If a school board cannot reach agreement with a CMO, an option is provided for the district to apply to the Department of Public Instruction (DPI) for a waiver to operate the school as an instrumentality charter school, in which the employees of the charter school would be employees of the school district.)

These charter management organizations (CMOs) need not have demonstrated a track record of teaching students that resemble the student population they would be called upon to educate, either in terms of demographics or age level. In other words, they need not have demonstrated success in teaching low-income students, students from racial or ethnic minorities, or English language learners. All of their experience could have come, for example, from teaching middle-class children in comfortable suburban areas. Further, under the substitute amendment these CMOs need not have any experience teaching Wisconsin students; they could have demonstrated their performance in another state (or even, perhaps, in another country).

One concern that ought to be addressed is that, initially, many of the schools likely to receive low grades on the report cards are comprehensive high schools in the Milwaukee Public Schools (MPS). The substitute amendment would create a “cliff” effect—a large number of schools would simultaneously have to be closed or converted to charter schools under the direction of CMOs.

Achievement gaps widen by age and grade level; they are bigger at the high school level, and relatively few CMOs have focused their attention on providing high school instruction, particularly to low-income, minority student populations because the challenges of overcoming achievement gaps are greatest at the high school level. It is unclear how well any of the newcomer CMOs might do and whether there would be enough CMOs to absorb the large number of students in those comprehensive high schools.

Determining the relative performance of charter schools is complicated by the fact that charter schools, by definition, are schools in which parents voluntarily enroll their children. Enrollment in charter schools is thus not random and, therefore, may not reflect the demographic characteristics of the school district in which the charter school is located. If a charter school outperforms the school district in which it is located, it could very well be that selection bias rather than actual teaching performance is the reason. Indeed, if a charter school attracts highly motivated students whose parents highly value education; it would not be surprising if that charter school outperformed the average of the particular district in which it is located.

Why is all of this important? Because under the substitute amendment, once a CMO is given the rein to operate a charter school, it cannot be touched (i.e., it is not subject to any accountability sanctions) for five (5) years.

Perhaps most important point to note is that the sanctions framework proposed by the substitute amendment may actually set up struggling schools for ultimate failure by putting them into a downward spiral from which they cannot recover. Research clearly indicates that having a high quality teacher is a critical factor in boosting student achievement, which is compounded over time. In particular, having a series of high-quality teachers can significantly improve student achievement, while having a series of low-quality can significantly reduce student achievement.

By forcing a struggling school to permanently close or be converted to a non-instrumentality charter school the substitute amendment puts teachers in particular (but also school boards) in a difficult position by aligning incentives in the wrong direction. A high-quality teacher who might otherwise be interested in helping to boost student achievement in a struggling school risks losing his or her job if or when the school closes or losing his or her retirement benefits (and possibly a significant portion of his or her health insurance benefits) if the only option is to take a job with a CMO operated charter school. A prudent teacher concerned for his or her economic or job security will be hesitant to accept an assignment at a school at risk of being closed or converted. The very people who could most help to turn around a struggling school may be hesitant to join that effort, preferring the relative safety of teaching in a school not labeled for potential sanctions.

One last point is that the substitute amendment uses some terminology that is not well defined and which may be subject to varying interpretation. For example, a school board that receives a waiver and converts a struggling school to an instrumentality charter would be required to “institute comprehensive instructional reform” and “apply community-oriented school strategies.” While school boards generally welcome local control and flexibility to make decisions, some additional guidance regarding what is intended by these terms would be helpful. While DPI could perhaps further define these terms by administrative rule, it would be helpful if the Legislature did so in order to remove ambiguity.

Thank you for this opportunity to testify. We urge committee members to support Assembly Bill 379 as originally introduced.



**Testimony of Brad Lutes
before the Assembly Education Committee
February 12, 2014
Assembly Bill 379**

Thank you for the opportunity to address the committee. I am Brad Lutes, a physical education teacher and coach from the Sun Prairie Area School District. I am speaking today on behalf of the Wisconsin Education Association Council.

Our union of educators is committed to advancing the profession, ensuring every child has a top-notch teacher at the head of the class and a safe and positive learning environment which is enhanced by education support professionals. That is why WEAC is leading the profession in training our member-teachers about the new, more comprehensive way to gauge teacher effectiveness. It's something our union helped develop in collaboration with other education stakeholder groups.

During the 2009-10 legislative session, WEAC championed legislation to provide struggling schools with guidance and support to ensure opportunities for all students and improve student learning. Signed into law as 2009 Wisconsin Act 215, the legislation offered a hand up to any school district found to be in need of improvement for four consecutive school years. It did that by paving the way for the implementation of a consistent curriculum district-wide, differentiated instruction to meet individual pupil needs, academic and behavioral supports and early interventions, and additional learning time. The proposal also carved out a role for the state superintendent of public instruction to guide struggling schools and districts by providing a system of support and improvement, including technical assistance. Assembly Bill 379 abandons such systems of support for these schools and opts instead for a punitive approach of closing schools or converting public schools to privately run charter schools.

Proponents of voucher schools have been resistant to state interventions in the lowest-performing private schools participating in the voucher program. This argument rings hollow as more and more of these schools are funded primarily with taxpayer dollars via the voucher. For example, four out of five students in private schools in the Milwaukee Parental Choice Program receive a taxpayer-funded voucher. This raises the question, when does a private school become a public school? To paraphrase one legislator involved in the discussions around school accountability, if you get a check, you are going to get a check-up.

Any school accountability legislation should pass the litmus test of whether it holds all schools receiving taxpayer dollars to the same standards and assessments. Otherwise parents and the community will not be able to make "apples to apples" comparisons. This approach means that voucher students be required to take the same tests as those required in public schools. It means that voucher schools and privately run charter schools be required to open their doors to all students, even those with the greatest needs. It means that the schools employ licensed teachers and honor due process when expelling students. It means that if struggling public schools

Betsy Kippers, President

must close their doors, so too should failing voucher schools. They should not be allowed to continue to take the taxpayer-funded vouchers for current students.

Nothing is more important than making sure Wisconsin students are getting a high-quality education. The sooner all schools receiving public funding are subject to transparent accountability measures and standards equal to those applied to public schools, the better. The state owes it not only to taxpayers, but also to our children. As important as this is, it is better for the Legislature to do nothing than to pass a bad bill under time pressure in the waning days of session. We need to get this right.

Thank you again for the opportunity to testify before you today.



School Administrators Alliance

Representing the Interests of Wisconsin School Children

TO: Assembly Committee on Education
FROM: John Forester, Director of Government Relations
DATE: February 12, 2014
RE: Assembly Bill 379 – School & School District Accountability

The School Administrators Alliance (SAA) opposes Assembly Bill 379 as modified by Assembly Substitute Amendment 1 (ASA 1), relating to school and school district accountability.

More than 2½ years ago, Governor Walker, State Superintendent Evers, Representative Kestell, Senator Olsen and representatives of all the relevant education interest groups were involved in the creation of the state's School Accountability Design Team charged with crafting a new and innovative accountability system for all Wisconsin schools that educate students with public funds. This new accountability system was envisioned as a replacement for the flawed No Child Left Behind (NCLB) system, which only measured student attainment (not growth) and only included public schools. The Design Team worked for months to develop this next generation accountability system for Wisconsin.

Chairman Kestell, I'm sure you recall that the Executive Directors of the four SAA member associations – the Wisconsin Association of School District Administrators (WASDA), the Wisconsin Association of School Business Officials (WASBO), the Association of Wisconsin School Administrators (AWSA) and the Wisconsin Council for Administrators of Special Services (WCASS) – were members of the School Accountability Design Team.

It is important to note that the SAA testified in support of the original draft of SB 286 (the Senate companion to AB 379) during the public hearing held before the Senate Committee on Education on September 12, 2013. At that time, the SAA established two major conditions for its support of SB 286 should the bill be modified in any way: 1) all schools educating students with public funds are included, and 2) there be no preferential treatment for any type of school in the accountability system.

Also, even though the SAA had strong representation on the Accountability Design Team, we were effectively shut out of the negotiations surrounding the development of all modifications to the original AB 379/SB 286 drafts. In fact, I believe that all of the groups that represented the interests of K-12 public

An Alliance of:

education on the Design Team, with the exception of the Department of Public Instruction, were shut out of these negotiations.

We were disappointed to see that ASA 1 fails the “fairness test” as embodied in condition number 2 above. ASA 1 clearly provides preferential treatment for voucher schools in the sanctioning of the lowest performing schools. Under the bill, a public school that has received a grade of F for three consecutive school years, or has received a grade of F in three of five consecutive school years and a grade no higher than D in the other two school years, must close permanently or contract with a charter management organization to operate the school as an independent charter school. In contrast, a similarly performing voucher school would be permanently barred from accepting any **new** voucher students. However, the existing voucher students would be allowed to stay at the school and the school would continue to receive voucher payments for them. That hardly seems equitable. What’s more, the bill appears to create a legislative back door for the creation of new independent charter schools.

Unfortunately, the focus of ASA 1 seems to be on punishment and on establishing simplistic labels, rather than on providing accurate, transparent and comprehensive information that promotes improvement in every school. The bill abandons the performance categories established by the Design Team and replaces them with politically charged A-F letter grades. The Design Team engaged in a lengthy, vigorous but very healthy debate on the subject of grading schools that resulted in a clear majority of the Design Team voting against the use of letter grades. In our opinion, and we believe this is consistent with the work of the Design Team, if the objective is to highlight school accountability and increase the public’s understanding of how schools are performing, then grades are an inadequate means of meeting that objective.

In the last few days we have heard from several school districts around the state that believe the bill creates a disincentive for high quality instructional leaders and staff to stay at low performing schools. Even the most selfless of teachers and administrators harbor concerns over their family’s financial security. It seems only natural that, in the environment created by ASA 1, quality staff would naturally gravitate toward higher performing schools rather than potentially risk job loss by staying at a lower performing school. By pointing the recruitment/retention incentives in the wrong direction in this fashion, it places school districts at a severe disadvantage in their efforts to turn around low performing schools.

I want to again express our support for SB 286/AB 379 **as originally introduced**, for it is that draft that most closely represents the work of the Accountability Design Team and comes the closest to establishing a truly fair, apples-to-apples school accountability system in Wisconsin.

We urge your opposition to AB 379 as modified by ASA 1. If you should have any questions regarding the SAA’s position, please call me at (608) 242-1370.

From: Jacqueline King [jacqueline.king@smarterbalanced.org]
Sent: Tuesday, January 28, 2014 9:02 AM
To: Archibald, Sarah
Cc: 'Russell, Lynette K DPI'; Couillard, Troy A - DPI
Subject: RE: Private school students taking Smarter Balanced?

Sarah:

The members of Smarter Balanced have agreed that each state may establish its own policy with regard to private school participation in the assessment system. The Smarter Balanced membership fee is based on student participation (at a rate of \$6.20 per student for the end-of-year assessment only) and that cost applies for both public and private school students. State costs for test administration services such as hosting, scoring, and training will vary (and could conceivably be higher on a per-student basis for private school students); we estimate those costs at approximately \$16.30 per student.

I have copied in Lynette Russell and Troy Couillard from the Wisconsin Department of Public Instruction who can provide you with more detailed information about test administration in your state.

I hope this is helpful. Let us know if you need additional information.

Best,

Jaci

Jacqueline E. King, Ph.D.
Smarter Balanced Assessment Consortium
301-841-8873
jacqueline.king@smarterbalanced.org
<http://www.smarterbalanced.org>

From: Archibald, Sarah [<mailto:Sarah.Archibald@legis.wisconsin.gov>]
Sent: Tuesday, January 28, 2014 9:33 AM
To: Jacqueline King
Subject: Private school students taking Smarter Balanced?

Hi Jacqueline,

Michelle Exstrom recommended that I contact you. There is some dispute in Wisconsin about the ability/cost of private school students taking smarter balanced compared to public school students. We have a school choice program where we essentially have publicly funded students attending private schools, and we need to be able to administer the test to these kids. In addition, we have school report cards that may well cause private schools participating in the choice program to want to test all their kids using SBAC so that all scores would be counted. We need to know the cost and feasibility of both of these scenarios as soon as possible. We are voting on the accountability bill in committee on Thursday.

Thanks for your help. I can be reached at [REDACTED] (cell) or 608-266-0751 (office). I'm at home now but will be in later today. Email also works. Really appreciate any answer as soon as I can get it.
Sarah



WISCONSIN CATHOLIC CONFERENCE

TESTIMONY ON ASSEMBLY BILL 379: SCHOOL ACCOUNTABILITY

Presented to the Assembly Committee on Education

By Kim Wadas, Associate Director

February 12, 2014

On behalf of the Wisconsin Catholic Conference (WCC), I thank you for the opportunity to provide testimony for information on how Assembly Bill 379 and Assembly Substitute Amendment 1 to AB 379, would affect our Catholic schools and systems participating in parental choice programs.

The WCC, along with many of our private school partners, has consistently supported efforts to improve accountability and transparency within the choice programs. Catholic educators recognize that students, families, and communities need access to information on school and student performance. Catholic schools have willingly complied with measures to promote greater program accountability – from ensuring school fiscal viability and sound financial reporting to enhanced accreditation and educator credentialing; and from improved auditing of program compliance to heightened enforcement and penalty provisions for errant schools and officials. As Catholics, we fully support efforts to promote good stewardship of our public resources.

Also, we wish to express our gratitude for certain changes that have been made in Substitute Amendment 1. Requirements, such as posting when an accountability report is limited to choice pupils and their completed assessments, and a required data component sample size of 20 students, help to ensure that the system is fair and accurate. The substitute amendment also removes many of the provisions requiring extensive data collection for items such as the immigration status of students.

Currently, over 90 Catholic schools participate in choice programs statewide. Under AB 379 and its substitute amendment, these schools would need to procure and maintain a compliant, commercially-available system through which schools would submit choice pupil data to the Department of Public Instruction (DPI). This data would then be utilized to determine a rating for the school's choice population under the DPI's school accountability system.

As the representative of Catholic schools educating choice students, we have several concerns as to how this accountability system will serve those students and the larger community, especially in terms of the fair assessment of choice students and schools, as well as the protection of student privacy. We also have significant concerns as to how this implementation will be facilitated. Any accountability system should be fair, but recognize the unique nature of traditional public, charter, and private schools.

Student Privacy. First, AB 379 requires choice schools to provide data solely on choice students and their assessments. As you know, beginning in the spring of 2014-15, Wisconsin will require the administration of the Smarter Balanced Assessment in public schools for English language arts and mathematics through grade eight. Public high schools will be required to administer the ACT Suite of assessments, with two examinations for grade nine, one for grade ten, and two for grade eleven. Additionally, students will continue to take the Wisconsin Knowledge and Concepts Examination (WKCE) for science and social studies in the fall of 2014 for grades four, eight, and ten.

These requirements will apply to choice students in grades three through twelve. However, it is uncertain whether other private school students will be able to access the Smarter Balanced Assessments. This means schools will be required to administer some other form of test if they want the entire school body, or even students in the same grade, to use the same assessment mechanism. This also means that choice students will be identified every time they are required to take a Smarter Balanced assessment.

The substitute amendment provides a means through which the DPI, working in concert with the Value-Added Research Center (VARC) at University of Wisconsin-Madison, can statistically equate the scores of a nationally recognized, norm-referenced test to measure achievement and the growth of pupils attending a private school with those collected for other populations, including public schools.

To avoid identifying choice students, we request that the Committee consider amending the bill and permit choice schools to use this same process in lieu of the requirement that choice students utilize the Smarter Balanced and WKCE assessments.

Under the law, families have the right to opt their choice students out of taking required assessments. However, AB 379 permits the DPI to determine if the percentage of pupils participating in examinations was inadequate and then penalize the school for this low percentage. This seems unfair as schools cannot require students and families to participate in these examinations, and within the choice programs there are significant incentives for students not to participate given that taking the required assessments will identify students as being from families with limited incomes.

Student Information. Catholic schools teach all students and strive to serve as many as their resources will allow. However, families are not required to provide certain information upon a child's enrollment in a Catholic school. For example, families of children with special needs in Catholic schools often refrain from identifying their child. Therefore, we have concerns about what method will be used to identify special needs students under the accountability system.

Additionally, several private schools do not participate in free and reduced lunch programs. To comply with AB 379, schools will need to solicit income information from choice families. With such a process, new questions arise, such as whether a school will be held responsible if a family mistakenly reports their income.

Lack of Clarity. When there is insufficient data collected, Substitute Amendment 1 permits the DPI to rate a school with a “satisfactory” or “needs improvement” rating, but leaves this determination to DPI’s discretion. The bill provides no certainty that a school will be held harmless in terms of their accountability rating if the school does not have information for certain data elements. As mentioned before, this is especially troubling given the previously mentioned opt-out for choice students from testing. Choice schools will hazard being penalized for honoring parents’ wishes and state law. Assembly Bill 379 also fails to specify terms or phrases such as “enrollment status” and “history of pupils attending the school.”

Student Information System (SIS). Finally, choice schools must begin using a compatible SIS beginning in the 2015-16 school year. Such a system costs \$3 to \$12 per pupil annually. This does not include costs for implementation, maintenance, training, or staff time devoted to data entry. For private schools that currently do not have a SIS, compliance with the law will require finding the system that best serves the schools’ needs, meets the requirements of AB 379, is within the schools’ budget, and can be purchased and brought online with staff training – all in a year and a half without additional funding. Additionally, many schools new to choice programs are already dealing with their first choice state assessments, reporting, and audits this year.

Student Records Disclosure. Finally, Substitute Amendment 1 amends a series of provisions regarding the disclosure of student records. Included in these provisions is a requirement to publish rules regarding student records disclosure with a class 1 notice under Chapter 985. Certain provisions also limit how long a school may maintain a record, as well as how long it must keep student records on file. This significantly alters how private schools currently operate and requires further review to determine how this affects both the administration of private schools, as well as certain privacy concerns.

Again, Catholic educators are not opposed to accountability. That is why the WCC is not opposing this legislation at this time. However, data collection in choice schools should be limited to that which is necessary and permits the private school to be unique from other schools.

By providing greater clarity and specificity in this legislation, our schools and staff participating in choice programs can be more certain of student privacy protection, understand how performance will be measured, and know how results will be published. This will ensure a consistent and transparent system that maintains accountability without altering the unique character and climate of our Catholic schools.