

WISCONSIN LEGISLATURE

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The Education Savings Account Program

Testimony on Assembly Bill 830
Assembly Committee on Education

Thank you Chair Thiesfeldt and members of the Assembly Committee on Education for hearing this bill. Assembly Bill 830 creates an education savings account program for students enrolled in any public, charter, or private school identified as gifted and talented. In order to be eligible, a child must satisfy the income limits for the free and reduced lunch program set forth by the federal government. The current income limit for the reduced lunch program is \$45,510 annually for a family of four.

The bill classifies students as gifted and talented in 2 ways. The first way a student can be deemed gifted and talented is if the student scores in the top 5% on any state or federally mandated test. The second way would be by demonstrating evidence of high performance capabilities in intellectual, creative, artistic, leadership, or specific academic areas and being nominated by an educational officer for needing services or activities not ordinarily provided in a regular school program.

Under the bill, 2,000 scholarships could be awarded in the amount of \$1,000 each. These scholarships would be housed under the education savings account program and would allow a parent to use the funds on eligible state authorized expenses. Examples of these eligible expenses include: textbooks, curriculum, licensed or accredited tutors, private music or art lessons, tuition and fees, or any other educational expense approved by the Department of Public Instruction (DPI). The bill allows the DPI to contract with a private, nonprofit entity to administer the program.

These scholarships provide students in families with low incomes the ability to access a wide range of educational opportunities in which they may currently not have the resources to participate. It is impossible to put a number on how many scientists, engineers, musicians, artists, and community leaders we are missing out on because their family can't afford additional educational opportunities. This bill is another way to make sure our best and our brightest get the opportunity they need to succeed.

These additional funds will allow low-income gifted and talented students the ability to create a customizable education that will maximize their learning ability. And it will allow students who have excelled and have previously been limited by access the ability to reach their full potential.

It's time we make sure every gifted and talented child also has the resources they need to reach their highest potential. Thank you committee members for allowing us to testify on Assembly Bill 830 and for taking the time to hear this bill. We urge you to support Assembly Bill 830.

WATCH: 5 Ways States Are Empowering Families With School Choice



News

Wisconsin Reformers Move Toward a First: Education Savings Accounts for Gifted Kids



Photo credit: Karen Bleier/AFP/Getty Images

January 23, 2018

By KEVIN MAHNKEN



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As a new legislative session begins in Wisconsin, a bipartisan group of lawmakers is soliciting support for a policy that would be the first of its kind in the United States: education savings accounts for gifted students.

TALKING POINTS

🐦 *Wisconsin lawmakers are lining up behind a*

who are identified as academically gifted — either by their school or by scoring in the top 5 percent on state standardized tests — and are eligible for free or reduced-price lunch. While the state currently offers gifted and talented programming in all public schools, high-achieving students from low-income families are less likely to be recognized for their abilities. Money from the accounts could provide access to tutors, extra textbooks, and enrichment opportunities.

The bill, which was introduced in the state Senate last Friday, has a powerful backer in Republican state Sen. Alberta Darling, chairwoman of the Joint Committee on Finance and one of Wisconsin’s most prominent education reformers. She is joined in the Assembly by Rep. Jason Fields, a Milwaukee Democrat who favors school choice.

Outside groups like the conservative Wisconsin Institute for Law & Liberty have given their support as well. In December, the institute issued a brief that warned of a shortage of dedicated gifted instructors and less access to Advanced Placement courses in struggling school districts.

“We know we have a problem with identification of gifted kids, particularly from

gifted students

🐦 *The ESAs would target low-income, high-achieving kids, but critics worry they would soon be expanded to a universal program*



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long way to improving that," said William Flanders, the group's research director. "It allows students who are in the top 5 percent on the state exam to qualify for gifted education, which eliminates the possibility for biases in the identification process. These supplemental services are most needed among that segment of the population that is low-income and gifted because those are the kids that have the least opportunity to access the services on their own."

Economists have recently turned their attention to the high-ability, low-income population. In a [2015 study](#), researchers Jonathan Wai and Frank Worrell found that just 0.0002 percent of the nearly \$50 billion federal education budget funded gifted education. In most districts, children are selected for gifted programming only after being nominated by a parent or teacher; lower-income students, who often lack a dedicated advocate, are frequently left behind.

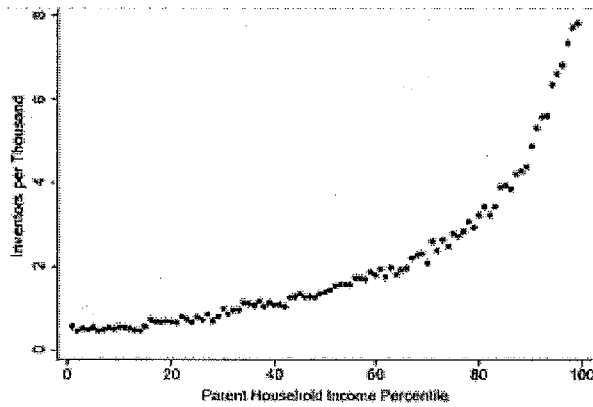
Stanford economist Raj Chetty calls those kids "lost Einsteins." In a [study of patent applications](#) published in December, he found that children from high-income families were 10 times more likely to become inventors than those from families making a below-median income.

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New Study Finds 1 in 4 Teachers Chronically Absent From Classrooms; Problem Is Three Times Worse in Traditional Schools



Source: Equality of Opportunity Project

Testing data show that the difference in later-life technical accomplishment can't be attributed to differences in innate ability. The lost potential of countless underserved kids, Chetty concluded, can be measured in squandered technological breakthroughs and economic gains never realized.

Raj Chetty on 'The Lost Einsteins' - Part 1



Wisconsin is not generally considered a leader in gifted and talented education. A [2015 report from the Jack Kent Cooke Foundation](#) gave the

significant difference between low-income children and their more affluent peers on international assessments. In the Wisconsin Institute for Law & Liberty brief, Flanders observed that while Hispanics constitute nearly 10 percent of the state's student population, they make up just 6.5 percent of its gifted classes.

"I would probably agree with the D," said Scott Peters, an associate professor at the University of Wisconsin-Whitewater who specializes in gifted education. "In terms of policy in Wisconsin, there are lots of requirements: All schools are supposed to have gifted education services in grades K-12, and they're supposed to identify in grades K-12. But those requirements are very weakly enforced."

For example, a 2011 investigation triggered by parent complaints revealed that Madison Public Schools, the second-largest district in the state, was substantially out of compliance with state law on gifted education. And while all Wisconsin districts in the state are required to name a coordinator for gifted services, nearly two-thirds currently do not.

Peters welcomed the proposal as "a good start," but opponents see education savings accounts as a Trojan horse for the implementation of private school vouchers, which have proven

money to use as they please for educational purposes. To critics, however, that just makes them another means of diverting funds away from traditional public schools.

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“The authors of the bill are probably well intended, but it’s something that we think is further going down the road of eroding resources for public schools in favor of channeling them to private providers and private school services,” said Dan Rossmiller, director of public relations at the Wisconsin Association of School Boards. “I can’t see any other purpose to the legislation.”

Since Wisconsin’s Department of Public Instruction — led by Superintendent Tony Evers, an avowed foe of Republican Gov. Scott Walker and the current front-runner for the Democratic nomination in this fall’s

Rossiniere argues that the accounts are almost exclusively directed toward low-income kids already enrolled in private schools through the state's voucher system.

“This is a law that is not necessarily going to help gifted and talented students who are in public schools,” he said. “It’s a law that, I think, is aimed at low-income students who receive vouchers to attend private schools. ...It would create an additional incentive for low-income students to attend those schools, because they would qualify for gifted and talented programming.”

Under the leadership of Walker and his Republican allies in the legislature, that voucher system recently underwent a massive expansion. During budget negotiations last year, the threshold for eligibility for the statewide voucher program was raised to include families earning 220 percent of the federal poverty line, up from 185 percent. Many believe that within a few years, it will rise again to 300 percent, mirroring citywide voucher initiatives in Milwaukee and Racine. Such an expansion would transform what had been an outlay for disadvantaged children into a benefit enjoyed by the middle class as well.

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“All you have to do is take out the requirement that it be provided to low-income students, and it’s just a universal program,” said Rossmiller. “This is the nature of how voucher proponents operate: They use the foot in the door, and then they wedge it into a bigger and bigger program by dropping the income restrictions and just expanding programs. I’ve seen this movie before.”

Flanders, who supports both private school vouchers and ESAs, agreed.

“This is a good first step in getting an ESA in place,” he said. “In the long run, we’d like to see them extended to include larger sections of the population, and maybe a universal ESA at some point.”

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Assembly Committee on Education
January 25, 2018

Wisconsin Department of Public Instruction
Statement for Information - Assembly Bill 830

Policy Analysis

This bill creates an Educational Savings Account (ESA) program for gifted and talented pupils. Beginning in the 2018-19 school year, the bill requires the Department of Public Instruction (the department) to award \$1,000 scholarships to certain gifted and talented pupils and to credit the scholarships to individual ESA's established and maintained by the department. Under the bill, the department may award no more than 2,000 scholarships in any school year.

Under the bill, a pupil is eligible for a gifted and talented scholarship if the pupil satisfies the following criteria:

1. The pupil is enrolled in a public school, including an independent charter school, or a private school participating in a parental choice program or the Special Needs Scholarship Program (SNSP).
2. The pupil is identified as a gifted and talented pupil because the pupil demonstrates evidence of high performance capability in an intellectual, creative, artistic, leadership, or other specific academic area or because the pupil scored in the top 5 percent on a pupil assessment required to be administered under state law.
3. The pupil satisfies the income eligibility criteria under federal law for a free or reduced-price lunch.

In order to receive a scholarship under the program, an eligible pupil must apply to the department and the pupil's parent or guardian must agree to:

- comply with compulsory attendance requirements,
- not to accept a payment, refund, or rebate from a person who provides a service or product that is purchased with a scholarship, and
- to use the scholarship only for eligible expenses.

The bill provides that an eligible expense is any of the following incurred to educate the gifted and talented pupil at an eligible educational provider: tuition and fees, textbooks, payments to a licensed or accredited tutor, payments to purchase a curriculum, tuition and fees for a private online learning program, fees for Advanced Placement exams, private music or art lessons, and any other expenses approved by the department. The bill defines an eligible educational provider as a public school, including an independent charter school, a private school participating in a parental choice program or the SNSP, any nonprofit organization approved by the department, a licensed or accredited tutor, and any other provider approved by the department.

The bill directs the department to establish and maintain an individual account for each pupil awarded a scholarship under the program. The bill specifies that an account is a record of the scholarships awarded to and disbursements made on behalf of a pupil. The bill directs the department to develop, by rule, a system to promptly disburse money from a pupil's account for eligible expenses. The system developed by the department may include direct payments to providers and reimbursements to parents and guardians for eligible expenses.

Under the bill, any scholarship credited to a pupil's account remains in his or her account until it is disbursed for an eligible expense or until the account is closed. A pupil's account is closed when the pupil graduates high school, reaches age 21, is no longer eligible to participate in the program, or is suspended or barred from the program. The department deposits any amount remaining in a pupil's account when the account is closed into the state's general fund.

This bill allows the department to contract with a private, nonprofit entity to administer the education savings account program for gifted and talented pupils. However, the department may not execute a contract for the administration of the program unless the contract is approved by the Joint Committee on Finance through a 14-day passive review process. As drafted, the bill requires the department to notify the Joint Committee on Finance if it intends to execute a contract by April 16, 2018. The department will need to contract for some of the services required to be provided under this proposal, the April 16 deadline does not allow the Department of Administration enough time to run the competitive bid process.

Finally, the bill requires the Legislative Audit Bureau to conduct a performance audit of the first year of the educational savings account program and file its report with the legislature by January 31, 2020.

Background

The department estimates of the approximately 870,000 pupils enrolled in Wisconsin's public schools in FY16, pupils with exceptional intellectual ability represent an estimated 44,500 (five percent) of that total. That number soars to an estimated 104,000 (12 percent) if gifted and talented pupils in the areas of specific academic, creative, artistic, and leadership areas are included.

Current state law requires school districts to provide access to an appropriate program for pupils identified as gifted and talented, under s.121.02 (1) (t), Wis. Stats., as one of the statutorily enumerated school district standards. Current law also requires school districts to establish programs for gifted and talented pupils who need services not ordinarily provided in a regular school program, and establishes a state-funded categorical aid grant program, under s.118.35, Wis. Stats.

Under s.118.35 (4), the department is required to award grants to 501 (c) (3) nonprofit organizations, Cooperative Educational Service Agencies (CESAs), institutions within the University of Wisconsin System, and school districts, for the purpose of providing to gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities. Grant recipients are required to provide evidence of the impact of their projects on pupils and grant-funded projects are connected to the school district's curriculum. The state appropriation for grants to support gifted and talented programs (\$237,200 GPR annually) supports the gifted and talented mandates under s.118.35 and s.121.02 (1) (t). The appropriation has not increased since 2011.

2017-19 Agency Budget Request

Superintendent Evers requested in his 2017-19 budget \$762,800 in FY18 and in FY19 to increase the appropriation for grants to support gifted and talented programs, in order to reach more pupils in more schools. That request would have increased annual funding to \$1 million to increase the capacity within schools to build gifted and talented programming that is more systematic, comprehensive, and sustainable. The department also proposed statutory language to expand grant eligibility to all school districts and to modify the overarching goal of the gifted and talented grant program to serve pupils that have been historically under-identified, and hence underrepresented in gifted and talented programming. These underrepresented pupils include economically disadvantaged pupils, pupils of color, pupils with physical or learning disabilities, and English Learners. The Governor denied the request for additional funding but approved the request to expand eligibility to allow all school districts to apply for gifted and talented grants.

Fiscal Estimate

Under the bill the department is authorized to contract for services to administer this program. The department is then required to notify the joint finance committee by April 16, 2018; as noted the timeline to complete a bid and procure a contract through the Department of Administration would exceed the timeline constructed in the bill.

For further fiscal analysis please see the fiscal estimate from the Department.

Policy Brief

Wisconsin Institute for Law & Liberty



December 2017

Vol. 2 No. 4

Left Behind

How Wisconsin Struggles to Educate Gifted & Talented Students – And How ESAs Can Help

Will Flanders, Ph.D., Research Director

Introduction

When considering the shortcomings of Wisconsin's K-12 education system, policymakers tend to focus on its failure to meet the needs of poor and minority students. This focus is important—Wisconsin is held back by struggling rural and urban public schools and has the largest African American to white achievement gap in the country. But, gifted and talented students, especially low-income ones, are underserved in many parts of the state and at risk of being left behind the rest of the country and world.

Are gifted students receiving the education they need?

At least since the passage of No Child Left Behind in 2001, there has been an increasing focus on test scores and proficiency in schools. Schools were generally rewarded for helping their students reach a minimum-level

Takeaways

1. The U.S., compared to other countries, have less students testing at advanced levels.
2. Hispanic kids are significantly less likely to be identified as gifted and talented than their peers.
3. In Wisconsin, there is no additional funding for gifted programs and no way to identify children in private schools.
4. 63% of Wisconsin school districts do not employ teachers who are assigned to teach gifted children.
5. In 13% of Wisconsin school districts, there were no AP exams taken. In 48% of school districts, AP exams were taken in 5 or fewer subjects (out of 36 subject areas).
6. Rural and small town school districts in Wisconsin struggle the most. 78% of rural school districts do not employ a teacher assigned to teach gifted children. In rural districts, only 4.4 AP exams are taken, on average, by students.
7. **CALL TO ACTION:** Wisconsin policymakers should create a Gifted and Talented Scholarship Program (GTSP) that would: 1) Provide an alternate means of identifying kids less likely to be identified by traditional standards, 2) Allow students to utilize their GTSP funds at any participating school or supplemental educational service, and 3) Give families the opportunity to access more resources and choice for their children's education.

of achievement. This, naturally, led to a heightened focus in the classroom on teaching students who are at or below minimum proficiency level (Petrilli, Griffith, Wright and Kim 2016).

But for gifted and talented students, such an intense focus on minimum levels of proficiency could result in neglect. Smart kids, capable of learning challenging or difficult material, are languishing.

One method of examining service for the gifted is through comparing the share of gifted students in the United States to other countries. The Programme for International Student Assessment (PISA) is administered to students around the world every three years and represents an objective, international benchmark of student performance. Petersen, Hanushek, and Woessman (2014) analyzed the results of the 2009 administration of the PISA, and found that students in 30 of 56 countries included in the test had higher percentages of students scoring at the advanced level than the United States. Farkes, Duffet, and Loveless (2008) found one potential cause of this low performance was teachers who were under-prepared for dealing with advanced students. In a survey, more than 58 percent of teachers reported having received no professional development focused on instructing gifted kids.

Fordham Institute President and K-12 education scholar Chester Finn (2014) makes the case that this sort of disservice to high achievers is a logical result of an environment where success is more often derided than cheered:

"Pressing the education system to pay more attention to high achievers (or high-ability youngsters capable of becoming high achievers) is easily depicted as elitist in a country where "top one percent" has become almost a curse and any number of civil-rights advocates and enforcers are poised to allege discrimination and 'disparate impact' at the drop of a hat."

While the mediocre track record of these services for gifted students is unfortunate, what is worse is some gifted students may never even be identified.

Under-identification: A Common Problem for Minorities

Certain groups of disadvantaged students are less likely to be identified as gifted nationwide. African American students represent approximately 16.7% of students in the U.S., but only 9.8% of students in gifted programs. Hispanics represent about 22.3% of students throughout the country, but only 15.4% of students are receiving gifted services (Grissom and Redding 2016). Beyond differences in performance, which are perhaps legitimate reasons for differences in representation in these programs, research has determined that differences in access according to race are meaningful. Race is still an important predictor of access to gifted and talented programs when previous performance

is taken into account (Nicholson-Crotty et. al. 2011). Support for the idea that this results from educator discretion is found in studies that have examined identification by minority teachers. Students are more likely to be identified as gifted by an educator of the same race (Ford et. al. 2008).

The State of Gifted and Talented Education in Wisconsin

So what’s the story in the Badger State? First of all, it is hard to tell because DPI does not regularly track data on the number of gifted students, making it impossible to update the numbers for 2017. The reasons for this lack of data collection are unclear. But the lack of data collection in this area calls into question the extent to which DPI is monitoring and guaranteeing the provision of enrichment services to students who need them.

We do know that 52,058 students in the state were identified as gifted and talented, representing 5.9% of overall statewide *public* school enrollment, according to the National Digest of Education Statistics.¹ Currently, there is no funding from the state for gifted services (National Association for Gifted Children 2015). And no way of identifying children in private schools as gifted.

Although we lack data on gifted programs in the state, an alternative method is to look at the number of staff assigned to work with gifted and talented students.²

Share of Wisconsin School Districts with Dedicated Gifted Teachers/Program Coordinators, 2016



According to the most recent 2016 data, there were 495 gifted and talented teachers or coordinators in Wisconsin. A number of these are duplicate staff serving multiple schools. However, this staff was employed in just 154 (36.5%) of Wisconsin’s 422 school districts.

There are significant differences the share of districts that have gifted staff based on urbanicity. Table 1 below depicts the share of districts with at least one gifted staff person

¹ This is from 2012 which is the most recent data on the number of gifted and talented students in Wisconsin.
² DPI provides a [data file](#) for all staff in the state that includes their assignment area. Among the categories is a “gifted and talented” assignment area. All of the staff assigned to “gifted and talented” have the position code for “teacher” or “program coordinator.”

using DPI's classification of schools as urban, suburban, small town, or rural.³

Table 1. Share of Districts with Gifted Staff by Urbanicity.

Urbanicity	Share of Districts with Gifted Staff
Urban	82.3%
Suburban	63.2%
Small Town	46.5%
Rural	22.4%

The vast majority of urban school districts have at least one dedicated gifted staff person, as do the majority of suburban school districts. However, less than half of small town districts have such a staff member, and only 22.4% of rural districts do. It is important to note that we do not make the claim there are no gifted services offered in these districts, but do think a lack of dedicated staff may call into question the level of services in these districts.

Enriching the learning of Wisconsin's gifted students should not be limited to one specific gifted program, however. One of the more common ways gifted students are challenged is through advanced placement classes (AP), which present higher level material and give the student an opportunity to obtain college credits. Research has found that AP courses may be one of the only legitimate options for gifted students in high schools (Gubbins 2000).

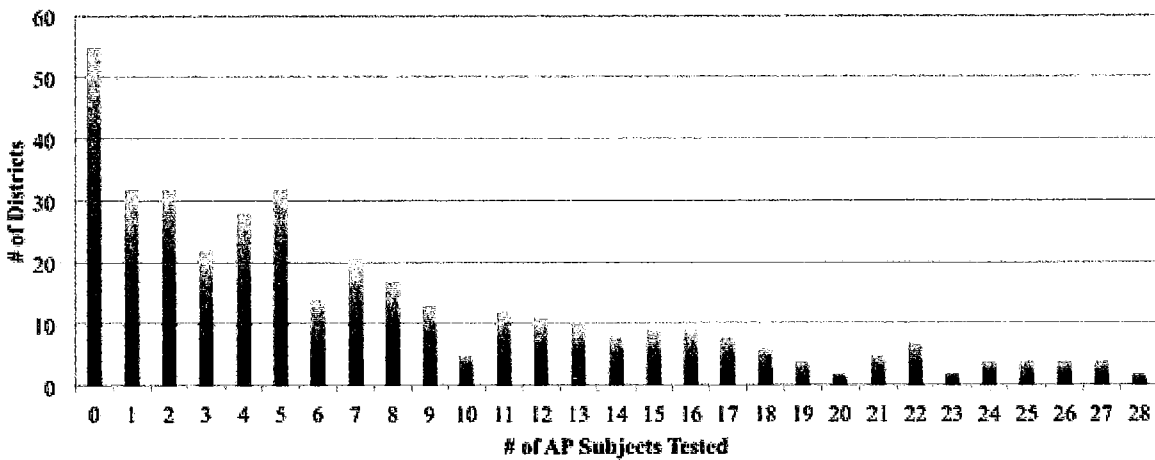
But access to AP courses is far from universal, particularly in struggling school districts. The Wisconsin Department of Public Instruction records the number of students in each district taking Advanced Placement exams. The data is recorded by the subject of the AP Exam. From this data, one can garner a rough estimate of the number of Advanced Placement courses offered by each school district. While it is possible students may have taken the AP exams without taking the class or the school may have offered other AP courses that no students took the exam for, it represents the best possible approximation of course offerings given the available data.

In the state overall, students took AP exams in a total of 36 subjects. There is no school district where all 36 AP exams were taken. Even the district with the highest recorded number of AP exam subjects taken, Madison Metropolitan, only had 28 subjects. Clearly, there is room for students to benefit from taking additional courses at other schools.

In 55 school districts out of 422, there were no AP exams taken. In fact, the most common number of AP exams taken in a school district is zero. In 206 school districts, AP exams were taken in 5 or fewer subjects.

³ The average of each school's urbanicity in a particular district is taken to create an overall districtwide urbanicity. Districts that are evenly divided between different urbanities are not included in this analysis.

Figure 2. Count of Districts with each number of AP Subject Tests



The differences between AP participation are also significant along lines of urbanicity. The most AP Exams are taken in urban and suburban areas; perhaps reflective of the varied interests of a larger population of students. But far fewer exams are taken in small towns, and even fewer in rural school districts—only an average of 4 per district.

Table 2. Number of AP Exams taken by Urbanicity

Urbanicity	Average Number of AP Exams
Urban	19.94
Suburban	14.37
Small Town	9.12
Rural	4.24

Left out of this entire discussion are the thousands of low-income students enrolled in Wisconsin’s parental choice programs that have limited access to AP classes. Most gifted and talented students in the private voucher program currently don’t have access to these types of courses that could allow them to graduate from college sooner, or gain experience with a college-level curriculum.

Identification of gifted and talented kids in Wisconsin is open to the sort of subjective identification criteria that appears to lead to discrimination against certain groups of students. Wis. S. 118.35.1 lays out the legal definition of what a gifted student is:

“In this section, "gifted and talented pupils" means pupils enrolled in public schools who give evidence of high performance capability in intellectual, creative, artistic, leadership, or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities.”

It is unclear what “gives evidence” means in this context. Administrative rules designed by DPI to enforce this statute suggest it should be based on multiple measures including standardized test scores, but no specific benchmarks are provided. Using the 2012 NCES data, it does appear some minority students, particularly Hispanic students, are underrepresented. In 2012, Hispanic students represented 9.8% of the student population in the state, but only 6.5% of students identified as gifted. Representation of African American students appeared to be far closer to their share of the population.⁴

How Choice Has Helped Expand GAT Program Access in Wisconsin

Currently Wisconsin has both the Course Options Program and the Youth Options Program, both of which offer expanded educational opportunities for students in public schools. However, they currently do not apply to students attending private schools through the choice program. They also may impart costs on students, making it difficult for low-income families to benefit from the programs.

Wisconsin’s Course Options Program “allows a pupil enrolled in a public school district to take up to two courses at any time from an educational institution”.⁵ Students can take courses at other public schools, including charter schools, technical colleges, and both public and private universities. However, according to DPI’s Course Options Cost Table, students and families may have to pay fees for any classes that offer college credit for completion.

Similarly, Wisconsin’s Youth Options Program allows public high school juniors and seniors who meet certain requirements to take postsecondary courses at a UW institution, a Wisconsin technical college, one of the state’s participating private nonprofit institutions of higher education, or tribally-controlled colleges”.⁶ However, the student must receive approval from the school board in order to have the cost of the course covered by their school. This still does not resolve the issue of the cost of materials, textbooks, or transportation, again disproportionately hurting students of low-income families.

A great option to highlight is Waukesha’s eAchieve school, which offers AP courses online. The school, chartered by the Waukesha School District, provides tuition-free education for all Wisconsin students through open enrollment, both full-time and part-time. Full-time students receive free laptops and can be reimbursed for internet expenses. However, part-time students still face the cost of materials, internet, and a computer. This creates a barrier to the program for low-income families. While students of any districts can take up to two classes their school does not offer, they face costs for materials – for AP

⁴ African American students represented 9.1% of students identified as gifted and 9.8% of the student population.

⁵ Wisconsin Department of Public Instruction, “Student Course Options.” <https://dpi.wi.gov/courseoptions>

⁶ Wisconsin Department of Public Instruction, “Wisconsin’s Youth Options Program”. <https://dpi.wi.gov/youthoptions>

classes often including expensive textbooks – and must have access to internet and a computer.

All of Wisconsin’s current programs for gifted and talented students fail to properly address the cost concerns associated with them. An Education Savings Account Program could solve the issue of cost, benefiting low-income families the most.

How the Gifted and Talented Education Savings Account Would Work

In the ESA bill proposed by State Senator Darling, up to 2,000 parents of gifted children in public, charter, or choice program schools would be provided with an ESA of \$1,000 which could be used to purchase additional services for their child. The funds in the ESA could be spent at any participating school, a licensed or accredited tutor, or other providers that have been approved by DPI. There are number of specific expenses listed in the legislation on which the ESA can be spent. These are included in Table 3 below.

Table 3. Eligible Expenses in Darling ESA bill

Tuition and fees
Textbooks required by the provider
Payment to licensed or accredited tutor
Payment to purchase a curriculum
Tuition or fees for a private online learning program
Fees for AP Exams or similar courses
Private music or art lessons
Other expenses approved by DPI

To increase the likelihood of participation by students from traditionally underrepresented backgrounds, the identification of gifted students would no longer be based on educator assessments alone. In addition, students who scored in the top 5 percent of all students in that grade level on the Forward Exam’s Mathematics, English/Language Arts, Social Studies, or Science sections would be eligible for the ESA⁷. The ESA would be available to families eligible for free or reduced price lunch; which is includes incomes up to 185% of the federal poverty line.

The bill would also expand the means of identifying gifted students to include the top 5% on state tests, potentially opening up access to ESAs to students enrolled in Wisconsin’s school choice programs, who cannot be identified as gifted and talented under current state law. This provision also has the potential to increase identification of students who are traditionally underrepresented in gifted education, such as economically disadvantaged and minority kids.

⁷ The Technical language in the bill is that students who score in the top five percent on Exams required under Wis. Statutes 118.30 would be eligible. If the Forward Exam is changed to another exam at a later date, this exam would be used for identification.

Are there enough students meeting these criteria to fill the 2,000 spots? We attempt to estimate the answer to this question using the numbers available from DPI on Forward Exam Performance. More than 38.7% of students in the state come from families earning less than 185% of the federal poverty line. Of those students 2.6%—3,797 total—scored in the ‘advanced’ category of the Forward Exam in math. And 3.7% of those students—5,391 total—scored in the ‘advanced’ category in English/language arts. These numbers do not include the number of students who achieve this category in Wisconsin’s parental choice programs. While these category cutoffs are not a perfect match for the language in the legislation on eligibility, it does indicate the potential for a sufficient number of students.

This legislation would have no impact on the manner or amount of funding a student receives for their regular school day education. If they are enrolled in a public school or charter school, they will continue to be enrolled at the same per pupil rate. If they are in one of Wisconsin’s school choice programs, they will continue to receive the full voucher.

The Benefits of the ESA Bill

- *More opportunity for educational programs for all children regardless of sector.*

Whether a public, private, or charter school is best for their child, families with gifted children will be able to take advantage of the supplemental services offered through the ESA.

- *Expanded access to services for poor and minority students.*

Poor and minority students tend to be under-identified as gifted, even when controlling for their level of achievement in the classroom. The Darling ESA bill provides an objective measure on which students can be identified as gifted: the Forward Exam. Card and Giuliano (2015) examined the effect on the representation of poor and minority students in gifted programs when a universal screening procedure was implemented in a large urban school district. They found that the implementation of this program led to large increases in access for these students. Similar results may be found in Wisconsin if a system devoid of educator biases is implemented in the state.

- *Access to gifted services for students in the choice programs.*

Under the current Course Options law in Wisconsin, students in public schools are able to take advantage of classes offered at participating private schools, but private school students do not enjoy the same privilege. This ESA proposal would level the playing field for families of students in choice schools, who want to tailor the best possible education for their student, which might mean a mix of public and private classes.

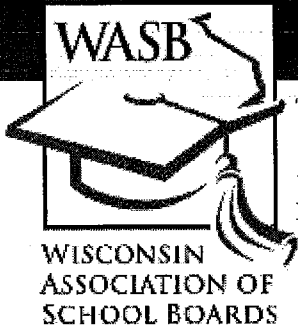
- *Services tailored to the specific needs of the student.*

The legal requirements for gifted education in Wisconsin are not well defined and quite

ambiguous. State law, Wis. Stat. 118.35.3a, mandates that all students identified as gifted in a school district be provided with access to “a program,” but provides no guidance on what that program should entail. Additional funding through the ESA would provide parents with an opportunity to identify and take advantage of specific programs they judge to benefit their child. For instance, a student with a gift for music could enroll in private piano lessons, or a student with an affinity for language could have a Spanish tutor.

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"Leadership in Public School Governance"

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TO: Members, Assembly Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: January 25, 2018
RE: OPPOSITION TO Assembly Bill 830, relating to an educational savings account program for gifted and talented pupils

While the Wisconsin Association of School Boards (WASB) applauds the attempt in Assembly Bill 830 to provide resources aimed at boosting the achievement of low income students identified as gifted and talented, we cannot support the bill in its present form.

While we do not question the good intentions of the authors of AB 830, we believe there are legitimate concerns with the bill that need to be addressed. The bill in its current form largely ignores these concerns which include the following:

First, while public schools are required to provide access to appropriate programming all pupils identified as gifted and talented, without charge for tuition, the state provides little or no financial assistance to school districts that is specifically targeted to address this mandate. The state has chronically underfunded programs to assist gifted and talented pupils of all income levels and backgrounds.

In our experience based on conversations with administrators and board members on gifted and talented issues this is their number one complaint. They would like to offer broader gifted and talented programming through differentiated instruction and supports, but don't have the resources to meet the needs of every child who may qualify in full or in part for such instruction. While this bill would target low-income pupils, it would not address the needs of gifted and talented pupils who do not meet the income eligibility criteria set forth in the bill.

The program proposed by AB 830 would provide *some* individual students with an individual grant, but leave *many* similarly-situated students with nothing. Instead, available funding could be used to start to address the state's underfunding of its existing mandates. School districts could use the funds to assist with delivering school-wide and district-wide programming from which all gifted and talented students in our public schools can benefit.

To the point about underfunding of gifted and talented program we note that while school districts receive state aid to assist them in funding their educational programs, the only dedicated source of state funding for the education of gifted and talented pupils is a Gifted and Talented Grant Program. This grant program, currently funded at \$237,200 annually in each fiscal year of the 2017-19 state budget, has been funded in recent years at a level between \$196,200 and its current \$237,200 funding level, or roughly one-tenth of the funding provided in this bill.

Gifted and Talented Program Grants may be awarded to nonprofit organizations, cooperative educational service agencies (CESAs), institutions within the University of Wisconsin System, and school districts for the purpose of providing to gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities.

Second, the framework outlined in the bill largely ignores existing mandates on public school boards to: a) ensure that all gifted and talented pupils enrolled in the school district have access, without charge for tuition, to an appropriate program for gifted and talented pupils and b) establish a plan and designate a person to coordinate the gifted and talented program. (An Appendix is attached to this testimony providing background information on requirements for gifted and talented pupils in public schools.)

In our view, the framework set forth in the bill is likely to be confusing for public schools because it appears to establish a new mechanism or process for identifying gifted and talented pupils who meet the income eligibility criteria set forth in the bill that is different than the existing mechanism or process for identifying gifted and talented pupils in public schools.

By law, the current identification process used in public schools produces a pupil profile based on multiple measures, including but not limited to standardized test data, nominations, rating scales or inventories, products, portfolios, and demonstrated performance. Identification tools used in public schools must be appropriate for the specific purpose for which they are being employed.

Under the bill, however, a pupil could be identified as gifted and talented and become eligible for an education savings account solely by scoring in the top five percent of all pupils in that grade who took the required state standardized assessment used for accountability purposes. This appears to be a completely new identification pathway.

It is worth noting that the identification process and tools used in public schools are also required by current law to be responsive to factors such as, but not limited to, pupils' economic conditions, race, gender, culture, native language, developmental differences, and identified disabilities.

Third, in our view, the provisions in the bill requiring the establishment of individual accounts for each identified gifted and talented pupil to be maintained by the DPI appear to be administratively cumbersome and unnecessarily expensive to operate.

Fourth, our members are on record as generally opposing the creation of educational savings accounts for preK-12 educational expenses. Proponents of educational savings accounts or ESAs often refer to such accounts as Vouchers 2.0. Educational savings accounts or ESAs are a type of private school choice program that provides eligible students with public funding toward a private education.

In their most common form Education Savings Accounts (ESAs) can be distinguished from voucher programs in that vouchers are a *school choice* program. Vouchers generally provide interested parents with funding for *tuition* at a religious or secular private school. ESAs, on the other hand, are an *educational* choice program. ESAs are typically designed to fund a *broader set of educational expenses*, such as private school tuition and fees, online learning programs, private tutoring, education therapies for students with special needs, textbooks, or dual enrollment or higher education expenses. One of our broad concerns with this proposal is that it could easily become, in effect, a "foot in the door" for a broad expansion of a mechanism to channel ever increasing amounts of public funding to private educational providers to the potential detriment of public education.

Critics question whether educational providers who accept ESA funds will offer uniformly high-quality services and, if not, whether parents will be able to differentiate between high-quality providers and low quality providers. At their worst, ESA programs might simply enable low-performing private schools or other private providers to access millions of dollars of government revenue with little accountability.

The program proposed by AB 830 would do very little to address the underfunding of the state's existing gifted and talented mandates for public schools. Public school students do not purchase services from their public schools. As a result, public schools that are subject to specific mandates and that are trying to deliver effective programs with limited resources would likely see no additional funding, while private entities that are not similarly-required to make any of their own efforts could capture public funding for regular tuition and/or offer "add-on" services at a cost that is paid for using public funds.

Fifth and finally, existing Wisconsin statutes provide a number of pathways for non-public school students to access public school courses at the high school level free of charge in their district of residence. Under s. 118.145(4), Stats., pupils enrolled in private schools or tribal schools may take up to two public high school courses each semester in the school district in which they reside *if space is available*. Under s. 118.53, Stats., pupils who are home-schooled may take up to two public high school courses each semester in the school district in which they reside if the school board determines that they qualify for admission to those courses and space is available.

For all these reasons, we oppose Assembly Bill 830 and ask that you not advance the bill.

APPENDIX

Background on Gifted and Talented Programs in Public Schools

Under current law, each school board must ensure that all gifted and talented pupils enrolled in the school district have access to an appropriate program for gifted and talented pupils. (See sections 118.35 (3) and 121.02 (1) (t), Wis. Stats.) Further, the school district board shall provide access, without charge for tuition, to appropriate programming for pupils identified as gifted or talented as required under those two statutory sections.

Additionally, under DPI administrative rules establishing school district standards, each school district board must establish a plan and designate a person to coordinate the gifted and talented program. (See PI 8.01 (2)(t) 2., Wis. Administrative Code.)

Under current law, "gifted and talented pupils" are defined as "pupils enrolled in public schools who give evidence of high performance capability in intellectual, creative, artistic, leadership or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities." (See section 118.35 (1), Wis. Stats.)

By law, the identification of gifted and talented pupils shall occur in kindergarten through grade 12 in general intellectual, specific academic, leadership, creativity, and visual and performing arts. A pupil may be identified as gifted or talented in one or more of the categories identified under s. 118.35 (1), Wis. Stats.

By law, this identification process shall result in a pupil profile based on multiple measures, including but not limited to standardized test data, nominations, rating scales or inventories, products, portfolios, and demonstrated performance. Identification tools shall be appropriate for the specific purpose for which they are being employed.

The identification process and tools are also required to be responsive to factors such as, but not limited to, pupils' economic conditions, race, gender, culture, native language, developmental differences, and identified disabilities as described under subchapter V of chapter 115, Wis. Stats.

The school district board must provide an opportunity for parental participation in the identification and resultant programming. (See PI 8.01 (2)(t) 2., Wis. Administrative Code.)

While school districts receive state aid to assist them in funding their educational programs, the only dedicated source of state funding for the education of gifted and talented pupils is a Gifted and Talented Grant Program. This grant program, currently funded at \$237,200 annually in each fiscal year of the 2017-19 state budget, has been funded in recent years at a level between \$196,200 and its current \$237,200 funding level, or roughly one-tenth of the funding provided in this bill.

Gifted and Talented Program Grants may be awarded to nonprofit organizations, cooperative educational service agencies (CESAs), institutions within the University of Wisconsin System, and school districts for the purpose of providing to gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities.