



ROBERT WITTKE

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

Assembly Committee on Education
Public Hearing December 5, 2023

Chair Kitchens and Committee Members,

Thank you for holding a public hearing on Assembly Bill 652 which would establish a remote proctoring option for certain pupil assessments.

Current law requires school boards, charter schools, and private schools participating in a parental choice program to administer the Forward Exam to students in grades 3 to 8 and 10. The test is administered to students across Wisconsin to assess how well they are advancing in course work at several stages in their education. The tests are performed online but require a proctor to be physically present to monitor the tests. For those families that choose to engage in virtual schooling this requirement can present challenges for taking the test. With advancements in technology it is now possible to conduct the test with a virtual proctor monitoring the test taker to ensure compliance.

Virtual schools must proctor these examinations in-person and often across large geographical locations. Testing sites include libraries, hotels, community centers and technical schools, sometimes up to an hour away from the student's home. For example, more than a thousand students of Wisconsin Virtual Academies took the Forward Exam at 72 state-wide sites from Superior to Racine and everywhere in between. Test coordinators and proctors drove more than 25,000 miles and canceled hundreds of classes to meet the requirements of the mandated face-to-face proctoring.

The aim of this legislation is to give the option to school boards, charter school operators, or private school governing bodies, to develop policies to administer the Forward Exam with a virtual proctor. The minimum standards laid out the bill set a baseline of how technology can be used to help ensure the test guidelines are followed.

Thank you again for holding this public hearing on AB 652.



JOHN JAGLER

STATE SENATOR • 13th SENATE DISTRICT

Phone: (608) 266-5660
Toll-free: (888) 291-3489
Sen.Jagler@legis.wi.gov

Room 131 South
P.O. Box 7882
Madison, WI 53707-7882

Testimony on Assembly Bill 652

Thank you Chairman Kitchens and members of the committee for hearing our testimony today. AB 652 allows a school district to take advantage of advances in technology to administer the Wisconsin Forward Exam.

The Forward Exam started in the 2015-16 school year. It is given to show teachers, administrators and parents how well their students grasp the subjects of English Language Arts (ELA), mathematics, science, and social studies. For older students, the results help show how well prepared students are for college or entering the workforce.

The test is given each spring to the following grades:
Grades 3-8 in English Language Arts (ELA) and mathematics,
Grades 4 and 8 in Science and,
Grades 4, 8, and 10 in Social Studies.

The tests are performed online but require a proctor to be physically present to monitor the tests. For those families that choose to engage in virtual schooling this requirement can present challenges for taking the test.

This requirement for in-person proctoring presents unique challenges to virtual school districts. For example, at Wisconsin Virtual Academies 1119 students took the Forward Exam at 72 state-wide sites, with locations ranging from Superior to Racine and everywhere in between. Test coordinators and proctors drove a total over 25,000 miles and canceled hundreds of classes to meet the requirements of the mandated face-to-face proctoring.

The bill does not force schools into allowing remote proctoring. The bill simply gives flexibility to allow school districts to utilize technology if it works for their needs.

Thank you for your time. I would be happy to take any of your questions now.



December 5, 2023

Assembly Committee on Education

**Department of Public Instruction Testimony
2023 Assembly Bill 652**

Thank you, Chairman Kitchens and members of the committee, for the opportunity to provide testimony on Assembly Bill 652 (AB 652). My name is Phil Olsen, Assistant Director for the Office of Educational Accountability for the Department of Public Instruction (DPI), and with me today is Thomas McCarthy, Deputy State Superintendent.

DPI opposes AB 652, which allows remote proctoring of assessments if a school's governing body has a remote proctoring policy.

DPI is charged with establishing and overseeing a state assessment system that fairly and accurately measures student achievement in relation to the State's academic standards. Administrative procedures for these assessments have been standardized to create a fair and equitable measure for all students. These procedures must be followed carefully so that each student's achievement results reflect their individual skills and abilities. Failure to follow these procedures could result in the invalidation of student tests and serious consequences for students, schools, districts, and staff.

The state must demonstrate to the U.S. Department of Education that it has implemented and documented an appropriate set of policies and procedures to prevent test irregularities and ensure the integrity of test results.¹ DPI's current policy relating to test administration is that all student assessments shall be proctored by school district staff in a supervised setting. Currently, in almost all situations, that supervised setting is a classroom in a school building. An additional option that several virtual schools have implemented is to rent space in a hotel conference room and set up a testing site where the school's students are tested in a proctored environment. In no situation has DPI allowed for test administration where a proctor is not physically present in the test setting.

Introducing remote proctoring would create significant test security issues as the ability to monitor student activity in a remote setting closely is drastically different from the ability to monitor in a face-to-face setting. To comply with the requirement in this proposal, the department believes that each student taking an assessment would need to configure and run a second camera external to the laptop camera usually present to ensure test security. Specifically, 360-degree cameras would be required in a remote student's testing environment to ensure that these students are doing their own work and are not receiving outside assistance.

¹ Please see Forward Exam Test Security, dpi.wi.gov, <https://dpi.wi.gov/assessment/forward/security>.

Current DPI test security policies also do not allow parents/guardians to serve as proctors or be present in any way during the administration of state-required assessments to ensure no external assistance during testing. Administering the test remotely in students' homes increases the likelihood that parents/guardians would be present in the testing environment. This would most likely be viewed as a test security violation, and a student's test would be invalidated in these situations.

In addition to changing DPI's test administration policies, this bill would likely require the Forward assessment contract to be updated, resulting in additional costs to the state. The department confirmed with our vendor that they are not currently able to provide the test remotely through a secure browser, and our current contract does not include any provisions for remote testing. Using a secure browser for the administration of the test is an absolute test security requirement for remote testing. A secure browser locks down a student's device so that a student is unable to toggle between the testing software and other programs that may be running on the computer. Administering the test without a secure browser would, in effect, be allowing students unlimited access to the internet while testing. Development of a secure browser that accommodates remote testing will take time, and additional costs not funded by this proposal may be incurred.

Test security and validity are essential features of an assessment system. Ensuring the validity and reliability of students' tests is important as the test results factor into our overall accountability system. Lowering the test security threshold increases the likelihood of test security violations that compromise overall test validity and reliability. DPI relies on the secure administration of tests to ensure that school and district report card results are accurate, fair, and are based on achievement results that are not suspect due to relaxed administration protocols.

Test security is covered by the state's contract with the Forward Exam test vendor – Data Recognition Corporation (DRC). DRC owns the test questions and leases these questions to Wisconsin and other states. Remote proctoring increases the likelihood of test questions being compromised as students would be testing remotely, which restricts the ability to monitor student activity during test sessions. Robust monitoring of student activity helps decrease the likelihood that test security violations will expose test items to the public.

Any test questions that would be compromised could no longer be used in Wisconsin or other states, and DPI may owe costs to the Forward Exam vendor to develop new test questions and replace the exposed questions. Each test item represents hundreds of hours of work from DPI employees, contractors, and, most importantly, Wisconsin educators. Each test item lost to exposure, and therefore unusable on future assessments, may cost the state thousands of dollars.

There are also legal implications of privacy to consider for students, who are generally minors. A federal judge recently determined that the Fourth Amendment was violated in scanning a college student's room before the student started a remote test. Scanning the room was done in an effort to ensure test security as part of the remote proctoring process.²

² Ogletree v. Cleveland State Univ., 1:21-cv-00500 (N.D. Ohio Dec. 20, 2022) U.S. District Court Judge J. Phillip Calabrese ruled in favor of the student that room scans are unconstitutional under the Fourth Amendment.

Finally, as proposed, this bill may implicate assessments beyond the Forward Exam. For example, it appears applicable to the PreACT Secure assessment for grade 10 in ELA and Mathematics. Our current vendor for tenth grade is the ACT organization. Their current position is that remote testing is not currently available for the PreACT Secure assessment that we administer in 9th and 10th grade.

The department understands and appreciates the intent of the bill's authors. Finding ways to administer standardized assessments to the various types of test-takers is an issue that other states and the United States Department of Education are exploring. To put it simply, an easy solution is not currently available. Proposals like the one being discussed today are popping up in other states, with concerns similar to what you've heard today being expressed. One of the most significant concerns in other states, similar to what you've heard today, is the cost.

The department will need to pay increased vendor costs for upgraded technology as well as the development of alternative test forms for students testing remotely. Schools will need to provide students with improved camera options for monitoring the test environment as well as additional training for staff on how to address issues that remote proctoring introduces. And finally, access to broadband across the state must be equally available to ensure that anyone trying to access the assessment can do so without disruption or problems. Addressing these issues will take considerable time and will need to be well thought out before being required. The department is open to continuing this conversation but does not feel confident that all these issues can be resolved within the timeframes outlined by the proposal.

For the reasons stated above, DPI opposes AB 652. If you have questions or would like additional information, please contact Kevyn Radcliffe, Legislative Liaison, at kevyn.radcliffe@dpi.wi.gov or (608) 264-6716.

TO: Members, Assembly Education Committee

FROM: Daniel Henderson, Project Manager 

DATE: December 5, 2023

RE: AB 652 - Remote proctoring of certain pupil assessments.

Thank you for your consideration. The Wisconsin Council of Religious and Independent Schools (WCRIS) has no position on AB-652. But we urge the committee to consider some of the following points.

As you may know, WCRIS represents over 600 private schools and over 100,000 students in K-12 schools across the state. About two-thirds of those schools utilize the choice programs to carry out their mission of expanding access to the education they provide.

Schools enrolling more than 19 Choice students are required to administer the Forward Exam to choice students. Although it's not required of the non-choice schools, some of these schools utilize the Forward Exam as an assessment tool.

WCRIS has worked to ensure equitable access to the Forward Exam. Our efforts have allowed private schools to acquire the exam at a reduced rate close to the public school cost.

Giving freedom to schools to choose how the Forward Exam is administered is always appreciated. We want to ensure that the intent of AB 652 is accomplished.

Therefore, we want to propose the following considerations that may need to be addressed to ensure the bill operates as intended:

1. While the bill addresses the concern of monitoring students during the exam with video observations, how can a school ensure that a device or someone is not off camera providing aid? Current DPI test security training states that all instructional material needs to be off the walls, and that non-essential personnel and families vacate the room. Unless the proctor is able to view 360 degrees of the room, the student could have notes behind the camera.
2. How will the school handle situations where a student's camera feed fails or stops working? Is the test invalid? Will new tests have to be paid for?

Archdiocese of Milwaukee

Association of Christian
Schools International

Christian Schools
International

Diocese of Green Bay

Diocese of LaCrosse

Diocese of Madison

Diocese of Superior

Lutheran Church
Missouri Synod
North Wisconsin District

Lutheran Church
Missouri Synod
South Wisconsin District

Wisconsin Association
of Independent Schools

Wisconsin Conference
of Seventh Day Adventists

Wisconsin Evangelical
Lutheran Synod
Northern Wisconsin District

Wisconsin Evangelical
Lutheran Synod
Western Wisconsin District

Wisconsin Evangelical
Lutheran Synod
Southeastern Wisconsin
District

Associate Members

PHONE
(608) 287-1224

E-MAIL
wcris.staff@wcris.org

WEBSITE
www.wcris.org

ADDRESS
110 East Main Street
Suite 802
Madison, WI 53703

3. Should there be a proctor-to-student ratio limit? Can we ensure that a proctor can monitor the video feed of every student of various resolutions because of internet connection differences? It may be feasible to monitor two or three students, but can a proctor effectively monitor 20 students at once?
4. We must remember that today's students are digital natives, are already trying to use artificial intelligence (AI), and are extremely savvy when it comes to technology. How will we ensure that students don't exploit or take advantage of being tested in a virtual environment?
5. Because the exam is a standard point of reference, how can we ensure that the environments that students are tested in are conducive to test taking. In-person examination allows school staff to create uniform and distraction-free environments.
6. Should the proctor be required to have a certain level of educational attainment?
7. Special needs students are often given accommodations for testing. How is this to be navigated to keep the results uniform?
8. Finally, we urge the committee to check to see if the state's license and contract with the testing company allow for the test to be administered in a virtual environment.

We encourage you to consider these points before advancing AB 652.

Please don't hesitate to contact me if WCRIS can be of additional service.



Testimony before the Assembly Education Committee

Thank you for giving me the opportunity to speak on this important if underappreciated topic.

My name is Dr. Ian Kingsbury and I'm a senior fellow at the Educational Freedom Institute. I received my PhD in education policy from the University of Arkansas Department of Education Reform and was previously a postdoctoral fellow at the Johns Hopkins Institute for Education Policy. I am the author of more than a dozen peer reviewed studies, including five studies on virtual learning.

An additional study that is currently under review in a peer reviewed journal concerns the matter that you have graciously allowed me to speak on today: remote testing for virtual school students. Based on the results of this study, it is clear that allowing students in virtual schools to remotely participate in state tests best serves the interests of the Wisconsin Department of Public Instruction and virtual school families. Allow me to explain why.

First, the empirical case: There is an extensive literature which indicates that test scores best reflect student learning when the testing conditions are familiar to the student. For example, one study found that simply having an unfamiliar test proctor is associated with significantly lower test score performance. Another study found that test scores dropped significantly in the first year that schools transitioned from paper-based to computer-based testing. Forcing virtual school students to travel to a completely unfamiliar environment sometimes to take multiple tests in the same day is to set these kids up for failure. Unsurprisingly, in my study I observed that remote testing accommodations made for students in certain states in the two years of the COVID pandemic was associated with stronger alignment between state test scores and other indicators of academic progress. Simply put, remote testing facilitates a better capture of student learning.

Second, the practical case: Adaptations made during the pandemic prove that it is possible to administer tests remotely and at scale. Even graduate school admissions tests like the LSAT and GRE were administered remotely during the pandemic. Moreover, several states have within the past year codified that virtual school students can participate in state tests from home. This is a concept whose time has come.

Third, the ethical case: Many students enroll in virtual schools because they confront emotional, social or personal challenges that make it all but impossible for them to enroll in a brick and mortar school. The status quo testing arrangement is a major source of anxiety for these vulnerable kids. One virtual school teacher relayed to me that the school must provide "vomit buckets" to accommodate students on testing days. Moreover, virtual school families are economically disadvantaged compared to the national average. The status quo testing arrangement is costly in terms of transportation, missed work, or even hotel accommodations. It's time to lift the financial burden that is imposed on these families.

Rectifying these problems through the adoption of remote testing is a no brainer. Thank you.

WI Virtual Academies

Wisconsin's Largest Virtual Public Schools-
Serving over 4000 students annually

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Dr. Sara R. Cutler
Executive Director
scutler@k12.com

Our mission is to provide an equitable opportunity for every student in our state, by promising to support students in personalized learning, no matter where they are, who they are, or what they need.

PARTICIPATION RATE



47% ISWI

56% DCA

59% WIVA



WHY?



STATE ACCOUNTABILITY

State Report Card Results:

School	SY23	SY22	SY21
WIVA K8	55 Meets Few	56.6 Meets Few	69.4 Meets
WIVA HS	63.9 Meets	51.3 Meets Few	52.6 Meets Few
DCA	62.5 Meets	60 Meets	61.5 Meets
ISWI	Alternative Rating- Satisfactory Progress	Alternative Rating- Satisfactory Progress	Alternative Rating- Needs Improvement

Why did students OPT-OUT

preACT/ ACT	FORWARD
<ul style="list-style-type: none"> Health/Covid Anxiety/Stress Transportation (parents cannot take off work, vehicle problems, etc) Test does not represent student ability Don't need ACT for future plans 	<ul style="list-style-type: none"> Health/Covid Anxiety/Stress Transportation (parents cannot take off work, vehicle problems, etc.) Test does not represent student ability

WHAT IT COSTS US

Testing by the Numbers	ACT	Pre-ACTs	Forward
# of days teachers tests- 78 total	24	29	25
# of CCs canceled	196	918	1165
# of weeks focused on testing	4	3	6
# of miles driven throughout the state	94,83	19,104	26,232
# of computers/ boxes being hauled from site to site	372		

The Case for Remote Proctoring of State Tests for Public Virtual Schools



The Challenge: Full-time public virtual school students are required to test in-person

In most states, public school students are required to be in person, inside a facility, when taking state-mandated tests. For students in traditional public schools, taking state tests in the same school buildings and classrooms where they learn is, for the most part, akin to a normal school day. But for students in public virtual schools, state testing is a far different and far more challenging experience – and one that comes at a cost.

Current testing requirements force students in full-time statewide public virtual schools to travel to testing sites across the state to take tests in a face-to-face setting. The extensive travel and other burdens this creates is especially difficult for families who live in remote and rural communities, for families with at-risk students, and for low-income families. Public virtual school students must take high stakes tests in unfamiliar locations often over multiple days. Also, teachers must travel to testing sites to serve as proctors during the testing season. They get spread thin across the state and are unable to teach resulting in many days of lost instruction. Simply put, public virtual school students and their families face significant testing hardships that their peers in traditional public schools do not experience.

Negative Impacts of in-person Testing on Virtual Students & Families

Working parents forced to take time off work to accompany children to testing.	Financial burdens: travel costs, lodging, childcare, and other expenses.
Students with disabilities, health, or medical issues face unique challenges.	Lost instructional time and student learning.
Testing in unfamiliar locations increases anxiety, decreases performance.	Need for students to take multiple tests in one day or over consecutive days increases test fatigue.
Multi-child families required to make several trips to testing facilities.	Excessive travel demands for rural students who live in remote areas of the state.

The Solution: Remote Proctoring of State Testing

Remote proctoring of state tests is a safe, secure, and effective alternative to in person testing. It relieves the heavy travel burdens, financial costs, and other challenges that public virtual school families face just to participate in state testing. It ensures students do not unnecessarily lose critical instructional time with their teachers, and, as recent research shows, it leads to better participation and more accurate measures of student learning.

1. Using secure technology and web-based conferencing tools, teachers can provide real-time proctoring of students taking state assessment tests remotely.
2. With strong procedures and safeguards in place, remote testing can be administered securely and in compliance with all state and federal laws.
3. Full-time public virtual school students in California, Idaho, Iowa, and Oregon have all been permitted to take state tests remotely.
4. Beginning in the 2023-24 school year, public virtual school students in Arkansas, Kansas, and West Virginia can utilize remote proctoring of state exams. Missouri is piloting remote proctoring with a subset of virtual students, and Virginia's full-time virtual school students may take their twice per year state-mandated growth assessments in a remote setting.
5. Remote proctoring is a widely accepted and proven method used for several other high stakes tests, including, among others, the Law School Admissions Test (LSAT), College Level Examination Program (CLEP), Praxis teaching certification exams, and GRE exams

Research on Remote Proctoring

Recent [research](#) indicates there is a real and significant difference between student performance for public virtual school students who test remotely from home.

- Results from students who tested from home are more strongly aligned to school level assessments. In effect, remote testing appears to give a more accurate measure of student performance.
- Allowing public virtual school students to take tests from home is critical to better evaluation of schools and student learning.

Remote Testing Safeguards

Security is important for any test. By implementing sound remote testing procedures consistently and with fidelity, state tests can be safely and securely administered to students across the state. Whether tests are administered remotely or in person, no assistance should be given to students as they answer questions, nor should they be allowed to view any material while taking tests.

Testing only occurs during assigned schedules.	Disallowing other electronic devices and disabling the use of other computer programs during testing
Testing occurs in a synchronous assessment session initiated only by school personnel.	Appropriate proctor to student ratios to ensure constant supervision throughout testing.
Student computers are monitored by the proctor for the duration of the test.	Test submissions verified by the administrator.