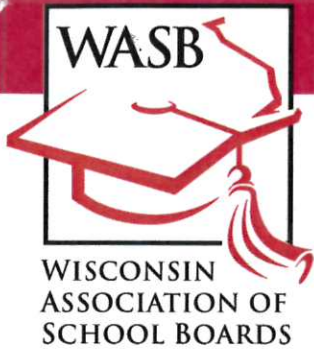


Assessment	Grade(s) Assessed	Test Window(s)	Domain	Purpose(s) for Administration and Resulting Data
Standardized Assessments				
STAR	K-12	9/8 - 19 10/13-24 12/17 - 1/22 5/11 - 6/5	Local	STAR assessment data is used for instructional planning, progress monitoring, and standards benchmarking. Educators have immediate access to skill-specific, actionable data to target instruction and practice, select students for intervention, and predict state-test performance.
Fountas and Pinnell	K-5	9/2 - 30 12/17 - 1/22 5/11 - 6/5	Local	F&P is used to screen all students to determine independent and instructional levels in literacy. Resources in the classroom are aligned to each individual student's readiness.
Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT)	9-11	10/15	Local - Optional	The PSAT/NMSQT is a standardized test that provides firsthand practice for the SAT. It also provides Juniors an opportunity to enter NMSC scholarship programs and gain access to college and career planning tools. The PSAT/NMSQT measures critical reading skills, math problem-solving skills, and writing skills.
Cognitive Abilities Test (CogAT)	3, 7	11/10-11/21	Local	The CogAT is used as a screening tool to assess students' abilities in reasoning and problem solving using verbal, quantitative, and nonverbal (spatial) symbols. CogAT is primarily used to help educators make important instructional decisions, such as talent development identification and programming. Exclusive features such as the Ability Profile Score can be used to expand the educational opportunities of all students.
Phonological Awareness Literacy Screening (PALS)	4K-2	9/2-30 (1,2) 10/13- 11/24 (4K-K) 1/12 - 22* 4/27-5/8	State	PALS is an early literacy screening tool that provides valuable information necessary to improve the reading skills of students. PALS is designed to ensure students who are in need of additional support are identified early on. *Students below benchmark during fall assessment take the Winter assessment.
Smarter Balanced	3-8	3/30-5/22	State	The Smarter Balanced Assessment system is designed to measure student proficiency in the understanding and application of standards for English Language Arts and math. The results will help inform instructional decisions aligned to the standards for students in the classroom.
Wisconsin Student Assessment System (WSAS)	4, 8, 10	10/27-11/7	State	The Wisconsin Knowledge and Concepts Examination (WKCE) and the Wisconsin Alternate Assessment for Students with Disabilities (WAA-SWD) assessments measure student proficiency of the WI state standards in the area of Social Studies in 4th, 8th and 10th grade and Science 4th and 8th grade.
Dynamic Learning Maps (DLM)	3-11 Select Students	Varies	State	The DLM assessment system is designed for students with severe cognitive disabilities who are determined unable to participate in other assessments established in the state assessment system (Smarter Balanced, Aspire, ACT). This determination is made by the IEP Team annually.

ACT Aspire	9-10	10/6-23 (9) 4/27-5/22	State	ACT Aspire is a vertically-articulated, benchmarked, standards-based system of assessments that can be used to highlight progress towards ACT College Readiness Standards and Benchmarks. ACT Aspire assesses student readiness in English, math, reading, science, and writing.
ACT	11	3/3	State	The ACT Plus Writing consists of four multiple-choice tests: English, Mathematics, Reading, and Science; and a 30-minute essay test that measures writing skills.
ACT WorkKeys	11	3/4	State	ACT WorkKeys is an applied skills assessment system that helps students compare their skills to the skills real jobs require. Wisconsin students will take three WorkKeys assessments: Locating Information, Reading for Information, and Applied Mathematics.
Assessing Comprehension & Communication in English State-to-State for ELLs (ACCESS for ELLs)	K-12 Select Students	12/1-2/6	State	ACCESS for ELLs® is designed to measure English language proficiency. It is a large-scale test that addresses the World-Class Instructional Design and Assessment (WIDA) Consortium's English Language Proficiency Standards that form the core of Wisconsin's approach to instructing and testing English language learners.
National Assessment of Educational Progress (NAEP)	Varies	1/26-3/6	National	The NAEP is the largest nationally representative and continuing assessment of what America's students know and can do in various subject areas. Assessments are conducted periodically in mathematics, reading, science, writing, the arts, civics, economics, geography, U.S. history, and Technology and Engineering Literacy. Selected schools are notified of participation the prior spring. Schools do not receive student results for this assessment.
Survey				
Student Engagement Survey	K-12	3/2-3/31	Local	Our survey is designed internally and administered every spring to gauge student engagement and satisfaction with their overall experience in the district. Many questions are aligned with the research base of Tony Frontier's Student Engagement White Paper as well as that of the Gallup.
Progress Monitoring				
AIMSWeb	K-12 Select Students	Varies	Local	AIMSWeb is a curriculum based measurement system used to frequently monitor student progress in the areas of reading, math, and writing.



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John H. Ashley, Executive Director

TO: Members, Assembly Committee on Education
FROM: Dan Rossmiller, Government Relations Director
RE: Assembly Bill 239, relating to allowing a pupil's parent or guardian to opt out of certain statewide examinations and providing information about mandatory pupil examinations
DATE: June 4, 2015

Good morning Chairman Thiesfeldt and members of the committee. Thank you for the opportunity to testify for *information purposes only* on Assembly Bill 239, a bill to clarify Wisconsin statutes relating to parents who wish to opt their children from the state assessments required under the federal No Child Left Behind Act.

Current state statutes explicitly require a school board that receives a request from a pupil's parent or guardian to excuse that pupil from taking state assessments required by state statutes. (See section 118.30(2) (b) 3, Wis. Stats.) These provisions apply to the assessments administered in grades 4, 8, 9, 10 and 11.

State statutes provide no similar directive regarding state assessments that are required by federal law alone. These are the assessments given in grades 3, 5, 6, and 7.

In the absence of a state law provision, local school boards may adopt a policy that permits parents to opt their students out of taking examinations in these grades. Many boards, though certainly not all, have adopted such policies.

Boards adopting opt out policies covering grades 3, 5, 6, and 7 have to be mindful of the absence of any provision in the federal No Child Left Behind Act allowing opting out of assessments by parents, as well as a requirement in that act that schools must test at least 95 percent of students or face a penalty under federal law.

Boards also have to be mindful that failure to test at least 95 percent of students could result in a five-point deduction from their state report card score. We note that the bill before you, Assembly Bill 239, addresses the issue of this deduction from state report card scores, although it does not address the potential penalties under federal law.

It would be easy to rely on arguments about local control to suggest that locally elected school boards should retain the discretion to adopt opt out policies as they see fit. However, we also recognize that from the standpoint of a parent who wishes to opt out his or her child from taking a required examination, it makes little difference to that parent whether the examination is required by state law or federal law.

In taking no position with respect to this bill, we are balancing the interests of respecting parent's wishes against the potential harm to a school district if too many students opt out of required testing and schools are penalized for this or the testing itself becomes an inaccurate or unreliable indicator of school performance for accountability purposes. The fact that Wisconsin historically has a low opt out rate leads us toward a neutral position, although we are concerned about a number of potential ramifications this bill could have, including that small and rural districts could be disproportionately affected by even a relatively small number of students opting out.

Assessments are intended to measure student achievement and progress in essential skills and we hope that parents will continue to see the value in measuring their children's progress and allow their children to be tested.

We encourage legislators to monitor the impact of this bill on parental decisions, particularly whether it may lead to schools or districts facing penalties under federal law.

The WASB has a number of concerns with the written notice provisions in section 3 of this bill, and we have communicated many of these concerns to the author. Our concerns include that providing written notices to all parents on or before the first day of school may be burdensome or costly for many districts and comes on top of a number of new notice requirements that are being added on districts by the proposed state budget bill. These new requirements include that districts provide parents and guardians with notifications about: (a) the academic standards adopted by the school board for that school year; (b) a copy of the school's accountability report (report card) as well as the most recent ranking level assigned to each school within the school district boundaries, including independent "2r" charter schools and private schools participating in a private school choice program; (c) a list of the educational options available to children who reside in the pupil's resident school district, including public schools, private schools participating in a private school choice program, charter schools, virtual schools, full-time open enrollment, youth options, course options, and options for pupils enrolled in a home-based private educational program; and (d) the existence of the special needs voucher program (to be provided to the parents of each child with a disability enrolled in the school district.)

We note that the budget bill, as modified by the Joint Finance Committee specifies that school districts can notify parents of the district's selected academic standards electronically, including on the district's Internet site. We recommend a similar approach be taken with respect to the information required to be communicated to parents and guardians under this bill as well.

Some of the elements of the required notices appear to be redundant (e.g., the requirements set forth in subsections (d) and (f) of proposed section 118.303 (1) appear nearly identical). We recommend that the bill be amended to avoid this duplication. In addition, we recommend that terms such as "instructional

time required to prepare pupils for the examination”—i.e., instructional test preparation time—be more clearly defined if school boards are to be expected to accurately report this information to parents.

We also recommend that the bill take effect for the 2016-17 school year.

The bill, as introduced, would require each school board, on or before the first day on instructional time required to prepare pupils which a school is operated for the attendance of pupils, to provide the parent or guardian of each pupil enrolled in a public school a written summary of information about certain examinations that will be administered to pupils enrolled in that school and to post that written information on its Internet site.

At present, it would be almost impossible for a school board to comply with this requirement this fall because we have no idea what state assessment is going to be in place next year for grades 3 through 8, or what the schedule for administering that assessment would be.

The budget bill, as modified by the Joint Finance Committee, approves the Governor's recommendation to prohibit state participation in the Smarter Balanced Assessment Consortium and to provide funding for DPI to implement a new statewide assessment. A request for proposals (RFP) has been issued for a new statewide assessment but at present school boards would have no way to determine which test might be selected and when it would be administered. It follows that if there is uncertainty about which test will be administered, it would be difficult if not impossible to determine the other information the bill requires school board to provide, such as: (a) the expected date on which each examination will be administered; (b) the duration of each examination; (c) the instructional time required to prepare pupils for the examinations; or (d) the instructional time dedicated to administering each examination.

Finally, we encourage the committee to clarify whether parents may opt their children out of other required testing such as the existing reading readiness assessments (currently known as PAL tests) or the civics/citizenship test that is being proposed as part of the state budget bill.

We thank you for the opportunity to bring these concerns to your attention.

Assembly Education Committee**June 4, 2015****Wisconsin Department of Public Instruction
Testimony in For Information Only on Assembly Bill 239**

Representative Thiesfeldt, thank you for holding 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 to provide background information around pupil opt out law and policy to inform your discussion around Assembly Bill (AB) 239.

This year, several national and state issues have heighten interest around pupil opt out policy. With very rare exception, parents who want to opt out their children from the state assessment have been able to do so either under state law or district policy. However, there are several policy issues to consider as the legislature debates the state opt out policy.

Review of Current Law

Under current law, Wis. Stats. 118.30(1m) specifically requires districts to either administer the state assessment or develop their own assessment in grades 4, 8, and 9-11. Assessment in grades 3 and 5-7 are exclusively governed by the federal No Child Left Behind (NCLB) law.

Per Wis. Stats. 118(2)(b)3, "Upon the request of a pupil's parent or guardian, the school board shall excuse the pupil from taking an examination administered under sub. (1m)," which are the state-required assessments above. Therefore, a plain reading of the statute clearly applies the "opt-out" provision only to the assessments required under state law.

NCLB does not allow opting out of assessment by parents or students, requiring districts to test at least 95 percent of students or face a penalty, which includes a five point penalty in the school or district report card. Furthermore, the U.S. Department of Education may withhold federal funds to states, districts or schools that fail to assess student per federal law.

Per DPI's guidance (<http://oea.dpi.wi.gov/assessment/Smarter/FAQ>), districts can enact local policies that permit students to opt out of the federally-required assessments in grades 3 and 5-7. However, they must be mindful that students who opt out count against the 95% testing requirement.

Parent Opt Out Data

Historically, Wisconsin has a very low opt out rate. The public school parent opt out rate has averaged .1 percent and the choice school parent opt out rate has averaged 2 percent.

HISTORIC OPT OUT DATA

WCKE State Assessment Opt-Out Counts and Rates 2012-2014						
	Public			Parental Choice Program		
	Enrollment	Opt-out	Percent	Enrollment	Opt-out	Percent
2014	432,667	583	0.13%	13,601	368	2.71%
2013	432,103	388	0.09%	12,593	269	2.14%
2012	431,363	500	0.12%	11,690	140	1.20%
Avg.	432,044	490	0.11%	12,628	259	2.01%

In reviewing the 2015 Badger Exam administration data, parent opt outs did increase this year, but overall remained at very low levels. The public school parent opt out rate increased to 2.2 percent and the choice school parent opt out rate increased to 5.1 percent

CURRENT YEAR OPT OUT DATA

2015 Badger Exam State Assessment Opt Out Rates	
Sector	Approximate % of students with parent opt out
Public Schools	2.2%
Choice Schools	5.1%

Policy Considerations

The ability for parents to opt out their children from the state assessment reflects other aspects of state statute, such as parent opt outs for mandatory vaccination and the publication of directory information. These policies safeguard parental rights, while acknowledging the importance of uniform educational or public health requirements.

In many ways, AB 239 presents a relative minor law change that simply extends the state’s current opt out policy uniformly across grades and would not likely have a significant impact on the overall level of opt outs.

Concurrently, mandatory assessment has been a cornerstone state and federal education policy through No Child Left Behind (NCLB) and state assessment laws, including the 2009 requirement for all students participating in a parental choice take the state assessment. While

Wisconsin is an overall high performing state academically, it also has one of the largest achievement gaps in the country, which is determined by the state assessment.

Good assessment policy must work to reasonably balance parent rights without opening the door to selective testing and other moral hazards. In reviewing the 2015 assessment opt out data, the current opt-out movement is generally concentrated in high performing, relatively affluent, and predominantly white school districts. Given that these are high achieving districts, significant pupil opt outs may not raise concern among policy makers. However, in the long run significant opt out will distort school performance data and may have unintended results.

In contrast to the current opt out movement, mandatory assessment policies originally were established to address significant concerns around possible selective testing, where students with special needs, low-income students and students of color might be expressly or implicitly encouraged not to participate in the assessment in order to inflate the scores. We all agree that this would be an unacceptable outcome.

In much the same way that public health policies around vaccination require very high participation rates (herd immunity) to be effective, a significant level of participation in the state assessment is required for the data to be valid and reliable.

Clearly, the validity of this data is of the highest importance, since it is used to identify achievement gaps, school performance report cards, and state interventions such as the proposed Opportunity Schools and Partnership Program (OSPP) in Milwaukee. Additionally, in the last few years there have been numerous bills or budget proposals that would use performance on the state assessment to allocate school funding, enable charter schools replication, reallocate school building in Milwaukee, and many more. In fact, the use of state assessment data in many of these policies is likely contributing to negative feelings among parents, students and educators around testing.

Potential Adverse effects

Since federal law requires that 95 percent of students are assessed annually (regardless of opt outs), the differing state and federal assessment policies have the potential to conflict if the number of parent opt outs were to increase substantially.

This can be particularly difficult for schools since federal policy effectively holds schools accountable for the non-participation of students who legally opted out under state law. Also, the 95 percent testing threshold tends to disproportionately impact rural schools, where a relatively small number of opt outs can adversely affect a school's test participation rate.

Additionally, it is important to understand that while state law allows for parent opt outs and that information should be clearly communicated to parents, the state and school districts also prohibited from directly opting out students or encouraging them to do so.

Potential Drafting Issues & Questions (Recommendations)

1. Delete 118.303 (e), which requires schools to notify parents of “the instructional time required to prepare pupils for the examinations identified under par. (a).” While there is a definition of instructional time, there is no standard way to document how much of it prepares students to take the state assessment. Because the assessment is aligned to standards and instructional practice, schools could reasonable say they spend none, some or all of their instructional time on test preparation. Since this criterion is not measurable in a standard or reliable way, DPI recommends removal.
2. Delete 118.303 (f), which requires schools to notify parents of “the instructional time dedicated to administering each examination under par (a).” This provision is redundant with (d), which requires schools to report the duration of each exam. The distinction between instructional and total time is not meaningful for this purpose.
3. Apply opt out rules uniformly to all state required assessments, including the K-2 reading screener (formerly PALS) and the proposed civics test. If the legislative intent is to establish a uniform opt out policy, then it should include all legislatively-mandated assessments.

Federal & State Assessment Requirements

Grade	Federal	State
PK-2	N/A	Literacy Screener (PALS)
3	ELA & Math	Reading (Requirement fulfilled by ELA assessment)
4	ELA & Math	ELA, Math, Science & Social Studies
5	ELA & Math	
6	ELA & Math	
7	ELA & Math	
8	ELA & Math	ELA, Math, Science & Social Studies
9	N/A	ACT ASPIRE (Fall & Spring)
10	N/A	ACT ASPIRE (Spring only)
11	ELA & Math	ACT Plus & WorkKeys

* Unless otherwise indicated, assessment is SMARTER/Balanced for the 2014-15 school year.