

Senate Committee on Education
April 21, 2021

**Department of Public Instruction Testimony
for Information on Senate Bill 235**

The Department of Public Instruction (DPI) appreciates the opportunity to provide Chairwoman Darling and members of the committee this written information on Senate Bill 235, which would make changes to the state report cards DPI is required to publish annually.

Background

Report Cards

Under state law the Department of Public Instruction is required every year, by November 30, to publish a school and school district accountability report, commonly referred to as school and school district report cards. DPI must establish an index system and, using this index system, place each school and school district in a performance category based upon certain measures, including pupil achievement, growth in pupil achievement, and graduation rates, for the preceding school year.

Index scores and score components based on assessment results are calculated using students enrolled for the full academic year, which include all such students in tested grades. Full academic year status is not used in the attendance, absenteeism, dropout, or graduation calculations. These measures apply to all students.

This bill would require DPI, for purposes of measuring a school district's improvement under state law, to exclude data derived from a juvenile detention facility or secured residential care center for children and youth if 50 percent or more of the pupils residing at the facility do not reside there for the entire school term.

Wisconsin is also responsible for implementing a federal accountability system under the Elementary and Secondary Education Act (ESEA). DPI is required under the ESEA to test all students and provide school-level identifications of the lowest performing public schools and schools with low performing student groups in each state.

Education of students in Juvenile Detention or Secured Residential Care Centers¹

The school district in which the facility is located is responsible for providing an education to a student being held in the facility. See State ex rel. School District No. 1 of Waukesha v. Thayer, 74 Wis. 48 or 41 N.W. 1014 (1889). The court ruled that for school purposes, the child who resides away from his parents' home is considered a resident of the school district in which the child actually resides rather than the one in which the parents live, so long as the child's primary purpose for residing away from his parents is other than to attend the schools of the district in which the child actually resides.

¹ Additional information on this topic can be accessed in Education of Students in Jails & Detention Centers at https://dpi.wi.gov/sites/default/files/imce/ged/Education_of_Students_in_Jails_Detention_Centers.pdf.

The length of time is not relevant to the fact that the school district in which the facility is located must provide free public education for the individuals eligible for these services just as they do for others who are residents of the school district. A school district has no authority to deny enrollment to a resident of that district.

IDEA protections apply to students with disabilities in jails and detention centers. The school district responsible for educating students in a particular jail or detention facility must ensure students with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The due process and discipline protections afforded students by IDEA apply equally to students in jails or detention facilities. Special education and related services for students in jails and detention facilities must be provided by appropriately qualified personnel. School districts must have in place policies and procedures to identify, locate and evaluate students who are in jails or detention facilities who may have a disability.

State law provides that school districts required to educate students who reside in certain facilities as a result of governmental action be paid tuition by the state (Wis. Stat. § 121.79). The law, which has in place for about 100 years, uses the term “children’s homes” to describe one such category of facilities where students are confined by court action, such as juvenile detention facilities, secured residential care centers for children and youth, or county jails (but not facilities operated by the Departments of Corrections or Health Services). Other facilities for which the state would pay districts tuition include Fort McCoy, the Tomah VA Center, and certain foster or group homes (depending on taxable status or share of enrollment).

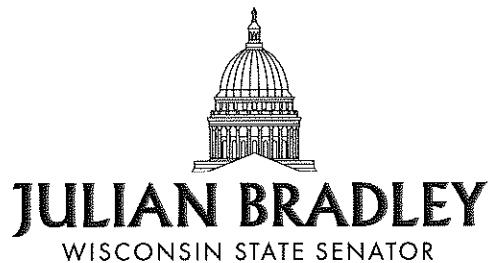
Like other state aids, eligibility for state tuition under § 121.79 is based upon claims submitted by districts for the prior year. Claims for students residing at eligible facilities may be based upon the statutory tuition formula (Wis. Stat. § 121.83) or a district's actual costs of serving them. Claims are prorated if they exceed funds available in the appropriation.

Analysis

SB 235 would create an exemption to the state accountability system for the performance of a group of students in the state accountability system. This bill would remove students in the school district from the district report card for which the school is held responsible for educating. More specifically, students who are full-term members of the district in which the facility resides would be excluded from district report cards. This means students would be excluded who were present in the facility all school year or students who left the facility mid-year and enrolled in another school within the same district for the duration of the school year.

Implementing the provisions of this bill will require changes to DPI data systems and additional work would be required both by DPI and the respective school district to identify and track students specified under the bill. DPI may not be able to complete this work until the 2023-24 school year and depending on the population at these centers, DPI may be required to create a school-level report cards for facilities.

Please contact Grant Huber, Legislative Liaison, at grant.huber@dpi.wi.gov, with questions about this testimony.



**Senate Bill 235: Measuring a school district's improvement for the
school and school district accountability report
Senate Committee on Education
Wednesday, April 21, 2021**

Chair Darling and committee members:

Thank you for taking my testimony on Senate Bill 235 which addresses an issue with school report cards impacting the Franklin School District.

By November 30, current law requires the Department of Public Instruction to annually publish a school and school district accountability report, also referred to as school and school district report cards. These include certain measurements, such as, student attendance. School Districts including a Juvenile Detention Facility or Secured Residential Care Center for Children are unfairly penalized when students leave these facilities and fail to reenroll when returning to their primary residence. Currently, eleven of these facilities exist with the potential of four additional facilities in the future, with funding becoming available to Milwaukee, Dane, Brown, and Racine to construct secured residential care centers for children.

In *State ex rel. School District No. 1 of Waukesha v. Thayer*, 74 Wis 48 (1889), the Wisconsin Supreme Court ruled that for school purposes, a child that resides away from their primary home is considered a resident of the school district in which the child is actually residing rather than the one in which they are a primary resident. As long as the purpose of the child living away from their parents is other than to attend the school for which the child actually resides.

This legislation brings more accurate reporting of the performances of schools and school districts throughout the state by excluding the data for students at these facilities if 50% or more of the students at the facilities school do not attend for a full academic year.

Thank you for your time and consideration.



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April 21, 2021

Good Morning Chairman Darling and Committee Members,

I want to thank you for taking time to hear this important piece of legislation relating to measuring a school district's improvement based on accountability reports.

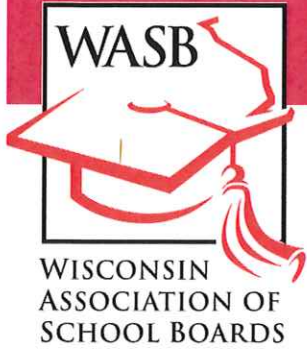
Senate Bill 235 was drafted to bring light to an issue with school districts that have a juvenile correctional facility nearby. Currently, the Department of Public Instruction is required by state statute to publish a report based on each school and school district's numbers annually by November 30th. Those reports are not based on the performance of the school, but based on attendance, absenteeism, and dropouts at that point in the school year. Students at juvenile correctional facilities are part of the local school district numbers, and account for the high number of dropouts listed.

When a student leaves the correctional facility and does not re-register within that same school district they are considered a drop out for that district. Therefore, lowering the score in the report card for the school district. For example, Franklin School District's overall score for the 2-18-2019 school year would increase from 79.5 to and 83.6. That is a point difference of 4.1. Which takes the school from the exceeding expectations category to the significantly exceeding expectations category.

The purpose of the accountability report card is to give an accurate impression of the district so parents can decide which schools to send their children to. Senate Bill 235 will exempt attendance data if 50% or more of the pupils at a juvenile facility do not attend for the full academic year. Adjusting report cards for schools and giving a more accurate report of the district.

Thank you,

A handwritten signature in cursive script that reads "Ken Skowronski".



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Education
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: April 21, 2021
RE: SUPPORT for SENATE BILL 235, relating to measuring a school district's improvement for the school and school district accountability report.

The Wisconsin Association of School Boards (WASB) a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards.

Senate Bill 235 is a simple, straightforward bill meant to address a situation that causes a distortion in the way the School District of Franklin's report cards are calculated. To correct this distortion, the bill requires the DPI, for purposes of measuring a school district's improvement, to exclude data derived from a juvenile detention facility or secured residential care center for children and youth if 50 percent or more of the pupils residing at the facility do not reside there for the entire school term.

The WASB supports Senate Bill 235. Our support is based on a resolution adopted by our membership at our 2020 Delegate Assembly on January 22, 2020.

When school report card scores are calculated, the components of a school's or district's score that are based on state assessment results (i.e., standardized test results) are calculated using full academic year students. However, full academic year student status *is not* used in the calculations of attendance, absenteeism, dropout, and graduation rates; these measures apply to all students. Thus, even students who attend school within a district for a relatively short period of time may strongly affect a district's report card score if they drop out or fail to graduate.

The Franklin School District's overall district dropout rate and overall district graduation rate and ultimately its overall score as a district is significantly negatively impacted because the district operates a school for students in the Milwaukee County House of Corrections. Too often, these students are only enrolled in the school Franklin operates for a short period of time while they are detained in the House of Corrections. Once they leave that juvenile facility and return to their home school districts, the Franklin School District has no jurisdiction over those students. Unfortunately, many of the juvenile offenders Franklin serves through the school it operates within the juvenile facility do not enroll in another school district after they leave that juvenile facility. This causes those students to count as a dropouts and non-graduates on the Franklin's report card.

There is a precedent in state law for the approach called for by this bill. In 2015, for similar reasons, the Legislature changed the report card law so that data for all students in virtual charter schools in which at least 50 percent of the students are attending under full-time open enrollment are excluded from the district report card calculation of the district that is home to the virtual charter school.