



JESSE KREMER

STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

*Testimony before the Senate Committee on Education
State Representative Jesse Kremer
August 17, 2017*

Good morning,

Thank you committee members, and especially you, Chairman Olsen, for holding a hearing on Senate Bill 105.

One of my primary goals as a lawmaker is to ensure that every child in Wisconsin has an equal opportunity to succeed. One of our late 2015 monthly legislative discussions with CESA 6 superintendents and school board members revolved around unnecessary, outdated and cumbersome government rules and regulations. One particular presentation included the rough draft of a proposal to eliminate the antiquated school hours and minutes seat time requirements. Obviously, this statute revolves around a cookie cutter 8:00-3:00 school day to ensure that children are receiving a specified amount of "teacher time". But what is truly being measured with this regulation? It certainly isn't teacher effectiveness or student achievement. It is simply an arbitrary number. I believe that Wisconsin should continue to lead the nation. Let's continue to evolve and ensure that our schools remain accountable while educating our youngsters through the best, most efficient and effective means possible. This bill, SB 105 creates a two year pilot program within the CESA 6 region that, if proven effective, can eventually be opened up statewide. The goal is two-fold:

1. Create an incentive for lower performing school districts to improve their educational effectiveness.
2. Provide flexibility for well-performing schools that have a desire to continue expanding their creativity.

SB 105 will allow school boards to waive the traditional scheduled hour requirements of a specific school through an annual resolution if the school's most recent report card grade indicated an "Exceeds Expectations" or "Significantly Exceeds Expectations" score.

Thank you again for the opportunity to testify today and I encourage you to support Senate Bill 105.

Senate Committee on Education
August 17, 2017

**Wisconsin Department of Public Instruction
Testimony for Information on Senate Bill 105**

Thank you Chairmen Olsen and members of the Committee for the opportunity to be here today to testify on Senate Bill 105. The Department of Public Instruction (DPI) thanks the Committee for engaging in the discussion around innovative strategies to improve student outcomes.

Senate Bill (SB) 105 creates a two year pilot program (2018-19) where certain school districts may exempt high performing schools from the minimum hours of pupil instruction.

For a district to be eligible, it must (1) be located in CESA 6; and (2) have received a rating of four or five stars (exceeds expectations or significantly exceeds expectations) on the most recent school district accountability report card.

For a school to be eligible, it must be in a participating district and received a rating of four or five stars on the most recent school accountability report card. The school board must adopt an annual resolution indicating the participating schools.

Current law requires each school board to schedule:

- at least 437 hours of direct pupil instruction in kindergarten;
- at least 1,050 hours of direct pupil instruction in grades 1 to 6; and
- at least 1,137 hours of direct pupil instruction in grades 7 to 12.

Under current law, there is no requirement regarding minimum days of instruction. 2013 WI Act 257 eliminated the requirement that public schools hold school for 180 days each year.

The DPI understands and supports districts efforts to improve learning and increase opportunities for their students. However, SB 105 raises a few problematic issues:

1. **Innovation?** Offering less instructional time may reduce cost, but it is not necessarily innovative or linked to improved student outcomes;
2. **Equity?** Innovative practices should be used to improve outcomes for all students, not just those in already high performing schools and districts in a particular region;

3. **Redundant?** The current law waiver and recently launched Districts of Innovation process already provide a mechanism for this flexibility.

Innovation Districts

School districts across Wisconsin are continually seeking new ways to improve learning and increase opportunities for students. Innovative practices are used every day, but in some cases, more flexibility is needed. To address this, the DPI is empowering school districts with a new opportunity to become **Innovation Districts** to pursue locally-driven solutions that will improve outcomes for Wisconsin children.

Leaders from across the state came together to review innovation programs in other states and help create a unique, Wisconsin approach that leverages the State Superintendent's existing waiver authority in new ways.

The result is a **streamlined innovation process that puts local communities in the driver's seat** on innovation. A short state application and expedited process now gives districts the flexibility to meet state requirements in new and transformative ways.

While other states require cumbersome 100+ page applications with extensive documentation, Wisconsin is taking a simplified approach that places the responsibility for community engagement, policy review, and goal setting with the local schools. The DPI's role is to provide technical assistance and ensure the proposed innovation protect students' rights.

Through the Innovation District application, districts can request district-wide or school-specific exemptions from state law or administrative rules to implement innovative practices or reduce barriers to student learning, with the goal of improving outcomes for all kids. Once approved by the DPI, waivers are in effect for four years and are renewable for additional four year intervals with evidence of improved student outcomes.

Members of the Innovation Working Group included a cross-section of leaders from districts of varying size around the state, including:

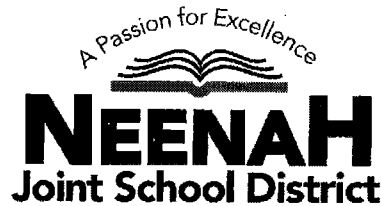
- Jon Bales, Executive Director, Wisconsin Association of School District Administrators (WASDA)
- Ted Neitzke, Agency Administrator, CESA 6
- Gregg Goers, Teacher, Neenah High School, Neenah School District
- Kevin Bruggink, District Superintendent, Oostburg School District
- Jim Erickson, District Administrator, Webster School District
- Mark Hansen, District Superintendent, Elmbrook School District
- Nancy Hendrickson, District Administrator, Highland School District
- Michelle Langenfeld, District Superintendent, Green Bay Area School District
- Randy Nelson, District Superintendent, LaCrosse School District
- Sue Savaglio-Jarvis, District Superintendent, Kenosha Unified School District

The application process requires that the district certify the following:

- **Stakeholder Engagement:** The Applicant has evidence of stakeholder engagement in development of the innovation plan (such as teachers, students, parents, business, and community leaders).
- **Compliance with State and Federal Laws:** The Applicant has evidence that the innovation plan meets all state and federal legal requirements, including those related to pupil confidentiality [Wis. Stats. s. 118.125] and those required for seeking a waiver from the State Superintendent [Wis. Stats. s. 118.38]. As part of this assurance, the Applicant agrees it is not seeking a waiver from any statutory provision ineligible for a waiver under Wis. Stats. s. 118.38, including those related to:
 - the health and safety of pupils;
 - pupil discrimination;
 - pupil assessment;
 - pupil records;
 - data collection/reporting;
 - financial reporting and audits;
 - licensure or certification;
 - commencement of the school term; and
 - requirements for SAGE/AGR contracts.
- **Public Progress Review:** The Applicant shall provide periodic reports to the local school board(s) describing progress toward the goals outlined in its innovation plan and in this application, and such reports shall be publicly available.

The Districts of Innovation program is less restrictive, more equitable, and more accountable to the public. The DPI would encourage any districts interested in direct instruction flexibility to apply.

Thank you for the opportunity to testify on this bill – I am happy to answer any questions.



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August 16, 2017

Dear Senator Olsen and Senate Education Committee Members,

My name is Dr. Mary Pfeiffer and I have the privilege of serving the Neenah Joint School District as the superintendent. Our District serves just over 6,500 students and we have approximately 650 employees. Thank you for providing this forum for public input regarding Senate Bill 105.

The conversation related to seat time has been ongoing for several years. Thanks to the CESA 6 administration, area superintendents, business managers, and school board members, along with the legislators attending our Legislative Breakfasts, dialogue related to this issue was rich. Our legislators asked great questions that led to additional thinking and conversations.

Related more specifically to Neenah, we have made significant changes since Act 10. We were one of the first adopters of a pay-for-performance approach for all employees, we decreased our mill rate (considering our taxpayers) to be the lowest in the Fox Valley, we made significant changes to our insurance, and continue to provide our employees with other benefits to be competitive state-wide. We have done this while still performing at a high level and creating some innovative experiences for our students.

I strongly believe that shifting to a full innovative practice in public schools is a must. This will require a different mindset not only at the school level, but at the state level as well. We must stop believing that every student needs to be in a desk with a specific teacher for the same period of time. We must build a capacity in students so by the time they graduate from high school they are prepared to make a choice between going into the work force, going into the military, enrolling and being accepted into a technical college and lastly, a four-year college. We must be afforded the flexibility to redefine what readiness after graduation means for our students and community.

As you are aware, in 2013, the 180-day requirement was lifted for public schools as presented in Act 257. That was a huge step for our state and a welcoming one at the local level. As you are also aware, under current state statute, students are required to receive direct instruction for a specific number of hours as indicated in 121.02 (1)(f) 2.

121.02 (1) (f) 2. Annually schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours under this subdivision include recess and time for pupils to transfer between classes but do not include the lunch period. Scheduled hours under this paragraph do not include hours of direct pupil instruction offered during an interim session. Scheduled hours under this paragraph may include hours on Saturdays. A school board operating a 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for outreach activities.

As we consider varied ways of meeting the individual needs of our students, why would we prescribe the same amount of hours for everyone? Here are a couple of examples that if implemented, would violate the law:

1. We currently have a charter school in one of our elementary schools and it continues to be one of our highest performing. Every Friday, students are dismissed at 12:00 p.m. Students are also out for seven additional days due to staff development taking place in our District. This is allowable in a charter school in our own District, but we cannot provide the same schedule and innovative approach to education at other elementary schools throughout our District.
2. Another example is snow days. As you know, there are times we must call off school. If students are not in their seats for the specific number of hours, we must then make up the day and that usually takes place in June. Is this really going to impact their learning? Is postponing the beginning of summer school in order to make up these lost hours of direct instruction really necessary and in the best interest of students and families?
3. At our high school, we have had discussions about wanting flexibility for school-to-work experiences and creating a schedule similar to what students will experience in college and technical college. This would mean a significant adjustment and as I am interpreting the current statute, we would be in violation of the constraints of seat time.

Current legislation was developed prior to our accountability measures being in place. Perhaps seat time made sense in the early 1900's, but it is not aligned with best practice for student learning nor preparing them to be college and career ready. The number of minutes our students are in their seats don't make a difference. How we lead our students throughout the learning process before, during, and after school is what really matters.

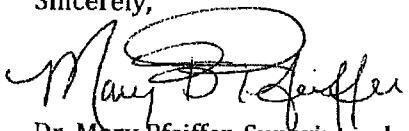
I would ask for consideration and further discussion on the following points:

1. Please consider expanding this to the entire state. As I have spoken with colleagues throughout Wisconsin, this idea could lead to great things not only in our CESA 6 region, but statewide.
2. When discussing report card achievement, I would request that you consider having a score of exceeds expectations or significantly exceeds expectations at least once in a three-year period. My reason for requesting that is that we do not receive our scores until October. If our District met the threshold of exceeding or significantly exceeding the first year and not the second, it would be very difficult to make abrupt changes. As an example, if we made a schedule change, it would be for more than one year as families need to prepare. Additionally, sometimes change leads to a dip in performance the first year prior to accelerating in the following years.
3. Please do not believe that school districts (with Board approval), would consider making these types of changes to save money. Our public is aware of our test scores and they recognize the importance of student learning and performance. In Neenah,

our public will not allow change if it means just saving money. In fact, some of our more recent ideas may increase spending.

In closing, I ask for your support of advancing this legislation. I am sorry that I cannot attend today's hearing, but if you have any questions, I will be happy to meet with you at your convenience. Thank you for providing this forum to share our thoughts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Pfeiffer".

Dr. Mary Pfeiffer, Superintendent
Neenah Joint School District
410 S. Commercial Street
Neenah, WI 54956

920-751-6800 ext. 10100



School Administrators Alliance

Representing the Interests of Wisconsin School Children

TO: Senate Committee on Education
FROM: John Forester, Executive Director
DATE: August 17, 2017
RE: SB 105 – Minimum number of hours of instruction

The School Administrators Alliance (SAA) supports Senate Bill 105, relating to creating a pilot program under which certain school districts would not be required to provide a minimum number of hours of direct pupil instruction.

SB 105 creates a pilot program under which school districts located within Cooperative Educational Services Agency (CESA) 6 that have received a rating of exceeds expectations or significantly exceeds expectations on the most recent school and school district accountability report may opt out of the requirement to provide a minimum number of hours of direct pupil instruction at schools in the district that received a rating of exceeds expectations or significantly exceeds expectations on the most recent school and school district accountability report.

The SAA has long supported proposals providing operational and instructional flexibility for Wisconsin school districts. Allow me to highlight just two examples from this legislative session. The SAA was the driving force behind the development of the stakeholder teacher/administrator licensure revisions currently embodied in the DPI emergency rule. In addition, SAA members made up 9 of 10 members of the Innovation Working Group charged with advising State Superintendent Evers on the development of the Districts of Innovation program announced in June of this year. According to DPI, under this program, if districts can demonstrate that state laws or regulations are impeding their efforts to improve outcomes for children and articulate a different approach to improving student achievement, the Department will use its authority to get those barriers out of the way.

Wisconsin school districts continually seek new ways to improve student learning and maximize educational opportunities for the children they serve. But, sometimes districts need more flexibility to innovate than current state laws and regulations will allow. And that is why we support the concept behind this legislation.

Critics of this bill will argue that allowing districts to opt out of the minimum hours of instruction requirement will result in those districts providing “less school” and less rigor in instruction. I guess I could follow that argument were it not for one thing: School districts are ultimately held accountable by their annual school and school district accountability reports – the state report card. And, if that is the accountability model we continue to use here in Wisconsin, then school leaders

ought to be free to deliver instruction in different ways to enhance learning and add value for students.

Seat time is not necessary to enhance student achievement. Increasingly, instruction is being delivered in non-traditional ways with a lot of student learning taking place outside of the classroom. Work-based learning and project-based learning are just a couple of the many examples. These “square pegs” don’t fit very neatly into the “round hole” of the minimum hours of direct pupil instruction requirement.

Mr. Chairman, I’d like to close with a few additional comments on the bill:

- The bill limits the participating districts in the pilot to those in CESA 6. Many school administrators outside of CESA 6 have expressed their need for this flexibility as well.
- The bill also limits the participating districts in the pilot to those that received a rating of significantly exceeds expectations or exceeds expectations on the most recent school and school district accountability report. I think a strong argument could be made that districts ranking lower on the state report card are perhaps more in need of the flexibility to innovate and deliver instruction in ways that enhance student learning.
- I think it is important to note that districts that would not qualify to participate in this pilot could get a waiver of the minimum hours of instruction requirement through the Districts of Innovation program. What’s more, I believe they could do so with fewer restrictions and greater flexibility than under the terms of this pilot.
- Finally, I believe the objective behind this type of pilot is to see if allowing districts this instructional flexibility works. How will we determine if it works?

Thank you for your consideration of our views. If you should have any questions on our thoughts on SB 105, please call me at 608-242-1370.