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Testimony on Senate Bill 611

Thank you members of the committee for hearing our testimony today. SB 611 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.



ROBERT WITTKE

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

Senate Committee on Education
January 17, 2024

Chair Jagler and Committee Members,

Thank you for holding a public hearing on Senate Bill 611 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 SB 611.



January 17, 2024

Senate Committee on Education

**Department of Public Instruction Testimony
2023 Senate Bill 611**

Thank you, Chairman Jagler and members of the committee, for the opportunity to provide testimony on Senate Bill 611 (SB 611). My name is Kevyn Radcliffe, Legislative Liaison and with me is Phil Olsen, Assistant Director for the Office of Educational Accountability for the Department of Public Instruction (DPI).

DPI opposes SB 611, 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 closely monitor student activity in a remote setting is drastically different from the ability to monitor in a face-to-face setting.

¹ Please see [Forward Exam Test Security, dpi.wi.gov, https://dpi.wi.gov/assessment/forward/security](https://dpi.wi.gov/assessment/forward/security).

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.

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 Exam 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

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 English Language Arts 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 planning to ensure the validity of the assessment. Therefore, SB 611 cannot be implemented at this time.

For the reasons stated above, DPI opposes SB 611. 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.

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.

Hello,

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 financial case: I don't profess to know the precise costs associated with at-home testing, but I do know that administering the Wisconsin Student Assessment System costs millions per year. If the purpose of administering tests is to collect meaningful and accurate data and not simply going through motions, this is a necessary change.

Fourth, 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.

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.

Testimony of Rose Fernandez, founder of the Wisconsin Coalition of Virtual School Families

Before the Wisconsin Senate Committee on Education

January 17, 2024

Good morning, Mister Chairman and Senators. My name is Rose Fernandez and I'm on the Board of the Wisconsin Coalition of Virtual School Families.

I and other concerned parents founded our organization nearly twenty years ago to advocate for online options in education. There was a time when our schools' mere existence was not only questioned and mocked, but virtual schools in Wisconsin were quite nearly sued out of existence.

Back then, some feared that online schools were a joke. That there was no way students would get a decent education in one of them if they weren't sitting at a desk in a traditional brick and mortar school, next to fellow students with one teacher at the front of the classroom. You know, the way things had been done for 200 years.

But thanks to bipartisan efforts of lawmakers in this building, online education remains a viable option in Wisconsin. School districts around our state now offer innovative online learning programs to meet the needs of their students and educators. Every day thousands of families here pursue this option through online charter public schools.

Our graduates have gone on to careers as engineers and actors, patent attorneys and nurses, business professionals and firefighters. And that's just my kids! Honestly, the tens of thousands of online charter grads in Wisconsin have excelled in any and every academic and employment opportunity you can think of. Online learning is now mainstream, and our coalition is very thankful to those who helped keep our virtual school doors open many years ago.

While my children have grown and are all college graduates now, I and others continue our advocacy. I'm here today, in my voluntary position, representing thousands of families across the state who are part of our Coalition.

While I'm happy to not have to fight for the right for virtual schools to exist, there remain some inequities and some problems in how state laws and regulations impact our kids. One of these is the absurd requirement that families must attend direct, in-person proctoring of state mandated standardized tests.

I appreciate that the authors of this bill understand that such a requirement makes no sense, especially in 2023 – after more than two decades of successful online charter school operations in Wisconsin and across the country.

I know others have and will take a macro look at how the current law impacts school operations and test results. I'm here to briefly talk about the toll this takes on families, on the students taking the tests, their parents or guardians, as well as their siblings.

For example, if a fourth grader needs to travel to a testing site, this doesn't just impact her or him. An adult in their life needs to take them there. As a mom who at one time had 4 children in various grades of online charter schools at the same time, I can tell you that when one child had to be somewhere for state testing, we all had to go along. So all the kids lost a half day or even a full day of instruction. Our entire schooling routine was disrupted.

Testing is stressful for all of us. I don't enjoy it. Do you? In a traditional school setting it happens at least in a familiar place with familiar people. For online school students it instead happens in an unfamiliar place under unfamiliar circumstances so the stress can be significant at all age levels. That's a lot to overcome to test well and accurately show what you know.

Some of our Coalition families have very practical challenges to get to state testing such as having a single car, and the wage earner needs that to get to work. The current testing scheme has a lot of our members using vacation time so the driver and the car are available for a standardized testing road trip. There are real economic and safety implications—that could be avoided, and would be, under this bill.

For those of us who live in major metropolitan areas the travel to the temporary testing location may not be too far or the trip too costly, but the same cannot be said for online charter students in more rural areas. Our Coalition members have told us about the need to wake their kids up at 6 AM, feed them breakfast in the car, and drive a couple of hours or more to the testing site, so that one child can take their exams. Meanwhile their siblings can catch up on some reading, sure, but in a strange place like the hallway of a church or hotel conference room, or often, in the car waiting hours while tests are administered to their brother or sister.

I should note that many, not all, but many of our students have chosen online schools because the traditional brick and mortar setting did not work for them. Fortunately, Wisconsin laws adapted to allow them to work at home, with a more direct, individualized relationship with their teachers. Some of our students experience tremendous anxiety in a traditional setting. Some were bullied or simply just could not learn in a classroom environment. Why would we force such a setting on these students for challenging high stakes exams?

We are not arguing about the merits or efficacy of standardized testing in general. But if the purpose of the Forward Exam is to monitor a student's progress within a year and also throughout his or her enrollment in elementary, middle and high school, wouldn't we want to make sure this data is accurate and complete? I would argue that the scores obtained at these makeshift/temporary testing sites most likely do not accurately reflect the knowledge of the students taking them.

How would you perform on a test if you had to wake up much earlier than normal, eat breakfast while you're half asleep as you take a long car ride with your siblings, and then arrive at a place where you have never been and enter a room that, unlike your study space or desk at home, is unfamiliar, and uncomfortable. Would you be at your best?

Finally, let's be clear. Parents know they can opt out of these tests. And after going through all these hoops one or two times, an increasing number of families do just that. They opt out. So again, the state is left with inaccurate, incomplete data.

The Wisconsin Coalition of Virtual School Families supports **SB611** and its Companion Bill **AB652**; and, we appreciate the authors and cosponsors who understand the need to accept reality. Rather than punish those who choose online options for their children, you are providing more ways to help them excel.

Thank you very much for your time today and your continued support of young learners of all types in Wisconsin.