



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #552

Milwaukee Parental Choice Program -- Required Tests (DPI -- Choice, Charter, and Open Enrollment)

[LFB 2011-13 Budget Summary: Page 358, #3]

CURRENT LAW

Under the Milwaukee parental choice program, state funds are used to pay for the cost of children from low-income families to attend, at no charge, private schools located in the City of Milwaukee. Pupils in grades K-12 with family incomes less than 175% of the federal poverty level who reside in the City are initially eligible to participate in the program. Continuing pupils and siblings of current choice pupils are eligible to participate if family incomes are less than 220% of the federal poverty level. The limit on the number of pupils who can participate in the program is statutorily set at 22,500 full-time equivalent pupils.

Schools participating in the choice program must administer the 4th, 8th, and 10th grade knowledge and concepts examination (WKCE) adopted or approved by the State Superintendent to all pupils in those grades attending the school through the choice program. Choice schools are also required to administer the 3rd grade standardized reading test developed by DPI to all choice pupils in that grade. Choice schools must also administer all tests in reading, mathematics, and science that are required for public school pupils under the federal No Child Left Behind Act (NCLB) to all choice pupils in the relevant grades. NCLB currently requires that all students be tested in reading and math each year in 3rd through 8th grades and once in high school, and in science once each in elementary, middle, and high school. Choice schools are also authorized to administer additional standardized tests to choice pupils.

The 2009-11 biennial budget requires a choice school to provide to DPI pupil scores on required standardized tests administered in the previous school year, to the extent permitted under the federal Family Educational Rights and Privacy Act. A choice school must also provide that information to any minor pupil, or to the parent or guardian of any minor pupil, who is attending or who applies to attend the school.

Under 2005 Act 125, annually from 2006 through 2011, choice schools are required to provide the scores of all standardized tests that it administers to the School Choice Demonstration Project (SCDP), a national collaboration of researchers currently based at the University of Arkansas which is designing school choice program evaluations. The Legislative Audit Bureau (LAB) is required to review and analyze the standardized test score data received from the SCDP. Based on its review, LAB is required to report to the Legislature annually from 2007 to 2011 on: (a) the results of standardized tests administered by choice schools; (b) the scores of a representative sample of choice pupils on the 4th, 8th, and 10th grade WKCE and the 3rd grade reading comprehension test; and (c) the scores of a comparable group of MPS students on the WKCE and reading comprehension tests.

GOVERNOR

Delete the requirement that choice schools annually administer the 4th, 8th, and 10th grade WKCE and all tests in reading, mathematics, and science that are required for public school pupils under NCLB to all choice pupils in the relevant grades. Instead, require that choice schools annually administer a nationally-normed standardized test in reading, mathematics, and science to choice pupils in the 4th, 8th, and 10th grades.

DISCUSSION POINTS

1. Prior to the 2006-07 school year, there was no statutory requirement that choice schools administer some form of standardized testing to choice pupils. Under 2005 Act 125, choice schools were required to administer a nationally-normed standardized test in reading, mathematics, and science to choice pupils in the 4th, 8th, and 10th grades. The current requirement that choice schools administer the WKCE and NCLB tests was enacted in the 2009-11 biennial budget act and became effective in the 2010-11 school year.

2. The WKCE is a custom-built test, aligned to Wisconsin's standards, as was required under NCLB. The WKCE is criterion-referenced, meaning that it measures how well pupils have learned specific curricular material. A pupil's score is not compared to that of other pupils, but to a minimum standard or criterion. Statistics commonly used with this type of test are pass/fail rates and percent of mastery or proficiency. Proficiency categories, like those used for the WKCE, reflect criterion-based decisions. Scores are set for each category, from minimal to advanced proficiency, and pupils are placed into these categories based on their performance on the tests.

3. Normative tests measure a student's performance in relation to a norm group and compare the rankings of all pupils taking the test. Test statistics such as percentiles, norm-equivalent scores, percent correct, and developmental standard scores are used to make normative decisions about performance. A large number of private schools across the country, for example, use the Iowa Test of Basic Skills, a longstanding, norm-referenced test, to evaluate their students.

4. In March of 2011, DPI released information from the administration of the WKCE to choice pupils in 2010-11. Across all tested grades in MPS, 48% of pupils tested proficient or advanced in mathematics and 59% tested proficient or advanced in reading. For MPS pupils who

were eligible for a free- or reduced-price lunch, 44% tested proficient or advanced in mathematics and 55% tested proficient or advanced in reading. Among the 10,600 pupils tested in the choice program, 34% tested proficient or advanced in mathematics and 55% tested proficient or advanced in reading.

5. The SCDP has released reports in each of the last four years on choice testing, the most recent of which were in March of 2011. In the March, 2011, report on descriptive test score data, the SCDP received information from 105 choice schools that administered a nationally-normed standardized test or the WKCE to choice pupils in 2009-10 in the 4th, 8th, and 10th grades. On nationally-normed tests, the performance of choice pupils in those three grades ranged between the 20th and 35th percentiles nationally in reading, math, and science. On the WKCE, in 4th grade, 39% of choice pupils were proficient in reading and 27% were proficient in mathematics, while 56% of low-income MPS pupils were proficient in reading and 53% were proficient in mathematics. In 8th grade, 64% of choice pupils were proficient in reading and 38% were proficient in mathematics, while 58% of low-income MPS pupils were proficient in reading and 46% were proficient in mathematics.

6. Researchers from the SCDP have noted that descriptive comparisons such as this cannot be used to draw any conclusions about the effectiveness of the choice program compared to MPS, which requires data from a longitudinal study. This observation would also apply to the data released by DPI.

7. In the reports released by the SCDP on their longitudinal study, researchers described the methods that were used to generate comparable panels of students from choice schools and MPS schools from which to compare WKCE results. Researchers from the SCDP began the longitudinal study by constructing samples of over 2,700 students each in grades 3 through 9 from the choice program and from MPS matched to the choice sample on achievement level and demographics. In the March, 2011, report, researchers concluded that there were no statistically significant differences in achievement growth in reading or math between the students in the choice and the MPS samples after three years. Researchers also discussed issues relating to school switching, student retention, and student attrition.

8. The Audit Bureau has issued three reports on the choice program test score data, the most recent of which was in August of 2010. In that report, LAB indicated that it reviewed the data submitted by the SCDP and generally confirmed test score averages and related analyses reported by the SCDP. LAB indicated that they were not able to review average pupil test scores at individual choice schools because of confidentiality concerns raised by the SCDP. The Audit Bureau also noted analytical challenges acknowledged by researchers in the longitudinal study, specifically with the treatment of scores for pupils who transfer between MPS and the choice program and with ongoing pupil attrition.

9. Some have argued that the WKCE is an inappropriate assessment for private schools that do not use the Wisconsin model academic standards to form their curriculum. If private schools choose not to follow Wisconsin's academic standards, and instead use a different set of standards or a different curriculum, some argue that it is more appropriate that they use a standardized test constructed to assess a pupil's progress within that curriculum.

10. Critics of criterion-referenced tests also generally dispute the use of standards, which may be arbitrary or lacking in rigor, and the emphasis placed on passing the standard rather than performing as well as possible. NCLB, which applies to all traditional public schools and charter schools, is predicated on the philosophy of standards-based education reform, which argues that setting high standards and establishing measurable goals can improve individual achievement. NCLB sets annual proficiency targets in reading and mathematics in third through eighth grades, plus at least one grade in high school. NCLB allowed each state to set its own academic standards and standards for proficiency, and offered no input on the quality of the curriculum, so that exams and scores are not necessarily comparable across states.

11. Even if the testing provisions of the bill were adopted, the other statutory accountability provisions of current law would be maintained, such as requiring choice schools to receive accreditation, adopt pupil standards, have staff with certain academic credentials, and provide information on testing. In addition, other standards for comparing choice schools, such as graduation rates and college attendance, would be available for parents choosing a school.

12. One could also argue that choice schools should not be required to take the current WKCE, given that the test will soon be phased out in favor of a newer assessment based on the new common core standards.

13. In June, 2010, the State Superintendent issued a proclamation adopting for Wisconsin the "common core" state academic standards for curriculum, instruction, and assessment in English language arts and mathematics. The common core standards, which replace the prior model academic standards in those subjects, were developed under the auspices of the Council of Chief State School Officers and the National Governors Association, in order to provide academic consistency within and across participating states. The common core was developed in order to define what students should know and be able to do at every grade level, so that they are prepared to enter college or the workforce following high school graduation. Adoption of the common core is voluntary for states, but so far, 42 states and the District of Columbia have chosen to adopt them.

14. In September, 2010, the U.S. Education Department awarded the SMARTER Balanced Assessment Consortium (SBAC) a four-year, \$160 million grant from Race to the Top funds authorized under the American Recovery and Reinvestment Act of 2009. The consortium is comprised of 31 states collaborating to develop a new student assessment system that will be aligned with the common core state standards. The grant will fund the development costs of the new comprehensive assessment system, which will be a computer adaptive test designed not only to provide the summative tests required by NCLB, but also provide optional benchmark tests and help guide classroom instruction with informal, continuous assessment. Under the grant, the consortium has four years to develop a valid assessment, with full implementation required by 2014-15.

15. If the Committee adopts the Governor's recommendation to change the testing requirements for choice schools, modifications would need to be made to the bill. In a March 31, 2011, letter to the Co-Chairs of Joint Finance, the Secretary of the Department of Administration indicated that the budget bill needs to be amended to delete all statutory language requiring choice schools to administer the WKCE and NCLB tests. As drafted, the bill amends s. 119.23, the primary section governing the choice program, to change the testing requirements for choice

schools. To fully achieve the Governor's intent, additional language in s. 118.30 governing pupil assessment would also need to be deleted.

16. Some have argued that a benefit of requiring choice pupils to take the same exams as traditional public school students is the ease of comparison of academic performance for the two types of schools. This would seem especially important for parents attempting to choose a school for their children. Even if one finds the assessment instrument to be flawed, or the value of standardized tests to be limited, the WKCE was constructed and validated to provide an accurate assessment of the knowledge and skills tested. While no standardized test provides a comprehensive picture of a student's performance, that applies to traditional public schools as well as publicly-funded private schools.

17. Because choice schools receive taxpayer funding to support some portion of their operations, however, it could be considered appropriate that the schools be required to administer the same tests as other taxpayer-funded entities. If private schools feel that the required assessments for choice schools do not accurately gauge the progress of students in their curriculum, those schools would still have the option of maintaining the private nature of their activities by not participating in the choice program.

18. Further, because DPI covers the cost of the WKCE administration for choice schools, those schools could choose to administer their preferred tests as well, without incurring any extra cost as a result of being required to administer the WKCE.

19. The Committee could choose to specify that the current law WKCE and NCLB testing provisions would only be required for choice schools with a certain proportion of choice pupils. Under this alternative, those schools that serve a high proportion of choice pupils, and thus receive a greater proportion of their funding from taxpayers, would be subject to the same testing requirements as public school pupils. Those schools with a smaller proportion of choice pupils could revert to the prior law requirement for nationally-normed testing.

20. While the percentage varies from year to year, on a statewide basis, public schools typically receive approximately 90% of their funding from state and local property taxpayers, with the remainder coming from federal aid and other local non-property tax revenue. A corresponding requirement could be enacted specifying that choice schools with 90% or more of their total enrollment participating in the choice program would be required to administer the WKCE and NCLB tests to pupils as required under current law. Based on the third Friday enrollment count from September, 2010, 61 schools participating in the choice program had 90% or more of their enrollment participating in the choice program, while 41 schools were below that threshold. To smooth out yearly fluctuations in enrollment and choice participation, this figure could be calculated using a three-year average (or fewer years for newer schools).

ALTERNATIVES

1. Approve the Governor's recommendation, including a corrective modification to s. 118.30 of the statutes, to delete the requirement that choice schools annually administer the 4th, 8th, and 10th grade WCKE and all tests in reading, mathematics, and science that are required for public

school pupils under NCLB to all choice pupils in the relevant grades, and, instead, require that choice schools annually administer a nationally-normed standardized test in reading, mathematics, and science to choice pupils in the 4th, 8th, and 10th grades.

2. Modify the Governor's recommendation to specify that the current law testing requirement would still apply to choice schools in which 90% or more of its total enrollment participates in the choice program, as calculated using a three-year average, or for the most recent years available for a newer school.

3. Delete provision.

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