



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #100

Elementary School Reading Task Force (DOA -- General Agency Provisions)

[LFB 2011-13 Budget Summary: Page 20, #9]

CURRENT LAW

Under s. 14.019 of the statutes, the Governor may, by executive order, create nonstatutory committees in such number and with such membership as desired, to conduct studies and advise the Governor in the matters directed. Persons appointed to a nonstatutory committee may be removed or replaced, or the committee may be abolished, by the Governor.

Costs of a nonstatutory committee created by the Governor can be defrayed from the Department of Administration's (DOA) materials and services to state agencies appropriation [s. 20.505(1)(ka) of the statutes] in amounts not to exceed \$2,000. If the Governor wishes to expend more than \$2,000 per fiscal year, the Governor must submit a complete budget for all expenditures made or to be made by the committee to the Joint Committee on Finance. Statutes specify that the budget may cover a period encompassing more than one fiscal year or biennium during the governor's term of office. If the Committee approves a budget authorizing expenditures of more than \$2,000, the Governor may authorize the expenditures to be made within the limits of the s. 20.505 (1) (ka) appropriation in accordance with the approved budget during the period covered by the budget. Further, if after approval the Governor wishes to authorize expenditures in excess of the authorized expenditures under the approved budget, the Governor must submit a modified budget for the Committee.

GOVERNOR

Provide \$600,000 GPR annually and create an annual appropriation for the costs to develop and implement a program to assess and improve literacy in elementary school children. Provide that a task force, created by the Governor by executive order and charged with developing detailed recommendations for a program to assess and improve literacy in elementary

school children, may request DOA to release funding from the DOA appropriation for use by DOA to implement the recommendations of the task force after the Governor has approved the detailed recommendations proposed by the task force.

DISCUSSION POINTS

1. Nonstatutory provisions of the bill would specify that a task force created under executive order of the Governor related to improving literacy in elementary school children, could request the release of funds from DOA set aside under bill.

2. Although not specified under the bill, the DOA Secretary and the State Budget Office indicate that the priority of the task force would be improving third grade literacy.

3. Under the bill, \$600,000 GPR annually would be placed in unallotted reserve pending approval by the Governor of the task force recommendations. Once the Governor has approved the detailed recommendation of the task force, the Department could then use the funds to implement those recommendations.

4. On March 31, 2011, the Governor created a "Read to Lead Task Force," under Executive Order #22. The order indicates that the task force will be composed of "current and former teachers, researchers, legislators and advocates...." Task force members include: (a) State Superintendent Tony Evers; (b) Senator Luther Olson; (c) Representative Steve Kestell; (d) Representative Jason Fields; and (e) nine other public members. The task force will be chaired by the Governor or his designee and State Superintendent Evers will act as the Vice-Chair.

5. The executive order specifies that the task force will follow the below guidelines while "it studies and makes recommendations for future legislation, which focuses less on mandating how reading should be taught and more on results..." The executive order specifies:

"a. While any accountability measure must enforce basic standards, all promotion decisions must be made in concert with teachers and parents; and

b. Any proposal must encourage parental involvement to the greatest degree possible and must ultimately be designed with the interests of children in mind; and

c. A student must be given multiple opportunities on a number of different assessments to prove he or she can read before not being promoted; and

d. The results of one high-stakes test must not be a basis for non-promotion; and

e. A limit must be set on how many times a student can be held back, so no student will be held in third grade indefinitely; and

f. Any retention policy must be delayed in its implementation so no student is retained who has not had the benefit of being in the new system for multiple years..."

The executive order further directs the Departments of Administration and Public

Instruction and any other state agency, as necessary, to assist the task force with administrative and support services. In addition, DOA is directed to provide the task force with such sums of money as are necessary for the task force to carry out its duties. [Note the executive order specifically directs DOA to provide assistance in accordance with the appropriation proposed under the bill.]

Finally, the task force must submit a final report on its findings and recommendations to the Governor. The task force would be dissolved when its final report is accepted by the Governor.

6. If the Committee agrees with the task force membership, goals and oversight, the Committee could approve the Governor's recommendation.

7. Under the bill, funding would be provided under DOA, and the DOA would be responsible for using the funds to implement the recommendations of the task force.

8. The Department of Administration is statutorily responsible for administration of executive branch activities, coordinating management services and providing effective aid to agencies of the state government. The Department is charged with improving management techniques in budgeting, accounting, engineering, purchasing, records management, and fleet management.

9. Article X of the Wisconsin Constitution specifies that the supervision of public instruction shall be vested in the State Superintendent and such other officers as the Legislature shall direct. The statutes specify that the Superintendent has responsibility to "ascertain the condition of public schools and spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools."

10. Each school district must employ a reading specialist certified by Department of Public Instruction (DPI) to coordinate a comprehensive reading curriculum in grades kindergarten through 12th grade. School boards must develop reading goals, make assessment of existing reading needs and make annual evaluations of the reading curriculum. Although the Governor's budget would have deleted the requirement that school districts employ a reading specialist, this provision was removed by the Committee's co-chairs as a non-fiscal policy item.

11. Given the constitutional and statutory duties of the State Superintendent of Public Instruction and DPI, it could be argued that the appropriation of funds for elementary school reading programs should be included under DPI rather than DOA [Alternative 2].

12. The Department of Administration Secretary indicated at the March 29, 2011, hearing on the DOA budget under the Governor's recommendation that placing the funds in DPI was an option, but where the funding was placed was not as important as recognizing the need to improve third grade reading. The State Budget Office, however, indicated that since this is an initiative of the Governor, it would be appropriate to place the funding under DOA.

13. Under the bill, the report of the task force, and the determination of the use and the expenditure of funds would be the sole discretion of the executive branch. The Governor has already established a task force. However, the executive order also requires DOA to make expenditures from an appropriation that has been proposed by the Governor, but has not yet been

approved by the Legislature [s. 20.505(4)(c) under the bill]. It could also be noted that the final report, under the executive order, would only be submitted to the Governor for his approval.

14. As currently proposed, there would only be input by three legislators who would make up less than one-fourth of the task force. The elementary school literacy goals desired by the Legislature as a body may differ from those outlined above. In addition, the Legislature as a body may wish to have oversight of the expenditure of funds.

15. It could be argued that the establishment of academic and testing standards is a legislative duty and that this role should be retained by the Legislature.

16. Under s. 13.82 of the statutes, for the purpose of providing information to the Legislature, the Joint Legislative Council may appoint committees consisting of members of the Legislature and of citizens having special knowledge on the subject assigned by the Council to be studied. It could be argued that the Legislature should be able to assign membership on the elementary school literacy task force. This could be accomplished by requesting a Legislative Council study as currently authorized under s. 13.82 of the statutes [Alternative 3].

17. Finally, whether the Committee chooses to approve a task force or a Legislative Council study committee for reviewing literacy in elementary school children, the Committee may wish to wait for the recommendations of the task force before appropriating any funding.

18. Regarding the funding provided under the bill, DOA states that the \$600,000 estimate was based on research from *AccountabilityWorks (AW)* in February 2002, for state costs of the federal *No Child Left Behind* legislation. *AccountabilityWorks* has the following profile: "AccountabilityWorks is a nonprofit organization dedicated to assisting states, schools, parents, and reform-minded organizations in implementing high-performance accountability and assessment systems. Founded in 2001, AW is committed to the notion that well-designed accountability and assessment systems are vital to raising student achievement and ensuring that all students receive the benefit of a high quality education."

19. *AccountabilityWorks* estimated in 2002, that the *No Child Left Behind* would cost states \$500,000 a year over four years for each grade level subject test that were developed under the federal law. The Department of Administration modified these estimates by an additional \$100,000 annually for inflation.

20. Without knowing what type recommendations the task force will generate, it is difficult to speculate whether \$600,000 annually would be sufficient to carry out the recommendations or whether funds would be better served supplementing current DPI testing programs.

21. The funding estimate implies that the task force will recommend revised test procedures. However, it is not known at this time whether such recommendations will be forthcoming from the task force.

22. A task force or study committee could recommend changes to the school districts curriculum or testing systems that have long-term educational implications and could require long-

term diversion of state resources to implement. It could be argued that the Legislature should be allowed to decide whether such programs are appropriate and whether financial resources should be dedicated based on actual recommendations. The Committee could, therefore, delete the funding under the bill, and consider the recommendations of the task force or study committee under separate legislation that could also address any statutory changes that would be needed in order to carry out the recommendations [Alternative 4].

23. As indicated previously, current law, specifies that task force costs assigned by the Governor may be funded from the materials and services to state agencies appropriation under DOA [s. 20.505(1)(ka) of the statutes] and costs of a Legislative Council study could be funded from their program operations appropriation [s. 20.765(3)(e) of the statutes]. Funding under the bill could be deleted pending results of the study and a formal recommendation that could be statutorily outlined.

24. Alternatively, it could be argued that the lack of funds would delay implementation of the task force or study committee recommendations and that costs in excess of \$600,000 annually in the 2011-13 biennium would require Legislative action to the extent that base resources could not be diverted.

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$600,000 GPR annually. Allow a task force, created by the Governor by executive order, to assess ways to improve literacy in elementary school children, and to request the release of funding from the Department of Administration for implementing the task force recommendations.

2. Specify that funds would be provided under the Department of Public Instruction rather than the Department of Administration.

3. Modify the Governor's recommendation to request a Legislative Council study committee authorized under s. 13.82 of the statutes.

4. Delete funding for the elementary school reading task force recommendations on literacy in elementary school children.

ALT 4	Change to Bill
	Funding
GPR	- \$1,200,000

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