

**Senate Committee on Education Reform and Government Operations
January 27, 2015**

**Wisconsin Department of Public Instruction
Testimony on Senate Bill 1**

Senator Farrow, thank you for holding a public hearing on this important issue. My name is Jeff Pertl, and I am a senior policy advisor at the Department of Public Instruction (DPI). I am testifying for information only on Senate Bill (SB) 1 as drafted.

More than five years ago, advocates, legislators from both parties, policy experts, parents, and educators began an unprecedented, systemic effort to improve educational outcomes. These included new district and school report cards, an educator effectiveness system, interventions for low performing public schools, college-and career-ready standards, interoperable data systems, academic and career planning, and next generation assessments.

In the midst of all this system reform work, frontline teachers have continued to focus on improving instruction and closing the achievement gap.

A comprehensive accountability system for all publicly-funded schools has always enjoyed broad support. However, the devil has been in the details in getting a bill passed. There have been countless bill drafts, proposals, counter proposals, legal reviews, and negotiations all aimed at bringing a widely held value (accountability for all schools) to fruition in an equitable, feasible way that is: (1) easily understood by parents and the public; (2) fair to wide-ranging types of districts and schools; and (3) constitutional with regard to the state superintendent's authority and private schools' autonomy.

Despite the challenges, the legislature has enacted school accountability legislation in all three previous legislative sessions:

- **2009 WI Act 28** required students in choice schools to take the state assessment.
- **2009 WI Act 215** strengthened the state superintendent's authority to intervene in low-performing schools and districts.
- **2011 WI Act 32** (*2011-13 State Budget*) updated assessment and data systems.
- **2011 Accountability Design Team** led by Gov. Walker, State Superintendent Evers, Senator Olsen, and Representative Kestell.
- **2013 WI Act 20** (*2013-15 State Budget*) required choice schools to receive report cards; codified the report cards in statute.
- **2013 WI Act 237** strengthened pre-accreditation requirements for choice schools.
- **2013 WI Act 256** clarified choice school interoperability in the state data system and uniform use of data for all schools in the accountability system.

I. Highlights of Senate Bill 1

Senate Bill (SB) 1 builds upon previous proposals and is a positive step forward in resolving the current accountability conversation.

Areas of Improvement

- SB 1 maintains the current law requirement of **one, uniform assessment for accountability**. Multiple tests reduce validity, transparency, and accuracy—significant problems for high stakes accountability.
- SB 1 maintains the current law requirement to **use multiple years of data in report card calculations**. Multiple years of data are necessary to calculate growth and significantly reduce year-to-year variance in scores.
- SB 1 requires more definition for school rating categories, while eschewing **“Grades,” which will negatively impact how parents and communities view the average school.**
- SB 1 **maintains and strengthens the existing improvement requirements** (sanctions) for low-performing schools, ensuring a pathway for public school improvement.
- SB 1 **addresses many of the potential constitutional issues** regarding the state superintendent’s authority and the proposed accountability board.

Areas of Concern

- Creating a **separate accountability board for choice schools** under SB 1 addresses some legal, policy, and political concerns. However, separate accountability systems may raise questions around how equitably schools across sectors are treated.
- The business community and education stakeholders strongly support a continually improving accountability system with more college and career ready data (AP and IB data, military readiness exam data, college enrollment and persistence data, workforce performance data, etc.). **A robust accountability system will have the ability to integrate new college- and career-ready measures.**

Any accountability system should continue to use the state assessment. Higher costs and less confidence will not improve school accountability. The most accurate and fair comparisons across schools and students are made with same tests, measuring the same knowledge, and administered under the same conditions. As the number and complexity of the tests increases, so will the cost and time necessary to accurately equate results.

- Under SB 1, the respective boards are allowed to waive identification of a school as “chronically failing” for one year. However, **“exceptional circumstances” is not defined and the respective board might apply different criteria.**

- **Adopting “Grades” would negatively impact how families and communities view the average school.** The report cards were not designed to reflect student grading patterns; they were designed to quantify the performance of a school.



2012-13 Accountability Score Data

Almost half of all schools and almost two-thirds of Wisconsin’s school districts would no longer “meet expectations,” but rather would be graded a “C.” Parents and the public have strong perceptions related to grades and this kind of change would send the wrong message about school performance.

- **Any proposed accountability system must be constitutional.** Article X, Sec. 1 of the Wisconsin Constitution states that “supervision of public instruction shall be invested in the state superintendent, and other officers as the legislature shall direct.” However, the State Supreme Court has consistently ruled that those other officers must be subordinate to the authority of the elected state superintendent (*Thompson v. Craney*; *Coyne v. Walker*). Any accountability boards or councils should develop policy recommendations that are subject to the state superintendent’s final approval to avoid litigation and constitutional concerns.
- **Including value-added growth will not significantly alter school ratings.** Value-added growth uses demographic control and statistical analysis to mitigate factors like poverty, which makes sense for education evaluation and high-stakes accountability systems; however, incorporating value-added would only marginally reduce the poverty correlation (from -.71 to -.70 according to VARC modeling) present in the report card.

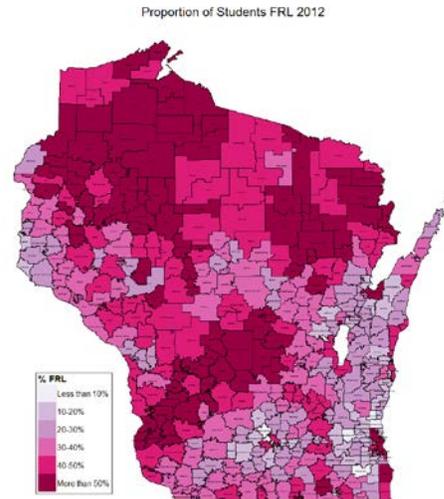
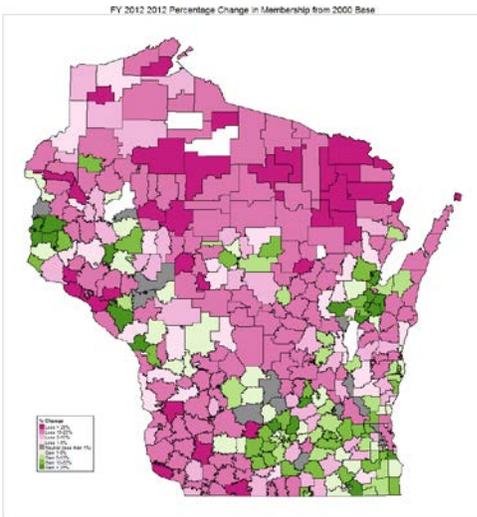
Furthermore, value-added does not provide growth data for individual students like the current growth model. The current growth model is more helpful for school improvement efforts because it offers student-level growth projections, which can help shape student interventions and learning.

II. Overview of Wisconsin Schools & Districts

A robust accountability system must be fair and equitable for a wide array of public schools and districts with very different challenges.

Declining enrollment has concentrated students in fewer districts...

and those small, rural districts are facing growing poverty



Wisconsin has a large number of small, often rural school districts. In fact, **55 percent of districts enroll fewer than 1,000 students.**

In 2001, **1/3 of districts** were in **declining enrollment**, but by 2010, nearly **2/3 districts** were in **declining enrollment**.

While many districts are declining in enrollment, statewide enrollment has been stable—concentrating enrollment in a smaller number of districts. Today, **75 percent of students** are located in just **30 percent of districts**.

| Cumulative Enrollment | Percentile | # of Districts | % of Districts |
|-----------------------|------------|----------------|----------------|
| 209,535 | 25% | 8 | 2% |
| 419,387 | 50% | 41 | 11% |
| 626,834 | 75% | 114 | 30% |
| 871,551 | 100% | 424 | 100% |

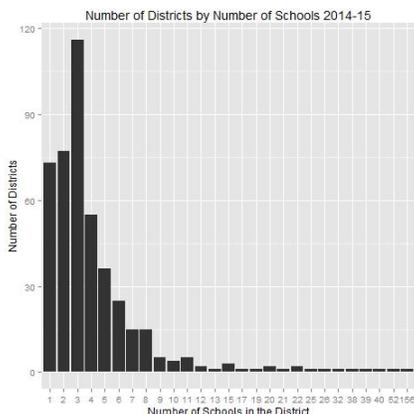
| District Enrollment | % of Districts |
|---------------------|----------------|
| Under 1,000 | 55% |
| Under 3,000 | 83% |
| Under 10,000 | 98% |

Over the same period, statewide student eligibility for **Free and Reduced price Lunch (FRL)** more than doubled from **21 percent** to **43 percent**.

Most districts have only one elementary, middle, and high school.¹

The majority of districts with only one school are K-8 or Unified High School (UHS) districts. Additionally, independent (2r) charters are considered individual districts.

There are 73 districts (16%) that only have one school for all grades and an additional 77 districts (17%) that only have two schools for all grades.²



- There are 274 districts (61%) with only one elementary school and an additional 58 districts (13%) with only two elementary schools.
- There are 346 districts (77%) with only one middle school and an additional 49 districts (11%) with only two middle schools.
- There are 304 districts (68%) with only one high school and an additional 50 districts (11%) with only two high schools.

| Type | Independent (2r) Charter | K-12 | K-8 | Unified High School (UHS) | Total |
|-------|--------------------------|------|-----|---------------------------|-------|
| Count | 23 | 5 | 35 | 10 | 73 |
| Share | 32% | 7% | 48% | 14% | 100% |

Wisconsin’s constitution provides for school districts to be as nearly uniform as practicable.

Article X, Sec. 3 District schools; tuition; sectarian instruction; released time.

The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; and no sectarian instruction shall be allowed therein; but the legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours. (*Emphasis added*)

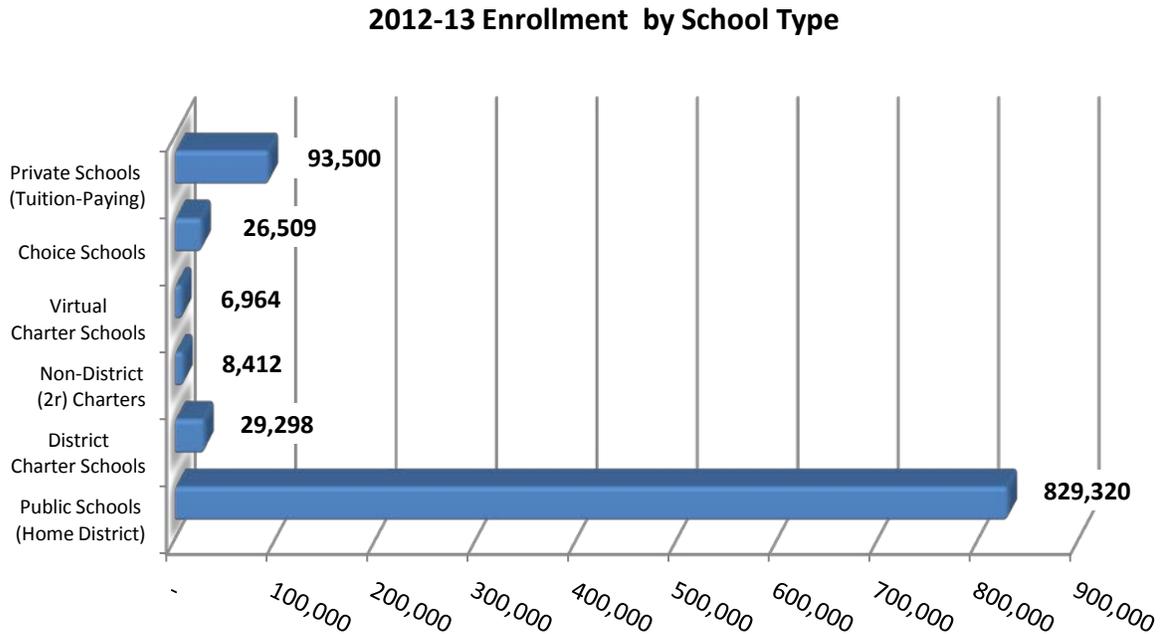
In *Davis v. Grover* (1992) the Wisconsin Supreme Court found this uniformity clause in the state’s constitution requires that children have the *opportunity* to attend a free, uniform district school, but that the legislature is not precluded from provided other options. **So, while the legislature may expand educational opportunities, a sanction that eliminates a students’ access to traditional public school would likely be unconstitutional.**

¹ For this purpose, elementary school is defined as a school enrolling students in first grade, middle school is as enrolling students in sixth grade, and high school is as enrolling students in ninth grade.

² There are 447 public schools and non-district charter (2r) schools with first grade or higher.

Sanctions should be used to improve, not limit, educational options. A feasible accountability system has to have a meaningful pathway for public school improvement.

The accountability system must also work well for all education sectors, driving improvement while recognizing inherent differences.



Most students attend a school governed by a local school board. Wisconsin’s 2,100 traditional public schools enroll almost 830,000 students (92 percent). Additionally, almost 30,000 students enroll in one of the 242 district charter schools (three percent) and almost 7,000 students (one percent) enroll in one of 30 virtual charter schools.

Efforts to ensure equity and fairness across education sectors (public, charter, and choice) in the accountability system are important as students move among school types, particularly in Milwaukee. However, it is important to recognize that traditional public schools educate 92 percent of all students.

III. Wisconsin's Nationally-Recognized Report Card

ECS lauds Wisconsin Report Card

“[Wisconsin](#) and Ohio were the only two states whose report cards were top picks by parents, while also meeting and reporting all five essential indicators.”

– ECS Report



Parents and experts agree Wisconsin's School Report is among the best

ECS experts identified five essential indicators of meaningful accountability systems that states should measure and report:

- Student achievement
- Student academic growth
- Achievement gap closure
- Graduation rates
- Postsecondary and career readiness

While parents want report cards that

- Are easy to understand;
- Provide sufficient data; and
- Are useful

Wisconsin's School Report Card includes all five essential indicators and was highly ranked by parents.

According to ECS President Jeremy Anderson, “Wisconsin is a state dedicated to creating a high-quality accountability system, and to effectively communicating the results of such a system to the public. Transparency of accountability systems is essential for parents, educators, and policymakers to make informed decisions about their students and schools.”

ECS identified several key policy issues to consider when developing accountability systems:

- Identify and publicize your state's “North Star.”
- Re-engage people in your schools. Good communication is vital to ensuring the data and accountability story is easily understood by everyone.
- Choose your indicators and metrics carefully. Know how to use an indicator — make it less about grading and shaming and more about what research says works and how to address problems.
- Be realistic about the limits of your data system. Highly mobile students may create special challenges in tracking proficiency and growth data.
- Consider the potential unintended consequences of what's being measured, rewarded or punished.

Source: Education Commission of the State, [Rating States, Grading Schools: What Parents and Experts Say States Should Consider to Make Accountability Systems Meaningful](#), May 28, 2014.

IV. Spotlight on School Improvement

School Report Cards

The flashlight approach works. Since the report cards were created in 2011, *schools in the lowest performance categories and schools with the largest achievement gaps have shown greater improvement* than schools overall.

Among all 1,862 schools that received a rating:

- 481 (26%) schools moved up one or more categories.
- 220 (12%) schools moved down one or more categories.
- The average overall score increased just over one point.

Among the 258 schools starting in the lowest two categories, “Fails to Meet Expectations” or “Meets Few Expectations”:

- 122 (47%) schools moved up one or more categories.
- 15 (6%) schools moved down one or more categories.
- The average overall score increased more than three points.

Over the last three years, more schools have moved into the top two categories and fewer schools are in the bottom two categories.

- There has been a *22 percent increase* in the number of schools in the *top two categories* (from 693 in 2011-12 to 842 in 2013-14).
- There has been a *37 percent decrease* in the number of schools in the *bottom two categories* (from 258 in 2011-12 to 95 in 2013-14).

This table shows the number of schools that moved from the category on the left in 2011-12 to the corresponding category on the top in 2013-14.

| 2011-12 Initial Ratings | 2013-14 Current Ratings | | | | |
|----------------------------|-------------------------|------------|------------|------------|---------------|
| | Significantly Exceeds | Exceeds | Meets | Meets Few | Fails to Meet |
| Significantly Exceeds (61) | 35 | 24 | 2 | 0 | 0 |
| Exceeds (632) | 64 | 434 | 128 | 6 | 0 |
| Meets (911) | 8 | 269 | 589 | 43 | 2 |
| Meets Few (189) | 0 | 8 | 86 | 80 | 15 |
| Fails to Meet (69) | 0 | 0 | 4 | 24 | 41 |
| | 107 | 735 | 809 | 153 | 58 |

Focus Schools

Focus schools have significantly improved at Closing Achievement Gaps over the last three years, and are now Closing Achievement Gaps as fast as non-Focus schools. In rural and suburban areas, Focus schools are now closing mathematics and reading gaps even faster than non-Focus schools.

In general, focus schools are average or higher-performing schools that are identified because of significant achievement gaps (racial, socio-economic status, ELL, disability, etc.).

Figure 1: Median Closing Gaps scores for Focus and non-Focus schools over the past three years.

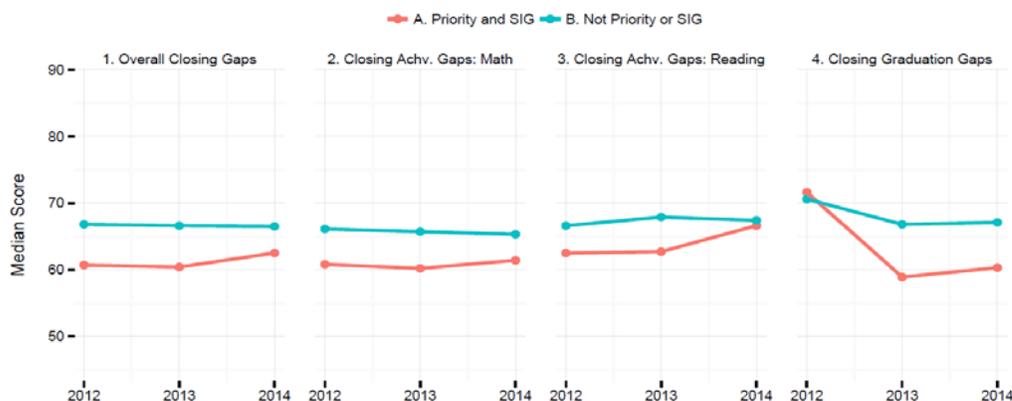


Priority/SIG Schools

Priority/SIG schools have also significantly improved at Closing Achievement Gaps over the last three years, and are now Closing Achievement Gaps in reading as fast as non-Priority/SIG schools.

Priority schools were identified in 2011-12 as the bottom 5% of all schools based on combined reading and mathematics achievement.

Figure 1: Median Closing Gaps scores for Priority/SIG and non-Priority/SIG schools over the past three years.



Below is a sample of priority schools that have made significant gains in student achievement and exited the lowest performance category:

- **Menominee Indian High School** increased 10.6 overall points, with significant increases in on track and postsecondary readiness as well as graduation rate.
- **Jackson Elementary School (MPS)** increased an impressive 24.9 overall points to reach “Meets Expectations”, with significant increases in student growth and closing gaps.
- **Cass Street Elementary School (MPS)** increased 10.0 overall points, with significant increases in student achievement and closing gaps.
- **Silver Spring Elementary School (MPS)** increased 7.9 overall points, with significant increases in student achievement as well as on track and postsecondary readiness.

| School Year | District | School | Grades | Overall Score | Overall Rating |
|-------------|------------------|------------------------------|--------|---------------|----------------------------|
| 2011-12 | Menominee Indian | Menominee Indian High School | 9-12 | 47.8 | Fails to Meet Expectations |
| 2012-13 | Menominee Indian | Menominee Indian High School | 9-12 | 59.1 | Meets Few Expectations |
| 2013-14 | Menominee Indian | Menominee Indian High School | 9-12 | 58.4 | Meets Few Expectations |
| 2011-12 | Milwaukee | Jackson El | K3-5 | 40.4 | Fails to Meet Expectations |
| 2012-13 | Milwaukee | Jackson El | K3-5 | 55.0 | Meets Few Expectations |
| 2013-14 | Milwaukee | Jackson El | K3-5 | 65.3 | Meets Expectations |
| 2011-12 | Milwaukee | Cass Street El | K3-8 | 50.9 | Fails to Meet Expectations |
| 2012-13 | Milwaukee | Cass Street El | K3-8 | 57.9 | Meets Few Expectations |
| 2013-14 | Milwaukee | Cass Street El | K3-8 | 60.9 | Meets Few Expectations |
| 2011-12 | Milwaukee | Silver Spring El | K3-5 | 51.3 | Fails to Meet Expectations |
| 2012-13 | Milwaukee | Silver Spring El | K3-5 | 55.0 | Meets Few Expectations |
| 2013-14 | Milwaukee | Silver Spring El | K3-5 | 59.2 | Meets Few Expectations |

Additionally, some schools made impressive gains in overall accountability score, even though they were not able to exit the “Fails to Meet” expectations category.

- For example, over the last three years North Division Charter gained 12 points and Alliance High School gained 18.
- If these gains continue, Alliance will Meets Expectations in 2016-17 and North Division will Meets Expectations in 2019-20.

| School | 2011-12 Score | 2012-13 Score | 2013-14 Score | Change |
|------------------------------------|---------------|---------------|---------------|--------|
| Alliance High School | 23.4 | 34.8 | 41.4 | +18.0 |
| North Division Charter High School | 21 | 27.8 | 32.9 | +11.9 |

Mobility is a Major Factor

Student mobility has a hugely negative impact on student achievement and graduation.

In every sector (traditional public, open enrollment, charter, or choice), students who enroll and persist in one school have superior academic outcomes to students who migrate between schools and/or systems.

As an example of this, the table below shows the Milwaukee Public Schools (MPS) graduation rate broken out by the number of high schools a student attends.

| 2012 MPS Graduation Rate (4 Year Cohort) | | | | | |
|--|-----------|----------------|-------|--------------|-------|
| # of Schools Enrolled | Grad Rate | Eligible Grads | Share | Actual Grads | Share |
| 1 High School | 74% | 3,468 | 59% | 2,566 | 69% |
| 2 High Schools | 50% | 1,562 | 26% | 781 | 21% |
| 3 High Schools | 42% | 695 | 12% | 292 | 8% |
| 4 High Schools | 28% | 191 | 3% | 53 | 1% |
| | 62% | 5,916 | | 3,693 | |

| MPS | Grad Rate | Wisconsin | Grad Rate |
|---------------|-----------|---------------|-----------|
| 4 year cohort | 61% | 4 year cohort | 88% |
| 5 year cohort | 71% | 5 year cohort | 91% |
| 6 year cohort | 73% | 6 year cohort | 91% |

The almost 60 percent of eligible high school seniors in MPS who remained enrolled in one high school has a significantly higher graduation rate and made up a disproportionate share of total graduates.

In light of the high levels of mobility in Milwaukee, improving student retention within schools and increasing economic stability for families will significantly improve academic outcomes.