



Wisconsin State Assembly

P.O. BOX 8952 MADISON, WI 53708

TO: SPEAKER ROBIN VOS

FROM: Members of the Assembly Speaker's Task Force on Urban Education

RE: Final Report of the Speaker's Task Force on Urban Education

DATE: June 15, 2016

This report contains the recommendations of the Assembly Speaker's Task Force on Urban Education that you established on August 4, 2015. The Task Force focused on the following key areas:

- Providing tangible solutions to improve educational outcomes.
- Studying teacher recruitment and retention.
- Discussing best practices to address truancy, below-average academic performance, and low graduation rates.

The report contains a brief description of hearings and meetings held throughout the state by the Task Force and explains the recommendations that arose from testimony and discussion at those hearings. A list of Task Force members appears as Appendix 1 to the report.

TASK FORCE HEARINGS

The Task Force held five public hearings to receive testimony and toured school facilities in six urban school districts throughout the state. The hearings and tours of the Task Force were held on the following dates and in the following locations:

- **September 29, 2015, Madison.** The Task Force held school tours at Gompers Elementary School and Madison East High School. The Task Force held a public hearing at the State Capitol.
- **October 13, 2015, Racine and Kenosha.** The Task Force held school tours at Jerome I. Case High School in Racine and at Southport Elementary School in Kenosha. The Task Force held a public hearing at the University of Wisconsin-Parkside in Kenosha.

- **November 17, 2015, Green Bay.** The Task Force held school tours at Leonardo da Vinci School for Gifted Learners and Green Bay West High School. The Task Force held a public hearing at Green Bay Preble High School.
- **January 26, 2016, Milwaukee.** The Task Force held a school tour at Rogers Street Academy and held a school tour and public hearing at MacDowell Montessori School.
- **March 1, 2016, Eau Claire.** The Task Force held school tours at Northstar Middle School and Lakeshore Elementary School. The Task Force held a public hearing at Eau Claire Memorial High School.

TASK FORCE RECOMMENDATIONS

Peer Review Mentor Grants

Background

The Peer Review Mentor Grant program was established by 1997 Wisconsin Act 237. Under the program, the Department of Public Instruction (DPI) may award one-year, competitive grants of up to \$25,000 to eligible applicants for the purpose of supporting comprehensive peer review and mentorship programs for initial and professional educators.¹ Selected programs must comply with the rule requirements under ch. PI 38, Wis. Adm. Code. Among other requirements, a funded program must provide the following: (1) ongoing orientation for initial educators that is collaboratively developed and delivered by administrators, teachers, support staff, and parents; (2) seminars that meet the needs and concerns of an initial educator and that reflect the Wisconsin standards for teacher development and licensure; (3) a mentor for initial educators; and (4) the development of a professional development plan for an initial educator that meets specific requirements.

Eligible applicants include cooperative educational service agencies (CESAs), consortia of two or more school districts, consortia of two or more CESAs, or any combination of the three. Grant recipients must contribute 20% of the total amount awarded in matching funds, which may be provided in the form of money, of in-kind services, or both. Grant funds may not be used to supplant or replace funds otherwise available for professional development. [s. 115.405, Stats; ch. PI 38, Wis. Adm. Code.]

Under 2015 Wisconsin Act 55, the 2015-17 Biennial Budget, \$1,606,700 was appropriated each year to fund the grant program. [s. 20.255 (2) (fk), Stats.]

Recommendation: Reevaluate the Peer Review Mentor Grant Program

The chair of the Task Force recommends that the Legislature reevaluate the Peer Review

¹ For more information about the license advancement and renewal processes, see the discussion about teacher licensing below.

Mentor Grant Program, and consider action regarding the overall funding for the program, the maximum grant award, and the criteria for program participation.

License Renewal for Teacher Mentors

Background

Licensing and Renewal

Generally, new teachers are licensed as initial educators. With some limited exceptions, an initial educator license is issued for a period of five years and is non-renewable. During the initial educator stage, new teachers are provided with a variety of supports from the employing school district while the new teacher works towards completion of a professional development plan that “demonstrates increased proficiency and which reflects” the Wisconsin Teacher Standards.

A professional development plan must be reviewed and approved by a three-member team composed of a peer-selected teacher of the same subject or same licensure level, an administrator, and a representative from an institution of higher education. Among other requirements, a professional development plan must include evidence of collaboration with professional peers and evidence of professional growth and development. With approval from a majority of the three-member team, an initial educator may advance to the professional educator level no sooner than three years and no later than five years after initial licensure. [s. PI 34.17, Wis. Adm. Code.]

A professional educator license is issued for a period of five years and is renewable. In order to qualify for license renewal, like an initial educator, a professional educator must also complete a professional development plan that comports with DPI requirements. Successful completion of the professional development plan must be verified by a three-member team composed of three peer-selected licensed teachers. Upon verification, the professional educator license will be renewed for an additional five years. [s. PI 34.18, Wis. Adm. Code.]

A professional educator may choose to apply for a master educator license after completion of a related master’s degree and at least one five-year teaching cycle at the professional educator level. A master educator license is a voluntary license that is issued for a period of 10 years and is renewable. In order to qualify for licensure as a master educator or to renew a master educator license, an applicant must submit evidence of contributions to the teaching profession and evidence of improved student learning. Upon approval of the application, the applicant is formally assessed by a team composed of at least three educators with the same or similar job responsibilities who have been selected by the State Superintendent. The assessment must include demonstration of “exemplary classroom performance through video or on-site observation by the team.” [s. PI 34.19, Wis. Adm. Code.]

Initial Educator Mentors

Under current law, a school district must provide an initial educator with a qualified

mentor. To be a qualified mentor, an educator must hold a valid educator license and must be trained to provide support and assistance to an initial educator. The mentor has input into the confidential formative assessment of the initial educator, but may not be part of the initial educator's three-member professional development plan review team. [ss. PI 34.01 (34) and (47) and PI 34.17 (2) (c) and (3) (a), Wis. Adm. Code.] School districts may determine what training is required for qualification as a mentor.

Recommendation: Streamline the License Renewal Process for Experienced Teachers Who Serve as Mentors to New Teachers

The chair of the Task Force recommends that the Legislature explore options to incentivize mentoring by making the license renewal process easier for experienced teachers who serve as mentors for new teachers.

Teacher Training

Background

The State Superintendent, through DPI, is responsible for teacher licensing as well as for the evaluation and oversight of teacher preparatory programs. [s. 115.28 (7) and (7g), Stats.] In addition to the rules promulgated by DPI under ch. PI 34, Wis. Adm. Code., the statutes contain several educational and experiential requirements that teacher preparatory programs and teacher license applicants must satisfy in order for the applicant to be eligible for licensure. For example, a teacher preparatory program must include a minimum of one full semester of student teaching, and all teacher license applicants must receive instruction in minority group relations, including in the history, culture, and tribal sovereignty of American Indian tribes. [s. 118.19 (3) and (8), Stats.]

Under current law, instruction in how to teach reading is required for only certain teaching license categories, not all teaching license categories. Specifically, a teacher must receive instruction in how to teach reading and language arts in order to be licensed to teach reading or language arts in grades pre-kindergarten through sixth grade. In addition, all kindergarten through fifth grade teachers, special education teachers, reading teachers, and reading specialists must pass the Foundations of Reading test, or an identical test, in order to be issued an initial license to teach. Applicants for an initial teaching license must also show competency in conflict resolution, in assisting students to learn methods of conflict resolution, and in how to handle crises that may arise as a result of conflict. [s. 118.19 (9), (12), and (14), Stats.] There is no requirement that teacher licensure applicants receive instruction in how to teach in urban settings.

Recommendation: Encourage Teacher Preparatory Programs to Provide Instruction in How to Teach in Urban Settings and in How to Teach Reading to all Teacher License Applicants

The chair of the Task Force recommends that the Legislature work with state-approved

teacher preparatory programs to ensure that the curricula matches the needs of urban districts.

The Task Force heard testimony requesting that all teachers, not just those who may be specifically identified as reading teachers, be instructed in how to teach reading before they receive an initial teaching license. The testimony suggested that reading is fundamental to all learning and that teachers licensed at all grade levels and in all subjects could provide better instruction to their students if the teachers were trained in how to teach reading. It was also requested that all teachers receive instruction in how to teach in urban settings. The testimony mentioned that the population is becoming more diverse and that culturally aware teachers would be able to provide better instruction to their students.

Provide Clarification for School Attendance Enforcement

Background

Under current law, “truancy” means being absent from school for part or all of one or more days without legal cause. A student may be identified as a “habitual truant” if the student is absent from school without an acceptable excuse for part or all of five or more school days during a semester. [s. 118.16 (1) (a) and (c), Stats.] School attendance officers must respond to truancy by following statutory protocol. Specifically, if a student is identified as truant, a school attendance officer must provide a student’s parent or guardian with notice of an unexcused absence within two days after the absence. If a student is identified as a habitual truant, a school attendance officer must notify the student’s parent or guardian by registered, certified, or first class mail. The notice must include a statement about the parent or guardian’s responsibilities and possible penalties under the Wisconsin compulsory school attendance law and must request that the parent or guardian meet with school personnel to discuss the truancy within five days after the date of the notice. [s. 118.16 (2), Stats.]

Before a juvenile court proceeding may be brought against a student for habitual truancy or before the student’s parent or guardian may be charged with a violation of the Wisconsin compulsory school attendance law, the school attendance officer must do all of the following within the school year that the truancy occurred: (1) meet with the student’s parent or guardian to discuss the truancy, or attempt to meet and receive no response or a refusal; (2) provide the student with an opportunity for educational counseling to determine whether a change in curriculum would resolve the truancy and consider curriculum modifications; (3) evaluate the student for learning problems and take steps to overcome any that are identified; and (4) conduct an evaluation to determine whether social problems may be the cause of the truancy and, if necessary, take appropriate action or make appropriate referrals. [s. 118.16 (5), Stats.]

A school attendance officer may file information to begin a court proceeding without meeting with the student’s parent or guardian if the meeting does not occur within 10 days after the date that the habitual truancy notice is sent. Requirements two through four, discussed above, need not be satisfied if the school attendance officer provides the court with evidence that appropriate school personnel were unable to carry out the activities due to the student’s absences from school. [s. 118.16 (5m), Stats.]

Recommendation: Clarify the Definitions of “Truancy” and “Habitual Truant” and Specify What Constitutes Sufficient Evidence to Initiate a Court Proceeding Without Providing a Student With Educational Counseling or Other Evaluative Services

The chair of the Task Force recommends that the Legislature review the statutes and consider action to clarify the definitions of “truancy” and “habitual truant” to provide school attendance officers and other school personnel with guidance about when a student’s absence for part of a day is sufficient to trigger parental notification requirements. Under current law, if strictly construed, absence without an acceptable excuse or legal cause for even a short period of time could count as truancy and trigger parental notification requirements. Because part of a day is not defined, it is generally within a school district’s discretion to determine when absence for part of a day is sufficient to qualify as an unexcused absence.

The chair of the Task Force also recommends that the Legislature specify what constitutes sufficient evidence of an inability to provide a student with educational counseling and required evaluations due to the student’s absences from school. The Task Force heard testimony suggesting that, under current law, it is unclear at what point a school attendance officer can legitimately claim that school personnel have been unable to provide the student with the required services. This makes it difficult for school attendance officers to know when it is appropriate to initiate court proceedings in habitual truancy cases.

Medicaid Reimbursement for School-Based Mental Health Services

Background

Medicaid is a federal grant program, established under Title XIX of the Social Security Act, which provides states with funding to administer Medical Assistance (MA) programs for eligible individuals. States administer their own MA programs within the parameters of federal law and according to plans submitted to and approved by the Centers for Medicare and Medicaid Services in the U.S. Department of Health and Human Services. States are granted considerable freedom to determine eligibility requirements and the scope of services provided under their MA programs.

Wisconsin’s MA program is administered by the Department of Health Services (DHS). The two primary components of the program are BadgerCare Plus and EBD Medicaid. BadgerCare Plus provides various health care services, including certain outpatient mental health care services, to eligible, low-income individuals, including children under the age of 19 and their parents or caretakers. EBD Medicaid provides certain blind, disabled, and elderly individuals with various health care services.

Only health care providers who are certified by DHS may obtain reimbursement through an MA program for covered services provided to MA beneficiaries. [s. DHS 105.01 (4), Wis. Adm. Code.] Health care providers obtain MA reimbursement by submitting bills to DHS that identify each covered service provided. Each covered service is assigned a unique billing code that corresponds with a reimbursement rate. Under current law, health care providers may

generally obtain reimbursement for the direct provision of mental health services to an MA beneficiary, including a student in a school, but may not obtain reimbursement for time spent collaborating or consulting with other people, including school personnel. The reimbursement rate without prior authorization is capped at \$825 or 15 hours per recipient, per provider, each year, whichever limit is reached first. [s. DHS 107.13 (2), Wis. Adm. Code.]

Recommendation: Explore Creating a Medicaid Billing Code for Consultation Time Between Mental Health Care Providers, Parents, and School Personnel

The chair of the Task Force recommends that the Legislature work with DHS to evaluate the potential for creating a Medicaid billing code that would allow MA programs to reimburse mental health care providers for consultation time with a student’s parents and with school personnel.

Patient Information Sharing Between Physicians and Other Mental Health Care Professionals

Background

Wisconsin law provides privacy protections for “patient health care records” and for mental health “treatment records.” [ss. 51.30, 146.81, and 146.82, Stats.] Federal law also provides privacy protection for “protected health information” under the Health Insurance Portability and Accountability Act (HIPAA), which includes information contained in mental health records. [34 C.F.R. ss. 160.103 and 164.500 to 164.534.] HIPAA does not distinguish between mental health treatment records and other patient health care records.

Under prior Wisconsin law, the disclosure of certain mental health treatment records between health care providers, including physicians and other mental health professionals, was more restricted than the disclosure of other patient health care records between health care providers. The disclosure of certain mental health treatment records under Wisconsin law was also more restrictive than the disclosure of the same information under HIPAA.

In order to facilitate communication between mental health care professionals and other health care providers, and at the recommendation of the Speaker’s Task Force on Mental Health, 2013 Assembly Bill 453 was enacted as 2013 Wisconsin Act 238 (Act 238), effective April 10, 2014. Act 238, commonly referred to as the HIPAA Harmonization Act, was designed to align Wisconsin mental health treatment record disclosure requirements with HIPAA requirements. Under Act 238, patient information contained in mental health treatment records and in other patient health care records may be communicated between health care providers to the same extent as is permitted under HIPAA as long as the disclosure is made for the purposes of treatment, payment, or health care operations. [s. 146.816, Stats.]

Recommendation: Investigate Barriers to Communication About a Student's Mental Health Between Physicians and Mental Health Care Professionals

The chair of the Task Force recommends that the Legislature investigate whether state statutes still present barriers to communication between physicians and mental health care professionals about a student's mental health.

Two-Year Transfer Degree Programs

Background

The Board of Regents for the UW System has the authority to establish policies for the transfer of credit between institutions, including between institutions within the UW System and between UW System institutions and outside institutions. [s. 36.11 (3), Stats.] Under current board policy, the UW System has established the "UW Colleges Guaranteed Transfer" program, under which a student who begins as a freshman at a UW college two-year institution and satisfies certain requirements is guaranteed admission to a UW System four-year institution as a junior. Generally, if a student obtains an Associate of Arts and Sciences degree from a UW college two-year institution, he or she is deemed to have satisfied the general education requirements for a bachelor's degree at a UW System four-year institution.

Beginning with the 2014-15 school year, the Board of Regents and the WTCS Board entered into and are implementing an agreement that identifies a minimum of 30 credits of core general education courses that will be transferable between and within each institution that elects to participate in the agreement. [s. 36.31 (2m) (b), Stats.] In addition to the 30-credit general education transfer agreement, many of the technical colleges have articulation (transfer) agreements with individual institutions within the UW System. These agreements may contain court-to-course equivalencies, while others provide for a total program transfer.

Current law also permits the WTCS Board, in collaboration with the UW System, to establish collegiate transfer programs, through which technical college students may transfer credits to a UW System institution. [ss. 36.31 (1) and (2) and 38.001 (3) (b), Stats.] Currently, there are collegiate transfer programs at Madison, Milwaukee, Chippewa Valley, Western Wisconsin, Southwestern Wisconsin, and Nicolet Area Technical Colleges. Through these programs, students may generally transfer up to 72 credits to any UW System institution. Collegiate transfer programs do not exist at all technical colleges within the WTCS.

Recommendation: Review the Collegiate Transfer Programs Between the Technical Colleges in the WTCS and the UW System

The chair of the Task Force recommends that the Legislature review the current collegiate transfer programs and consider action to encourage credit transfer between WTCS colleges and UW System institutions. The Task Force heard testimony suggesting that one barrier that some technical colleges face in providing educational pathways for high school students is the lack of a guarantee that a student may transfer more than the required 30 general education credits from a technical college to a UW System institution.

Summer School Funding

Background

A school district may elect to offer summer classes and, subject to certain conditions, may include summer school students in the district's enrollment count for state equalization aid and revenue limit purposes.

State Equalization Aid

A school district may receive state equalization aid only for **academic** summer classes or laboratory periods which have been reviewed and approved by DPI as classes and laboratory periods that are "necessary for academic purposes." [s. 121.14 (1) (a) 1., Stats.] State equalization aid may be paid for online summer classes, in certain circumstances, but recreational programs and team sports are not eligible for state aid. [s. 121.14 (1) (a) and (b), Stats.]

If the class or laboratory period is approved, then state equalization aid is paid for the class or laboratory period by: (1) including the costs of the summer school classes and laboratory periods in the school district's shared costs; and (2) counting the summer school students in the school district's membership for general state aid purposes on a full-time equivalent (FTE) basis. The increased membership is determined by calculating the total number of minutes that a resident² summer school student spent in an approved academic class or laboratory period and dividing that total by 48,600. [s. 121.004 (8), Stats; s. PI 17.04, Wis. Adm. Code.] Therefore, on an "FTE" basis, a school district receives, for summer school students, the same percentage of its shared costs in equalization aid as it receives for students attending school during the regular school year.

Revenue Limit

Under the school funding formula, each school district may annually raise a specific amount of revenue per student through a combination of state aid³ and local property taxes. This amount is called the "revenue limit." Generally, for a school district at its revenue limit, an increase in state aid must be followed by a corresponding reduction in the school district's local levy so as to not exceed the revenue limit. The reverse is also true. Therefore, a school district at its revenue limit that experiences a decrease in state aid may increase its local levy so as to raise funds up to the amount of the revenue limit.

Revenue limit calculations include school district student enrollment counts, based on a three-year rolling average. Under current law, a school district may include 40% of its summer school enrollment in the total school district student enrollment count for revenue limit purposes. [s. 121.90 (1) (dr), Stats.]

² School districts may charge tuition for nonresident students to attend summer school classes. [s. 118.04 (3), Stats; s. PI 17.05 (1) (d), Wis. Adm. Code.]

³ Certain categories of state aid are excluded from revenue limit calculations, including categorical aids.

This means that a school district's authority to collect state aid (except state aid not included in revenue limits) and local property tax to pay for summer school is limited to a maximum of 40% of the total summer school student enrollment. To the extent that the cost of summer school exceeds the revenue limit authority granted by counting 40% of summer school students, a school district at its revenue limit must shift funds from other programs to pay the excess summer school costs.

Recommendation: Review State Funding to School Districts for Summer School

The chair of the Task Force recommends that the Legislature review state funding for summer school and consider creating a categorical aid program for additional summer school funding.

Pupil Nondiscrimination Reports

Background

State Requirements

Current law provides that no student may be denied admission to any public school or be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational, or other program or activity because of the student's sex; race; religion; national origin; ancestry; creed; pregnancy; marital or parental status; sexual orientation; or physical, mental, emotional, or learning disability. [s. 118.13 (1), Stats.] Each school board must develop and implement written policies and procedures that provide for receiving and investigating complaints by residents of the school district regarding possible violations of the statute, for making determinations as to whether the statute has been violated, and for ensuring compliance with the statute. [s. 118.13 (2), Stats.]

The State Superintendent must biennially submit a report to the Governor and to the Chief Clerk of each house of the Legislature on the performance and operations of DPI. [s. 15.04 (1) (d), Stats.] The report must include information on the status of school district compliance with the state pupil nondiscrimination statute and school district progress toward providing reasonable equality of educational opportunity for all students in the state. [s. 118.13 (3) (a) 3., Stats.]

In order to assess and monitor school district compliance with the pupil nondiscrimination statute, DPI requires school districts to submit: (1) annual pupil nondiscrimination compliance reports; and (2) self-evaluations regarding the status of pupil nondiscrimination and equality of educational opportunities, at least once every five years.

Annual Pupil Nondiscrimination Compliance Reports

Each year, a school district must submit a pupil nondiscrimination compliance report to DPI. The report must include the name of the employee who has been designated to receive complaints regarding discrimination, the number of complaints received during the year, a

description of each complaint, and the status of each complaint. [s. PI 9.07 (2), Wis. Adm. Code.] The report is submitted to DPI via an electronic form created and made available to school districts by DPI.⁴ The form requires that each school district categorize the complaints received according to the protected class⁵ that forms the basis of the alleged discrimination.

Self-Evaluations Regarding Pupil Nondiscrimination and Equality of Educational Opportunities

At least once every five years, school districts must evaluate and submit a written report to DPI on the status of pupil nondiscrimination and quality of educational opportunity within the district. [s. PI 9.06, Wis. Adm. Code.] According to the DPI website, the State Superintendent uses information from this report to comply with reporting requirements under s. 118.13 (3) (a) 3., Stats.⁶ Current DPI rules require that the written report include:

- School board policies and administrative procedures.
- Enrollment trends in classes and programs.
- Methods, practices, curriculum, and materials used in instruction, counseling, and pupil assessment and testing.
- Trends and patterns of disciplinary actions, including suspensions, expulsions, and handling of student harassment.
- Participation trends and patterns and school district support of athletic, extracurricular, and recreational activities.
- Trends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district.
- School district efforts to achieve equality of educational opportunity and nondiscrimination.

[s. PI 9.06 (1), Wis. Adm. Code.]

According to DPI's website, all but three of the data elements listed above are collected via reports required since the passage of ch. PI 9, Wis. Adm. Code. Therefore, it appears to be current DPI policy that school district self-evaluations include:

- Methods, practices, curriculum, and materials used in instruction, counseling, and pupil assessment and testing.

⁴ For more information about form PI-1197, see <http://dpi.wi.gov/sped/pupil-nondiscrimination/pi1197>.

⁵ As described above, Wisconsin prohibits discrimination on the basis of sex; race; religion; national origin; ancestry; creed; pregnancy; marital or parental status; sexual orientation; or physical, mental, emotional, or learning disability. [s. 118.13 (1), Stats.]

⁶ For more information about pupil nondiscrimination self-evaluations, see <http://dpi.wi.gov/sped/pupil-nondiscrimination/self-evaluation>.

- Participation trends and patterns and school district support of athletic, extracurricular, and recreational activities.
- Trends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district.⁷

Students, teachers, administrators, parents, and residents of the school district must be given an opportunity to participate in the evaluation, and the final written report must be made available for examination by school district residents. [s. PI 9.06 (2) and (3), Wis. Adm. Code.] DPI does not prescribe a particular format for the written report, but does provide school districts with guidance and recommendations for conducting the evaluation.

Federal Requirements

Because school districts generally receive federal financial assistance, they are subject to federal law that prohibits discrimination on the basis of sex,⁸ race, color, national origin,⁹ and disability.¹⁰ The U.S. Department of Education's Office for Civil Rights monitors school district compliance with federal civil rights laws and monitors efforts regarding equal educational opportunity by requiring that school districts biennially complete the Civil Rights Data Collection (CRDC). The CRDC is a survey that collects a broad range of data that is disaggregated by race, ethnicity, sex, disability, and limited English proficiency status, including: student enrollment in certain courses; student enrollment in Advanced Placement and International Baccalaureate courses; the number of first and second-year teachers; and student disciplinary actions.

School districts must also report instances of harassment and bullying. The instances of harassment or bullying must be categorized according to whether the harassment or bullying was based on sex, race, color, national origin, or disability. This aspect of the CRDC reporting requirements is very similar to the state requirements for nondiscrimination reporting described above.

Recommendation: Review the State Requirement that School Districts Report Pupil Nondiscrimination Data

The chair of the Task Force recommends that the Legislature consider aligning the state and federal reporting timelines. Federal reports are required every two years. The state requires an annual pupil nondiscrimination report and requires a school district self-evaluation at least every five years. The Legislature could require a state pupil nondiscrimination report every two years and a school district self-evaluation every six years to better align with federal reporting requirements.

⁷ See <http://dpi.wi.gov/sped/pupil-nondiscrimination/self-evaluation>.

⁸ Title IX of the Education Amendments of 1972.

⁹ Title VI of the Civil Rights Act of 1964.

¹⁰ Section 504 of the Rehabilitation Act of 1973.

Interim Assessments and Academic Interventions

Background

Assessments

Assessments can generally be grouped into three categories that each serve a different purpose: (1) formative;¹¹ (2) interim;¹² and (3) summative.¹³ Formative assessments, such as quizzes and pre-tests, provide teachers with immediate feedback about student understanding which can be used to make real-time instructional adjustments. Interim assessments are generally administered periodically to show student progress toward meeting certain academic benchmarks. Commonly administered interim assessments include STAR and MAP assessments. Summative assessments, such as the ACT and the Wisconsin Forward exam, are generally administered once a year to provide a cumulative snapshot of student academic attainment.

The state requires the administration of certain summative assessments, but there is no state mandate that school districts utilize interim assessments, and there is no state funding specifically appropriated to pay for interim assessments. Because interim assessments are not mandatory, DPI does not collect data on their use. DPI has only anecdotal information suggesting that most school districts are using interim assessments to inform instructional practice.

In some cases, the cost of interim assessments may be covered by federal Title I funding if they are administered in a school that implements a schoolwide Title I program. Title I funding eligibility and requirements are discussed in detail below.

Interim Assessment Costs

There are a variety of commercially available interim assessment products, but Wisconsin school districts commonly use either STAR assessment products or MAP assessment products. How much each school district spends on an interim assessment varies depending on a variety of factors including the number of students assessed and the number of assessments purchased. For example, STAR provides assessments in reading, math, Spanish, and K-3 early literacy which can be purchased individually or as a package. The Green Bay Area Public School District uses STAR and paid \$211,224.50 in the 2015-16 school year to assess 17,000 students. Both the

¹¹ “Formative assessments” are designed to quickly inform instruction by providing specific and immediate feedback through daily, ongoing instructional strategies that are student- and classroom-centered, and that answer “what comes next for student learning?” [<http://dpi.wi.gov/strategic-assessment/formative>.]

¹² “Interim assessments” are designed to benchmark and monitor progress by providing multiple data points across time through periodic diagnostic and common assessments that are typically grade-level and school-centered, and that answer “what progress are our students making?” [<http://dpi.wi.gov/strategic-assessment/interim>.]

¹³ “Summative assessments” are designed to evaluate learning by providing cumulative snapshots through standardized assessments that are typically school-, district-, or state-centered, and that answer “are our students meeting the standards?” [<http://dpi.wi.gov/strategic-assessment/summative>.]

Racine and Kenosha Unified School Districts utilize MAP assessments. In the 2015-16 school year, Racine paid \$169,000 and Kenosha paid \$163,070 (about \$11.50 per student) to administer the MAP assessments.

State Funding for Academic Interventions

DPI defines academic interventions as “research-based strategies that are systematically used with a student or group of students whose screening data indicate that they are likely to not meet benchmarks.” According to DPI, the “intensity of interventions is matched to the intensity of student need and can be adjusted through many dimensions including length, frequency, and duration of implementation.”¹⁴

Academic interventions are provided to students who are identified, sometimes via the use of interim assessments, as not meeting or not likely to meet certain academic benchmarks. Interventions are provided to students by appropriately licensed educators, in addition to the core curriculum and instruction that all students receive. Interventions can take a variety of forms and may be delivered in a small group setting or individually, depending upon student need. Examples of interventions include one-to-one tutoring or additional instruction time focused on a specific subject. Generally, the frequency and nature of interventions is a local decision, except that a student must receive at least two intensive, scientific, research or evidence-based interventions before being identified as having a specific learning disability. [s. PI 11.36 (6), Wis. Adm. Code.]

With one limited exception, it does not appear that the Legislature has appropriated funds for the specific purpose of funding academic interventions. Under prior law, a school district could enter into a Student Achievement Guarantee in Education (SAGE) contract with DPI on behalf of one or more schools within the district that had enrollment of at least 30% low-income students. Via the contract, the schools received state categorical aid on a per low-income student basis in exchange for compliance with statutory requirements, including a requirement that SAGE student classrooms be limited in size to 18 students to one teacher or 30 students to two teachers. [s. 118.43, 2013-14 Stats.]

2015 Wisconsin Act 53 replaced SAGE with the Achievement Gap Reduction (AGR) program. Under AGR, schools under contract with DPI may remain eligible for additional categorical aid if they use one or more of the following three strategies: (1) one-to-one tutoring provided by a licensed teacher; (2) instructional coaching for teachers provided by a licensed teacher; or (3) maintaining 18:1 or 30:2 classroom ratios and providing professional development on small group instruction. To the extent that an AGR school uses the additional state funding to provide one-to-one tutoring, the state is providing funding specifically for an academic intervention. However, funding for the program is limited and eligibility for a school to enter into an AGR contract is open only to schools that were subject to a SAGE contract on July 3, 2015. [s. 118.43, Stats.]

¹⁴ *Wisconsin Response to Intervention: A Guiding Document*, Wisconsin DPI, available at: <http://dpi.wi.gov/sites/default/files/imce/rti/pdf/rti-guiding-doc.pdf>.

Federal Funding for Academic Interventions

The federal government provides educational funding through a variety of programs, including under Title I of the Elementary and Secondary Education Act (ESEA) and under the Individuals with Disabilities Education Act (IDEA). With some exceptions, federal funding under these programs is made available only to supplement, not supplant, other non-federal funding sources. There may be other sources of federal funding, but the following discussion focuses on the primary, non-competitive sources of federal funding that are applicable statewide.

Title I Funding

Under Title I of ESEA, the U.S. Department of Education provides federal funds to schools with high numbers or percentages of children from low-income families. In general, the Title I funds must be used to provide targeted assistance programs for low-income students who are failing, or are most at risk of failing, to meet state academic standards. Schools that have at least 40% enrollment of students from low-income families may be eligible to operate schoolwide programs that serve all children in the school. Title I funds for targeted assistance and schoolwide programs must be used to provide additional academic supports and learning opportunities (academic interventions) for the purpose of improving student academic performance.¹⁵ [20 U.S.C. ss. 6314-6315; 34 C.F.R. ss. 200.25-200.29.]

In 2014, 419 of 424 Wisconsin school districts received some Title I funding.¹⁶ According to DPI, this means that about 1,200 or 60% of Wisconsin schools receive Title I funding.

In addition to the general Title I designation based on student poverty, under Wisconsin's accountability system, DPI must identify certain Title I schools as "priority schools" and as "focus schools."¹⁷ Priority schools are the lowest performing five percent of schools that receive Title I funding. After priority schools are identified, DPI must then identify 10% of Wisconsin's other Title I schools as focus schools based on one of the following:

The performance of student subgroups on state math or reading tests, or graduation rates, compared to other student subgroups statewide.

¹⁵ Whether a certain cost is an allowable cost under Title I may depend upon whether the school is implementing a targeted assistance program or a schoolwide program. For example, an interim assessment administered to all students in a school that is implementing a schoolwide program may be an allowable Title I cost because Title I funds for schoolwide programs may be used to cover the costs of services provided to all students. However, interim assessments administered to all students in a school that is implementing a targeted assistance program is likely not an allowable cost because Title I funds for targeted assistance programs may be used only to cover the costs of services provided to Title I eligible, low-income students.

¹⁶ Wisconsin's 2014 Title I funding allocation is available at: <http://www2.ed.gov/about/overview/budget/titlei/fy14/wisconsin.pdf>.

¹⁷ This is true through the 2016-17 school year. With the future implementation of the federal Every Student Succeeds Act, the requirement to identify schools as "focus" or "priority" may change.

A large achievement gap within a school among its own student subgroups in math, reading, or graduation rates.

Among other state-directed reforms, priority and focus schools are required to implement a response to intervention program in reading and math. Title I priority and focus schools may be eligible to receive additional federal funding to pay for the additional required interventions.

IDEA Funding

School districts may also be eligible for federal funding under IDEA. In general, the funds must be used to pay only the excess costs of providing special education and related services to students with disabilities, which may include the provision of academic interventions and related instructional materials. However, a school district may use up to 15% of its IDEA allocation to pay for Coordinated Early Intervening Services (CEIS)¹⁸ for all students, and may use some IDEA funds to carry out certain schoolwide Title I programs. In both cases, it is possible that academic interventions may qualify as allowable costs. [20 U.S.C. ss. 1411 and 1413; 34 C.F.R. ss. 300.206 and 300.226.]

Wisconsin Response to Intervention Center

DPI, in collaboration with the 12 CESAs, has established the Wisconsin Response to Intervention Center, which provides school districts with professional development and technical assistance in order to encourage the adoption and implementation of response to intervention systems. School districts may, but are not required to, implement response to intervention systems, unless they are designated as Title I focus or priority schools, as discussed above. The Wisconsin Response to Intervention Center receives federal grant funding but does not, itself, provide funding to schools or school districts.¹⁹

Recommendation: Consider Funding Interim Assessments and Academic Interventions

The chair of the Task Force recommends that the Legislature consider creating a competitive grant program to fund interim assessments and academic interventions in school districts with total enrollment of at least 7,000 students, of which at least 40% are low-income, as determined by eligibility for free and reduced-price lunch under the National School Lunch Program.

¹⁸ CEIS are services provided to students in kindergarten through grade 12 who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports. CEIS may include: (1) professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and (2) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction. [20 U.S.C. s. 1413 (f); 34 C.F.R. s. 300.226 (b).]

¹⁹ For more information, see the Wisconsin Response to Intervention Center's website: <http://www.wisconsinrticenter.org/>.

Statewide Summative Assessments: ACT

Background

Under both state and federal law, students are required to take various standardized, summative assessments at different grade levels throughout their academic careers. Federal law requires that students be assessed in math and English language arts at least once while in high school and requires that students be assessed in science at least once while in grades 9 through 11. [20 U.S.C. s. 6311 (b) (3) (C) (v) (II) and (vii).] Wisconsin law requires that high school students in grades 9, 10, and 11 take assessments to measure their “attainment of knowledge and concepts.” [s. 118.30 (1), Stats.] Wisconsin law also requires schools to excuse students from taking state-required standardized assessments upon parental request. [s. 118.30 (2) (b) 3., Stats.]

Under the current accountability system, schools and school districts annually receive scores on “report cards.” The report cards give weight to student achievement, as measured by student performance on standardized assessments, and give weight to standardized assessment student participation rate.²⁰ [s. 115.385, Stats.]

Students satisfy both state and federal high school assessment requirements by taking the ACT Aspire Early High School exam in grades 9 and 10 and by taking the ACT and the ACT WorkKeys exams in grade 11.²¹ The ACT is also a commonly accepted college entrance exam that students choose to take outside of school for their own college admission-related purposes.²²

According to DPI, a school or school district enters into a contract with ACT to administer the ACT exam on a certain day and on certain designated make-up days. Under the contract, the school or school district is entitled to receive student scores from exams administered on those days. Students who independently choose to take the ACT exam on other days, perhaps for the opportunity to improve a score for college admission purposes, enter into a private contract with ACT and pay the registration fee. Because they are not parties to those contracts, schools and school districts have no access to those scores.

Recommendation: Evaluate the Potential to Permit Schools and School Districts to Accept Student Scores From ACT Assessments Taken at Any Time During a Student’s 11th Grade Year for Accountability Purposes

The chair of the Task Force recommends that the Legislature evaluate the potential to permit schools and school districts to accept ACT exam scores from assessments taken by students at any point during their 11th grade year for accountability purposes. The Legislature

²⁰ For more information about the school and school district report cards, see the following DPI webpage: <http://dpi.wi.gov/accountability/report-cards>.

²¹ For more information about the ACT exams, see the following DPI webpage: <http://dpi.wi.gov/assessment/act>.

²² For more information about college entrance exams, see the following webpage: <https://studentaid.ed.gov/sa/prepare-for-college/tests#undergraduate-tests>.

should investigate whether this would be permissible under federal law and whether agreement to such an arrangement can be reached with ACT as a private company.

Early Childhood Education: Four-Year-Old Kindergarten

Background

Under current law, school attendance is compulsory for children between the ages of six and 18. [s. 118.15 (1) (a), Stats.] Further, subject to certain exceptions, completion of five-year-old kindergarten is required for admission to first grade in a public school.²³ [s. 118.33 (6) (cm), Stats.] Wisconsin law requires all school districts to offer five-year-old kindergarten and permits them to offer four-year-old kindergarten. [s. 121.02 (1) (d), Stats.] If a school district chooses to operate a four-year-old kindergarten, it must make it available to all age-eligible students, and, like other public school grade levels, it must be provided at no cost to resident students.²⁴ [s. 118.14 (3), Stats; Wis. Const. art. X, s. 3.]

A school board may provide four-year-old kindergarten by offering the program in a school building, by employing a kindergarten teacher who provides the program in a child care facility, or by providing funding to a child care facility that the facility uses to hire a kindergarten teacher. In order to receive state aid, a kindergarten program, including four-year-old kindergarten, must include at least 437 hours of direct pupil instruction delivered by a DPI-licensed kindergarten teacher, no matter where the program is provided. A four-year-old kindergarten program may use up to 87.5 of the 437 hours for certain outreach activities. [ss. 118.19 (1) and 121.02 (1) (f), Stats; s. PI 34.27, Wis. Adm. Code.]

Under the school funding formula, a school district's state aid payment and revenue limit are calculated in part based on student enrollment. A school district may generally count a four-year-old kindergarten student as 0.5 FTE for state aid and revenue limit purposes. However, if the program provides at least 87.5 hours of outreach activities in addition to the 437 required hours of direct pupil instruction, then the school district may count each four-year-old kindergarten student as 0.6 FTE. [s. 121.004 (7) (c) 1. and (cm), Stats.]

Grants are available from DPI for starting a new four-year-old kindergarten program. DPI must give preference in awarding grants to school districts that plan to use a community approach to early education, meaning that the four-year-old kindergarten program will be offered in a child care facility. Award recipients will receive up to \$3,000 per four-year-old kindergarten student. The grants may be renewed for a second year at \$1,500 per student. If there are insufficient funds available to pay all of the eligible school districts, then DPI must prorate the payments. [s. 115.445, Stats; ch. PI 16, Wis. Adm. Code.] Under 2015 Wisconsin Act

²³ Enrollment in and completion of five-year-old kindergarten is only mandatory for admission to first grade in a public school. It is technically not compulsory for all five-year-old children. A private school could enroll a child that has not completed five-year-old kindergarten in first grade, or a parent could homeschool such a child.

²⁴ The Wisconsin Constitution provides that school provided for children between the ages of four and 20 shall be provided without charge. [Wis. Const. art. X, s. 3.]

55, the 2015-17 Biennial Budget, \$1,350,000 was appropriated each year to fund the grant program. [s. 20.255 (2) (dp), Stats.]

Recommendation: Review State Funding for Four-Year-Old Kindergarten and Explore Additional Options for Investing in Early Childhood Education

The chair of the Task Force recommends that the Legislature review state funding for four-year-old kindergarten and explore additional options for investing in early childhood education. According to the testimony, investment in early childhood education could yield significant long-term benefits.

JR:kr

Attachment

MEMBERS OF THE SPEAKER'S TASK FORCE ON URBAN EDUCATION

Representative Jessie Rodriguez, Chair

Representative SONDY POPE, Vice-Chair

Representative Mike Kuglitsch

Representative Jeremy Thiesfeldt

Representative Thomas Weatherston

Representative Mary Czaja

Representative Scott Allen

Representative Dave Heaton

Representative John Macco

Representative Christine Sinicki

Representative Jill Billings

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