



## WISCONSIN CATHOLIC CONFERENCE

### **TESTIMONY ON SENATE BILL 286: SCHOOL ACCOUNTABILITY**

Presented to the Senate Committee on Education

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On behalf of the Wisconsin Catholic Conference, I thank you for the opportunity to provide testimony for information on how Senate Bill 286 would affect our Catholic schools and systems participating in parental choice programs.

The Wisconsin Catholic Conference, along with many of our private school partners, has consistently supported efforts to improve accountability and transparency within the choice programs. Catholic educators recognize that students, families, and communities need access to information on school and student performance. Catholic schools have willingly complied with measures to promote greater program accountability – from ensuring school fiscal viability and sound financial reporting to enhanced accreditation and educator credentialing; and from improved auditing of program compliance to heightened enforcement and penalty provisions for errant schools and officials. As Catholics, we fully support efforts to promote good stewardship of our public resources.

Currently, over 90 Catholic schools participate in choice programs statewide. Under SB 286, these schools would need to procure and maintain a compliant student information system (SIS), through which schools would submit choice pupil data to the Department of Public Instruction (DPI). This data would then be utilized to determine a school's rating under the DPI's school accountability system.

As educators of choice students, we have several concerns as to how this accountability system will serve those students and the larger community, especially in terms of student privacy and the fair assessment of choice students and schools.

**Student Privacy** - First, SB 286 does not include language to protect student privacy and to prevent the identification of individual students. It is our understanding that private schools cannot invoke the Family Educational Rights and Privacy Act (FERPA) as a means of ensuring the protection of student information from misuse. Therefore, SB 286 should include provisions that establish such protection for student information when stored, published, or transferred by a third-party entity from schools to DPI.

Further, SB 286 requires choice schools to provide data solely on choice students and their assessments. However, choice students are sometimes a small portion of the school population. Moreover, families have the right to opt their choice students out of taking required assessments. Therefore, we ask that information from choice schools be published with a notice that reporting

is limited to data collected on choice pupils and their completed assessments. Information about choice students should not be credited as a reflection of overall school performance.

**Student Information** - Senate Bill 286 also presumes that private schools can easily obtain student information. However, much of the information required is not currently collected by private schools, partly because they do not have the means to do so.

Catholic schools teach all students and strive to serve as many as their resources will allow. Accordingly, they do not require families to provide this information as it will not effect their children's enrollment in Catholic schools. For example, Catholic schools do not usually record the immigration status of students, and the families of children with special needs in Catholic schools often refrain from identifying their child.

Schools with a limited number of choice students may not be able to identify multiple students within a certain race or ethnic group, or those in need of English language services. Additionally, several private schools do not participate in free and reduced lunch programs. To comply with SB 286, these schools will need to solicit families for their income information. With such a process, new questions arise, such as whether a school will be held responsible if a family mistakenly reports their income.

**Lack of Clarity** - Senate Bill 286 does not establish the minimum number of choice students that must exist within a school or grade before a calculation can be made. As a result, it is difficult to determine how comparisons will be made within systems of schools that participate in the program. SB 286 also does not distinguish between data collection that is necessary at secondary versus primary schools. And while SB 286 does specify a subgroup size requirement for gap closure measures, it does not define a minimum statistically significant sample size for all measures. Such a definition should exist and limit when DPI is permitted to make an analysis or publish any information regarding a subset of the data.

When there is insufficient data collected, SB 286 permits the DPI to rate a school with a "satisfactory" or "needs improvement" rating, but leaves this determination to DPI's discretion. The bill provides no certainty that a school will be held harmless in terms of their accountability rating if the school does not have information for certain data elements.

In fact, in some instances, insufficient data will result in a penalty for the school. The current accountability system requires that a choice school demonstrate that 95 percent of all choice students have taken state-approved assessments as required by law. However, the previously mentioned opt-out for choice students from testing is a provision of Wisconsin law. Under the accountability system, therefore, choice schools hazard being penalized for honoring parents' wishes and state law.

Even when Senate Bill 286 specifies what reporting requirements choice schools must adhere to, and how choice schools will be sanctioned, it fails to describe how accountability will be measured. Terms such as "college and career readiness" or "pupil engagement" are left undefined. Also, schools are not provided with an appeals process where they may question a determination made by the DPI.

**Student Information System (SIS)** - Finally, choice schools must begin using a SIS compatible with the most recent version of the Schools Interoperability Framework (SIF) beginning in the 2014-15 school year. Such a system costs \$6 to \$12 per pupil. This is insufficient to cover costs for implementation, maintenance, training, or staff time devoted to data entry. For private schools that currently do not have a SIS, compliance with the law will require finding the system that best serves the schools' needs, meets the requirements of SB 286, is within the school's budget, and can be purchased and brought online with staff training – all in less than a year and without additional funding. Additionally, many schools new to choice programs are already dealing with their first choice state assessments, reporting, and audits this year.

Again, Catholic educators are not opposed to accountability. That is why the WCC is not opposing this legislation at this time. However, data collection in choice schools should be limited to that which is necessary and permits the private school to be unique from other schools.

SB 286 should be modified to incorporate data collection through already-existent mechanisms when possible, such as the online application system (OAS) for choice schools. Choice schools already submit information to the DPI on assessment performance, certain attendance statistics, and limited demographic and enrollment information. These are reasonable reporting requirements, as are others such as graduation data, which when distributed in an unbiased fashion, can aid families in determining whether a school is appropriate for their needs.

By providing greater clarity and specificity in this legislation, our schools and staff participating in choice programs can be more certain of student privacy protection, understand how performance will be measured, and know how results will be published. This will ensure a consistent and transparent system that maintains accountability without altering the unique character and climate of our Catholic schools.