



## WISCONSIN CATHOLIC CONFERENCE

TO: Senator Luther Olsen, Chair  
Members, Senate Committee on Education

Representative Steve Kestell, Chair  
Members, Assembly Committee on Education

FROM: Kim Wadas, Associate Director

DATE: February 2, 2012

RE: Elementary and Secondary Education Act Flexibility Request

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The Wisconsin Catholic Conference (WCC) appreciates having the opportunity to provide testimony on the Elementary and Secondary Education Act (ESEA) Flexibility Request (hereinafter, waiver request).

There is much to be applauded in the waiver request. It encompasses a bold plan of action designed to improve the quality of education in Wisconsin. For example, not requiring school districts (local educational agencies) to reserve 10 percent of the Title I allocation for professional development allows the local school district to more adequately address the unique needs of their student population.

However, the WCC would like to take this opportunity to seek further clarification on elements of the waiver request. We also wish to raise concerns regarding the waiver's impact on private schools, especially those schools participating in the State's parental choice voucher programs.

As drafted, the ESEA waiver requests flexibility for local educational agencies (LEAs) by allowing LEAs to transfer 100 percent of the funds received under authorized programs (Title II, Part-A of the ESEA) into Title I, Part A. Additionally, LEAs may reserve up to 20 percent of the Title I, Part A funds for use in schools identified as "focus" and "priority" schools.

The Wisconsin Catholic Conference would like clarification that the waiver request and use of this flexibility regarding Title funds will not result in a detriment to private school students and that private schools will have access to Title funds in the manner they do today. In distributing funds under the various titles of the ESEA, federal law does not permit the equitable participation of private school students to be waived. Also, requirements on LEAs to participate in timely and meaningful consultation with private school representatives to determine how to best serve the eligible private school students remain. The WCC has concern that both the transfer of funds, and more importantly the set aside of funds under Title I, will ultimately result in private schools students having reduced access to Title services and funding.

The waiver request also includes a proposal to include choice participating schools in the new statewide accountability system. The WCC has supported efforts to promote transparency and accountability within the choice program in the past, recognizing the need for students, families, and the community to be informed on the performance of choice participating schools. Under the new accountability system, choice participating schools will be identified if the school is persistently a lowest performing school statewide. Choice schools identified as such will be required to meet annual performance targets and demonstrate substantial academic improvement within three years. If this does not occur, the school will no longer be allowed to participate in the choice program.

Private schools serving students under Title I of the ESEA cannot access funds set aside to assist focus and priority schools. Therefore, under the new accountability measures, choice participating schools will, for the State's purposes, be identified as low performing, but such schools will not be able to access federal funds to improve performance. It is important, as the waiver request itself notes, that systems of support be established to make certain improvements are made for schools identified in the system of accountability. If permissible under DOE guidance, the waiver request should ask that choice participating schools have equitable access to all Title funds, including those set aside for focus or priority schools.

There are additional concerns raised by the accountability system reforms identified in the waiver as relates to choice participating schools. The waiver instructs that a lowest performing choice school "enter into a performance agreement with DPI" to attain academic improvement. As this represents a heavy involvement of DPI in the affairs of a private school, the WCC respectfully requests that the waiver include additional alternatives to DPI direct involvement, such as third party contractors or sponsor oversight (such as with a diocese or jurisdictional authority for religious schools).

There is also concern as to how this accountability system will accurately measure performance in choice participating schools when only those students who participate in the choice program are assessed within a choice school, and even those students may currently opt out of any assessment. There are several families who do take advantage of this opt out provision to avoid having their student identified as a voucher recipient by participating in the assessment process.

As there are still details and information to be supplied in the waiver request, the WCC recognizes that many of these concerns may be addressed in additional documentation. The WCC request that you seriously consider the concerns outlined in this testimony and act to make certain the waiver request adequately addresses the needs of private school students and schools affected by its provisions.

Thank you.