WISCONSIN INSTITUTE FOR LAW & LIBERTY

Testimony in Support of Assembly Bill 1
Assembly Committee on Education
February 6, 2025

Chairman Kitchens, Vice Chair Goeben, and Members of the Assembly Committee on Education:

Thank you for providing me with the opportunity to testify in favor of Assembly Bill 1. My name is Kyle Koenen and I am the Policy Director at the Wisconsin Institute for Law & Liberty, a non-profit law and policy center based out of Milwaukee.

Assembly Bill 1 represents a critical step in restoring the ability of parents, policymakers, and taxpayers to accurately assess the performance of Wisconsin's schools. Having consistent, reliable information allows policymakers, educators, and families to better identify what's working, find areas for improvement and develop strategies to deliver the best possible educational outcomes for students. Unfortunately, the Department of Public Instruction's (DPI) unilateral actions over the past four years have made it more difficult to track school performance by changing terminology, adjusting cut scores, and modifying report card calculations.

This began in 2021, when DPI lowered cut scores on the state's report cards, artificially boosting ratings by allowing more schools and districts to receive a higher "grade" without actual improvements in performance. As a result, there are zero districts that fall into the "Fails to Meet Expectations" category. The new report card cut points also pushes districts out of "Meets Few" expectations and pushes others into "Exceeds Expectations." If we still had the old cut points, 66 fewer districts would be counted as "Exceeds Expectations," and 66 more would "Meet Few Expectations." To demonstrate the impact of these changes, WILL identified 14 schools on the most recent report card that fall below 15% ELA yet are categorized as "Meets Expectations".

In 2024, DPI also made changes to the labels assigned to student outcome categories on the state's Forward Exam. While this change may seem innocuous, the new terms are misleading to parents and downplay the need for improvement. For example, the lowest performance category shifted from "Below Basic" to "Developing". The second lowest category changed from "Basic" to "Approaching". DPI argues that these new terms promote a "growth mindset" and that the old terms could be perceived as insulting, but consider this: which of these labels would give you, as a parent, a greater sense of urgency that your child may need extra support or attention to succeed? Lastly, it's important to note that the previous

terms were aligned with the terminology used on the NAEP, the nation's report card.

Table 1. Changes in DPI Proficiency Terminology

Old Terminology	New Terminology
Below Basic	Developing
Basic	Approaching
Proficient	Meeting
Advanced	Advanced

Perhaps the most significant change happened in 2024, when DPI lowered the cut points on the Wisconsin Forward Exam as part of a standards rewrite. This not only lowered proficiency standards but also disrupted alignment with NAEP, making it harder to compare scores to historical data and national benchmarks. It's important to note that the previous standards that aligned Wisconsin with national standards were instituted in 2012 by then DPI Superintendent Tony Evers.

DPI also changed the ACT/Pre-Act performance level cut scores, moving the state away from the ACT's measurement of college readiness. Those changes are depicted in Table 2 below.

Table 2. Change in ACT Proficiency Cut Scores

Issue Category	Old Proficiency Cut Score	New Proficiency Cut Score
English/Language Arts	20	19
Math	22	19
Science	23	21

With last week's release of NAEP scores, we now have a clearer understanding of how DPI's changes to Forward Exam cut scores have impacted results. Despite a decline in Wisconsin students' performance on the NAEP 4th grade reading assessment—reaching the lowest level since at least 1992—state-level proficiency rates saw a significant increase. For example, in 4th grade ELA, the percentage of students scoring proficient or higher on the Forward Exam rose from 44.8% in 2022-23 to 52.1% in 2023-24. This suggests a massive disconnect between the two

standards, as evidenced in the table below.[1] In 4th grade reading, the difference between the state Forward Exam and the NAEP was a staggering 21%.

Table 3. Forward Exam Results Compared to NAEP (Proficient or Higher)

Grade Level Tested	Forward Exam Results	NAEP Results	Difference
4th Grade Reading/ELA	52.1%	31.0%	-21.1%
4th Grade Math	54.0%	42.0%	-12.0%
8th Grade Reading/ELA	48.4%	31.0%	-17.4%
8th Grade Math	51.4%	37.0%	-14.4%

Notably, all these changes were implemented unilaterally by DPI with no legislative input or oversight. Specifically, the adjustments to the cut scores this past year were carried out in secret, with participants required to sign a non-disclosure agreement, and no public input was solicited. Even Governor Evers has criticized the process calling it a "mistake" and has noted that changes will make it difficult to compare data year over year.

Wisconsin students and parents deserve the truth. Lowering the bar doesn't help kids—it just hides failure. At a time when we should be laser-focused on tracking recovery from pandemic learning loss, DPI has instead chosen to manipulate the data to cover up poor academic results. Parents, educators, and policymakers need honest, transparent data to ensure students are truly prepared for the future—not just given a false sense of success. Assembly Bill 1 takes a meaningful step to put us back on that track.

Thank you for your time and I'm happy to answer any questions.

Kyle Koenen
Policy Director
Wisconsin Institute for Law & Liberty

[1] Table 3 compares the most recent results from the Wisconsin State Forward Exam and the National Assessment of Educational Progress (NAEP), showing the percentage of students scoring in the top two achievement categories for each exam. For the 2023-24 Forward Exam, this includes students classified as "Meeting" or "Advanced," while for the 2024 NAEP, it includes those rated as "Proficient" or "Advanced."