

Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?



FairTest

The National Center for Fair & Open Testing

Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

By Monty Neill & Lisa Guisbond

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Contents

Executive Summary.....	1
Introduction.....	4
I. Victories: What has been won?.....	5
A. Cutting tests and capping time spent on testing.....	6
B. States turn away from graduation exams.....	8
C. Opting out.....	10
D. Implementing performance assessments.....	11
E. Gains in teacher evaluation.....	12
F. Much remains to be done.....	12
II. Overall lessons from state and local victories.....	13
Graduation test lessons.....	14
III. Case Studies: How victories have been won.....	17
Maryland.....	18
Las Cruces, NM.....	22
Santa Fe, NM.....	26
San Diego, CA.....	29
Sacramento, CA.....	31
Jefferson County, KY.....	33
Knox County, TN.....	36
St. Paul, MN.....	39
Appendix: Survey instrument.....	42

Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

Executive Summary

Widespread opposition to the overuse and misuse of standardized testing is producing a marked shift in attitudes about high-stakes assessments and, increasingly, state and district practices. Across the nation, assessment reform activists are winning important victories in reducing the amount of testing and ending high-stakes exams. Of particular note: The number of states with mandated graduation tests has been slashed by half in recent years. The district victories often occur in communities with large percentages of African American or Latino students and low-income families. There has also been progress in implementing better forms of assessment.

These wins often result from effective grassroots advocacy by parents, teachers, students and their allies based on [growing public understanding](#) of the damage caused by the overuse and misuse of standardized testing. The drumbeat of concerns include:

- the amount of testing;
- the time it consumes;
- the outsized consequences for students, teachers and schools attached to test scores;
- the negative impacts on educational equity for low-income and minority students; and
- the damage to teaching, learning and children's futures from the testing fixation.

These factors combine to pressure legislatures, school boards and education departments to reduce tests and lower stakes.

The past year's gains build on previous victories, described in prior FairTest reports (available at <http://www.fairtest.org/k-12/high%20stakes>). They show an increasing capacity to use testing issues to influence elections and to pressure school boards and legislatures to make needed reforms.

The recent gains have occurred within the context of federal testing mandates of No Child Left Behind (NCLB) and the Every Student Succeeds Act (ESSA). [Changes in accountability requirements](#) under ESSA, which states can adopt along with use of non-test factors in state accountability systems, provide opportunities for further progress.

This report summarizes recent victories that eliminated tests such as graduation exams, reduced testing time, and promoted better forms of assessments. Through state and district case studies, it also details how activists won these changes.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

Test resistance wins include:

- ***Cutting the amount of state or district testing or the time spent on testing.*** Maryland is a recent example. Its legislature capped the amount of time districts can devote to testing. Instead of testing all kindergarteners, Maryland will test representative samples. Many districts have followed this initiative by ending or reducing their own testing requirements.
- ***Eliminating high school graduation exams.*** Since 2012, the number of states that had or planned to have standardized high school exit exams has [plunged from 25 to 13](#). Idaho eliminated its grad tests in 2017. At least seven states have made their roll back of graduation testing retroactive.
- ***Opting out.*** Idaho and North Dakota brought to 10 the number of states that allow opting out. The opt-out movement in New York held steady at a nearly 20% refusal rate, while increases were noted in other locales.
- ***Implementing performance assessment.*** New Hampshire remains the strongest example of a state overhaul. Half of all school districts are now replacing standardized tests in most grades with local, teacher-made performance assessments. Across the nation, many districts that have cut their own test mandates are joining with local unions to promote such [assessments at the local level](#).
- ***Ending or reducing the use of student test scores to judge teachers.*** Seven dropped this requirement, while other states reduced the weight of test scores.

This report includes case studies that delve into the details of how activists won the changes. The examples include Maryland and seven districts: San Diego, Sacramento, St. Paul, Santa Fe, Las Cruces, Knox County, TN, and Jefferson County (Louisville), KY. Most of these districts include large numbers of African American and Latino students; all have large percentages of low-income children. Test defenders often claim that more testing is good for these students – but educators, parents and the students themselves disagree and have fought hard to diminish the role of standardized tests in their schools.

There are key lessons for other test reform activists from these state and local struggles. These include the strategic use of surveys; building alliances between teachers, parents, students and community groups; winning school board elections; persuading or



Chicopee, Mass., students rally to support their teachers and schools. Photo Credit: MassLive

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

replacing superintendents; and careful framing of messages to win clearly defined goals through a thought-through but flexible strategy.

Finally, the 2017 Victories report includes the text of a survey developed by FairTest with the National Council of Urban Education Associations. It can be used by unions with their members and adapted for use with parents and others. It is [available online and downloadable](#).

Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

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Introduction

Widespread opposition to the overuse and misuse of standardized testing is producing a marked shift in attitudes and, increasingly, state and district practices. Across the nation, testing reform activists are winning important victories in reducing the amount of testing and ending graduation and other high-stakes exams. These victories often occur in cities with large percentages of African American or Latino students and many low-income families. The number of states with mandated graduation tests has declined by half in recent years. There has also been progress in implementing better forms of assessment.

These wins are often the result of effective local and state advocacy by parents, teachers, students and their allies based on [growing public understanding](#) of the damage caused by the overuse and misuse of standardized testing. The drumbeat of complaints about the amount of testing, the time it consumes, the high stakes for students, teachers and schools, and the damage to teaching, learning and children's futures, combine to pressure legislatures, school boards and education departments to reduce tests and lower stakes. The past year's gains build on previous victories, described in earlier FairTest reports.¹ They show an increasing capacity to win elections and to educate or pressure school boards and legislatures to make needed reforms.

This report summarizes the victories and provides examples of reduced testing and abolished graduation exams. It details how activists won the changes, through state and district case studies.

The recent gains have occurred within the context of federal testing mandates of No Child Left Behind (NCLB) and the Every Student Succeeds Act (ESSA). However, [changes in ESSA accountability policies](#), which states can adopt, along with use of non-test factors in state accountability systems, provide opportunities for progress.

¹ See [Assessment Reform Victories 2016: Less Testing, Lower Stakes, Better Learning Measures](#); [Testing Reform Victories: The First Wave](#); and [The Testing Resistance and Reform Movement](#).

I. Victories: What has been won?

NCLB and Race to the Top launched a testing arms race. Some states and many districts sought to boost scores on state exams by testing their own students more frequently, from a few times a year to weekly or more. (These are called benchmark, periodic, interim, predictive and formative tests.) Coupled with federally mandated state exams, they became time sinks: A survey of Colorado educators found that tests and test prep took up a quarter of teaching time ([CEA, 2014](#)).

ESSA continues NCLB's mandate to test reading and math in grades 3-8 and once in high school, along with three grades of science tests. Fortunately, however, some districts have not piled on the tests. For example, Milwaukee only requires what the state and federal governments impose. Thus, according to Milwaukee Teachers' Education Association president Amy Mizialko, the union has focused on linking existing testing to educational damage and to supporting the opt out movement. Unfortunately, in districts across the nation, urban, rural and suburban, additional testing is common.

Most teachers say these tests are not worth the time spent on them.² As a result, the tests have become the target of state and local actions, often driven by teachers and their unions with the support of parents and students. These efforts have won state and district reductions in the number of tests, the length of the tests, or the amount of time allotted for testing.

Part I summarizes the victories, then turns to overall lessons learned from these testing reform fights. Case studies, found in Part III, delve into the details of how activists won the changes. The examples include Maryland, San Diego, Sacramento, St. Paul, Santa Fe, Las Cruces, Knox County TN, and Jefferson County (Louisville) KY. Most of these districts include many African American and Latino students; all have large percentages of low income children. This is important since defenders of testing often claim that more testing is good for these students – but educators, parents and the students themselves disagree and have fought hard to diminish the role of standardized tests in their schools.

Test resistance wins fall into these major categories:

- Ending or cutting the amount of state or district testing;
- Eliminating high school graduation exams;
- Expanding the right to opt out;
- Implementing performance assessment; and
- Ending or reducing the use of student scores to judge teachers.

² Gallup. 2014. "[Teachers Favor Common Core Standards, Not the Testing.](#)"

National Education Association. 2014. "[NEA Survey: Nearly Half of Teachers Consider Leaving Profession Due to Standardized Testing.](#)"

A. Cutting tests and capping time spent on testing.

Here are some examples from a growing list of victories in reducing tests and testing time from around the nation:

- Under pressure from states, the makers of the [PARCC test reduced testing time by 90 minutes](#). Still, the excessive length of both PARCC and the Smarter Balanced exams has contributed to a decline from 40 to 21 states using either test, with only six using PARCC to fulfill federal testing requirements (as of 2016-17).
- The **Maryland** State Teachers Association (MSTA), led a campaign to win a 2.2% [cap on the amount of time spent on testing](#). The victory included creation of district assessment committees to recommend how to reduce or eliminate redundant or unnecessary tests. (See case study.) **New York** has a more stringent cap on combined testing and test preparation time of 2% (won in 2014). Maryland also stopped testing every kindergartener and instead tests only a sample. New York bars standardized testing not used for individual diagnostics in grades K-2.
- The **San Diego** Education Association (SDEA) organized teachers, reached out to the community, held rallies, and prevailed upon the school board to end district-mandated testing. Teachers now control in-school assessment; some are moving toward performance assessments. (See case study.)
- After more than two years of organized activism, **Santa Fe, NM**, won a suspension of district-mandated testing. The victory was based on actions by the local union, thousands of students and teachers, and support from a new superintendent who approved testing cutbacks. (See case study.)
- In **Las Cruces, NM**, a movement of teachers, parents, students and other allies won school board elections that led to a new superintendent who has implemented a moratorium on district-mandated testing. (See case study.)
- **Sacramento, CA**, educators used collective bargaining to revamp how district assessments are determined. They won a contract saying that, beyond state and federal mandated assessments, the district will not be able to unilaterally impose testing but must go through a binding dispute resolution process. (See case study.)
- **St. Paul, MN**, teachers waged a multifaceted, multiyear campaign that engaged the broader community and resulted in, among other things, a commitment to reducing time lost to testing by 25% and elimination of benchmark literacy testing for elementary students. (See case study.)
- In **Louisville, KY**, the teachers union used the district's strategic planning process to win a testing reduction of about 35%. The focus now is on gaining further cuts in testing and adopting teacher-controlled, multidisciplinary performance assessments tied to "deeper learning." (See case study.)

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?



Jefferson County, KY, teachers rally.

- The **Knox County, TN**, teachers union led a series of election victories producing a strong testing reform school board, which brought in a new superintendent. The district has eliminated its own mandated testing and passed a resolution calling on the state to stop using student test scores in teacher evaluations. (See case study.)

- In **Florida**, [Clay County suspended all county-mandated tests](#) in January 2017 to give students and teachers more learning time. And [Hillsborough County moved to eliminate duplicate high school testing](#). A state law limiting standardized testing to 5% of a student's total school hours led to the decision to eliminate district exams that test similar material to Advanced Placement and International Baccalaureate tests, affecting more than 12 courses.

- **New Mexico** passed a law, effective in 2016-17, [eliminating the requirement that ninth and 10th graders take at least three periodic assessments each year](#) in reading, English

and math. The bill's sponsor, Rep. G. Andres Romero of Albuquerque, a history teacher, said the aim was to respond to fellow educators' demands to free up time for teaching. Only one legislator voted against the bill. New Mexico students must still take PARCC exams, but beginning in 2018, [PARCC testing times in grades three and 6-8 will be reduced by 30-40 minutes per year](#). This cut comes on top of PARCC's own 90-minute reduction. It represents a response to pressure from educators, parents and students. Teachers, however, say too much time is still wasted in test preparation.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

- In 2016, the public schools of **Vancouver, WA**, [cut 105 district-required assessments](#). The focus was on tests that were duplicative or not providing useful information for instruction. The move resulted in up to 15 hours of additional instructional time per year in each of grades 3 to 8.
- The **Chicago Teachers Union** won a clause in their contract allowing teachers in a school to remove tests not mandated by the federal or state governments or the district.
- In other state actions, the **West Virginia** Board of Education [eliminated statewide English language arts and mathematics assessments in grades 9 and 10](#), beginning in spring 2017. High school students are now tested only in grade 11. **Hawaii** responded to pressure from educators by [excising three end-of-course tests and a mandate to use ACT tests in grades 9 and 10](#). **Oklahoma** and **Ohio** cut history exams, with [Oklahoma dropping its high school exam](#) for at least the 2017-18 school year and **Ohio** ending the tests in [grades 4 and 6](#). **South Carolina** [reduced by half the amount of science and social studies testing](#) in grades 4-8, deciding to give each test every other year rather than administer both every year. And **Texas** extended its Individual Graduation Committees (IGCs), which [can authorize diplomas to students who pass only three or four of the state's five exit exams for two additional years](#). Efforts to make the IGC process permanent were blocked in the Texas Senate. Efforts to reduce the number and high stakes associated with the state tests were stymied as well.

B. States turn away from graduation exams

For tens of thousands of students who don't drop out but stay in school and complete their other high school graduation requirements, [exit exams unjustly confer the status and diminished opportunities of high school dropouts](#). The National Research Council of the National Academy of Sciences concluded that graduation tests have done nothing to lift student achievement but have raised the dropout rate. Since 2012, the number of states that had or planned to have standardized high school exit exams has plunged from 25 to 13.³ Before NCLB, 16 states had graduation exams, but in the testing mania that followed, more states added them. Thirteen is the lowest number since at least the 1990s, a positive trend that will hopefully continue.

The reasons for the trend are varied, but in addition to states with a public campaign against exit exams, the rising discontent with standardized testing has likely influenced policymakers. FairTest talked with key people in a few states to dig into why the states dropped their exit exam requirements.

³ This does not include a recent requirement in 8 states to pass a civics exam. Reports from proponents of the test claim almost everyone passes; see "[Graduation Test Update: States That Recently Eliminated or Scaled Back High School Exit Exams](#)".

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

This report first summarizes recent developments, then in “Graduation Test Lessons” looks at two cases of states that dropped graduation exams.

- **Idaho** [scrapped its high school exit exam](#) in February 2017, after votes by the state board of education and the legislature. To graduate, [Idaho students](#) now must acquire a minimum number of credits in core subjects, submit a written and oral senior presentation and take a college entrance exam. State Board of Education member Blake Youde said those should be sufficient to demonstrate a student’s readiness. “When you look at that plethora of requirements and then having another requirement that they take a test and have a minimum score that they need to graduate, there was concern among the board that maybe that was an overly weighted factor for graduation,” Youde said.
- **Washington** delayed its biology graduation test requirement until 2021. After more than a decade of pressure and protest by parents, educators and the teachers union, [the legislature debated abolishing all graduation exams, but in June approved a “compromise” instead.](#) (An estimated 3,000 students were at risk of being blocked from graduating this year by the biology exam alone.) Starting in 2019, high school students will have to pass language arts and math exams as sophomores. The new law also “allows school districts to come up with alternative ways for students to demonstrate proficiency” in math and English. Exit exam opponents plan to continue fighting to eliminate these exams.
- **Texas extended by two years, until 2019, a provision allowing students to graduate [even if they did not pass two of the five state exit exams](#),** known as STAAR tests. The provision was first implemented in 2015 after passage of SB 149. “There’s nothing magical about a STAAR test,” said Republican Senator Kel Seliger, SB 149’s sponsor. “None of the folks in NASA took a STAAR test, and yet they muddled their way to the moon.” Texas had reduced a list of 15 planned graduation exams to just five in 2013.
- **Pennsylvania [exempted vocational students from having to pass the state’s three Keystone graduation exams](#).** A law passed in June gives these students several alternatives to passing the tests. The options include obtaining an industry-based



Wayne Au at a Seattle, Washington, demonstration.
Photo Credit: Education Not Incarceration

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

competency certification, demonstrating ability to succeed on an industry-based competency test or readiness for "continued meaningful engagement" in their program of study. [The state's Keystone exit exam requirement will not take effect for any students until 2020, and pending legislation could halt the test completely.](#) Under a bill sponsored by Senator Andrew Dinniman, minority chairman of the Senate Education Committee, local districts would determine high school graduation requirements, but they would not be able to use one test or a series of tests to make that determination. "It's to end high-stakes testing, because there are many bright students who do well in courses but simply can't take tests," Dinniman said.

- The **Rhode Island** Council on Elementary and Secondary Education in October 2016 [changed the state's high school graduation requirements](#). Eighth graders who would graduate in 2021 will no longer be required to pass standardized tests for graduation, although students are still required to take the tests. Rather than pass the tests, students will produce a senior project, exhibition or portfolio that meets the state's standards of proficiency. "Our new diploma system provides a menu of options for students, recognizing that one size does not fit all," said Ken Wagner, commissioner of Elementary and Secondary Education. The Providence Student Union had led a successful [campaign for a moratorium on graduation exams](#); this cements the victory.

In addition, [at least seven states have made their elimination of graduation testing retroactive](#) so that students who had successfully completed all other graduation requirements were able to finally obtain the diplomas they had rightfully earned. Tens of thousands of students who failed exits exams in Georgia, South Carolina, California, Alaska, Arizona, Texas and Nevada [have become eligible to apply for their diplomas](#). [More than 17,000 students received retroactive diplomas](#) in Georgia alone. Unfortunately, many students who dropped out of school at least in part because of the tests face life without diplomas, and states are not compensating non-graduates for not being able to attend college or the unemployment or lower wages so many suffer.

C. Opting out

The right to opt out expanded from 8 to 10 states with the addition of Idaho and North Dakota in 2017. (Georgia Governor Deal vetoed an opt-out bill.) This right is being undermined by a U.S. Department of Education demand that students who refuse testing be given a score of zero on ESSA-mandated exams. Those zeroes must be included in the reports on schools. However, some states are considering options that would prevent schools from being included in the list of those deemed "in need of additional support or interventions" under ESSA, just on the basis of low participation rates. New York State Allies for Public Education (NYSAPE) pointed out that including schools with high refusal rates could lead to wealthy districts with high opt out rates getting money needed

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

by low income districts. Unfortunately, most states' ratings include the zero scores of non-participants or drop the ranking by a level if the test participation rate falls below 95% — or both. These states are unfairly punishing schools for decisions made by parents as well as students.

The opt out movement expanded in some states. In New York, by far the most prominent site of opting out, the [number of refusers remained at 20%](#), despite a great deal of pressure on parents. In other states, the opt out rate increased, such as nearly [doubling in two years in Utah](#) and [trending upward in Minnesota](#) high schools. Perhaps because these refusals have now been highly visible for several years, they are attracting less media attention.

D. Implementing performance assessments

New Hampshire, under a waiver from NCLB, began to [build a statewide system of local performance assessments](#). The state aims to make it statewide under ESSA, in which case all districts will use traditional standardized tests only once in elementary, middle and high school. In the 2017-18 school year, about one quarter of districts are full participants in the pilot and another quarter are in the pipeline to become full participants. Initial [evidence showed the data is comparable across schools and that it is benefiting students with disabilities](#).

If states back off punitive accountability, it will be [easier for districts to implement performance assessments and other positive alternatives](#). Some local unions and their allies have advocated for improved assessments as they seek to cut back standardized testing. They aim to restore teacher control and improve assessment quality, as discussed in the case studies included in this report. Jefferson County, KY, is the clearest example of this effort, which the union is conducting jointly with the district.

Edutopia, ASCD, *Education Week*, and other sources feature a steady flow of stories about performance assessment and project-based learning. They reveal an increasing interest among teachers and others in these forms of assessment. [One recent example](#) focuses on a performance assessment experiment in New Haven, CT.

The New York Performance Standards Consortium has expanded significantly in recent years as member schools have demonstrated stellar outcomes with performance-based assessment tasks coupled with a waiver from four of the five state graduation exams. [Evidence shows](#) these high schools demographically reflect New York City but have higher graduation rates for all student groups, higher college enrollment rates, and superior rates of persistence in college when compared with City schools as a whole.

E. Gains in teacher evaluation

[Progress has been made](#) in reducing damaging policies of using student test scores to judge teachers. Education Week reported [six states](#) have dropped this requirement: Alaska, Arkansas, Kansas, Kentucky, North Carolina and Oklahoma. Pushed by the Connecticut Education Association, the state says [they can be used but not in the “summative rating” for an educator](#). Other states, such as New Mexico, [reduced the weight given to student scores](#).

F. Much remains to be done

Many states and districts continue to mandate tests in excess – sometimes far in excess – of federal requirements. Thirteen states still use graduation exams. Some states and districts use grade promotion testing. Most states still include student test scores in teacher evaluation, though it is not required by the federal government and research has found the practice is [unreliable and invalid](#). Finally, most states’ ESSA plans still place more emphasis than necessary on test scores, and many maintain the NCLB-era punitive accountability approach.

In addition, too few states and districts are implementing high-quality performance assessments even though [ESSA allows them to build new systems that can rely on teacher-designed, local assessments](#). If more states took advantage of changed federal requirements, districts would feel less pressure to boost test scores and could be more willing to end interim tests and support classroom-based, teacher-led performance assessing.



Jefferson County, KY teachers rally in the rain.

Most importantly, activists need to increase visible opposition to the overuse and misuse of standardized tests and turn this opposition into policy victories in legislatures and school boards. This will require electoral battles as well as pressuring current officeholders. The 2018 elections, now a year away, provide an important opportunity.

FairTest wants to hear about other successful reform campaigns. What was won, how, and what remains to do? Tell us about your efforts, successes and challenges (email attachments to fairtest@fairtest.org). As we learn more, we will update this report.

II. Overall lessons from state and local victories

Our investigation revealed a number of common themes, strategies and tactics used by educator, parent and student groups to achieve their wins. In addition to talking to activists around the country and reviewing news and other reports, FairTest asked local and state union leaders who led winning campaigns to identify key lessons for unions as well as parent, student, community and other organizations. In addition, we investigated why states dropped high school graduation exams, which forms the second part of this section.

1. **Educate, organize and mobilize the members.** Tactics have included organizing school-based and union-wide meetings, public forums and rallies (with students and parents); making local videos, showing films, and using social media; and including testing reforms in contract negotiations.
2. **Use surveys.** Surveys help activists determine the reform campaign's primary goals and demands, mobilize people, and provide evidence for the demands to the public and policymakers. Some groups also have persuaded districts or states to conduct audits of the amount of testing. Surveys can build on and at times will correct the audits. (FairTest and the National Council of Urban Education Associations [NCUEA] have developed [a free, downloadable survey](#); see the Appendix to this report.)
3. **Reach out to parents and build alliances with other organizations, such as civil rights groups.** Teachers who are also public school parents or are members of other groups can help with outreach to potential allies.
4. **Line up, win over or replace school committees and the superintendent.** The latter make the decisions about district-mandated testing. In some cases, a series of elections over time were needed to gain a majority on the school board, which in turn led to replacing the superintendent as well as reducing testing. In others, the existing board or administration agreed to make cuts.
5. **Take advantage of existing opportunities for input.** Look for openings to include less testing in contract negotiations or to participate in a district-wide strategic planning process.
6. **Frame the message clearly.** Go positive (e.g., “more learning, less testing”). Focus on the benefits for students. Identify students to voice the issues, in person or on videotape. Parents also can be highly effective.



Students Rally

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

7. ***Determine the goal(s) and demand(s).*** In some districts, the goal was to end all district-mandated testing; in others it was to reduce testing. In states it has been to end tests not required by the federal government, such as in the early grades, or stop the misuse of test results, such as for grade promotion, graduation or teacher evaluation. In some districts, there has been a push toward higher quality teacher-controlled or performance-based assessment.
8. ***Develop a strategy for winning.*** In every victory, the union or other leading organization(s) planned a campaign. They had to be flexible to adapt to changing circumstances. Different groups engaged in various actions, but each calculated where to go and how to get there.
9. ***Build the opt-out movement.*** Some local unions have promoted opting out, often in collaboration with parent-led groups. In some districts, the opt out movement helped win the victory. Opting out gets people engaged and committed, and brings great visibility to the issue, but is also difficult to organize and often faces strong district and state resistance.

Graduation test lessons

In less than a decade, [the number of states with high school graduation tests has declined from 26 to 13](#). Nearly half the states that ended these tests made the new policy retroactive, awarding diplomas to tens of thousands of young people.

FairTest looked at states that recently dropped their exit exams and found common themes:

First, research mattered. [Multiple studies show high school exit exams do not increase college going or workforce success, but they do increase the dropout rate](#). Those without a high school diploma have higher unemployment rates, earn far less, have less stable families, and greater rates of incarceration. The tests have blocked graduation for tens of thousands of young people who had completed all their other high school requirements. Many more dropped out because they thought they would not pass the test.

In Arizona, the State Board of Education found that “The tests did not improve college preparedness or workforce readiness,” according to Vince Yanez, former executive director of the board.

Second, introducing new tests is a good time to reconsider the exit requirement. Yanez explained:

Arizona was in transition from the AIMS test to a Common Core test, which initially was the PARCC. ... With the new test, our choice was to have high expectations, or to lower the expectations to ensure enough kids could pass it. It looked like the PARCC failure rate would be high. We wanted high expectations. The Board submitted legislation to end the graduation requirement and it became

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

law. ... Arizona subsequently dropped PARCC and contracted with AIR for a new state test.

In sum, the key issue was moving to a tougher test and the consequences of using that for graduation, coupled with evidence the AIMS graduation test had produced no benefits.

Similarly, California imposed a moratorium on graduation requirements as the new SBAC test was implemented. Previous legislative efforts to end the tests had been opposed by then-Governor Arnold Schwarzenegger, who blocked legislation pushed by student, parent, teacher and civil rights groups. Tens of thousands of students had been denied a



diploma because of the test; many more dropped out because they thought they would not pass. Current Governor Jerry Brown and Superintendent Tom Torlakson backed ending the test. Democratic party unity in support of the moratorium eased passage. Both teachers unions backed the measure, but there was no public campaign, perhaps because none was needed.

This year, a bill that permanently ends the graduation test passed both houses of the legislature and was signed by Governor Jerry Brown.

Third, public campaigns can matter. [The Providence Student Union led a highly visible and ultimately successful campaign to prevent implementation of Rhode Island's newly mandated graduation exam.](#) This campaign changed the views of state leaders, who approved a three-year moratorium. The head of the state education department, who had pushed for the mandate, later extended the moratorium another three years. In 2017, the state permanently ended the exam.

In Pennsylvania, school boards and the teachers union have actively opposed a state graduation test requirement, resulting in a series of delays. This year, the legislature exempted some students from the requirement. Many observers believe the legislature will end the policy before it takes effect.

The Washington Education Association and parent groups have pushed, year after year, to end the state's exit exam. They came close in 2017, but won only a delay of the science test. They will keep fighting.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

In New Jersey, a public campaign to end the exit exam stalled in the legislature, in part due to pressure from Governor Chris Christie. The New Jersey Education Association, Save Our Schools NJ, the Education Law Center and other groups have pressed hard on the issue. The newly-elected governor, Phil Murphy, has promised to end the requirement.

Making the decision retroactive was mainly a legislative decision. Yanez commented, “Some non-grads were asking, or could ask, can I go back to school, then simply graduate because I completed all non-test requirements?” In Arizona, an amendment to the original bill made it retroactive. It was also a question of fairness: Why should previous non-graduates be penalized for a state policy that has been reversed?

Opposition can be turned into support. In Arizona, business groups raised concerns. Yanez said, “But when they saw evidence of lack of benefits of the grad test and our intent to make new test more rigorous, they did not oppose ending the graduation requirement. There was no real opposition to the board-proposed bill.” However, in other states, business groups have been vociferous in their opposition.

III. Case Studies: How victories have been won

The following case studies show how in one state and seven school districts, union-led testing reform campaigns rolled back district-mandated testing and in some cases made progress on implementing teacher-determined classroom-based assessments. The campaigns used a variety of strategies and tactics to notch these victories. The case studies are based on interviews with union leaders along with reviews of news clips and electronic media.

FairTest encourages test reform activists to use these case studies to strengthen their own local campaigns. These could be led by teachers, parents, students or an alliance of these and other community members.

We are also interested in publishing more case studies. We encourage campaigns to send us a write-up of what you did, why you did it, gains made, remaining problems, and lessons learned. We can add them to this file.

The case studies are:

Maryland	Page 18
Las Cruces, NM	Page 22
Santa Fe, NM	Page 26
San Diego, CA	Page 29
Sacramento, CA	Page 31
Jefferson County, KY	Page 33
Knox County, TN	Page 36
St. Paul, MN	Page 39

Maryland Educators Win Legislative Victories

This case study is based on interviews with Adam Mendelson, MSEA Assistant Executive Director, Communications and Member Engagement; and Sean Johnson, Legislative Director.

The Maryland State Education Association (MSEA) waged a three-year campaign to reduce testing and high-stakes accountability. It won several victories: a cap on testing time, a legislative directive to the State Board of Education to block over-reliance on testing and punishment in the state's implementation of the federal Every Student Succeeds Act (ESSA), and an end to state testing of every child in Kindergarten. To win, the MSEA educated legislators, mobilized members, built alliances, and overcame resistance. FairTest consulted with MSEA on strategy, met with key legislators one-on-one, and held some media interviews in addition to testifying twice before the state legislature.

Testing Cap

The total school time spent on testing was capped at 2.2% in all but grade 8 (2.3%). The new law allows local educators and school boards to jointly agree to exceed the cap. It also creates district assessment committees to evaluate which tests are redundant or unnecessary, and to make recommendations to reduce or eliminate them. Seventeen out of 25 districts will have to reduce testing in at least one grade, based on 2015-16 data. The law takes effect in the 2018-19 school year.

The law also requires that the existing high school and a new middle school social studies exam be performance-based.

ESSA

The Maryland State Board of Education is dominated by “reformers” who support punitive, privatization-focused accountability and a heavy reliance on testing. To prevent the Board from adopting a regressive ESSA plan, MSEA and a coalition of education advocates — including civil rights groups — persuaded the legislature to pass the 2017 Protect Our Schools Act over Governor Hogan's veto. That law:

1. Caps the weighting for testing and the other academic indicators at 65% in the school accountability model outline in the state ESSA plan. At least 35% must be reserved for school quality indicators, which cannot be other test scores.
2. Ensures that school quality indicators focus on opportunity to learn. The law requires there to be at least three school quality indicators, each counting for at least 10% of the overall school score.
3. When a school is identified as low-performing, the statute now requires that local education stakeholders have three years to create and implement a plan before the state can intervene.

4. Blocks privatization if the state intervenes. Maryland cannot convert a school to a charter, use ESSA funding to create vouchers, create a state-run school district, or contract with a for-profit company to implement the intervention strategy.

Ending Kindergarten Testing

The state, in response to federal early childhood funding mandates, was using a time-consuming and disruptive one-on-one Kindergarten assessment that teachers said did not produce timely, useful information. In 2016, the legislature required the assessment to be administered only to a statistically relevant sample of students rather than all children.

Campaigns

MSEA ran a three-year campaign against over-testing. In the early stages of the campaign, the legislature set up a commission to study testing. By the start of the 2016 General Assembly session, the commission had not yet reported, but MSEA was able to win support for a law requiring districts to report the amount of tests (an audit). Though districts tried to blame state mandates for excessive testing, the commission found districts averaged five locally mandated tests for every state-required exam. Districts largely ignored the commission's recommendation to set up local committees on assessment to discuss appropriate testing levels and determine which tests were useful to educators. MSEA pointed to a New York law capping testing and test preparation at two percent of school time as an example of a state establishing overall test time limits. With evidence from the audit and pressure from the union and allies like the Maryland PTA, the legislature acted in 2017.

Union surveys showed that 90% of teachers thought there was too much testing, as did 68% of parents and the general public. In addition, local unions revealed cases of districts undercounting their tests. These results persuaded politicians, who passed the testing cap bill unanimously.

MSEA mobilized its members to win. During the 2017 campaigns to pass the Protect Our Schools and testing cap bills, they generated 43,000 emails, 4000 phone calls and 2000 post cards, along with a wide range of social media activism. Several hundred teachers came to the State House to lobby throughout the 90-day legislative session. MSEA held a march and rally about two-thirds of the way through the 2017 session. While 1500 planned to attend, a surprise nor'easter hit. This put a crimp in attendance, but 400-plus committed activists showed up.

Judged by email and phones, this was one of MSEA's most successful campaigns, the second largest in quantity of legislative contacts since 2006.

Building a coalition of 25 groups was important. The Baltimore Teachers Union, an affiliate of the American Federation of Teachers, was a key ally. The PTA stepped up, including by sending a contingent to the rally. Other groups included the NAACP, ACLU, CASA de Maryland, Advocates for Children and Youth, Disability Rights Maryland, and the League of Women

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Voters. Some of the groups were with MSEA on ESSA but silent on the cap.

The issues around ESSA were more complex, so the coalition was particularly important. Building it solidified Democratic support – all the key players were on the same side. The Democrats held a supermajority in both houses of the legislature, enabling them to overcome Hogan's veto. The first committee vote for the bill was bipartisan, 19-3. But Governor Hogan made it a partisan issue and whipped Republican votes to oppose the bill so that he could preserve his pro-vouchers and charter schools privatization agenda.

Business groups were not involved; aside from charters, they have stayed out of Maryland education politics. The right-wing Maryland Campaign for Achievement Now (CAN, affiliated with national CAN) opposed the ESSA bill but did not organize effectively on it.



Maryland Demonstrators, March 2017. Photo Credit: Maryland State Education Association.

On the ESSA bill, Governor Hogan held a press conference to announce his veto, then used his Facebook page to put out disinformation. He talked about failing schools and lack of accountability. Knowledgeable people refuted the governor's arguments in detail on his Facebook page. He deleted many comments, responded to some, but then people countered his responses. It was a remarkable showing, not just by educators but by citizens who care for public schools. MSEA worked with legislative sponsors to frame the bill as pro-student and pro-public education and held a counter press conference the day legislators overrode the governor's veto.

Next steps

The union will remain vigilant to ensure that districts adhere to the cap and tests are counted consistently and accurately, especially since districts may try to stack the committees that review the tests. The law exempts tests that sample students rather than test them all, so districts could create a "sample" of most of their students. On the other hand, some districts may begin to rethink testing and move toward performance assessment and toward turning control over assessment back to teachers. Meanwhile, MSEA is working with allies to ensure that the Board

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

of Education does not get around the Protect Our Schools Act and the reasonable testing and anti-privatization measures it put in place.

Lessons

Mobilize members and organize allies: MSEA was successful at both as they conducted the three-year campaign.

Use surveys of teachers, parents and others: Substantial majorities across the nation largely oppose testing overkill. But that evidence needs to be gathered locally or at the state level to persuade policymakers.

Frame the message: This was important with legislators. Positive framing also helped lawmakers interact with the media and their constituency in a way that made it clear how the bills impacted the quality of education in local schools.

Shift from a focus on funding to professional practice: Historically, education advocates in Maryland primarily focused on funding rather than professional practice issues. Shifting focus meant getting comfortable with new areas of state-level policymaking, new strategies, and an expanded definition of how to advocate for the best possible school system. In the case of testing, it also meant battling with school boards and superintendents, who are allies on funding. It meant framing the issues for the public – what makes for good schools in addition to sufficient money.



MSEA demonstration. March 2017 Photo Credit: Maryland State Education Association.

A Resistance Victory in Las Cruces, NM

This study is based on interviews and correspondence with Bruce Hartman, president of NEA-Las Cruces, with help from Amy Simpson of the NEA and School Board president Maria Flores, plus documents and news clips.

NEA-Las Cruces (NEA-LC) won an end to Las Cruces district-mandated testing by helping to build a movement of teachers, parents, students and other allies, then winning school board elections that led to a new superintendent who has implemented a moratorium on district-mandated testing. The union also persuaded the district to implement an Alternative Demonstration of Competency (ADC) allowing students who didn't pass all the state mandated graduation tests to still graduate.

With allies across the state, including other local unions and thousands of students, NEA-LC also persuaded the state to reduce time spent on the PARCC exams and stop mandating the use of interim tests in high school. (These are tests administered periodically each year before the major state exam, and are also called benchmark, period, short cycle and other names.) 2017 was the third year with reduced high school short cycle testing and the first year of reduced time on PARCC testing. Next year will see another small reduction in time spent on PARCC.

The NEA affiliate began by talking to teachers, parents and students. It surveyed teachers to collect accurate data on how much testing was happening. The union used that information to execute a broad community-based organizing and education campaign initially called “Less Testing, More Teaching” and later “Time to Learn, Time to Teach.”

How it came about, step by step:

The effort started in 2013 with school-based conversations, including parents and students discussing issues such as teacher evaluations. (Patrick Sanchez was NEA-LC president in 2013.) Current NEA-LC President Bruce Hartman said that at the time, it was “test, test, test” in the district.

After a few meetings, the union decided to focus on reducing testing. Other pressing issues were also raised, such as the threat of school privatization, as well as privacy and data mining.

A group formed called People Against the Standardization of Students. They created Facebook and web pages and used social media, flyers and word of mouth to spread the message. They organized a November 2013 [rally](#) against excessive testing that drew more than 800 people in a community of 105,000. Speakers included legislators and school board members. They then gathered 1,000 signatures on a petition sent to the governor and secretary of education, calling for a testing reduction.

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One result of the upsurge was winning the ADC. This was a crucial victory because, had the ADC not been in place, more than one-third of Las Cruces Public Schools (LCPS) 2013-14 seniors would not have graduated. The NM Public Education Department had recently changed the graduation requirements to include standardized tests. This created the perfect storm of anti-testing sentiment from parents, educators, and students. Under the statute, all districts were to have an ADC, but most did not. NEA-LC shared ADCs from Santa Fe and Truth or Consequences with the district leadership and convinced them that they needed to create one. Though LCPS' wasn't as strong as NEA-LC recommended, it was a very important step forward.

In response to the activism, the board had the district post information on its website, in Spanish and English, about parents right to opt their children out of testing. (The district is more than three-quarters Hispanic.)

With the help of the National Education Association, NEA-LC developed effective messaging. Monthly meetings, held after school, continued over the course of a year. They included NEA-LC members, parents and some students, with turnout varying from 20 to 25 people. There was support from business people, though they identified themselves as parents, not business owners. There was little opposition to the campaign since most people shared the view there was too much testing.

In February 2014, the union surveyed educators about testing, with 522 members of the bargaining unit responding. They addressed which tests were given and how often in each grade. They asked about the impact, including how it affected students and staff. They compiled the results, prepared a PowerPoint, and presented it to the school board, asking them to reduce testing.



Las Cruces NM student rally against testing. Photo Credit: Robin Zielinski, AP Las Cruces Sun-News.

A group called Students against Testing organized an opt-out group. In March 2015, there were large student walkouts of 500 students at the high school and middle school. One school's walkout was covered by the *Washington Post*. Thousands of students also participated in walkouts and opt-outs in Santa Fe, and Albuquerque. The walkouts targeted the state-mandated PARCC exam and contributed to reductions in the length of PARCC.

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NEA-LC had many other key allies, including a Las Cruces group called Las Cruces Refuse the Tests, which was connected to New Mexico Refuse the Tests, a local chapter of United Opt Out National.

In 2015, two school board seats were up for reelection. NEA-Las Cruces endorsed and supported two new candidates, who won. That meant they could expect the support of a 3-2 majority on the board. They elected Maria Flores as board president; she is a long-time parent activist, including on test refusal, and had been a bilingual teacher. The union-supported board members gained a 5-0 majority in the February 2017 elections.

The new superintendent, Dr. Greg Ewing, who started in December 2016, is “wonderful,” says Hartman. Ewing said publicly he doesn’t believe in testing beyond the state and federal mandates and issued a directive implementing a moratorium on district-mandated testing. The moratorium allowed schools to continue to use those or similar tests, and many did. At an October 2017 meeting, Ewing encouraged the principals to eliminate tests that are not required. Hartman explained, “At the January principals meeting all the principals are going to have breakout sessions to develop a school plan to only administer state/federal mandated assessments.” Ewing also opposed the state PARCC test and, said Hartman, “does not want schools to concern themselves about the test scores.”

In 2017, the school board also passed a resolution against excessive state testing and sent it to the New Mexico School Boards Association. The association looked through several local resolutions and sent strong ones to the legislature.

Remaining problems

One continuing problem is school use of “site tests.” Under the superintendent’s leadership, principals must now compile a list of all these tests. They often take the form of common “formative assessments” based on state and Common Core standards. They are developed at school level by teachers or grade levels, or sometimes a group of schools. These are excessive, often administered once a week or every two weeks. There are more in elementary school, less at middle and still less at high school. “They are really abused at the elementary level,” says Hartman.

A very large problem is that New Mexico continues to mandate many more tests than ESSA requires. These include early grades testing three times per year and a battery of high school end-of-course exams.

Advice for other unions

Surveys are of great importance, NEA-Las Cruces concludes. “Develop a good objective survey to find out problems and identify issues,” said Hartman. It should be done before starting a

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

campaign. The Las Cruces survey asked its members the names of assessments, how often they were used, how much time they take to administer, how effective or ineffective the tests were in informing instruction, what kinds of teacher-created assessments they used, and the effects on students and staff. They cautioned to always keep it focused on the consequences for students. ([FairTest worked with NCUEA to design such a survey.](#))

As in other jurisdictions, building alliances and organizing the community was vital. NEA-LC took the lead in organizing for less testing, but it had many key allies.

Winning the school board election was decisive for future progress, though activism had already gained victories.



Middle School students protest over PARCC testing in Las Cruces.

Santa Fe Uses a Range of Tactics to Win

Based on interviews with and documents from Amy Simpson, National Education Association (NEA) Organizational Specialist, and Santa Fe Superintendent Dr. Veronica Garcia.

Santa Fe won a suspension of district-mandated testing after more than two years of organized activism led by NEA-Santa Fe and a change in district leadership. The building blocks for success included direct action by thousands of students and teachers, teacher surveys about testing (and the former superintendent), public records requests, protests at the New Mexico State House, a lawsuit, and a vote of no confidence in the former superintendent, which led to a positive change in leadership.

This timeline shows the sequence of events contributing to the victory, according to Amy Simpson of the NEA:

- **April 2015: Thousands of students walked out of PARCC testing in [Santa Fe](#) and [other New Mexico districts](#).** (Approximately 10,000 students opted out of testing in New Mexico in 2015.) It was the first year New Mexico planned to give the PARCC exams and use the results to judge schools and evaluate teachers. Students said the tests were unfair because they were timed, given on computers, and tested material that they had not learned.
- **June 2015: Teachers burned [evaluations](#) based on Value Added Model (VAM) test scores.** New Mexico Public Education Secretary Hanna Skandera had imposed the teacher evaluation system based on student test scores beginning in 2013-14, after the NM legislature failed to approve the system. Teachers said the evaluations were not fair and did not reflect their value as educators.
- **October 2015: A New Mexico Time to Learn organizing committee was formed in Santa Fe,** drafting a plan for site-based organizing around testing and evaluations. The goals were to build organizational power and capacity to lift up parent and educator voices, reduce testing and increase authentic teacher-created assessments. The 10-step plan included educator, parent and community surveys, meetings and forums about alternatives to the current system, and collecting educator, parent and student stories to share with the public. It culminated with lobby days at the State House in February.
- **January 2016: NEA-SF surveyed 351 Santa Fe elementary, middle and high school teachers about testing and teacher evaluations in the district.** The survey showed that 36% said 26 days or more were impacted by mandated standardized assessments. (Forty-one percent said 11-25 days were affected.) Clear majorities of the respondents said mandatory “short-cycle” tests such as Discovery and DIBELS were not useful in informing instruction.
- **January 2016: NEA-SF made Freedom of Information Act requests about costs of testing in the district,** including all contracts and the amount paid to companies

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

providing student testing and diagnostic programs to the Santa Fe School District from 2013-2016.

- **February 2016: NEA-SF installed Joy of Learning Art Chairs at the New Mexico statehouse to signify what students miss out on when they are constantly tested.** A press release quoted Grace Meyer, middle school art teacher and NEA-SF president: “Less testing could mean more arts and music — as represented by the art and music chair; more ecology and science learning — as represented by the nature chair; more joyful reading as represented by the Dr. Seuss chair; and more cultural literacy education — as represented by the unity chair.”



“Art chairs” set up by NEA Santa Fe at state house. Photo Credit: Karen Hansen-Sharp.

- **March 2016: ACLU filed a [lawsuit](#) (with the NEA-SF union leader as plaintiff) against NM Public Education Department (PED) for its gag order on teachers regarding testing.** The PED order said public education employees must not “disparage or diminish the significance, importance or use of standardized tests.” Penalties could include “suspension or revocation of a person’s educator or administrator licensure or other PED license.”
- **April 2016: NEA-SF presented testing survey results and costs of testing to the Santa Fe school board.** NEA-SF made seven recommendations, including eliminating all non-state mandated district testing and allowing non-standardized, authentic options to replace standardized tests where possible.
- **May 2016:** A judge [ruled](#) in favor of teachers and lifted the gag order on testing.
- **May 2016:** NEA-SF sent out a survey to teachers evaluating the superintendent. Teachers overwhelmingly called for a no-confidence recommendation.
- **June 2016:** NEA-SF presented to the school board results of the survey about the Superintendent.
- **July 2016:** Santa Fe Superintendent resigned.
- **August 2016: Santa Fe hired Superintendent Dr. Veronica Garcia,** who was very popular, knowledgeable, and supportive of teachers. She was the former New Mexico Public Education Department Secretary under Democratic Governor Bill Richardson.

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- **September 2016: Superintendent Garcia announced a freeze on non-mandated district tests.** In a memo to principals, Garcia said the decision responded to the consistent concerns she had heard about lost instructional time from testing. The district's analysis showed the tests did not lead to academic improvement. She also announced the formation of a task force including teachers, principals and district staff to address issues around the effectiveness of non-mandated tests and make recommendations for their use.

Next Steps for the New Superintendent

In an interview, Dr. Garcia explained that she set up a task force with the union, teachers, and district staff. In a day-long meeting, they reviewed testing requirements. Many were required by the state, but the district still had many after ending the short cycle tests.

Garcia said the district will use NWEA tests in the 2017-18 school year, but it is not mandated and schools may not administer it more than three times a year. "Beyond that, I don't think testing will have a positive impact on student achievement." If NWEA does not produce improvement, Garcia said they could abandon it. Moreover, "We are discouraging schools from developing their own short-cycle tests to use like NWEA."

Regarding performance assessments, Garcia said the district encourages teacher-made assessments. She said the new NWEA is improved but is not performance assessment. "Rubrics can be helpful, teachers can design them. Problem is, there is so little time for planning and collaboration to create that."

Garcia said state testing is still a concern, especially in kindergarten through second grade for English language learners and students with disabilities.

On a related issue, many schools had cut or eliminated recess. "Kids had been sitting for 3 or 3.5 hours with no break. It was counter-productive," she said. So the Santa Fe school board passed a policy calling for two recesses plus a lunch recess.

Garcia said she has good working relationship with the union. "All of us would like to see less testing", she said.



"Art chairs" set up by NEA Santa Fe at state house. Photo Credit: Karen Hansen-Sharp.

San Diego Slashes Testing

Based on an interview with Lindsay Burningham, President, San Diego Education Association, survey results and contract language about testing.

The San Diego Education Association (SDEA) led a successful campaign to end district-mandated tests. They organized teachers, reached out to parents and the community, held rallies, and prevailed with the school board, despite administration opposition. Teachers now control in-school assessment; some are moving to adopt performance assessments. The NEA affiliate also seeks to include testing reduction and teacher-controlled assessing in their contract.

Union President Lindsay Burningham said they responded to teacher concerns about over-testing by surveying their members. (About 10% responded.) The responses highlighted excessive testing time, lack of accuracy and discriminatory consequences.

SDEA presented the results to the Board of Education, which formed a committee of teachers, parents and administrators to review the testing.

They quickly won an end to kindergarten testing, but most tests remained, including multiple district-required tests in some grades.

SDEA also supported test refusal as a tactic. Opting out is explicitly allowed under California law. The California Teachers Association provided materials on how to refuse testing and teachers' rights under the law.

SDEA joined the [Alliance to Reclaim Our Schools](#) (AROS) Days of Action, tailoring the group's national demands to local issues, with a focus on testing. AROS has organized several Days of Action over the past few years, in which local unions and other groups take actions to build support for positive reforms, from budget issues to testing.

For the Days of Action, the union focused on the idea that "students deserve more teaching and learning, less testing." Beforehand, SDEA held representatives' council discussions, and then engaged rank-and-file teachers in conversations at their schools. On the first day, teachers and parents held a "walk in" (as was done in many cities), in which parents and other community members joined students and staff, walking into schools together to show support for public education, with the message: "these are our schools." Because the demand to cut testing and increase time for learning reflected teacher and community concerns, it was difficult for the district to resist.

The second Day of Action, May 4, 2016, focused on testing. At 10 percent of the schools, teachers made posters and flyers and some shared opt-out materials, which sparked discussions.

That very day, the district issued a press release stating it would end district and site-based citywide tests. These included literacy, math and science benchmark tests and the use of the Diagnostic Reading Assessment (DRA).

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

Non-state assessment is now left entirely to schools. They can use DRA or design their own. Many sites are working on performance-based tasks, project-based learning, observations or portfolios.

This victory was led and won by the teachers union. Parent and community groups were not as actively involved in the testing fight, though some participated in the Days of Action. Teachers who are parents were active in talking about testing with other parents. Civil rights and business groups were not involved in the discussions with the board.

SDEA wants the next contract to include language saying the district will not mandate assessments but, at each school, administrators and teachers will develop assessments together.

However, there is motion on the part of the district to adopt computer-based curriculum-plus-test programs. Teachers are resisting this move. Teachers have the authority to craft their own curricula as well as assessments.

There are also workload limit guidelines, which the programs often exceed, so the union can organize against it.

SDEA talks regularly with the instructional department and meets monthly with the superintendent and the deputy to address issues like the computer-based programs. Another issue is the new English Language Proficiency Assessments for California (ELPAC). In Spring 2017, the union met with the district to focus on minimizing the impact of ELPAC on teaching and learning as well as to help educators prepare for it.

- One key conclusion the union draws from this campaign is the importance of the survey, which provided data to complement the stories teachers told.
- Framing clear messages was also important.



Nicole Coca holds sign at the rally. Photo Credit: San Diego Education Association.

Sacramento Bargains for Change

This study is based on interviews with Nikki Milevsky, former President and now VP; David Fisher, former VP and now President; and John Borsos, Executive Director, Sacramento City Teachers Association (SCTA).

It wasn't quick or easy, but Sacramento, CA, educators used the contract bargaining process to win a major revamp of how district assessments are determined. The Sacramento City Teachers Association (SCTA) 60-member bargaining team won their agreement in November 2016. It says that, beyond state and federal mandated assessments, the district will not be able to unilaterally impose testing but must go through a binding dispute resolution process.

How did it come about, step by step?

- SCTA members were motivated by the district's time-consuming benchmark testing to make testing a major part of their bargaining process. The status quo ante was three online benchmark tests per grade level, with an optional fourth exam. There were fewer exams in high school.
- The union did several rounds of member surveys, which revealed just how much teachers detested the benchmark exams. They were not aligned with the curriculum and took far too much time to administer and score. They also lacked adequate technology to administer the tests, and there was excessive stress on students.
- The union made testing part of its broader contract campaign. It held a community forum, for parents and teachers, on the contract bargaining, with a panel on testing.
- Educators held screenings of the documentary film *Standardized: Lies, Money, & Civil Rights: How Testing Is Ruining Public Education*, where students talked about the negative impact of testing.
- When the district decided unilaterally to keep the benchmark tests, despite widespread expressions of dissatisfaction, the decision galvanized a strong community response that ultimately led to the agreement.
- The union brought testing into the bargaining process, leading to several months of back and forth negotiations. In the



The Sacramento City Teachers Association (SCTA) 60-member bargaining team.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

end, SCTA and the district agreed on a memorandum of understanding (MOU) that detailed a binding process for determining how tests would be used. If the district and the union fail to agree on an assessment, the decision will be made through a mediation process with a three-person fact finding panel including a representative of the union, one from the district and a neutral third person selected by both parties.

- The MOU also called for the appointment of an Assessment Committee with union and district representatives “to design a comprehensive and balanced system for monitoring student progress.” The committee began meeting in January 2017 and developed a grid with detailed data on district tests, what they were used for and the amount of time they required. The assessment committee went through the grid, one test at a time, to decide if each test was necessary and meaningful. They learned that the district’s justifications were malleable and changing, which opened the door for educators’ input.
- The MOU also limits district benchmark testing to the period between Nov. 7 and Dec. 16 and specifies that the district put opt-out information on its web site.

What are the remaining problems/issues?

The SCTA has not yet worked through all the tests administered by the district. One unresolved issue is the state’s use of Smarter Balanced Assessment Consortium (SBAC) exams to meet federal mandates under the Every Student Succeeds Act. And then there are other tests the district said are based on “suggestions” in state law, for instance, a high school math placement test after Math 1. State law says there should be a test after grade 9. But Math 1 can be taken in grade 9, 10 or 11. So the district is not in compliance with state law. This led to a 1.5-hour debate on the purpose of this test. Meanwhile, the MOU agreement on testing is already in effect, although the contract fight continues. (Update: On Nov. 1, SCTA and the district reached a settlement, awaiting approval votes.)

Union leaders say the assessment committee’s work going forward is likely to ebb and flow. Other priorities may arise, and teachers will need professional learning to address their students’ needs.

Advice for other organizations

- Focus on teacher feedback on assessment, whether testing is useful or not, what kids endure. It is a valuable bargaining tool.
- Spend time going into schools and talking with teachers.
- Use surveys as a validation of face-to-face interviews. Data can be collected via surveys more than once.
- Create electronic surveys with space to write comments so that anecdotes can be collected.
- Hold community forums and screenings of films like *Standardized*, where parents and students can talk.
- Demand that testing be included in bargaining, under the topic of working conditions.

Jefferson County Teachers Use District's Strategic Planning Process to Advance Assessment Overhaul

Based on interviews with Brent McKim, President, Tammy Berlin, Vice President, of the Jefferson County Teachers Association, and Alan Young, Project Manager, Jefferson County Public Schools Educator Growth System, plus documents and videos from the union and the district.

Members of the Jefferson County Teachers Association (JCTA), in Louisville, Kentucky, used the Jefferson County Public Schools (JCPS) strategic planning process as a vehicle to win a reduction of about 35 percent in the amount of testing. The NEA affiliate is now focused on further test

reductions and building toward teacher-controlled, multidisciplinary performance assessments tied into “deeper learning.” (Deeper learning is an umbrella term they use to include such things as higher order thinking and social-emotional learning.) Brent McKim and Tammy Berlin described how they used detailed planning, message framing, community forums, and union member mobilization.



Jefferson County Deeper Learning Symposium 2017. Photo Credit: Jefferson County Teachers Association.

District strategic plans often sit on the shelf. JCTA decided to use the reopening of the district’s strategic plan to push for less testing, deeper and interdisciplinary learning, and implementation of different assessments.

Instead of the usual multiple-choice surveys, JCTA said the district should hold forums and ask open-ended questions, such as: “What should graduates know and be able to do? What do you

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

value?” The board agreed and pledged to have neutral facilitators. The union organized members and allied community people to participate. The forums produced valuable ideas, which helped the board and superintendent buy into change. In stages, the board cut back on testing and provided teachers with greater flexibility in the timing of district test administration. There is also an assessment working group to plan further progress and resolve disagreements.

The forums attracted 20 to 40 people, many of them union members. JCTA’s effective coalition building resulted in the participation of the PTA, the League of Women Voters and activists in a new Save Our Schools-type group, Dear JCPS. They also gained support from Black Lives Matter and a white BLM support group. One session was conducted in Spanish. The administration was mostly represented by data department staff, but the union welcomed their participation since key members share the desire to move away from defining “data” as test scores.

JCTA overcame a number of obstacles to allow teams of educators to submit plans for teacher-made assessments that are not multiple-choice. One obstacle was district curriculum specialists’ support for the tests. They told teachers they must use a multiple-choice test, the district’s or their own. JCTA took the issue to the assessment working group, which informed area superintendents, principals and content people that they can be more flexible. The group created an application form to access this flexibility, which was initially hard to use but is now more accessible. Nonetheless, over the past several years, the union has seen positive shifts in the thinking and behavior of administrators.

Union leadership sees implementation of richer forms of assessment as essential: Brent said, “What is the vision for assessment? We asked, ‘Is it less testing only or a shift to strong teacher practice?’ That conversation went well; it generated excitement. It is hard to argue against teacher capacity. Now we have a vision statement and design principles. We are starting to change perspectives at the district level.”

The union understands that the model for 20 years has been compliance with testing, so many teachers and administrators remain unfamiliar with performance assessments. To strengthen the vision and build teacher capacity, JCTA organized a three-day symposium in June 2017. About 1600 teachers participated (out of 6500). They will hold a second conference in 2018. The district also said it plans to more than triple funding for Deeper Learning support. JCTA and the district work with the Center for Teacher Quality (CTQ). A teacher on half-time release supports virtual communities of professional practice. JCTA sponsors film showings for members, parents and the wider community. It sends teachers to conferences and exposes them to strong examples of educators developing deeper learning and aligned assessments. In 2017-18, they are filming in classrooms to make a series of short videos to capture strong examples of performance assessment and other aspects of deeper learning.

In sum, JCTA has leveraged its own and district funding to educate classroom teachers and school and district administrators about the value and possibility of very different forms of assessment based on the curriculum and deeper learning. The union and district leadership are now largely “on the same page,” explained Alan Young. The goal is to have a large body of

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

educators who successfully implement performance assessments so that it becomes the district norm, despite federally-mandated state standardized exams.

Lessons

- Take advantage of policy options that emerge in the district, such as redrafting the strategic plan.
- Educate, organize and mobilize members, but also build alliances with supportive groups.
- Shape messaging to communicate what the union is for, not only against.
- Expect to meet bureaucratic obstacles on both test reduction and implementation of teacher-controlled, classroom-based, performance assessments.
- Take a leadership role and commit resources toward rethinking and restructuring assessment, including professional development.



Students rally.

Knox County Teachers, Parents and Students Push Testing Rollback

Based on interview with Lauren Hopson, President, Knox County Education Association, follow-up with new KCEA President Tanya Coats, and website reviews.

The Knox County, Tennessee, Education Association (KCEA) has won a majority on the school board that supports less testing, including ending testing in grades K-2 and cutting district mandated testing. The union also initiated a school board resolution that called on the state to halt the use of student test scores in teacher evaluations. Knox County, which includes Knoxville, the state capitol, is the third most populous county in the state. Thus, local reforms garner statewide attention.

The key to these policy victories, explained union President Lauren Hopson, was electing a board with seven of nine members as allies. This led the superintendent, a graduate of the pro-corporate reform Broad Academy, to resign. The union has a good relationship with the current superintendent.

An initial effort against testing focused on grades K-2. One untenured teacher who led opposition to this testing had her contract non-renewed. Hopson said, “We needed to stop retaliation, but it was too late for this woman.” They realized they would have to change the school board.

Teachers and their allies started a group, Students, Parents and Educators Across Knox County (SPEAK). They made a tactical decision to not work directly through the union but instead through the broader organization. The group, which meets monthly, grew to 3000 members, primarily teachers. Twice they showed the movie *Standardized: Lies, Money, & Civil Rights: How Testing Is Ruining Public Education*. Hopson explained, “We went to a school board meeting 350 strong, and 25 of us spoke, including some union members.” SPEAK also organized rallies against charters and to defend the fired teacher. Union activists include members of BATS (Bad Ass Teachers).

Board meetings are televised. When SPEAK testified, they copied the speech and put it on their Facebook page (<https://www.facebook.com/groups/SPEAKTN/>). They built good relations with smaller radio stations and weekly newspapers, who provided accurate and sympathetic coverage. They would organize five or six people at time to call in to talk shows.

Many parents supported the campaign. Students known as the “Gang of 4.0” – college-bound students with top grades – also spoke at school board meetings. Student Ethan Young’s video against Common Core drew 2.5 million views ([available on YouTube](#)).

“Grassroots organizations like SPEAK, Save Our Schools and Jobs with Justice of East Tennessee have become vital collaborative partners in our quest to achieve equity for Public Education,” said new KCEA President Tanya Coats.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

The union Political Action Committee (PAC) interviewed school board candidates, and SPEAK backed the union-endorsed slate. They posted campaign signs, canvassed and phone banked. Over the course of three elections, the governor, who supported the pro-testing board, put up \$40,000 to oppose the SPEAK/union slate, but he kept losing. By the third election, Hopson said, seven of the nine were allies.

Superintendent Jim McIntyre was a major problem. Hopson said that KCEA and SPEAK focused on criticizing his ideas, not the person. McIntyre hung his hat on test score growth. But when a top high school fell from level 5 to level 1 (the worst), he did not defend the school because then he'd be attacking his own policies. The public recognized he would endanger schools to promote his views. McIntyre brought in Broad fellows with six-figure salaries. One hiring was illegal, so they exposed it. That, said Hopson, was a turning point. (The Broad Foundation trains prospective administrators who support test-driven schooling.)

SPEAK also developed relationships with the county commissioners, who provide oversight on school funding. SPEAK and KCEA exposed McIntyre's misuse of educational funds. He had spent significant amounts on consulting firms like Parthenon, but only got cookie-cutter recommendations. Hopson said, "It was a waste of money, so the Commissioners turned against him." Ultimately, McIntyre resigned.

The new superintendent, Bob Thomas, wants to overhaul state policy on teacher evaluation, which relies heavily on student test scores. The union says the county should take the lead to push the state. The Knox County School board passed resolutions two years in a row calling on the state to stop using student scores in teacher evaluation. The state has not listened.

Hopson contends that state testing is a mess. There have been serious problems with both paper and computerized exams. Results come back too late to be helpful. In October 2017, Tennessee Education Association spokesman Jim Wrye pointed out, "This makes the fourth year in a row where [major problems](#) have surfaced in a system where there are a lot of high-stakes consequences for students, teachers, and schools based on test scores." The union's goal is to persuade legislators to halt the use of tests to judge teachers. They plan to make it a fiscal issue: "We do not need to spend money this way," said Hopson.

KCEA supports parent/student opt outs. In 2016, with a paper-and-pencil state test, there were about 500 opt outs of some 60,000 students. Refusal is difficult because test results are included in grades. Removal of that policy is another union target. KCEA did expect more refusals in 2017 than actually happened. In part, this may be due to the state exam being administered on computers over six weeks. The choice was to keep kids home for a long period or subject them to "sit and stare" in front of a computer.

Knox County has largely ended district-mandated testing, but Tennessee mandates much more than the federal government minimum. State requirements include both interim ("universal screening") tests for most students in grades 3-11, and nine high school end-of-course exams. In Knox, individual teachers now decide what assessments to use in addition to the state mandates. No schools require additional interim tests.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

Hopson added that most teachers probably use “regular old testing,” but some use projects or portfolios. Schools with lower scores probably doing more “drill and kill”; those with higher scores have more flexibility.

The state also mandates portfolios in pre-K and Kindergarten, which were piloted in Knox County. Coats said, “Educators were perfectly fine with the tool, but when it went to the state, the tool was tweaked and revised where it was unrecognizable.” The problems included “too many standards merged together, age inappropriateness, scoring guide not matching standards,” and technology problems. Perhaps worse, the state intends to “use the data as punishment for educators.” As a result, the union persuaded the board to drop the portfolio pilot for other grades and to pass a resolution calling on the state to drop the mandate. In other cases over the years, over-reaching state mandates have undermined teacher-led, high-quality assessments, causing teachers to end up opposing what they created.

The state-mandated screening tests, explained Hopson, are a continuing problem in large part because of the low-quality interventions that schools are supposed to implement. For example, low-scoring middle school students may miss art and music to do more math and reading. At any time during the year, students with low scores can be pulled out of regular classes to take these “specials.” These test-triggered interventions can take regular teachers away from their usual classroom work for up to nine weeks in which students mostly work on their own while the teacher performs the state-prescribed reading and math interventions. Some middle schools refuse to engage in this practice. Meanwhile, across the district, students often don’t receive supplemental resources they actually need.

Lessons

The key to rolling back testing overkill was taking control of the school board. Hopson thinks the resolution calling for an end to evaluating teachers based on test scores will gain a lot of traction after years of exam administration failures. Some legislators are getting frustrated.

KCEA advice is to start with the school board. Form a coalition with parents, students and other allies, as KCEA did very effectively.

Don’t be afraid to spend money. “We had \$20K in our PAC and spent it down to \$1K at the end, but we got good results. Go against big money, don’t be afraid. We won two of four seats on our first try, then won all the contested seats in last election. If big money is coming in, make a big deal of it.”

See more on Knox County testing at

<https://www.knoxschools.org/site/Default.aspx?PageID=4351>.

In St. Paul, It Started with Community Conversations

Based on interviews with Nick Faber, President of St. Paul Federation of Teachers, and SPFT Steward Julie Harrington, and the SPTF report, [Power of Community](#).

St. Paul's test reform victories started with community conversations about the schools St. Paul children deserve. These conversations developed into a shared vision of what school should be and a broad campaign in which less testing was one part of a range of key educational priorities. The union used an open contract bargaining process for their 2013-15 contract to demand reductions in student testing, as well as smaller class sizes, culturally relevant education and professional development. More recently, teachers pushed back on excessive literacy testing in the elementary grades and got the district to eliminate a time-consuming and despised benchmark literacy test. In spring 2017, they produced a [powerful video](#) featuring St. Paul students describing the damage caused by over-testing. The video is being used to build an opt-out movement and has also become an inspiring model for other communities.

How did it come about, step by step?

St. Paul's ongoing campaign for less testing dates back to 2012, when the Saint Paul Federation of Teachers' then-President Mary Catherine Ricker invited the St. Paul community to describe what kind of teacher contract should be the basis for the kinds of schools they wanted to see. A series of facilitated group discussions of books by Barnett Berry and Alfie Kohn were held to draw out community ideas and proposals that could be included in contract negotiations. These were supplemented by listening sessions and online surveys of SPFT members and parents.

The guiding questions were about the *schools and teachers* St. Paul children deserve and the *profession* that St. Paul teachers deserve. The process and the answers to these guiding questions were used to produce a document, [The Schools St. Paul Students Deserve](#). It describes a core set of values, including a whole child education, family engagement, small classes, teaching not testing, culturally relevant education, quality professional development, and access to pre-school.

SPTF brought these goals to the 2013-15 contract negotiations, which were open to the entire community. As a result of the groundwork done in the community to develop a broad vision of St. Paul public education, the union put forward proposals traditionally considered to be the province of management, such as smaller class sizes, less testing, and hiring more librarians, nurses and counselor.

The district initially rejected the proposals. The SPFT then went door to door to explain their vision, building a huge well of community support and gathering 6000 signatures on a petition. During this campaign, the SPFT worked with the St. Paul chapter of the NAACP. To get their message out, they produced weekly videos and in January 2014 held a school walk-in with parents to demonstrate the breadth of their support. After the executive board authorized a strike, parents didn't turn on the union but instead increased their level of engagement and support.

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

While the teachers understood, from talking to parents, that parents shared teachers' concerns about over-testing, the district sent out a message meant to discourage parent support for the union, saying that a strike could delay state testing. That only strengthened community support for the contract demands. Finally, the district agreed to negotiate all of the proposals, making a strike unnecessary.

SPFT created what they call their TIGER (Teaching and Inquiring about Greed, Equity and Racism) team, a combination of teachers, union members, and parents from the community. The focus is on learning about and addressing greed and inequity, not just in the schools but also the negative impact of wealthy corporations on funding priorities. (The TIGER team played a role in pushing the testing committee to create the student video.)

The contract was ratified in February 2014. It included a commitment to a 25% reduction in learning time lost to testing and test preparation by the 2015-16 school year. There was also a district commitment to form a joint labor management team, to review assessments for cultural relevance and to work with the union to lobby state and federal officials to reduce mandated testing.

The district claimed a 26% reduction in time spent on testing and test preparation, based on their testing audit, but teachers have questioned the accuracy of that figure, saying they are not seeing such a large decrease.

Teachers also won elimination of MONDO benchmark literacy testing for elementary students, which they said was extremely time-consuming and not helpful. (MONDO is being replaced with another less time-consuming assessment that provides more useful feedback.) That was a “huge, huge victory for us as well,” said Julie Harrington.



St. Paul teachers protest in the snow.

Next on the agenda was building a strong opt-out movement, but most parents were not familiar with opting out. Many had heard rumors about dire consequences for their schools. So SPFT started educating staff and parents, building by building. SPFT members knew, from listening to teachers, how stressful testing is for students, especially for recent immigrants and English

FairTest Report: Test Reform Victories Surge in 2017: What's Behind the Winning Strategies?

language learners. When teachers raised the idea of opting out at parents' nights, they had trouble engaging parents. But when parents heard students talking about it, they said "how can we opt out?"

A big success was engaging the ELL population in the testing issue. SPFT brought translators out to advocacy groups and explained to those who don't speak English as their first language what opting out is and why their kids should do it. As a result, an ELL magnet school got large opt out numbers.

In part because of conversations at a high school for recent immigrants, SPFT decided to videotape students and use their testimony to inform parents. It was a challenging process with many roadblocks but one that resulted in a [powerful and compelling video](#) that has been shared and used as a model for other cities.

What are the remaining problems/issues?

The unions says there remains an ongoing need to educate the community about the consequences of testing. Among its next steps, they will use the student testing video and PowerPoint presentations at trainings with parent and community support groups and advocacy groups.

There are inequities in how principals have interpreted and applied the district's decision to reduce the time spent on district-mandated testing. In lower income, Title 1 buildings, some principals are saying they should test students even more. Principals in whiter, more affluent buildings were already finding ways to let teachers teach more, test less. Some principals are still using tests that are not mandated, with some purchasing them out of their local budgets.

There also has been some confusion about what the contract says, with some administrators thinking it had banned MAP testing. Some really liked the MAP testing, which was online and easy for them to use. They felt it gave them quick feedback that could help drive instruction. But they were getting the message from the district you can't use MAP because of the contract. SPFT explained that it had called for 25% reduction in testing, which would look different in different schools, and drafted a letter clarifying that the contract never said schools couldn't use MAP testing.

Advice for other unions?

- Involve parents and the community early on. The conversation must be around what they *want* in their schools, *not* what they don't want. Start a dialogue about what parents want their schools to look like and then point out how testing gets in the way of that.
- Transparency and an open process are critical.
- Start early and marshal the resources that are required to build a sustainable movement.
- Be bold and think outside the box of traditional contract demands.
- Prepare for pushback, internal and external.

Appendix: Testing Survey

Working with districts in the National Council of Urban Education Associations, FairTest developed a survey that district or state unions can use to examine union member responses to the amount and consequences of testing. It can be adapted for use with parents or students. Surveys have been effective tools in Maryland and some districts in efforts to win testing cutbacks (see case studies). Below is the text of the survey questions. Interested people can use the survey online (or print it out) by going to <http://www.fairtest.org/time-to-learn-survey-impact-of-testing>. That page also provides instructions on how to use the instrument.

Survey: Impact of Testing on Teaching and Learning

Introduction:

Please take a few minutes to complete this anonymous survey created by teachers for teachers so that we can share the experience of educators in the classroom. The purpose of the survey is to determine the amount of testing and its impact on curriculum, teaching and learning. The data will be used to communicate with and inform education decision makers (school boards, legislators, administrators, etc.), media, and the general public about the amount and consequences of testing.

Your response will be confidential. Reports will omit any information that would make it possible to identify a survey respondent or a specific school.

1. My level is:

1. Kindergarten, First, Second
2. Elementary, 3rd grade and above
3. Middle School
4. High School
5. Other (please specify) [will be a box for them to enter this info]

2. I am a/an:

- regular classroom teacher
- special education teacher
- specialist teacher (elementary music, art, PE, etc.)
- elective teacher (secondary P.E. teacher/coach, fine arts, vocational, etc.)
- counselor, diagnostician, librarian or other non-teacher specialist
- other (please specify) [box provided]

3. Please mark [check] each of the tests that you are required by the school/site, district or state to administer to your students, then indicate how useful you find the ones you checked.

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[Here each district will list all site/school, state and district-mandated standardized or large-scale tests that are administered, including ones that are administered individually to most or all students (e.g., DIBELS). When this is set for computer, it will have to be set up for each district affiliate to enter this information with a box or line before each one so people can check it off; then after the name of the assessment, respondents would check one of these:]

very useful
somewhat useful
not useful
harmful

Example:

___ DIBELS ___ very useful ___ somewhat useful ___not useful ___ harmful

Please list other mandated tests that you are required to administer and indicate how useful you find them [Box provided]

4. About how many of your school days per year are affected by the administration of site, district or state-mandated tests listed under Question 3?

1. 1 - 10 days
2. 11 - 25 days
3. 26 - 40 days
4. 41 - 55 days
5. 56 - 70 days
6. 71 - 85 days
7. 86 - 100 days
8. More than 100 days

Other (please specify in the comment box, below).

5. What share of your annual teaching time do you spend on test preparation and administration?

1. 0 - 10%
2. 11 - 20%
3. 21 - 30%
4. 31 - 40%
5. More than 40%

COMMENTS PLEASE: [box provided]

6. Have you altered your curriculum to prepare your students for the tests?

- ___ Not at all
___ Small amount
___ Modest amount
___ A great deal

[Note that 7 below is pasted in; it will have to be redone for use on computer.]

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[CHART]

7. Read each statement carefully. Indicate whether you strongly agree, agree, disagree, strongly disagree, or don't know.

Strongly Agree Agree Disagree Strongly Disagree N/A

The frequency and amount of site, district, or state mandated assessment is appropriate. Students are required to take more site, district, or state mandated assessments than ever before.

Students perceive site, district, or state mandated assessment requirements as fair and reasonable.

Students experience test anxiety on site, district, or state mandated assessment days.

Students seem to perform better on teacher-made assessments than on site, district, or state mandated assessments.

Students seem more engaged in learning because of site, district, or state mandated assessments.

Site, district, or state mandated assessments are diminishing student joy of learning.

The quality of student work is improving because of site, district, or state mandated assessments.

In general, students receive meaningful feedback on their test results in a timely manner.

Site, district, or state mandated assessments are age and content appropriate for my students.

Other (please specify)

8. Count me in:

I would like to come to a union meeting about the overuse of standardized testing.

I want to join a committee on the reduction of unnecessary testing.

[Could be other actions suggested or leave open for locals to add in other actions]

9. In this space, you can share a story about how standardized testing affects you, your students, or education in general.