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 postcards, 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
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.

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.