

### **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.

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## **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



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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



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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

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.”
- **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.



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



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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).

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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.

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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

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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

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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.



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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.

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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 SPFT 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.

SPFT 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.

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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.

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



St. Paul teachers protest in the snow.



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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.