

The Testing Resistance and Reform Movement

MONTY NEILL

In the spring of 2015, more than 620,000 students refused to take state standardized exams. The numbers were stunning in some places: 240,000 in New York; 110,000 in New Jersey; 100,000 in Colorado; 50,000 in Washington; 44,000 in Illinois; 20,000 in Oregon and Florida; 10,000 each in New Mexico and Rhode Island. Statewide, the New York opt-out rate reached 20 percent, topping 70 percent in some districts. Washington's numbers represented half the grade eleven class. In several other states, high school refusals reached 15 percent.¹

These numbers are a huge leap over 2014, when the Opt Out movement first began to have an impact. New York quadrupled, while New Jersey increased a hundred-fold. Overall, the numbers went from probably under 100,000 to closing in on three quarters of a million. Leaders predict the numbers will escalate again in the March to May 2016 testing season.

Over the past few years, the movement has begun to win meaningful victories that improve student and teacher lives. Six states ended their graduation tests, with three retroactively granting diplomas to young adults previously denied them solely because of their standardized exam scores. These changes reduced the number of states with exit exams to seventeen. Rhode Island imposed a moratorium before its exit exam went into effect. Others reduced the number of required exams. Several states and districts ended or curtailed grade retention requirements. Some reduced the number of other state exams. Districts also began to cut exams, perhaps most prominently in Florida, where Lee County's school board voted to end all standardized tests not mandated by the state, and other big districts eliminated many tests.

This refusal to participate in federally mandated testing programs likely represents a turning point in the history of assessment reform in the United States. The next few years will tell, as activists plan to dramatically increase refusals and to win policy changes in the states. Their avowed goals include less testing, an end to high-stakes uses of tests (that is, making decisions about students, educators, or schools solely

MONTY NEILL, Ed.D., is Executive Director of FairTest, the National Center for Fair and Open Testing. A longtime testing activist, he is the author and editor of many books, reports, and articles on student evaluation and education reform.

or primarily on test scores), and implementation of other, educationally sound assessment practices.

This essay briefly traces the history of testing in public schools from its beginnings in the 1920s, through the counter-productive No Child Left Behind (NCLB) federal law, to passage of the Every Student Succeeds Act (ESSA) in December 2015. It then discusses the recent and rapid emergence of the testing resistance and reform movement.

A Brief History of Standardized Tests in Education

While various kinds of tests were administered to large groups of U.S. students beginning in the nineteenth century, what we know as standardized exams emerged with IQ testing early in the twentieth century.² IQ tests purport to measure human intelligence by sorting people along a “normal” or bell-shaped curve. They were designed largely by proponents of eugenics, convinced of a natural hierarchy among racial groups, in descending order from Europeans to Asians, Native Americans, Latinos, and Africans, and social classes, from the wealthy and professional to poor laborers. Early IQ tests administered to immigrants included questions such as whether the test-taker knew what “Crisco” was, or the identity of baseball pitcher Christy Mathewson. However amusing this seems, the purposes were pernicious. The results were used in arguments to support the 1924 immigration laws that largely closed the doors to the nation, and helped support mass sterilization campaigns. In schools they were used to justify sorting students onto different educational tracks, ones that largely perpetuated the existing social order.

The use of IQ tests to enforce racist agendas has flared up regularly in the century since their introduction. In the 1960s, as the civil rights and black liberation movements flowered, Berkeley psychologist Arthur Jensen argued for black Americans’ intellectual inferiority based on test scores. Thirty years later, Charles Murray and Richard Herrnstein reignited these debates with their bestselling defense of “the bell curve.”³ Each time, social scientists and activists responded with multiple counterarguments, ranging from debunking the tests’ methodology to pointing out that race is a social, not a biological, construct.

In the 1920s, proponents of mental measurement developed norm-referenced “achievement tests,” which purported to indicate student acquisition of basic academic content.⁴ The results mirrored IQ tests—as they were constructed to do. Both kinds of tests were widely adopted by public schools. Testing resonated conceptually and practically with what Raymond Callahan termed “the cult of efficiency,” in which Taylorist principles were extended to all areas of public life.⁵ A technological

progressivism prevailed: ranking and sorting of students; maintaining the existing class structure while highlighting limited examples of mobility, establishing top-down controls, and ending hyper-local school boards. Like tracking and other “efficiency”-oriented reforms, testing served to reproduce social hierarchies: an advantage of testing, according to Stanford psychologist Lewis Terman and others, was that it could persuade working-class youth to lower their aspirations. By the 1940s, most schools had testing programs, and several sizeable corporations had emerged to create and meet the growing market for achievement and other tests, including the Psychological Corporation and the California Testing Bureau, later part of CTB/McGraw Hill and now part of Data Recognition Corporation.

Also in the 1920s, the College Entrance Examination Board (CEEB) was founded to promote a test that colleges could use for admissions. The College Board tests were initially essay exams, but in order to meet the mass demand for university education fueled by the postwar G.I. Bill, the CEEB adopted the multiple-choice Scholastic Aptitude Test (SAT), developed by a new corporation it helped create, the Educational Testing Service. As its name suggests, the SAT was conceived as a variant of IQ testing. Like IQ test results, scores from both the SAT and its competitor, the ACT, correlate closely with family income and effectively replicate the racial hierarchy envisioned by IQ-ists—save that some Asian groups now out-score whites.⁶ Thus, these exams are a class and race barrier to college entry. Neither, however, explains even 20 percent of the variance in first-year college grades, much less in subsequent years.

Due to the tests’ weak predictive value and significantly disparate impacts, growing numbers of colleges have made the SAT and ACT optional in their admissions process. The results show nearly identical outcomes in grade point averages and graduation rates between students who do and do not submit scores, though those who do not tend to have lower scores. These colleges also reported greater diversity. By the end of 2015, more than 850 colleges and universities had SAT-ACT optional policies in place.⁷

Returning to public schools, concerns about educational inequality inspired Lyndon Johnson’s 1965 Elementary and Secondary Education Act (ESEA). For the first time, the federal government began funneling significant sums to schools with high concentrations of low-income students. When questions arose about the effectiveness of the funding, the testing companies provided a ready answer: their tests. The government soon mandated that all students in an ESEA program take an achievement test at least once a year. Schools began to administer these cheap tools (the tests cost a few dollars each) to every student, primarily in grades

three through eight, though often to younger children. Test scores were commonly used in tracking, as were multiple-choice IQ tests. The IQ tests were particularly prominent in determining eligibility for gifted-and-talented and special education programs, which predictably separated students along race and class lines. Since a basic social role of schools in the United States is to prepare people for a range of occupations, tests that reproduce the social order while allowing some social mobility remained very useful tools.

In the late 1970s, a few Southern states introduced high school exit tests. Up to that point, the state of New York had its Regents exams, taken by students entering college, but no state had imposed a graduation testing requirement. These were often introduced as part of a political deal in which governors traded tests for business support for increased taxes to better fund education. Florida's "minimum competency test" was quickly subject to a federal lawsuit, *Debra P. v. Turlington* (1981), which was ultimately won by the state, though the courts decreed that the test could not be used until the vestiges of *de jure* segregation were eliminated. The latter was defined as the first class to graduate having entered school after the end of legally enforced segregation—even though most blacks remained in separate and deeply unequal schools.

With this juridical blessing, most other Southern states and a few Northern states with large black populations instituted the tests, followed by a few Southwestern states with large Latino populations. By the mid-1990s, sixteen states had exit exams. While most test-takers passed, many did not. Under California's test, tens of thousands of students who successfully completed their school work were denied a diploma. These teenagers were disproportionately low-income, black, Latino, English language learners, and students with disabilities. Others were discouraged by low scores on their grade ten reading-and-math tests, and left school altogether.

Lack of a high school diploma closely correlates with far lower lifetime income and greater likelihood of imprisonment and family instability. The National Research Council has found that exit tests increase the dropout rate, while failing to yield meaningful gains in employment or college achievement.⁸ But despite these pernicious side effects, still more states adopted high school exit exams in the wake of the federal No Child Left Behind law, enacted in 2002. By the 2013–2014 school year, more than two dozen states had imposed the tests or were planning to. More recently, the backlash against the high-stakes tests mandated by NCLB has led seven states to end their exams or place a moratorium on their use, reducing the number to seventeen. California, Arizona, and

Georgia even awarded diplomas retroactively to those who had completed their other requirements—still leaving out the discouraged who had dropped out.

In the 1990s, as the manufacturing jobs for which low-income students had historically been prepared continued to disappear, and the old achievement tests were increasingly discredited, a movement of sorts emerged to push for very different forms of assessment, in particular portfolios and performance tasks or projects. (Portfolios are collections of student work, similar to what artists compile; performance tasks and projects are extended examples of student work such as essays, laboratory work, and real-world math problem-solving.) Experts and advocates recognized that existing tests failed to assess the quality of students' thinking, or their ability to understand concepts or apply knowledge. Multiple states, including Vermont, Kentucky, Nebraska, Wisconsin, and California, began to implement these new assessments. The results were generally very positive for teaching and learning.⁹ Unfortunately, state fiscal crises at the end of the 1990s led some of these initiatives to be defunded; others faced conservative reaction or technical flaws that undermined their credibility. The advent of NCLB sounded the final death knell for most of them.

No Child Left Behind and Race to the Top

NCLB became law in January 2002, rushed through Congress in the wake of 9/11. It required statewide tests in grades three through eight, as well as reading and math tests in one year of high school, and science tests in three. It mandated rigid, draconian rates of improvement (all students were to score “proficient” by 2014) and a series of punitive, escalating sanctions for failure to improve quickly enough. The sanctions culminated in a requirement that the state fire most of the staff of a “failing” school, close it, or turn it over to a private operator. So extensive was support for the bill that only a handful of national groups opposed its final passage.

Analyzing this initial support for NCLB is instructive, as it reveals a merging of differing objectives. Advocates of charter schools and voucher schemes saw the bill as ensuring most public schools would be deemed failures, paving the way for privatization. On the other end, civil rights groups and leading liberals such as Senator Edward Kennedy thought NCLB would pressure states to provide more funding to low-income schools, forcing districts to focus more attention on children who scored low, who were, then as now, predominantly low-income, of color, disabled, or English language learners. In addition, President Bush had pledged to significantly increase federal school funding (a promise on which he reneged after the first year). The result, all sides hoped, would be better schools and

improved achievement. But equitable school funding was not forthcoming, as states fought funding-equity and adequacy lawsuits, and then cut school support during the 2008–2009 recession. The “increased attention” the law’s liberal supporters had hoped for took the form of teaching to the test and narrowing the curriculum. According to the National Assessment of Educational Progress (NAEP), named in the law as the primary index of school success, the rate of improvement mostly slowed under NCLB. Thus, privatizers were proven correct, while the supporters of improved public education who backed the bill were proven wrong.¹⁰

The nonprofit group FairTest organized the first major opposition to NCLB by pulling together education and civil rights groups, who issued a Joint Organizational Statement on NCLB in late 2004. The statement called for cutbacks in testing; an end to draconian accountability requirements; moving away from standardized tests and implementing performance assessments and the use of local assessments; shifting the emphasis of federal law from sanctions to support; and boosting federal funding. The statement eventually drew the support of 150 national organizations. From this coalition emerged the Forum on Educational Accountability, charged with working to implement the statement by lobbying, educating the public, and developing the statement’s broad proposals into more detailed guidance and legislative language.¹¹

NCLB was due for reauthorization in 2007. However, efforts to craft a new law foundered amid growing divisions among its initial proponents. Democrats, especially led by House Education Committee leader George Miller, essentially sought to retain the law, while many Republicans sought reduced federal control over the states. Neither side was persuaded by the Federal Education Association, the unions, or other educational groups to redesign the law. Subsequent overhaul efforts in 2011 and 2013 also died.

Meanwhile, the Education Department used the 2009 American Recovery and Reinvestment Act (ARRA) to earmark \$4.3 billion dollars to launch its Race to the Top (RTTT) competition. RTTT administratively rewrote NCLB by using the Education Secretary’s waiver authority to require states to use student test scores to evaluate teachers and win much-needed federal funding. It also allowed states to intervene in only the lowest-scoring 5 percent of their schools. Secretary Arne Duncan then extended the concepts to a “waiver” program, joined by more than forty states, that freed them from having to intervene in virtually any of their schools—since nearly all were now failing to make “adequate yearly progress”—in exchange for using student scores “in significant part” in new state teacher evaluation programs. The lowest-scoring schools faced firings, closure, and privatization, but the deal essentially spared

middle- and upper-class schools, though it put their teachers under the gun. Waivers also accelerated the NCLB-induced turn to district-wide “benchmark” tests, administered multiple times each year to measure student progress toward scoring “proficient” on state exams. Some went so far as requiring teachers to give a commercial test several times a week; Milwaukee termed theirs “probes.”

Whatever its goals, the primary result of the RTTT deal was a further rapid increase in testing students, because the waivers required every teacher to be judged by state or local test scores, but states had few tests in subjects other than those mandated by NCLB, and no state had them in every subject or grade. In an extreme case, Miami-Dade reported it would need 1,500 new tests.

Race to the Top also supported the Common Core State Standards (CCSS), which had been developed by a nominally state-led group of test-makers and some academics (but no teachers) funded by corporate philanthropies such as the Gates Foundation. RTTT and the waivers were widely viewed as mandating CCSS adoption, though technically it was not required. ARRA funding of nearly \$400 million went to two multi-state consortia to produce new state-level exams based on the CCSS—the Smarter Balanced Assessment Consortium and the Partnership for Assessment of Readiness for College and Careers (PARCC). The resulting tests remained primarily multiple-choice and short-answer. They were to be administered on computers when possible, enabling the use of technology to expand the types of short answer items. Both included a few performance tasks.

Together the Common Core standards and the tests based on them, as well as the accompanying requirements for teacher evaluations, produced enormous political backlash. They fueled the growing popular understanding that testing and federal intrusion had gone round the bend. That widespread perception in turn helped propel the passage, in December 2015, of the Every Student Succeeds Act (ESSA) to replace NCLB.

The Every Student Succeeds Act

As with NCLB, ESSA represented a wide political consensus. Only a small faction of hard-right Republicans voted against the final bill. ESSA clearly repudiates the federal overreach on accountability standards, but it remains committed both to testing and to the underlying idea that the federal role in education revolves around accountability, even if its implementation is now mostly in the hands of the states.

ESSA maintains the same testing requirements as NCLB, including separate mandates for English language learners, and retains the dangerous requirement that all schools be ranked.¹² Worse, rankings must be based

predominantly on student scores, high school rankings must include graduation rates, and all schools must incorporate English learners' progress toward English proficiency. This data must be broken out by "sub-group" (by race, socioeconomic status, language, and disability status).

More positively, states must incorporate at least one additional indicator of school quality—such as school climate, student engagement, or participation in courses such as Advanced Placement—and can include several such indicators. States may be able to reduce the weight of test scores in measures of school progress to 51 percent. ESSA also requires states to report per-pupil expenditures for each school, and it calls on states and districts to evaluate their testing programs with the aim of at least eliminating redundant exams.

ESSA also removes the requirements to fire staff and close or privatize schools for low test scores. States must instead identify the lowest-ranking 5 percent of all schools, as well as high schools with graduation rates below two-thirds and schools with large score gaps among demographic groups. Labeled schools will once again be almost entirely those serving low-income children, disproportionately students of color and recent immigrants. However, states are now allowed to decide how to respond, though they must still monitor progress, and if a school or district does not make sufficient improvement after three years, the state must provide "technical assistance" or intervene.

Whether states now genuinely help their schools or perpetuate test-driven sanctions, including staff firings, privatization, and school closings, will depend on state and local political processes—including, importantly, the test resistance and reform movement. California's new local accountability system provides an initial example of how the system will change—though, to repeat, testing will remain the main factor in the state's school rankings.¹³

ESSA also allows up to seven states to fundamentally overhaul their assessments right away, with additional states allowed to join this pilot program after three years. States could design systems that rely primarily on local, teacher-developed performance assessments, as does, for example, the New York Performance Standards Consortium.¹⁴ New Hampshire already has a waiver from NCLB to do just that, starting with allowing pilot districts to administer the state test in only three grades. For all grades, the New Hampshire pilots employ a mix of state and local teacher-designed performance tasks. This is an approach with great potential, but also significant risk.

Corporations such as Pearson and the right-wing American Legislative Exchange Council (ALEC) are promoting a dangerous version of

“assessment reform.” They have perverted ideas developed by progressive educators to promote centrally controlled, largely online curricula and testing, under such guises as “embedded assessment.” The movement must strenuously resist these maneuvers, not by abandoning the fight for high-quality assessments, but by distinguishing educationally helpful from harmful practices. The good news about ESSA is that it reflects in part the growth and power of the movement, primarily by removing most federal accountability mandates. The bad news is that it retains the requirement to test in every grade. It is a partial victory, on which the movement will be able to win significant gains at the state and local levels—but only if it can increase its size and power.

Resistance and Reform

Testing in the United States has been criticized since at least the first uses of IQ tests. In the 1970s, significant opposition arose to the use of the SAT and IQ tests in the placement of black children into “mentally retarded” programs. The latter was curtailed in California by a successful court case, though challenges to IQ tests lost in other jurisdictions. A series of lawsuits were also launched against the use of teacher licensure and high school graduation exams, but most failed. In general, litigation on educational testing has rarely prevailed (unlike in employment testing), and where it has, the remedies have been very limited.

In the late 1990s, Massachusetts’s decision to impose a statewide exam in multiple grades, including a tenth grade graduation test, sparked significant resistance by parents and educators. For several years, student and parent refusals to take the tests spread, though it was mostly focused in a few communities. When the graduation test was made mandatory in 2003, those opt outs dwindled, while inability to win legislative change led to a slow dissolution of the movement. Along with a few schools in other states around the same time, the reaction in Massachusetts marked the first mass opposition to standardized testing, including moderately widespread opting out. Test supporters such as former Education Commissioner David Driscoll later said the Massachusetts opposition came close to derailing the state’s graduation exam.

No Child Left Behind’s overreach and negative consequences, including proliferating test errors and cheating cases, provoked opposition that slowly coalesced into today’s resistance movement. The RTTT waiver requirement to judge teachers by their students’ test scores infuriated parents who understood it as an attack on their children’s teachers and schools. Some campaigns, such as those of the Forum on Educational Accountability, centered on efforts to change federal law. At the grassroots

level, the Save Our Schools March of 2011 brought thousands of teachers, parents, and students to Washington to protest the proliferation of testing and related issues. One consequence was the formation of United Opt Out (UOO) by a small group of activists who promoted test refusals to oppose testing and support wider progressive educational change. UOO now has state-specific opt-out guides and contacts in all states.¹⁵

As testing metastasized, overlapping issues emerged. First was resistance to the Common Core State Standards, which intertwined with opposition to President Obama or to the federal government's role in education. While progressive educators also often opposed the standards, particularly those for younger students, almost all major national education groups supported the CCSS. Conservative opposition spread, backed by many Republican politicians, leading a few states to drop the standards, though at times their new ones closely resembled the CCSS. (Federal law requires states to have "college and career" readiness standards to receive federal education funds.) Opponents of the CCSS readily grasped that the standards were enforced through tests, so they too often moved into test resistance. This confluence of groups and interests brought right-wing grassroots power to the issue, and has been vital to victories in some places.

At the same time, the rise of computerized testing has made possible the collection of a vast array of student data with minimal privacy guarantees. When the Obama administration weakened one law on parent rights, the Family Educational Rights and Privacy Act (FERPA), parents fought back, charging that there were no protections against corporations obtaining their data for marketing purposes. New Yorkers killed one such project, backed by the Gates Foundation and Rupert Murdoch, though many other corporations have become involved in data mining. Many of the same parents who opposed high-stakes testing also fought the looming loss of privacy.

Social media played a prominent role in spreading information and opinion. Former U.S. Assistant Secretary of Education Diane Ravitch, an early proponent of test-based school reform, publicly changed her mind when she carefully analyzed the consequences in her scathing best-seller, *The Reign of Error*. She launched an influential blog and co-founded the Network for Public Education, which addresses a range of school issues from a progressive perspective. Organizations such as Badass Teachers (BATs), which started online and now includes on-the-ground organizing in some cities, have given strong voice to teacher concerns.¹⁶

During the 2008–2009 recession, school funding declined and with it the arts and specialty classes suburban schools often enjoyed. Class sizes grew. Mandates to design new tests and to purchase new testing technology hit

school budgets hard. In cities, schools were closed, especially in black and brown communities. Chicago closed fifty in one year. Most of the teachers subsequently fired were black. Low test scores were the reason, or pretext, for these actions, as they were for state takeovers of districts, and often for privatization. Activists opposing these damaging consequences for their communities also began to challenge the tests. Active parents understood that the testing was not educationally sound and undermined rather than strengthened the quality of instruction. This recognition steadily spread among the broader public. A 2015 Phi Delta Kappa/Gallup annual survey found clear majorities saying there was too much testing and it had harmful effects, a perspective shared across demographic groups.¹⁷

The Movement Erupts

By 2013, an embryonic anti-testing movement had emerged, as “students, parents, and teachers engaged in boycotts, ‘opt-out’ campaigns, and walkouts in Seattle, Portland,...Denver, Chicago, and New York, with smaller events in other communities across the nation.”¹⁸ A vital spark was lit by teachers at Seattle’s largely black Garfield High when in early winter 2013 they collectively refused to administer the computer-based MAP tests (which were used as district benchmark tests, not state exams). Facing threats of ten-day suspensions, the educators were bolstered by an outpouring of support from across the nation. Based on previous organizing work, teachers were backed by students, parents, and organizations such as the local NAACP. Other schools joined the boycott. When district staff arrived to administer the tests, some 80 percent of students refused to take them, while others signed on to the computer but clicked through the answers in only a few seconds so as to invalidate the scores. By the end of the year, the teachers emerged victorious, as the district dropped the MAP test from its high schools altogether.

Another critical moment emerged in New York, when the state decided to jump the gun on CCSS tests and contracted with Pearson, the world’s largest test-maker, to design new state exams for grades three through eight. In spring 2012, several thousand parents withheld their children from tests whose sole purpose was to try out new items for future exams. The spring 2013 state test administration was a fiasco. An estimated 6,000 parents boycotted. The tests lost the public relations campaign when students exposed the use of a nonsense story, “Pineapple,” as the basis for equally nonsensical but seriously consequential multiple-choice questions. (Teachers were legally barred from discussing the tests.) Many parents and teachers reported students, especially young ones, breaking down in tears, vomiting and urinating on themselves during the

hours-long testing sessions. Parents found their children anxious and reluctant to go to school. Some psychologists declared that the testing was causing emotional damage.¹⁹

Then the scores came back to New York parents. As they had been warned by the state, less than one-third of the students were deemed “proficient,” with far fewer students of color, students with disabilities, and English language learners reaching that level. Parents in emerging testing resistance hotspots such as Long Island were irate. They knew most of their older children graduated and attended college and believed that reality, instead of the state’s claim that their children were not on track to succeed in higher education. The stage was set for massive refusal—but that required organizing.

Energetic and talented parent leaders had emerged across the state, coalescing in 2013 as the New York State Allies for Public Education (NYSAPE). Organizing models varied, but they had in common such things as meetings with parents in their homes, public workshops and forums, identifying additional leadership and activists, and building ever-expanding networks.²⁰ Locals organized on the ground, with NYSAPE as their collective state voice. In 2014, the most successful efforts were on Long Island and in far western Erie County. After opt outs exceeded 60,000 in 2014, NYSAPE set a goal of a quarter million in 2015. Everywhere the movement expanded, with central New York emerging as another focal point. Cities, however, lagged, for reasons discussed below, though refusals did grow.

Chicago was perhaps the second largest Opt Out spot in 2014, at about 3,000, though numbers grew significantly in other places, such as Colorado. More Than a Score (MTAS) formed to develop test reform campaigns and in 2014 turned to opting out. The Chicago Teachers Union participated in MTAS and encouraged opt outs, focusing on two heavily Latino schools, Saucedo and Drummond. Parents and teachers organized to refuse the tests; the boycott was near-universal at Saucedo and strong at Drummond. Central office administrators threatened the teachers with dismissal, but backed down in the face of teacher and parent unity. Officials leaned heavily on parents and their children, interviewing students without their parents present, pushing them to say their teachers told them to boycott. One parent activist, Nellie Cotton, was reported to the Department of Children and Family Services. This temporarily dissuaded her, but she fought back, the complaint was dropped, and she continued organizing. (Similar tactics have been employed in other states, including use of truancy laws when students stay home on test days.) Parent-led organizing greatly expanded across the nation in 2015. Many

teacher unions also stepped up their testing reform actions, though only a few have explicitly endorsed opting out. The massively expanded 2015 opt-out numbers—a total of at least 620,000 students from most if not all states—demonstrate the growth.

Challenges for the Movement

These sketches summarize key themes that have emerged in analyses of the movement: modes of organizing, the role of teachers and unions, threats and sanctions from authorities, and the movement's race and class composition. I will address each before turning to next steps for the movement.

1. Educating, Organizing, Alliance-building, Media Work

The bread and butter of test-resistance activists has been personal communication, house events, public forums, film showings, and Internet communications. Resolutions have also been a valuable tool. The first prominent example came when, sparked by departing Commissioner Robert Scott's denunciation of over-testing, 85 percent of Texas's school boards one by one signed a 2012–2013 statement that testing is “strangling” education. An alliance of national and regional groups circulated a similar resolution, gaining tens of thousands of individual and hundreds of local organizational signers. As it succinctly spelled out the damage, it was a useful educational tool.²¹

Educating the public also included flyers and letters to the editor. Activists displayed great tactical creativity, never more so than the multi-year campaign of the Providence Student Union, which won a legislatively mandated moratorium on a proposed graduation exam. They rocketed to attention with a “zombie march,” in which they paraded through the streets decrying how graduation testing kills educational and life opportunities. At other events, they dressed as guinea pigs to illustrate how the system treated them; wore graduation robes when they testified to the legislature; and delivered a mock check to Education Commissioner Deborah Gist representing lifetime wages lost to students who do not obtain a diploma. They also organized a “take the test day” for legislators and other prominent individuals, 60 percent of whom failed it.

Organizations built alliances, most commonly with other education-focused groups but also local community, civic, and civil rights organizations. This work at times raised complicated political questions. Long Island leader Jeanette Deutermann cautions, “This can get tricky, as you need to navigate around organizations that have been corrupted by reformers or politics.... A word of caution: make sure the groups you collaborate with have motivations that match yours.”

An often difficult issue for progressive reformers is whether or how to ally with parents from the Tea Party and similar groups. The Tea Party has been a strong component of some battles, such as successful efforts in Lee County, Florida, to end all district-mandated standardized tests. Parents, educators, and others from across the political spectrum united in opposition to the tests. Save Our Schools New Jersey joined with the Eagle Forum in pushing legislation to curtail testing. In other places, differing broader goals and agendas have pushed people apart. It seems more common that groups work in parallel rather than as explicit alliances. Left forces bringing in their broader education reform or other agendas have also disrupted testing-reform alliances.

The Opt Out movement garnered rapidly growing attention from the mainstream media, most of it respectful, especially among local papers intrigued by and responding to the parent upsurge. The coverage helped spread the movement and grabbed policymakers' attention, as did community forums (which were also often reported). New activists had to learn how to work effectively with the media, which many have done to great success. FairFest tracks stories from across the nation, and is recording many dozens a month, likely just the tip of the iceberg of television, radio, and print coverage.²² Social media has also grown rapidly as a source of information and analysis.

2. Teachers and Unions

Educators have played a vital role in the movement, particularly those who are also parents. Some have provided powerful examples by opting their own children out. Both teachers and parents of students with disabilities have been particularly prominent. While many national disability organizations see testing as a needed accountability tool, many parents and teachers prioritize the psychological and emotional harm to children made to sit for inappropriate tests.

Teachers typically face great pressure to not discuss testing with parents or in public. The murky line between their professional position and their rights as citizens and parents makes them vulnerable and at times fearful. One solution has been for teachers who live in one district but work in another to speak in public forums in their home district.

Chicago and Seattle union backing for parents refusing testing were further catalysts for the movement, but unions have tended to move cautiously on opting out. However, as resistance spread in New York in 2014, many locals offered explicit support. A few state unions passed resolutions backing the right of parents to opt out. In 2015, the New York State United Teachers (NYSUT) called on teachers who were parents to join the

refusal. However, the New York City local said it would not support those who called for opting out, as the city's Schools Chancellor embarked on a highly visible campaign to quell resistance.

Some state and local unions stepped up their testing reform organizing, such as NEA affiliates in Oklahoma, Oregon, Massachusetts, and Colorado. The New Jersey Education Association conducted a detailed survey, which found great public agreement that there was too much testing, with harmful results. (Other state unions have found similar results, and also documented the time lost to testing and test prep.) They poured resources into a state campaign in which they often let parent groups such as SOS-NJ take the lead. Governor Christie and his allies have stymied most legislative initiatives over the past two years (excepting a ban on standardized testing before grade three), but the campaign continues. Indeed, Christie's blocking of the 2014 legislative effort paved the way for the 2015 Opt Out organizing, actions that are expected to grow in 2016.

Union hesitancy has at times frustrated or angered teachers and parent activists, engendering distrust that can linger. In many but not all cases, unions seem more inclined to accept quicker compromises than are parent-led groups. This can split movements, as when the American Federation of Teachers decided not to support the effort to reduce testing mandates in the reauthorization of No Child Left Behind. The National Education Association persisted in this demand, but the division greatly weakened the already difficult chances of winning this change in the 2015 Congress.

However, both unions have joined with community organizations to form the Alliance to Reclaim Our Schools (AROS), which is organizing on multiple issues, including testing reform, mainly in urban areas.²³ In particular, AROS has linked school closings to testing. Unions have far greater resources than parent-led groups, as well as the potential to mobilize thousands of members. Success in turning growing movement clout into legislative and administrative victories will require successful collaboration. In such endeavors, the more cautious party can often define the limits of success.²⁴ If unions take a strong stance and clearly back parent-led efforts, the chances of winning major changes to testing and accountability greatly increase.

3. Structural Obstacles and Repression

Significant obstacles to opting out come from structural system requirements and repression by system administrators. In some states, such as Texas, and urban districts, such as Chicago, tests are used for grade promotion or, as in New York City, admission to particular middle and

high schools. Seventeen states still mandate graduation exams. All these put children at risk if they opt out. The loss of democratic control over schools in some cities means officials are not responsible to local voters, and thus freer to engage in repressive tactics, as in Newark and Chicago.

Low-income parents historically have found it more difficult to organize, as they lack resources, often including access to information. Some authorities misinform parents about their rights and issue false threats—for example, that the federal government would withhold funds from schools in low-income communities with significant opt-out rates. No parent wants her already under-resourced school to get even less. However, this threat was profoundly misleading in practice, as virtually all schools were already “failing” by 2014 and in waiver states most schools would face no sanctions. The U.S. Education Department acknowledged that it did not intend to withhold school funding, and when few New York districts reached the mandated 95 percent participation rate in 2015, the Department said it would not intervene. But some administrators still employ this tool. The new federal law allows states to adopt opt-out policies, but also requires 95 percent participation. It then allows states to decide what to do if participation is too low. Louisiana passed a temporary ban on punishing schools with large numbers of opt outs, but Delaware’s education department promulgated rules penalizing schools with high rates.

One-on-one cajoling or bullying by principals and superintendents can deter parents and teachers (the flip side is that supportive officials make opting out far easier). At Chicago’s Saucedo school, these tactics wore down some parents, which reduced the number of opt outs in 2015, though Chicago refusals rose dramatically. Low-income parents especially are vulnerable in still more ways, as Nellie Cotton’s story illustrates.

Another barrier is the residual belief that high-stakes testing will produce educational benefits for low-income communities of color, a key rationale for passage of NCLB and the continuing defense of test-based accountability among many national civil rights organizations. Recent surveys show grassroots support for this view has eroded as majorities of black and Latino respondents agree on the overuse and harmful effects of testing, though this view is held more commonly by whites. Schools have not notably improved, while many have become mere test-prep programs, and “accountability” has meant closing schools in communities of color and firing brown and especially black teachers.

ESSA returns accountability to the states, but does nothing to guarantee they will act responsibly to improve education. As the act arrives, the movement also must overcome the huge disconnect between

growing grassroots opposition to high-stakes testing, which is stronger the closer one is to public school classrooms, and hold-the-line defenses of the assessment and accountability status quo by policy-making elites and the constituencies that support them (which include corporations and foundations, major media editorial pages, Beltway think tanks, and the like).

4. Race and Class Composition

Structural barriers, greater vulnerability, and repression have shaped the composition of the resistance and reform movement. It is predominantly white, suburban, and middle class, but there are significant and growing numbers of people of color and urban parents and students. Resistance to testing already crosses lines of class and race in many places, as seen in Chicago, Seattle, and the state of New Mexico. The opt-out rate increased from 2014 to 2015 in various New York communities with significant numbers of parents of color. For example, Principal Carol Burris identified four largely black and brown Long Island communities with opt-out rates far above state averages:

In the Brentwood School District, a 49 percent opt-out rate for ELA [the English Language Arts assessment] rose to 57 percent during math tests. These rates defy the stereotype that the movement is a rebellion of petulant “white suburban moms.” Ninety-one percent of Brentwood students are black or Latino, and 81 percent are economically disadvantaged. Brentwood is not unique—Amityville (90 percent black or Latino, 77 percent economically disadvantaged) had an opt-out rate of 36.4 percent; Greenport (49 percent black or Latino, 56 percent economically disadvantaged) had an opt-out rate that exceeded 61 percent; and South Country opt outs (50 percent black or Latino and 51 percent economically disadvantaged) exceeded 64 percent. New York’s rejection of the Common Core tests crosses geographical, socio-economic and racial lines.²⁵

While New York City’s opt-out rate has remained low, the rate in heavily black Buffalo rose in one year from negligible to 7 percent. In 2015, thousands of students and parents of color refused the Illinois tests as black opt outs reached 10 percent in Chicago. Many blacks refused the tests in Montclair, New Jersey, and students of color have led anti-test walk outs in Chicago, several New Mexico cities, New Bedford, Massachusetts, and elsewhere. Urban student organizations like Newark’s are often strongly opposed to the overuse and misuse of tests. A recent Ohio study concluded that communities of color and low-income communities opt out at nearly the same rates as whiter and wealthier ones, though opting out remains scattered in pockets of resistance.

Importantly, alliances of local community, student, parent, and civil rights organizations, such as Journey for Justice and AROS, link testing to attacks on public education such as closing schools and firing teachers. They support opting out as a key strategy for fighting against the use of tests to undermine public education, using phrases such as “Opt Out for Justice.” Race, of course, is not the only factor at play. Activists have reported that in smaller New York towns with relatively few people of color, low-income whites are less likely to opt out. An analysis of that state’s opt-out levels indicated that the poorest and wealthiest communities are less likely to opt out than are middle-income towns.

Movement activists are seeking solutions to the uneven participation in opting out. One critical question is whether wealthier and whiter test resisters will also support demands from low-income and minority urban communities for increased school funding and other measures to improve public education. If they show this by their actions, it could go a long way toward strengthening testing resistance where it is now relatively weak, as urban parents see suburbanites have their backs. This in turn will make immediate legislative victories for testing reform more likely and more sustainable, because critical support for test-based accountability has rested on its potential as a vehicle for addressing inequality. Such cross-race and cross-class alliances are not common in U.S. history, but Opt Out leaders now enjoy substantial credibility in their communities. If they point out the long-term benefits of such alliances, they can help sway their constituencies.

From Resistance to Victory

As noted at the start, the movement has begun to win. Some victories have come without much public activism, as with legislation to end graduation tests in Minnesota. An alliance of education and civil rights groups lobbied for the change, which had the support of the governor. In Texas, the parent-led Texans Advocating for Meaningful Student Assessment combined informing the public, well-timed large rallies, and astute lobbying to reduce the planned increase in graduation tests from fifteen to five in 2013, then further cut the requirements in 2015. The widespread hostility to testing overkill among school boards, as shown by their resolution, certainly mattered. In Florida, opposition largely took the form of winning resolutions from local school boards, then using that support to lobby the legislature. Often board votes came in front of meetings packed with organized test-rollback supporters. The legislature and state board, still under the sway of former Governor Jeb Bush, slowly chipped away at some test requirements, while districts began eliminating many of their own tests.

The confluence of growing opt outs and lobbying capacity is starting to pay off, though obstacles remain, often highlighting how one recalcitrant key player can derail improvements. In New Jersey in 2015, it was the chair of the Senate Education Committee, backed by Governor Christie, who blocked several bills passed nearly unanimously in the Assembly, despite evidence that they enjoyed similar Senate support. Efforts to approve legislation allowing opt outs were introduced in about a dozen states in 2015. Oregon's proposal passed, but at least three others were vetoed by governors. A few more passed at least one house, and some remain alive for the 2016 legislative session. Colorado activists view the passage of a modestly positive bill as just a first step. As in other states, the legislation was completed prior to the huge upsurge in opting out in spring 2015. That movement growth is likely to fuel far greater wins in 2016 and beyond.

In late 2015, feeling enormous heat from parent and teacher anger amid burgeoning opt outs, New York Governor Andrew Cuomo established a commission to investigate testing. The commission quickly heard testimony across the state blasting the test-centric policies pushed by Cuomo, the state legislature, and the Board of Regents. The tepid commission report provided cover for a December vote by the Regents to establish a four-year moratorium on the use of test scores to judge teachers. NYSAPE declared that move inadequate, so opting out will intensify until student scores are eliminated from teacher evaluation—and until the tests are overhauled and shortened, standards rewritten, data privacy ensured, and local control re-established. Much of that will require new legislation, which in turn means the governor will have to accede.

In sum, the movement has only begun to win concrete policy changes. Some victories were gained by visible movements, others promoted by organizations and sympathetic politicians, though officials across the nation are well aware of the opposition. Cuomo's maneuvers are an example of what may soon develop. Many grassroots groups have not yet built strong lobbying capacity or effective alliances with groups that do, such as unions. To win large, long-lasting victories, they will have to do that, while also seeking to grow the mass movement and ensure stronger unity across race and class.

The ESSA provides opportunities for state action, since the law returns accountability to the states even as it continues to mandate testing grades three through eight, as outlined above. Key issues policy makers will address include:

- The use of student scores to evaluate educators;

- What to include in accountability ranking systems;
- How to reduce the number of tests, using ESSA's call for state and district test audits;
- How to genuinely assist the lowest-ranked 5 percent of schools, schools with low graduation rates, and schools with especially large score gaps among demographic groups;
- Whether and how to move toward a new assessment system that includes assessments, projects, portfolios and other tools that could be controlled by local educators;
- And, not mentioned by federal law, graduation and grade-promotion exams.

The future success of the assessment reform movement revolves around three interrelated components: the ability to expand, both in states with an already widespread activism and in the many more states with small movements; the capacity to turn grassroots strength into political clout through lobbying, alliance-building, and similar traditional political activities; and the ability of the movement to broaden its composition to include far more people of color and low-income communities. The near-term future is bright. In the longer term, the ability to sustain action and ensure a lasting multiracial, multi-class alliance will prove critical, not only for assessment and accountability but for public education itself.

Notes

1. FairTest, "More than 620,000 Refused Tests in 2015," December 12, 2015, <http://fairtest.org>.
2. The discussion of IQ tests relies primarily on Stephen Jay Gould, *The Mismeasure of Man* (New York: Norton, 1996). Other references are N. J. Block and Gerald Dworkin, eds., *The IQ Controversy* (New York: Pantheon, 1976), especially Part I, on the Lippmann-Terman debate of the early 1920s; Jeffrey M. Blum, *Pseudoscience and Mental Ability* (New York: Monthly Review Press, 1978); and Claude S. Fischer, et al., *Inequality by Design: Cracking the Bell Curve Myth* (Princeton, NJ: Princeton University Press, 1996).
3. Arthur R. Jensen, "How Much Can We Boost IQ and Scholastic Achievement?" *Harvard Educational Review* 39 (1969): 1-123; Charles Murray and Richard Herrnstein, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994).
4. The best general history of testing in schools is Peter Sacks, *Standardized Minds* (Cambridge, MA: Da Capo Press, 2001). In addition, I have worked for FairTest since 1988, and have thus studied and been involved with the issues discussed in this essay.
5. Raymond Callahan, *Education and the Cult of Efficiency* (Chicago: University of Chicago Press, 1962).
6. For current data, see <http://fairtest.org/2015-sat-score-report-reaction> and <http://fairtest.org/Five-years-flat-ACT-Shows-testandpunish-fails>.
7. For a current list of SAT-ACT-optional colleges, see <http://fairtest.org/university/optional>. On the growth and positive benefits of test-optional admissions, see William C. Hiss and Valerie W. Franks, "Defining Promise: Optional Standardized Testing Policies in American College and University Admissions," National Association for College Admission Counseling, February 5, 2014, <http://nacacnet.org>.
8. Michael Hout and Stuart W. Elliott, eds., *Incentives and Test-Based Accountability in Education* (Washington, D.C.: National Academies Press, 2011).
9. An excellent book on this, focusing on Nebraska, is Chris W. Gallagher, *Reclaiming Assessment* (Portsmouth, NH: Heinemann, 2007).
10. On the educational failure of NCLB, see Lisa Guisbond, "NCLB's Lost Decade for Educational Progress," FairTest, January 2012; and Monty Neill, Lisa Guisbond and Bob Schaeffer, "Failing Our Children," FairTest, 2004. Both reports available at <http://fairtest.org>.
11. See materials at <http://edaccountability.org>.
12. For FairTest's analysis of ESSA and how its reforms will affect future efforts, see "Building a Stronger, More Effective Assessment Reform Movement under ESSA," FairTest, December 4, 2015; and "The New Federal Education Law: A Basis for a Stronger Testing Resistance and Assessment Reform Movement," FairTest, December 10, 2015. For a good summary of the law's contents, see Alyson Klein, "ESEA Reauthorization: The Every Student Succeeds Act Explained," *Education Week*, November 30, 2015, <http://blogs.edweek.org>.
13. Klein, "ESEA Reauthorization."
14. Information about the consortium and its success is available at <http://performanceassessment.org>; see especially

their “data report” at http://performanceassessment.org/articles/DataReport_NY_PSC.pdf.

15. Save Our Schools March, <http://saveourschoolsmarch.org>; United Opt Out, <http://unitedoptout.com>.

16. Diane Ravitch, *The Reign of Error* (New York: Knopf, 2013); her blog is at <http://dianeravitch.net>. The NPE’s website is <http://networkforpubliceducation.org/>; BATs’ is <http://badassteachers.blogspot.com>. Another essential blog is the *Washington Post*’s Answer Sheet, by Valerie Strauss, at <http://washingtonpost.com/news/answer-sheet>.

17. “Testing Doesn’t Measure Up for Americans,” special supplement to *Kaplan* 97, no. 1 (2015).

18. FairTest, “The Spring 2013 Testing Reform Uprising,” 2013. My discussion of the movement relies primarily on the marvelous volume edited by Jesse

Hagopian, *More Than A Score* (Chicago: Haymarket, 2014); FairTest reports on the movement include Monty Neill, “The Testing Resistance and Reform Movement,” 2014; Lisa Guisbond, “Testing Reform Victories 2015: Growing Grassroots Movement Rolls Back Testing Overkill,” November 2015; and Lisa Guisbond, “Testing Reform Victories: The First Wave,” September 2014. All reports available at <http://fairtest.org>. Many of the specific details in this section are drawn from scores of news clips, interviews, and discussions with movement leaders, too numerous to cite here.

19. See Parents Across America, “How High-Stakes Standardized Testing Is Harming Our Children’s Mental Health,” July 2015, <http://parentsacrossamerica.org/>; and related materials and links on the PAA website.

20. One of the most prominent leaders is Jeanette Deutermann of Long Island Opt

Out, who has outlined her efforts for use by other organizers in “Growing The Resistance to Corporate Education Reform,” FairTest, October 23, 2015.

21. For the text of the resolution, see “National Resolution on High-Stakes Testing,” FairTest, December 17, 2015.

22. To receive FairTest’s weekly newsletters, visit <http://fairtest.org/weekly-news-signup>.

23. The Alliance to Reclaim Our Schools, <http://reclaimourschools.org>.

24. In practice, alliances seeking legislative reform are complex, and parents or others may press demands or adopt tones that hinder concrete victories. As always, views, goals, and principles can diverge, as can analyses of particular contexts.

25. Valerie Strauss, “Why the Movement to Opt Out of Common Core Tests Is a Big Deal,” Answer Sheet blog, *Washington Post*, May 3, 2015.



We have to find ways of promoting a more holistic, complex, integral approach to scientific problems. In so doing, we can follow a series of dialectical clues:

The truth is the whole. A problem has to be posed large enough to fit a meaningful solution. No matter how small the problem you work on, always ask, “Where is the rest of the world?” even within courses with restricted vision.

Things are more connected than they seem, even across disciplinary boundaries. Parts determine wholes, but wholes also determine parts.

Things are snapshots of processes when a temporary balance of opposing forces creates a transient stability for long enough to warrant a name.

Things are the way they are because they got that way, have not always been that way everywhere, need not be that way. Always ask, “Why are things the way they are instead of a little bit different?” And “Why are things the way they are instead of very different?”

—RICHARD LEVINS, “Why Programs Fail,” *Monthly Review*, March 2010, 48

The resistance movement in Europe during World War Two played an important part in defeating Nazi Germany's military might. The resistance movement's role is often cited as a key factor in the defeat of the Nazis. Citation: C N Trueman "Resistance Movements" historylearningsite.co.uk. The History Learning Site, 6 Mar 2015. 5 Feb 2021. The resistance movement in Europe during World War Two played an important part in defeating Nazi Germany's military might. The resistance movement's secret armies or partisans gathered intelligence for the Allies, destroyed communication lines, assisted escaped POWs and openly attacked the Germans once the retreats on both the western and eastern fronts had started. The movement must strenuously resist these maneuvers, not by abandoning the fight for high-quality assessments, but by distinguishing educationally helpful from harmful practices. The good news about ESSA is that it reflects in part the growth and power of the movement, primarily by removing most federal accountability mandates. The bad news is that it retains the requirement to test in every grade. Resistance and Reform. Testing in the United States has been criticized since at least the first uses of IQ tests. In the 1970s, significant opposition arose to the use of the SAT and IQ tests in the placement of black children into "mentally retarded" programs. Testing Resistance & Reform Spring (TRRS) has come together to expand these efforts to win local, state and national policy changes: Less testing, more learning! Individuals and organizations use the TRRS map to share what they are doing and to link up with and learn from other test resisters across the country. Events include demonstrations, forums, organized opt out action, lobby days, petitions, or celebrations of courage or change. You can post and publicize your own events on the TRRS map. To get started, click on the red box to the right of the map ("Host an event.."). Then Start studying Reform Movement Test. Learn vocabulary, terms and more with flashcards, games and other study tools. In 1844 the Lowell Female Labor Reform Association (LFLRA) was formed because Sarah Bagley, a mill worker, and other female coworkers worked 14 hours a day for lower wages than mills. Efforts improved lives of women in the work force. Sojourner Truth's Ain't I A Woman? speech.