



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 2117, H.D. 1, RELATING TO STANDARDIZED TESTING.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, March 29, 2018

TIME: 10:50 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Anne T. Horiuchi, Deputy Attorney General or
Melissa J. Kolonie, Deputy Attorney General at (808) 586-1255.

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purposes of this bill are to limit the number of standardized tests students take in a school year and to require the Board of Education (BOE) to conduct a statewide survey of school administrators and teachers to determine the time spent on preparing for standardized tests and the impact of preparation time on the quality of instruction.

On page 2, lines 9-11, the bill requires the Department of Education (DOE) to notify students and the students' parents or guardians about the right to opt out of participating in statewide standardized tests. On page 2, lines 12-18, "standardized test" is defined as,

[A]ny federal, state, or locally mandated assessment that is administered and scored in a consistent manner and intended to measure a student's academic readiness, achievement level, learning progress, or skill acquisition, including any diagnostic, interim, or practice test used to prepare such an assessment.

There is no state law giving the right to parents to opt out of academic assessments for their child. The federal Every Student Succeeds Act (ESSA) does allow flexibility in academic assessments if a state enacts such a law.

ESSA requires certain assessments to be conducted in particular grade levels on specific subjects. See 20 U.S.C. § 6311(b). DOE, in accordance with ESSA, developed the Hawaii Consolidated State Plan, which was approved by the U.S. Secretary of Education on January 19, 2018. Under the Hawaii Consolidated State Plan, the DOE is required to administer certain assessments to all students. If the DOE fails to meet the requirements, the U.S. Secretary of Education may withhold funds until the Secretary determines that the State has fulfilled those requirements. See 20 U.S.C. § 6311(a)(7). Because no state law exists that gives parents the right to opt out of academic assessments for their child, we recommend amending the definition of "standardized test" to exclude those tests that are required under ESSA, which are described in the Hawaii Consolidated State Plan.

Thank you for the opportunity to provide comments.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/29/2018

Time: 10:50 AM

Location: 211

Committee: Senate Ways and Means

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2117, HD1 RELATING TO STANDARDIZED TESTING.

Purpose of Bill: Limits the number of standardized tests students take in a school year. Requires the Board of Education to conduct a statewide survey of school administrators and teachers to determine the time spent on preparing for standardized tests and the impact of preparation time on the quality of instruction. (HB2117 HD1)

Department's Position:

The Department of Education (Department) respectfully suggests that this measure be deferred.

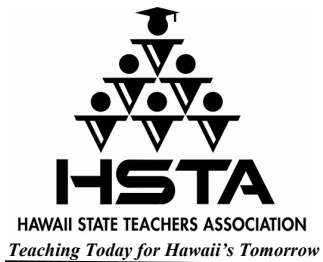
The Department has met with and is encouraged by the discussions with HSTA. With the participation of the Complex Area Superintendents, the Department has begun the process to ensure that the appropriate number and types of tests are administered to students. The Department is confident that this effort will provide data that will better inform testing and the impact on students.

The past punitive culture of testing and accountability has shifted from the stringent guidelines of No Child Left Behind (NCLB). The Strive HI school accountability system implemented in school year 2016-2017 no longer ranks and stacks schools, but recognizes the context of each school's unique student population and strives for academic excellence and equity for all students.

The Department is committed to working with HSTA on this issue in collaborative pathways of strengthening our schools and our student's learning experience.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice,

and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
 Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Corey Rosenlee
 President
 Justin Hughey
 Vice President
 Amy Perruso
 Secretary-Treasurer
 Wilbert Holck
 Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
 WAYS AND MEANS

RE: HB 2117, HD 1 - RELATING TO STANDARDIZED TESTING

THURSDAY, MARCH 29, 2018

COREY ROSENLEE, PRESIDENT
 HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz and Members of the Committee:

The Hawaii State Teachers Association **strongly supports HB 2117, HD 1,**
 relating to standardized testing.

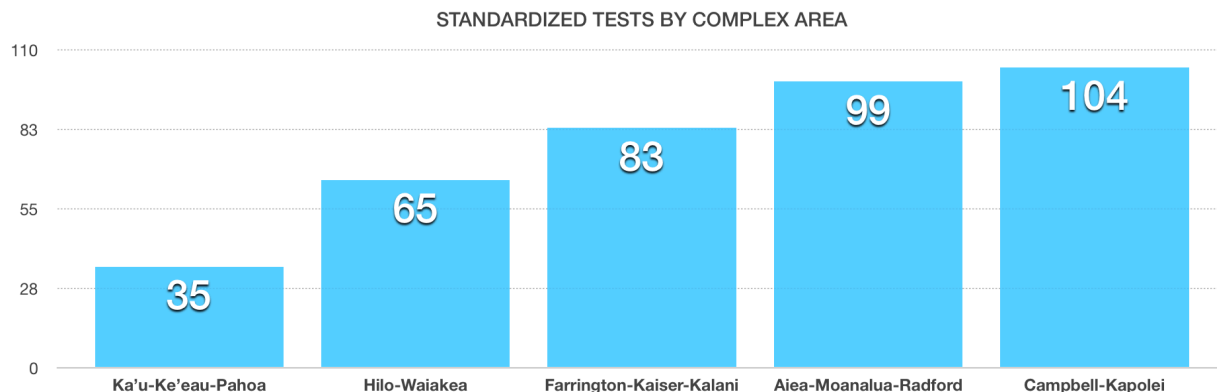
Standardized Testing in Hawaii's Public Schools

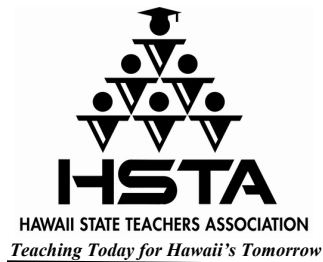
Elementary		Middle		High	
Mandatory	Optional	Mandatory	Optional	Mandatory	Optional
SBA Math SBA ELA HSA Science NAEP	Star Screener SBA Practice Dibels iReady Catapult TerraNova	SBA Math SBA ELA HSA Science NAEP	ACT Aspire Star Screener SBA Practice iReady EOC Alg 1	SBA Math SBA ELA Biology EOC	NAEP ACT EOC Alg I EOC Alg II EOC US History Star Screener SBA Practice iReady

(This list is not meant to be all encompassing, nor does it include additional testing for ELL or Sped students)

To begin, we applaud Hawai'i State Department of Education officials for working to reduce time spent on the Smarter Balanced Assessment for the 2017-2018 school year. As the testing season commences, though, the department's claims about decreasing time devoted to testing have not been realized through practice. In Hawai'i, many schools still spend over 60 hours of instructional time on standardized testing, and even more if and when screening exams and practice tests are employed with regularity to prepare students for statewide exams.

A recent survey conducted by HSTA found that 82 percent of teachers do not feel like they are involved in decision-making processes about how tests are used at their schools. Furthermore, when asked to rate the value of the feedback received from each individual standardized and diagnostic test given throughout the department, teachers overwhelmingly indicated that no test provides a substantial amount valuable feedback to inform their practice. Perhaps most tellingly, we found that the number of standardized tests given to students varies dramatically between complex areas (see chart below). In the Ka'u-Ke'eau-Pahoa Complex Area, for instance, students are required to take 35 standardized tests between kindergarten and twelfth grade. That number rises significantly in the Hilo-Waiakea Complex Area, just across the Big Island, in which students participate in 65 tests over the course of their academic careers. Some parts of O'ahu see even more stark escalations in the amount of testing imposed on our children. In the Campbell-Kapolei Complex Area, a whopping 104 standardized tests are given to students by the time they graduate.





1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

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Amy Perruso
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Additionally, our survey discovered the following data about the DOE's assessment system and related protocols:¹

- Students in Hawai'i on average took 10 standardized tests in the 2016-2017 school year;
- The most-tested grade level across the state is 4th grade, with teachers in that grade level reporting that they administered an average 14 standardized tests last school year;
- Many teachers reported administering more than 30 standardized tests in their classrooms during the last school year, with one 7th grade teacher reporting 45 tests given during that same time period;
- 64 percent of teachers reported that they used instructional time to prepare students for standardized tests; and
- 56 percent of teachers said that art, music, social studies, science, and physical education courses have been reduced to increase time for test preparation.

Our current testing culture was developed under the federal No Child Left Behind and Race to the Top initiatives, in which test scores were viewed as the best determinant of school performance. Studies show, however, that test scores strongly correlate with socioeconomic status: rich schools do well, while poor schools struggle. Because of the pressure to perform well on tests and their inability to control the socioeconomic status of their students, struggling schools cut back on arts and cultural education, career and technical courses, electives, and more, so

¹ HSTA conducted a survey of its members between Feb. 6 and 14, 2018, with responses from 1,764 teachers. Most of those who answered the survey (1,434) were classroom teachers, while 326 were non-classroom teachers, such as testing coordinators familiar with the frequency of standardized tests. HSTA defined standardized tests as non-teacher developed tests (including diagnostic tests, screeners, interim testing, and any statewide standardized tests), excluding tests administered to specifically to students with special needs and English language learners.

that greater resources could be spent on prepacked programs and consultants meant to boost test scores.

Now, however, efforts to limit testing have become an accelerating national movement. In October of 2015, former President Barack Obama proposed limiting testing to 2 percent of schools' total instructional time. Since then, numerous states have enacted or are considering enacting similar proposals. Last May, Maryland passed HB 461, "eliminating more than 700 hours of unnecessary district-mandated testing," according to Maryland State Education Association President Betty Weller. Similarly, Texas and Georgia lawmakers are considering legislation to dramatically slash the number of tests given in their states to increase personalized learning opportunities and broaden curricular offerings. A typical student takes over 100 mandated standardized tests between pre-kindergarten classes and 12th grade, recent studies have found. By contrast, **most countries that outperform the United States on international exams test students only three times during their school careers.**

This measure would move Hawai'i toward its international peers by limiting the number of tests delivered under the statewide assessment program in each grade level to four, the minimum federal number required, with exceptions for extra time made for students who need accommodations (special needs students). Schools would be allowed to seek a waiver from the Hawai'i State Board of Education to require additional tests, which BOE members would be empowered to review on a case-by-case basis. Critically, our proposal does not conflict with, but rather amplifies the principles of STRIVE HI 3.0, the state's school accountability system. Instead, it merely codifies into law our collective effort to limit testing time, while also requiring that parents be notified of the right to opt their students out of gratuitous amounts of testing and calling for a survey of excessive testing statewide.

This measure would also allow for the development and implementation of authentic assessments, which align evaluation of student growth with real-world learning. Authentic assessments, similar to senior projects, assess learning with real-world applications and meaningfully measure a student's knowledge and skills over time, while promoting student inquiry and ownership of the learning process. Examples include science projects, essays, and literary critiques. According to the DOE's consolidated state plan for the Every Student Succeeds Act, "Hawai'i will continue to monitor its assessment program to ensure it is effectively measuring student achievement and school and system performance and will evaluate the



HAWAII STATE TEACHERS ASSOCIATION
Teaching Today for Hawaii's Tomorrow

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Vice President

Amy Perruso
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Wilbert Holck
Executive Director

ESSA Innovative Assessment Demonstration Authority opportunity when the US Department of Education issues the application.” Department leaders have told

HSTA that the application process is already moving forward—in fact, the DOE may have submitted its application to participate in the pilot program earlier this year.

Relatedly, when crafting *Hawai'i's Blueprint for Education*, Gov. Ige's ESSA Team surveyed teachers and found that 91 percent “felt that the DOE should consider changes in the current state testing program; and, like the principals, most felt the testing time should be reduced and that more authentic assessment models should be considered.” The final draft of the blueprint further states: “In 2010 forty-five states agreed to join a consortium that would teach and test Common Core Standards, which led to Hawai'i's commitment to Race-to-the-Top. As of 2016 we are one of only fourteen states still using the Smarter Balance Assessment. We believe it is time to reconsider our commitment, also,” (p. 14) and, “When learning is more personalized and students are assessed authentically on self-directed projects we believe both rigor and engagement will be increased” (p. 16). Thus, authentic assessments clearly align with both the short- and long-term visions of our state's education future.

One example of the successful deployment of authentic assessments may be found in New York Performance Standard Consortium Schools. These schools, which have the same demographics of New York City Schools, have doubled the graduation rate of special needs students compared to other NYC schools, decreased their dropout rates by half, and significantly increased their graduation and college-going rates for minority students. At East Side Community High School, for instance, 82 percent of students graduate high school within four years, while citywide, that figure is 68 percent. An average of 69 percent of East Side graduates enroll in postsecondary programs within six months of graduating, compared with 51 percent citywide. More recently, Michigan has committed to exploring innovative assessments, with nine of the state's school districts developing assessments that are time-limited, incorporate team-based problem solving, and advance critical thinking skills.

Life is not a standardized test. To provide authentic learning experiences to all of our children, we ask your committee to **support** this bill.



2850 Kahawai Street
Honolulu, HI 96822

808 988 5505
www.pps-hi.org

Lois Yamauchi
President
Honolulu, Hawaii

Kashmira Reid
Vice President

Erin Yagi
Secretary

Ernestine Enomoto
Treasurer

Deborah Bond-Upson

Kay Fukuda

Clare Hanusz

Mary Weir

Susan Wood

March 28, 2018

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S. C. Keith-Agaran, Vice Chair
Re: HB.2117, HD 1 Relating to Standardized Testing
Hearing: Thursday, March 29, 2018, Conference Room 211

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee members:

This testimony is in strong support for HB2117, HD 1, relating to standardized testing. I am writing on behalf of Parents for Public Schools of Hawai'i (PPS Hawai'i), a non-profit organization focused on supporting and improving Hawaii's public schools through family engagement. Our group emerged from the Furlough Friday crisis, and we currently have over 1,000 members statewide.

Our members have told us that the increased focus on standardized testing has had a negative influence on the educational experiences of their children. Although there may be one "official" test that students take, they often take multiple tests throughout the year to prepare for the standardized test.

Standardized tests are high stakes, since they are used as the main criteria by which a school is judged to be succeeding or failing. Educators have been forced to increase their school's scores to show they are doing a good job. Research indicates that the best way to increase children's test scores is for students to become familiar with test-taking procedures. Thus, much time is spent on practice tests and on other drills. Homework is sometimes formatted to look like the test. Testing is pervasive and dominates the curriculum.

Test preparation takes time and energy, on the part of children and their teachers. This means that there is no longer time for students and their teachers to engage in creative, interactive, and meaningful activity that leads to true learning and development. When we think back to what has inspired all of us to learn and engage in school, it was not sitting for a test, but reading a book and discussing it with our teachers and classmates, working on a project of our choice, engaging in ideas, artwork, and music--all things that are now reduced or cut out of the curriculum because of the overemphasis on testing. When PPS Hawai'i surveyed members about their experiences with the public schools, parents said that the overemphasis on testing was one of their greatest concerns. In addition, they wanted more arts, music, and physical activity, which are related to time spent on testing.

Standardized testing is an equity issue because research indicates that the strongest predictor of a student's standardized test score is their family's income. The schools and teachers, who are spending the most time trying to increase test scores, are those serving communities who are struggling financially. These are communities who desperately need the arts, music, Hawaiian Studies, and other engaging learning activities! These are the very communities whose children are dropping out of school because it is boring and not meaningful to them, because they don't feel that anyone cares. By decreasing an emphasis

on testing, educators in these communities can be freed to engage in more meaningful and effective educational activities with their students. We suggest that the survey proposed in this bill indicate the complex in which the students are served, so that the public can become more aware of these equity issues.

All students deserve a challenging curriculum that includes the arts, music, and activity that is relevant to their cultures and communities. We at PPS Hawai'i urge your support of HB 2117 to make this happen.

Thank you for your time and consideration.

Aloha,

A handwritten signature in black ink that reads "Lois A. Yamauchi". The signature is fluid and cursive, with the first name "Lois" and the last name "Yamauchi" clearly legible.

Lois Yamauchi, PhD
President, Parents for Public Schools of Hawai'i

Parents for Public Schools Hawaii (PPSHI) is a not-for-profit 501(c)(3) volunteer organization of parents, community members, and educators working to improve and support public education through family engagement. We are committed to ensuring all children in Hawai'i have access to a quality public education.

HB-2117-HD-1

Submitted on: 3/28/2018 10:42:44 AM

Testimony for WAM on 3/29/2018 10:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:



Deborah Bond-Upson, Consultant - 808 450 3572, ext. 1 - 415 902 3396 mobile
Deborah@learningbond.com 1069 A`alapapa Drive Kailua, Hawaii 96734

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Re: HB.2117, HD 1 Relating to Standardized Testing
Hearing: Thursday, March 29, 2018, Room 211

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and committee members,

I am writing in strong support of HB 2117 to limit standardized testing.

I am a board member of Parents for Public Schools of Hawaii, and have attended a past hearing on this bill and read our board statement of strong support.

But I am writing now as an individual in order to express professional and personal experience with assessments, impact on learning and potential we now have that was not possible before.

For twenty-five years I worked with Kaplan Test Prep, the largest test prep company in the U.S. My last position there was as Vice President for Product Development/Curriculum. In my career in assessment preparation, I worked with education researchers on the development of tests and how to prepare for them. I supervised 4000 teachers across the country, preparing students for tests. I worked to enable scholarship programs to extend the preparation to minority groups and economically disadvantaged students. But this was not enough.

I left Kaplan to found a company to support teachers using technology to achieve greater depth and personalized learning in public schools. Education was being dominated by tests. While it is quite possible to raise student performance on tests, the tests themselves take attention away from learning and put teachers in the position of meeting the test requirements rather than serving the needs of their students. Also, teaching to the test, "skill and drill", also called "drill and kill" for the effect it has on learning, and sacrifice the teacher leveraging her own particular instructional gifts to meet her students' needs.

After forming a company, TeacherUniverse, my team and I worked with school districts, non-profits, educators and technology innovators to find ways to enable students to explore, discover, and create while also meeting learning benchmarks. We developed a performance-based assessment for teachers that enabled them to pass out of required technology training, so that their time could be spent on professional development they needed most. This adaptive assessment was used by over 60,000 teachers. Project-based learning became more feasible on a large scale given technology breakthroughs, growth of Internet access, teacher professional development strides, and the growth of OER (open education resources.)

Later, I founded LearningBond, consulting service supporting organizations integrating technology in order to support teacher creativity and personalized learning. From LearningBond, I consulted to the National Board for Professional Teaching Standards, NBC to form NBC Learn, ACT Aspire, Dev Boot Camp, Channel One, and AwesomeStories. From my work, I know that it is possible to teach students and to know what they have mastered, without interrupting their learning for tests.

Eight years ago I moved to Hawaii, joined in the founding of PPS-HI and in other community work. Professionally, I continue consult to education organizations. I developed an i3 (Investing In Innovation) grant with support from NBPTS, HI DOE, HSTA and the governor to create a pilot portfolio-based assessment for all teachers, not just those going for Board certification. The idea was to give the teachers experience with portfolio-based assessment in a short form of the type of assessment used in the Board's process, and to give them credit towards Board certification. The hope was that this would elevate the profession in Hawaii by providing meaningful experience in the teacher assessment process. Unfortunately, this proposal was not selected by the USDOE for funding.

During these last years, many groups such as the Buck Institute for Education, have developed project-based learning approaches, rubrics, and archives.

During the recent period of community engagement on ESSA and the Governor's blueprint for education, I led focus groups and panel discussions through PPS-HI, the First Unitarian Church of Honolulu, and The Interfaith Alliance (TIAH) Open Table to inform parents and the community on the issues and opportunities. Throughout these meetings, many of us were repeatedly struck by parent dissatisfaction with the experience of learning in our schools. Parents talked about their children being discouraged, bored, and humiliated by the tests and the impact the tests had on the teachers and the curriculum.

It seems that Hawaii is in an ideal position, given its one state/one district structure and the attitudes of its teachers and parents, to limit standardized testing and to pilot authentic assessment. This would be a great service to our students, their families, our teachers, and the nation.

One of the benefits of authentic assessment, engaging teachers in the grading process instead of hiring outside companies, is that the teachers can regain the stature they deserve in their classroom, school, and our communities.

It is time to invest in the growth of our teachers and students by using contemporary solutions together with time-honored values, rather than relying on expensive external tests and allowing those tests to hijack our curriculum.

I appreciate the opportunity to provide this testimony. It is heartening to have legislators consider such issues with such depth.

Sincerely,

Deborah Bond-Upson

Deborah Bond-Upson, MDIV
LearningBond LLC