



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

Date: 02/12/2019
Time: 02:10 PM
Location: 309
Committee: House Lower & Higher
Education
House Labor & Public Employment

Department: Education

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

Title of Bill: HB 0725 RELATING TO STANDARDIZED TESTING.

Purpose of Bill: Limits public school students' participation in standardized tests and provides notice to students and parents or guardians of the opportunity to opt out of standardized tests. Prohibits use of standardized test scores for the evaluation of teachers and educational officers.

Department's Position:

The Department of Education (Department) respectfully offers comments on this measure.

The broad definition of "standardized tests" proposed in this bill would eliminate many forms of assessments used to improve the educational outcome for students, including but not limited to diagnosing students' instructional needs; informing and evaluating instructional programming; and predicting future performance or achievement.

Federally required standardized testing provides information on academic progress to students, parents, teachers, and educational administrators, while aggregated results inform educators and policy-makers by providing a measure of accountability for public education systems. Beyond the required standardized test results, no objective measure exists for policymakers to identify student academic achievement.

The federal Every Student Succeeds Act (ESSA), section 1111(c)(4)(E) clearly

states that the achievement of not less than 95 percent of all students who are enrolled in public schools must participate in the administration and reporting of a statewide assessments; of which the results must be reflected in the state accountability plans. If the Department 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 (20 U.S.C. § 6311 (a)(7)). The Department strives to maintain the required 95 percent student participation rate and has not instituted an “opt out” option, as this would jeopardize federal funding for Hawaii’s public schools.

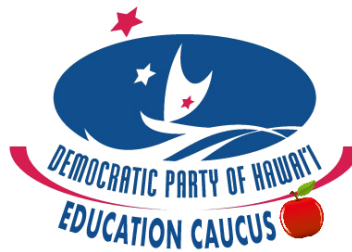
Further, the Department has minimized the administration of and ensured the type and number of assessments administered are appropriate. Local control is afforded to schools regarding instructional and assessment decisions; founded on the belief that those closest to the students are best suited to determine the needs and the instructional strategies most appropriate for their student population.

Lastly, principal and teacher performance evaluation systems continue to be refined through collaborative joint work groups between the Department and employee unions. Introduction of additional laws may unintentionally restrict and undermine the collaborative nature of the collective bargaining process.

The Department respectfully suggests that HB 725 is not necessary at this time.

Thank you for the opportunity to provide comments on this measure.

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.



HOUSE BILL 725, RELATING TO STANDARDIZED TESTING

FEBRUARY 12, 2019 · HOUSE EDUCATION AND
LABOR COMMITTEES · CHAIRS REP. JUSTIN H.
WOODSON AND REP. AARON LING JOHANSON

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus supports HB 725, relating to standardized testing, which limits public school students' participation in standardized tests; provides notice to students and parents or guardians of the opportunity to opt out of standardized tests; and prohibits use of standardized test scores for the evaluation of teachers and educational officers.

The overuse of standardized tests in Hawai'i's schools has become an epidemic. Rather than focus on student learning, our schools devote increasing amounts of time to “test and punish” frameworks, in which critical thinking and applied knowledge are replaced with rote test-taking skills that adversely impact a teacher's or schools' statistical assessment. According to the American Federation of Teachers report “Testing More, Teaching Less: What America's Obsession with Student Testing Costs in Money and Lost Instructional Time,” test preparation and testing in heavily tested districts can absorb up to a month and a half of school time. The grade-by-grade analysis found that students spend from 60 to more than 110 hours per year on test preparation, at an estimated cost per pupil of \$700 to \$1,000 in heavily tested grades (in Hawai'i, each test, itself, costs \$65, but that does not include resources and personnel needed to

administer each test, the cost of test-linked curricula, the price of test preparation materials and testing security contracts, and more). At the same time, abandoning so-called “toxic testing” could add 20 to 40 minutes of daily instructional time to secondary school grades, according to the report, with hundreds of dollars per student—and millions of dollars overall—reallocated to the purchase of instructional programs, school technology, infrastructure upgrades, and teacher pay increases.

Make no mistake, when we discuss standardized tests, we're talking about the Common Core State Standards Initiative, a set of corporatized standards that were foisted upon teachers and children across the nation without prior field testing. Developed by an organization called Achieve and the National Governors Association, and funded by the Gates Foundation, the standards were crafted with minimal public input. Under the Obama Administration's Race to the Top grant program, states were effectively told that if they did not adopt the Common Core, they would not be eligible to receive a portion of the program's \$4.35 billion in grant money. As education policy expert Diane Ravitch has said, “Federal law prohibits the U.S. Department of Education from prescribing curriculum, but in this case the Department figured out a clever way to avoid the letter of the law.” The result? A precipitous decline in test scores based on Common Core's arbitrary cut scores, a lack of critical thinking development based on Common Core's arbitrary pedagogical instructional time ratios, disproportionate harm caused to English Language Learners and low-income students, further elimination of arts education, and parents and students across the nation joining the United Opt Out movement against the Smarter Balanced Assessment associated with Common Core, with students—including those in Hawai'i—literally “opting out” of toxic high-stakes tests. Both President Obama and the U.S. Department of Education have called for an end to overtesting, with Obama calling for testing time to be capped at no more than 2 percent of student instructional time. Even the Gates Foundation, the alchemists responsible for the Common Core monstrosity, have backpedaled on their Frankensteinian experiment, calling for a moratorium on linking Common Core to teacher evaluations and their related “value-added method” of measuring performance.

Now, we have hope. The federal Every Student Succeeds Act, passed in December of 2015 and set for robust implementation in December of 2016, provides states with increased flexibility in

the use of standardized testing, including eliminating federally mandated inclusion of standardized tests in teacher evaluations, and allowing states to choose what test to use for annual school assessments. ESSA also permits states to limit the amount of time that students spend preparing for and taking standardized tests, provides funding to states for auditing and streamlining assessment systems, and, importantly, establishes an “innovative assessment pilot program” through which states may receive permission to employ authentic assessments that connect classroom learning with real-world problem-solving (project-based and problem-based learning are two examples of authentic assessment methodologies). In fact, the Hawai’i State Department of Education has repeatedly declared its intent to apply to be one of seven states participating in the pilot program, which departmental officials note will happen this year, and has indicated that schools implementing authentic assessments will, in the future, not have to “double test”, meaning that they will be exempt from the Smarter Balanced Assessment.

Toxic testing undermines our schools’ curricula, our teachers’ autonomy, and our students critical thinking skills. We can abolish the “test and punish” education culture that *still* enslaves our teachers and students. We must move quickly to set them free.



AMERICANS FOR DEMOCRATIC ACTION

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Feb. 10 , 2019

TO: Honorable Chairs Woodson & Johanson & LHE/LAB Committee Members

RE: HB 725 Relating to Standardized Testing

Support for hearing on Feb 12

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support HB 725 as it would limit public school students' participation in standardized tests and prohibits the use of standardized test scores for the evaluation of teachers and educational officers. We refer you to an article in [Educational Leadership](#) entitled "Why Standardized Tests Don't Measure Educational Quality" by W. James Popham. The title makes our point.

Sincerely,

John Bickel President



HB-725

Submitted on: 2/8/2019 5:20:53 PM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

HB-725

Submitted on: 2/9/2019 4:54:07 PM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Schrager	Individual	Support	No

Comments:

There is too much emphasis placed on testing. Please pass this bill!

HB-725

Submitted on: 2/9/2019 5:52:52 PM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Caron	Individual	Support	No

Comments:

Aloha Chairs,

Hawai'i, and the United States more broadly, has a 125-year-old school system that is ruthlessly efficient at doing exactly one thing: preparing kids for all the jobs that technology and changing ways of life in the 21st century will render obsolete. But, instead of effectively addressing this, our leaders have instead done the exact opposite of what they should. Policies like "No Child Left Behind" and "Race to the Top" represent a doubling down on standardized test scores. Life is not a standardized test. And yet we declare victory when those test scores go up, and panic when they go down. This reliance on standardized testing has led us to focus on the wrong goal in education.

Instead, we need a school model where creative and diverse—as opposed to standardized and homogenous—is encouraged. We live in a world where machine intelligence is getting better and better at a whole set of things. As Ted Dintersmith (*Most Likely to Succeed: Preparing Our Kids for the Innovation Age*) says, "When machine intelligence can beat the best chess player in the world, we should be making adjustments. The clock is ticking. We have to equip our kids with reasonable prospects of doing well in a world where machine intelligence is unbelievably capable."

There's a role for standardized testing in early grades in making sure a kid isn't falling behind. But instead of phasing phasing it out as students get older and, instead, preparing them for the complexities of the 21st century, globalized economy, our school system increases the role of standardized testing in the upper grades when the stakes are higher. We've turned high school into an endless round of test prep, and for what? Students use flash cards to prep for advanced placement testing, but all they're doing is practicing content memory-retrieval. That's a low-level procedure that any smart-phone can do for you with just a swipe and a tap.

Instead, let's do school in a way in which kids came out of it with distinct proficiencies that they can apply to 21st century problems. I wasn't good at math in school, but I was great at art. Students like me should all have access to a course that gives them real-world experience designing websites. Three quarters of the organizations in Hawaii, including state and county agencies, could badly use a better website. In today's system, a kid who graduates with bad grades or doesn't graduate at all has zero

opportunity to connect his or her skill for art with real-world opportunities. That kid's in desperate trouble. But give them a chance to leverage it and to understand how to make money off of it? That's a kid who will be making two or three times or more than minimum wage, possibly right out of high school.

Today's system, with deep budget cuts in the arts to make room for standardized testing, tells students that a kid who is interested in art is a dead-end kid. This is a perfect example of the system failing because, if they were trained right, those kids would have a thousand opportunities upon graduating. Instead, we make them take and pass algebra. And if they don't pass algebra, then they won't get a high school degree. About 20 percent of adults use algebra in their careers, yet that is a barrier to getting a high school diploma. How do we justify that?

If we think we need to set a bar for testing, atleast make it in-line with real-world requirements. I would not take issue with testing on subjects like financial literacy, basic communication skills, citizenship skills, critical analysis skills, being able to tell truth from fiction in the news. If we said those are the important requirements, I would support that. Those are thoughtful, interesting, justifiable requirements. But making them pass a biology course that is largely definitions that can be pulled up online in a minute, when maybe 3 percent of adults use that in their careers? Why?

Again, Dintersmith: "When you set a requirement, it has to have some alignment with the real world. And if you don't, and those kids aren't getting a high school degree, then you share in the responsibility for those kids having dismal life prospects. In the United States today, except for a few highly entrepreneurial exceptions, if you don't have a high school degree--game over. Allowing that to happen, in this day and age, because a child can't pass a subject they're never going to use anyway is, frankly, criminal. And some of those kids will end up in jail themselves because of a lack of a diploma; or desperately addicted to something. Life goes to pieces when you can't find a way to support yourself."

The purpose of school should be to develop human potential. It's to help kids find their strengths, their talents; to help them grow; to help them understand how they can make a positive difference in their world and do it in a way that makes them feel fulfilled. The purpose of an education is to create meaning in our lives and to create opportunities for us to support ourselves. I don't believe that is the current purpose of school in America.

The purpose of school today in America is to artificically rank kids in an inauthentic measure of aptitude. The process of getting good at those aptitude measures leads to no useful skill in life whatsoever. Who's going to hire a kid because she can do SAT math problems? Or because they know what "obstreperous" means. Why do we tell kids they need to get better at something if we can't say how they will ever use it later?

But that artistic kid that just needs the opportunity to learn to design websites? We can easily say exactly why that would be useful and how such an opportunity would doubtless lead to an incredibly rewarding, high-paying, useful and fulfilling job. Don't we

owe that, as a society, to our kids? We're not doing that with our current system. Instead, what we're telling far too many of these kids is that they're dumb because they can't pass a test. We're shutting too many kids out from high school degrees because of poorly thought-out, obsolete requirements and we're telling them all that if they don't go to a four-year college, then they're not successful or worthwhile. And then they borrow \$60–70K to get a degree, and they aren't getting good jobs anyway, or they borrow \$30K and then they drop out. These are the stakes. If we did this right, kids would have lots of great paths forward; instead, we keep doing it wrong and we are giving these kids truly dismal prospects. It's wrong, and changing it starts here. Pass this bill.

HB-725

Submitted on: 2/9/2019 10:50:14 PM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Support	No

Comments:

Aloha,

My name is Jun Shin. I am a freshman at the University of Hawai'i at Mānoa, testifying as an individual.

Life is not a standardized test. Under the federal No Child Left Behind and Race to the Top programs, schools experienced a "test and punish" culture in which test scores became the most important measure of student success and teacher performance. Yet, most countries that outperform the United States on international exams test students an average of only three times during their school careers.

In October of 2015, former President Barack Obama proposed limiting the amount of instructional time spent on testing. Since then, numerous states have established limits on testing and, in turn, broadened their curricula to include more time for arts, cultural, and vocational education. Please help our kids find their passions and dreams.

To deliver the schools our keiki deserve, please support this bill.

Jun

junshinbusiness729@gmail.com

HB-725

Submitted on: 2/11/2019 8:19:02 AM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Negaard	Individual	Support	No

Comments:

excessive testing and the narrowing curricula that de facto "teach to the test" and a funding famine that prevents our schools from lifting up either gifted or vulnerable students.

I teach English and STEM at Henry Perrine Baldwin High School on Maui. I see firsthand in my classroom the consequences of our current "test and punish" culture. By the time students enter 9th grade, they have taken the state-mandated Smarter Balanced Assessment (SBA) for reading and math every year, and most have taken a so-called "Universal Screener" test in the same two subjects on average three times a year. They are burned out on testing, and their test results do not provide useful, valid data. A case in point:

At the beginning of this school year, I had a student who tested at the 2nd grade level for reading on the iReady test, the Universal Screener used at Baldwin. I knew from work already submitted that the student read at a significantly higher level, but the test indicated otherwise. Before the next round of iReady testing, I had a conversation with the student, encouraging best effort. The student tested at 9th grade reading level in December, a result that matches the student's work. This kind of outcome is not unusual. I have seen similar results on the SBA test, which is used to judge (pardon me, "evaluate") schools and administrators.

Excessive testing and the accompanying narrow curricula which de facto teaches to the test robs our keiki of the schools that they deserve—schools that enrich students' current lives, that empower them to make good lives for themselves and to contribute meaningfully to society, that help them find their place in the wide world in which we live and in their local communities. Further, testing demoralizes them, particularly if they know their material but are not good test takers.

Our students deserve better. Deliver the schools our keiki deserve—support this bill.

HB-725

Submitted on: 2/11/2019 11:48:07 AM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
justin	Individual	Support	No

Comments:

We have never recovered from George Bush's Every Child Left Behind Act which literally turned a million dollar testing industry into a billion dollar one overnight. Oh yeah his brother owned one of those companies. We have allowed the for-profit industry into our public schools and it is disgusting. Kids are tested over, and over, and over and over and over and the real thing they lose is instructional time.

I recommend an amendment to allow parents to opt-out their kids from these tests. I had a student who had brain cancer and the computer was a threat for her to go into a coma and die. The mother asked for her child not to take the test but the DOE policy at the time meant our school needed to make her refuse on her own. I am a teacher and will do everything in my power to make sure my son won't be taking these for-profit tests that turn our kids into good memorizer's not critical thinkers.

Respectfully,

Justin Hughey

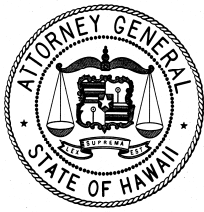
HB-725

Submitted on: 2/11/2019 2:05:20 PM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 725, RELATING TO STANDARDIZED TESTING.

BEFORE THE:

HOUSE COMMITTEES ON LOWER AND HIGHER EDUCATION AND ON
LABOR AND PUBLIC EMPLOYMENT

DATE: Tuesday, February 12, 2019 **TIME:** 2:10 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Clare E. Connors, Attorney General, or
Melissa J. Kolonie, Deputy Attorney General

Chairs Woodson and Johanson, and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill limits the number of standardized tests administered by Hawaii's public schools, provides for notice of the opportunity to opt out of standardized tests, and prohibits use of standardized test scores for the evaluation of teachers and educational officers.

On page 2, lines 13-15, the bill requires the Board of Education (BOE) to notify students and the students' parents or guardians about the right to opt out of participating in standardized tests. On page 2, lines 17-21, "standardized testing" is defined as,

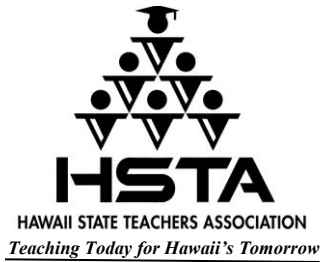
[A]ny assessment that is scored in a consistent manner and intended to measure a student's academic readiness, achievement level, learning progress, or skill acquisition, including any diagnostic, interim, or practice test used to prepare for such an assessment.

The federal Every Student Succeeds Act (ESSA) does allow flexibility in academic assessments, including allowing parents to opt out of academic assessments, if a state enacts such a law. There is no state law giving parents such rights to opt out of academic assessments for their child. Nevertheless, ESSA requires certain assessments to be conducted in particular grade levels on specific subjects. See 20 U.S.C. § 6311(b). The Department of Education (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). So as not to jeopardize this federal funding, we recommend amending page 2, lines 13-15, to read:

(b) The board shall notify students and their parents or guardians about the right to opt out of participating in standardized testing, excluding those tests that are required under 20 U.S.C. § 6311(b)(2), which are described in the Hawaii Consolidated State Plan.

Thank you for the opportunity to provide comments.



Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
LOWER & HIGHER EDUCATION AND THE COMMITTEE ON LABOR AND
PUBLIC EMPLOYMENT

RE: HB 725- RELATING TO STANDARDIZED TESTING

TUESDAY, FEBRUARY 12, 2019

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Woodson, Chair Johanson, and Members of the Committees:

The Hawaii State Teachers Association **strongly supports HB 725, with suggested amendments**, relating to standardized testing.

To address some of HIDOE's concerns and incentivize the department's transition away from an educational culture dominated by standardized testing, HSTA proposes amending HB 725 with these suggested amendments;

1. Delete Section 2, proposed subsection (b) from the bill, regarding the right of parents to opt students out of standardized testing.
2. Delete Section 3, regarding the use of standardized testing in evaluating teachers and educational officers.
3. Amend Section 2, proposed subsection (a) of the bill to read as follows (changes in bold): (a) Beginning with the 2020-2021 school year, the department shall only administer standardized tests that are required by state and federal law; provided that the department may implement innovative assessments; and provided further that schools at which innovative assessments are implemented shall not be required to administer standardized tests.
4. Add a definition to Section 2, proposed subsection (c) of the bill to read: "Innovative assessments"; shall have the same meaning as in 20 U.S. Code 6364, subsection (a).

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 and the 2018-2019 school years. HSTA has also been working with the HIDOE and they have agreed to apply for an ESSA waiver to allow a rollout of authentic assessments through the Innovative Assessment Grant (through ESSA). However, this plan has not rolled out yet, and therefore as the testing season commences again this year, the time devoted to testing, including the required test prep our teachers are

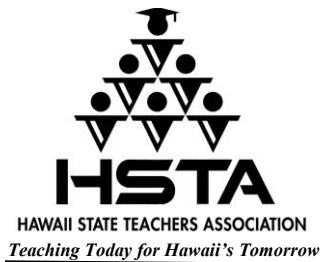


Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

required to do by their administrators and/or Complex Area Superintendents, continues to take up valuable instructional time that would be better spent on instruction, not just on test taking preparation. Some schools still spend **over 60 hours of instructional time on standardized testing**, and even more if and when universal screening exams such as STAR, iReady, etc. and practice tests are employed with regularity, as required by administrators and/or Complex Area Superintendents, to prepare students for statewide exams.

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 unfortunately more with socioeconomic status: rich schools do well, while poor schools struggle. Many schools in lower socioeconomic areas need more wrap around services and support such as nurses in the schools, counselors, after school programs, free and reduced lunches, and smaller class sizes for more individualize attention, not more testing. 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 that greater resources could be spent on prepacked programs and consultants meant to boost test scores. These cutbacks hurt our students who also deserve a well-rounded learning experience that includes band, music, art, culture, languages, and CTE (formerly referred to as the trades).

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. In 2017, 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. Most recently, Governor Michelle Lujan Grisham ordered the state's Public Education Department to immediately take the steps necessary to terminate New Mexico's use of the Partnership for Assessment of Readiness for College and Careers standardized test, commonly known as PARCC (similar type of standardized test, based on Common Core, as SBA that we use in Hawaii).



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Corey Rosenlee
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Executive Director

Lujan Grisham, in an executive order, called on the department to immediately begin working with key stakeholders to identify and implement a more effective, more appropriate and less intrusive method for assessing school performance that is compliant with the federal Every Student Succeeds Act.

A typical student in Hawaii 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 entire 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.

This proposal does not conflict with, but rather amplifies the principles of, the requirements of the state's school accountability system, or the DOE's consolidated state plan for the Every Student Succeeds Act (ESSA). 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.

Life is not a standardized test. We should not be so focused on the test, but focused on the actual learning. To provide authentic learning experiences to all of our children, we ask your committee to **support** this bill.

LATE

HB-725

Submitted on: 2/11/2019 2:17:41 PM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Morgan Bonnet	Individual	Support	No

Comments:

HB-725

Submitted on: 2/12/2019 5:42:37 AM

Testimony for LHE on 2/12/2019 2:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Honolulu County Republican Party	Support	No

Comments:

LHE/LAB, Tuesday, 2-12-19 at 2:10PM in House conference room 309.

LATE

HB 725, Relating to Standardized Testing: Limits public school students' participation in standardized tests and provides notice to students and parents or guardians of the opportunity to opt out of standardized tests, and prohibits the use of standardized test scores for the evaluation of teachers and educational officers.

In October of 2015, former President Barack Obama proposed limiting the amount of instructional time spent on testing. Under the federal No Child Left Behind and Race to the Top programs, schools experienced a "test and punish" culture in which test scores became inappropriately the most important measure of student success and teacher performance. Yet, most countries that outperform the United States on international exams test students an average of only three times during their school careers. The following is a sample test refusal/boycotting with rationale:

We assert our parental rights to refuse our child take part in the Smarter Balanced Assessment or any other forms of high stakes standardized testing without our express written permission, under which student data are collected and shared with other entities outside the school; or are used for the purposes of the school or teacher accountability. Our child is neither permitted to take any pre-tests, the SBA during mandated test days nor tests during designated make up sessions.

In lieu of the high stakes standardized tests and pre-tests, we request that our child be given meaningful, alternative activities or assignments that will promote his/her academic and intellectual growth. I ask that he/she be not excluded from any test related reward activities.

We're notifying any state agent who ignores our parental instruction, and/ or who compels, harasses, intimidates, or otherwise forces my child, or attempts same, in any, to participate in any standardized test or assessment, and/or who takes any action against these express instructions that causes my child emotional, psychological, and/or physical harm will be in violation of federal and state constitutional law, statutory law, and common law. Until strict adherence to state and federal high-stakes standardized testing ceases, we will continue to withhold my child from participation in the testing program, and we ask you to honor that decision.

Further information Re: 101.13 BOYCOTTING and Refusing participation is NOT an "Opt-out"

We are NOT "opting out" or being exempted, as stated in the standard letter of which we have a copy already. Please refer to the DOE Procedural Guidelines which we can attach which state that schools should NOT FORCE students to take the online test. "The DOE acknowledges parents still can refuse to have their child participate, in which case the student would be boycotting the exam, not exempted from it."
<http://spotidoc.com/doc/882509/assessment-news-april-3--2015>.

We are boycotting the exam, refusing participation, according to Board of Education Policy on controversial issues such as the national movement against standardized testing. 101.13 Process: Instructional staff or administration will notify parents or legal guardians of controversial issues that will be discussed in the classroom or through other school activities. This notification may be done through a general letter about the lesson or activity. Parents or legal guardians may also, on their own volition, write a letter to the school administrators or a teacher to have their child excluded from a specific lesson or activity. The parents or legal guardians have an obligation to notify the school administrator or teacher prior to the lesson or activity. "If such a letter is received, the student MUST be provided with an alternative learning activity."

We reiterate our request that your school provide an alternative learning activity. The data mining of an online test is against our Children's Online Privacy Protecting Act (COPPA) rights.

Our family is active in asserting our SBA refusal rights, including public testimony to the Hawaii State Board of Education in March of 2016. After our March Legislative testimony to the Education committees at the State Capitol, I conversed with then Superintendent Matayoshi about working together on 50th anniversary ESEA changes named ESSA. We support the Supreme Court's application of the teststandards.org. We are well aware of DOE procedure in the attachment below, and want to assure you that we insist that our child not be forced to take the SBA. Nothing we can speak about will change our refusal decision.

We are history majors before becoming educators and are well versed in DOE procedures after over a quarter century here. Along with many other professionals attended the 2016 EIH Hawaii School Empowerment Conference <http://www.edthinktankhawaii.org/conference-2016/>, at which Diane Ravitch commented that she was sorry that Hawaii won Race To The TXX. The Network for Public Education (NPE) is calling for a national "Opt Out" because of the harmful effects of annual high-stakes testing on children and schools.

While on my recent sabbatical on the mainland, the state of my employment participated in SBA also. My non-general ELA students were forced to spend at least a couple days a week on computer based test practice, while still trying to keep up with a regular curriculum, and were sick of years of the same computerized multiple choice monotony. The SBA cut-off is set for 70% failure, which is unconscionable.

LHE/LAB, Tuesday, 2-12-19 at 2:10PM in House conference room 309.

(All 14 of the 14 participating states' results showed comparative underperformance, indicating an exam flaw.) According to the SBAC contract, 100 percent of students' written responses would be scored by computers, with only half re-checked by a human being. In SBA and PARCC tests this year – most of the language arts tests will be computer-scored, a process that experts consider unreliable. What's worse, the test publishers have failed to deliver on promised results of computer scoring validity and reliability studies, "proof of concept" or efficacy studies. - See more at: <http://parentsacrossamerica.org/parents-sbac-parcc-scoring-answers/#sthash.MULf2IXw.dpuf> We are concerned also with inappropriate Orwellian data mining of online tests and our parental and student privacy rights under FERPA and the Children's Online Privacy Protecting Act (COPPA), which allows parents to control what information is collected online from their children twelve and under. In the SBAC's contract with the US Department of Education, "the SBAC is required to 'provide timely and complete access to any and all data collected at the state level' to the federal government DoE, or its designated program monitors, technical assistance providers, or researcher partners, and to GAO, and the auditors conducting the audit required..." [Contract Section N – 6, Appendix F 5-B]. If our request is refused, we are prepared to file a complaint with Federal Trade Commission (FTC).

Under ESSA, in section 1111(b)(2)(K) of the new ESEA law of December 10, 2015, states are allowed, to allow parents to opt students out of the federally required 17 tests. The federal Secretary of Education, in section 1111(e)(1)(B)(iii)(XI) of the new law, is prohibited from telling a state how that requirement must be factored into the state accountability system. This means that the Secretary cannot dictate any solution from Washington DC, which is more Constitutionally appropriate. The consequences for a school that fails to meet the 95 percent requirement are state decisions. David P. Cleary, Senator Lamar Alexander's chief of staff, responded: "But our primary goal was to allow states, if they choose, to de-emphasize the importance of testing as the only indicator of school accountability. We hope that this will cause states to re-evaluate the number and types of tests that they require students to take, and make better decisions about how important any single test is for school accountability purposes. This'll help reduce the emphasis placed on testing, and restore to teachers the freedom to teach and students to learn." <http://dianeravitch.net/2016/01/22/exclusive-what-does-essa-affect-opt-outs/>

On 3/28/2016 the Hawaii State Senate Education Committee(s) summarized: "Your Committee finds that the federal Race to the Top program required states receiving funds under the program, including Hawaii, to implement high-stakes teacher evaluations in which pay and employment status were linked to the results of annual evaluations. Your Committee further finds that high-stakes evaluations and an emphasis on standardized testing forces teachers to teach to the test and tailor their teaching strategies to fit the criteria of the evaluation. Research indicates that these constraints do not benefit students, and may actually harm the ability of teachers to perform their duties. Your Committee additionally finds that the Every Student Succeeds Act (ESSA) prohibits the federal government from requiring specific evaluation systems as a condition on receiving grant monies, and gives states significant freedom with regard to standardized testing. This measure requests the Department of Education to adopt the flexibility afforded by the ESSA to repeal and replace high-stakes evaluation protocols. As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 155 and recommends that it be referred to your Committees on Ways and Means and Judiciary and Labor." EDU recommend(s) that the measure Resolution SCR 155 (attached below) be PASSED, UNAMENDED. The votes were as follows: 4 Aye(s): Senator(s) Kidani, Chun Oakland, Riviere, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 3 Excused: Senator(s) Harimoto, Dela Cruz, K.Kahele.

http://www.capitol.hawaii.gov/session2016/CommReports/SCR155_SSCR3214_.htm

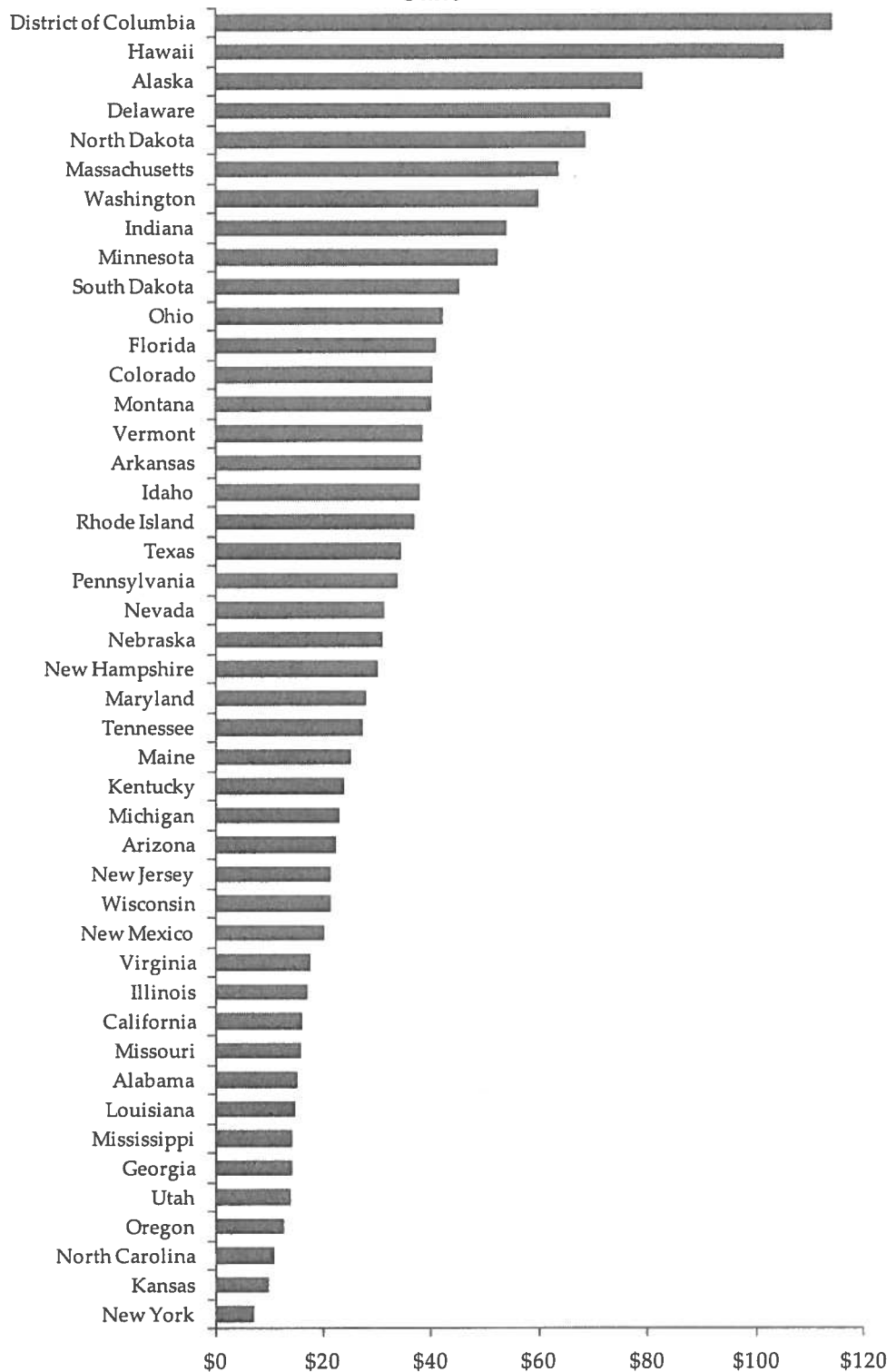
During our child's fourth grade SBA window, developmentally when students switch from learning to read to reading to learn, he experienced individually driven library research in the science field in which he is most interested. This year we have yet to hear of provision of this type of experience either during school time or in homework by Chiefess Kapiolani, which unlike Waiakea Elementary is not able to fund a full-time professional librarian. Part of our public testimony includes addressing the inordinate cost of testing (See Chingos p. 10) at 1% of our State DOE budget. Test refusal is a necessary and direct act of protest to highlight the injustice of a system that refuses to address the underlying socio-economic problems that contribute to unequal learning experiences such as those here in Hilo based on our address. Annual high-stakes testing feeds racial determinism and closes doors of opportunity for black and brown children. This is unacceptable institutional racism.

I attended in Washington DC the national protest in summer 2016 after NEA Convention. We wish you would join us in exerting Educational Leadership which is part of changing our status quo.

Given the Depth Of Knowledge (DOK) we have exhibited above about reiterating our reasons for SBA test refusal, we hope you can find an appropriate alternative activity.

Sincerely, DVAnderson, M.Ed., M.L.I.S., NBCT

Figure 1. Per-Pupil Costs of Main Assessment Contracts, by State



Source: Table A2
 State Spending on K-12 Assessment Systems