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MORE THAN A SCORE: NEOLIBERALISM, TESTING & TEACHER EVALUATIONS

ABSTRACT: Neoliberal education reforms such as No Child Left Behind and Race to the Top have linked performance to both school improvement and teacher evaluation with the aim of rationalizing and restructuring the role of educators. The intent is to replace traditional collaboration and collegiality with market-style competition based on both data-driven quantitative results and qualitative assessment of teacher performance. A case in point is the new teacher evaluation system imposed by New York State Education Law 3012c. In New York City, conflicts between the United Federation of Teachers and the Department of Education ultimately led to an evaluation system imposed via binding arbitration by State Education Commissioner John King. This article will examine the New York City model in its first year to analyze the impact of teacher evaluation systems on public education in a large urban setting. In particular, this article will focus on New York City as an example of both the destructive impact of corporate education reform and the potential of a nascent movement of test resisters to pose a challenge to neoliberal education reform.

The United Nations Educational, Scientific and Cultural Organization (UNESCO)'s 1990 Education for All initiative, whatever its architects may have intended, has coincided with an acceleration of the neoliberal agenda to restructure public education along market lines. This has provided the corporate-driven education reform groups a political framework to advocate expansive and stringent teacher evaluation schemes at the K-12 level. A recent document from the Organization for Economic Cooperation and Development (OECD), "Teachers for the 21st Century: Using evaluation to improve teaching," states: "highly visible teacher appraisal...provides opportunities to incentivize, recognize and reward teaching competence and high performance."¹ In the U.S., the No Child Left Behind (NCLB) and Race to the Top (RTT) reforms have linked performance to both school improvement and teacher evaluation with the aim of rationalizing and restructuring the role of educators. The intent is to replace traditional collaboration and collegiality with market-style competition, incentives and punishments based on both data-driven quantitative results and qualitative assessment of teacher performance.

A case in point is the new teacher evaluation system imposed by New York State Education Law 3012c, legislation designed to conform with the Obama Administration's Race to the Top competition for federal grants. In New York City, conflicts between the United Federation of Teachers and the Department of Education ultimately led to an evaluation system imposed via binding arbitration by State Education Commissioner John King. This article will examine the first year of the New York City teacher evaluation model to provide a case study of the destructive impact of corporate education reform and neoliberalism at the school level. As the New York City model has just finished its second year, this study can expand our understanding of the impact of teacher evaluation systems on public education in a large urban setting.² It will focus on the way in which race and class inequities are perpetuated through the new evaluation

system and the disproportionate impact it has on schools that serve emergent bilinguals, students with special needs, as well as economically disadvantaged students. Lastly, this article will look at examples of resistance and the potential of the nascent opt-out movement and the growth of the anti-testing resistance in New York City.

Neoliberalism & the Myth of the Bad Teacher

The New York conflict over teacher evaluation is one of a series of similar battles unfolding in a number of countries, both in the West and in developing nations. In *The Global Assault on Education*, Lois Weiner and Mary Compton provide a compelling analysis of the international nature of the current attacks on education, as well as their roots in neoliberal ideology.³ Marxist geographer and theorist David Harvey describes neoliberalism as “a theory of political economic practices that proposes that human well-being can best be advanced by liberating entrepreneurial freedoms and skills with an institutional framework characterized by strong private property rights, free markets, and free trade.”⁴ As many critical education theorists have argued, neoliberalism has been the dominant ideology of corporate and state sponsored education reforms for several decades.⁵ Pauline Lipman maintains that in its push to privatize, promote individualism, and dismantle the public sphere, neoliberalism “has developed as a new social imaginary, a common sense about how we think about society.”⁶ Using Chicago as a case study, Lipman examines the ways in which neoliberal education policies intersect with housing policies and other economic policies to transform urban spaces and displace African Americans and Latino/as. Despite this, as Lipman and other critical education theorists have pointed out, the economic policies of neoliberalism are often couched in the language of equity and civil rights.⁷

Testing is promoted as a means of holding teachers and schools accountable to designated performance targets while introducing a “new regulatory culture”⁸ that Hursh contends is a form of social Darwinism which reinforces inequality and “education austerity.”⁹ In *Unequal by Design*, Wayne Au argues that with the proliferation of standardized tests under neoliberalism, students are literally objectified, as schools become “factories, where teachers-as-laborers work on an educational assembly line ‘producing’ students-as-commodities... whose value is measured and compared vis-à-vis the tests.”¹⁰

Within the discourse of neoliberal education reform, “teacher quality” is isolated from any other factor in evaluating education, ignoring most available research which suggests that at least ninety percent of variations in student learning have nothing to do with the individual teacher in the room. The largest influences, as Linda Darling Hammond and others have noted, typically accounting for about sixty percent of the variance, are socio-economic factors.¹¹ Nonetheless, by shifting the discussion from “teaching quality” to “teacher quality” issues in education are individualized and removed from the broader social, economic and political context in which education takes place. Two images of educators emerge as a result: the “Superhero Teacher,” a self-sacrificing martyr who can nurture every student to their full potential even if they lack healthcare, housing or food and the “Bad Teacher,” who is protected by a union inherently at odds with education. Perpetuating these images provides the ideological basis for teacher evaluation systems aimed at weeding out these mythological “bad teachers.” In *Bad Teacher! How Blaming Teachers Distorts the Bigger Picture*, Kevin K. Kumashiro argues that scapegoating public school teachers, students and teacher unions is central to neoliberal ideology¹² Similarly, Henry Giroux argues that, “teachers are the new ‘welfare queens,’”¹³ denigrated to provide cover to an assault on the idea and reality of public education.

As a result, we have seen an explosion in the number of school districts in which teacher evaluations are based on student test scores. However, as a case study in New York City indicates, the advance of neoliberal education policies has not gone unchallenged. As activism against such policies grows, parents and teachers have further developed a criticism of corporate education reform and initiated others into campaigns against such policies.

The Implementation of *Advance*, or New York City’s Annual Professional Performance Review Plan (APPR)

As David Harvey argues, New York City was a test case for the imposition of neoliberal policies in the United States.¹⁴ In response to the fiscal crisis in New York City in the 1970s, the city demanded that city unions—including the United Federation of Teachers (UFT), the union that represents New York City teachers and other school workers—invest pension funds in city bonds or face the possibility of bankruptcy. Despite resistance, including a teachers’ strike in 1975, austerity was imposed, paving the way for neoliberal practices domestically and internationally. As Harvey argues, “It established the principle that in the event of a conflict between the integrity of financial institutions and bondholders’ returns, on the one hand and the well-being of the citizens on the other, the former was to be privileged.”¹⁵

Four decades later, the privileging of finance capital at the expense of the majority of people has only become more extreme. The clash over these issues is particularly sharp in New York City’s public school system, the nation’s largest, with 1.1 million students enrolled. On June 1, 2013, the city’s Department of Education imposed a new teacher evaluation system which, for the first time, ties teacher ratings and job security to test scores. The first year of the New York City’s new evaluation system happened to be the author’s last year as a high school English teacher in a large comprehensive public school in Brooklyn before leaving to teach English at the college level. As a critical education theorist, a teacher and an activist, I was well placed to witness firsthand both the devastating impact of the new teacher evaluation system and the resistance this new law engendered at the school level. This article draws on in-depth interviews with several teacher and parent activists in groups like Change the Stakes (CTS) and the Movement of Rank and File Educators (MORE) and the New York Collective of Radical Educators (NYCoRE) as well as “observant participation.”¹⁶ In undertaking this fieldwork, I draw on the work of theorists such as Lipman who see themselves as part of “a tradition of activist scholarship that links critical research, social action and social movements.”¹⁷ This methodology enabled me to gain rich insights into the motives and ideological commitments and transformation of the key actors in this nascent movement.

The impetus for these struggles was the implementation of the new evaluation system. Known as “Advance,” it establishes a new sorting system in which teachers are rated as: Highly effective, Effective, Developing and Ineffective—hence the acronym “HEDI”. In the first year of this new evaluation system, twenty percent of teachers’ annual ratings was based on state tests, another twenty percent on local measures of student learning, and sixty percent on school based observations.¹⁸ However, a teacher rated “ineffective” on measures of student progress (i.e., test scores), must be rated ineffective overall.

Advance adds a new acronym to the corporate education reform lexicon: MOSLS or “Measures of Student Learning,” which determine student progress based on “value added measures.” Adopted by many school districts in hot pursuit of RTT Funds, these measures are widely disdained as “junk science.”¹⁹ Even the American Statistical Association has put out a statement questioning the validity of such methods.²⁰ One study in a New York City pilot program had a margin of error of 35 percentage points for math teachers and 53 percentage points for reading teachers, on average.²¹ In addition, results from these statistical models fluctuate widely from year to year. Even with three years of data for each individual teacher, there is an error rate of 26 percent—by any standard a capricious measure to make high stakes decisions about teachers and their “effectiveness” in a classroom.²²

These results bear strong correlations to race and class inequalities which further undermines their validity. As a teacher in Los Angeles discovered, the twenty-five schools deemed “Least Effective” were those in which African-American and Latino students accounted for an average of 91 percent of the student population, while 84 percent qualified for free or reduced student lunch. In the twenty-five schools deemed most effective, however, African-American & Latino students made up 59 percent of the population, and only 62 percent of the students qualified for free or reduced lunch. That a school’s

“effectiveness” is so strongly correlated with the racial makeup and economic status of its student population suggests that it is perhaps racism and poverty that keeps schools unequal—not teachers. As Au argues, racial bias is—and, has historically been—encoded into the very structure and nature of standardized tests.²³ Thus, Au contends, “tests operate as a mechanism for the (re) production of socioeconomic and educational inequality. High-stakes, standardized tests are simply unequal by design.”²⁴

Furthermore, tests used to evaluate teachers bear no relationship to the way many schools are structured or the diversity of teachers and educational staff. There are no tests currently in use to quantify student learning in art, physical education, or music. Moreover, many high schools are not annualized. Thus, teachers do not actually teach the same students for an entire year. Nonetheless, they will be evaluated in June by the students they had in September, whether or not they are currently in their class.

The remaining sixty percent of a teacher’s annual evaluation derives from school based observations using Charlotte Danielson’s Framework for Learning.²⁵ While supporters of the law argue that these rubrics provide more objective criteria to measure good teaching, many teachers in New York City have found them to be a cookie cutter method of evaluating a teacher with no room for observers to take into account the specific students in the room when determining a teacher’s efficacy. Moreover, recent studies show that teachers with students who are already high performing are more likely to get high marks than teachers with students who are struggling.²⁶ As a result, on both the observation component and measures of student learning, teachers of students who face special challenges, such as being English Language Learners or who have difficult problems due to poverty or homelessness, will be given ineffective ratings disproportionately.

Too often teachers are measured on a pace of student learning that is based in political ideology, not research. All available research shows that it takes five to seven years to develop academic proficiency in a language.²⁷ That this research is not taken into account in data used to evaluate students, teachers and schools, is profoundly demoralizing. As one ELL teacher explained at an “early engagement” meeting which initiates the process for school closures or “turnarounds,” she is constantly asked by parents why students fail high stakes tests, or why they don’t make faster progress in learning. She replies, “because they are human, and humans need five to seven years to develop academic proficiency in a new language.”²⁸

Most importantly experiments like the New York City teacher evaluation system show a profound misunderstanding (or a deliberate denial) of key issues in education—i.e., the external forces that impact on classroom. A study in New York City analyzing the demographics of schools targeted for closing found that these schools have more homeless students, more special education students, more over age students—numbers which increased in the years leading up to them being slated for closure. The report found that while the number of special education students citywide stayed “at twelve percent from 2007-08 to 2008-09...the percentage of special education students in closing high schools rose to eighteen percent from sixteen percent.”²⁹ Furthermore, “The number of students in temporary housing (...) quadrupled citywide during the economic downturn, from one percent of the total student enrollment in 2007-08 to 4 percent in 2008-09. But at closing high schools, 6 percent of students were in temporary housing in 2008-09. At four closing schools, 10 percent or more students were homeless.”³⁰ Shifting the discussion to “teacher quality” serves to shift the national discussion on education away from questions of poverty, racism and social inequality.

A New Teacher Resistance Movement

If the new teacher evaluation system in New York City provides a bleak vision for the future, there is, nevertheless, cause for optimism among critics of the new system. The push for increased testing, combined with new more difficult common core aligned tests, has led to the beginnings of resistance to the test-and-punish regime as teachers, parents and students increasingly demand to be “more than a score.” New Common Core aligned tests have had a devastating impact on students with reports of

increases in vomiting, nosebleeds, suicidal ideation and even hospitalization. As a result, schools were reported to have begun circulating instructions for handling tests that were covered with vomit.³¹ Meanwhile, a plethora of scandals involving Pearson and McGraw Hill have increased public distrust of testing companies.³² In this context, it is not surprising that there is a growing popular revolt against testing. Recent polls show that only twenty-five percent of voters support the use of test scores to evaluate teachers. Meanwhile, voters trust the teachers' unions more than the governor to improve education in the state by a fifty-five to twenty-eight percent margin.³³ These numbers point to a significant ideological break with the logic of neoliberal education reform and an opening for a new resistance movement.

As Au argues, “schools are sites for the production of inequality as well as the production of resistance to such inequality in their own right.”³⁴ This is certainly true in New York City where the imposition of the teacher evaluation system has coincided with a growing national movement against testing, with opt-out initiatives and testing boycotts growing in Illinois, Seattle, Colorado, New York and beyond.³⁵ The combination of these factors has made New York City a fertile ground for building resistance to the neoliberal testing mania. The struggles that emerged at two schools—Castle Bridge and the International High School at Prospect Heights (IHSPH)—both sparked by the new teacher evaluation system in the 2013-2014 school year are emblematic of this new resistance movement in New York City.

Castle Bridge School in Washington Heights was the site of organized resistance against a particularly insidious consequence of the new teacher evaluation system which opened the door for the testing industry's encroachment into one of the last test-free bastions of public education: Kindergarten. In response, parent activists organized an opt-out campaign so successful that the principal canceled the test as it would be statistically meaningless. The struggle at Castle Bridge led to a state-wide change in policy regarding K-2 testing. The United Federation of Teachers came out with a statement supporting a ban on K-2 testing, despite having agreed to the state law upon which the new teacher evaluation system was based. Shortly after the campaign at Castle Bridge, John King, the New York State commissioner of education released a statement supporting the campaign to prohibit standardized testing in K-2 years.³⁶ Most importantly, the victory at Castle Bridge inspired other activists and confirmed what leading activists like Jia Lee, a teacher at the Earth School and one of the city's first test resisters, have argued: “Resistance does have an impact -- especially when done with numbers. It's already changing policy.”³⁷

“Our Voice Matters”: Boycotting the Test at the International School of Prospect Heights

In high schools, the new teacher evaluation system was greeted with no more enthusiasm than it had found in early childhood education. Here, the pressure for more testing had long since come to dominate assessment—and, by extension, the curriculum in the major or “testable” subject areas. Still, few people were prepared for the level of absurdity that the new teacher evaluation system would bring to secondary education.

Rosie Frascella, an English teacher at the International School in Prospect Heights—which would soon become the first New York City high school to boycott a standardized test—describes how teachers reacted to the initial implementation of the teacher evaluation plan:

Teachers felt insulted by the whole entire system. There were many teachers who weren't going to be evaluated by students they taught. Even if you did buy into fact that evaluating teachers by student test courses was a genuine assessment, it quickly became ridiculous. There were so many holes in the evaluation system. It was seen as an insult even by people who believe in meritocracy.³⁸

This sentiment was shared in schools around the city as frustration grew about almost every aspect for the new evaluation system from the use of the Danielson rubric to the MOSLs. Across the city, elected union representatives in schools struggled to explain the absurdity of rating art teachers on math scores and other inanities to their staffs. Under the new deal, MOSL committees (which must have union representation), have an important role in choosing the “local MOSL” for their school. Thus, union activists on those

committees struggled to find the least egregious and least divisive measures by which teachers would be evaluated.

In many schools, activists sought to minimize the divisive potential of these measures by choosing a school-wide measure that would maintain solidarity even in a system that was patently designed to undermine it. For the state MOSL, principals were empowered to determine the measure by which teachers would be rated and whether or not this would be a school-wide measure or based on a teacher's individual students—within certain constraints.

For English teachers, however, there was no choice as to the state MOSL. All high school English teachers would be evaluated based on the individual students in their classrooms. For teachers who taught a majority of students taking the English Regents exam (the high school proficiency exam of New York State, which students must pass to graduate), this would be the measure by which they were judged. Yet for all other English teachers, a new exam was to be implemented solely for the purpose of evaluating teachers: the New York City Performance Assessment.

For many New York City teachers, the idea that they would be forced to subject students to yet another test—one which had zero consequences for the students but high stakes for the teachers—was the insult that made all the more palpable the injury of the new teacher evaluation system overall. Anger grew after teachers saw the actual exam and were forced to administer and score the 'baseline' exam at the beginning of the semester. Many teachers pointed out that the test was out of touch with students in their classrooms.³⁹ The ninth grade test, for example, which was also required to be administered to English Language Learners, required students to write an argumentative essay, responding to the following prompt: "What are the top two criteria for a successful invention?"⁴⁰ Not only did the question itself pose challenges to students—either because they might not know the word "criteria" or because its opacity was certain to sow confusion—but, the texts provided made no reference to the best criteria by which inventions should be judged presenting only a hodgepodge of trivia about inventions from which students were supposed to deduce the answer to the writing prompt⁴¹

The first was from the website *Mental Floss* about "6 Inventions That Never Need Updating." It began: "If someone presented you with an original 1868 Sholes and Glidden Type-Writer, and told you to write your senior thesis using it, you'd be in for a world of pain,"⁴² immediately making it clear that it was not written with ninth graders in mind most of whom had never written nor heard of a 'senior thesis.' The text proceeded to explain that bubble wrap was intended "For only the heppiest of cats to decorate their swinging pad with!" and that rocking chairs were originally popular with people suffering from "a toucha the rheumatiz."⁴³ It is hard to imagine how anyone would expect ninth graders to understand these references—not to mention English language learners who could not decipher such phrases even with a bilingual dictionary.

For ninth grade students around the city, the test was an exercise in frustration. Few students or parents were aware that they had a right to opt-out of the test. Nonetheless, many opted themselves out the only way they knew how—by putting their heads down on the desk, closing their books and refusing to take the test. For English language learners, the experience was even more destructive and damaging. As Rosie Frascella explains,

No one was prepared for how demoralizing it was going to be. For newcomers to the United States, it was the first time taking any assessment. They wanted to do well. They believe in the American dream, they believe in the education system. For the first assessment of their educational careers, it was incredibly demoralizing to not even understand directions. They gave up, put their heads down, cried. Teachers were frustrated--they felt bad making them feel bad.⁴⁴

Even without high stakes, the test caused real harm to these students. While anger and frustration was expressed across the city, at the International High School in Prospect Heights (IHSPH), teachers decided to turn that anger into action. As a school that serves students who have been in the United States for four years or less, the pain of these tests was felt even more acutely at IHSPH. Furthermore, the logic of the

test contradicted the progressive education model espoused by the school in which collaboration is encouraged and new students are partnered with an older student who speaks the same language.⁴⁵ Collaboration is, of course, not allowed on the New York City Performance assessment.

Because of its unique model and student body, the International School had earlier sought to join the Consortium, a network of schools who use a different model of assessment and receive a state waiver, which exempts them from Regents exams in all subjects except English. IHSPH's waiver had already been submitted but not yet approved at the time of the implementation of Advance in Fall 2013, creating particularly fertile conditions for organizing resistance to the new testing mandates which threatened the school's educational climate.

Adding to the convergence of factors which made IHSPH an ideal setting for the emergence of a new front in the resistance to testing, was the presence of seasoned organizers—in part because its educational model attracts progressive educators and activist teachers. Rosie Frascella, the school's UFT delegate, is a long-time activist in the Movement of Rank and File Educators and the New York Collective of Radical Educators. Frascella's experience living in Mongolia as a peace corps volunteer after college had had a powerful impact on her, as did her experience as an organizer for Service Employees International Union (SEIU) before becoming a teacher. She saw first hand, "... the amazing transformation of workers when they stand up for their rights, have a voice and make a hospital or organization better. Working as a union organizer, you see how when a woman stands up to a boss, it trickled into her personal life. Our voice matters."⁴⁶ These lessons, Frascella argues, were at the core of the fight against testing. She says, "We want our voices heard. As teachers we know what these tests are doing to these students. Students know how it makes them feel. We want input into what would be better assessment, and what would help learning. I realized the power of listening to your voice and fighting for it to be heard."⁴⁷

These sentiments were echoed by another teacher at IHSPH, Emily Giles, a former chapter leader at another International School in the Bronx and another Peace Corps alumna who had transferred to IHSPH in the fall of 2014. Raised in the auto-manufacturing town of Flint, Michigan, Giles was no stranger to the power of unions in giving workers a voice. She had already been fired once for trying to organize a union at a charter school in Chicago before becoming a teacher in New York City. For Giles, the movement against testing is "a clear moment where the rights and concerns of parents and teachers, everything intersects, we agree with each other, we're fighting for the same thing."⁴⁸

Both Giles and Frascella had been inspired by other test resisters and saw the new ELA performance assessment as the perfect impetus for a boycott. As Frascella explains, "Most of the time teachers don't want to hurt a student's chance of promotion or graduation. Despite the media, most teachers are in it for the students. The only harm that could come of boycotting the test was harm to us as workers. People were willing to take that risk for our students."⁴⁹

As parents learned more about these new tests, they opted out their students in steadily increasing numbers. By test day, fifty percent of the student body had opted out. Support from parents and other members of the school community gave teachers increased confidence for the boycott. Ultimately, thirty people—nearly all of the teachers and staff—signed a statement declaring they would boycott the exam and refuse to proctor or participate in administering it.⁵⁰ In taking this risk, the teachers at IHSPH decided that their best protection was to make the boycott as public as possible. Coincidentally, the test was scheduled for May Day—International Labor Day. At seven in the morning of May 1st, staff arrived with signs of solidarity for a press conference where they read their statement and answered questions. Members of MORE and NYCoRE also came to the press conference to stand in solidarity. One of the most memorable moments of the morning was when the International teachers received a food basket from teachers at the Earth School (where Jia Lee works). It was a powerful symbol of the way in which acts of resistance spread as courageous activists draw sustenance and support from each other.

Sadly, the experience of the teachers at IHSPH mirrored that of other test resisters in the absence of the UFT and the conscious attempt of its leadership to distance itself from the boycott, telling reporters that

despite sharing the anti-testing sentiment, teachers were “under a legal obligation” to abide by rules of the evaluation system and unambiguously asserting: “This protest is not a union-sponsored event.”⁵¹

Nonetheless, for teachers at IHSPH, the boycott was a huge victory. Not only were there no repercussions for individual teachers for refusing to administer the test, but also the school was granted a waiver by the state shortly thereafter, exempting them from all Regents Exams (except English) in the future. Furthermore, outrage over the NYC Performance assessments led to citywide policy changes, as it is no longer a mandated MOSL. Most importantly, the experience of organizing a successful boycott had a powerful impact on teachers at IHSPH. The school faces new challenges after becoming a PROSE (Progressive Redesign Opportunity Schools for Excellence) school under the new collective bargaining agreement negotiated by the UFT and ratified in June 2014. Notably, this new model of school has been implemented at many schools with progressive education foundations, which were often at the center of the opt-out movement and testing resistance. While these models exempt schools from some of the most egregious testing practices, they do so by creating a separate tier of schools in which important work rules enshrined by the contract are no longer sacrosanct and can be renegotiated locally. The limited freedom this might provide for some schools has much more serious implications for work conditions in the school. The creation of these separate tiers also undermines union solidarity and could create obstacles for the citywide growth of resistance to testing.

Nonetheless, the experience of test-resistors across New York City has given a small but growing group of teachers and parents a sense of their own power. As Frascella notes,

I think the question is: how do we work together? We may not have the money that the Right has, or the reformers or privateers have, but we have very good organizers, we have very smart people, and we have a lot of people on our side...Actions, collective actions, they hold people accountable. And, they inform the public.⁵²

Not only do actions and collective organizing inform the public, they also inspire others to fight back. As Jia Lee notes, one of the biggest obstacles in the opt-out movement is that it is frequently perceived as a movement of the middle class while the vast majority of students in public schools come from families that are poor or working class. Nonetheless, as the movement spreads it begins to challenge such images. Lee notes that in 2014, a school in Brownsville at which over ninety percent of the students qualified for free or reduced lunch had an eighty percent opt-out rate. This happened, in part, because a parent at Brooklyn New School which had built a strong opt-out movement (in part inspired by the success of the opt-out movement at the Earth School) had a friend who was part of the Brownsville school’s community. Once parents at the Brownsville school got together, they also wanted to organize an opt-out campaign. As Lee notes, the ravages of testing are even greater in schools with fewer resources, as testing in such environments increasingly controls what and how students learn. Thus, it is crucial, she argues to reach out to local neighborhood schools and community councils. She notes that anti-testing activists have been invited to a handful of Community Education Council (CEC) meetings and some neighborhood schools but that this type of outreach to communities and schools is essential to the future success of the movement.⁵³

Student activism is also an essential component to the future success of the movement against testing. As the primary victims of the test-and-punish regime, students are also essential actors in the resistance. As Rosie Frascella notes, “One reason the opt-out movement has been so successful in elementary schools is that parents have the opportunity to opt students out without concern about graduation. In high schools with Regents exams, it’s harder. We need students who know their rights. In high schools it’s going to take a youth-led movement, parallel to a teacher led movement.”⁵⁴

The beginning of the 2014 school year saw the emergence of such a movement in Colorado where students and teachers joined forces to protest the narrowing of curriculum, particularly a proposal by the local school board to change the Advanced Placement (AP) History course. Two schools were forced to cancel classes twice after mass student walkouts and teacher sickouts in protest of the decision. For teachers, the resistance was a response to both the changes in the AP history curriculum and the tying of

teacher salaries to student test scores.⁵⁵ Meanwhile in Philadelphia, after the School Reform Commission unilaterally canceled the teachers' contract, students walked out, organizing a strike of their own in support of their teachers.⁵⁶

As attacks based on what Barbara Madeloni calls “predatory education reform”⁵⁷ mount, and examples of resistance gain publicity, the potential for a mass resistance to the testing regime is greater than it has ever been. In the second year of the new evaluation system in New York State, Governor Cuomo ratcheted up the attack, increasing the weight of test scores among other drastic changes he pushed through in April 2015. This did nothing, however, to dull the resistance as the number of students opting out of state tests increased from sixty thousand in 2014 to over two hundred thousand one year later.⁵⁸ To grow further and be successful, a genuine resistance movement must organize parents, teachers, and students to lead the struggle together. The American Federation of Teachers (AFT) and the National Education Association (NEA), the two largest national teacher unions, must also leave the sidelines and join the fight to provide unequivocal support to test-resistors. In recognition of this, both the AFT and the NEA have nominally committed to supporting the opt-out movement. Both unions did support the teachers at Garfield High School but have been reluctant to do so in other situations. Randi Weingarten, president of the AFT, has held back from pledging support, instead providing nominal support for the opt-out movement and *some* educators turned test-resistors but, she argues, “Ultimately, though, it’s up to parents to make the decision whether to opt out.”⁵⁹ Implicit within that statement, is a refusal to commit the union to defending teachers who boycott or refuse to administer the test.⁶⁰

To beat back the testing culture that has come to dominate the landscape of American public education, unions will need to lead these struggles, rather than stand on the sidelines—or worse, deterring teachers from taking a stand. Nonetheless, teachers are increasingly putting pressure on the national unions and the more ossified local unions to change course and take a lead in supporting teachers who resist. Furthermore, as reform caucuses form in a growing number of teacher locals—and take power in Chicago and Los Angeles (two of the three largest school districts in the United States)—the national face of teachers unions is changing as debates grow between the more traditional “solution-driven” unionism of Randi Weingarten and the Social Justice Unionism espoused by the leadership of the Caucus of Rank and File Educators (CORE) in Chicago and the newly elected leadership of the United Teachers of Los Angeles (UTLA).

The growth in teacher, parent and student resistance to testing—however small at present—shows cracks in the neoliberal agenda for school reform which provide the opportunity to talk about genuine assessment. In this moment as resistance gains force, we need to shift the conversation from teacher quality to teaching quality, from evaluation to collaboration and from failing schools to the multitude of ways in which neoliberal policies have failed our schools and the communities they serve. Resisting the testing regime exposes the inequality at the heart of the neoliberal project, no matter how it cloaks itself in the mantle of equity and meritocracy. The ideological hegemony of neoliberalism depends on the notion that “There is no alternative,”⁶¹ as Maggie Thatcher famously declared. By refusing to be objectified and quantified by the testing industry, test resisters open a space to imagine a progressive vision of education reform, rooted in social justice, not the free market.

NOTES

¹ OECD “Teachers for the 21st Century: Using Evaluation to Improve Teaching” *OECD Publishing*, 2013: 9, accessed October 19, 2014.
<http://www.oecd.org/site/eduistp13/TS2013percent20Backgroundpercent20Report.pdf>

² In April 2015, Governor Cuomo succeeded in pushing through substantial changes to the teacher evaluation system as part of an education bill tied to the state budget. Cuomo demanded these changes because he argued that too many teachers had received high ratings in the evaluation system’s first year. The testing component will now be of equal weight to the observation component. Despite these changes,

many elements of the teacher evaluation system discussed in this article remain in place. For more information on the changes to the teacher evaluation system, see Peter Lamphere, “The governor of school deform,” *Socialistworker.org*, April 15, 2015. Accessed on May 17, 2015.

³ See Mary Compton and Lois Weiner (eds), *The Global Assault On Teaching, Teacher, and their Unions: Stories for Resistance* (New York: Palgrave Macmillan, 2008).

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⁷ In addition to Pauline Lipman, *The New Political Economy of Urban Education: Neoliberalism, Race, and the Right to the City* (New York: Routledge, 2011), see Wayne Au, *Unequal by Design: High Stakes Testing and the Standardization of Inequality* (New York: Routledge, 2009).

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¹³ Henry Giroux, *America’s Education Deficit and the War on Youth* (New York: Monthly Review Press, 2013), 160.

¹⁴ David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005), 45.

¹⁵ *Ibid.*,48.

¹⁶ João H. Costa Vargas, “Limits and Possibilities in Times of Black Genocide,” in C.R. Hale (Ed.) *Engaging Contradictions: Theory, Politics, and Methods of Activist Scholarship* (Berkeley, CA: University of California Press, 2008), quoted in Ujju Aggarwal, Edwin Mayorga and Donna Nevel, “Slow Violence and Neoliberal Education Reform: Reflections on a School Closure” *Peace and Conflict: Journal of Peace Psychology* 18, no. 2 (2012): 157. *PsycARTICLES*, EBSCOhost, Accessed on Feb. 1, 2015. According to Aggarwal et al, this term was coined by João H. Costa Vargas as an alternative to traditional “participant observation” emphasizes the researcher’s role as an active participant in the group.

¹⁷ Pauline Lipman, *The New Political Economy of Urban Education: Neoliberalism, Race, and the Right to the City* (New York: Routledge, 2011), 17.

¹⁸ In April 2015, this ratio was changed so that the observation and testing component are now equally weighted. See Peter Lamphere, “The Governor of School Deform.”

¹⁹ Amanda M. Fairbanks, “Teachers to the Test,” *The Atlantic*, Jan. 5, 2015, accessed on Feb. 1, 2015. <http://www.theatlantic.com/education/archive/2015/01/teachers-to-the-test/384306/>

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²⁰ American Statistical Association, “ASA Statement on Using Value-Added Models for Educational Assessment,” April 8, 2014. Accessed on October 19, 2014. https://www.amstat.org/policy/pdfs/ASA_VAM_Statement.pdf

²¹ Dana Goldstein, “NYC to Release Teachers’ ‘Value-Added’ Ratings: Why It’s Not Fair,” *The Nation*, February 24, 2102, accessed on October 22, 2013. <http://www.thenation.com/blog/166453/nyc-release-teachers-value-added-ratings-why-its-not-fair#>

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²³ Wayne Au, *Unequal by Design: High Stakes Testing and the Standardization of Inequality* (New York: Routledge, 2009), 139. Kindle Edition

²⁴ Ibid., 140.

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²⁸ Field notes, January 23, 2012. The turnaround model under RTT is one model that can be imposed on schools that are deemed to be failing or “persistently lowachieving” (PLA). In this model, the entire staff is removed and forced to reapply for their jobs.

²⁹ Sharon Otterman, “Closing Schools Have Most Challenging Demographics” from the City Room blog on *The New York Times* online. January 26, 2011. Accessed on April 13, 2011.

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³² Pearson was met with scathing criticism after a particularly obtuse and surreal reading passage about a race between a pineapple and a hare appeared on an 8th grade reading exam in 2012, the results of which were ultimately voided. In 2013, Pearson once again came under fire after errors in the test for the Gifted and Talented program. The same year, McGraw-Hill was criticized for delays in grading the English Regents and changes in the scoring which made it more difficult to pass the test. See Anemona Hartocollis, “Pearson Says Its Tests are ‘Valid and Reliable,’” *SchoolBook*. May 4, 2012. Accessed on October 20, 2014. [http://www.wnyc.org/story/302962-pearson-says-its-tests-are-valid-and-reliable/;](http://www.wnyc.org/story/302962-pearson-says-its-tests-are-valid-and-reliable/)

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³³ Quinnipiac University, "New York Gov. Cuomo Drops To Lowese Store Ecer, Quinnipiac University Poll Finds; Governor Losing School Battle to Teacher Unions," March 18, 2015. Accessed May 17, 2015. <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/new-york-state/release-detail?ReleaseID=2177>

³⁴Wayne Au, *Unequal by Design: High Stakes Testing and the Standardization of Inequality* (New York: Routledge, 2009), 13. Kindle Edition

³⁵ See Jesse Hagopian (ed.), *More than a Score: The New Uprising Against High-Stakes Testing* (Chicago, IL: Haymarket Books, 2014).

³⁶ John King, "Statement from Commissioner King On NYSUT/UFT Call for Banning Pre-K-2 Standardized Testing," New York State Education Department, November 14, 2013. Accessed on October 20, 2014.

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³⁷ Jia Lee, telephone interview with author, October 5, 2014.

³⁸ Rosie Frascella, telephone interview with author, October 9, 2014.

³⁹ Ibid.

⁴⁰ The full Grade 9 ELA Pre-Assessment of the NY Measures of Student Learning Performance Assessment is available online at studentachievement.org. Accessed on October 20, 2014. http://www.studentachievement.org/wp-content/uploads/MOSL-StudentAssessment-Grade-9-ELA-PFE09_01_2013.pdf.pdf

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Frascella, phone interview.

⁴⁵ Sarah Jaffe, "Brooklyn Teachers Strike a Blow Against Excessive Testing with May Day Boycott" *In these Times*, online. May 12, 2014. Accessed on October 5, 2014. http://inthesetimes.com/working/entry/16679/protest_the_test

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⁵² Ibid.

⁵³ Lee, telephone interview.

⁵⁴ Frascella, telephone interview.

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⁵⁶ Rebecca Klein, “Philadelphia Students Walk Out of Class to Protest Canceled Teachers Contract,” *The Huffington Post*, October 8, 2014. Accessed on May 17, 2015. http://www.huffingtonpost.com/2014/10/08/philadelphia-student-protest-contracts_n_5954922.html

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⁶⁰ After a 450% increase in the number of students opting out from the New York State tests in 2015, there was some indication that both NYSUT and the AFT were facing pressure to support the opt-out movement. Nonetheless, union leaders at the city, state and national levels continue to be equivocal on the issue and are hesitant to support teacher activists who speak out against testing. See Patrick Wall, “As NYSUT endorses testing opt-outs, city union holds back,” *Chalkbeat*, April 1, 2015. Accessed on May 17, 2015. <http://ny.chalkbeat.org/2015/04/01/as-nysut-leader-endorses-testing-opt-outs-city-teachers-union-walks-a-fine-line/>

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