



WHAT THE LEGISLATURE CAN DO

Legislators play a unique role in the education policy landscape. They can make change not only by passing legislation, but also by investigating problems and educating the public about issues. Legislators are most helpful to educators when they play to their strengths by focusing on setting broad policy goals and providing the resources to achieve those goals, rather than veering into functions best left to an executive agency or a school district.

TO INCREASE TRANSPARENCY



Avoid adding to the confusion with overblown rhetoric about testing. Politics often does not lend itself to measured commentary on complex and arcane topics like testing. Nonetheless, legislators can create more public understanding by avoiding blanket statements about testing that no one has yet proven.



Investigate testing practices in the districts that they represent. Knowing about the unique practices of each school district will give legislators context for parental or educator complaints and may suggest local solutions that can be more effective than broad or blunt state policy changes. After carefully examining each district's data in this study, we recommended different solutions to each. For Sunset, for example, we recommended reducing the length of each district benchmark test. If we had suggested a state policy requiring every district to reduce nine-weeks testing time, however, we would not have solved Overton's biggest problem, which was having duplicative progress-monitoring tests in every grade. Legislators should understand the nuance of the testing issue through concrete examples in order to make effective policy.

TO PUT TESTING IN ITS APPROPRIATE PLACE



Leave vendor testing decisions to MDE. For the last few years, at least one legislator has filed a bill each session to dictate the vendor for state testing. The 2018 efforts by Representative Tom Miles and Representative Gary Chism died on committee day without a hearing. Although both bills were widely characterized as replacing only the four high school subject-area tests with the ACT college entrance exam, Rep. Miles's bill would have also replaced ELA and math state tests in grades 3-8 with the ACT Aspire products. In February 2017, the U.S. Department of Education questioned whether Alabama, one of three states in the country which used ACT Aspire for state testing, could show that the ACT Aspire aligned to Alabama's state standards, which are very similar to Mississippi's.¹ Alabama voted to end its ACT Aspire contract in June 2017, citing problems with ACT Aspire as a vendor.² Currently, Arkansas and Wisconsin are the only states using ACT Aspire for accountability. Both states use the test for grades 3-10, but neither state has yet passed peer review for its use of the ACT Aspire.

¹ U.S. Department of Education, letter to the Honorable Michael Sentence, Alabama State Department of Education, January 6, 2017. Accessed March 27, 2018. <https://www2.ed.gov/admins/lead/account/nclbfinalassess/al6.pdf>.

² Aubuchon, Alex, and the Associated Press. 2017. "Alabama Drops ACT Aspire Test." *Alabama Public Radio*, June 22. <http://apr.org/post/alabama-drops-act-aspiretest#stream/0>.

The ACT college entrance exam has also not yet been approved through peer review for primary accountability use in any state. In early 2017, the U.S. Department of Education questioned whether the ACT college entrance exam was aligned to high school standards in Wisconsin and Wyoming.³ Both Wisconsin and Wyoming have similar ELA and math standards to Mississippi's. National alignment studies show clear problems with using the ACT in this way.⁴ For example, January 2018 research comparing the ACT and Florida's state standards, which are also similar to Mississippi's, revealed that the ACT was not well aligned.⁵ If Mississippi were to adopt the ACT as its high school exam or if Mississippi were to allow districts the flexibility to choose ACT as the exam, Mississippi would have to produce independent technical documents demonstrating ACT's alignment to our state standards and its suitability for use as an accountability test.⁶ While no state has been approved to use the ACT for accountability, North Dakota applied for a waiver of the peer review process in February 2018 in order to allow districts to choose ACT over North Dakota's high school exam this year. That waiver was granted on March 5, 2018, but North Dakota must complete peer review prior to 2019 in order to continue this practice.⁷ Even if North Dakota successfully completes peer review, it is no guarantee that Mississippi will.

Not only did Rep. Chism's bill replace current high school tests with the ACT, it also explicitly made a minimum score on the ACT a requirement for graduation. Setting and requiring a cut-score on a college-readiness exam as a basis for high school graduation when not all students intend to pursue college is inherently problematic. ACT has further stated that its exam is not intended for use as a high school exit exam.⁸ A more appropriate use of the ACT is how Mississippi is using it now—to demonstrate college readiness.

Lastly, the issue of adopting a test via legislation is problematic beyond whether or not the ACT or ACT Aspire are specifically appropriate. Legislators are often not in the best position to understand and weigh all of the complex factors that must be part of the decision about which test to adopt. With the ACT, for example, there are a number of key technical issues to consider, including the ACT's inability to differentiate among student scores lower than a 12 and its challenges with testing children with disabilities who require accommodations. Furthermore, sole-source contracting via legislation opens a lot of ethical questions. Contracting via a request for proposals is a job best left to a state agency like MDE, with appropriate oversight.

 **Appropriate funds allowing MDE to help districts audit and redesign their testing practices.** MDE is frequently called upon to assume new duties or re-prioritize their work based on changing conditions, but these requests rarely come with the resources to support the new work. While MDE can likely re-allocate some funding to support this technical assistance, the legislature should boost MDE's budget for this purpose to prevent the Department from having to reduce its effectiveness in another area.

TO END THE OVER RELIANCE ON TEST PREP

 **Create a taskforce to study inequities in access to instructional time across districts.** Districts engaged in over-testing or long test-prep periods rob their students of instructional time best dedicated to learning new material well in the first place. It is not at all clear to us from this research that regulating testing time as Rep. Guice sought to do in his 2017 bill would be the best solution, as the appropriate amount of time for testing is context dependent. We recommend that the legislature convene a blue-ribbon panel to determine the scope and causes of the problem before settling on a solution.

³ Gewertz, Catherine. 2017. "U.S. Ed. Dept. Defers Approval of ACT for Accountability in Wyoming, Wisconsin." *Education Week*, January 20. http://blogs.edweek.org/edweek/high_school_and_beyond/2017/01/us_ed_dept_defers_approval_of_act_for_accountability_in_wyoming_wisconsin.html

⁴ Gewertz, Catherine. 2018. "Don't Use SAT and ACT as Your High School Tests, Study Urges." *Education Week*, March 13. <https://www.edweek.org/ew/articles/2018/03/13/dont-use-sat-and-act-as-your.html>.

⁵ Roeber, Ed, John Olson, and Barry Topol. 2018. *Feasibility of the Use of the ACT and SAT in Lieu of Florida Statewide Assessments: Volume 1: Final Report*. Research Report, Tallahassee, Florida: Assessment Solutions Group. Accessed March 27, 2018. <http://www.trbas.com/media/media/acrobat/2018-01/70109708365300-05065523.pdf>.

⁶ U.S. Department of Education, letter to State Assessment Directors and State Title I Directors, May 15, 2017. Accessed March 27, 2018. <https://www2.ed.gov/admins/lead/account/saa/locallyselected72117.pdf>.

⁷ U.S. Department of Education, letter to the Honorable Kirsten Baesler, North Dakota Department of Public Instruction, March 5, 2018. Accessed March 28, 2018. <https://www2.ed.gov/admins/lead/account/nclbfinalassess/nd5.pdf>.

⁸ Harris, Bracey. 2018. "Here's Why Mississippi Won't Swap Exit Exams for the ACT." *Clarion-Ledger*, January 31. <https://www.clarionledger.com/story/news/politics/2018/01/31/mississippi-keeps-exit-exams/1082389001/>.