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Introduction

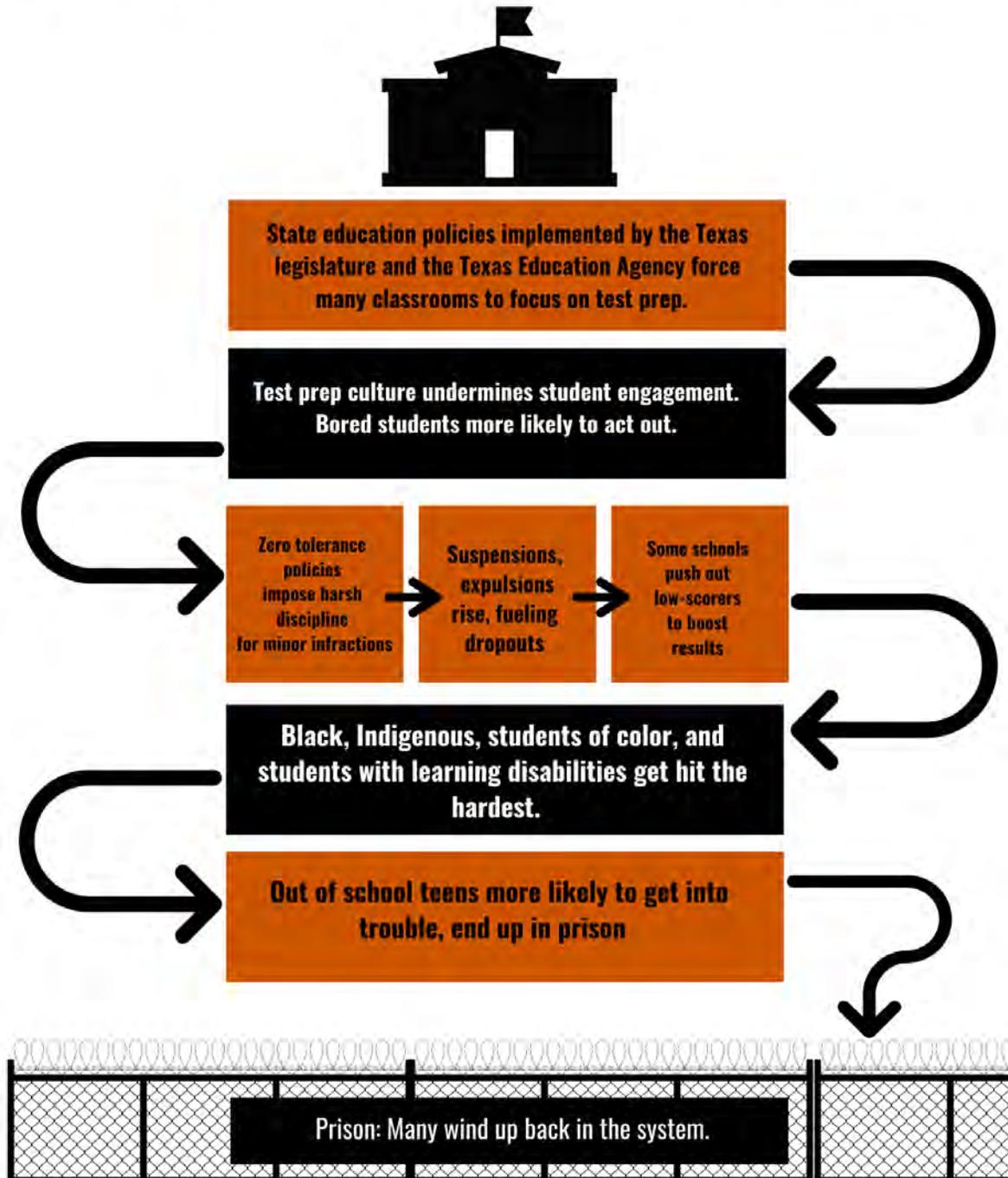
The Testing Industrial Complex (TIC) is a system (and at the same time a cycle) in which high stakes standardized testing fuels neoliberal education reforms and vice versa (Roberts, 2015; Croft et al., 2015). These “reforms” and cycles have monetized for profit the public education system in which curriculum, students, and teachers have been packaged and sold for corporate profit. The Prison Industrial Complex (PIC) is a system in which inmates, which are disproportionately Black, Indigenous, people of color (BIPOC), are packaged then sold to private corporations for profit (Alexander, 2010; Davis & Shaylor, 2001). This policy brief examines two systems - the Testing Industrial Complex and the Prison Industrial Complex - and how they directly impact students in the state of Texas and the U.S. (see Figure 1). In detail below, we examine two alternatives particularly worthy of consideration: a) multiple measures accountability and b) evidence-based interventions. We close with policy recommendations for state-level policy makers and school leaders.

The Prison Industrial Complex

The Prison Industrial Complex (PIC) was created in the aftermath of slavery in the United States (Gilmore, 2000; Heiner, 2007; Stevenson, 2019; Wacquant, 2002). In the words of Dr. Angela Y. Davis, the U.S. went “from the prison of slavery to the slavery of prison” (Heiner, 2007, p. 221). The PIC has historical origins that date back to a post-civil war era that replaced slave labor with inmate labor. Within this model, slave plantations were replaced by contemporary prison farms (and thus cheap prison labor) that disproportionately consisted of African American inmates, and in current times continues to consist mainly of BIPOC (Roberts, 2015). Roberts (2015) states that the PIC is a system that resembles commerce in that it involves buying and selling cheap prisoner labor (p. 155). In fact, in 1979 the United States government passed the Justice System Improvement Act which allowed U.S. corporations to pay prisoners far less than minimum wage nor do they have to follow workers’ rights (Roberts, 2015). Many large corporations rely on prison labor to perform duties that were once solely handled by the government for financial gain (Gordon, 1999). According to data by Market research firm IBISWorld, private correctional facilities are a \$4.8 billion dollar industry, with profits of \$629 million (White, 2015). GEO Inc, which holds roughly 37-28 percent of the industries market, reported that they also operate correctional facilities in a number of countries overseas however, more specifically, two-thirds of its profits comes from correction and detention facilities in the U.S. (White, 2015). An analysis written by Bryan Stevenson in *The New York Times* confirmed that the United States has the highest rate of incarceration of any nation on Earth (2019). Stevenson (2019) estimates that the United States represents “4 percent of the planet’s population but 22 percent of its imprisoned.” He goes on to state that in the early 1970s prisons held fewer than 300,000 people and that number has grown to more than 2.2 million in prison with 4.5 million on probation or parole.

Figure 1

How High-Stakes Testing feeds the School-to-Prison pipeline in Texas



Note: How high-stakes testing feeds into the school-to-prison pipeline. This model is an aggregate from the works of Alexander (2010). Davis & Shaylor (2001), Roberts (2015) Croft, Roberts, & Stenhouse (2015)

The Testing Industrial Complex

The Testing Industrial Complex (TIC) is not only a system, but it also involves cyclical patterns where high stakes standardized testing sustains neoliberal education reforms¹. This neoliberal logic monetizes the public education system where the many elements of schooling like curriculum, assessments, and even students and teachers are bargained for corporate profit (Roberts, 2015). The United States education system allows large corporations to profit off of students and teachers by sustaining an entire testing industry that forces teachers to teach a narrow curriculum where students learn to memorize and fill in circles and learn little to no critical skills. According to Croft, Roberts, and Stenhouse (2015), the TIC mirrors the PIC, such as both incorporate the:

(a) use of surveillance and unwarranted policing to feed punitive reform measures used to solve what are in reality economic, social, and political problems, (b) confluence of bureaucratic, political, economic and racialized interests with the underlying purpose of diverting profits from public entities to private corporations; (c) increases in high stakes outcomes; and (d) a perception that the complex is practically impossible to dismantle (p. 73)

High-Stakes Testing

In the last twenty years, the United States federal government has dramatically escalated the demand for centralized accountability in the United States public education system. The concept of high-stakes testing was birthed as a direct result of this demand (Altshuler and Schmautz, 2006; Kamenetz, 2015). From the passage of No Child Left Behind (NCLB) Act in 2001 passed by the Bush administration to Every Student Succeeds Act (ESSA) in 2015 passed by the Obama administration both required states to test students in reading and math once a year in grades 3 through 8, test once in high school, and additionally tests students once in science in grade school, middle school and high school (U.S. Department of Education, ESSA; U.S. Department of Education NCLB). Both NCLB and ESSA as federal K-12 general education policies were intended to reform the education system and improve student achievement however, they mostly demanded strict accountability via high stakes testing for results of student achievement without the necessary infrastructure nor resources to accomplish this goal. These tests are labeled high-stakes due to the fact that individual student scores and overall school scores are tied to individual promotion, graduation, or momentary allotments to schools or systems (Altshuler and Schmautz, 2006; Kamenetz, 2015; Ritt, 2016). Before the practice of high stakes, consequence-based testing becomes further embedded and normalized in our schools we need to consider the specific effects of such testing on students.

Studies indicate that there is no consistent evidence to suggest that high-stakes testing leads to increases in student learning and achievement (Cannell, 1988; Camilli, 2000; Haney, 2000; Jacob, 2001; Linn et. al., 1990; Marchant and Paulson, 2005; Shepard, 1990). In fact, a review of the literature outlines that high stakes testing has negative impacts on learning environments (Ritt, 2016; Rushton and Juola-Rushton, 2008) and student learning/achievement (Amrein et al., 2002; Amrein and Berliner, 2003; Nichols, et al., 2006; Nichols, et. al., 2012). Empirical evidence suggest that increased high

¹ Neoliberalism refers to the market-oriented reform laws and policies that “eliminate price controls, deregulating capital markets, lowering trade barriers” and drastically decreasing the governments influence of the economy and public services (Boas & Gans-Morse, 2009). In other words, neoliberalism is an effort to privatize public services such as hospitals, education, transportation, social security. The application of neoliberal values to education reform can be quite problematic considering that by privatizing education it shifts the responsibility for high quality education from the state to the individual (Brathwaite, 2016). Neoliberalism in education thus ignores the systematic and structural inequalities that persist in public schools.

stakes test scores do not equate to increased learning (Cannell, 1989; Korte, et al., 1996). Additionally, other studies have found that high stakes testing have colossal negative impacts for low income and students of color (Au, 2016; Horn, 2010; McNeil, 2000; Pierre, 2016, Zabala, 2007). Ample research has demonstrated that both Black (Lee, 1998; Madaus and Clarke, 2001; Roth et al., 2001) and Latin(o/a/x) (Altshuler and Schmautz, 2006; Valenzuela, 2005) students experience bias from standardized testing. The fact that Black and Latinx students are more likely to have negative impacts from standardized testing is particularly concerning since students who fail such exams are more likely to drop out of high school and have a statistically higher rate of ending up in prison (Au, 2016; Darling-Hammond, 2007, Rios, 2011). Thus, standardized testing can lead to traumatic consequences for Black and Brown students and their families and communities.

High-Stakes State Testing and Texas

In 1979, the state of Texas implemented a statewide testing program that changes periodically to comply with state/federal mandates and rulemaking from the state's primary oversight agency, the Texas Education Agency (TEA). Since its inception, the Texas statewide testing system has steadily grown in size, scope, and rigor. When it was first implemented in 1979 the Texas assessment program required that students take basic skills competencies in mathematics, reading, and writing for grades three, five, and nine (Texas Education Agency, 2008). Presently, the statewide testing program is titled the State of Texas Assessment of Academic Readiness (STARR) and was first implemented in spring 2012. As of today (due to COVID-19 these requirements will most likely change for the 2021-22 school year), it includes annual assessment for:

- reading and mathematics, grades 3-8
- writing, grades 4 and 7
- science, grades 5 and 8
- social science, grade 8
- end-of-course assessment for English I, English II, Algebra I, Biology, and U.S. History.

Therefore, the state and TEA require that students take STARR exams a total of 15 times between third and ninth grade (Texas Education Agency, 2007-2020). Additionally, TEA requires students in fifth and eighth grade to pass the STAAR exam to be able to advance into the next grade level².

The Intersectionality of High-Stakes Testing, Texas, and Capitalism

As previously mentioned, standardized testing companies are siphoning millions of dollars from students, teachers, and communities across the country, with little evidence that these systems are improving student performance, closing achievement gaps, or motivating teacher improvement. In the year 2000, PBS reported that, "while test sales in 1955 were \$7 million (in 1998 dollars), that figure was \$263 million in 1997, an increase of more than 3,000 percent." Thirteen years later, the London-based Pearson Company secured a five-year contract with TEA for \$468 million dollars to provide state assessments (Smith, 2013). In 2015, TEA announced that it would be switching over to the

² It is important to note that because of the COVID-19 pandemic, Texas Governor Greg Abbot announced that grade promotion's dependence on passing the STAAR exam is waived for the 2020-2021 school year (Office of the Texas Governor-Greg Abbott, 2020). However, for the 2020-2021 school year Texas education officials decided to administer the STARR exam in person during COVID-19 (Agnew & Bohra, 2021).

Education Testing Services (ETS) to develop and administer the state-required exams. TEA paid ETS a total of \$468 million dollars for the five-year contract (Smith, 2015; Texas Education Agency ETS Contract, 2016). In line with this, *The Washington Post's* Valerie Strauss (2015) revealed that collectively, Pearson, ETS, Houghton Mifflin Harcourt, and McGraw-Hill have spent more than \$20 million dollars lobbying in states and on Capitol Hill from 2009 to 2014. Strauss also reported that ETS's outgoing president Kurt Landgraf received more than \$1.3 million dollars in total compensation in 2013. There is no evidence that adding more standardized tests increases student learning and achievement (Cannell, 1988; Camilli, 2000; Haney, 2000; Jacob, 2001; Linn et. al., 1990; Marchant and Paulson, 2005, Shepard, 1990). On the other hand, we have plenty of evidence that increasing testing is very profitable for those who sell the tests and supply the infrastructure (Alexander, 2010; Davis & Shaylor, 2001; Roberts, 2015). Testing fever will end only when the greed of the standardized-testing-industrial complex is satisfied--in other words, never. In the next section, we will offer alternatives to standardized testing supported by a large body of education research.

Beyond High-Stakes Standardized Testing

Multiple Measures Accountability

A number of educational scholars have argued that states need to evaluate all students beyond test scores and should implement the use of multiple measures for accountability (Cook-Harvey et al., 2016; Darling-Hammond et al., 2016; Egalite et al., 2017; Mathis, 2015; Mathis & Trujillo, 2016; Penuel et al., 2016). One of the main criticisms regarding a test-based model is that standardized testing does not measure all the important aspects of a successful school and student learning (Gipps, 1999; Hartman et al., 2017; Mathis, 2015; Mathis & Trujillo, 2016). This claim, combined with the backlash and testing fatigue from students and parents against what they consider to be excessive testing, has led to the organic development of demands for “multiple measures” state accountability systems (Mathis, 2015; Segool et al., 2013).

Mathis (2015) defined multiple measures as “a more comprehensive set of measures [that] will more validly capture the broader set of cognitive and affective learning goals for schooling” (p. 2). Advocates of multiple measures speak of a “dashboard” composed of data on elements such as truancy, graduation rates, and disciplinary referrals (Mathis & Trujillo, 2016), while other scholars have called for aggregation of data on chronic absenteeism, student safety, risky behaviors, and belonging (Penuel et al., 2016). In a report in collaboration with the Learning Policy Institute, Cook-Harvey et al. (2016) thoroughly outlined potential indicators for a multiple measures system, including but not limited to the following (see Table 1):

Table 1

Potential Indicators for a Multiple Measures System

Graduation/school progress	<ul style="list-style-type: none"> • Fourth, fifth, and sixth grade cohort graduation rates • Proportion of 8th graders that progress into the 9th grade • Drop out rates
Career and College Readiness	<ul style="list-style-type: none"> • Proportion of students completing college preparatory coursework and/or improved technical education (CTE) sequence or both. • Proportion of students meeting standard and graduation portfolios, industry-approved certificates, licenses, or badges recognized by post-secondary institutions.
Access to Resources	<ul style="list-style-type: none"> • Ratios of students to counselors and specialists • Teacher qualifications • Safe and adequate facilities
School Climate	<ul style="list-style-type: none"> • Evidence from students and staff surveys about school offerings, instruction, supports, trust, and belonging.
Student Participation	<ul style="list-style-type: none"> • Average daily attendance/chronic absenteeism rates • Suspension and expulsion rates

Other educational scholars argue that the state of Texas should implement authentic assessments designed to meet the needs of all students, which include project and portfolio-based assessments, and that schools and school districts should create Individual Graduation Committees (IGCs) which can also serve as a way to increase high school graduation rates (Hartman et al, 2017).

Multiple Measures Accountability and Federal ESSA

Multiple measures accountability, authentic assessments, and project-based and portfolio-based assessments are in full compliance with the Federal Every Student Succeeds Act (ESSA) of 2015. ESSA outlines that states must “involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may particularly be delivered in the form of portfolios projects or extended performance tasks” (§ 1177-25). In other words, ESSA requires multiple measures for accountability, giving states the option of evaluating students using more than single-measure test score gains (Cook-Harvey et al., 2016, p. 1; Egalite et al., 2017, p. 767). ESSA (2015) explicitly allows states and school districts to go beyond standardized testing and allows the use of portfolios, projects, or extended-performance tasks as well as adaptive assessments as part of state systems (§ 1177-25). However, the state of Texas does not currently employ this approach. Instead, the TEA continues to test students using single measure, standardized, high stakes testing programs despite the clear recommendations outlined by scholars and advocates rooted in significant concerns about the inefficiency, ineffectiveness, and inequity of the current testing system. Education scholars have advised school leaders, via research scholarship, to diversity accountability indicators for

students in order to create an equitable education system (Cook-Harvey et al., 2016; Darling-Hammond et al., 2016; Egalite et al., 2017; Mathis, 2015; Mathis & Trujillo, 2016; Penuel et al., 2016).

Evidence Based Interventions

Per federal regulations outlined by ESSA, policy makers and school leaders must use research-based practices to improve the education system for students (Callahan & Hopkins, 2017, p. 762; Dynnar-ski, 2015, p. 1; Egalite et al., 2017). If implemented well with the sufficient allocation of resources this can improve student performance, reduce educational disparities, and increase graduation rates for all students. ESSA states that local education agencies must utilize “evidence-based interven-tions” in order to receive federal funding (Callahan & Hopkins, 2017, p. 762; Cook-Harvey, Darling-Hammond et al., 2016). As such, ESSA (2015) defines “evidence-based interventions” as programs “that demonstrate a rationale based on high quality research findings or positive evaluation that [shows they are] likely to improve student outcomes... and... includes ongoing efforts to examine... effects” (Every Student Succeeds Act, 2015). Penuel et al., (2016) have urged policymakers, school administrators, and teachers to identify multiple evidence-based studies and resources to make sure that new accountability policies measure what they are intended to measure. Equally important, they strongly recommended that school leaders and administrators gather the evidence and studies ahead of time to correctly implement such practices.

Callahan and Hopkins (2017) argue that ESSA’s definition of “evidence-based interventions” aligns with the requirements that emerged from the *Castaneda vs. Pickard* (1981) decision that was tried in the United States District Court for Southern District in Texas. Although *Castaneda vs. Pickard* (1981) focused primarily on English Learner students, it established a three-part assessment for determining if education programs are 1) based on sound educational research and theory, 2) well-implemented with sufficient resources and personnel, and 3) evaluated regularly to ensure progress towards lin-guistic and academic goals. These criteria define “evidence-based interventions” that meet the re-quirements established henceforth by the Equal Education Opportunities Act of 1974. Using *Cas-taneda vs. Pickard* (1981) evidence-based framework, below we outline policy recommendations de-rived from the review of educational research presented above.

Policy Recommendations for Texas State-level Policymakers

- End assessment contracts with for-profit corporations that produce and administer stand-ardized tests
- Involve multiple stakeholders (students, teachers, the community, families, parents, policy-makers, and educational scholars) in the design and implementation of a state evaluation program.
- Texas policymakers, TEA, and school districts apply a stringent criterion when adopting in-terventions. Employ high quality peer-reviewed research findings moving forward.
- Per the Federal Every Student Succeeds Act (2015), implement multiple measures accounta-bility that goes beyond single-measure, high stakes standardized testing.
- Texas policymakers, TEA, and school leaders/administrators should establish, develop, and train school teams that collect and analyze both quantitative and qualitative data. Prioritize schools with the most need and least resources.

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