

In Brief

- California public school testing regulations.
- California teacher credential regulations.
- 'No Child Left Behind' regulations.

California public school assessment regulations:

STAR - CAHSEE - API

The State of California's accountability system for the purpose of ranking public schools and assessing student performance is called *Standardized Testing And Reporting or STAR*. It requires annual testing of public school students using two tests: the *California Standards Test (CST)* and the *California Achievement Test 6th Edition (CAT/6)*.

CST tests are linked to what the state calls 'content standards.' These 'standards' are not general goals, principles or benchmarks. Rather, they are specifications of the course content, the body of knowledge and skills required to be mastered by students at each grade level in all basic school subjects. Little discretion about what and how to teach is left to schools, the districts, local community, teachers, and other school and community based educational professionals.

CST tests are currently given in English language and mathematics in grades 2 to 11 in the late spring of each academic year. A writing test that is a part of the English language test is given in grades 4 and 7. Social science-history is tested in grades 8 and 10, and science in grades 5, 9, 10, and 11. Recent legislation authorizes STAR testing for second graders only until July 2007. This was a concession to objections voiced by parents, child development experts and teachers that the use of standardized testing as the sole or primary indicator of educational quality and student learning is counterproductive to sound teaching and learning practices particularly in the kindergarten and early grades. Upon signing the legislation Governor Schwarzenegger released a statement to the effect that testing second graders was vital to California's and the nation's economic future and he intends to propose extension of testing for second graders beyond 2007.

CST tests are classified by the testing experts as 'criterion referenced' tests. This means that scores that indicate what is an acceptable level of performance are set according to some agreed upon cut scores for passing and indicating level of proficiency. CST proficiency level and passing scores are set by state appointed panels composed of educators, subject matter experts, administrators, and teachers. The panels are presented with pools of multiple-choice test items (including answers) developed by Educational Testing Service (ETS), the test contractor, Panel members are asked to rank the level of difficulty of the test items, and give their opinions about how many of the items must be answered correctly in order to establish an acceptable level proficiency. The cut off scores are submitted for approval to the State Board of Education an eleven member body appointed by the governor. Note that cut off scores are *not* based on an individual's actual performance in the subject area being assessed. It is difficult for many people to fully grasp the fact that there is no evidence whatsoever that an individual's test score on a CST mathematics or reading test bears any relationship to their actual ability to do math or read.

CAT/6 tests are given in grades 3 and 7 in reading-language arts, math, and spelling. California's CAT/6 is a shortened version of the *California Achievement Test, sixth edition*, a commercially produced, 'norm referenced' test. What 'norm referenced' means is that test makers construct the tests in such a way that student scores will fall along a bell shaped or 'normal curve' with one half of the scores falling below the mean and half above. The distribution of scores above and below the mean are set by a statistical formula. Test scores are expressed in terms of grade level or percentile rank. This makes it possible to rank order and compare the scores of any individual, classroom, school district or state with any other and to a national sample of students who have taken a version of the same test. It is important to note that the CAT/6 grade-level norms are not grounded in actual performance that is on any demonstration or record of what students actually know or are capable of doing at that grade level.

While CST/6 tests are not timed, they take about nine to fifteen hours depending on grade level. Testing consumes two school weeks or more not including time spent on test preparation. The tests are timed at 2 1/2 hours.

Parents have the unqualified right to exempt their children from all STAR tests by informing the principal in writing. They need give no reasons for their decision. The state, however, requires that 90% of students in a school take the STAR tests in order for the school to receive an API ranking. The federal government requires 95% take the state mandated STAR tests in order to calculate a school's AYP, or Adequate Yearly Progress. (See below for explanations of API and AYP.) The pressures on children to take the tests are enormous particularly in school in areas that serve children who are poor and who are disproportionately African-American, Latino, and recent immigrants whose primary language is not English.

Severely handicapped students may be eligible to take *California Alternate Performance Assessment* or CAPA in lieu of STAR tests. Eligibility is very limited because the regulations arbitrarily limit CAPA tests to one half of 1% of the school population.

The STAR program also mandates the Spanish Assessment of Basic Education or SABE/2, a norm referenced test of language, math, and spelling in Spanish for Spanish-speaking students. It is given to children of recent immigrants whose first language is Spanish. SABE/2 results are *not* used for calculating the API or AYP and test results are therefore widely ignored.

CAHSEE: California High School Exit Examination

This is an untimed, approximately 6 1/2 hour standardized 'criterion referenced' tests in English and mathematics. The test items are tied to a state's 'content standards.' Cut scores are determined by approximately the same process used for the CST. CAHSEE was developed as a requirement for high school graduation. However the State Board of Education, bowing to strong public pressure, delayed its use as a requirement until 2005-2006 academic year. CAHSEE test results are used along with STAR test results to calculate a high schools' Academic Performance Index or API. Students are given several opportunities to pass. Students who choose not to take the test or fail it can take the GED to qualify for a high school diploma.

All STAR and CAHSEE tests are multiple-choice format with the exception of the CST writing tests.

API: The Academic Performance Index

CAHSEE, CST, and CAT/6 scores are converted statistically to produce a school's API or *Academic Performance Index*. The API is used to rank order all the public schools in the State for the purpose of identifying and sanctioning low scoring schools and teachers. Schools are ranked on a scale of 200 to a high of 1000 with 800 set as the minimally acceptable score. Schools are assigned to one of three tiers based on family income and within each tier ranked 1-10 based on test score. This three tier system was created in response to widespread criticism that it is grossly unfair to employ the same scale to compare, for example, the bare bones funded public schools of East Palo Alto, populated mostly by poor Latinos and African-Americans, to the well provisioned public schools of Palo Alto, its nearby affluent neighbor. Advocates for high stakes standardized tests claim that all students in California are held to the same standard. This is false, The practical effect of the three tier policy is to set lower test score expectations for schools that primarily serve children of color, the poor and recent immigrants.

To avoid sanctions, schools must achieve API targets set by the State. Schools that fall short of annual API targets are branded as failed schools and subject to sanctions or 'corrective action'. They are listed on the California Department of Education 'program improvement' web page. These schools are legally entitled and required to receive expert help from the State in order to help them meet the required API targets. In fact many schools never receive this aid. Schools that do not reach API targets for three successive years are subject to closure and 'reconstitution'. This means that principals, teachers and school staff are dismissed or 'reassigned' and the management of the reconstituted schools passes to the state and/or is subcontracted to an EMO, an education management organization, the education counterpart to a HMO. *Note that schools may meet or exceed California's API targets but nevertheless be designated as failing according to federal rules for calculating Adequate Yearly Progress or AYP. (See No Child Left Behind regulations below.)*

California teacher credential regulations

Before 1998 an applicant to an elementary teacher credential program at a California university or college were required to complete a Liberal Studies major or an equivalent program with an average of B or better, or to have passed a battery of standardized tests in their teaching subject area(s). Applicants for a secondary credential were required to complete a major in their teaching field(s) with a B or better record, or pass a standardized test in their teaching field(s). All were expected to complete a BA prior to admission to a teacher education program that met standards requirements set by the *California Commission on Teacher Credentialing*. Programs included courses on social foundations of education, psychology of teaching and learning, teaching reading, linguistic and cultural diversity, and the equivalent of a semester of supervised student teaching. (Bilingual and special education teachers are required to meet a host of other requirements.). In 1983 passing CBEST, a standardized basic English literacy, writing, and math test was added by the State as a precondition for admission to a teacher credential program. This eliminated from the initial pool of otherwise qualified candidates an estimated 60%, of African-Americans, 50% of Latinos, 47% of Asian-Americans, and 20% white Americans.

In 1998 the legislature passed Senate Bill 2042 which required colleges and universities in California to remake their teacher education programs. The requirement that candidates earn a BA before admission to a credential program was discarded. The Act requires that programs be in

compliance with a set of thirteen 'Teacher Performance Expectations' (TPEs) written by experts and consultants selected by the State Department of Education with some input from education professionals and the public.

On their face there is nothing apparently controversial in the language of these broadly stated standards or TPEs. What, however, is remarkable and controversial is the extraordinary degree of state control over what these mean in practice. For each TPE there is an extensive catalogue of skills, abilities, and bodies of knowledge set out in detail for satisfying that standard. In addition, regulations issued by the *Commission on Teacher Credentialing* specify in even greater detail the expectations (TPEs) that each candidate must meet to be eligible for a teaching credential.

The State mandates that each teacher education program assess whether credential candidates are prepared to teach the State mandated curriculum (or 'content standards'), take the STAR tests, and the California High School Exit Exam (CAHSEE). All institutions offering credential programs must devise TPA's or 'Teacher Performance Assessments' to insure that each teacher credential candidate meets the TPE's (or Teacher Performance Expectations). All course descriptions and proposed assessment tasks must also be submitted to State officials for approval.

The flaws of the Act are readily apparent. The law states that none of the provisions are to take effect unless State funds are appropriated for implementing its provisions. In the almost eight years since the law was passed, no state funds have been allocated for developing the TPA's, nor the data management systems needed for recording and maintaining records and reporting results as is required by statute. Virtually all funds allocated were directed to the California Department of Education bureaucracy for training and administrative purposes. In the face of massive cuts in the education budget, State officials have turned to what they call 'voluntary' compliance' by programs. In fact, institutions and teacher educators are coerced to comply, reshuffling and standardizing courses, and diverting faculty and institutional resources to satisfying the State's teacher assessment regulations which have no demonstrable educational benefits.

The No Child Left Behind Act

History

The *No Child Left Behind Act (NCLB of 2001)* was signed into law January 8, 2002 by George W. Bush. It renamed and amended ESEA, the Elementary and Secondary Education Act of 1965, the centerpiece of the Kennedy-Johnson war on poverty in the 1960's aimed at increasing educational opportunities for children of the poor. The Act has been amended and reauthorized every five to seven years since 1965 and its scope vastly broadened. It authorizes aid to Indian education, teacher training, early literacy, school libraries, bilingual education, technology, school safety, and charter schools. NCLB Act runs almost 1000 pages and the terrain it covers is so vast that it is impossible to summarize in several paragraphs. The following is a selective summary of its contents.

Title I is considered the flagship of the Act. In 2004 \$12.5 billion in Title I funds were provided to schools that serve low-income children in approximately 53% of the nation's public schools. Almost 65% percent of children in these schools are of color, the great majority African-American and Latino.

What's in NCLB?

The two primary goals claimed for the act are:

- 1) to raise high academic standards for all students
- 2) 2) to insure that there are 'highly qualified' teachers in every U.S. classroom.

States are expected to adopt a *system of accountability* with the following elements:

Academic Standards. States must adopt 'content' standards' that must be certified by federal authorities as in compliance with NCLB regulations. In effect, NCLB federalizes the nation's curriculum, shifting power to shape curriculum and teaching from teachers, principals and local authorities to federal and state bureaucrats and elected officials.

Annual Testing. Beginning with the 2005-06 school year, students are to be assessed in reading and mathematics in grades 3-8. (There are limited exemptions for physically and learning disabled students). States select or design their own assessments that must be in alignment with the state's content standards. 95% of the students in a school are required to take the state mandated tests.

Beginning 2007-08 states are expected to administer annual tests in science, once during elementary, middle, and high school A sample of 4th and 8th graders in each state is also required to participate in the National Assessment of Educational Progress tests (NAEP) in reading and mathematics every other year. These results are intended to be used to 'calibrate' test results across states thereby establishing a *de facto* standardized national curriculum.

Adequate Yearly Progress (AYP) and Sanctions All students in all schools are expected to score at the 'proficient' level in reading and math by 2014, and all schools are expected to make 'Adequate Yearly Progress or AYP. This translates to gaining a specific number of test points each year in order to avoid federal government sanctions. Each of the fifty states uses its own system of testing and calculates the specific number of test points needed on the state's mandated tests to satisfy federal NCLB regulations. Schools falling short of their AYP targets for two consecutive years are considered failing. These schools are required to receive technical assistance from the state. Parents of children attending schools designated as failing are entitled to transfer their children to a school that currently meets or exceeds federal AYP targets. Transportation costs are subtracted from the failed schools' Title I funds. After three years of failing to make AYP targets, parents have the right to seek supplemental services for their child from private tutoring companies with tuition and transportation paid by the district and subtracted from the 'failing school's Title I funds. If a Title I supported school fails to make AYP targets for four consecutive years, the district is required to take 'corrective action', such as replacing the school principal and teaching staff, or adopting a new 'scientifically based' (i.e. government approved) curriculum. After five years of inadequate test score gains, a school is subject to 'reconstitution'. This usually means dismissing staff and re-opening as a charter school and/or under the management of the State or an EMO (Education Management Organization).

States have the responsibility for identifying schools needing improvement, and taking corrective action specified by federal regulations. If any one 'numerically significant' subgroup, based on class, ethnicity, race or learning disability (these are designated by federal regulation) within a given school fails to meet AYP targets, the entire school is considered as failing. The rule is waived if the failed subgroup makes 10% annual improvement. *Note that schools may be designated as successful under state rules for the API yet be classified as failures according to federal regulations for AYP.*

'Highly qualified teachers' By the 2005-06 school year, all teachers must be certified as 'highly qualified' by the federal government. 'Highly qualified' means that the individual hold a State Credential or license to

teach that certifies they are proficient in the subjects(s) they teach. Beginning in the 2002-03 school year, all new teachers in Title I schools were expected to have met NCLB 'highly qualified.' regulations. By the end 2005-06 school year all school teacher aides or paraprofessionals must have completed at least two years of college, hold at least an associate of arts or passed a test to 'demonstrate knowledge and teaching ability.' This requirement is already in place for newly hired paraprofessionals. All judgments about who is 'highly qualified' must be 'scientifically based'. *In practice this is established by standardized testing.*

'Reading First' and 'Scientifically-Based' teaching and learning *Reading First* is a Title I program newly authorized by the NCLB Act. It provides funds for curriculum materials and teacher training for grades K-3 for the teaching of reading. There is a provision that the methods or approaches used must be 'scientifically based'. Federal officials call the shots on what is considered 'scientifically based'. Currently the only research on schooling deemed 'scientific' by federal officials is very narrowly conceived experimental studies. Under current federal rules, most of the research in the cognitive sciences, anthropology, sociology, linguistics, learning, language development and social psychology does not qualify as scientific. The 'scientifically based' regulations are in the process of being extended to math and science curriculum. The effect of this definition of research is to pressure schools to abandon hands-on or experiential learning.

School prayer The federal Department of Education must provide guidance to states, districts, and the public to be revised every two years on 'constitutionally protected prayer' in schools. Also, districts must certify to their state education agencies that no state or local policy 'prevents or otherwise denies participation in constitutionally protected prayer.'

Military recruitment Schools must provide military recruiters access to students similar to that provided to college and job recruiters. This includes government access to basic student-contact information upon request. *Though parents have the legal right to exempt their children by submitting a request to their local school district, they are rarely informed of this right.* (Military recruiters often target schools in poor areas with high unemployment that are disproportionately African-American and Latino.)

Boy Scout Provision School or districts may not deny the Boy Scouts (or any other group listed as a patriotic society under the U.S. Code) access to schools for after-school meetings if other outside groups are allowed to use the facilities. The effect of this provision is to nullify numerous local and state anti-discrimination public accommodations statutes.

Take note

◆ *Section 1905 of the NCLB Act says that federal officials or employees may not 'mandate, direct, or control a state, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.'* **This provision is routinely ignored by the federal government and by state governments, which with few exceptions increasingly act as agents of the federal government.**

◆ *NCLB regulations are laid on top of existing state testing and credential regulations.*

◆ *There is no authorization in the NCLB Act for cutting off Title I funds from schools or districts for noncompliance or failure to make AYP (or API) targets.*

Shaping a message

Talking Points

1. NCLB aims to reform public education (the slogan is “raise standards”) by relying on high stakes tests that are linked to standardized, state mandated curriculum.. Final Judgments about school quality, teacher effectiveness, student academic achievement should never be based solely or primarily on results on standardized, multiple choice tests. Standardized tests are dated and deeply flawed technology and are untrustworthy. In one form or the other standardized testing has been used as an instrument of reform has for over a decade in California and other states. It has failed because using bad tests does not work. Claims by advocates that the scores have gone up and the plan is working are false.
2. It’s important to know that NCLB signed into law in 2002 is the newly sloganeered name for the reauthorization of 1965 Elementary and Secondary Act or ESEA. Currently ESEA (a.k.a NCLB) authorizes funds for Native American, education, teacher training, early literacy, school libraries, bilingual education, technology, school safety, and charter schools. Title I is considered the flagship of the Act providing \$12.5 billion to schools that serve low-income children. Over 53% of the nation’s public schools are eligible. Approximately 65% percent of students attending these schools are of color, mostly African-American and Latino.
3. What sets this revision of ESEA apart are the testing regulations and sanctions applied when schools fail to make “Adequate Yearly Progress” as measured by standardized tests. The imposition of testing regulations by NCLB represents a major move toward centralized government control over teaching and learning with less and less control in the hands of teachers, parents, students and local communities.. The regulations create a vast new territory for intrusive government intervention with numerous negative effects.
4. Four categories of effects of high stakes standardized testing:
 - a) **On teaching and learning.** It greatly narrows the curriculum, ignoring many vital areas of development and growth. It marginalizes the arts, community learning, civic education, health education, the role of emotion and feeling in education and ignores the multiplicity of ways that children and young adults learn and grow. It enforces conformity to government, state and federal, which is heavily dominated by big business interests. The role of teachers’ experience and knowledge is diminished and academic freedom is squelched
 - b) **It further stratifies schools by race and class.** The testing regulation in NCLB create new forms of educational apartheid --or tracking. Students who fail or anticipate failing leave school or are pushed out in massive numbers . We have the “Houston Effect” –a widening of the race and class achievement gap driven by an accountability scheme totally dominated by standardized tests. A major side effect of high stakes testing is widespread cynicism and cheating.
 - c) **It opens the door to rampant corporate exploitation of public schools .** Among the chief financial beneficiaries is a new industry of franchises to provide ‘supplementary educational services’ or tutoring to raise test scores. Schools that fail to meet federal AYP (Annual Yearly Progress) test targets for three years must pay for tutoring services from one of these companies paid for and subtracted from the school’s Title I funds. The other major financial winners are the big testing firms

such as ETS and McGraw Hill that hold the testing contracts and/or publish the textbooks and teaching materials that are specifically designed to meet government mandated curriculum.

d) **It undermines and destroys innovative schools and programs** that have a track record of success in their communities. A one size fits all measure of success enforces conformity which drives out experimentation and innovation and discourages developing alternatives to conventional schooling.

5. Two troubling provisions attached to NCLB:

Military recruitment Schools receiving NCLB funds must provide military recruiters access to students similar to that provided to college and job recruiters. This includes government access to basic student-contact information upon request. *Though students have a legal right to exempt themselves their local, they are rarely informed of this right and how to exercise it.*

Boy Scouts School or districts may not deny the Boy Scouts, or any other group listed as a “patriotic society” under the U.S. Code, access to schools for after-school meetings if other outside groups are allowed to use the facilities. The effect of this provision is to nullify local and state ant-discrimination public accommodations statutes.

6. Section 1905 of the NCLB Act says that federal officials or employees may not 'mandate, direct, or control a state, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.' ***This provision is ignored by the federal government and by state governments that with few exceptions increasingly act as enforcers of federal government regulations.***

7 NCLB regulations are laid on top of existing CA state testing and credential regulations.

8. *There no authorization in NCLB Act for cutting Title I funds from schools or districts for noncompliance or failure to make AYP (or API) targets. There is underway numerous court challenges to state and federal testing regulations.*

Source: hberlak@yahoo.com

Gerald Bracy: The Seven Deadly Absurdities of No Child Left Behind

1) NCLB uses the phrase “scientifically based research” 111 times and demands that such research support educational programs, but *no* scientifically based research—or any research--supports the law’s mandates.

2) NCLB lacks research support because NCLB depends solely on punishment. As schools fail to make arbitrary Adequate Yearly Progress (AYP), the law, in the grand tradition of the beatings will continue until morale improves imposes increasingly harsh sanctions. Even those who think punishment can motivate people would never use it as NCLB does.

3) NCLB punishes the entire school for the failures of the few, often the very few. If a school’s special education students fail to make AYP, the whole school fails. If a school’s English language learners fail to make AYP the whole school fails. If 95% of any group fails to show up on test day, the whole school fails. Most schools have 37 ways to fail (some California schools have more), only one way to succeed.

4) All students must be proficient in reading, math, and science by 2014. Testing expert Robert Linn of the University of Colorado projected it will take 61 years, 66 years, and 166 years, respectively, to get fourth-, eighth-, and twelfth-graders to the proficient level in math. Alas, Linn’s projections are wildly optimistic. A forthcoming journal article argues that the 100% proficient requirement is so irrational it is unconstitutional.

5) As a consequence of #3 and #4 above, California has projected that by the deadline year of 2014, NCLB will label 99 percent of its schools “failing.” California students don’t do all that well on tests, but Minnesota is one of the nation’s highest scoring states. Yet even Minnesota projects that 2014 will find 80 percent of its schools wanting.

Any school that fails to make AYP for two consecutive years must offer all students the option to transfer to a “successful” school. Thus, if a school’s special education students fail to make AYP one year and its English language learners fail the next year, the school must offer *all* students the “choice option” in spite of the fact that the school worked for the other 36 student categories.

6) In cities and rural areas, the choice option is a farce. This year, Chicago had 200,000 students eligible, but only 500 spaces for them. In New York, principals receiving some 8,000 transfers gave Chancellor Klein so much flack about the disruptions to their schools that Klein later limited the number of transfers to 1,000. In some rural areas “choice” means a two-hour drive each way and in parts of Hawaii and Alaska it means a plane ride.

7) The biggie: Schools alone cannot accomplish what NCLB requires. Many observers have noted that American schools are always failing because so much is expected of them. NCLB expects even more—it expects schools, all by themselves, to close the achievement gap between affluent and poor, majority and minority. This is ridiculous. The gap appears before school and between birth and age 18 children spend only 9 percent of their lives in schools.

Some of us have always seen NCLB as yet another Bush administration Orwellian Double Speak program. Under cover of its idealistic name, it aims to increase the use of vouchers, increase the privatization of public schools, transfer large sums of public funds to the private sector, reduce the size of the public sector, and weaken or destroy the teachers unions (two Democratic power bases). The primary beneficiaries of the law to date have been the testing companies, the test preparation companies, and companies that provide tutoring and other “Supplemental Educational Services” (for which the companies are in no way held accountable). Once we arrive at the time when failing schools can be “reconstituted,” the educational management companies such as Edison, Mosaica and the rest will move in on a grand scale. One can foresee the day when there are no publicly run schools left.

Source - <http://www.educationnews.org/an-interview-with-gerald-bracey.html>)

Does the No Child Left Behind Act Improve Schools and Increase Educational Opportunity?

The avowed purpose of the No Child Left Behind Act and state testing mandates is to raise standards of academic achievement. Lewis Gerstner, former IBM CEO, and chief advocate, justifies No Child Left Behind testing mandates as follows:

"We must establish clear goals and measure progress to them, articulate exactly what we expect from schools, teachers, principals, students and parents, ... provide rewards and incentives ... If the goals are not met enact stiff penalties --changing leadership, and even dismissing staff members in schools that aren't performing. All of this ...requires testing and assessment of both students and staff.

The logic of the testing requirements appears straightforward. Schooling is labor intensive and costly. Public expenditures for education, federal, state, and local, account for a large proportion of all domestic spending. Testing is needed to inject discipline and accountability to a system rife with bloated bureaucracy and incompetent or indifferent teachers and administrators. Furthermore, the argument runs, standardized testing advances equality of educational opportunity because the same high standards are set for all children regardless of parents' wealth, race, or ethnicity.

The dean of free market economists, Milton Friedman, adds another justification for standardizing curriculum aligned to standardized testing.

".... [T]he only way to make a major improvement in our educational system is through privatization to the point at which a substantial fraction of all educational service is rendered to individuals by private enterprises. Nothing else will destroy or even greatly weaken the power of the educational establishment —a necessary pre-condition for radical improvement in our educational system. ...[In addition,] the privatization of schooling would produce a new, highly active and profitable industry."

Privatization, or more precisely, corporatization of education requires significant returns on capital investment. Standardized measurement linked to standardized curriculum is viewed as essential for measuring productivity, affixing monetary value, and calculating annual gains and losses.

The technology of standardized testing is familiar. Tests are composed of 'items', each of which presents lines of text, mathematical problem, table, diagram, drawing, chart, photo, spoken text, etc. The test-taker's task is to choose the best answer from an array of four or five alternatives, and darken the corresponding bubble on an answer sheet or computer display. This technology trumps any and all other indices of educational success and failure

Deeper understanding, subtlety of thought, creativity, critical thinking, perseverance, leadership and sensibility about self and the world cannot be measured by multiple-choice technology. When NCLB and state sanctions are tied to standardized testing, the effects on curriculum, teaching, and learning are predictable and well documented. The curriculum shrinks and learning narrows, particularly in schools designated as failing or in danger of being designated as failing. Subjects and areas of study and forms

of learning –music, drama, the arts, social and moral development, physical education, oral language– that do not count when calculating a school’s ranking are ignored or marginalized.

Many acknowledge the limitations of academic achievement tests and grant the obvious –that a score on an academic achievement test and true academic achievement and growth are not one and the same. Yet in public discourse and in the press, even among some who are highly critical of NCLB, a school’s relative standing on academic achievement tests is taken as a reasonable, if not wholly adequate, indicator of school quality and teacher effectiveness. This careless use of language that confounds test scores with actual achievement, school quality, and teacher effectiveness is a major source of confusion in debates over educational policy and diverts the public’s and lawmakers’ attention away from addressing the social and educational problems we face as individuals, families, states, and nation.

The mindless and ubiquitous use of standardized tests as the sole measure of educational progress is as unjust as it is absurd. It has had the effect of labeling close to one third of the nation’s 91,400 schools as failing in 2002-3 based on the failure to make AYP (Annual Yearly Progress) targets set by NCLB regulations. It is estimated that if current rules hold, as many as 90% of schools in most states will be classified as failing in ten years. Irrevocable decisions are being made that shape the direction of the lives of many millions of individuals based on the score on a single standardized, multiple-choice test. Yet none of the tests used to calculate AYP are grounded in observed and documented academic ability or achievement.

Reliance on standardized tests affects all students and communities, but as numerous researchers have carefully documented, there is a particularly adverse impact on students and communities of color. Teachers and administrators in low scoring schools which disproportionately serve communities of color are under such extraordinary pressure to meet NCLB’s Annual Yearly Progress goals that those most likely to be first in line for a narrow and culturally truncated curriculum, and shrinking educational opportunities are the children of the poor, immigrants, and people of color. Because there is no evidence to support the claim that standardized tests are a valid and credible measure of academic achievement, these tests are a particularly invidious form of structural racism lending the cloak of science to policies and practices that have denied, and are continuing to deny, persons of color equal access to educational and job opportunities.

NCLB as well as state policies that mandate standardized testing technology tied to prescribed curriculum undermines democratic values and cultural diversity. Democracy can only be sustained by an informed, engaged public that possesses the inclination and critical skills to question political authority and public policy. The equating of quality schools with test scores has the effect of marginalizing, civic and anti-racist education, discussions of controversial topics and fundamental political and moral questions that are at the heart of living in a culturally diverse democratic society. Furthermore, at the core of democracy is the commitment that ordinary people should be able to exercise their right to participate fully in making decisions that affect their lives and the life of their communities. This includes control over the public schools that educate their children. No Child Left Behind and state standardized testing mandates shift political control of schools from local communities, local governing boards, parents and teachers to state and federal governments bureaucrats, test experts, and private contractors, who are distant from classrooms and everyday school life.

The future of assessment

Standardized testing now taken as a given in American education is an arcane form of information technology, a relic of the early years of the twentieth century. It was developed at the time when the mechanical hole punch and manual sorting with pins was state of the art information processing technology. While the statistics used for tallying and reporting results have become highly sophisticated, the multiple-choice technology of standardized testing has not changed since its invention. Among the more formidable obstructions to change in assessment policy is a belief, widely shared in this society, that whatever the deficiencies of standardized testing, there are no other practical ways to document educational progress, sort students, and evaluate teachers.

However, contrary to this widely held belief, there is no shortage of systematic evaluation methods for documenting and assessing teaching and school learning and for gauging the quality of academic and other forms of school learning. The digital microprocessor and desktop computer technology developed over in last fifteen years has transformed our technological capacity to collect and document students' writing, math, art, and a wide range of educational achievements without reducing them to a set of multiple-choice test scores. Though technology cannot replace human judgment, digital information technologies have enormous and as yet untapped potential for the development of information systems that foster democratic decision-making, and responsive, systematic, and locally conducted assessments. The current educational assessment policy, federal and state, must be reversed if we are to have a system of public education that serves our children, parents, and our communities, and strengthens rather than undermines our democratic institutions.

V 1.0 March 24 Drafted by Harold Berlak [hberlak@yahoo.com] a senior fellow at the Applied Research Center, Oakland CA [www.arc.org] and a fellow at the Educational Policy Unit, Arizona State University [http://educationanalysis.org/] May be reproduced and circulated.

Taking Action

• to resist the No Child Left Behind Act and California's high stakes testing policies

• to advance effective and fair democratic educational assessment

1. Testing Teach-ins; educating ourselves

Being well informed is a prerequisite to effective action to resist and reverse these policies.

Know the State's testing regulation and how they are being applied in your local schools.

Learn about your rights as students, teachers, parents and community members.

Learn about the multiple ways high stakes standardized testing degrades the quality of teaching and learning. Rather than raising standards, standardized testing depresses academic standards.

Learn how high stakes standardized testing technology manufactures educational inequalities and deepens the race and class divide,

Learn about the critical importance of "opportunity to learn" standards—the minimum requirements for resources, human and material, if all student are to have access to decent quality education

Learn about the availability of other fair and effective forms of educational assessment.

Educational activities include parent / teacher / student study groups, community forums, teach-ins, speaking and distributing information at professional, union and community meetings; providing information to others via email, list serves, etc.

2. Shaping public opinion

Public perception of the issues is heavily shaped by the way the press and mass media portray the issues. Corporate owned mainstream press support high stakes state and federal testing. There remain ways to have our voices heard in the media and internet.

Sponsor public forums on testing. Form a local TV and print media watchdog group to monitor and respond to the misinformation and distortions. with (300- 500 word) opinion pieces and letters to the editor. Speak out in your unions. Volunteer to participate in local public affairs talk shows. Publish on-line newsletters, distribute articles. Arrange press conferences.

3. Working to change legislation

The California Legislature this year passed three bills to mitigate the damage high-stakes testing. Schwarzenegger vetoed all three with the State Superintendent Jack O'Connell's support

SB 586 would have exempted special education students in the high school classes of 2006 and 2007 from the Exit Exam requirement

AB 1531, would have permitted local districts to develop some alternatives to the Exit Exam. with the approval of the state superintendent.

SB 385, would have permitted more Limited-English-Proficient students to be tested in their primary languages The bill also required the State to eliminate unnecessary linguistic complexity in specified assessment instruments, including CAHSEE.

In spite of these losses there are several legislators in both Assembly and Senate who are aware of the of the atrocities being perpetrated by both State and NCLB assessment regulations and are open to introducing new laws to ameliorate STAR and CAHSEE regulations in the next legislative session which begins on January 1st.

We need to learn the basics about how individuals alone or working with others can participate in writing legislation and help getting it passed. Proposed laws should be submitted to legislators no later than January 1. (Not sure about this). On January 21 introduced legislation go the Legislative Council which converts it into legal language. It is considered protocol to begin with one's own representatives in making legislative recommendations. If they are not interested, there are other avenues, working through the union, for example.

Activities include: Meeting with legislators and political candidates. Organizing and speaking at legislative hearings, political forums. Organizing letter writing to legislators and other state officials. (Letters composed individually are looked at differently by lawmakers than mass Produced mailings of the same letter.) Working with professional associations, union locals, local political parties, civil liberties, and civil rights groups to publicly oppose high stakes testing.

4. Direct Action, Protest, Boycott

The purpose of direct action is to focus public attention on the testing issue and to cultivate public political support for change. Direct actions include:

Public demonstrations, marches and protests may be an effective means of bringing issues to the attention of the public, elected leaders and the press. The purposes for any particular action must be clear to organizers and participants.

Opting out of testing Though teachers and school officials are prohibited from soliciting STAR waivers they have the legal right, to express a professional opinion, about the suitability of STAR testing in any given case and the right if not the obligation to inform parents about the availability of STAR exemptions. Parents have an unrestricted right to exempt their children from any or all parts of STAR tests by informing the principal in writing.

There are no legal negative consequences for students who do not take one or more STAR tests. Students cannot legally be retained in a grade because of a STAR test score. This prohibition may be routinely violated in some places. To discourage parents from exercising their rights, the State has adopted a rule that 90% students in a given school must take the STAR tests if the school is to be given a rating on the API. NCLB imposes a stricter 95% rule. The legal status of these prohibitions remains in question.

Parents cannot exempt their children from CAHSEE and there are minimal legal exemptions for students with special need education or disabilities. Legal challenges of CAHSEE as a requirement for diploma are continuing. Students are not legally obligated to take the exit exam though the pressures are strong. Students who fail or do not take CAHSEE are eligible to attend adult school, or if over 18, a community college. They cannot transfer to a degree program or gain entry to a *state* college or university without a high school diploma. Students can take the GED to earn a high school diploma.

Mass refusal or boycott Difficult to pull off but very effective if widely supported by teachers and parents. Teachers who encourage waivers or refuse to administer the STAR tests may be subject to disciplinary action. The likelihood that districts will seek disciplinary action in any given instance is uncertain.

Parents and community members are free to advocate.

Should significant numbers of teachers, parents and students engage in a massive refusal or boycott of STAR or CAHSEE, local, state federal officials, and the press will certainly take notice, and respond.

An affirmative message

We favor educational assessment policy that:

- Supports and improves student learning and growth by helping teachers teach.
- Raises standards but does not impose a federal or state approved view of curriculum, pedagogy, learning, language and culture.
- Combats structural racism and enhances educational opportunities.
- Is developed collaboratively by teachers, with participation by scholars, writers, artists, parents, and local community members.
- Encourages development of school and community level initiatives for creating, locally appropriate context-sensitive assessments.

Web sites: testing and assessment:

Most sites are updated regularly.

The National Center for Fair & Open Testing (FairTest) works to end the misuses and flaws of standardized testing and to ensure that evaluation of students, teachers and schools is fair, open, valid and educationally beneficial.

<http://www.fairtest.org/>

Susan Ohanian's huge and useful collection of stuff, news stories, commentary, <http://susanohanian.org/>

Critical and dependable independent analyses of research and policy documents, <http://nochildleft.com>

Rethinking Schools, an independent, progressive quarterly periodical: www.rethinkingschools.org

Harvard Civil Rights Project: <http://www.law.harvard.edu/civilrights/>

Education Policy Research Unit, (EPRU) Arizona State Univ. Independent analyses of research and policy documents in areas such as student performance standards, assessment, and curriculum. EPRU disseminates its reports, analyses and other documents to policy makers, educators and the public.

<http://www.educationanalysis.org/> or <http://www.edpolicylab.org/>

The Forum for Democracy and Education <http://www.forumforeducation.org> Educators working to develop a national network of academics and activists working for fundamental changes in assessment methods and policies.

Applied Research Center: Progressive, dependable, focus on race and public policy including testing www.arc.org

NCLBgrassroots.org, a website tracking news articles from every state on the No Child Left Behind Act and monitoring how communities are faring under the law. <http://nclbgrassroots.org/>

National Council of Teachers of English www.ncte.org

National Education Association's (NEA) updates on the national lawsuit, *Pontiac v. Spellings*, also a useful tool for sending letters to Bush and Congress <http://www.nea.org/lawsuit/index.html>

The Florida Coalition for Assessment Reform, Inc. has a web site that's updated weekly. Their work isn't national in scope, but includes a weekly newsletter and archives of F-TREND, Florida Test Reform Email News Digest, now in its third volume. <http://www.fcar.info/>

<http://www.RougeForum.org/>, includes articles on public policy from a left perspective including testing.

Also Rich Gibson's *Education Page For a Democratic Society* has extensive resources on California 's tests, the Michigan MEAP, and testing in general <http://www.pipeline.com/~rgibson/>

<http://www.geocities.com/stophsa/> *Marylanders Against High Stakes Testing*. Active website, news and action alerts

www.educationanddemocracy.org includes useful information and articles on testing as does the website of California Coalition for Authentic Reform in Education. CalCARE.org

Please send suggested additions to hberlak@yahoo.com

