

People's Guide to High Stakes Testing in California 2006-7

- **Basic Information on the *No Child Left Behind Act* and California high stakes testing and teacher credential regulations**
- **Advocacy and Taking Action**

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Contents

1. In Brief	2
California testing laws and regulations.	
California teacher credential regulations.	
<i>No Child Left Behind</i> regulations	
2. Developing your message	9
Talking Points	
Bracey's Seven Deadly Absurdities of NCLB	
Does the No Child Left Behind Act Improve Schools and Increase Opportunity?	
Exit Exam: A Public Policy Disaster of Epic Proportions	
Every Child Left Ignorant or No More Excuses for <i>Reading First</i>	
3. Democratic testing and assessment	17
Five principles of Democratic Assessment	
Deborah Meier's Six Alternative Assumptions to High-Stakes Testing	
4. Taking action	19
Teach-ins	
Shaping public opinion	
Working to change legislation	
Direct action, protest, boycott	
5. Websites for testing and assessment reform	22

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1. In Brief

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 from grades 2-11 using two tests: the *California Standards Test* (CST) and the *California Achievement Test 6th Edition* (CAT/6).

California Standards Tests (CST) are linked to what the state refers to as 'content standards.' These 'standards' are not general goals, principles, or benchmarks. Rather, they are a specification of the course content, the body of knowledge and skills in basic school subjects mandated by state to be mastered by students at each grade level. Little discretion about what should be taught and how to teach is left to teachers, schools, local communities. CST is an instrument deliberately designed to standardize curriculum and teaching in California's public schools.

CST currently is given in English language and mathematics in grades 2 to 11 in the late spring of each academic year. A standardized 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.

Current law authorizes STAR testing for second graders only until July 2007. This was a concession to objections voiced by many 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 stating that testing second graders was vital to the nation's and California's economic future and vowing he intends to introduce legislation that requires testing for second graders beyond 2007.

CST tests are classified by testing experts as 'criterion referenced'. In practice, this means that scores used to indicate what is and isn't an acceptable level of test performance are set according to an agreed upon cut scores. Government and the testing contractors select the panel members. Panels are composed of educators, subject matter experts, administrators, and teachers set. Panelists are given sets of multiple-choice test items (together with the correct answers) that were developed by the testing contractor --in this instance Educational Testing Service. Panelists are told to rank the level of difficulty of each test item, and render an opinion on what proportion of the items must be answered correctly by students to demonstrate an acceptable level of proficiency. The numbers arrived at by this method are forwarded to the appropriate officials in the State Department of Education and to the State Superintendent of Instruction. They in turn submit their recommended numbers to the State Board of Education. The latter is a rotating eleven-member body, all of whose members are appointed by the governor.

Take note that the cut scores selected are *not* based on an assessment of a student's actual performance in the curriculum area being assessed. ***It is difficult for many to fully grasp the fact that there is no evidence whatsoever that individuals' standardized test scores in math or reading, for example, bear 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 the tests are constructed in such a way that the scores of an appropriately drawn sample of students will fall along a bell shaped or a so-called *normal curve*. A normal distribution requires that 50% of the scores fall above the mean and 50% below. Test scores are generally expressed in terms of grade level or percentile rank. This makes it possible to compare the norms of individual students, classrooms schools, or school districts with state and national norms. It is important to take note that the CAT/6 scores or grade-level norms are not grounded in students' actual performance. ***In other words, the norms are not based on any demonstration or record of what students actually know or are capable of doing at that grade level.*** "Grade level" and "norms" assigned by a norm referenced test are statistical constructions.

CST tests are not timed, but each test is generally allotted 2 1/2 hours. Together, the CST and CAT6 consume nine to fifteen hours of school time depending on grade level and require two weeks or more to complete not including time spent on test preparation.

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 students to take the tests are enormous particularly in schools that serve children who are poor and disproportionately African-American, Latino, and recent immigrants whose primary language is not English.

Some handicapped students may be eligible to take *California Alternate Performance Assessment* or CAPA in lieu of STAR tests. The CAPA is limited to 1% of all students assessed with severe cognitive disabilities --those not on track to graduate with a standard diploma.

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 of little or no diagnostic value, are not used for calculating the API or AYP, and as a consequence are frequently ignored.

CAHSEE: California High School Exit Examination

California's high school exit exam was authorized in 1999 but did not take effect as a graduation requirement until 2006. This is an untimed, approximately 6 1/2 hour standardized 'criterion referenced' test in English and math. The test questions are tied to the State's 'content standards.' Cut scores are determined by a process similar to that used for the STAR tests, that is to say there is no empirical connection between CAHSEE and a students' actual performance. Two court challenges, failed to delay or modify the use of CAHSEE. Over 47,000 high school students did not graduate in June 2006 because of the CAHSEE. The number would have been over 70,000 without a lawsuit settlement for students with disabilities.

SB 267 signed by the Governor on Sept. 29, 2006 allows special education seniors to graduate with a standard diploma if they have met all state and local requirements except passing CAHSEE---although they must take the exam at least three times including once during senior year after taking CAHSEE remediation classes. This bill was the legislature's response to legal action on behalf of students with disabilities initiated by Disability Rights Advocates [DRA]. Approximately, 25,000 special education

seniors in the Class of 2006 were granted diplomas and approximately the same is expected for the Class of 2007 thanks to this change.

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 are eligible for a certificate of completion.

All STAR and CAHSEE tests are standardized, multiple-choice format with the exception of the standardized 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 punishing low scoring schools. Each public school is ranked on a scale of 200 to 1000 with 800 set as the minimally acceptable score. Schools are assigned to one of three tiers based on family income. Within its assigned tier a school is ranked 1-10 based on test score results. This three tier system was created in response to widespread criticism that it was 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 richly 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 patently 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 make the API targets set by the State. Schools that fall short of these targets are classified as failed schools and subject to sanctions or 'corrective action'. Failing schools are posted on the California Department of Education 'Program Improvement' web page. Failed schools are entitled to and required to receive Program Improvement (PI) funds to help them meet API targets. In fact, state funds were cut. Some funds were restored in 2006-7 budget. As of this writing the vast majority of schools received little or no additional state aid. When assistance does arrive it is usually limited to helping students prep for standardized tests. Schools failing API targets for three successive years are subject to closure and to "reconstitution." What this means is that principals, teachers and school staff are fired or, if tenured, reassigned. The administration of the reconstituted school could be turned over to the State and/or subcontracted to an education management company, or EMO. (The latter is the education equivalent to an HMO.) Note that a school can meet or even greatly exceed their API targets yet be identified as failing according to federal rules and regulations for *Adequate Yearly Progress* or AYP. (See below for section on *No Child Left Behind Act*.)

California teacher credential regulations

Before 1998, an applicant to an elementary teacher credential program at a California university or college was 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 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 dismantle and 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 teach "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') to students, and prepare them for taking 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 eight years since the law was enacted, no State funds have been allocated for developing the TPA's, or for the data management systems needed for recording and maintaining records and reporting results as is required by the statute. What funds were allocated were earmarked for the California Department of Education for training and administrative purposes. In the face of pressures on the education budget, State education officials have circumvented the restrictions in the law by adopting a policy of *voluntary compliance*. In practice teacher education programs are forced to divert very scarce faculty and institutional resources to revising courses and reorganizing programs in order to be in compliance with a set of unworkable regulations that have no demonstrable practical educational benefits. The regulations also have the effect of undermining or marginalizing existing efforts to introduce multiculturalism and diversity education into teacher education curriculum.

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. The NCLB Act runs almost 1000 pages and the terrain it covers is so vast that it is impossible to summarize in a few paragraphs. The Act is up for reauthorization in 2007 and the political battle is underway.

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 three primary goals claimed for the act are:

- 1) To raise high academic standards for all students
- 2) To insure that there are 'highly qualified' teachers in every U.S. classroom.
- 3) To increase educational opportunity and reduce the race gap

States are expected to install 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 curriculum by shifting power to shape curriculum and teaching methods from teachers, principals and local authorities to federal and state bureaucrats and officials who are distant from classroom and everyday school life.

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 students with special needs). 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 academic year 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. The State must, however, submit its plan for approval to federal officials. 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 schools Title I funds. 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. 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).

It is the State's responsibility to identify schools needing improvement, and to take the required corrective actions specified by federal regulations. *It is very possible for a school to be designated as successful under California API rules yet be considered failing according to federal AYP regulations.*

There is also virtually unanimous agreement among independent measurement experts that the 2014 deadline for universal success on standardized tests is neither attainable nor warranted.

'Highly qualified teachers' and paraprofessionals. As of 2005-06 school year, 100% of teachers should be certified as 'highly qualified' by the federal government standards, a goal that is not even close to being met. 'Highly qualified' is defined by NCLB as having fulfilled all the legal requirements for a state teaching credential. Beginning in 2002, all new teachers in Title I schools were expected to have met NCLB 'highly qualified' regulations. As of 2006 teacher aides or paraprofessionals are required to have completed at least two years of college, hold at least the equivalent of a two year Associate of Arts degree or passed a test to “demonstrate knowledge and teaching ability.” This requirement forced some school districts to fire many capable and experienced teacher aides (mostly women) based on GPA or standardized test scores rather than on their years of actual performance as teacher aides in the classroom. Those most affected by this set of regulations are disproportionately the poor, African-American, Latino particularly those for whom English is a second language.

'Reading First' and 'Scientifically-Based' teaching and learning *Reading First* is a Title I program 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 also a provision that the methods or approaches used must be 'scientifically based'. The way this program has been administered and implemented by the Bush administration has become a national scandal. Only a select number of highly structured phonics programs were approved as “scientifically based.” All literature-based reading programs are considered unscientific. Department of Education protocols for making decisions were deliberately ignored with blatant examples of favoritism and corruption. The chief executives of the companies whose programs were deemed “scientific” also had political ties to the Bush White House and were major contributors to the Bush's political campaigns. In September 2006, the non-partisan Inspector General Office of the Office of Education issued a damning report citing incompetence and gross violations of the law and administrative regulations by the chief program officer of *Reading First*. He was fired and Secretary of Education Margaret Spellings promised to follow the recommendations of Inspector General's report to clean up the mess. Nevertheless, Spellings remains an ideological partisan of highly structured phonics which she and other Department of Education officials continue to insist is the only scientifically valid way to

teach reading, She also favors similarly highly structured math and science programs. The effect of the heavy emphasis on pre packaged structured curriculum is to put enormous pressure on schools teachers to abandon hands-on, experiential, and community-based learning.

Other Provisions

Section 1905 of the NCLB Act declares 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 all but ignored by federal and state officials. With some notable exceptions, state departments of education increasingly act as agents and enforcers of federal regulations.

NCLB testing and ‘qualified teacher’ regulations are laid on top and trump existing California student testing and teacher credential regulations.

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 be exempted, they are rarely informed of this right and how to exercise it.*

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

School prayer The federal Department of Education is required to provide guidance to states, districts, and the public on 'constitutionally protected prayer' in schools. Every two years, the federal government reviews whether or not state provisions provide protection. Districts must certify to their state education authority that no policy “prevents or otherwise denies students and participation in constitutionally protected prayer.”

NOTE: There is no legislative authorization in the NCLB for terminating Title I funds for noncompliance or failure to make AYP (or API) targets.

2. Developing your message

Talking Points

1. NCLB aims to raise standards by relying on high stakes tests that are linked to standardized state-mandated curriculum. Final judgments about school quality, teacher effectiveness or student academic achievement should *never* be based solely or primarily on standardized, multiple-choice tests. The technology of standardized testing is dated and very deeply flawed.
2. NCLB signed into law in 2002 by Bush is the name for the 2001 reauthorization of 1965 Elementary and Secondary Act or ESEA. Currently ESEA (now 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 from past revisions are the testing regulations and sanctions applied when schools fail to make *Adequate Yearly Progress* (AYP) as measured by standardized tests. The imposition of testing regulations by NCLB represents a major move toward federal and state control over teaching and learning with diminishing control by 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 multicultural and bilingual education, the arts, critical thinking, community learning, civic education, and health education. The role of emotion and feeling in education is ignored. The role of teachers' experience and knowledge is diminished and academic freedom is squelched. Culture and the multiplicity of ways that children and young adults learn and grow are ignored. It enforces conformity to state and federal government regulations. These regulations are written and enforced by government officials who are often beholden to and act in the interests of the nation's large corporations.
 - b) **On stratifying schools by race and class.** NCLB testing regulations create new forms of educational apartheid --or tracking by race and class. 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 system dominated by standardized testing. Among the effects of high stakes standardized testing are widespread cheating and cynicism.
 - c) **On opening the door to rampant corporate exploitation of public schools .** Three of the chief financial beneficiaries are: (1) A small army of state, federal and local school officials and bureaucrats whose job it is to administer the testing programs and enforce the rules. (2) The large corporate test publishing and test servicing firms such as ETS and McGraw Hill that hold most of the testing contracts and/or publish the textbooks and teaching materials that are specifically designed to meet government mandated curriculum. (3) A new generation of educational franchises to provide 'supplementary educational services' or tutoring focused on raising test scores. Schools that fail to meet federal AYP (Annual Yearly Progress) test targets for three years must pay for tutoring services and these sums are

subtracted from the school's Title I funds. Federal funds are in effect subsidizing these franchises yet there is no accountability for the effectiveness of these tutoring services.

- d) **On undermining and destroying innovative schools and programs** that have a track record of success in their communities. A one-size-fits-all measure of success enforces conformity that drives out experimentation and innovation, and the development of new approaches and alternatives to conventional schooling.

Gerald Bracey: 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 or ought to be 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 a chief advocate for high stakes testing justifies No Child Left Behind and 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.

Chief theoretician and dean of free market economists, Milton Friedman, provides yet another justification for standardized curriculum linked 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 considered essential for measuring productivity, affixing monetary value, and calculating costs, gains and losses.

The format and technology of standardized testing are familiar. A test is composed of *items*, each of which presents lines of text, mathematical problem, table, diagram, drawing, chart, photo, etc. The test-taker's task is to choose the best answer from an array of four or five alternatives, and check or darken the corresponding bubble on an answer sheet or computer display. Multiple-choice, standardized test technology trumps all other forms of educational assessment.

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 genuine 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 Performance Index (a number derived from standardized test scores) though flawed is nevertheless tolerated as a reasonable indicator of student learning, school quality or teacher effectiveness. This careless use of language that ignores the distinction between test scores and actual performance is misleading. As a consequence the public and elected officials are diverted from addressing the social and educational problems we face as individuals, families, states, and as a nation.

The mindless and ubiquitous use of standardized tests as the primary measure of educational achievement and 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 their failure to achieve 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 that disproportionately serve children of color are under extraordinary pressure to meet NCLB's Annual Yearly Progress targets. Those most likely to be first in line for a narrow and a culturally truncated curriculum, and shrinking educational opportunities are the children of the poor, immigrants, and people of color.

Because there is no credible evidence to support the claim that standardized tests are a valid and dependable measure of academic achievement, these tests serve as a particularly invidious form of structural racism by 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. 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 the concerns of 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, since its invention the basic multiple-choice technology of standardized testing has not changed. Among the more formidable obstructions to change in assessment policy is the belief, widely shared in this society, that whatever the deficiencies of standardized testing, there are no other practical “scientific” way 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 standardized 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.

Harold Berlak 2006

The Exit Exam: A Public Policy Disaster of Epic Proportions

In the seven years since the state legislature authorized the California high school exit exam many billions of tax dollars have been spent on developing and administering the California high school exit exam (CAHSEE). It is given twice yearly and taken by 10th graders and serial repeaters in the 11th and 12th grades, and adult school. Exit exam results for all tests given through May 2006 reveal startling failure rates. Of all test takers almost 304 thousand or 39% of students failed the English sections, and 328 thousand or 41% failed the math section. About one third of sophomores failed one or both sections. In

2006 the first year that CAHSEE was a requirement, 47,000 seniors who met all other graduation requirements were denied a diploma because they failed one or more sections of the exit exam.

Exit exam failure is creating a new category in California's social-economic hierarchy. These are students who have earned the required graduation credits but will not graduate. Without a standard diploma students suffer inordinate harm unless they leave California for another state in time to graduate, get an accredited online high school diploma, stay in high school for a 5th year or adult school until they pass the exit exam, or work through the maze of the California community college system as an alternate route to a four-year college.

Those who do not earn a standard high school diploma are disqualified from working as a custodian for Oakland schools, selling shoes at Sears, collecting boarding passes for airlines, delivering Pepsi cases to retailers, sorting boxes for UPS, or applying for the approximately 30,000 U.S. government entry level jobs, vocational certification training programs, or apprenticeships. Without a standard diploma scholarships and financial aid for community college are tough to get.

Many students who fail the test as sophomores are not willing to face the chronic humiliation of serial testing --being forced to miss out on valuable class time and to sacrifice desired electives and extracurricular activities while being held hostage to monotonous remediation and test prep. Each sophomore who fails faces up to five more tries. Prep for the test trumps all. An independent analysis indicates that over 46,000 sophomores who failed the exit exam in 2002-03 never returned to school to retake it in the junior year---presumably they dropped-out. Those who stay in school are held hostage for remediation courses before, during, and after school, over school holidays, Saturdays, summers.

It is difficult to reconcile the distorted importance affixed to a standardized writing test and 152 multiple choice test questions with the absence of any scientifically valid research that confirms any relationship whatsoever between CAHSEE scores and success in the real world of college or the workplace. Would you consider submitting a document critical to your future that requires you to choose one of several surprise topics, and handwrite a cohesive and persuasive essay under stress with a #2 pencil, with no drafts, reference material, word processor, spell/grammar check, or even a dictionary? How can reasonable people correlate this absurd writing exercise to college or job success in the global economy of the 21st Century?

The governor, state superintendent, and the business roundtable claim products of California schools will be hopelessly ill equipped for the new global economy if they don't pass the exit exam. Ironical since economics, world history, geography, technology, or foreign languages are never tested at all, indeed are often marginalized in the curriculum because of the exit exam.

While test prep monopolizes the high school curriculum, meaningful and relevant teaching and learning plummet. Legitimate education reform falters because punitive testing stifles educational curiosity, drains ambition, and siphons off financial and human capital including irreplaceable students and teachers departing by the droves.

Unless there are major changes, the exit exam tragedy will continue, denying over one million seniors their diplomas over the next decade. Lost wages alone in California would amount to \$21 billion annually for every 100,000 non-graduates according to research in dropout economics from U.C. Santa Barbara. Social services and health care costs will be eye-popping for the state's newly formed subclass of non-graduates who are unemployed or under-employed.

California's exit exam policies are not only extraordinarily expensive they are ineffective, shamefully racist and elitist and must be drastically changed.

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Every Child Left Ignorant or No More Excuses for *Reading First*

The recently released Inspector General report regarding *Reading First* program (one of the central components of No Child Left Behind, Act specifically directed at struggling readers) indicates favoritism, mismanagement, and widespread corruption are operating at the highest levels of the Department of Education. Every person in this state who has a school aged child, grandchild, niece, nephew, or pays taxes should be outraged.

Reading First was designed to provide money to states to teach reading to students and insisted on a higher level of accountability from schools in return. But instead of providing real support to states, the *Reading First* program became a sham that reaped huge profits for favored publishing companies and researchers, such as CTB McGraw Hill, and the University of Oregon Center for Teaching and Learning. This last group is largely responsible for the infamous DIBELS test (a five-minute test that demands children say non words such as *pag* or *ret*, after which the children may be categorized as 'at risk'). Students are expected to read nonsense words within poorly researched phonics programs in order to get ready for the DIBELS. Children are really learning that reading can be nonsensical. Interestingly, the authors of DIBELS just happen to also sit on the "Expert Review Panel" set up by the Department of Education to approve *Reading First* grant applications. Little wonder that solid teaching resources or programs that teachers had used previously were now relegated to the "dirtbag" (*Reading First* director's word) category, in favor of programs that use scripts, carnival clickers, and stop watches. The Expert Panel made sure that accountability became nothing more than test scores that could be manipulated for their own economic and personal advantage.

Our children deserve much more than a program that teaches them reading means barking out words (or nonsense words) as fast as they can. Our children aren't automatons coming down the assembly line beltway. Deep, proficient learning and literacy take time. This requires dialogue between teachers and students, something that is crucial for students learning English. Scripted programs that treat teachers like clerks and children like cogs in a spinning gear are the least desirable instructional option we have, and yet that is what the present structure of No Child Left Behind and *Reading First* forces upon our schools.

The National Reading Panel's recommendations formed most of the *Reading First* section of No Child Left Behind. The Panel specifically cautioned against using scripted programs, recognizing their extreme limitations; and cautioned against placing too great an emphasis on phonics, stating phonics must be only a part of a balanced program. The Panel further recognized the critical role the teacher plays in guiding children towards proficient literacy, especially those students from diverse backgrounds. Teachers know their students best, and with ongoing professional development and the

appropriate tools, they can teach children to read.

The corrupt *Reading First* officials hijacked the Panel's words and transmuted them into an endorsement for programs such as *SRA*, *Direct Instruction*, *Open Court*, and *DIBELS*. All are programs that downplay the importance of the teacher, as well as the diversity of children, and allow little dialogue or deep learning to take place. All are programs that ignore the diversity of our state. Some schools entering their second year of participation in New Mexico's *Reading First* had to waste precious allocated money to purchase these programs.

New Mexico has one of the highest poverty levels in the entire United States. Everyone here recognizes the critical difference a quality education can make. Without question, our schools are one vehicle for change for the children in this state. And yet billions of dollars have been wasted on ineffective mandated programs that ignore the rich cultural heritage that our students represent and leave them at the lowest levels of thinking and learning, all courtesy of the U.S. Department of Education.

One of the *Reading First* slogans repeated over and over again was "No Excuses." We couldn't agree more. No more excuses for the lack of oversight with *Reading First*. No more excuses for wasting precious learning time with nonsense programs. No more excuses for phony baloney "scientifically-based" instruction or accountability. And no more excuses for blindly accepting what we know is counter to best instruction for our students. Demand the best from state and federal legislators for our children. Our children are worth the effort and deserve so much more than what they are getting from the current corrupt *Reading First* program.

Rick Meyer, PhD Reading Professor, U of NM; Kyle Shanton, Professor, NMSU; Priscilla Gutierrez, Outreach Specialist, New Mexico School for the Deaf; Anne Calhoon Professor, U of NM. A version of this op-ed was submitted to the *Albuquerque Journal*, October 2006

3. Democratic Testing and Assessment

Deborah Meier's Six Alternative Assumptions to High-Stakes Testing

From: *Will Standards Save Public Education*, Beacon Press, 2000

"State standards and high-stakes tests "will not help to develop young minds, contribute to a robust democratic life, or aid the most vulnerable of our fellow citizens. By shifting the locus of authority to outside bodies, it undermines the capacity of schools to instruct by example in the qualities of mind that schools in a democracy should be fostering in kids -- responsibility for one's own ideas, tolerance for the ideas of others, and a capacity to negotiate differences. Standardization instead turns teachers and parents into the local instruments of externally imposed expert judgment. It thus decreases the chances that young people will grow up in the midst of adults who are making hard decisions and exercising mature judgment in the face of disagreements. And it squeezes out those schools and educators that seek to show alternate possibilities, explore other paths. The standardization movement is not based on a simple mistake. It rests on deep assumptions about the goals of education and the proper exercise of authority in the making of decisions -- assumptions we ought to reject in favor of a different vision of a

healthy democratic society. Drawing on my experience in schools in New York City and Boston, I will show that this alternative vision isn't utopian, even if it might be messy -- as democracy is always messy." (pp. 4-5, Deborah Meier, *Will Standards Save Public Education*, Beacon Press, 2000)

1. Goals: "There are multiple, legitimate definitions of 'a good education' and 'well-educated' and it is desirable to acknowledge that plurality" (p. 16). Exposure to different and competing goals is morally and intellectually invigorating. The community needs to be constantly involved in such a debate.

2. Authority: "Experts should be subservient to citizens" (p. 16). Good examples of this come to mind: Donald Graves helping Nancie Atwell (*In the Middle*) and Shirley Brice-Heath in the Carolina Piedmont (*Ways with Words*). Parents, teachers and students need to be experiencing democratic decision making in order for democracy to be practiced. Educational researchers and business leaders can provide expert consulting to that process.

3. Assessment: "Important decisions regarding kids and teachers should always be based on multiple sources of evidence that seem appropriate and credible to those most concerned" (p. 16). When Meier was at Central Park East in Harlem, the school was able to gain a waiver from the state's standardized tests and evaluate graduate's portfolios and presentations according to the criteria of "Five Habits of Mind": (1) Connections (what is the relationship between A and B); (2) Perspective (who is speaking?); (3) Evidence (how do we know what we know?); (4) Significance (why is it important?); and (5) Supposition (how might things have been or could be different?).

4. Enforcement: "Sanctions should remain in the hands of the local community to be determined by people who know the particulars of each child and each situation. The power of both business and the academy are already substantial; their access to the means of persuasion (the media) and their power to determine access to jobs and higher education already impinge on the freedom of local communities" (p. 17).

5. Equity: "A fairer distribution of resources is the principal means for achieving educational equity" (p. 18). All schools are under funded but many schools' budgets have been eviscerated. This situation is exacerbated by a polarization of living standards. A student with a full belly and a calm mind learns better than one with an empty stomach and a life full of anxiety.

6. Effective Learning: "Improved learning is best achieved by improving teaching and learning relationships" (p. 18). The business model assumes that human beings are chess pieces that can be moved about according to simplistic rewards and sanctions. But people are much more complex than that. The nature of our relationships with others fundamentally affects our motives and actions. Teaching is an art, not a science, thus cannot be reduced to numbers.

Edited by Kathy Emery

Five Principles of Democratic Assessment

Democratic Assessment:

1. Supports and improves student learning and growth and helps teachers teach.

2. Raises standards without imposing a singular or official government approved (federal, state or local) view of the curriculum, teaching, learning, language, and culture.
3. Combats inequality, structural racism, and enhances equality of educational opportunity.
4. Is developed collaboratively by teachers, with participation by scholars, writers, artists, parents, and local community members.
5. Is supported and nurtured by state and federal policies that provide grants and continuing support for school and community level initiatives for creating locally appropriate, context-sensitive educational assessments.

3. Taking Action...

- to resist the *No Child Left Behind Act* and California's high stakes testing policies
- to advance the cause of effective and fair democratic educational assessment

1. Testing teach-ins; notes on educating ourselves

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

Know the state's testing regulations 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 changes the quality of teaching and learning. Learn how 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 human and material resources, if all students are to have access to decent quality education.

Learn about 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, blogs, etc.

2. Shaping public opinion

As we know public perception of the issues is heavily shaped by the way the press and mass media portray the issues. Corporate owned mainstream press almost without exception buy into the high stakes state and federal testing model. What can you do as an individual or as a member of a group to influence others. Possibilities include: Sponsoring public forums on testing. Forming a local TV and/or print media watchdog group to monitor and respond to misinformation and distortions.

Write opinion pieces and letters to the editor. Work within your unions and professional association with others who share your concerns to change legislation. Participate in local public affairs talk shows. Publish on-line newsletters, distribute articles. Arrange press conferences.

3. Working to change legislation

Major reform of NCLB (which is up for renewal in 2007) and state laws and regulations is essential if there is to be change in the direction of educational assessment that serves democracy and social justice. 2006-07 is a critical year at both the federal and state levels. Should Democrats regain at least one house of Congress, there is a chance that a much saner version of ESEA (NCLB) can be passed. This is a crucial piece of legislation that will be on Congress' agenda immediately after the November election. There are numerous ways to get involved at the local, state and national levels.

There have been many efforts of the legislature to amend California state testing laws, to allow greater flexibility and permit testing options. These have been opposed by the current Republican Governor, his Democratic predecessor, the two recent state superintendents, the Department of Education, and all the major corporate interest groups.

SB 267 signed by the Governor Sept. 29, 2006 allows special education seniors to graduate with a standard diploma if they have met the usual state and local requirements to graduate, except passing the exit exam. However they must have taken and failed the exam at least three times including once during senior year after receiving CAHSEE remediation. This law was the legislative response to a legal action on behalf of students with disabilities initiated by Berkeley law firm, Disability Rights Advocates [DRA]. Approximately, 25,000 special ed seniors in the Class of 2006 were granted diplomas and the same is expected for the Class of 2007.

In spite of setbacks there are 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 As a profession we need to learn how we can participate in the legislative process working alone or in concert with others

Activities include: Meeting with legislators and political candidates. Helping to organize and testifying at legislative hearings and speaking at political forums. Organizing letter writing and emailing legislators, governor, and other state officials,

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 if well organized are 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. Bay Area Civil Rights Veterans provides advice on how to develop effective, nonviolent, direct actions <http://www.crmvet.org/>

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 all STAR tests by informing the principal in writing. No reasons need be given.

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. SB 267 signed by the Governor on Sept. 29, 2006 allows special education seniors to graduate with a standard diploma if they have met all state and local requirements except for passing CAHSEE. They must, however, take and fail the exam at least three times including once during senior year after taking advantage of CAHSEE remediation.

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 for a Certificate of Completion, 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 Very effective but difficult to pull off because it requires coordinated support by large numbers of teachers, parents, teacher union locals and civil rights organizations. In some circumstances teachers who encourage waivers, or refuse to administer the STAR or CAHSEE tests could be subject to disciplinary action. The likelihood that districts will seek disciplinary action in any given instance depends on the strength of community support for the action. Parents and community members are free to advocate boycott.

Websites on testing and assessment reform

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. Website provides access to ARN listserve. <http://www.Fairtest.org/>

Susan Ohanian's site is a wealth of news stories, commentary, cartoons and more <http://susanohanian.org/>

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

Harvard Civil Rights Project: <http://www.law.harvard.edu/civilrights/> Access to several major reports on the race inequities of high stakes standardized testing.

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.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.

National Council of Teachers of English www.ncte.org

Critical dependable up to date analyses of research and commentary, <http://nochildleft.com>

National Education Association's (NEA) for updates on the national news on NCLB and pending lawsuit, *Pontiac v. Spellings*, (NEA's court challenge to NCLB) <http://www.nea.org/>

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/>

Center for Educational Policy Non partisan, mainstream <http://www.cep-dc.org>

Disability Rights Advocates Berkeley CA monitors the inequities of high stakes testing requirements on students with special needs. www.dralegal.org

Rouge Forum <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 e 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 articles on testing as does the California Coalition for Authentic Reform in Education website: <http://www.CalCARE.org/>. The latter also Provides access to CalCARE's ca-resisters listserve.

www.america-tomorrow.com/bracey Education Disinformation Detection and Reporting Agency dedicated to analyzing reports, dispelling rumors, rebutting lies about public education in the US

Progressive Democrats of America (PDA) Education Task Force. Very good resource. <http://pdamerica.org/policy/edu/resources.php>