Over the last two decades federal and state laws and regulations were enacted ostensibly to improve academic standards, extend educational opportunity, and raise the quality of public schools and teacher education. These laws are not only failing to achieve these goals; they are obstructing efforts by local communities, school districts, classroom teachers, and university faculty to educate. The legacy of intensive control by governments is degradation of curriculum and learning, and increased educational inequalities. Mandated standardized curriculum and standardized testing threatens academic freedom and undermines the ability of universities and colleges to fulfill their mission to educate teachers and advance research and learning.

The following paragraphs provide an overview of California State and federal law that now govern schools and teacher education. While the summaries are up-to-date as of this writing they are not to be taken as definitive because the rules are constantly being modified and redefined. Growing resistance at the state and national levels to these policies has prompted legislative action, and administrative and court ordered changes aimed at righting some of the more egregious problems. However, the assessment policies and regulatory structures described below remain unchanged.
California Testing and Assessment Regulations for Schools

California’s accountability system for public schools is called STAR for Standardized Testing And Reporting. It requires annual testing of public school students from second through the eleventh grades using two tests: the California Standards Test (CST) and the California Achievement Test (CAT). CST test items are linked to the State’s curriculum standards. These "standards" are not as many assume guidelines or principles. Rather they are detailed specifications of the course content to be covered for each grade level in all basic school subjects --as such subjects are defined by the State. CAT is a shortened version of the longer commercially produced, nationally normed, California Achievement Test. CAT scores are reported in terms of grade level and/or percentile rank. Proficiency and passing scores for CST are set by a State panel with the approval of the State Board of Education, whose members are appointed by the governor. STAR is due for reauthorization by the California legislature in 2004. If reauthorized, according to a recently passed law beginning in 2005, the CAT portion of STAR will be eliminated except for third and eight grades.

Together these tests take an estimated nine to fifteen hours of class time to administer depending on grade level, and consume two weeks or more of schooling excluding test prep time. High school students are also required to take the California High School Exit Examination (CAHSEE); a six and one half hour standardized test in English language arts and math. This test also is tied to the State’s mandated curriculum, and passing scores are set by an appointed panel with State Board approval. The Board in 2003, bowing to strong public pressure, voted to delay use of CAHSEE as a requirement for the high school diploma until 2006. All three tests are standardized, multiple-choice format with the exception of the standardized writing tests.

CAHSEE, CST, and CAT scores are statistically converted to produce a school's API or Academic Performance Index. The API is the equivalent of a Dow Jones Average for schools. It is used to rank order the educational productivity of all the public schools in the State in order to distribute rewards and inflict punishments on low-scoring students, schools, and teachers. Each school is ranked on a scale from 200 to a high of 1000, with 800 set as the minimally acceptable score. Schools are also classified in terms of parent incomes and ranked
1-10 in comparison to schools that serve the same economic class. It is this number that is often taken as the indicator of a school's quality.

Schools must gain a specified number of points yearly to meet API targets. Those successfully meeting the targets are eligible for additional state funds (though none have been allocated for the last two years). Schools falling short of the annual growth targets are classified as failing and subject to sanctions or "corrective action" at the discretion of the State. After several years of failing to meet targets, a school may be “reconstituted", which means that the principal, teachers and school staff are fired or reassigned, and the management of the newly reconstituted school passes to the State and may be subcontracted to a management company.

There is near unanimous agreement that this system of accountability is increasingly, driving the curriculum and schools' educational priorities At the elementary level it has often led to the near elimination of time and resources spent on citizenship education, multicultural curriculum, health and physical education, interdisciplinary studies, the arts, and critical thinking. At the secondary level it pushes teachers to focus on mastery of content that can be assessed by standardized tests at the expense of writing, oral, analytical and inquiry skills that are fundamental to further learning and to civic society.

**California Teacher Credential Regulations.**

Before 1998 to be accepted to an elementary education credential program at a California university or college, applicants had to have completed a Liberal Studies or equivalent program with an average of B or better, or passed a battery of standardized tests. Candidates for secondary programs had to have completed a major in their teaching field(s) with a B or better record or passed one or more standardized tests. All completed a BA prior to admission to a teacher education program that met the standards, prerequisites, and requirements set and monitored by the *California Commission on Teacher Credentialing (CCTC)*. 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 meet a host of other requirements.) In 1983, passing CBEST, a standardized basic English literacy, writing, and math test, was added by the CCTC as a precondition to admission to a teacher credential
program. This eliminated from the pool of otherwise qualified candidates as many as 62%, of African-Americans, 50% of Latinos, 47% of Asian-Americans, 20% of whites.

In 1998 the legislature passed Senate Bill 2042 which forced colleges and universities in California to make massive changes in teacher education programs. The chief architects of the Act argued that it provided the missing piece in California's "Master Plan" for education.

The Act adopts an approach to organizational management called "Total Quality Control" borrowed from the corporate world and touted as the answer to failing schools and poor teaching by Louis Gerstner and Donald Fisher, former CEOs of IBM and the Gap respectively, by the Business Roundtable, Achieve Inc., the Education Trust, the Broad Foundation, and numerous other corporate funded groups.

The Act discarded the requirement that candidates earn a BA before admission to a credential program. It 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 input from education professionals and the public.

On their face there is nothing remarkable nor apparently controversial in the language of these broadly stated standards or TPE's. What, however, is remarkable and controversial is the extraordinary degree of control over what these require in practice. For each TPE there is a catalogue of skills, abilities, and bodies of knowledge specified for satisfying that standard. In addition, new regulations issued by the California Commission on Teacher Credentialing (CCTC) specify in even greater detail the expectations (TPEs) that each candidate must meet to be eligible for a teaching credential.

Key to "Total Quality Control" is standardized assessment of results or outcomes. CCTC rules require each program to develop and install a system of Teacher Performance Assessments (TPAs) to identify who is qualified to become a certified teacher. Though each institution defines the components of its own program and devises the specific assessment tasks that candidates must perform, highly detailed descriptions of the syllabi, and proposed assessment tasks must be submitted in advance to State officials in order for programs to be approved to certify teachers.
The TPEs mandate that credential candidates demonstrate their knowledge of and ability to teach the State's required curriculum, and to prepare students for the California Standards Test (CST), the California Achievement Test (CAT), and the exit exam (CAHSEE). The State, in effect, exercises control of the content and methods of elementary and secondary school curriculum in two ways: Directly through the states' mandated testing program, and indirectly by controlling how colleges and universities educate teachers -- the content of the courses, required readings and field experiences, and how candidates' progress is to be assessed and evaluated. Note that regulatory reach of the State extends far beyond professional education requirements and includes courses and programs in the humanities, arts, and sciences.

Six years after SB2042, the disruptions and complexities wrought by the bill continue and are becoming increasingly troublesome in teacher credential programs across the State. The development of the Teacher Performance Assessment tasks (TPAs) and a system of record keeping by each institution is key if the entire system is to function. It is also by far the most complex task and most consuming of faculty time and energy. To date no State funds have been allocated except to the State Department of Education for training and administrative purposes. Yet State officials continue to press for "voluntary" compliance in the face of unprecedented cuts in the State's education budget.

The effect of these regulations has been to marginalize issues related to cultural and language diversity and social justice. One of the most explicit intrusions on faculty and university prerogatives is written into the language of the Act itself. The law specifies that all courses in the teaching of reading be scientifically based, and cites as scientific a particular approach to reading instruction --direct instruction, structured, phonics. There are few areas in the social, behavioral and educational research sciences as complex and contested as early language acquisition and the development of reading literacy. Questions surrounding these issues have been and will continue to be studied and debated by numerous research traditions in anthropology, sociology, linguistics, psychology and education. There is also a large body of practical teacher knowledge to draw upon. The claim that final scientific truth is so firmly established as to warrant a claim to scientific legitimacy for one perspective is absurd on its face and without foundation. It also should not be left to governments to make such determinations.
The No Child Left Behind Act

The federal No Child Left Behind Act (NCLB) signed into law in 2002 by George W. Bush was a revision of ESEA, the Elementary and Secondary Education Act of 1965. It runs to 700 pages with ten titles that authorize the vast majority of federal aid to schools. Included under the Act are Indian education, teacher education, early literacy, school libraries, bilingual education, technology, school safety, and charter schools. Title I of the Act funds programs that serve the poor, providing in 2004 about $12.5 billion federal tax dollars to approximately 53% of the nation’s public schools. Almost 65% of children served are of color, predominantly African-American and Latinos.

NCLB overlays a federal regulatory structure atop the State's existing structure. It requires that states accepting federal funds adopt content standards in basic school subjects, and test students in reading and math in grades three through eight and once in grades 10-12, plus once each in grades 3-5, 6-9 and 10-12 in science. Using 2001-02 as the base year, each school and district has twelve years for all students to attain the "proficient" level in reading and math. Levels are set by each state in accord with federal guidelines. There are very limited exceptions for students with disabilities or who are recent non-English speaking immigrants.

Schools receiving NCLB funds are required to make Adequate Yearly Progress (AYP) toward that goal. After two years of failure, numerous restrictions and sanctions begin to apply. After failing to improve by the required number of points for five consecutive years, a school is subject to state takeover and "reconstitution".

In California, as in other states, schools live under a maze of regulations and threat of sanctions using two entirely different formulas for measuring educational performance and productivity -- the federal government's AYP and the states' -- in California, the Academic Performance Index or API. Numerous California schools, some celebrated by their communities as success stories under state API rules, are now considered as failing schools according to No Child Left Behind’s AYP rules.
Another provision of NCLB appears at first glance to be an admirable effort to improve teaching quality. By the end of the 2005-06 all teachers must be "highly qualified", defined as meeting full certification requirements in the school subject(s) they teach. This burdens states and districts with another set of requirements, imposing what are impossible goals without significant investments by federal and state government in educating teachers. One provision of NCLB seeks to undercut state certification laws by authorizing development of a fast track, web-based certification process that requires almost no practical school experience and relies almost entirely on standardized testing.

Finally NCLB uses language also contained in state certification law mandating, for example, that all materials for teachers or students purchased with government fund be "scientifically based ". The Bush Administration uses this authority to impose its particular view of teaching and learning as scientific truth on teachers and university faculty.

**Conclusion**

However well intentioned, the effort of state and federal governments to control school curriculum and teacher education is ill considered and a failure. The inordinate reliance on multiple-choice, standardized testing coupled to government regulations degrades teaching and learning and increases educational inequalities. It also serves as a barrier to recruiting and retaining qualified teachers, particularly teachers of color. Government regulation of content of courses and programs not only fails to achieve its avowed purpose, it erodes the academic integrity of the university, undermines academic freedom and the critical role institutions of higher learning must play in educating teachers in a democratic society.

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