

SENATE BILL 186
AND
THE TRUTH ABOUT COLORADO EDUCATIONAL "REFORM"

Citizens for Quality Public Education

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To Colorado public school students
and their teachers . . .

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The centerpiece of Governor Bill Owens' educational "reform" package, Senate Bill 186, was signed into law on April 10, 2000. The Bill was rushed through the Colorado Legislature, which allowed itself to be manipulated in an abusive display of executive power.

The enactment of SB 186 was unconscionable. Throughout the debate in both houses, there was a sustained effort to shut off growing public opposition. In the aftermath, the people of Colorado have been confronted with a legislative deed that will very likely destroy the public schools in this state.

This is a serious prospect, since the reasons behind the American public school movement in the late 18th and 19th centuries still hold true today. Thomas Jefferson expressed the underlying rationale best: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."¹ Jefferson's argument for public schools was based on the belief that a free society devoted to achieving the rights of its citizens could be maintained and tyranny prevented only if the people in general were well educated. He clearly understood that public schools that aimed to serve the entire public had to be under public control and free from religious or sectarian or private control.² Although committed to the economic philosophy of free enterprise, Jefferson maintained that public education had to be off-limits to private interests. In his Notes on Virginia, where he outlined his plan for public education, Jefferson eloquently called for public tax support and emphasized that an educated people were "the ultimate guardians of their own

liberty"---and that their influence over government would keep government safe from corruption by "any private sources of wealth."³ This belief was advanced by the second generation of public education advocates.

In the 19th century, Horace Mann, Henry Barnard, and others who promoted the "common school movement" all argued the necessity of tax-supported, nondenominational, and publicly controlled schools for American children.⁴ Their demands for both public support and public control were based on the assumption that

if the public did not control the common school, then sectarian interests would get hold of it and impose their particular political, economic, or religious doctrines on the students. This would obviously force some to withdraw in order to preserve their rights of conscience, and the schools would no longer be "equal and open to all."⁵

"The spirit of private, select schools," wrote Orville Taylor in 1837, "is a spirit directly opposed to the free, equal spirit of our institutions." It could only, Taylor went on to say, "weaken and bring into disrepute the public schools."⁶ In short, the powerful argument for publicly controlled education was to put schools directly in the hands of the people and thereby make them responsive to public needs and individual freedoms.

In the 21st century, the public schools remain the only social institution in which all of our children can be brought together in a learning community and exposed to the intellectual and cultural diversity that defines the American people. This basic concept of publicly controlled, universal, and equal education for all children has been expanded steadily over the past two hundred years. Today, when the United States is the only remaining superpower on the globe--a position which necessitates

broad knowledge and experience with human differences--"a clustering of similars" through the deliberate privatized separation of school settings is not the best way to educate the majority of our youth for effective democratic citizenship.

* * * * *

The overriding educational issue now before Colorado citizens--and the American people at large--is the takeover of the public schools by corporate interests. This is a reality that has been underway for many years. During the Reagan Administration, corporate interests acquired a great deal of political support to begin moving into the nation's service professions. Health care and education were the major targets.

The growth of corporate power in the public sector of education has been accomplished primarily through the passage of a long series of legislative measures at both federal and state levels. For the most part, this body of new education law--dense and tortuous in its formulation--has escaped public attention and scrutiny. Each piece of legislation has been surrounded with terminology deceptively designed to appeal to traditional American values and sentiments. Expressions such as "school choice," "educational excellence," "quality schools," "freedom from bureaucracies," "break the mold," and "flexibility of educational programs" have all been employed like Madison Avenue advertising slogans. The tactic has been to discredit the traditional public schools, then turn to corporate enterprises--equipped with state-of-the-art technology--to help the "troubled schools."

In this process, the professional classroom teacher has

been severely undermined. Traditionally educated to function with a wide latitude of informed professional judgment and the protections of academic freedom,⁷ public school teachers are being transformed into trained technicians. Their main functions today are to implement curricula designed by outside "experts" and administer assessment instruments manufactured by the commercial testing industry. Last fall, the Chicago Public Schools adopted a "structured curriculum" in which scripted day-by-day lesson plans were given to the city's 27,400 teachers.⁸ The ultimate goal for staffing schools in the 21st century is unmistakably the replacement of "expensive" professional educators with low-cost technicians. The corporate formula for efficiency is critical in understanding the schooling design for the future because the corporate motivation is monetary profit, not the best possible education of our children. And America's public schools have enormous potential as a "cash cow."

The players in this corporate venture are varied. Paramount are the entrepreneurs, particularly those in the computer, communications, and publishing industries. Social engineers form another prominent group. Typically, they are motivated by the prospects of creating a utopian society in their own image and they benefit from a close alliance with the corporate entrepreneurs. The military forms the third and almost invisible group among the primary players. Military involvement in public education has been through its research and development of educational technologies.⁹ Secondary but no less important players in the war against the public schools are right-wing religious

groups and home schoolers, both of whom stand to benefit in terms of tax relief and in promotion of their private beliefs and values. The libertarians are another secondary group; they have long attacked the public schools as "government" institutions. Both primary and secondary groups' agendas, no matter their motivation, will result in segregating and stratifying children and American society at large.

The introduction and passage of Colorado's Senate Bill 186 must be viewed as an important victory in the national campaign to eliminate the public schools.

All citizens have a compelling reason to take an active interest in this campaign, even if they have no children of their own in the nation's public schools. For if this corporate/political venture succeeds, it will substantially change for all Americans the nature of the democratic society in which we live. Dwight D. Eisenhower, in his last Presidential address in 1960, urged Americans to "guard against the acquisition of unwarranted influence" by forces he called the "military-industrial complex." Eisenhower warned that the combination of interests in modern American life represented a "potential for the disastrous rise of misplaced power" that would threaten "our liberties or democratic processes."¹⁰ At the outset of the 21st century, Colorado has been selected as a strategic target by these forces.

SECTION 1: BACKGROUND OF SENATE BILL 186, "CONCERNING EDUCATION REFORM AND MAKING AN APPROPRIATION THEREFORE"¹¹

Senate Bill 186 was a lengthy piece of legislation. Its key

points were as follows:

(1) SB 186 authorized the Colorado Department of Education to develop a complicated and uniform school report card wherein every public school would be required to annually report, among other things, a single composite letter grade based on the average of all student standardized test scores in each school taken under the mandated Colorado Student Assessment Program (CSAP).

(2) SB 186 imposed a bell-curve assessment policy on every Colorado public school, establishing a "baseline performance year" (2000-2001), with five student scoring categories for determining average school-wide performance.

(3) SB 186 authorized the State Board of Education to seek bids from private or other entities to convert "F" scoring schools, after one or two years of unsuccessful "improvement" attempts, into independent charter schools within the local school district. The law requires the local school district to negotiate a contract with the entity "recommended" by the state. If, after two years, there is no improvement under the first charter school contract, the school will be converted to a state-run charter school. The state will then determine which entity is to receive the second charter management contract. This poses the possibility--in very small districts--of the emergence of state-run districts, which is in conflict with Article IX, Section 15 of the State Constitution.

It is important to distinguish the difference between the state-mandated charter schools to be established under SB 186 and the sixty-nine charter schools that have been organized in Colorado in response to the Charter Schools Act of 1993. The latter have developed from grass-roots, free choice efforts and strong parental

support of various curricula visions. SB 186 has coopted the charter school idea for punitive and narrow purposes: forcing failing schools to forfeit local control for the single objective of raising scores on a single test.

(4) SB 186 granted transportation tokens to offset costs of transporting students who choose to transfer from "F" and "D" schools to other public schools with higher CSAP scores, including the charter schools. This is a barely-concealed voucher system. The voucher clause of SB 186 had low visibility in the legislative debates because of voter defeat of school voucher and tuition tax credit initiatives in 1992 and 1998.

The ease of student transfer under this clause of SB 186 will be offset by the existing overcrowding of Colorado public schools. Also, students in isolated rural schools designated "F" or "D" seeking to transfer to schools with higher CSAP scores, could face commutes of 50 to 100 miles daily.

(5) SB 186 provided annual financial rewards for schools earning the highest CSAP scores (within the top eight percent), and for the "most improved" schools. Cumulatively, this will deepen the funding disparities within and between Colorado school districts.

(6) SB 186 authorized the development of additional CSAP tests to expand the annual standardized assessments to eight grades (three through tenth grade). Also, an annual standardized college entrance examination, selected by the Colorado Department of Education, was mandated for all eleventh grade students.

Senate Bill 186 did not come out of a political vacuum. It is the latest--and the most dangerous--piece of legislation that has its origin in the Colorado Educational Accountability Act of 1971

(SB 33). This Accountability Act was widely copied in other states. It was the first effort to force Colorado public schools to move in the direction of a uniform curriculum ideology by specifying that annual student assessment had to be done in terms of "performance" (that is, behavioral) objectives and "measurable" learning results. The 1971 Act also put in place an accountability monitoring network responsible to the state. Within a decade, this law was being used to legally justify competency-based education procedures (minimum proficiency levels) in governing the accreditation and licensing process for the state's classroom teachers.

Harsh criticism of American public schools exploded nationally in the wake of the 1983 Reagan Commission report, A Nation at Risk. The chief finding of this highly publicized report was that American public schools were experiencing "a rising tide of mediocrity." Gerald Bracey, a respected educational researcher, has pointed out that there was no such tide--that the authors of A Nation at Risk "were sometimes merely naive in their interpretations, but at other times they verged on being criminally uncritical about the misinformation they were being fed."¹² Two such items of misinformation that deeply colored A Nation at Risk and the national crusade that was launched by that report were:

For the first time in the history of our country, the educational skills of one generation will not surpass, will not equal, will not even approach those of their parents.¹³

Average achievement of high school students on most standardized tests is now lower than 26 years ago when Sputnik was launched.¹⁴

Because of the reported "decline" in education, the nation was advised that the U.S. was losing its leadership position in

industry, science, and innovation.¹⁵ Although A Nation at Risk was not supported by research, Colorado and the other states (through a proliferation of "blue ribbon committees") adopted its recommendations without question. One of the central recommendations of A Nation at Risk was the increased use of standardized achievement tests.¹⁶ Another was the incorporation of "computer literacy" as a new basic requirement of the K-12 curriculum.¹⁷ This requirement launched the national computer-based instruction movement--and the direct alignment of the K-12 public school curriculum with the industrial technology workforce. By 1987, despite the lack of supporting educational research, public schools nationwide had spent over two billion dollars on over a million and a half computers--a trend that shows no sign of slowing down. Thirteen years ago, the public schools already were spending "one-fifth as much on computers, software, training and staffing as they [were] on all books and other instructional materials combined."¹⁸

In 1985, the Reorganization of Higher Education Act (HB 1187) was passed by the Colorado Legislature. This Act imposed accountability regulations on state colleges and universities comparable to the ideology of K-12 education under the 1971 Senate Bill 33. This Act mandated that higher education develop "performance objectives" and a program designed to "measure objectively" both qualitative and quantitative achievement. It led to the adoption of uniform faculty evaluation based on institutionally-prescribed "good teaching" characteristics. Under this Act, the Colorado Commission of Higher Education was established to oversee all state

institutions of higher education. In 1990, the CCHE imposed a 2 percent funding penalty on any state college or university for non-compliance with the higher education accountability law.

In 1988, the Legislature passed the Public School Finance Act (HB 1341). Under Part 2, "Educational Achievement," state funding was tied to standardized achievement tests administered by the State Board of Education. Under its "Excellent Schools Program," the Act established a range of annual financial rewards for districts, schools, and individuals. These monetary incentives were linked to predetermined learning goals and "outstanding measurable progress." Also put in place, under Article 66, were pilot programs for "alternative salary policies" for classroom teachers. The pilot programs were designed to replace the traditional index system (based on years of service and level of education). Article 66 has led to the adoption of merit pay systems for public school teachers. Teaching "merit" has been tied to accountability criteria, and in recent years directly to student CSAP scores.

The combined Bush-Clinton America 2000/Goals 2000 initiative in 1989/1994 set in place the "standards movement," which Governor Roy Romer brought back to Colorado for implementation. Like A Nation at Risk, America 2000 and Goals 2000 also were totally lacking in research. In 1991, after "educational reform" had become a very popular bipartisan political issue, the Sandia National Laboratories produced impressive research that refuted the assumption which had prompted America 2000--that there was a national educational crisis. The Sandia research team argued

that one of the impediments to genuine educational improvement that had to be overcome was "system-wide crisis rhetoric."¹⁹ The Sandia research report was suppressed under both the Bush and Clinton Administrations.²⁰

In 1990, the Colorado Legislature passed HB 1314, the Schools of Choice Act. Under this Act, the Colorado Department of Education was authorized to make information public about enrollment options which are available throughout the public school system in Colorado. Nonresident students were given the right to enroll, tuition-free, in any program or school. However, school districts had the right to reject nonresident students who did not meet "required levels of performance."

In 1992, HB 1184 added more legislation Concerning Educational Accountability. This Act expanded the authority for local school building and district accountability committees to make recommendations about the "prioritization of expenditures of school district moneys." It also required reports to the State Board of Education on educational achievement made by school building and district accountability committees to "include certain comparisons of data." This Act sought additional uniformity of the K-12 public school curriculum, and further eroded the authority of elected district school boards and district and local administrators.

By 1993, the Colorado Legislature had passed HB 1313, the Standards and Assessment Act. This Act (sponsored by then-Representative Bill Owens) plunged Colorado public schools into the frenzy of identifying content "standards," as if none previously had existed. Aimed at bringing about "coordinated

improvement" in the performance and accountability of the state's K-12 education system, HB 1313 required all school districts to redesign curriculum, instruction, testing, and teacher development around academic standards. The Act established the State Standards and Assessment Development and Implementation Council. In the fall of 1995, the State Board of Education adopted model content standards in the areas of reading, writing, geography, science, history, and mathematics. Subsequently, model content standards also were adopted for civics, art, music, physical education, and foreign language. Under this Act, local school districts had to "meet or exceed" the requirements of the state's model standards. This new uniform curriculum was projected to be fully in place statewide by 1999.²¹ HB 1313 also empowered the State Board of Education to adopt "state assessments and to specify an acceptable performance level on each state assessment." It was under this Act that the state contracted with McGraw-Hill to design and score the Colorado Student Assessment Program. The first CSAP tests were administered in 1997 to grades 4, 8, and 10. By 1998, a 3rd grade standards-based reading test had been added.

It is significant to note that the Colorado Department of Education, in its public relations information about the mandated standards, deceptively explained the policy as "neutral"--confusing knowledge "objectivity" with "neutrality":

Academic content standards are entirely objective. Because content standards simply spell out expectations of what students should know and be able to do, they are educationally neutral. Any philosophy, curriculum, teacher training program, or class scheduling system is acceptable as long as it can demonstrate progress in bringing students up to standards.²²

In reality, forcing all educators and all students to think in terms of uniform and objectified learning outcomes/standards represents ideological control. The policy glibly conceals that the educational philosophies of many classroom teachers would be deeply compromised by the imposed standards.

The Legislature also passed the Charter Schools Act in 1993. This Act authorized the State Board of Education to issue a charter to any group of persons applying to operate a charter school within any of the state's 176 school districts. The Act was intended to encourage the formation of privately-managed charter schools, and specified that charter schools were to use any unused public school facility rent-free. All other operational costs of the charter school were subject to negotiation between the charter school and the local school district.

In 1994, the Colorado Legislature passed SB 160, Concerning Authority to Contract for the Development of Standards-Based Education Materials. This Act expanded the powers of the State Standards and Assessment Development and Implementation Council. The Council, at its discretion, was given the authority to contract with any district or consortium of districts or with any individual, group, or corporation with expertise in education for the development of state model content standards and state assessments. This Act moved the state further along in its alliance with the commercial testing industry.

Another Legislative measure in 1994 was HB 1361, Concerning Authorization for School Districts to Choose Whether to Implement Standards-Based Education. This Act was less permissive than

appeared on the surface. School districts were given the option of choosing to implement either standards-based education (adopting the state model content standards) or district education goals. Each district was directed to assess and report measurable student achievement in terms of either content standards or district educational goals. However, this Act also stipulated that there would be state assessments administered randomly "to provide accurate and detailed information to the people of Colorado on student achievement and to corroborate the quality of the results provided by district assessments." State assessment thereby remained the controlling curriculum factor. The Act also reflected legislative blind faith in the superior quality of commercially produced standardized testing instruments.

HB 1177, enacted in 1995, was titled: Concerning Implementation of a Pilot Program to Allow School Districts to Choose Whether to Adopt Standards-Based Education, and, in Connection Therewith, Providing a Mechanism for Measuring the Success of the Pilot Program. The pilot program expressly meant standards-based education, and the Act contained the following pedagogical advice: "One method of improving the quality of learning in the schools is to establish clear expectations of what a student should learn in any given subject." Under HB 1177, it was clarified that all school districts would participate in the statewide assessment program "regardless of whether they participate in the pilot program."

The Colorado Legislature passed HB 1219, the Higher Education Quality Assurance Act, in 1996. Its intent was to provide

students with a high quality and "efficient" education by linking K-12 and undergraduate college education, with attention to "work-force preparation, the use of technology to improve and deliver education, and operational productivity."

HB 1139, the Colorado Basic Literacy Act, also was passed in 1996. Under this Act, the State Board of Education was authorized to determine the satisfactory reading readiness level for kindergarten students, and the literacy and reading comprehension levels for students in the first, second, and third grades. The Legislature mandated that third-graders had to demonstrate, through a variety of measures, that they can read at grade level before they can be promoted to fourth-grade reading classes. All third-graders who do not meet the state proficiency level must be placed on individual literacy plans until they are able to meet the standard. According to third-grade reading scores released in May 2000--for tests taken in February--16,800 children state-wide this year will have to be placed on individual literacy plans until they reach proficiency levels.

House Bill 1209, Concerning Education Reform, was enacted in 1998. It placed a further requirement on the State Board of Education regarding its evaluation of teacher preparation programs. It includes an assessment of the extent to which teacher preparation programs teach future teachers "to assist their students in attaining the goals of standards-based education." This requires teacher and administrator evaluations of teacher preparation programs to assess the extent to which "the programs prepared teachers to implement standards-based education." The Act also specified that the measurement of basic teaching competencies shall be made in the context of the requirements of standards-based education.

The U.S. Congress passed the Charter School Expansion Act in 1998. It was designed to encourage charter school activity by awarding federal grants. The Act stipulated that quality charter schools should be held accountable "for meeting clear and measurable objectives for the educational progress of the students attending the schools."

By 1998, as an outgrowth of Goals 2000 activity in the Clinton Administration, a federally funded initiative was channeled through the National Board for Professional Teaching Standards. Founded in 1987 as a nonpartisan, independent organization, the NBPTS came out of the 1986 Carnegie Foundation report, A Nation Prepared: Teachers for the 21st Century. Most of the NBPTS Board

of Directors are classroom teachers from various states. But there are a number of governors, teacher union representatives, local and state school board leaders, and corporate executives who also serve as Board members. The mission of the NBPTS is to

establish high and rigorous standards for what accomplished teachers should know and be able to do, to develop and operate a national voluntary system to assess and certify teachers who meet those standards, and to advance related education reforms for the purpose of improving student learning in American schools.²³

The intended result of NBPTS activity in Colorado is the "building of a critical mass of National Board certified master teachers who can advance standards-based education in Colorado." The goal is to place 200 NBPTS certified teachers in Colorado schools by 2002. This is to be accomplished by giving grants to 50 Colorado teacher candidates each year to go through the NBPTS certification process. Although "voluntary," the certification process obviously is designed to coopt classroom teachers into joining what is portrayed as an elite new teaching cadre.²⁴ The effort can be interpreted as placing a subversive element among classroom teachers whose vision of education is not yet "standards-based."

HB 1267, Education Accreditation and Statewide Assessments, was passed in 1998. It required the State Board of Education to implement a school accreditation process that "focuses on student achievement results on standards-based tests." It also expanded statewide CSAP testing to the 7th grade (reading and writing), 8th grade (mathematics and science), and 10th grade (reading, writing, and mathematics). It also mandated that 12th grade students who had scored below proficient in the 10th grade CSAP test be required to take the test again as a condition for graduation.

In 1999, SB 229, Concerning the Statewide Goals Under the Higher Education Quality Assurance Act was passed. This Act put in place a "quality indicator system" so that all state colleges and universities would measure their annual progress in terms of specific institutional goals. The CCHE has projected a future "Goal XVII" under this Act whereby state colleges and universities "will annually increase their on-line, extended, and distance learning courses, coupled with other technology-enhanced courses by 10 percent a year to an eventual benchmark goal of 50 percent."²⁵

The Performance-Based Teacher Education Program Act (SB 154) was passed under Governor Owens in 1999. It was aimed at teacher education programs in eleven public colleges and universities. The State Board of Education was authorized to review and approve all eleven programs, and to place on probation--or shut down by July 2001--any program that does not meet state performance standards.

Following the directives of SB 154, the Colorado Commission of Higher Education, on March 2, 2000, ordered all Colorado teacher education programs to redirect the focus of future Colorado classroom teachers to state standards, which in turn will be linked to student performance on the CSAP tests. Specifically, SB 154 mandated that all teacher education programs be "redesigned" and "graded" on how well their content is "aligned" with State Board of Education standards.

The idea is to have prospective teachers "spend less time on theory and more time on content and practical experience" in the K-12 schools.^{25a} What this really means is that teacher

candidates will receive minimal exposure to competing theoretical ideas in education, ideas that come from the social sciences, humanities, and sciences. Traditionally, such knowledge has served as the basis from which professional educators have developed their own teaching vision and exercised independent, informed judgment. Throughout human history, all truly great teachers have taught from a personally-derived perspective. No teacher accorded the reputation of greatness has ever been manufactured through standard-design. The SB 154 teacher training model, geared toward standard-design, will find theory courses wasteful and disruptive.

Quite obviously, the Colorado legislative record for exerting "accountability" control over the state's public schools, its teacher education institutions, and its undergraduate collegiate education was almost complete prior to Governor Owens' introduction of SB 186 in December 1999.²⁶

It also should be noted that the Clinton Administration, in February 1999, announced a \$200 million initiative that would require states and local school districts to identify their lowest-scoring schools and "turn them around." If this failed, the proposal required additional steps, including "permitting students at failing schools to attend other schools, or closing the schools and reopening them as charter schools with new faculty."²⁷ This idea was incorporated into Governor Owens' SB 186, and is one of its most controversial features.

Against this substantial backdrop of accountability policies and legislation, the Governor's triumphant boast on April 10, 2000 that SB 186 heralds "a new era of accountability" and "takes a

bold step" toward providing a better education for every Colorado child²⁸ can be identified for what it actually was: a politically motivated fabrication. A full generation of Colorado children have been subjected to the accountability formula in its coded variations: minimum competencies, goal analysis, outcome-based education, performance-based learning, and the latest cult of standards-based schooling. Thus, "new" and "better" are not the underlying reasons for continuing to push public school students and teachers in this ideological direction. The true purposes are revealed in several additional Colorado legislative measures.

The general assembly hereby finds and declares that technological advances, particularly in the development and dissemination of resources through the world wide web, can provide alternatives for the provision of educational services that can be customized to serve the diverse needs of today's student population.

--1998 Colorado Legislative Declaration 22-33-104.6

HB 1227, Authorization of On-Line Educational Program, was passed in 1998. The Act authorized any school district, any group of school districts, or a board of cooperative services to establish an on-line educational program as an alternative educational program for "a student who has been expelled from a public school or a student who demonstrates circumstances that indicate such student's probable success in the on-line program." This Act further stipulated that a child who is participating in an on-line program shall not be subject to compulsory school attendance.

The following declaration supports the home schoolers. It also further sanctions the pursuit of home-based on-line instruction for K-12 children:

The general assembly hereby declares that it is the primary right and obligation of the parent to choose the proper education and training for children under his care and supervision. It is recognized that home-based education is a legitimate alternative to classroom attendance for the instruction of children and that any regulation of non-public home-based educational programs should be sufficiently flexible to accommodate a variety of circumstances. The general assembly further declares that non-public home-based educational programs shall be subject only to minimum state controls which are currently applicable to other forms of non-public education.

--1998 Colorado Legislative Declaration 22-33-104.5

The general assembly hereby finds and declares that . . . Colorado has the opportunity to become a world-class center for the telecommunications and information technology industry . . .

The general assembly further finds and declares that current higher education programs within the state can serve as the core of a more comprehensive telecommunications educational program that provides skills, training, certification, and short courses, as well as degree-based, learning opportunities for traditional and nontraditional student markets. Moreover, the integration of sound pedagogical approaches with contemporary technology holds the promise of transforming the way students are taught and learn, both within the context of a traditional higher education experience and in the life-long learning which is becoming a prerequisite of an increasingly technological society.

The general assembly intends that program delivery be based on the most modern technologies, including video, on-line, and CD-ROMS, using the Internet, satellites, and other forms of communications systems.

--1999 Colorado Legislative Declaration 23-20.3-101

SB 163, Institute for Telecommunication Education, was passed in 1999. This Act established the Colorado Institute for Telecommunication Education as an "auxiliary" unit of the University of Colorado. The Institute was directed to "develop partnerships between participating higher education institutions in Colorado and participating telecommunications and information technology industries and businesses in Colorado."

* * * * *

SECTION 2: THE CONCEALED REALITY OF THE PUBLIC SCHOOLS

The vast network of accountability laws and policies (paralleled in other states), coupled with the negative publicity generated by educational "reform" activity in the Reagan, Bush, and Clinton Administrations, have effectively concealed the truth about the public schools, the nation's teaching force, and the actual achievement of public school students. The recent passage of SB 186, itself, perpetuated the mythology. The Denver Post headline of April 11, 2000, announced: "Faltering Schools Get Private Help."

Virtually all of the accountability legislation--especially Senate Bills 154 and 186--reflect the popularized notion that Colorado (like the rest of the nation) has suffered a decline in the quality of its classroom teachers. The myth that there are legions of "poor teachers" is all-pervasive. The truth is that the U.S. has one of the most highly educated teaching forces in the world. Just thirty-five years ago, many Colorado public schools were staffed by teachers who held junior college diplomas and temporary teaching credentials. Today, both elementary and secondary teachers earn Master's degrees within a few years of being credentialed. Or they earn their initial teaching certificates at the graduate level. The research of David Berliner and Bruce Biddle challenges popular assumptions about teacher quality.

the teaching force of America does not consist of bottom-of-the-barrel people who are deficient in intellectual ability and poorly trained by their colleges and universities. Despite the enormous size of the teaching force, evidence suggests that the average teacher in America is talented, high achieving, and well educated.²⁹

Colorado public classroom teachers, like those in other states, are trying to educate all of our children, not just the

children of wealth or of the dominant ethnic group. The difficulty of this effort has been compounded by two factors: (1) the escalation in the numbers of children in our public schools who are "disadvantaged," "at risk," or who have "special needs," and (2) the serious public underfunding of the resources necessary to address the educational needs of such children. The public educational system across the country currently provides "miserable support for schools that serve poor neighborhoods."³⁰ What this means is that Colorado public school teachers today face linguistic, cultural, socio-economic, and other special needs challenges confronted by no previous generation of American educators. Such challenges will not burden the state's private schools, since they have no responsibility to educate all children who seek admission.

* * * * *

In mid-March, Governor Owens responded to critics of SB 186 by insisting he had to do something about "soaring drop-out rates." He was not seriously challenged on this point.

Contrary to myth, public school enrollment has greatly increased. A century ago, 6 percent of the eligible youth population in the U.S. graduated from high school. By mid-20th century, just 57 percent of the eligible youth population earned high school diplomas. The Civil Rights Movement, which granted school access to many American minority children for the first time, helped to boost the national graduation rate to 75 percent by 1965.³¹ In 1989, about 83 percent of all students received a diploma "on time," that is, twelve years after beginning school.

Many Americans complete their high school education after the age of 18 through General Education Development certificates. For example, 91 percent of the nationwide class of 1980 had completed high school or its GED equivalent by 1986.³² The U.S. has one of the highest secondary graduation rates in the world, and enrolls a larger proportion of its population in post-secondary education than any other country.³³

Colorado's high school graduation rate compares favorably with the national rate. In 1999, the Colorado high school graduation rate was slightly under 80 percent.³⁴ Consistent with the national pattern, it can be assumed that many others from the Colorado class of 1999 will complete high school by earning GED certificates after the age of 18.

Since more high school graduates obviously mean fewer drop-outs, the charge that Colorado has a "soaring" drop-out rate is untrue. There are areas of the state where the drop-out rate, although not soaring, is of concern. The Denver Public Schools, after four consecutive years of improved rates, experienced an increase in drop-outs--a district rate of 7.4 percent for 1998-1999, compared with 6.2 percent the previous year.³⁵ At the same time, however, Denver's North High School reported outstanding success in lowering its drop-out rate--from 18.2 percent in 1995-1996 to only 5.9 percent in 1998-1999. This decrease occurred in a school that has an 83 percent student mobility rate and where 69 percent of the students received free and reduced-cost lunches last year. The North High School principal and his faculty have responded to the drop-out problem in some very practical and positive

ways: by providing strong personal support and individual planning with each student, and by adjusting class schedules to meet individual and family needs. This includes enrollment flexibility during the school year, instead of rigid semester regulations. It also includes giving students a fifth year in which to complete high school.³⁶ Recognition of North High School's remarkable success was not part of Governor Owens' public comments.

* * * * *

For years, critics of the public schools have argued that the schools were failing, that our youth were becoming ignoramuses, that they lagged behind foreign students, and that this dreadful situation was negatively impacting the "competitive edge" of American industry and placing the nation in grave danger.³⁷

In their painstaking 1997 study, The Manufactured Crisis, David Berliner and Bruce Biddle demonstrated that such charges are "errant nonsense." Their massive evidence, largely from traditional standardized test data, reveals that there has been no decline in student achievement! In fact, many of the tests reveal "modest gains in students' knowledge over previous generations." Scholastic Achievement Test (SAT) scores, which have figured prominently in the "decline" rhetoric, have been used to misinform the public. When the SAT data is accurately interpreted (when analyzed against the fact that many more students now take the SAT, which automatically lowers aggregate scores), the SAT data actually show a pattern of student growth. The real evidence indicates

that the myth of achievement decline is not only false--it is a hysterical fraud . . . The brief decline in SAT scores a generation ago provided no information whatever about the

performance of American schools but was, instead, a signal that interest in higher education was spreading throughout the nation. Surely this should have been a matter for rejoicing, not alarm.³⁸

The National Assessment of Educational Progress (NAEP) is an even better indicator of student achievement. Designed to be "the nation's report card" by the National Center for Educational Statistics of the U.S. Department of Education, the NAEP is administered to national samples of students aged 9, 13, and 17. The students are tested about every two years in mathematics, science, reading, writing, geography, and computer skills. NAEP tests have shown that "average NAEP scores earned by students across the nation in reading and mathematics for various years between the early 1970s and the late 1980s have hardly changed during this period."³⁹

Significantly, what the relatively stable test data really show has not stopped the critics. The newer interpretive "spin" simply has shifted the argument. Following release of the 1991 NAEP scores and public acknowledgment that they showed no decline in achievement, Secretary of Education Lamar Alexander, a prominent critic of the schools, stated that the stable NAEP scores were "not nearly good enough for the 1990s." Former Assistant Secretary of Education Diane Ravitch, another critic, proclaimed that "what was good enough 20 years ago is not good enough anymore."⁴⁰

The popular comparisons made between American and foreign students also have been distorted to fit the rhetoric of "educational crisis."⁴¹ The research of Gerald Bracey, David Berliner and Bruce Biddle show that the comparisons are so flawed as to be

meaningless. In all the international studies done to date "the students are not comparable, the curricula are not comparable, the schools are not comparable, and the tests are not comparable."⁴² Most importantly, international comparisons ignore the fact that most American youth are in school, whereas most other countries have massive drop-out rates, with many students dropping out at the end of elementary school. Moreover, many nations that do educate more than a small number of their children beyond the early grades (like Great Britain and Germany), track students into academic or vocational programs around age 13.

Whether the selection comes about through dropping out or through tracking, we should not compare the resulting elite groups of students to a sample of American students that represents virtually everyone.⁴³

With respect to the curriculum itself, the U.S. differs from other countries--and not because of unchallenging subject matter, as critics often charge. In many countries, what is considered important must be taught before the eighth grade to ensure exposure to most students. In contrast, the U.S. waits to teach geometry, for example, until the tenth grade--knowing that most American students will still be in school. Many countries "cannot afford the luxury of waiting, and so their students appear to know more than American students precisely because of their higher drop-out rates."⁴⁴

Another important factor on international test comparisons, and one invariably overlooked by American critics, is that of language differences. Many countries have large ethnic minorities who do not speak the dominant language of the country. Such students are excluded from comparative research, thereby biasing

the test results.⁴⁵ In contrast, American students whose primary language is not Standard English, are included in standardized achievement testing--and in subsequent comparative data--thereby lowering American test results. An illustration of this peculiar policy is the fact that over 45,000 Limited English Proficiency students in Colorado public schools were made to take the CSAP tests this past year. By law, the CSAP tests are administered in Standard English.⁴⁶

When comparative data is examined carefully, the evidence "confirms impressive strengths of American education."⁴⁷ The truth is that the top American students equal or excel the top students in all other countries.

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SECTION 3: THE DISTORTING USE OF "HIGH-STAKES" STANDARDIZED TESTS

Standardized tests were first developed a century ago. All the early testmakers held to the shameful racist doctrines of that era. Their standardized tests were intended to separate "inherently superior" from "inherently inferior" children by tracking them along racial lines.⁴⁸ Thus, the standardized tests met their underlying purpose of maintaining the dominant social and political order. Nonetheless, standardized test usage in the nation's schools throughout most of the 20th century invariably was justified in terms of "diagnosing and helping children learn," even if learning expectations for the racial minorities were not high in the estimation of the testmakers.

"High-stakes" usage of commercially-produced standardized testing instruments is a new phenomenon in American education.

"High-stakes" means that test scores now are being used openly as political weapons--to force educational policy and practice to move in politically-determined directions, and to make life and death decisions in the lives of students, teachers, administrators, and entire schools.

To date, no professional education association in any subject matter discipline has endorsed high-stakes testing. The 1999 position statement of the International Reading Association is illustrative of the thinking of educational scholars and practitioners:

The Board of Directors of the International Reading Association is opposed to high-stakes testing . . . In the United States in recent years there has been an increase in policy makers' and educators' reliance on high-stakes testing in which single test scores are used to make important educational decisions . . . Our central concern is that testing has become a means of controlling instruction as opposed to a way of gathering information to help students become better readers.⁴⁹

This central concern has been ignored by Governor Owens and his legislative supporters. Moreover, the whole approach of the Owens' education "reform package" has been colored by profound ignorance of standardized testing knowledge.

Commenting on the 1999 CSAP results, the Governor stated that "one out of three third-graders cannot read at grade level, and three out of five fourth-graders cannot write at grade level." The unexplained fact is that the CSAP standards were set deliberately and arbitrarily high. Whereas "grade level" is normally defined as the 50th percentile, the CSAP proficiency cut-off point for the fourth-grade writing test, for example, was set at about the 70th percentile.⁵⁰ If the results of this fourth-grade CSAP

test had been interpreted against the national norm, Colorado children actually scored above the national norm, which should have been conveyed to Colorado citizens as a positive result.⁵¹ However, the Governor's misleading public statements politically helped to fuel his system-wide "crisis" rhetoric.

a. The "Objectivity" and "Fairness" of the CSAP Tests

Governor Owens and his legislative supporters have argued that the CSAP tests constitute an objective and therefore fair way in which to hold students, teachers, and entire schools accountable to the public. The fact is that the only objective feature of any standardized test is the way in which it is scored. The questions asked are never objective; the questions are always derived from the subjective judgment of the test designers.⁵² Therefore, like all standardized testing instruments, CSAP is inherently biased-- that is, favoring one actual or imaginary group that is designated "normal," and opposing all others with different intellectual or cultural characteristics.⁵³ In a democratic and very diverse society, there is nothing at all "fair" about educationally catering to a single group, whether on intellectual or cultural grounds.

b. The Logic Behind CSAP "Failing" Schools

The chief sponsor of SB 186 was quoted by The Denver Post as saying that if the bottom-end schools showed improvement, they would be taken off the failing list. Senator Norma Anderson explained that the lowest-ranking 2 percent of schools would be identified in the first year, but that 2 percent isn't a constant that will stay on a "bell curve" from year to year. "I would expect," she said, "within three years there won't be any 'F' schools."⁵⁴

This was repeated by Governor Owens at his signing of SB 186 on April 10, 2000: "With additional attention and resources . . . those schools never may reach the point where they have to be converted to charter schools. We expect to raise up to seven figures to help schools whose scores on standard achievement tests put them in the 'F' category."⁵⁵

The logic employed in the intended usage of the CSAP tests is different from traditional standardized testing design and use. The Stanford Achievement Test, for example, is permanently tied to a bell curve distribution of scores. The test items are deliberately designed so that large numbers of students will fall into the predetermined scoring categories. If this does not occur, the test questions that are scored correctly by too many students are removed and replaced by new test questions that will maintain the bell curve. Traditionally, the bell curve of a standardized test thereby ensures that there will always be "F" scoring students.

Under SB 186, a "baseline assessment year" has been designated for 2000-2001. CSAP test items for the baseline year will be deliberately designed so that Colorado public school students--with a high degree of likelihood--will fall into five scoring categories by predetermined percentages: 8% A, 25% B, 40% C, 25% D, and 2% F. The decision to establish these particular scoring percentages, consistent with the logic of traditional standardized testing instruments, is perfectly arbitrary. However, what distinguishes the CSAP tests is that the bell curve will not be maintained after the baseline assessment year.

From that year on, schools that score at or less than the original "F" cut-off level will be declared "F" schools. Consequently, it would be theoretically possible for every child in Colorado to reach proficiency levels of achievement in future years. The Governor and Senator Anderson are assuming test score improvement after the first year. This possibility, of course, will be greatly heightened as classroom teachers are encouraged to "teach to the test." However, a more likely reality that will ensure the continuing existence of "F" scoring students and schools is discussed under the next section, "The Exclusionary Nature of High Stakes Testing"--especially with respect to linguistic and socio-economic handicaps.

On the other hand, it must be borne in mind that the high-stakes CSAP tests have political purposes. Thus, it is quite possible that political purposes will be the ultimate determining factor in the construction and use of the CSAP tests. McGraw-Hill, like the for-profit testing industry in general, creates custom-made tests according to the wishes of its clients.⁵⁶ In the absence of raised scores, the CSAP test items could be recalibrated so that scores will be skewed toward the upper end of the original baseline assessment bell curve--creating the illusion of learning progress. Berliner and Biddle have pointed out that traditional standardized achievement tests (e.g., the Stanford Achievement Test, the Metropolitan Achievement Test, and the Comprehensive Tests of Basic Skills) have been recalibrated about every seven years, to make certain that in all cases the typical student "scores at the 50th percentile rank for each subject

assessed by the tests." In short,

whenever the tests are recalibrated, the achievement gains that students had earned over the past few years are wiped out in the process. So, if commercial tests were not recalibrated, virtually all of them would show that today's students are out-achieving their parents substantially.⁵⁷

Technically, therefore, it would be just as conceivable to "recalibrate" the CSAP tests in the opposite direction--to demonstrate "improvement" in "F" schools!

c. The Exclusionary Nature of High-Stakes Testing

The Colorado Student Assessment Program test series is exclusionary in two fundamental ways:

First, CSAP is intellectually exclusionary. It is inherently biased toward a particular knowledge-set that is assumed to be objective (uniformly understood and accepted by all intelligent persons), sensible when broken into small parts (like lots of separate test items or computer "frames"), and is always measurable.⁵⁸ These knowledge-set characteristics apply whether CSAP employs traditional

multiple-choice questions or the newer rubric type questions that appear more complex and involve essay responses. CSAP demands that all students and all educators conform to this particular concept of knowledge. Conversely, CSAP ignores and/or penalizes all other commitments to knowledge.

The fact is that the intellectual climate of American life is characterized by a rich diversity of philosophic orientations to knowledge. This diversity is reflected in numerous educational philosophies, psychologies, and in their very different approaches to teaching, learning, and evaluating.⁵⁹ Recently, several researchers have called attention to the connection between high-stakes assessment, the demand that instruction be geared toward teaching to the test, and serious conflicts experienced by classroom teachers who think about education in entirely different terms.⁶⁰

The Aspen and Carbondale Community Schools (public charter schools in Colorado's Roaring Fork School District) are illustrative of what can happen when the knowledge-set preferences of local educators and parents clash with those imposed by the state. The Aspen and Carbondale Community Schools have been structured by the faculty around their commitment to subjective, process oriented, and holistic knowledge (knowledge makes sense only within a larger context). They also hold that the most important dimensions of knowledge are incapable of being measured.⁶¹ Their approach to assessment, based on research of learning styles, demands the use of multiple and individualized indicators to adequately assess each student's academic performance--a much

more comprehensive assessment than a standardized test.⁶² Parents who send their children to the Aspen and Carbondale charter schools share a commitment to this particular knowledge set.

Exercising their parental civil rights, twenty-two parents in the Aspen and Carbondale charter schools have excused their children from CSAP testing. These parents are aware that the state ideology of testing conflicts with their own deeply held philosophic orientation--and that of the teachers--and would seriously compromise the integrity of their children's educational program. A zero CSAP score does not appear in the school record for any of the individual children being excused by their parents. However, these zero scores are included, without explanation, as part of the average for each of the schools and the district as a whole. Since low CSAP scores impact funding, those educators and parents who are challenging standardized testing by test refusals are under heavy pressure to conform--from the Roaring Fork School District and from the Colorado Department of Education.⁶³

An authoritarian regime always seeks to control knowledge in its own image, silencing all other knowledge views. As the courageous educators and parents in the Aspen and Carbondale charter schools realize, intellectual exclusionary tactics by the state are totally inappropriate in a democratic society!

Second, CSAP is linguistically and socio-economically exclusionary. To be valid, an assessment instrument must ensure that students are able to communicate what they actually know "without introducing any irrelevant sources of difficulty, such as familiarity with calculators or the language of assessment."⁶⁴

As previously noted, the CSAP tests must be administered in Standard English, and over 45,000 Limited English Proficiency students in Colorado received zero CSAP scores in 1999.⁶⁵ This figure is twice what the state currently is reporting (24,000). But since state funding for such children is limited to two years, the actual figure of LEP children in Colorado is probably closer to 60,000, when students who no longer receive special services are taken into account.⁶⁶

The zero scores greatly impacted the CSAP averages in those schools and districts with heavy concentrations of LEP children. There was no discussion in the Legislature about the very large numbers of LEP children, particularly in poor inner city neighborhoods. And there was no attempt made by the Governor to clarify the relationship between LEP students and low CSAP-scoring schools. Instead, the Governor and his legislative supporters effectively blamed the public schools for the proliferation of "F" and "D" grades, insisting that the punitive policies of SB 186 would force low-scoring school communities to "do better." Thus, the Governor and his political allies perpetrated myths that are both ludicrous and cruel.

The reality of the situation was documented in studies sponsored by the Bueno Center of the University of Colorado at Boulder. Two doctoral candidates did a major research project on CSAP. Their key findings were that CSAP is a test of language proficiency not academic achievement, and that linguistic differences were entirely overlooked in the Governor's educational reform plans.⁶⁷ Apparently, enough legislators came to the same conclusion in the final version of SB 186, which now grants a 2-year CSAP exemption

to LEP children. However, the 2-year exemption does not adequately deal with this issue. Research asserts that developing academic skills in a second language requires four to seven years.⁶⁸ Despite the token legislative recognition of linguistic differences, the damage already had been done. The myth that there are hordes of "poorly educated" inner city children, and that this situation is due to "poor teaching," sealed the passage of SB 186.

On April 3, 2000, the Denver Rocky Mountain News headlined its recent statewide analysis that links low CSAP test scores directly to poverty.

The statewide education crisis that Gov. Bill Owens declared last fall is actually confined to impoverished urban neighborhoods, such as those not far from his mansion.⁶⁹

The RMN investigative report drew attention to the fact that urban poverty is complex. More children in inner city schools speak little or no English. Many urban families are troubled with chronic housing problems and other very basic economic problems that mean unstable family lives. Such poverty also means that their children frequently are forced to move during the year, often attending a new school every few months. The RMN analysis discovered what inner city classroom teachers and educational researchers have known for years--that income is an accurate predictor of standardized test scores, and that poverty is the prime predictor of poor achievement.⁷⁰

Highly respected inner city educators like Denver's Lyn Spampanato have pointed out that such complex poverty factors have to be addressed by the schools. Unfortunately, the Governor's supporters--including the Colorado Commissioner of Education--

publicly dismissed Spanpanato's comments as "excuses" that will not be tolerated. In translation, that means the state chooses to ignore the educational implications of poverty and focus all its attention on raising CSAP scores.⁷¹

Children of poverty often are subjected to unintended discrimination through remediation efforts that involve curriculum disenfranchisement, which lessens the quality, quantity, and scope of what they are exposed to in schools.⁷² CSAP pressures are significantly deepening this particular exclusionary practice. The Bessemer Elementary School in Pueblo, Colorado is a good example. Currently showcased as a "success" story, the Bessemer School has an 80 percent Hispanic and a more than 80 percent low-income student population. Their CSAP scores in 1998 were very low. Embarrassed by the school's performance, the administration and faculty stripped the curriculum of everything except reading, writing, and mathematics. Not surprisingly, the 1999 Bessemer CSAP scores were substantially higher.⁷³ The discriminatory cost to Bessemer students has been the severe limitations of their curriculum.

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During the legislative debate over SB 186, attention was focused almost exclusively on the CSAP test, the K-12 program of the public schools, and the Bill's intent to grade entire elementary and secondary schools. However, a little-publicized section of SB 186 (which was restored to the Act, when passed) applies to the state's institutions of higher education.

A high-stakes college version of CSAP was administered as a pilot program to college sophomores in April 2000. The college-level standardized examination, which tests students' knowledge

in the areas of English composition, reading, and mathematics, will be used to grade each state college and university. The CCHE announced that "It's to see how well the institution is teaching the student." Although the tests are voluntary at this time, monetary incentives were offered to encourage students to take the first test. Next year's pilot program will be paid "from private sources." Ultimately, according to the CCHE plan, the test will be mandated for all sophomore students, and their scores will be a major component of "a new state formula for funding colleges based on performance." According to the CCHE spokesperson, the test results also will provide information to the local school districts about their graduates. The local districts then will be expected to make changes in their curriculum when their students do not score well.⁷⁴

The college-level CSAP-like test--with all the same distortions and exclusionary flaws that are part of the K-12 tests--will complete the pattern of industrial manufacture and control over the intended end product: the standardized student, shaped for the new-age technological workforce and its passive citizenry.

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SECTION 4: CURRICULUM IMPLICATIONS OF HIGH-STAKES TESTING

The most glaring evidence of the folly of high-stakes standardized testing has come from Texas, Florida, New York, and Illinois.

On March 28, 2000, the Baltimore Sun published an investigative report that seriously questioned the validity of the Texas

Assessment of Academic Skills (TAAS) that began a decade ago. Since then, there have been TAAS gains at every level. And the reported gains for minority children have been the most impressive. However, as state TAAS scores have been raised, national standardized test scores (the Scholastic Aptitude Test and the National Assessment of Educational Progress) have been "stagnant." A University of Texas survey pointed to the most likely explanation: "the tendency of schools to teach to the test." The Sun reported the findings of a Harvard study of TAAS: "Behind the rhetoric of the test scores are a growing set of classroom practices in which test-prep activities are usurping a substantive curriculum." The Harvard study further reported that "after several years in classes where the 'reading' assignments were increasingly TAAS practice materials, children were unable to read a novel even two years below grade level."⁷⁵

The Texas findings are paralleled by those in Florida, which began high-stakes testing in 1976, when the Florida Functional Literacy Test became the ultimate determinant of high school graduation. Since then, high-stakes testing ("FCAT") has been extended throughout the K-12 public school system.

An investigative reporter for The New York Times visited two elementary schools in Pensacola, Florida in mid-March 2000. She reported:

They have shriveled the curriculum, emphasizing subjects that will help improve test scores, while shunning science and social studies--subjects not covered by the tests. They are drilling children on reading, writing, math and, inevitably, test-taking tips. Field trips have disappeared, replaced by events like a recent Saturday "test-taking fair."⁷⁶

The Times' reporter described a fourth-grade class, where the children "cheerily chant a rhyme about adverbs," but when asked they could not name any.

They enthusiastically sing a song diagramming sentences, but when asked to define a "predicate," one of the items they have just identified, the children are at a loss.⁷⁷

Professor Clifford Hill, Teachers College, Columbia University, published an op-ed piece in the March 18, 2000 issue of The New York Times, in which he described what his graduate research team had observed in a Bronx elementary school. The school had scored low on the 1999 New York statewide fourth-grade tests. The pressures to concentrate on test preparation were all encompassing: several hours each day, weekends, and even during school breaks.

What is happening in New York's fourth grades follows a predictable script. A new test produces a demand for practice materials, and publishing entrepreneurs hastily design something to fill it. These materials have limited educational value since they focus largely on test-taking skills; and as several studies have indicated, even the advice they dispense on test-taking is often of questionable value.⁷⁸

On May 4, 2000, the results of the third-grade CSAP reading tests were reported to Colorado citizens. The scores were slightly higher than in 1999. Also reported were signs that Colorado schools are following the test-driven curriculum patterns established in other states. At Denver's Beach Court Elementary School, which serves a predominantly poor and Hispanic neighborhood, the principal explained that the school

uses a "CSAP tool-kit" to help teachers write assignments that resemble CSAP. "We are legally able to structure our daily academic content into a format similar to the kinds of items that would be presented on a CSAP-type test."^{78a}

One of the hidden costs of a test-driven curriculum is the impact such a policy will have on the overall reputation of any

school--elementary, middle, or high school. It is important to understand that all students, even honor students, will be negatively affected in low-scoring schools where the total curriculum is restructured and "shriveled" for purposes of raising CSAP scores. This means that students who personally perform well in low-scoring schools will not have access to the full range of courses that will be offered in the top-scoring eight percent of the schools. This is a discriminating curriculum difference that surely will be noticed in college admissions and scholarship decisions.

It should be noted that the negative consequences of high-stakes testing are not restricted to poor, minority children. Last year, the top students at Whitney Young High School in Chicago--one of the nation's finest--deliberately failed the Illinois Goal Assessment Program. The students took this action to protest the overwhelming number of tests to which they had been subjected and the real education they had missed in time spent on test preparation.⁷⁹

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SECTION 5: STATE FINANCING, ITS ROLE IN UNDERMINING THE PUBLIC
SCHOOLS

State Senator Pat Pascoe, a critic of SB 186, stated that Governor Owens' educational reform ideas perpetuate the illusion that school improvement will be free.⁸⁰ Six salient facts provide a financial perspective on Colorado public schools in Spring 2000:

(1) The state now provides 53% of the total funding for Colorado's public schools. The 176 local school districts provide the remaining 47% of the funding. In January 2000, Colorado was ranked 46th in the nation for state support of public education.⁸¹ This is a harsh reality in a very wealthy state that still owns much land set aside for school purposes under old federal land grant laws. It is also incredulous in a state whose Legislature quickly found 1.6 billion dollars in April 2000 for highway construction and repair.

(2) Whereas it would require a \$310 million state increase simply to return to the public school funding levels of 1988, the total funding for all of the Governor's K-12 reform ideas was just \$42 million. Even the requested funding for fulfillment of his own reform plans was minimal. For example, Owens' 2-year grants of \$10,000 a year for in-service training of teachers (under HB 1173) would barely cover just 200 of the state's 1,568 schools.⁸²

(3) During the last week of April 2000, Governor Owens signed the public school finance bill in which the Legislature had voted a total of 3.2% state funding increase for all public school classroom-related expenditures, including teacher salaries. Of this figure, 2.9% was an inflationary increase, leaving only .3% (or \$11 million) of new money. When \$11 million is divided by the

state's public school student population of about 697,000, the increase in state funding per child annually is only \$15.90! The total annual state funding for each child in the public schools is now \$5,175.⁸³ This amount is well below half of the state funding levels in the other 49 states.⁸⁴

(4) In 1991, the research team at the Sandia National Laboratories pointed out that most of the increase in K-12 educational expenditures since the 1970s has been in special education. "Roughly 20-35% of all K-12 expenditures today are directed to the 10% of the student population who qualify for special education."⁸⁵ By 1997, the special education student population had increased to 12%.⁸⁶ Although special education is mandated by federal law, few of its costs are federally funded. Thus, local districts and states have to meet most of those expenses. This is the main reason why local school budgets have increased. By law, Colorado public schools, like those across the nation, must meet a broad range of special needs children. Governor Owens' educational reform package makes no mention of this very expensive educational responsibility, and what it necessitates for adequate state funding for all our children.

(5) The state currently spends about \$5 million a year on the CSAP testing program under contract with McGraw-Hill. It will cost another estimated \$10 million a year to expand the testing, as directed under SB 186, to cover grades 3 through 10.⁸⁷ That is, the state will divert a total of \$15 million annually to an unaccountable private testing corporation. To put this in perspective: the amount funded to McGraw-Hill by recent legislative action

(\$15 million) will exceed the total actual increase of state funding in 2000 (\$11 million) to Colorado public school classrooms!

(6) Douglas Bruce, author of the Colorado Taxpayer Bill of Rights (the TABOR Amendment) that has sharply restricted the right of state and local governments to raise tax monies, currently is petitioning for another ballot amendment, Tax Cut 2000. If adopted in the Fall 2000 elections, Tax Cut 2000 will cut property, sales, and income taxes annually and cumulatively by \$25 per taxpayer. Tax Cut 2000 is intended to "break the back of the public schools."

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SECTION 6: OUTSIDE INTERESTS--THE HIDDEN AGENDA

What follows is far from complete. It reveals only the tip of an iceberg. Nonetheless, it is illustrative of the array of outside forces that are impacting American public education today, not just in Colorado but throughout the nation.

Care should be taken not to interpret this information in simplistic "conspiracy" terms. The picture that emerges is one of combined influence of numerous groups and organizations whose specific purposes vary. Altogether they constitute a powerful political and economic force. What they have in common is the desire to transform how, where, and by whom education is conducted in America.

a. What Already Has Happened

(1) CTB/McGraw-Hill and the Testing Industry

In the educative process, assessment is a decisive factor. Whatever else is said about a curriculum of study, students know

that how they are evaluated, in the final analysis, is what "really is important." Traditionally, classroom teachers were responsible for designing their own assessment procedures in ways that corresponded to their individual approaches to classroom instruction.⁸⁸ With the passage of the first accountability laws in the early 1970s, public schools began to introduce large-scale standardized testing into the curriculum.⁸⁹ The momentum to replace teacher judgment with commercially-produced standardized testing instruments was greatly heightened in 1983 by A Nation at Risk.

By the beginning of the 21st century, commercially-designed and scored standardized tests had become the norm throughout the nation's public schools. Standardized tests have been elevated to "high-stakes" usage, and today shape curriculum content, the thinking patterns of both teachers and students, and provide the chief basis for critical decisions about "success" and "failure."

McGraw-Hill Publishing Company--through its testing branch, CTB/McGraw-Hill--has emerged as one of the biggest manufacturers of high-stakes standardized tests. CTB/McGraw-Hill currently develops tests for twenty-three states, including Colorado.

There is no question that this private, for-profit company already occupies a controlling position over the Colorado public school curriculum by virtue of its absolute control over assessment. In an era of accountability, it is ironic that CTB/McGraw-Hill, itself, is beyond taxpayer accountability. At least one of its serious mistakes is a matter of public record. Last summer, CTB/McGraw-Hill made scoring errors that caused "almost 9,000 New York City students to be unnecessarily ordered

to mandatory summer school."⁹⁰

Also ironic is the recent caution stated by CTB/McGraw-Hill's Vice President of Public Affairs: "No single test can ascertain whether all educational goals are being met. A variety of tests-- or 'multiple measures'--is necessary to provide educators with a well-rounded view of what students know and can do."⁹¹

(2) The Charter Schools

In Spring 2000, SB 173, Concerning Establishment of State Charter Schools, was introduced before the Colorado Legislature. The Bill failed during the current session; however, it clearly indicated the intended direction of Governor Owens' education reform plans.

SB 173 stated that the sixty-nine charter schools established in Colorado by 1999 under the Charter Schools Act of 1993 had proven themselves as "innovative and creative approaches to public education." The Bill further stated that charter schools, because they were more "flexible" than conventional schools, would be able to address "more effectively and creatively the educational needs of and difficulties encountered by traditionally underserved pupil populations and pupils who are eligible for free or reduced-cost lunch." Therefore, SB 173 proposed amending the Charter Schools Act by allowing the State Board of Education to approve state-level charter schools independent from any local school district. This Bill very likely will be reintroduced during the next session of the Legislature.

The rationale underlying SB 173 reflects popular nationwide charter school hype, but it is without supportive research.

Four years ago, Peter Schrag did a detailed exposé of the two largest charter school corporations: Chris Whittle's Edison Project, and the Minneapolis-based Education Alternatives, Inc. (EAI). By 1995, EAI had landed multi-million dollar contracts to run charter schools in the Baltimore and Hartford public school districts.

In neither place had EAI managed to show any clear academic improvement . . . In addition, [EAI] "played funny games" with federal compensatory education money . . . [EAI also had] placed learning disabled students in regular classes without providing them much in extra services, and it appears to have spent more money per student than comparable schools.⁹²

Both the Baltimore and Hartford schools cancelled their contracts with EAI, which then turned its efforts away from urban schools toward the "less volatile" suburbs.

Whittle's Edison Project also experienced serious difficulties. Its original intent in the early 1990s, was to build and run 1,000 innovative new schools of its own and run these for a cost comparable to those of the average public school, place 20 percent of all students on scholarship, and still make a profit. Whittle's enterprise suffered a series of financial disasters. These caused him to scale back and alter plans. Instead of building his own schools, he (like EAI) began seeking contracts to manage existing public schools. By 1996, the Edison Project was running only four schools across the nation. Schrag's research indicated that at that time, neither the Edison Project nor EAI had shown "any impressive numbers, either in student performance or in making profits."⁹³

What changed the fortunes of the Edison Project, EAI, and a proliferation of other charter school entrepreneurs, was the

passage of much charter school legislation in the states during the 1990s, and the Clinton Administration's Charter School Expansion Act in 1998. During the Presidential campaign of 1996, the candidates of both parties advanced the idea of charter schools. Subsequently, President Clinton highlighted charter schools in two State of the Union speeches, and called for the creation of 3,000 charter schools by the year 2000.

Tom Watkins, a strong advocate of charter schools, reported in February 2000 that

More than 1,250 charter schools have been created, serving more than 350,000 students. (In Colorado, for example, one out of every 100 public school students now attends a charter school.) Financial support for charter schools from the U.S. Department of Education has grown from \$6 million in 1995 to \$100 million in the 1999 fiscal year. And in the process, a cottage industry has been established, with 23 states creating charter school support and technical assistance organizations.⁹⁴

Despite Watkins' advocacy of charter schools, he nonetheless called attention to serious problems associated with this movement. One was the fact that there is no conclusive evidence that charter schools are producing the promised academic results. He also was candid in calling attention to the charter school zealots and ideologues, who are blind to the complexities of operating effective schools; and to the "entrepreneur scoundrels":

Unfortunately, some vultures are circling around charter schools with no real regard for the educational outcomes of the children who are in them. These people are slick. Their presentations and proposals look good on the surface, but their long-run prospects for bringing beneficial change for students are limited, to say the least.⁹⁵

Martin Carnoy, Professor of Education and Economics at Stanford University, has argued that charter school results in America can be predicted from the results of the charter school reform

movement in Chile. The Chilean plan, begun in 1980 under the Pinochet Administration, as part of an overall Chilean "de-governmental" free-market package, included the establishment of completely unregulated voucher schools that competed with municipality-run public schools in all metropolitan neighborhoods. The neighborhoods represented middle-class suburbs to the impoverished barrios. Carnoy identified the following key long-time results:

- (1) Total government expenditures to education fell sharply after the initial increase.
- (2) Families who took advantage of the subsidized private schools were predominately middle- and higher-income families. The poor were unable to match the decline in government expenditures with their own resources.
- (3) Private schools were not interested in doing any better than public schools with lower-income students.
- (4) The private schools did not cost any less, even though they paid their teachers lower salaries.
- (5) Test score results show that poor students "do better" in the public schools than in the private schools.⁹⁶

Of special consideration in Colorado is the fact that private schools do not have to admit all students who apply.

c. On-Line Instruction

Technology is bringing radical changes to American education at all levels. There are those who predict that on-line instruction will make obsolete the 3,600 American college campuses currently in existence, as students take advantage of on-line offerings that are accessible from any location, including their own homes. New universities that exist only in cyberspace are springing up all over the country.⁹⁷ UNext.com, for example, is a new internet university that has outspent all competitors thus far--about \$100 million--even

before it has officially opened for business. It has drawn upon the faculty from Columbia, Stanford, Chicago, Carnegie Mellon, and the London School of Economics. Its investors include Michael Milken. UNext.com will begin offering on-line courses in summer 2000. It ultimately expects a student enrollment in the "millions."⁹⁸

Traditional colleges and universities, threatened by the privatization of higher education by rapidly moving technology corporations, have directed their faculties toward adjusting courses for on-line instruction, often gearing up for a worldwide market.⁹⁹ Columbia University, for example, recently initiated a for-profit partnership with Fathom, a new on-line venture specialist. The partnership includes the London School of Economics, Cambridge University Press, the New York Public Library, the British Library, and the Smithsonian. On-line users will be able to access information that has never been available outside the participating institutions. While the site will be accessible for free, other content (courses and books) will involve a fee.¹⁰⁰

Metropolitan State College in Denver was the first Colorado public institution to offer its students the opportunity of taking their first two years of general undergraduate studies on-line. By 2001, Metro will offer a number of full bachelor degree programs on-line. There is no doubt about the growing popularity of on-line college coursework, in Colorado and elsewhere. Metro State, by way of illustration, began offering on-line courses in Fall 1996; the student enrollment was 130. In Spring 2000, the Metro State on-line enrollment was 1,546.¹⁰¹ In addition to the convenience, on-line students pay no student activity fee. Nor do

they have to contend with the expense and problem of parking on a crowded urban campus.

Many cybereducators expect to get rich. Currently, on-line courses command only \$350 million of the \$240 billion higher education industry. However, Merrill Lynch predicts the on-line market will grow to \$2 billion by 2003.¹⁰²

It should be noted that despite the attractions of convenience, there is no definitive research to argue the superiority of on-line instruction in higher education.¹⁰³ Moreover, the fact overlooked by on-line hype is that the learner is regarded as a passive recipient of knowledge. This is hardly education suited to democratic citizenship. Critics like Michele Tolela Myers, President of Sarah Lawrence College, have pointed out that

If education were only as simple as reading, then libraries would have replaced schools long ago. We educators are in the business of forming minds, not just filling them.¹⁰⁴

Writing in The Los Angeles Times, educator Teresa Ebert, challenged the notion that on-line universities are remaking the world and providing educational opportunities for all. Instead, she argued, on-line instruction will "harden class differences by substituting training for education and obscuring the real relation between education and democracy." Ebert further stated that on-line instruction is actually "a means of providing training for a cheap labor force for big business."¹⁰⁵

To date, on-line computer usage for K-12 students has been within the classroom setting. However, this is likely to be altered in the direction of the home-based on-line usage being popularized in higher education.¹⁰⁶ Nonetheless, classroom

computer use has been a major component of the K-12 curriculum since the mid-1980s.

There are reports of success in K-12 computer-based instruction. For example, a recent issue of Time described one middle school in Bloomfield, Connecticut, that was plagued with low standardized test scores. Since the computers arrived, scores on state achievement tests are up 35 percent.¹⁰⁷ In the same spirit of success, the New York City Public Schools unanimously approved a new policy this spring that will provide, over a period of nine years, personal computers for all NYC students in grades four and higher.¹⁰⁸ In both instances, "success" has been determined by standardized test scores under which students are viewed as passive and uniform in the learning process.

The most significant research to date on computer-based education among K-12 children, even using standardized test data, shows mixed results. A 1998 study, sponsored by the Educational Testing Service, focused on 6,227 fourth graders and 7,146 eighth graders who took the math section of the 1996 NAEP standardized test. The ETS findings were that

classroom computers can raise student achievement when used in certain ways, but some uses actually do more harm than good.¹⁰⁹

Specifically, the ETS study discovered that when computers were utilized creatively in math instruction, test scores were higher. But when the computers were used for purposes of drilling students, the scores were worse. "Most experts," Jay Mathews reported, "say there is little evidence of a direct relationship between computers and higher academic achievement."¹¹⁰ The ETS study reaffirmed

the findings of a 1989 study that reported: "The accumulated results of three decades of research on the effectiveness of computer-based instruction remain inconclusive and often contradictory."¹¹¹

There is little in the literature about computer-based education--at any level--that addresses the intellectual ramifications of the new technology. A computer has many uses, but when it is used as an instrument in which to format and deliver instruction for on-line purposes (that is, "programmed instruction"), it is limited by the hardware, itself, not only the software that is fed into the machine. Every computer is built on the basis of the Boolean algebraic binary thinking pattern. This results from the fact that all computers have two basic operations: "on" and "off."

The binary format of the computer makes it impossible for the teacher to develop instruction that is anything but linear, literal, and objectified. The computer does not accommodate subjective, process-oriented knowledge, or nuanced thinking. It also makes learning for the student impossible in terms other than either-or thinking.¹¹² This means that when a student "communicates" with a computer, his or her answer is restricted to a simplistic "right" or "wrong." The on-line student is systematically led to knowledge outcomes and interpretations predetermined by the computer programmer. In brief, the computer--as a personal tutor--functions

as a highly controlled delivery system. As such, it matches the knowledge-set associated with educational accountability laws and policies.¹¹³

Put another way, on-line instruction is based on one view of teaching and learning--often referred to as the "traditional approach." It is a view that was typical of schooling in Ancient Rome.¹¹⁴ It still has its modern devotees. Alfie Kohn writes that it

represents an uneasy blend of behaviorist psychology and conservative social philosophy. The former associated with such men as B. F. Skinner and Edward L. Thorndike (who never met a test he didn't like), is based on the idea that people, like other organisms, do only what they are reinforced for doing. "All behavior is ultimately initiated by the external environment," as the behaviorists see it--and anything other than behavior, anything that isn't observable, either isn't worth our time or doesn't really exist. Learning is just the acquisition of very specific skills and bits of knowledge, a process that is linear, incremental, measurable. It says the learner should progress from step to step in a predictable sequence, interrupted by frequent testing and reinforcement, with each step getting progressively more challenging.¹¹⁵

Even if one is not a behaviorist, the traditional approach to teaching also attracts educators like E. D. Hirsch, Jr., who is today well known for specifying the objectified and universalized facts that every first-grader, second-grader, third-grader, etc. "ought to know."¹¹⁶

Teaching viewed in traditional terms does lend itself to a delivery system model, and to replacement of the teacher by a surrogate in the form of a computer. However, what needs to be recognized is that among the several million individuals who comprise America's teaching force, many define themselves in very different terms. For example, Alfie Kohn describes teaching and learning from the perspective of Progressive education, in the

tradition of John Dewey and Jean Piaget. Dewey held that thinking

is something that emerges from our shared experiences and activities; it is what we do that animates what we know. Dewey was also interested in democracy as a way of living, not just as a form of government. In applying these ideas to education, he made the case that schools shouldn't be about handing down a collection of static truths to the next generation but about responding to the needs and interests of the students themselves.¹¹⁷

Piaget described learning as an interactive process between the person and the environment:

Even very young children play an active role in making sense of things, "constructing" reality rather than just acquiring knowledge.¹¹⁸

Teaching and learning, in the Progressive tradition of Dewey and Piaget, does not lend itself to replacement by the computer. The attractive arcade-like qualities of "virtual learning" should not obscure the fact that it trivializes teaching and learning.

b. What is Planned for the Future: Colorado's Hidden Agenda

On April 10, 2000, the date on which Senate Bill 186 was signed into law, Governor Owens announced the existence of "a private fund to raise millions of dollars to help failing schools." Referring to his privately financed Fund for Colorado's Future, the Governor attempted to answer a chief criticism of his reform agenda: that it unfairly singles out "F" labeled schools without providing sufficient state funds to help them.¹¹⁹ The Governor's actions, although justified in benevolent terms, are extremely reactionary. Historically considered, what he proposes will take Colorado schooling back more than two centuries--to the colonial era, when "charity schools" for poor children, funded in part by private gifts and endowments, were the norm.¹²⁰ Jefferson and the subsequent 19th century reformers were successful in their argument

that charity or "pauper" schools unfairly stigmatized poor children and their parents. Generations ago, they convinced the nation that such a policy was detrimental to a free society.

* * * * *

The February 27, 2000 issue of The Denver Post carried University of Denver Chancellor Dan Ritchie's article in support of SB 186.¹²¹ In that article, Ritchie revealed the formation of the Colorado Business Education Coalition. This coalition, following the example of the Texas Business Education Coalition, was actively lobbying for the passage of Governor Owens' education reform plan, including its use of high-stakes testing. Ritchie defended the fact that the CBEC had not released the names of its members nor indicated the source of its heavy funding. However, investigation of public records has revealed CBEC's nonpartisan membership to include: Steve Schuck, a wealthy Colorado Springs developer who has been actively promoting charter schools and vouchers; Ed McVaney, chairman of J. D. Edwards software company; John Saeman, a Denver businessman; and Cinamon Watson, CBEC executive director, who is also the Colorado spokesperson for Texas governor and presidential candidate, George W. Bush.¹²² Schuck, McVaney, and Saeman also made substantial contributions to 1998's failed Amendment 17, a voucher initiative that would have provided tuition tax credit to parents who send their children to private schools.^{122a} Public records also reveal that the CBEC, as a private, non-profit coalition, is a convenient device to avoid the funding caps that legally have been placed on PAC groups. Its legal status also permits it to engage in political advertising.¹²³

Significantly, the CBEC has overlapping Board membership with

a newly created Colorado think tank, The Bighorn Center for Public Policy. In addition to Schuck and McVaney, the Board of Directors of the Bighorn Center also includes Dick Lamm, former Democratic Colorado governor, who favors "universal testing"; Gary Hart, former Democratic U.S. senator; Tucker Hart Adams, chief economist for Colorado National Banks; and Al Yates, Colorado State University president. Founder and CEO, Rutt Bridges, is another wealthy software entrepreneur.¹²⁴ The announced political philosophy of the Bighorn Center is "compromise politics"; thus, they draw membership from both political parties and Independents.¹²⁵

The Bighorn Center's education policy statement is noteworthy because it is identical to Governor Owens' educational reform package.¹²⁶ The Bighorn Center openly advances the business-oriented "quality management" doctrine that nothing can be improved unless it can be measured. Therefore, "if you can't measure education, it isn't real."¹²⁷

On its Website page, the Bighorn Center indicates that it works closely with an "independent" Action Tank that is dedicated to implementation of public policy.¹²⁸ There is no question that the Bighorn Center also works closely with the CBEC lobbying group, with whom it shares the same building address at 1700 Lincoln Street, Denver, Colorado.¹²⁹

Of significance is the current involvement by Steve Schuck and friends in the Greater Educational Opportunities Foundation. The GEO is an offshoot of the national Children's Educational Opportunities Foundation (CEO America), which was founded in 1994 to promote private vouchers and tax-funded vouchers nationwide. A prominent Board member of CEO America is J. Patrick Rooney, President of the Golden Rule Insurance Company. Rooney, a billionaire,

has been very active in advancing both privatized health care and privatized education. Rooney, who has contributed hundreds of thousands of dollars to voucher initiatives around the country, currently is backing Steve Schuck's GEO agenda in Colorado. Locally, the GEO is seeking "to promote vouchers within communities of color in the Denver Public Schools." According to Schuck, this effort could lead to a private school "voucher pilot project for DPS" (for Hispanic students), as a November ballot initiative. This obviously is a well-funded political attempt to cultivate support for the voucher movement among poor and minority communities in Colorado.

GEO's message already has attracted the interest of the newly formed Alliance for Choice in Education (ACE), a nonprofit group that is providing scholarships for low-income metro-Denver children to attend private and parochial schools. One of ACE's Board members, Pierre Jimenez, recently was quoted as saying: "I want money from the state to follow the kid." Jimenez also serves as deputy director of Governor Owens' economic development office.^{129a}

This behind-the-scenes conglomerate of business and political interests is extremely important when considered against the heart of Governor Owens' reform package: state authority exerted over "failing" schools, their conversion into independent charter schools, and the prospects of extending charter contracts to the private sector.

* * * * *

Colorado is home to other organizations hostile to the public schools. One of the most prominent is the Independence Institute based in Golden, Colorado. Steve Schuck is a former chairman of the Independence Institute. The Bighorn Institute referenced the

Independence Institute's "school report card for parents" on its own Website page.¹³⁰

Founded in 1985, the Independence Institute is a conservative public policy research organization that examines public issues from "a free market perspective." Education reform is one of the Institute's "highest priorities." The late David D'Evelyn, co-founder of the Institute, was instrumental in the enactment of the 1993 Charter Schools Act in Colorado.¹³¹

Tom Tancredo, U.S. Representative from Colorado, is the other co-founder and former chairman of the Independence Institute. Today, Tancredo holds a seat on the Education Committee of the U.S. House of Representatives. In April 2000, Tancredo, along with Linda Chavez of Washington-based One Nation Indivisible, announced their sponsorship of an English-immersion amendment to the State Constitution to be placed on the November 2000 ballot. The amendment would mandate a one-year intensive study of English for all Limited English Proficiency children who thereafter would be mainstreamed into regular classes.¹³² Critics have pointed out that such a policy would destroy bilingual education in Colorado and leave many thousands of students linguistically disadvantaged in our schools.

In 1999, Representative Tancredo signed a pledge, sponsored by the California-based Separation of School and State Alliance. The pledge calls for the elimination of all public schools throughout the nation.¹³³

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c. The National Agenda

The New American Schools Development Corporation is headquartered in Arlington, Virginia. NASDC was founded in 1991 as an America 2000 initiative under the Bush Administration. Launched by a large group of corporate and foundation CEO's, NASDC is seeking to transform American schools by using a handful of business-model "quality" designs--blueprints for reorganizing entire schools rather than individual programs. NASDC financially supports nine design teams who are now working with 147 schools in nineteen states. NASDC teams collaborate with the Education Commission of the States "to disseminate the designs nationally and demonstrate the potential for widespread systemic reform." The stated goal of NASDC's "break the mold" school designs is to "significantly improve student achievement." Each design team provides services to help schools implement the design. Although the blueprints differ, each is based on standards which serve as "exemplars of quality." Each standard is connected to a set of measurable "performance indicators."¹³⁴

Governor Roy Romer introduced NASDC's "break the mold" concept into Colorado school reform in the early 1990s. During his administration, Romer made annual awards to schools and individuals for "break the mold" innovations.

At least one member of NASDC's Board of Directors privately made substantial contributions to the 1998 Colorado school voucher campaign (Amendment 17, tuition tax credits), and more recently, to Governor Owens' education reform plan.¹³⁵

Douglas Noble has raised troubling questions about federally-promoted corporate intervention in educational reform, especially

about the commitment of these globally minded corporate leaders to American society, its workers, and its children.

Their school reform efforts seem to contrast sharply with their pursuit of cheap labor worldwide and deregulation at home. They appear, in fact, to be adversaries of public education, interested in schooling primarily to ensure a disciplined work force with diminished expectations.¹³⁶

* * * * *

The National Center on Education and the Economy is the creation of Marc Tucker, its President. The National Center is a nonprofit organization based in Washington, D.C. Its overriding purpose is to advance the belief of its founder that "it is possible for almost everyone to learn far more and develop far higher skills than most of us have thought possible."¹³⁷

The hallmark of the National Center's work is standards-based reform. We believe that education and training systems work best when clear standards--standards that match the highest in the world--are set for student achievement, accurate measures of progress against those standards are devised, the people closest to the students are given the authority for figuring out how to get the students to the standards and are then held accountable for student progress.¹³⁸

The NCEE provides technical assistance to school districts and states to support standards-based school reform. The organization, itself, has developed "internationally-benchmarked performance standards for the schools," along with a set of performance assessments matched to the standards in mathematics, English, science, and applied learning.¹³⁹

The National Center's Workforce Development Program provides assistance to states and communities interested in building comprehensive school-to-work, job training and labor market systems, based on "internationally-benchmarked academic and occupational standards." Its Workforce Development Program also has "bench-

marked" national occupational skills standards.¹⁴⁰

Tucker is best known for his 18-page "Dear Hillary" letter, addressed to the in-coming First Lady immediately following the 1992 Presidential election. The letter spelled out an elaborate plan "to remold the entire American [school] system" into "a seamless web that literally extends from the cradle to the grave and is the same system for everyone," coordinated by "a system of labor market boards at the local, state and federal levels" where curriculum and "job matching" will be handled by counselors "accessing the integrated computer-based program." Tucker's plan was designed to change the overriding mission of American schools from teaching academic knowledge to training youth to serve the global economy in jobs selected by workforce boards.¹⁴¹

Tucker's ambitious plan was mobilized by two laws passed by the U.S. Congress and signed by President Clinton in 1994: the Goals 2000 Act, and the School-to-Work Act. The ample federal funding made available under the School-to-Work Act encouraged thousands of school districts across the country, including many in Colorado, to revamp their entire K-12 curriculum under the workforce-oriented terms of the Act.

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The Global Alliance for Transnational Education, based in Washington, D.C., was founded by Glenn Jones, a wealthy cable entrepreneur. Jones also founded Jones International University, a campusless college whose employees work in a Denver office park. Classes take place in cyberspace, where the school (the first regional cyberspace university to be accredited) offers bachelors

and masters degrees. The cyberspace university currently has 125 students, but Jones envisions a huge increase to "a million students." Undoubtedly, his international Global Alliance Board of Directors is designed to recruit worldwide cyberspace students.¹⁴²

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There is a rapidly growing movement of conservative Christians who are urging their followers to withdraw their children from the public schools in order to "bring down the government school system." At least four organizations have sprouted up in recent years to urge parents to abandon the "atheistic" and "unclean" public schools in favor of either home schooling or Christian academies.

One is the Fort Lauderdale, Florida Center for Reclaiming America, which was behind the 1998 national anti-gay rights advertising campaign. Another is the Minnesota-based Exodus 2000, which believes public schools are so socialistic/communistic and so anti-Christian that children who do not agree with the secular state's world view will be discriminated against and penalized with a poor education. The California-based Rescue 2010 describes public schools as places where Christian children are "spiritually raped."¹⁴³

The Separation of School and State Alliance, also California based, is a Christian libertarian think tank organized to change public opinion about state-sponsored schools.

For three full lifetimes--from the 1620s to the 1840s--most American schooling was quite independent of colonial, local, and national governments. From this educational freedom the American Republic was born. Now, after 150 years of tax-financed schooling, we see more and more children failing to grow into responsible, caring, competent adults. A move-

ment is growing to reclaim the American tradition of family responsibility in education by returning to the separation of school and state.¹⁴⁴

As of February 1999, about 6,500 people had signed the Alliance's proclamation calling for an end to all public schools.¹⁴⁵ The signatories included Tom Tancredo, U.S. Representative from Colorado, and State Senator John Andrews, Vice Chairman of the Colorado Senate Education Committee.¹⁴⁶

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The Heritage Foundation is a right-wing think tank based in Washington, D.C. Founded in 1973 by the Adolph Coors Foundation of Golden, Colorado, the Coors family has been actively involved ever since. Jean Hardisty noted the "weight and influence of the Heritage Foundation in development of the policies promoted by the Reagan and Bush Administrations."¹⁴⁷

The stated mission of the Heritage Foundation is to formulate and promote conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. The Foundation has been very active in privatizing health care (HMO's) and in advancing "schools of choice" and Educational Management Organizations (EMO's).¹⁴⁸

* * * * *

Military research into "human engineering" has been the prime catalyst of educational technology throughout the 20th century

from the classification and selection tests of World War I, to the programmed instruction and teaching machines of the 1960s, to the most sophisticated, computer-based "intelligent" tutoring systems of today.¹⁴⁹

Military educational innovations have been incorporated into the nation's schools through what Douglas Noble calls "a convergence of efforts and motives": educators seeking to modernize the schools by utilizing massive military research into artificial intelligence; military researchers seeking laboratory situations; commercial interests seeking educational markets; and policy makers responding to the perceived "failure" of the public schools, and by public opinion shaped to believe in the prestige of science and technology--symbolized most recently by the computer.¹⁵⁰

The military was a pioneer in computer-based education. Much of the early investigation was done by Bolt, Beranek and Newman, a private research firm with extensive military contracts. A consultant at this firm was Seymour Papert, co-founder of the Artificial Intelligence Laboratory at the Massachusetts Institute of Technology, which was also a heavy receiver of military funding.¹⁵¹

If there is a single individual who was most responsible for the computer-based education movement in the nation's schools, it was Seymour Papert. His popular book, Mindstorms: Children, Computers, and Powerful Ideas¹⁵² was published in 1980. What he had to say was a major influence on the authors of A Nation at Risk (1983). Elevating computer literacy to the status of a "new basic," the National Commission recommended that one-half year of computer science be required for all high school graduates.¹⁵³

Papert first did research in artificial intelligence for the U.S. Air Force. Artificial intelligence (AI) is based on the assumption that machines can be developed that will approximate (even excel) the functioning of the human mind. At the time he published Mindstorms, Papert, a mathematician by training, had spent ten

years working in the Artificial Intelligence Laboratory at MIT, creating environments in which children "can learn to communicate with computers." His main thesis was that children could learn to think in terms of computer programming. In 1980, he advanced his belief that

the computer presence will enable us to modify the learning environment outside the classrooms that much if not all the knowledge schools presently try to teach with such pain and expense and such limited success will be learned, as the child learns to talk, painlessly, successfully, and without organized instruction. This obviously implies that schools as we know them today will have no place in the future.¹⁵⁴

In a bit of convoluted reasoning, Papert addressed the early critics of computer-based learning:

The critic is afraid that children will adopt the computer as model and eventually come to "think mechanically" themselves. Following the opposite tack, I have invented ways to take educational advantage of the opportunities to master the art of deliberately thinking like a computer, according, for example, to the stereotype of a computer program that proceeds in a step-by-step, literal, mechanical fashion. There are situations where this style of thinking is appropriate and useful. Some children's difficulties in learning formal subjects such as grammar or mathematics derive from their inability to see the point of such a style.

A second educational advantage is indirect but ultimately more important. By deliberately learning to imitate mechanical thinking, the learner becomes able to articulate what mechanical thinking is and what it is not. The exercise can lead to greater confidence about the ability to choose a cognitive style that suits the problem.¹⁵⁵

Papert's reference to a "cognitive style" was superficial. Cognition is considerably more than a "style." It is rooted in very different philosophic and psychological theories about what it is to be a human being.

Twenty years later, there is no evidence that computer-based education promoters are at all interested in helping children grasp the intellectual limitations of computer programming and its

mechanical boundaries. Furthermore, not all educators agree with Papert's assumption that learning formal subjects like grammar and mathematics is a process that appropriately lends itself to "mechanical thinking".

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SECTION 7: THE CHALLENGE BEFORE COLORADO CITIZENS

The crass truth is that there are huge sums of money to be made in the privatization of the public schools--in Colorado and elsewhere. From the perspective of profit-making, even vouchers (which will be of immediate benefit to private schools) may be transitional. Far greater private fortunes are to be made in the offering of on-line education to children and teen-agers through home-based computers. Promotion of "virtual reality" education to elementary and secondary children is likely to follow on-line computer instruction that is already well underway in Colorado colleges and universities. Senate Bill 229, quietly passed and signed into law by Governor Owens in 1999, will guarantee a big new college-level market to software and networking entrepreneurs.

A much larger potential market is today's public school youth population. The most vulnerable of this population will be those children in public schools designated "F" and "D"--that is, children from the largely poor and minority neighborhoods of the state. The largest number of low CSAP-scoring public schools are within the Denver system.¹⁵⁶ Within a week of the passage of SB 186, announcement was made of an April 5, 2000 public discussion on "Vouchers in Education"--sponsored by The Institute for Policy Implementation at the University of Colorado at Denver. Among the featured

panelists were the Superintendent of the Denver Public Schools, who openly endorsed Governor Owens' education reform plan, two DPS Board members (this Board also expressed majority support of SB 186), and individuals involved in Milwaukee's large school voucher program.¹⁵⁷

As this youth market is exploited--through vouchers, charter schools, on-line home-based learning, and other privatizing strategies--the public school communities as we have known them for generations will be extinguished.

What should be of concern here is the integrity of knowledge, instead of its commercialization. What should be of greater concern is the totalitarian nature of all social engineering schemes, including those that regard children as "human capital" for the workforce and learning in terms of "profit and loss" statements.

Senate Bill 186 is the latest piece of a long-range attack on publicly-controlled, equitable and adequate public education in Colorado. It is part of a national and coordinated political effort, begun during the Reagan Administration to privatize, atop the public tax base, the management of public education throughout the U.S. This is directly comparable to managed health care.

There is absolutely no basis to the claim that state high-stakes testing, state commandeering of public education, state engineering of charter-based schools, and state promotion of on-line instruction will be in the best interests of our children. Absolutely nothing--except political ambitions and insatiable greed.

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The fundamental challenge posed by the "hidden agenda" is

that, collectively, all these outside forces are systematically moving American education in a uniform ideological direction controlled, increasingly, by private interests. In this process, classroom teachers are being reshaped as passive transmitters in a predetermined "delivery system" of educating. And American youth are being trained within increasingly narrow, if commercially profitable, intellectual confines.

The condition of American education today is in stark contrast with the vision held by Thomas Jefferson and successive generations of public school advocates. It is also in contrast with U.S. Supreme Court decisions, eloquently articulated just a generation ago, that linked First Amendment guarantees with academic freedom. The following memorable passage is from the 1967 Keyishian decision, which reaffirmed academic freedom at the level of higher education:

The classroom is peculiarly the "marketplace of ideas." The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth "out of a multitude of tongues, [rather] than through any kind of authoritative selection."¹⁵⁸

In 1972, the U.S. Supreme Court let stand a federal appeals court ruling in the New York case of James v Board of Education. Considering the Constitutional rights of classroom teachers in the public schools, the U.S. Court of Appeals had noted:

If anything is clear from the tortuous development of the first amendment right, freedom of expression demands breathing room. To preserve the "marketplace of ideas" so essential to our system of a democracy, we must be willing to assume the risk of argument and lawful disagreement.¹⁵⁹

In the 1977 case of Abood v Detroit Board of Education, the U.S. Supreme Court, again speaking to the Constitutional rights of American classroom teachers, declared that

At the heart of the First Amendment is the notion that an individual should be free to believe as he will, and that in a free society one's belief should be shaped by his mind and conscience rather than coerced by the state.

. . . a government may not require an individual to relinquish rights guaranteed him by the First Amendment as a condition for public employment.¹⁶⁰

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Children, perhaps, are showing us a way of responding to the corporate/political oligarchy that is engulfing American education.

On April 12, 2000, Jake Levin, a 15-year-old sophomore at Monument Mountain Regional High School in Great Barrington, Massachusetts, was confronted with a blue test booklet. The booklet was stamped with the seal of the Commonwealth of Massachusetts and contained one of the state's new high-stakes tests. Levin closed the book, pulled out six sheets of notebook paper and wrote an essay on why a standardized test could never capture the breadth of his ability. In his defiance, Levin was not alone.

Brush fires of civil disobedience flared in classrooms across Massachusetts . . . as several hundred 10th-graders, along with a handful of fourth-graders, boycotted the first of 11 days of statewide standardized testing.¹⁶¹

The Massachusetts' protest was the latest indication of rising discontent among students and parents. But there have been other instances of civil disobedience. In recent months, students, parents, and teachers have protested against new standardized tests in Illinois, Wisconsin, Ohio, Louisiana, Florida, and elsewhere. Last year, under intense parental pressure, Wisconsin officials were forced to repeal a new high-stakes test required for high school graduation.¹⁶²

In a democratic society, civil disobedience is a legitimate political tactic by citizens confronted with oppression. Thomas Jefferson framed an early defense of civil disobedience:

I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions indeed generally establish the encroachments on the rights of the people which have produced them. An observation of this truth should render honest republican governors so mild in their punishment of rebellions, as not to discourage them too much. It is a medicine necessary for the sound health of government.¹⁶³

Henry David Thoreau's frequently cited 1849 political essay, Civil Disobedience, exalts the law of conscience over civil law:

Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think is right. It is truly enough said, that a corporation has no conscience; but a corporation of conscientious men is a corporation with a conscience.¹⁶⁴

The distinguished former Associate Justice of the Supreme Court, William O. Douglas, with compelling force, justified the dissident within the American context in general--even to the point of open rebellion. "The First Amendment," Douglas wrote in 1970,

was designed so as to permit a flowering of man and his idiosyncracies . . . The continuing episodes of protest and dissent in the United States have their basis in the First Amendment to the Constitution, a great safety valve that is lacking in most other nations of the world . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition is also revolution.¹⁶⁵

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It is to be hoped that an aroused public opinion will reverse

the antidemocratic forces that are destroying Colorado public schools.

--CITIZENS FOR QUALITY PUBLIC EDUCATION