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Ethical decision-making under high-stakes testing

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A Dissertation

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Faculty of

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San Bernardino

In Partial Fulfillment

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Doctor of Education

in

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by

Jennifer-Jayne Alene Blum

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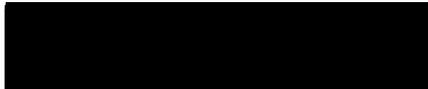
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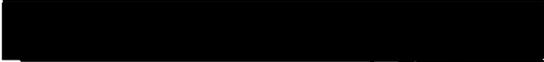
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ABSTRACT

With the passage of No Child Left Behind Act (2001) came increased measures to "standardize" education in the attempt to minimize the achievement gap. Current practice has moved from supporting school staff and using teacher-based evaluations of student achievement to increased use of "objective" high-stakes accountability. Although prior research has exposed the pressure of high-stakes testing on schools, little exploration has been done on uncovering the voices of teachers about the ethical dilemmas they face. In this research project, grounded theory was used to understand the real experiences and practices of teachers in the profession. Michel Foucault's (1979) analytic of power as well as Giroux's (2003) theories of resistance were used to understand the perspective of teachers working in schools under the new accountability system. Research found that the pressure to meet accountability standards has intensified. The pressure to conform to testing curriculum created ethical dilemmas over the focus on curriculum or on test preparation. Educators are increasingly placed in an ethical dilemma of knowing what is needed to meet students' needs but rendered unable to meet those needs because of demands to conform to testing expectations under the new accountability system.

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This doctoral program was one of the most important and formative experiences in my life. I am grateful as well to Dr. Debbie Stine for coordinating and overseeing the administrative concerns that made it possible for me to complete my degree. As acting Dean and contributing creator of the Educational Leadership program, she has poured her love for the empowerment of new educational leaders.

I am especially grateful to my sister, Alene Blum. She has given me the support, strength, and encouragement to complete what I have started. She has walked side-by-side with me through this journey of ups and downs. My fiancé Jay has brought me a renewed sense of self that I thought I had lost on this journey. His unwavering support has motivated me not to give up and to believe in myself and us. Of course Yvonne Cordeiro, my best friend of 33 years has reminded me not to sweat the small stuff!

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CHAPTER ONE

INTRODUCTION

Introduction to the Problem

"Shouldn't we be concerned about a law that turns too many of the country's

most morally admired citizens into morally compromised individuals?"

Sharon Nichols and David Berliner, 2008, p. 28.

Collateral damage: How High-Stakes Testing Corrupts America's Schools

High-stakes tests are standardized exams used to assess student and

school success, which are, in turn, attached to financial and instructional choices

in school districts and school sites. Poor scores for schools and school districts

can place them in a Program Improvement (PI) status which may contain

sanctions, such as withholding financial support from state and federal education

funding, replacing school staff and teachers, extending school day hours, forcing

a school to reopen as a charter school, or leading to a state takeover. Such

attached consequences for poor scores often create pressure for school districts,

schools, and teachers to improve student performance on such high-stakes

exams. The NCLB Act of 2001 under the Bush administration attached the above

sanctions to these high-stakes exams, which have affected schools. The

consequences of these pressures faced by teachers today are unclear. Prior

research (Nichols & Berliner, 1997; Giroux, 2001) has examined the pressures

faced by educators in an educational system increasingly run by governmental education policy. However, little research addresses specifically the pressures faced by educators and the decisions they must make daily when faced with an increased number of ethical dilemmas produced by our current system of accountability.

<u>Political Trend</u>

Is it really the intention of politicians to improve schools, or is this simply a ploy to "villainize" schools? According to Kohn (2004), standardized testing has yet to produce positive effects in education. Kohn (2004) notes, "More low-income and minority students are dropping out, more teachers (often the best ones) are leaving the profession, and more mind-numbing test preparation is displacing genuine instruction" (p.17). Unfortunately, for schools that serve low-income and minority communities, federal and state financial sanctions are often applied, taking much-needed resources from these community schools. According to Kohn, "If my objective was to dismantle schools, I would begin by trying to discredit them" (p 16). By discrediting teachers and researchers as "... out-of-touch 'Educationists'" (p. 16), a perceived need for corporations or charter schools as the saviors in education increases. Attacking poor test scores is a common way to discredit schools politically. Furthermore, when students do perform well on standardized tests, tests are then written to a higher difficulty level with the result of more students failing (Kohn, 2004).

There is a clear purpose in placing blame on public education, teachers, and schools for political opponents and the politics of education. Private schools, company-sponsored schools, and now charter schools seem to meet the needs of students because of the ability to have high test scores, hand-pick students, create alternative instructional strategies, and use curricula that have not been standardized by state adoptions. According to Kohn (2004), Colorado's senior education advisor to Governor Bill Owens stated that school test results would be published for the public to "greatly enhance and build pressure for school choice." Furthermore, Senate Committee Chair for Education (1997-2001) James Jeffords stated that the NCLB Act (2001) is a policy, "that will let the private sector take over public education, something the Republicans have wanted for years" (Kohn, 2004, p. 16).

With the new Obama presidential administration, the NCLB Act (2001) still continues to reign over educational policy and function. Currently, the Obama administration has linked federal funding to state funding, focused on a number of charter schools started within districts. In 2010 President Obama signed the American Reinvestment Recovery Act, which is a stimulus package that recommended increased funding for the federal Charter Schools Program Grant. This program would increase funding by $100 billion in education over the following two years. For example, California would receive $8 billion dollars distributed to Local Educational Agencies (LEAs). Some charter schools function as their own LEA. California Department of Education must adjust allocations to

equitably distribute district funds to charter schools, based on how many children the charter school serves. The purpose of the American Reinvestment Recovery Act was to create "competitive" grant funding through $650 million of Innovation Funding that would support "model" schools that are closing the achievement gap. These model schools are often charter schools. In order for a school district to receive funds for the second year of the program, they must report whether there are any caps on charter schools, which would put them last to receive funds for their public schools. With the new pressure to add charter schools in California, California increased the cap of charter schools to add an additional one hundred charter schools each year. In 2008-09, the state cap was 1,250 and approvals were given to 1,085 new charters, while the state already has 688 operating charters (www.EdSource.org, 2009). Furthermore, AB 1137 created specific academic achievement criteria for charter renewal but not one charter school has been closed due to failure to meet AB 1137. Charter school funding also comes from student attendance, which takes funding from district public schools. This shift towards increased numbers of charter schools will affect the funding and resources of public schools by removing federal and state funding through Average Daily Attendance (ADA) from public schools. Public schools accept all children, yet charter schools are allowed to choose students. This results in lower test scores for public schools, which is the fundamental concern for public education.

According to the New York Times, the new administration admits that changes need to be made in assessment without any specifics as to what changes should be made. Instead, the Obama administration has adopted a federal competitive funding program named "Race to the Top" where forty states compete for $4 billion in federal funding. "In the Race to the Top competition, the administration has required participating states to develop the capability to evaluate teachers based on student test data, at least in part, and on whether teachers are successful in raising student achievement" (NY Times, Feb. 1, 2010). Such competition and use of test data only increases the stakes on high-stakes testing.

In contrast to the expectation that public schools use standardized measures of achievement, charter school success has been difficult to assess. In the beginning of the charter school development, many charter schools were not assessed on student achievement. Also, some charter schools do not represent community demographics, as do public non-charter schools. According to EdSource's "California's Charter Schools: 2009 Update on Issues and Performance," charter middle and elementary schools have a higher overall parent education and fewer ELL students, factors that contribute to student performance on high stakes tests. Despite those differences in demographics that place charter schools at an advantage when it comes to high stakes test performance, in some grade levels and some subjects, public non-charter schools score better than charter schools.

Standardized Education

There are many reasons why standardized examinations become high-stakes and why they are used. For centuries, educators have used a variety of assessments from presentations, reports, quizzes, content exams, and portfolios. Standardized high-stakes exams have more recently become the defining benchmark of success for schools, teachers, and students. According to Nichols and Berliner (2008), Campbell's' Law states that when quantitative measures are exposed to pressure, the more it "... will be to distort and corrupt to the social processes it is intended to monitor" (p. 42). By attempting to objectify education through data and scores from an annual exam, it becomes easier to distort the meaning of one score as an explanation of a very complicated process of determining "success." Strangely, political supporters of standardized testing often claim that assessments created by educators are subjective and therefore not valuable, whereas standardized exams are "objective." Whether these assessments are objective or subjective is not of interest in this study. Rather my focus will be on the uses and ramifications of standardized exams in education based on a narrowly defined view of success and human growth and development, measured strictly by high-stakes exams.

Nichols and Berliner (2008) found that the need for students to perform very highly on standardized exams created pressure for schools and teachers, which in turn led to some questionable instructional strategies, such as teaching to the test or narrowing curriculum instruction to focus only on skills seen in the

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standardized exams. It might be argued that some pressure is what is needed in education to push teachers out of their comfort level and to invite them to become experimental and try new things to meet students' needs and raise performance. In fact, President Barack Obama on March 12, 2009 said:

> We've got to *experiment* with ways to provide a better education
> experience for our kids, and some charters are doing outstanding jobs. So
> the bottom line is to try to create innovation within the public school
> system that can potentially be _scaled up_, but also to make sure that we
> are maintaining very high standards for any charter school that's created
> (p.1).

The problem with the current pressure created from high-stakes testing is the lack of room for experimentation allowed for teachers to teach freely. Experimentation is substituted with an increased pressure to conform to poor educational techniques in the attempt to meet accountability expectations. What is missing in the research on the pressures of high-stakes testing created in the classroom are the real, everyday ethical dilemmas faced by teachers under the pressure of high-stakes testing. What and who leads or pushes teachers to use instructional strategies and decisions in allocating student resources to perform well on high-stakes exams? Kohn (2004) argues that today's current school climate of accountability promotes conformity rather than curiosity in our students, competition amongst students, and an increased standardization of instruction and assessment. If accountability can create such conformity and

competition in students, as Kohn suggests, it is not a far leap to think teachers may be affected similarly by demands for them to compete.

System of Accountability

Unfortunately, as education becomes big business for government, so have some of the governmental strategies for assessing school performance. Increased governmental pressure through standardized exams should be expected to increase productivity among teachers as measured in the performance of its commodities (students). Those teachers whose students are seen as performing poorly on standardized exams are identified as "low performing." The teachers of "low performing" students can be viewed by administrators and colleagues as "low performing" as well. Such teachers are seen as doing something wrong because the growth of a teacher's class from the beginning of the year to the end is not measured under AYP or Adequate Yearly Progress. Through the use of more pressure to improve performance, teachers who have low performing students will be incentivized to miraculously "work harder" to be better performers. However, such an accountability model in education that looks at production in a business sense does not take into account growth, diversity among students, nor the varied state standards and skills expected. These reducible scores become a refracted image of a poor education system, rather than providing an accurate picture of the more complex culture of diversity and varied levels of poverty. Kohn states, "Worst of all is a situation where public entities remake themselves in the image of private entities, where

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politicians pass laws to codify corporate ideology and impose it in our schools" (p. 15).

In education, teachers do not see their students as commodities or widgets, rather teachers are faced with the very real strengths and weaknesses of the students they receive, regardless of ethnicity, socio-economic status, learning abilities, and so on. When standardized exams are used to compare students, teachers, and schools, they fail to recognize the unique differences each student brings with them at the classroom door.

Positionality of Researcher

Ten years ago, I became a teacher and had little training in education. It was during a time period in which districts were desperate for teachers and were hiring new college graduates as Emergency Permit Teachers. My lack of understanding and my inexperience as a professional limited my understanding of educational policy and of changes that would occur during my first few years as a teacher. I began my career in an urban school district as an elementary teacher and over the course of four years, I experienced curriculum adoption that met state and federal standards, however it did not always meet the immediate nor long-term needs of the students I served. The techniques in the curriculum were extremely scripted and student assignments attempted to incorporate higher order thinking skills but only at the surface level. Students at the school where I taught needed in-depth reading fluency and writing skills that the

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curriculum did not address. In fact, nearly all subject matter not associated with English language arts or mathematics was removed altogether. Most teachers were expected to spend three and a half hours on English each day at the same pace and schedule. Lesson plans were provided by the curriculum and teacher input was neither needed nor wanted. Veteran teachers were visibly upset by these new changes and often spoke of student needs not being addressed.

My experiences in the urban school district were rare and very different from my own experiences as a student in elementary school. I grew up in the suburbs and went to schools where most students were middle class and had financial stability. That financial stability gave me more opportunities in school because, if I struggled, my parents would pay for a tutor. If a teacher gave me a hard time, my parents had cultural capital (Apple, 2007; Bourdieu, 1989) and power that made the school personnel behave more carefully around students' rights. When I started teaching in an urban school, the first thing I noticed were the gray classrooms with bars. It truly looked like a prison and all the students were required to wear uniforms to make them look like a collective group rather than like individual and unique human beings. I was also amazed at how little power and concern the parents seemed to have. Many parents were immigrants and felt that the school and teachers knew what was best for their child. There were some teachers who truly cared about the community and students but there were others that did not understand the community.

At first, I too did not understand the community, because it felt so foreign but I wanted to help the students and support parental rights, so I immediately began to get involved in the community. I began with visiting parents after school. Each day, I would walk with the students after school to a different parent's house just to meet them and talk about their child. This brought down the barriers of mistrust and many appreciated my care for their child. Many parents wanted to help their child but didn't know how to help. At the school where I worked, the administrator did not want parents on campus but, with the help of a couple of other teachers, I created a homework room where students, their parents, and younger siblings could all gather after school and teachers would help switch days to help out. The more I became familiar with the community, the more welcomed I was.

There were, however, difficulties that I encountered for the first time between some of the educated African American teachers and myself. I had always had friends growing up of different ethnic backgrounds but all of them grew up in middle class homes in the suburbs, not the urban cities. I found that many teachers saw my presence as an invasion into their community. It took two years to build trust with some of my colleagues, because so many white, young, female teachers came and went in their school. This experience was a huge learning lesson in building trust and how differing cultures can collide.

Although I built trust with my students, the community, and my colleagues, the changes I experienced during my first four years as a teacher left me feeling

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like students were becoming a by-product of schooling rather than having the wonderful experience education could have been for them, especially for the many students who saw school as their second home. I left teaching in the urban schools hesitantly. I felt guilty for leaving students who needed a teacher that cared, however, I knew it was time to leave because of the constraints I felt as a teacher in my ability to ensure student learning and improvement in the community. I transplanted myself far from the urban community and continued as a teacher in a community that was an outskirt to the main county's cities. It was an incorporated part of the region and an often forgotten place where many families struggled to make ends meet.

In this new school district, I felt out of place immediately. Most teachers were white and grew up in the suburbs like I had but they had little understanding of the community from where our students came. Because of my experiences in the urban schools, I immediately built great trust with the students and community by visiting the community center and visiting parents at their homes. Many teachers thought this was strange, but my administrator was impressed because he had grown up in poverty in an urban city. He understood the connection between family and school in Hispanic families, being Hispanic himself. Here in the middle of a community that lacked paved roads and job opportunities was a school that was brand new. Classrooms had state-of-the-art technology and, as a teacher, I had endless supplies and support from an administrative support team. This was a stark change from the school I had been

at previously, in which administrators had mishandled monies and students had lacked basic school supplies and educational support. However, some things had not changed; scripted curriculum and high-stakes testing accountability were still the norm.

As I became accustomed to the new school's ideologies, it was clear that testing was the most important priority of all. This district had hired a team of outside consultants that had created innumerable formative and summative benchmark tests. Teachers were observed unannounced each month by administrators to make sure the appropriate curriculum was being used and common teaching techniques were in place. Each classroom was expected to have similar displays of recent data and focus standards. Grade-level meetings were often observed by administrative staff and very quickly, instructional decisions were based on data that was gathered by common assessments. At first, I felt stifled because I was no longer allowed to use instructional time to ensure learning that I thought was important. However, these practices seemed to be necessary and important. It was true that I did see improvements in test scores from my students and I thought these test scores reflected my ability as a teacher. However, the movement to testing and accountability expressed as "...reducible scores on standardized achievement tests, and used inappropriately for comparative purposes, is more than a little problematic..." (Apple, 2007, p. 110). A pressure for school districts and school sites to drastically improve test scores changed school administrators from leaders to managers who controlled

curriculum, instructional strategies, and school activities. This loss of local teacher control had left individuation of student needs by the wayside. A more prescribed school environment developed in many schools.

The following year, our school adopted a Professional Learning Community (PLC) model, which was a push in our district. The district believed that the focus in education was not on student learning. The district I am part of continued using test scores as a measure of student learning and of accountability for principals and teachers. The model contained six components: (1) A shared mission, vision, and values of a school are created with all stakeholders. DuFour and Eaker (1998) believe that efforts of staff members must be committed to the beliefs and principles outlined by the mission and vision of the school. (2) Also, collective inquiry attitudes and actions are in place in a PLC. Here, staff members and leaders question past procedures and are open to new possibilities. Staff members resolve to effect collective solutions through dialogue on curriculum, assessments, instructional strategies, and professional development. Challenging current teaching practices with positive optimism is commonplace for the betterment of student learning (Sparks, 2004). (3) Collaborative teams work toward common purposes, all the while learning together and continually improving (DuFour & Eaker, 1998). Individual growth is important for staff members but may not ensure learning for ALL learners. A difference between "team learning" and "team building" is distinguished in PLC, with "team-learning" as the preferred method, because in a PLC, it not so

important that the team get along or like each other, but rather that they are willing to grow and learn together. It is more important for the team to be an effective, collective, and collaborative work-team than to be social friends. Collaboration allows for educators to learn from each other. Forming collaborative teams that are systematic, goal-directed, and use vertical as well as horizontal articulation in various subject matters for the goal of student learning (Peel, 2006) are imperative in PLC. (4) PLC members are always focused on continuous improvement. Staying stagnant as a learning educator can create status quo conditions. Persistence with improvement and innovation are constant. (5) Action orientation and experimentation are promoted in PLCs. Staff members must be willing to act and unwilling to tolerate inaction (DuFour & Eaker, 1998). A willingness to experiment with different teaching instructions is important to being innovative, rather than supporting status quo techniques that are not proven effective. A PLC staff should not view a failed experiment as a failure, but rather as a part of learning as an educator. (6) In a PLC, the measure of success is student learning. Teaching has not taken place until learning is evident through common assessments (DuFour & Eaker, 1998). Results of common formative assessments are shared among team members (Langston, 2006) and used to facilitate improvement in instructional strategies.

During my second year in this district, I continued supporting the school's accountability through the test scores credo and I began to see student data results used even more heavily. I began to see issues that concerned me in how

I felt as an educator, as well as the decisions I had to make. At times, I felt accomplished because "my" test scores were high. I was benefiting from my test scores by being allowed to participate in school and district leadership activities, by conducting staff developments, and becoming a teacher leader who worked closely with school administration. I also found the collaborative efforts with my grade level team to be refreshing at times, because we often discussed different ways to teach a standard. I also, however, saw what happened to teachers who did not have high-test scores. During a grade level meeting, as a teacher leader, I was expected to go over the most current test results with my colleagues who were far more experienced and were experts in the field of education. I remember going over these results and it felt as if I was exposing teacher weaknesses. One of my veteran teachers who had a heart of gold began to cry. She had been working so hard to improve test scores to no avail and she again did not see them improve. She felt helpless and embarrassed. She later stopped coming to the teacher's lounge to have lunch with us. I found this new role I was given uncomfortable and I felt ashamed for the rest of the year. The following year, this teacher left the district to teach a lower grade where state standardized exams were not given. Murillo and Flores (2002) noticed teachers leaving because of the pressure. They found that due to the "stigmatizing conditions,"(p. 95) teachers were struggling with the constant negotiation and renegotiation of their identities. Teachers revealed that they were experiencing more stress, lower

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morale, and cited other teachers who were leaving the "low performing" schools, as well as the teaching profession all together.

These veteran teachers who were now seen as struggling were being sent to pasture in a very cruel way. They took the blame for poor test scores easily and questioned whether they still belonged in education. It was no coincidence that most of these teacher leaders who had high-test scores were young and new to the profession. These teacher leaders, including myself, had high test scores, because we were willing to go along with the status quo of the accountability measures in place. Quiocho and Stall (2008) cite one teacher's comment, "As a new teacher, I want to speak up, but I fear being fired or I feel like I don't have a right to say anything" (p. 23). This teacher's comment reflects a pressure to conform to changes under high-stakes testing. Along with many other new teachers to the district, I was not tenured and we would do almost anything to have high-test scores, including focusing only on what was on the next exam, essentially teaching to the test. Murillo and Flores also found that one teacher admitted to teaching to the test and attested to the fact that test scores increased in her class. However, "...instead of being proud, she felt ashamed for having 'abused these kids'" (p. 104).

Within two years of being away from the urban school district, I had not only made students a by-product of schooling but also had become a teacher leader who could help other teachers do the same successfully. Not only were my students a by-product of schooling, but also I had embraced my new token

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role and become a person who conducted the "dirty-work" of administration. This new power I had attained was both exciting, yet also empty. I felt respected and needed but also like I was putting on a show. It was easy to think I was doing what was best for students; after all, my test scores supported that notion. Nichols and Berliner (2008) found that many schools are now over-testing, yet undervaluing learning. This was certainly the case in my practices at the time.

I also saw students who were ignored because they were not "bubble" kids. Berliner and Nichols (2008) found examples of teachers who would only focus on students who were "...on the cusp of passing the test" (p. 36) at the expense of other students who were either high or low. I noticed that when I was stressed about test scores, my students became stressed about test scores. I became more stringent and was not myself during times of district benchmark tests, for which I would be held accountable. According to Nichols and Berliner, "The time spent talking about, preparing for, and taking tests has increased exponentially" (2008, p. 14). Many teachers, including myself, were taking subjects such as science and social studies out of the instructional day to ensure learning in core subjects that we would be held accountable for on district exams. Many teachers left the school or the profession because they did not feel embraced or valued that year.

Although I saw some of the negative effects of high-stakes testing during my second year in this new district, I was still benefiting from the rewards of high-test scores and the collaborative efforts I was able to have with colleagues in

relation to the focus for out instruction. I decided to follow my administrator to a new school he was placed in to further implement the strategies of "data-driven" results in a middle school. With that said, at the new middle school, my team of 6th grade teachers was keen on impressing the new administrator but was not in the habit of collaborating in "best teaching" practices for the classroom. It was difficult to collaborate because of the new changes that were occurring at the school. Many felt threatened that they would not live up to the expectations of test scores that were regularly shared with grade level colleagues, as well as with the entire school. As I tried to build trust with my new colleagues, a district-wide change had occurred for the high schools and middle schools. It was now to be the practice that district benchmark exams would account for at least 50% of student report cards across all subjects. This change was upsetting for many teachers, because, historically, grade reports were evaluations made by the teacher based on multiple assessments and careful consideration. With one exam influencing 50% or more of a student's grade, teachers felt even greater pressure to ensure students were prepared for the district benchmark exams.

In the middle of the school year, a student was transferred to my class from a colleague teacher. A few weeks later, it was time for the district benchmark exam. I had all students remove everything from their desks and prepare for the exam. My new student began to take out his notes and a study guide his previous teacher had given him. I told him to put it away because we were taking an exam. With a look of puzzlement, he continued to explain that it

was an "open-note" exam. I was now puzzled and asked him to explain. Quite clearly, he explained that on all of the benchmark exams so far during the year, students had been given a study guide that included the questions and answers of the benchmark exam and could include them in their notebooks. During the test, the students in his classes had been allowed to use these notes. I was completely bowled-over and could not believe that his teachers had promoted such practices. I asked the teachers later that week and they confirmed that it was true, because they knew their students wouldn't pass the exam. I felt cheated, knowing that the teachers were letting students use study aides during the exam and using inflated scores for their report cards, while the students in my class received grades they had earned. But strangely, I also felt betrayed, because the benchmark exam scores that we had been held accountable for in meetings made some teachers look better than others.

I only stayed at that school for the one year, because I didn't think it was ethical to give students answers to the test. Over the last two years, I have attributed my previous colleagues' practices as a rare incident in which the need to please the administrator through test scores was more important above all things and compromised teaching ethics. Yet, more recently, we received a new principal who seems caring, understanding of teacher stress levels, and wants what is best for students. During a general staff meeting, she discussed the importance of upcoming district benchmark exams and their high correlation to state standardized exams. She stated how she would like to see our students

succeed and, during our grade level lesson planning sessions, we should think of ways to prepare our students for the upcoming exam.

My grade level colleagues and I went back to one of the teacher's classrooms to discuss how we would prepare students for the exam. As we looked through the exam we immediately noticed that many of the questions were on standards not yet taught to students and which would not be taught for several months. We discovered over 40% of the questions on the exam were not relevant for the teaching that had taken place and explained that many of the standards were purposefully placed near the end of the year, because students did not yet have the skills necessary to master those standards. During a leadership meeting, we brought our concerns to the principal and discussed how unfair it would be to use this exam as a "main source" for report card grading. The principal seemed concerned as well and, soon enough, other grade level teams found similar problems with their upcoming exams. One, fourth grade teacher explained in our meeting that students were expected to complete long division during the first quarter of the school year when students had not yet learned multiplication or short division. Later that week, we received an email stating that we were to continue with the district policy to use the exam in its present state to determine report card grades. We again were reminded of the correlation between this district created benchmark exam and the state standardized test.

We returned to our grade level meeting disheartened and one of the teachers in my grade level team who taught high level students recommended we show the students the exam before they were to take it and go over the exam question by question, so that they would have a "fighting chance" to pass skills that were not yet taught and no longer had time to go over. When I heard those words pass, I again was shocked. This was a veteran teacher of more than fifteen years. He was extremely ethical and moral in all other professional and personal experiences that I had known him. He was a youth pastor and devout Christian man who often discussed Bible verses in lunch meetings. Yet, he was suggesting that we help students by reviewing an exam before it was given. I asked him why he thought we should do that and he explained the exam in its present form was unethical. Since the district was refusing to accept the test as unfair to students and yet hold students and teachers accountable for them, he felt it was the only way students had a chance for a decent grade.

The more I thought about his argument, the more I found myself agreeing. The principal made sure we used the district benchmark exam as our main resource for grades. When teachers were forced to give report card grades based mostly on one unfair exam, as teachers, we were not able to persuade the principal or district to reconsider that decision. The options left for teachers were few. We could help students pass the exam because we knew 40% of what was in the exam had not been taught to them or we could just give the exam and

assign grades that were far below what we believed they deserved and did not reflect the learning progress that students had actually made.

There were also other repercussions to giving poor grades to students who we didn't believe deserved them, based on one unfair exam. District administrators have the luxury of removing themselves from the tears students shed when they fail an exam for which they were not prepared. Many students work very hard in learning and passing weekly teacher exams. When students are seeing improvements in their grades week by week and are then faced with an exam that they did not know 40% of, failure becomes internalized. Students question their own abilities and capabilities. Parents are upset at their children, because they do not understand how report card grades are given in high-stakes testing schools. As a grade level, we felt that our concerns had fallen on deaf ears and that our hands had been tied. Teachers were being asked to be structurally unethical to their profession by giving grades based on an unfair exam. In order to be ethical to our students, we felt it necessary to help them. It felt less like "helping" and more like civil disobedience intended for the benefit of our students for whom we cared deeply about, including their minds as well as their hearts.

This event brought back memories of my first experience with teachers helping students in district high-stakes exams. I now hold a different belief about high-stakes testing and ethics. Is it *un*ethical to help students who are being

graded based on unfair exams; students who rely on report card grades for scholarships, sports opportunities, or college? My black and white view of "cheating" from years prior has changed. When faced with an ethical decision that can affect students unfairly, as an educator I didn't feel it was unethical to help them but, rather, ethical under a regime of administrators who were not willing to collaborate nor compromise to the actual realities of what practices were taking place in the classroom level. The teachers I worked with all helped their students but did not talk about the details of how they helped them. I believe that the teachers still felt some shame in the practice but also felt a lack of support from higher administration.

I started my career for very noble reasons; helping students help themselves and their community. However, it was my students who taught me that the life I saw in the urban city was not desperate and sad but truly filled with family values and cultural traditions. Their families welcomed me into their homes and invited me to birthdays and celebrations. Not long after I left the urban city, I forgot my beliefs in students and caring about the whole child within their community. After working in a district where high-stakes testing had become the norm and focusing on specific students while ignoring others, I bought into my successes. It was not until I saw the effects of what it did to me as a teacher that I began to see my role as one to expose the detriments of high-stakes testing to the students, teachers, and community.

I became interested in studying this topic after personal transformation and self-reflection. I believed that I could not be the only educator who had experienced the ethical dilemmas I faced. I began my career with noble beliefs and ideas, which malformed into a test-driven, performance-based teaching practice that left students behind by design. I found that my acceptance of a culture that promoted student performance in high-stakes tests at any cost was not unique. Today, I still struggle in balancing high-stakes testing pressure with my educational philosophy of ensuring learning of all students in quality instructional content. The ethical dilemmas teachers face under the system of accountability, measured in high-stakes tests mandated by NCLB, are tucked away in classrooms with little exposure amongst the community of teachers. I believe I am not the only teacher faced with such ethical dilemmas. By examining teaching practices and teacher beliefs that are associated with these ethical dilemmas, better understanding of how high-stakes tests pressure alters educational philosophies and preservation of ethics may be understood.

It is clear that I have experienced both positive and negative effects of high-stakes testing but also hold a new awareness of the detriments of high-stakes testing for students. I often find local high-stakes tests invalid for assessing essential learning practices taking place in the classroom. These new experiences in high-stakes testing have forced an increased awareness in myself, as well as an urge to resist them. When education policy and reform ideologies are no longer to the benefit of students or education, it is the

responsibility of educators to resist such reforms. However, broad resistance against local and federal education reform has been limited. To explain, educators are "discouraged" from being independent decision-makers or thinkers beyond the status quo set forth by the standardization of education and high-stakes accountability reforms (Attwerger, Arya, Jin, Jordan, Laster, Martens, Wilson, and Wiltz, 2004, p. 126). Attwerger et al. noticed that when the NCLB Act reform was implemented in schools, teachers had "...little opportunity to go beyond the tools of assessment they were *required* to use" (p. 126). When teachers and educators are limited in choices and required to use certain curriculum and assessment, it leaves teachers with ethical dilemmas when these tools and assessments do not meet the needs of students in the classroom. Attwerger et al. found that teachers' felt structured and scripted curriculum such as *Open Court* did not allow for their understandings of what their students needed. Such scripted curriculum placed teachers in an ethical dilemma because the curriculum did not take into account the variations of the individual student, leaving teachers feeling frustrated from the restrictions placed on them.

Local schools and school districts have often been left on their own to figure out how to meet NCLB accountability expectations. Some school districts have moved to standardized report cards and standardized local assessments in addition to federal high-stakes testing. Such standardization leaves teachers with fewer choices and opportunities to differentiate on the basis of student needs. According to Attwerger et al., "Teachers have lost flexibility in choosing

appropriate assessments or developing instructional approaches that fit the strengths and needs of an individual child. Often they must use the same packaged program for every child" (2004, p. 127). When teachers have spoken against such standardization in curriculum and assessment, local school and district mandates have discouraged teachers from using their own individual resources or techniques in the classroom. District control of classroom materials and techniques, in the attempt to meet NCLB performance expectations have become more prevalent taking away from teacher individuation and style in the classroom. In essence, districts have attempted to mandate standardized resources and techniques in the classroom in an attempt to meet high-stakes testing pressures.

Purpose of the Project

Of particular importance to this study was understanding of ethical dilemmas teachers were faced since the implementation of NCLB. According to Attwerger et al., "The dilemmas we face as teacher educators are becoming more complex as a result of NCLB" (p. 127). This was not a study about ethical decisions, rather a study examining the ethical dilemmas that educators faced in the classroom. Research on ethics often times examines the ethics in the decisional outcome of a situation or event. Ethical dilemmas are situational demands. These situational demands may catalyze reflection of personal beliefs or norms that are contrary to a pressured decision. These ethical dilemmas may

or may not be resolved. Personally, I have had negative feelings about the well-being of students and educators under the NCLB Act. At times, I have felt empowered to explore and create as a teacher in ways that would focus on the whole child, regardless of the constraints from NCLB. Other times, I have felt pressure to push test scores rather than help all children learn. Based on my observations and conversations with other educators, my experiences with NCLB were not unique.

With the changing culture and climate that has taken place in schools across America, it is apparent that more research and understanding of teachers is necessary to understand what practices and dilemmas are present in the classrooms that affect individual students. Administrative leaders can embrace the federal mandate of NCLB with different styles and attitudes about test preparation techniques and equitable distribution of resources. However, it is unclear how these decision-making practices trickle down to the teachers' decision-making in their school sites. We may understand both the benefits and limitations accountability has created by researching the ethical dilemmas faced by educators, as theorized in sociological complexity of power systems and resistance.

Education is hugely complex and the No Child Left Behind Act tries to narrowly define education by narrowly defining success. It is reductionistic in this sense. It ignores the complexity of culture and propagates the reproduction of systematic categorizing of students that shapes identity in students. It lacks

critical consciousness and does not open opportunities to make transformation (Giroux, 2006) in students' lives, rather than continue the reproduction of inequity, particularly in the lives of students from poorer backgrounds. It lacks a sense of hybridity (Gutierrez, Baquedano-Lopez, & Tejada, 1999) and instead creates rigidity in curriculum and dichotomizes power, rather than creates shared power. In a collaborative setting, teachers can share decision-making about curriculum, allocation of resources, and the importance placed on testing in the classroom. However, in the high-stakes testing educational arena, many educators are restricted in their freedoms to meet each individual student's needs culturally and academically. The complexity of how high-stakes testing affects educators, specifically teachers, requires in-depth investigation. There have been countless surveys and quantitative studies on the attitudes and efficacy of teachers under high-stakes testing. We need to hear more from the voices of the teachers, specifically of the experiences in the classroom and the ethical dilemmas they face. The ethical dilemmas that teachers are faced with and the power struggles that occur between teachers and district policies are unclear. The perspective of teachers expressed in their own voices about the ethical dilemmas they face and the pressure to conform under the high-stakes accountability system is what I sought to examine in this study, not whether their decisions were ethical. Furthermore, I was interested in exploring what, if any, resistance developed amongst teachers.

Significance of the Research

The research investigated in this study hoped to delve into the often "secret" or "hidden" practices of educators' ethical decision-making under high-stakes testing. Some qualitative research has been done on the effect high-stakes testing has had on teacher ethical decision-making on a large level, specifically looking at national standardized exams. The magnifying glass needs to be on the ethical dilemmas faced by teachers, rather than their actions, so that public education policy can be transformed to avoid placing teachers in an environment of intensified pressure, which invites ethical compromise. Often times, these local benchmark exams are used in ways that may be detrimental to student opportunities, which may not reflect the learning that has taken place from actual teaching. This is an essential area of research that needs further understanding. This research adds to current research on the perspectives of accountability under the NCLB Act. Teachers' attitudes toward current district and school site approaches to meeting the NCLB Act and the ethical dilemmas they face with the high-stakes exams that have emerged as a result of the NCLB Act were examined.

My research assumptions accept that the presence of high-stakes testing may impose a moral and ethical decision upon teachers that manifests in actual teaching practices. I believe there is an ethical crossroad that teachers must pass through when a high-stakes testing dilemma is presented. Seemingly moral

educators may find themselves teaching to the test or helping students pass exams because the "black-white" line of the ethics at that crossroad becomes blurred. Teachers may even be helping students for very ethical and moral reasons, because of attitudes about specific high-stakes tests. Furthermore, teachers are faced with the ethical decisions of determining which students may or may not receive additional interventions or opportunities. District and school sites often create cut-off points from which the most needy students may not benefit from additional intervention, because their scores may not benefit the school's scores on testing. In other words, the professional standing of the teachers and the school are placed in a position of higher priority than the educational needs of students. In itself, this position amounts to a compromise of professional ethics.

Grounded theory was used in this research study. Grounded theory was the best fit for this research project because the purpose of this study was to understand the experiences of educators in a larger context of educational accountability. Grounded theory also allows for new emerging understandings of previously understood theories in new contexts. Connecting the experiences of teachers to the larger context of educational accountability through already established theories of power in organizational systems and resistance could only be made through the use of Grounded theory. Grounded theory uses an inductive and deductive approach toward the generation of a theory. This study utilizes inductive data from personal experiences to generate the scenarios.

These scenarios were then used to explore the experiences of others. Also, grounded theory is organic in nature and, as a result, experiences, conversations, and observations were utilized to further develop the research questions. In this research project, several central questions were added and revised due to restrictions placed in methodology of data collection. Three main themes were found from survey scenarios and open-ended survey questions. Ethical dilemmas, pressure to conform, and resistance were found to be three main themes that educators shared.

Definitions of Key Terms

The following definitions of key terms used throughout this study are found in educational discourses, social theory, and education policy.

Ethical Decision. What I mean by an ethical decision is a decision based on an uncertainty within an organization. These decisions may occur often or infrequently. They can cause a person to reevaluate a situation and make decisions about practice based on their beliefs, morals, or values. An ethical decision is different from a technical decision in that an ethical decision is founded in the individual's beliefs, values, or norms. More importantly, within work organizations, an individual's perception of the work environment is important when ethical decisions are made (Barnett & Vaicys, 2000). In addition to the work environment, the context where an ethical dilemma occurs influences a person's ethical decision. Work environment context factors may include the

individual's perception of what the organization holds as a practice norm (Victor & Cullen, 1988).

Panopticon. First popularized by French social theorist, Michel Foucault, this term originated in the architecture of prisons in which one guard is centrally located to observe and monitor large amounts of prisoners. Foucault showed how this architectural formation, developed at the start of the modern era, was inserted into a range of social organizations and systems where one manages or monitors others (Piro, 2008). In a panopticon, the individuals begin to monitor themselves and their peers in fear of real or imaginary monitoring from an authority. We see panopticon effects at work in the federally mandated accountability system where school site administrators monitor teacher progress through test scores. In turn, both students and teachers are required to monitor and question themselves and to intensify their efforts to look good in the eyes of the external gaze.

Power Relations. Power relations include a relationship and shifting of decision-making and choice between educators and policy makers. Power relations are in constant change based on the context of current political trend (Ball, 1993). As Foucault pointed out, in the modern world, the technology of the panopticon serves a key role in the construction of power relations between people and the authorities. It turns power into a productive phenomenon in which people have to work to make themselves conform rather than doing so under external threat.

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Resistance. Foucault argued that the operation of modern power also produces resistance at many points. People are not passive in the face of power. The contexts of school and school climate are only two environments in which resistance may be seen. School climates are not isolated, rather they are part of a larger context of political, systematic, and environmental controls from government policy. According to Giroux (2003), resistance has the potential to lead to a personal and social transformation of the individual within the context of struggle within a system. This transformation may be visible and audible, but may also be internal and not as noticeable. Resistance is a "multi-layer phenomenon" (p. 5) and based on the context and intensity of political struggle within the individual.

Pressure to Conform. Pressure to conform is the perception of authentic authority a teacher has in decision-making has become defined by outside sources such as administrators and public policy makers. Since the passage of the No Child Left Behind Act, professionalism and autonomous teacher authority has seen a decline among educators (Grady, Helbling, & Lubeck, 2008). The decline of teacher decision-making power has fluctuated in response to pressure from administrators and education policy-makers to conform to top-down decisions. Formal and informal pressures to conform have become commonplace in education.

Ethical dilemma. Difficult ethical decision-making is situated within the context of constraints. When an individual, specifically a teacher, is faced with a

difficult ethical decision, they are experiencing an ethical dilemma. In particular I shall focus in this study on those decisions, which are about where teachers might best concentrate their service delivery efforts. A decision may or may not occur, but the situation and constraints of that ethical dilemma remain with the individual.

Research Questions

This research study inquires into teachers' viewpoints on their experiences in the classroom and within the context of their school sites. Research questions originated from my position as a teacher and from the conversations and experiences I have had in education. The research question that was the driving force from which other questions followed was:

> *What pressures do teachers feel as a result of high stakes testing and what do these pressures lead them to do? In particular what ethical dilemmas have arisen for teachers as a result of increased emphasis on high stakes testing?*

The following research questions arose from the main research question and my attempt to understand teachers' experiences and conversations that have affected classroom practices and decision-making. Some questions guiding my research flow directly from the purpose of the argument presented and are central to my inquiry.

- What beliefs and attitudes do teacher leaders and teachers hold about NCLB and district benchmark exams?

- How do teachers perceive the effects of high-stakes exams on the school, the students, the parents, themselves?

- How have teachers sought to resolve these dilemmas in practice?

- What practices are present in teacher decision-making teams to balance the needs of high-stakes testing and the needs of the students?

- Have there been occasions in which district high-stakes testing exams were viewed as unfair or as not addressing essential learning in the classroom? If so, how did teachers resolve it? What possible effects were there?

CHAPTER TWO

LITERATURE REVIEW

Background Theory

For more than twenty years, research on school reform has acknowledged school site principals as key to creating systematic change (Fullan, 1985; 1991). However, how teacher leaders have coped and adapted through NCLB are of particular importance in understanding the effects of NCLB in schools. The NCLB Act claimed as its expressed intention for all students to learn, however the measure of learning as well as the accountability system created by NCLB may in fact hinder student learning because of restraints placed upon teachers. Studying how teachers balance the constraints of governing policies with ethical decision-making in teaching all children may reveal new insights to the actual practices of educators.

My journey towards understanding high-stakes testing and the ethical dilemmas faced in education has been influenced by many theories, professors, and experiences. I have personally experienced the ethical dilemmas created by the accountability system in education but did not have a language to express those experiences in a larger organizational theory of education. When I read the book *Finding Utopia* by Tyack and Cuban (1995), I better understood my experiences in the light of Michel Foucault's analysis of power relations in the context of education.

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Tyack and Cuban (1995) explain the critical importance of political and historical trends in the United States to "villainize" education. After Sputnik and the apparent ability of the Russians to "outperform" the U.S. in its space race, immediately President John F. Kennedy began addressing future needs of education to outpace other powerful nations. Today, it seems ridiculous to think such a political issue influenced education. Soon after the event, education became a political problem and was identified as the scapegoat for our space failures. During the 1970s, new high school graduation requirements and increased number of school days were instituted nationally. In the 1980s, the report, *A Nation at Risk*, supported the idea that teachers in education were providing for a poor American future. During the 1980s, we saw more educational reform such as structured curricula and state-adopted programs that became politicized toward vouchers. During the 1990s, charter schools began to develop and national standardized exams were recommended. By 2001, the No Child Left Behind Act created federally mandated accountability measures and standardized curriculum blueprints that all states were to adopt.

The political trends changed educational reform by removing control from local educators and districts in favor of greater governmental control. The allocation of educational funds moved away from local agencies to state and federal level funding. Through standardization, curricula which were once locally decided, were now decided at the state and federal levels. These changes created a loss of power for local educators (Tyack & Cuban, 1995). School

Accountability Report Card (SARC) systems began to emerge, where schools were publicly compared on the basis of standardized test score results. Poor schools were shamed in local newspapers after SARC reports were made public and many Americans began to believe that the education *system* was failing (Gallup Poll, 2004), yet they still believed the school their child went to was generally good. Such cognitive dissonance may reflect the political propaganda generated by the media to further villainize schools and yet locally parents continued to feel that their children went to good schools. Current educational reform has begun to outsource education by using businesses to "fix" education. The current accountability system under the NCLB Act reflects business theories of motivation and conformity through the sharing or "exposing" of data to create urgency in teachers to improve test scores.

Current educational reform that "standardized" education to its minimal parts has been seen in curriculum adoption as well as in the loss of local educator power in grading systems. By redefining and limiting the role of educators, reform has increased power hierarchically from the top (federal and state) to the bottom (districts, teachers, students, community). In the standardization of education and the minimizing control of teachers, the organizational system has acted as a machine. Tyack and Cuban call this reform machinery. By defining teachers as tools and their administrators as managers of tools, these once powerful roles became positions of minimal influence in the education system.

The educational theory and background analysis of education presented by Tyack and Cuban has given me an optimism I was lacking. As an educator, not only do I receive the pressures and shame defined by the current accountability system, but I see fellow colleagues struggle with the organizational reform measures and students become by-products of a system that does not always meet their needs. Yet, there is hope. With the theories of Tyack and Cuban, Foucault's analysis of power systems (such as accountability), and Giroux's belief in resistance through critical consciousness, I hope to participate in the opening up of a discourse of change in the current reform system toward a better system of accountability.

The concepts of power from Foucault originated from the poststructuralism movement spawned by academic debates of societal influence of systems and people. Through the use of discourse, individuals' voices became produced. Foucault (1978) argued for the coexistence of both knowledge and discourse within the production of self and of power relationships. Constructing knowledge is interwoven with and integrated by social power and discourse.

Tyack and Cuban have painted a grim understanding of educational reform in the United States, yet their optimism is seen in the possibilities for future reform. Accordingly, Tyack and Cuban (1995) state that all reform is cyclical and although reforms are influenced by political trends, political trends are "changeable." Is there a utopian model for education that can be learned from our mistakes in educational reform from the past and of today? Perhaps not

a utopian model, however educational reform is needed in which professional educators make decisions at the local levels of education to meet students' needs. Only through the understanding of education in the place of history and theory can practices begin to change according to Tyack and Cuban.

School leaders should be concerned about best practices in education, since accountability has intensified across the nation, following the adoption of the NCLB Act. Darling-Hammond and McLaughlin (1995) wrote:

> The vision of practice that underlies the nation's reform agenda requires most teachers to rethink their own practice, to construct new classroom roles and expectations about student outcomes, and to teach in ways they have never taught before (p. 3).

This idea supports the importance of administrative leadership and the need for fundamental change in school organizations to improve student achievement. It also supports the importance of deliberate efforts to exert power on teachers, to recreate their thinking about what constitutes importance in education, shapes their practices, and uses technological tools of assessment to redefine educational outcomes. In this sense, NCLB is a political act at the local level and affects the power system locally. The political trend toward increased national standards and norms, including increased school accountability for student outcomes, has heightened hierarchical power in classroom practices and decision-making that has removed some individual educator's professional evaluation of what is best for children.

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Curriculum Politics

According to Tyack and Cuban (1995), educational reforms are "intrinsically political in origin" (p. 6.). They remind us that, "Many educational problems have deep roots in the past, and many solutions have been tried before. If some 'new' ideas have already been tried, and many have, why not see how they fared in the past?" (p. 6). With the passage of NCLB came increased requirements to standardize education in an attempt to minimize the achievement gap. However, the achievement gap has only widened since the passage of top-down legislature due to institutional dynamics (Groves, 2002). Outdated "one-size-fits-all" practice still exists today, although such curricula cannot be expected to address individual student needs (Burch, 2007).

According to NCLB, mandated curriculum adoptions must meet state and federal standards. However the curriculum standard often need not meet the immediate nor long-term needs of students, especially historically marginalized students who should benefit most from NCLB if it were to be successful in lowering the achievement gap. According to Tyack and Cuban (1995), historically marginalized students were often given little focus in education during the first part of the twentieth century. In an attempt to minimize nationwide inequality, schools became a place for reform.

After the signing of the NCLB Act in 2002 by President Bush, Michael Apple stated, "This (act) represents a set of initiatives that can radically transform

the federal role in policing and controlling core aspects of education" (2007, p. 109).

The NCLB mandate pushed school districts into using state-adopted curricula. The techniques present in curricula after the adoption of the NCLB Act were extremely closely scripted and student assignments met only superficial levels of critical thinking and concept development. Many students in southern and central California are English Language Learners and require in-depth reading fluency and writing skills that the curriculum does not address. In fact, all subject matter not associated with English language arts or mathematics in many elementary schools has been removed altogether. Most teachers are now expected to spend three and a half hours on English each day at the same pace and schedule. Lesson plans were provided by the curriculum and teacher input in curriculum design was neither needed nor wanted. Much of the state-adopted curriculum lacked differentiation to address student needs. The increase in restrictions placed on educators makes meeting accountability measures increasingly difficult.

Such curricula were touted as resources any teacher with any level of experience could easily use equally. According to Burch (2007), current initiatives, such as standards based reforms, place demands that outpace educational organizations. Burch (2007) was referring to the gap between reform expectations and actual needs at the classroom or school level. Governing agencies at the federal and state level could redefine and shape what happens in

classrooms, however the response of teachers, students, and the community may not have reflected such organizational change. In curriculum adoption, teachers are often left resource-less or lost in meeting both federal mandates as well as in meeting student achievement needs, especially needs of marginalized students.

Many times, the pressure to improve student performance on high-stakes state exams falls on district and school administration. Such pressure becomes intense and soon directives are given to govern educators' practices in the classroom. The organization allows for less diversity and instead promotes and expects sameness. According to (Morgan, 2006), "Organizational life is often routinized with the precision demanded of clockwork" (p. 12). School administrators in Program Improvement schools often give directives to educators that activities, lessons, curriculum materials, and assessments are to be exactly the same. Administrators further this agenda by having teachers deliver lessons and activities at the same time. Many supplemental activities and lessons are no longer allowed and the creative side of teaching is sometimes lost. When schools become further bureaucratized, schools become a machine. Gareth Morgan (2004) states it best "…a mechanical mode of organization can provide the basis for effective operation. But in others it can have many unfortunate consequences" (p. 13).

Testing Culture

A pressure for school districts and school sites to drastically improve test scores changed school administrators from leaders to managers who controlled curriculum, instructional strategies, and school activities (Apple, 2007). This loss of local teacher control has left individuation of student needs by the wayside. A more prescribed school environment developed in many schools.

Many school districts, in a desperate attempt to improve test scores may rely on outside profit or non-profit business organizations to save schools. Tyack and Cuban (1995) point out that: "Innovators outside schools who wanted to reinvent education were often skilled in publicity and the politics of promising..." (p. 113).

However, Burch (2007) found that contracted firms or programs, intending to meet governmental changes to the organization (for example, online software, after-school tutoring, outside science programs), unintentionally perpetuated practices that reform was attempting to change. Such programs may remove the opportunity for teacher-student mentoring needed by students, especially by "at-risk" students. Contracted firms, such as test development companies, may be used for the best of intentions but fall short of creating authentic learning. Such programs, for example, may create benchmark exams that are poorly made and do not reflect teacher focus or practice. Such exams can "redefine" knowledge or learning. McNeil (2005) found that the long-term effects of standardization include a widened gap of achievement between the dominant culture and

minority groups. Accountability reforms seem to cycle in education with outside

companies rescuing education, but, as Tyack and Cuban point out, pressure to

reform reflects the interaction between institutional trends and society. These

"cycles" are really an indication of struggles to define societal needs, including

societal improvements in the job-market, in equalization of cultures, and in

societal values. The difficulties that arise in reform reflect processes of political

domination and push, with minimal educational input (Tyack & Cuban, 1995).

Furthermore, blame for societal shortcomings in competitive markets, cultural

equity, and societal values often fall on the shoulder of education.

Power Relationships in General

Foucault (1979) describes the ability of power relations to create

intentional and unintentional changes in the individuals under the scrutiny of

power. The power relations of schooling historically has been locally created and

supervised, yet over several decades accountability systems have been

introduced from above to form a hierarchical operation of power. Systems of

power such as accountability measures created by the No Child Left Behind Act

(2001) are part of a machinery of power relations. Education today is a very

sophisticated organization of power relations and is influenced by political and

economic trends stemming from federal mandates (NCLB), flowing through state

mandates, then being imposed on local educational systems or schools, and

finally ending up in classroom interactions between teachers and students. This

system of power relations in education resembles other power systems, such as those seen in business.

This mandated educational power system punishes non-conformity to the adopted model of accountability measures by labeling teachers and students as ineffective as well as imposing sanctions on schools' freedoms. Foucault described the ability to control, classify, and redefine subjects as foundational for modern power systems. In education, this has become clearly present under the mandatory accountability measures defined by the federal government and adopted by state legislature. Nichols & Berliner (2008) found high-stakes exams under the accountability mandates to redefine what is knowledge, define the potentiality of students, create limited discourses of what counts as valuable learning, increase conformity by teachers and students, classify students based on ability, and create monumental life consequences for students. In addition, the current accountability system does something not seen before and classifies teachers and schools with labels.

Panopticon

Many of the developments that Nichols and Berliner found derive from Foucault's analysis of systems of power. Organizations which exert sanctions on subjects instill classification, control, and surveillance so that conformity leads to outcomes that are often self-imposed by the subjects on themselves. Students, as well as teachers, become pieces of a much larger machine of the larger

organization who are controlled by punishments, classified on ability by data, and rewarded for conformity to the system of power. For example, in the new discourse of education we see certain students classified as "score promoters" or "score suppressors" (Nichols & Berliner, 2008). Students who are score suppressors are often those students who are minorities, live in poverty, or are special-needs students. These students become classified as young as age ten on their academic potential. Students classified as score promoters are those who have the potential to help improve school and district scores as defined by the federal and state mandates. Note here that the designation is determined by the needs of the school or district, rather than by the educational needs of the student. Those students who are classified as score promoters receive more educational opportunities for specialized tutoring, after-school activities, small group instruction with their teachers, intervention opportunities (Nichols & Berliner, 2008). Classifying students in such a way redefines students' worth in education. It also raises ethical questions about whether groups of students should be favored (or disfavored) in this way.

The classification and control in education is certainly not limited to students. Educators become by-products, or commodified, in this system of power relations as well. For example, educators are promoted or "discontinued" on the basis of how well they conform to the system of accountability and control. Educators who are viewed as poor test scorers are shamed by "sharing" or "exposing" data to other staff members. Those educators that have poor test

results may be subject to punishments by their administrator or humiliated by other faculty responses for their test scores. Furthermore, in education, response to the accountability system has created management techniques that create a panopticon effect. In a panopticon, surveillance from a few individuals instills a sense of anxiety in others. The key to a panopticon is what is unknown. When individuals feel they are being monitored but do not know when they are being watched, individuals begin to self-monitor themselves and each other. The subtle examination, corrections, and discourse of others creates self-monitoring within individuals in fear of breaking rules or norms. The potential of negative attention or punishment for not conforming to expected norms or expectations creates further compliance by individuals within any social organization. This hierarchical system has been recreated in education using Professional Learning Communities.

In Professional Learning Communities (DuFour, 2003), high-stakes exam data can be used to create a sense of urgency through the sharing or exposing of data in teacher learning teams. These teacher-learning teams are described as collaborative teams designed to improve student performance on high-stakes exams through the creation of objectives and testing goals. When, however, one teacher does not meet the self-imposed objective, "discussion" with the team members as to why that teacher did not improve test scores ensues. Such learning teams can create a sense of competition and panopticism amongst teachers. Teachers are utilizing a *self-imposed* system of accountability (mutual

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surveillance) to influence *each other* to conform to the much larger hierarchical accountability system created by the NCLB federal act.

Such teacher teams also create discourses that shape conformity. Foucault (1979) discussed the importance of discourses under systems of power relations. Systems of power often produce particular regimes of truth based on limited discourses, conformity to which is ensured by the constant repetition of the discourse. When teacher teams use this limited discourse to define a student's ability or a teacher's performance through the interpretation of test score data, the concept of "teacher improvement" by peer surveillance becomes embedded within the discourse of conformity. For example, when one teacher's test scores are the lowest in the mathematics department, other teachers may discuss teaching strategies that the poor-scoring teacher is using which are "ineffective." Shame becomes embedded in the discourse and fellow teachers use this discourse to redefine that teacher's potential as limited. The accountability system that is self-imposed by teacher teams may in this way attach character attributes to high-stakes testing data results. Just as in Foucault's panopticon, teachers begin to monitor themselves and self-impose conformity to the dominant discourse. Teachers who continue to be defined as failing through the test score comparisons and through the "exposing" of data may "choose" or "elect" to remove *themselves* out of education. In effect, the power system has created a way for teacher peers and colleagues to do the "dirty work" of accountability by pressuring fellow teachers that do not conform to

remove themselves from the educational discourse. What was raised by these practices were ethical questions about what is being done to people. The question we must ask is, "Are these outcomes fair and just?" The current discourse in education has been created to serve the interests of political trends and not of the needs of children.

Foucault (1979) suggested that we have multiple selves that are always present. For example, we may have a particular self with a discourse for a job interview. You may have another self with a discourse for interacting with friends and another for interacting with your co-workers. In the discourse of education today, specifically in accountability and school improvement, teachers are spending far more time talking about test scores and teaching to tests (Nichols & Berliner, 2008). When such discourses are present, it is easier for teachers to be immersed in the discourse of accountability and not notice how they are being produced to think. It is not that there is not substantial resistance to this dominant discourse. However, in order for resistance to a system of power relations to be effective, another discourse must be established. Discourses around ethics, educational philosophy, and what is best for children seem muffled in the talk that abounds in education today. The system assumes the right to define what is best for children. Under the system of accountability and its power, it is not surprising to see intense discourses directed towards teacher and school conformity to the system of accountability that answers to politicians and administrators.

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Power Relationships in Educational Accountability

Standardized exams and accountability measures are one piece of a larger, hierarchical system of parts. Jardine noted that examinations might be used as a tool that either proved students had "gained knowledge" or to "classify individuals, to reward and punish them, and to integrate them and their predictable knowledge and effort into the whole of society in a controlled way" (Jardine, 2005, p. 62). Through classification, unintentional acceptance of a teacher or student's "worth" is adopted by administrators and, much worse, internalized by parents and by their children, creating false limitations on that student's potential. Accountability measures were once used for the traditional role of students having to "prove" proficiency or mastery of content knowledge. However, under the new accountability measures of NCLB, educators and schools are expected to provide data-driven evidence of adequate teacher or school performance through test scores. When high-stakes exams become tools to prove professional performance, educators redefine what is important to teach or for students to know based on what exams will test. Such practices create a sense of urgency when students struggle that becomes palpably present in the classroom atmosphere, as well as in the demeanor of the teacher. The examination process classifies and judges educators' performance, not just student achievement.

When teachers are subjected to high-stakes exams, teachers become objects under a gaze of power that is established by exam scores. These scores

constitute exams as high-stakes for both teachers and students. Foucault (1979) argued that exams used in this way are instruments of a new modern form of disciplinary power. He stated, "It is the examination which, by combining hierarchical surveillance and normalizing judgment, assures the great disciplinary functions of distribution and classification, maximum extraction of forces and time...thereby, (defining the individual)" (p. 64). The character, ability, and professionalism of teachers are redefined by high-stakes exams. This redefinition may occur by school officials but more commonly redefinition may be undertaken by the teachers themselves. The sense of pressure and urgency to have high test scores becomes self-defining and produces docile and compliant teachers.

There are many questions that can be asked about the limited forms of knowledge produced by the process of test design and standardization. "Standardized tests are group-administered, usually rely on a multiple-choice format, and offer little information to educators about the learning process or the child's skills and ability to analyze or synthesize material" (Schwartz, 2000, p. 2). Corbett and Wilson (1991) asserted that standardized tests, which are traditionally multiple-choice or true-false formatted, seldom require students to apply what they know to real-life situations. Instead these assessments test facts and skills in isolation and without context. With the emergence of content standards in education, test developers have not matched the emerging content standard in all high-stakes assessments, and over-reliance on this type of assessment often lead to instruction that stresses only basic knowledge and

skills. In addition, the latest accountability movement has emphasized results and stressed that it was the teacher's responsibility for students to produce "good test results" (Lashway, 1999, p. 1). By placing teachers at the forefront of accountability, it allows for politicians to target a specific scapegoat for the lack of student performance in an already damaged educational system. State and local school boards hold educators and students accountable for the academic performance of students through the use of high-stakes standardized tests. Furthermore, not only did their students' test scores judge teachers, but teachers were now responsible for meeting their students' individualized needs with restrictions in instructional time as well as curriculum resources which did not always allow for student achievement. Furthermore, the current accountability system did not take into consideration the growth a student had in performance within that school year; rather it only judged teacher ability by the labels created by NCLB at the end of the year. While there were signs that the discourse was shifting in recent months to take more account of learning growth, this development still had a long way to go.

Education Equalization

High-stakes testing has encouraged district-wide techniques of tracking as well as an excessive focus on "bubble students." Students who score "basic" on the state standardized exam and are close to "proficient" are called "bubble students." These "bubble students" often receive extra tutoring, individual

attention, and focus by teachers because these students are most likely able to improve enough to enable a school to meet Adequate Yearly Progress (AYP) goals, which are defined by NCLB in terms of the proportion of students in a school who score as proficient or advanced on state high-stakes exams. The No Child Left Behind Act, intentionally or unintentionally, defined education narrowly through test scores. School districts, school sites, school administrators and schoolteachers are measured by their ability to improve test scores, which are believed to reflect improved achievement in students. However, by narrowly defining success through test scores, educators have self-imposed new techniques for tracking students through which cultural reproduction (Giroux, 2001) continues as a result of the systematic categorizing of students. Education under high-stakes testing does not take into account that students are individuals with individualized needs and increases restrictions and requirements on their teachers. The pressure to conform decreases incentives for collaboration amongst teachers which if it were not present could translate into opportunities for extra assistance for varied groups of students, not just for those students who are expected to make a difference to the schools' AYP.

This conformity of *what* is taught as well as *who* is taught may affect student potential (Jardine, 2005); there are no rewards in resources nor money for meeting proficiency rates, only punishments. It is in this very critical difference that the marketplace philosophy can never be applied directly to education. Education is not about producing a bottom-line as a result of selling a commodity.

Yet, high-stakes tests reward some teachers through conformity. For example, educators who conform to the expectations to meet new data score goals on high-stakes tests, often receive feedback from administrators and colleagues that they are "efficient" or "skilled" teachers in improving test scores. However, not meeting the high-stakes testing performance expectations offer punishment and punitive actions toward teachers who sway from normalized, standardized instructional techniques, subject matter, and test preparation. High-stakes tests also include punishment for teachers who do not have high-test scores or improved test scores. More interesting still are the punishments that exist for high-scoring teachers. When teachers have a class with high-test scores or "top rank," they are at higher risk for subsequent failure, due to simple regression to the mean.

The accountability measures imposed by the NCLB Act were not completely new in education. In 1919, the Department of Education issued "A Manual of Educational Legislation" which created a piece of legislation that "...(was) designed to standardize schooling to match the program of 'recognition'" (Tyack & Cuban, 1995, p. 19). In an attempt to create progressive equity in standard textbooks and curriculum as well as teaching quality, the Manual of Education Legislation demanded increased standardization in schools across the United States. The measures of increased standardization nationwide increased and by the 1980s, minimum requirements for school quality had to be met in order to receive state funding. According to Tyack and Cuban (1995),

"score-cards" became commonplace in an attempt to create a sense of competition among school districts to motivate school improvement. Students who were different from the "norm" (that is, Gifted and Talented Education, Special Education, Emotionally Disturbed, High-Risk Student, English Language Learner) became labeled to provide specific educational opportunities that met their needs.

Has the school reform on the back of increased measures of accountability become a case of good intentions gone wrong? The utopian idea that "...schooling would guarantee a better society" or at least minimize the achievement gap (Tyack & Cuban, 1995, p. 12) has fallen short under NCLB. For example, the number of college-bound students in need of remediation among college entry students since NCLB has increased to one-third of all students (Bettinger, 2005).

Finding one's potential was the intention of education, yet under the accountability system we see conditioning citizenship in which students are assessed, classified, and are required to perform on tests, rather than find their potential. Perhaps, education is reinforcing teachers to be self-monitoring citizens in which teachers monitor each other's conformity to restrictions and the,

> ...disciplinary forces that Foucault describes are a major source of the
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> pressures we teachers feel to transmit knowledge even when we
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> understand it is being learned inertly by our students... to otherwise

standardize teaching, learning, class management, the curriculum, and assessment (Jardine, p. 10).

Foucault describes the techniques used to make individuals conform through disciplinary knowledge to monitor, classify, and control individuals. Techniques used in education such as assessment, categorizing, and surveillance produce a conforming societal citizenship and are disciplinary acts of power to instill a mentality of conformity. These techniques are not only used on students, but today under high-stakes testing are used on educators. Educators are assessed, categorized into positions of power or limited power, and surveillance (real or imaginary) to conform to standardized objectives and techniques that reinforce assessment (Jardine, p. 10). How citizenship is defined has become more focused through testing.

Pressure to Conform

In line with Foucault's analysis, accountability pressure intensifies not just externally but also internally for teachers and principals. When teacher performance data is compared and shared with colleagues, it creates pressure, which, in turn, renders performance tests high-stakes. According to Nichols and Berliner (2008), using pressure to motivate people creates two problems. First, "pressure doesn't always succeed in changing behavior in the long run, though it may appear to work in the short run" (p. 147). And secondly, "conditions for work are being permanently altered in unfortunate ways" (p. 149). Teachers may be

formally or informally evaluated based on students' performance scores on high-stakes tests but it was not just the teacher's performance that did the work. It was in comparison with their colleagues with whom they were to collaborate that they were evaluated, making for not only increased competition but also for their easier dismissal. Furthermore, teachers who were pressured into increasing test scores may be humiliated or devalued when data was shared, in an attempt to motivate increased performance. Such pressure to increase test scores in students who learn at different speeds and do not all have the skills necessary for a particular grade level set of standards may create increased desire to improve test scores at any cost. These teachers' feelings may be expressed through "giving-in-to" cheating behaviors or they may comply. According to Jardine (p. 64), high-stakes exams not only affect students who are being tested but also affect the teachers and the relationship between teachers and their students. When teachers feel pressure to "succeed" in test scores, the classroom may be, "...transform(ed) into nothing other than 'teaching to the test' and it becomes more and more difficult to understand what else teaching might be" (Jardine, 2005, p. 64). If an elementary school teacher was teaching art or reading a novel with students, she or he may become "suspect," under the newly constituted ethic, for teaching coursework that is "irrelevant" to testing.

Foucault (1979) describes techniques used to make individuals conform through disciplinary knowledge to monitor, classify, and control individuals. "Our society is not one of spectacle, but of surveillance...we are invested by its effects

of power, which we bring to ourselves since we are part of its mechanisms" (Foucault, 1979, p. 217). In the new ethic of education, not only have students (Tyack & Cuban, 1995), but also educators and administrators become the objects of subjection. High-stakes tests are instruments to monitor and maintain surveillance. These techniques were not only used on students, but under high-stakes testing were used on educators. Tyack and Cuban (1995) argued, "Reformers have turned to machines when they were concerned about the competence of teachers, or the high cost of schooling" (p. 121). Teachers were inundated by data about test scores based on state and local high-stakes exams, the implications of which must then be internalized by educators. As a result, educators found themselves redefining their professional expectations of themselves. Techniques used in education such as assessment, categorizing, and surveillance designed to induce conformity to a societal ethic of citizenship are disciplinary acts of power. "We (teachers) find ourselves put in the position of being subjected to school and state-level expectations which often do to us what we, in turn, are instructed to do to children" (Jardine, 2007, p. 2).

One theme I have found in conversations with educators was the added pressure for student success on standardized exams. Research from a previous pilot study conducted in the doctorate program looked at administrators' viewpoints on NCLB and testing. A comment that reflected many administrators' viewpoints was that, "A lot of pressure on the teachers (was present) who in turn put pressure on the students, (and there's also) tremendous pressure on

administration from the district office for students to achieve." This added

pressure also affects school culture. An administrator reflects on this: "Tension, I

think the tension starts at the administrative level and it trickles down to the

teachers and then it trickles down to the students." However, some

administrators do not notice a change in school climate. I have found that some

administrators who feel great pressure to improve test scores do not often share

power and therefore, teachers do not feel comfortable dialoguing about the

pressures or concerns they have for standardized testing and controlled

instruction. Some teachers felt their words of concern over NCLB fall on deaf

ears. By examining the teacher's sense of control under the mounting pressure

that may exist with NCLB, in this study I hoped to gain perspective on how

pressure affects instructional decisions.

Teachers conformed to the restrictions and accountability system because

of the high-stakes that are attached to their school. The National Education

Association (NEA) reported that all schools that received public money, including

charter schools and private schools receiving vouchers, were held accountable to

the taxpayers' communities that they served (NEA, 2002-2006). Advocates of

testing contended that attaching stakes to tests was, "necessary to hold schools

accountable, reward high performing schools, and identify failing schools so that

they may be targeted for extra help" (Kohn, 2000, p. 135). Such pressure to give

their school a good "reputation" or NCLB classification as well as to avoid school

closures is placed on the shoulders of teachers working in an accountability

system that restricts their decision-making in the classroom and impedes student individuation in teaching. Carpenter (2001) purported that, "High-stakes tests, if designed or implemented inappropriately, may draw an inaccurate picture of student achievement and unfairly jeopardize students or schools that are making genuine efforts to improve" (p. 24). For example, effective teachers may be labeled as ineffective based on Adequate Yearly Progress, because they did not move enough students to Proficient or Advanced. However, Adequate Yearly Progress classifications do not take into account the growth a student has made within the year. Teachers of gifted classes may be labeled as effective, when in reality they may be ineffective and simply have a high-level class to begin with. A teacher teaching a large group of English language learners or special education students may be labeled as ineffective when they are actually very effective and have moved many low performing students in achievement but not to a high enough level (Proficient or Advanced) as required by Adequate Yearly Progress.

Most of the research on the effects of high-stakes exams surrounds the effects on students. Nichols and Berliner (2007) were at the research forefront on the effects of high-stakes testing in education, specifically on teachers. There has been an educational organizational movement away from subjective exams such as essays, projects, or presentations in K-12 education (Tyack & Cuban, 1995). Such exams were seen as subjective to teacher interpretation. High-stakes exams are usually multiple-choice in nature and therefore usually test basic skills and basic knowledge (Nichols & Berliner, 2008). These multiple-choice

"objective" exams became high-stakes when rewards, punishments, or potentiality for future opportunities were attached to their results.

Nichols and Berliner (2007) mostly discussed the impact such exams had on students. Many states were adopting accountability measures in which students may not receive high school diplomas and go on to college without passing standardized, high-stakes exams, regardless of whether students have met all high-school graduation requirements. Nichols and Berliner (2007) also discussed the major implications of such an accountability measure on students who had not had the same opportunities to pass such high-stakes exams as other students. For example, many students in urban school districts that served historically underrepresented students and students in poverty were unable to meet the educational needs of students under the new accountability sanctions, such as high-school exit exams. Nichols and Berliner cited numerous students who have not received their high-school diplomas, although they have met all high-school graduation requirements. For example, one student in Ohio who had cerebral palsy spent eleven years completing all of his high-school graduation requirements. After taking his high-school exit exam four times, he dropped out of school. Special education students, such as students with autism, are required to take the same exam as general education students, although students with autism may be limited in reading comprehension skills.

High-stakes exams have not only increased the dropout rate amongst high school students, thus limiting some of their future educational opportunities, they

have also created lower self-efficacy in students (Nichols & Berliner, 2008).

Students who have lower high-stakes testing scores often believe they cannot be

efficient learners. Students with strong abilities in other subjects and content not

tested on high-stakes tests go on believing they do not belong in education and

drop out. High-stakes exams have also increased the importance of basic skills

but these same students have also been shown not to be able to transform such

skills to higher education or careers (Nichols & Berliner, 2008).

These effects of high-stakes testing on students have created ethical

dilemmas for teachers. High-stakes exam results have implemented a trend of

removing local teacher control in assessment and evaluation of students.

Teachers are expected to conform and use the accountability measures to

assess student ability and potential. High-stakes tests punish teachers who

should not be punished and reward teachers that should not be rewarded (Burch,

2007). According to Jardine (2008), there are no rewards for increased test

scores for teachers, other than for being conforming. However, there are many

punishments for teachers for poor test scores which manifest as ethical

dilemmas. To avoid punishments, shame, or humiliation from test scores,

teachers have felt pressure to conform to district testing expectations. Teachers

have quietly adopted practices such as "teaching to the test" in order to improve

test scores. Although without doubt, some teachers participate in this practice to

avoid punishment or shame, I have also seen teachers utilize such techniques

for highly ethical reasons. Teachers often see high-stakes tests as unfair for

students. Often, district high-stakes exams are attached to student grade reports. When district benchmark exams (local high-stakes exams) are seen as unfair because the tested material did not match the teaching that took place in the classroom, teachers are more likely to help students by teaching to the test. Also, when local high-stakes exams are attached to student grade reports, teachers may feel guilty for giving poor grades to students, if they do not feel their students deserved poor grades. To avoid limiting a student's future potential in school (for example, getting into sports, art, choir, journalism, field trips due to poor grades, getting into college), teachers may teach to the exam.

According to Foucault (1979), exams are systematically used as tools to "...judge individuals and their progress with reference to their group" (p. 158). When data was used in a format of "motivation," educators self-created new pressures and monitoring systems to improve test scores that were exposed to other colleagues. According to Tyack and Cuban (1995), "They (that is, top-down reforms) rarely factored into their plans a sophisticated understanding of the school as an institution or insight into the culture of teachers" (p. 113). High-stakes exams are used by policy reform as a guide in achievement, however the ways data are used may become ineffective and solicit inappropriate competition amongst educators, rather than collaboration toward best practices in meeting student needs.

Nichols and Berliner (2007) discussed the ever-present techniques of improving high-stakes tests scores and the impact testing has on students.

Teachers may conform to reshuffling of students based on test scores. For example, students who are "bubble" students or on the cusp of moving from Basic to Proficient to meet the school Adequate Yearly Progress, may receive resource benefits that other students may not receive. Teachers often believe that students who need the most help (low performing, minority students, and students in poverty) deserve the most help and resources. However, under high-stakes testing, it is beneficial for schools to put resources into these "bubble" students. In doing so, teachers may feel guilty for not helping lower performing students and help these students by teaching to the test or providing test questions in advance, because they were not able to help these students throughout the school year. Such practices run counter to both the idea that all children can learn and to basic democratic rights of equality.

Ethical Dilemma

Although it is easy to demoralize teachers by criticizing them for behaviors seen as teaching to the test, there is an alternative story about why teachers may engage in such activity. Pressure from high-stakes testing, as well as the system of accountability, have unintentionally created serious ethical dilemmas for teachers. "Teachers report that high-stakes testing is unfair, that it hurts children and compromises their professional integrity, and these beliefs find great support from many popular school critics and distinguished educational researchers" (Nichols & Berliner, 2008, p. 52). Teachers want to be seen as "team players"

and may conform to accountability measures. Teachers also want to be seen as "competent" by their colleagues and may want increased test scores to "prove" their worth. However, accountability measures have also created disadvantaged students with more disadvantages by removing resources they may desperately need, which are given to "bubble" students. High-stakes testing has also redefined what knowledge is and teachers have removed critical content subjects such as history, music, art, independent reading and writing to make room for subjects that are held accountable on high-stakes exams. Teachers may also find dilemmas in attaching grades based on high-stakes exams that may severely limit student opportunities. Such behaviors and feelings create ethical dilemmas in teachers. Teachers may feel shame for the consequences of unfair grading. Teachers may feel guilt for students' shame on exams that are viewed as unfair or unnecessary. Teachers may feel a loss of local decision-making and control in the classroom. These issues leave teachers isolated since opportunity for discourse on these feelings is limited in schools. Furthermore, teachers may find their own ways to resist the accountability measures they face and the conformity that is expected of them by "helping" students score better on high-stakes exams through practices such as teaching to the test, providing questions on the exam before testing, or direct instruction of exam questions students will face.

According to Attwerger et. al., (2004) four educational experiences are necessary for students under the adopted NCLB restrictions in order to achieve

instructional goals such as dissonance creation, critical inquiry, simulation, and practica. Yet what fails to be mentioned was how teachers were to embrace such instructional changes under the pressure of accountability. Educators and educational researchers know what students need to become life-learners, however implementing these instructional practices in the classroom have become increasingly difficult under the current accountability measures. The dilemma of knowing how to meet the needs of a student and not being able to meet their needs as a result of the watchful eye of an administration attempting to meet federal accountability goals needs further understanding. Furthermore, the focus of ethics has been on student morality. Testing historically has been concerned about student cheating, not on teacher's actions. Teachers are, however, placed in an equivalent position as students today under NCLB accountability measures. No longer is the magnifying glass focused simply on assessment of student performance. Rather, student performance is focused on as a measure of teacher and school ability under NCLB. Teachers are subject to evaluation or accountability, which is assessed by student performance. "We (teachers) find ourselves put in the position of being subjected to school and state-level expectations which often do to us what we, in turn, are instructed to do to children" (Jardine, p. 2). Students are right to feel objectified and normalized by standardized tests. Techniques of disciplining students and producing them as "commodified" into citizenship exist in current educational practices. What was new under the adoption of NCLB accountability measures

was the objectifying, disciplining, and normalizing of educators in the educational process and system (Jardine, p. 7). As a result, the issue of the ethics of teacher and administrator practices has been intensified.

Resistance

According to Burch (2007), many educational institutions have looked to address educational reform changes and policies within school and district sites. This change in emphasis captures an opportunity to create a hybrid between traditional educational practices and accountability requirements.

> Because teachers retained a fair degree of autonomy once the classroom door is closed, they could, if they chose, comply only symbolically or fitfully or not at all with the mandates for change pressed on them by platoons of outside reformers. Or teachers could respond to reforms by hybridizing them, blending the old and the new by selecting those parts that made their job more efficient or satisfying (Tyack & Cuban, 1995, p. 9).

Foucault also described how resistance was produced as a by-product of power relations. In response to the felt effects of disciplinary power, individuals would begin to identify and fight those discourse regimes and systems that remove them from other possible selves; that which takes them away from living a life of fulfilled experiences, rather than being subjected to objectification (Foucault, 1979). "At every moment, step by step.... one must confront what one is thinking and saying with what one is doing, with what one is" (Foucault, 1983, p. 42). Too

often in education, educators are finding themselves pressured to conform to techniques, curricula, and limited resources that are not in the best interest of children as individuals, which pushes educators further and further from resistance and closer to continual conformity. When there is a deep conflict in ideology, there is also ambiguity, which may create an opportunity for teacher agency (Burch, 2007). Ideas and ideology, once commonly held, become under scrutiny in such change, which may open a space for a discourse in which practice and policy are debated. Closing off such debates is also an ethical issue. In a democratic system especially, understanding institutional and policy change in education should take place in the context of deliberate concern for its effects on agency for individuals in the organization (such bottom-up concerns are embodied in the principles of grounded theory). Focusing on individuals within the culture of the organization, such as teachers, may give light to organizational change because they may reinterpret and adapt educational policies in the classroom in unique and different ways (Burch, 2007). Although reform measures may be given from the "top-down", what happens in closed classroom doors rests with the teacher.

When so many prestigious scientists (e.g., Robert Brennan, director of the Center for Advanced Studies in Measurement and Assessment at the Univ. of Iowa) say the system is not working, is unfair, punishes people who should not be punished, and rewards people who should not be rewarded, teachers and students may feel they have the grounds for

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resistance, passive aggression or civil disobedience (Nichols & Berliner,

2008, p. 50).

The beliefs and practices held by teachers may reveal what actually occurs in the

classroom, rather than what school administrators and state requirements

mandate should happen. Recognizing broad cultural educational norms in the

field of education policy and their influence on specific school or district cultures

provides a space where institutional theory and research meet.

However, reform not only changes education, but education can change

reform (Tyack & Cuban, 1995). Political policy makers may create plans and

goals for education (that is, for NCLB Annual Measurable Objectives), but not all

plans may be adopted or instituted. When education policies do not work in

practice, educators become the responsible party for the policy failure. A policy

may be effective in theory but ineffective in practice (Tyack & Cuban, 1995).

Educators who see policy as ineffective in practice may "...comply in minimal

ways, or sabotage unwanted reforms" (Tyack & Cuban, 1995, p. 61). What

constitutes success or failure in an educational reform is dependent on three

standards: faithfulness to the original design, effectiveness in meeting original

goals, and longevity (Tyack & Cuban, 1995). The NCLB Act has had longevity

and some effectiveness in meeting original goals, however with the increased

expectation of Adequate Yearly Progress (AYP) to meet Annual Measurable

Goals, educators are skeptical of future achievement progress. Furthermore, the

intention to reduce the achievement gap among marginalized students has often

had an opposite effect. Although marginalized groups (English Language

Learners, Special Education students, low socio-economic status students,

African American students) have been made a focus in accountability measures

of AYP, there have only been minimal academic improvements in the

achievement gaps for these groups (Nichols & Berliner, 2008).

Teacher Agency

How do educators redefine truth under the current educational discourse

or create a new system of knowledge to resist being objectified and normalized

as a function of schooling? Educators resist the practices they "know" are hurtful

and damaging and regain "truth" by hidden agency within a culture of sanctions

(real or imaginary) and within discourses that limit their ability to be true to their

own system of ethics. As Foucault would describe the dismantling of power

structures by urging individuals to identify and fight those systems that remove us

from our own idea of our true selves; that which takes us away from living one's

full potential without constraint and conformity or objectification (Foucault, 1979).

Discourse can create ideas of truth. Knowing and regaining what is true in a

system of discourse that imprisons the power for liberation and resistance in

educational practices is risky at best when sanctions are present.

In general terms, I believe that power is not built up out of "wills"

(individual or collective), nor is it derivable from interests. Power is

constructed and functions on the basis of particular powers, myriad of

issues, myriad effects of power. It is this complex domain that must be studied (Foucault, 1980, p. 188).

Teachers have lost their authority to define what is knowledge and use best practice under the structure and process of accountability. The pressure to conform under accountability as well as the lack of control in being normalized has created a system in which educators have lost power and truth in educational practices. Practices have become less about what is good for the well-being and potential of children, as Dewey describes. Rather, children have become commodities in education, as have educators become by-products that can easily be replaced by managers who uphold the normalizing of educational procedures under the pressures of high stakes testing and accountability.

Educational reforms have always included utopian ideas of societal beliefs and ideas for the future. It is no surprise that the educational responsibility for reform most likely will come from political trends once again, however with insight that "…sophisticated understanding of the school as an institution or insight into the culture of teachers" (Tyack & Cuban, 1995, p. 113) will most likely hold better answers for future reform. "Schooling is being reinvented all the time, but not necessarily in ways envisaged in macro planning" (Tyack & Cuban, 1995, p. 133). Reinventing reform from the beginning makes little sense. Rather, analyzing and discussing past reform and reform in other societies may offer better hybrid versions of reform to increase school effectiveness and meet utopian beliefs of society. Reform from educational institutions may better meet

the needs of schooling. Educators who understand the institutional structure of school cultures and students needs may provide reform with faithfulness to the original design, effectiveness in meeting original goals, and longevity (Tyack & Cuban, 1995). "As teacher educators, we must resist falling victim to the pressure to align ourselves with programs that silence teachers and their students, and instead, re-envision ourselves as catalysts for reclaiming professionalism in education" (Attwerger et al., 2004, p. 131). In order for such re-envisioning to occur, the voices of teachers must be heard in a safe place. Educators are not discussing ethical dilemmas that they are faced with in open-forums at schools because such problematizing of federal accountability measures is seen as complaining or resisting rather than "accepting" current reform measures and "problem-solving" toward meeting federal accountability expectations. For resistance and teacher agency to occur, we first need open discourse of the ethical dilemmas faced by all teachers in secret.

CHAPTER THREE

METHODOLOGY

Research Design

Prior to choosing a qualitative design, I had planned on using a multiple

regression quantitative design based on survey questions to teachers. However,

the more I understood qualitative design, the more interested I had become in its

varying methods and techniques. Following a couple of experiences using

qualitative narrative methods, I found that the only way to really reveal a deeper

understanding of the ethical dilemmas faced by teachers was through qualitative

research. Teachers do not often discuss the ethical dilemmas faced under high-

stakes accountability and testing. If teachers normally do not discuss the effects

of testing accountability under NCLB, I felt it was unlikely I would extract nuanced

and multiple perspectives of their dilemmas in beliefs and practices in the

classroom using a quantitative design. "Qualitative research is a situated activity

that locates the observer in the world. It consists of a set of interpretive, material

practices that make the world visible" (Denzin & Lincoln, 2005, p.3). Using

qualitative research methods, I felt I would be able to interpret and understand

those dilemmas at a more detailed level.

According to Lincoln and Cannella (2004), "The experimental quantitative

model is ill-suited to 'examining the complex and dynamic contexts of public

education in its many forms..." (p. 7). The effect of accountability and how

accountability is practiced at local district, school, and classroom levels is highly complex and varying. Furthermore, as an educator in the classroom, I felt using qualitative research methods would offer a better understanding and analysis of the dilemmas teachers experienced under testing-based accountability. Using a qualitative design allowed me as a researcher an opportunity to gain sacred information about the ethical dilemmas and practices of educators that other researchers may not have the opportunity to show. "Qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them" (Denzin & Lincoln, 2005, p.3). Although in this study I did not end up observing or interviewing teachers in their school settings, I was interested in asking them to tell me about what they were experiencing in these settings. My own experiences that formed the starting point for this inquiry are also from the same educational setting.

Although NCLB promotes quantitative measures over qualitative accounts of value in education, yet it is with qualitative research design that some of the underlying realities and effects of NCLB on teacher beliefs and behaviors can best be studied. According to Denzin and Lincoln, "NCLB of 2001 embodies a re-emergent scientism, a positivist, evidence-based epistemology. The movement encourages researchers to employ 'rigorous, systematic, and objective methodology to obtain reliable and valid knowledge" (2005, p.3). Although in the political climate emerging out of NCLB, there may be backlash in educational research toward the use of qualitative design (Howe, 2004), it is qualitative

research that makes possible an emphasis on the "…intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry" (Denzin and Lincoln, 2005, p.11). Qualitative research seeks answers with regard to how a social experience or phenomenon is interpreted and experienced by participants within a larger context. Such meaning-making by participants was what I was seeking in this study.

Grounded Theory

Through the use of grounded theory, according to Glaser and Strauss (1967), advancement of constructive social critique and change can be made. My experiences and understandings as an educator in the field allowed me to use grounded theory techniques, in which I am close to the ethical dilemmas faced under high-stakes accountability as an experienced educator. In addition, I have synthesized and interpreted experiences from participants in relation to theories of systems, resistance, and critical consciousness. By using the participants' experiences and interpretation of ethical dilemmas, with the use of grounded theory techniques, I refined emerging conceptual categories and constructs while analyzing their responses. Through problematizing the accountability structure of NCLB and the ethical dilemmas faced by educators, grounded theory offers an opportunity for new analytical understandings of the detailed beliefs and practices of educators.

In this case, grounded theory enabled the application of already-established, specific theories of resistance and power, and placed them at an experiential level specifically in education. Grounded theory was used by building constructionist elements to create meaning from the experiences of teachers who are required to respond to accountability measures while balancing ethical decision-making in the classroom. Deep understanding of the emerging ethical dilemmas under power structures from state and national accountability models was sought. Grounded theory analysis allows for inquiry that builds on the roots of practice and ethical dilemmas taking place in everyday classrooms.

Grounded theory is not purely deductive but rather relies on the positionality and frame of inquiry of the researcher, as well as the research context. Just as in social justice research using grounded theory, so too does educational inquiry examine both the realities and ideals of organizational systems. Examining participants' shared experiences can generate ideas about structures or systems (Charmaz, 2004).

Through the transcription of participant responses, themes have been identified after developing a code. By going through written responses and scenario responses, I highlighted and coded responses that illustrated common themes. By creating axial coding in which one open coding category was central to the experiences and phenomena of ethical dilemmas, all other categories related to that central idea developed. As a researcher, I positioned myself in the study and highlighted potential assumptions associated with themes that I

thought would emerge from the data collected, which included ethical decisions, ethical actions, ethical resistance, or ethical conflicts. This was a necessary process to shape my research scenarios and questions but also to allow for the possibility that my assumptions may be limited. The purpose of the study was to authentically represent the voices of the teachers so it was imperative that I look at those assumptions in order prevent the likelihood of using predetermined categories. Developing understanding and comparing these categories and themes allows for an emerging theory to explain phenomena. Furthermore, memoed researcher notes throughout the research process were used to elaborate the themes and ideas that emerged from the data to explore the themes in a broader perspective.

Grounded theory requires a deep investigation of theory and experience. The nature of grounded theory allows for complex theory to be applied to experiences of participants who may be subject to a phenomenon that lacks clear understanding. The use of grounded theory creates an understanding of contextual participant experiences in a larger theory and also creates an understanding of complex theory at a more contextualized, experiential level of participants. Grounded theory also allows for new emerging understandings of previously understood theories in new contexts. The experiences of participants in the context of education may be generalizable to other individual's experiences through the connection of theory. Often educational policy and reform claims to be research-based. Yet, some research techniques in education lack critical

depth and take little account of the context of actual educator experiences. Grounded theory is a technique that is research-based but also incorporates the complexity of voices, experiences, and contexts of participants. Grounded theory is often thought of as a "grass-roots" research technique that deepens understanding of experiences in the field and context of education or other social contexts.

Procedures

Teachers were recruited at statewide teaching conferences for increased anonymity. At several teaching conferences, teachers were given a postcard that gave a brief explanation of the project, the website for the anonymous and confidential survey, and contact information. Recruited participants were also encouraged to take extra postcards for other educators they may feel would be interested in participating. Recruiting materials included a post card (Appendix A) with website information and general informed consent elements. When participants entered the website to respond to questions and scenarios with their own words and perspectives, they first were approached with an informed consent form (Appendix B), which included the questions for the interview and the objective of the research.

Data from participants were compiled and reported together to protect anonymity. Furthermore, when data was collected and reported, it did not include participant names, e-mail addresses, or other identifying marks. By creating a

survey that resembled a pseudo-interview while maintaining a sense of

anonymity, participants could express their viewpoints, beliefs, and experiences

in their own words. Many of the questions being discussed in this research

process were part of a discourse rarely seen in education. Many educators

seldom have the platform or opportunity to express their feelings, practices, and

dilemmas with fellow educators.

Scenarios were created from the experiences of the researcher in

education. Scenarios were created because the open-ended questions were very

personal and specific about teachers' beliefs and practices in the classroom. This

study had IRB restrictions and could not use interviews because of the concern

for anonymity. Scenarios were created to make a connection with the participant

without directly asking participants questions about their experiences. It was

hoped that when participants read the teacher created scenarios, participants

would not feel assaulted with overtly personal questions; rather they would be

able to relate to the scenarios. In addition, using scenarios that participants might

be able to relate to was a tool used to elicit teacher reactions. Participants were

asked to respond or react in writing to scenarios that they had similar

experiences to or feelings about. Utilizing a large survey website, participants

were presented with five scenarios with open-ended conclusions and asked to

read these. They were also asked to respond to eighteen open-ended questions

that followed the scenarios.

Survey Questions and Scenarios

Survey questions and scenarios consisted of these:

1. What role do you feel the principal has in your classroom about state, district, and/or school site testing?

2. What beliefs and attitudes do teachers at your school have about state, district, and/or school site testing?

3. What effect, if any, do you think state, district, and/or school site testing has had on your school?

4. What effect, if any, do you think state, district, and/or school site testing has had on your teaching practices?

5. How are you using test data to inform teaching?

6. What are your thoughts on the benefits of state, district, and/or school site testing?

7. What are your thoughts on the problems of state, district, and/or school site testing?

8. How are state, district, and/or school site exams used in your classroom?

9. What changes have you seen as a result of state CST, district, and/or school site testing?

10. Are there any changes you've had to make in your instruction to prepare for exams? What are your thoughts on these changes?

11. Many teachers have stated they have felt uncomfortable pressure about high-stakes testing. Has this happened to you or any other teachers you know?

12. Have you had to make any difficult decisions to increase test scores?

13. Have you ever had to do something against your better judgment or educational philosophy?

14. Have you ever heard of teaching practices to increase test scores that you disagreed with?

15. What expectations or advice does your principal have about testing, if any?

16. What are your feelings about your principal's expectations about testing, if any?

17. What strategies does your principal expect you to put into place in the classroom as a result of testing, if any?

18. What are your feelings about those strategies, if any?

Participants were asked to respond to five scenarios created from the conversations and experiences commonly found in education under high-stakes

testing. If a scenario was not an experience of the participant, or the participant did not feel they had a response to give, they could skip to the next scenario. Participants were allowed to respond to any or all of the scenarios they felt strongly by writing a response in their own words. Here are the five scenarios presented to participants:

Scenario 1. *I have been a teacher for many years and I have always thought it important to help all students, but especially those students who need the most help. During one staff meeting, my principal who had come back from a district meeting explained to us the importance of focusing on "bubble students." I had never heard of this term before. She explained that in order to make sure we meet our AYP (Adequate Yearly Progress) goal we had to move students from Basic to Proficient.*

As a staff, we looked at our own classroom students' scores on the State Exam and had to choose students who were almost proficient as our "focus students" for the school year. My principal wanted us to pull those students during universal access time and these were the students who would be eligible for before school tutoring and intervention from instructional aides. At first, I felt fine with these students being pulled out for intervention, but then I realized that the students who needed the most help were not getting additional help anymore.

The more I thought about it, the more upset I became because I realized that my Far Below Basic students were going to always be Far

Below Basic if they didn't get the help they needed. I brought up my

concern to my principal after a staff meeting later in the school year. She

said, "By focusing on the 'Bubble Students' the others will follow." It was at

that moment when I realized that she didn't understand because she didn't

know and care about my students like I did. She was more worried about

meeting AYP than my six students who can't read.

Scenario 2. *I am a teacher who works with high poverty students in an*

urban school district. My school, my district, is in Program Improvement

and is constantly worried about getting out of "PI" status. For the last two

years, our district has been using these grade level benchmark exams

throughout the year intended to give an indication of how our students will

do on the state exam. In the beginning, we would get our scores back and

use the scores to focus on students who needed help with certain state

standards. But a few months in, after our students took the benchmark

exam, our principal posted all of the pre- and post-test results for each

teacher and gave all the teachers a copy of everyone's scores. It was

embarrassing. Immediately, we were comparing each other and looking

for teachers who did great and who did terribly. There was some

complaint by teachers but honestly I just felt exposed.

 It was then time for our students to take the next set of pre- and

post- benchmark exams. I found myself hoping my students would do

terribly on the pre-benchmark test so that it could look like I would have

more growth. During the six weeks of instruction that followed, I didn't teach any history, science, art, or PE. Instead, we focused only on Math and Reading, the two subjects that would be tested. I began working solo instead of helping this one teacher whose class did well on the last benchmark exam. Two weeks before the post-benchmark exam was to be given, I focused on test-prep the entire two weeks.

My students made great growth the next time my principal shared our scores with everyone. However, I found out another teacher had made a PowerPoint of all the questions on the benchmark and went over the questions with the students in her class, that is how she had the best test scores. I became more competitive with my colleagues that year. This year, I too am focusing on making PowerPoints and test prep, but my students are not enjoying school like they used to. PE, art, projects; even the science fair is no longer a concern at our school. It is all about getting test scores up. I really feel conflicted about it sometimes.

<u>Scenario 3</u>. I come from a "PLC" school or Professional Learning Community school. At our school, we believe as teachers we know what our students need most and we collaborate as a team to ensure learning. There are a lot of things I do like about being a PLC school, but at the same time, there is a lot of pressure to increase test scores because in our PLC, learning has not taken place if data results don't show it.

As a teacher, I know when a student has learned or understood a standard or concept even if sometimes the data doesn't show it, but my grade level and my principal don't see it that way. Well, we have several standards we must cover between district benchmark exams. The district in collaboration with a teacher team creates our district benchmark exams. Unfortunately, sometimes the benchmark exam questions are not fair or sometimes they are not put on the right benchmark. For example, for our 4th grade exam, there were questions that were 6th grade standards on our exam. Also, there were questions that are 4th grade standards but are not taught until later in the school year.

Unfortunately, even after we had voiced our concerns to our principal and to the district, the benchmark exam still had flaws that had not been modified or changed. I found myself in a dilemma. In our district, grades should be reflective of in-class assessments as well as benchmark results. Also, as a teacher, my results on the benchmark exam are shared with my grade-level team, which could be embarrassing if my class was the lowest. So in order for my students' report cards to be fair and because I really didn't see the benchmark test as fair because it really didn't reflect the actual learning in my classroom, I felt pressure to teach to the test. During test-prep time before the post-benchmark exam, I had put those unfair questions on the board and then taught them how to do those problems directly because if just seemed unfair.

Scenario 4. *This school year is a critical year for my school. We barely made our AYP (Adequate Yearly Progress) to stay out of Program Improvement (PI) status. Our principal is clearly under stress and honestly seems nervous and tense about this upcoming year's state test.*

I have felt pressure to have standards posted in the classroom and to cover Released Test Questions on a daily basis. I have also felt pressure to "test-prep" my students for more than thirty minutes each day.

As the school year has continued, my principal sat us down at a staff meeting and told us that he really didn't care so much about teaching the curriculum for the next four weeks before the big state test. Instead, he wants us to really "push" Released Test Questions and teach everything we think will be important on the test.

The problem I face is with my students who may be retained this year and my struggling language learners and my low performing students. The Released Test Questions are just too far advanced for them, plus many of the standards on the big state test haven't even been covered in our textbooks yet. How am I supposed to meet the needs of my students who need extra help and teach when I'm only focusing on Released Test Questions that they don't understand anyway? What is worse is that it is only March, we have another three months of school left and I find it frustrating to teach to the test or "test prep" instead of teach three months of standards.

Scenario 5. *A team of teachers on special assignment created*

these benchmark exams that are intended to give me an idea of how my

students would perform on the state test. Our students are not performing

at the level necessary to be proficient on the state test. So, my principal

has created some workshops and time for my grade level to attend and

collaborate at. The problem with these collaborative meetings is that they

take time from teaching in the classroom. When the next benchmark exam

comes, I feel that I haven't had enough time to prepare students for the

exam and once again, they seem to fail.

My principal talked to me about my students' scores for the past

benchmark and wanted to know why they have had little growth. When I

told her that we have been collaborating and attending these workshops

but I feel like there just isn't enough time to meet all the standards on the

benchmark. In addition, some of the benchmark questions are very high

level and not taught in the same way as students are being tested.

After my conversation with the principal, nothing seemed to

change. But this time when the benchmark exams were approaching, I

spent 2 days preparing my students for the benchmark test. I made a

PowerPoint and pulled my low students for small-group instruction and

gave them similar questions on the exam. My students did great on their

3rd benchmark exam and the next time my principal saw me, she

congratulated me and I felt relieved.

In addition, participants who did not find a scenario that represented their experiences or beliefs about high-stakes testing were invited to write their own. All participants were encouraged to write a scenario that expresses their own beliefs, experiences, and dilemmas under high-stakes testing. Fifteen participants wrote their own open-response scenario of an educational dilemma they faced. By offering this alternative opportunity to express their viewpoints, the research that was collected could be considered more authentic and candid with multiple-perspectives and viewpoints of educators involved in the study. All written transcriptions from the open-survey were locked and will later be destroyed after five years to ensure participant anonymity.

Participants

The goal of this study was to have a wide variety of teachers as participants, including veteran teachers and special education teachers. Veteran and special education teachers have had many different pressures under high-stakes testing that may be very unique. For example, special education teachers often must give local district high-stakes tests with minimal modifications and, although some students may have a modified report card based on the student's Individualized Educational Plan, special education teachers may face more difficult ethical decisions when some students are not capable of taking exams the same way another mainstreamed student can. Veteran teachers are in a

different position, because they can remember the days of teaching before high-stakes testing and have seen testing history unfold. This before-and-after experience may yield understanding of survival practices in the classroom while maintaining ethical standing.

Participants were recruited at several California statewide teaching conferences in which participants willing to participate were given a card with the survey information and where to access the survey on the internet. This type of recruitment was chosen in order to generate a large pool of participants and increase anonymity for participants. Participants were invited to read five scenarios and were asked to respond and reflect in writing on these scenarios. They were asked to reflect upon their own beliefs and experiences in response to the scenarios. If these participants felt that these scenarios were not reflective of their beliefs and practices, participants were asked to create their own scenario in writing that did reflect their experiences. By offering the opportunity to write their own scenario, it was hoped that this study would be broader and more representative of multiple viewpoints. Furthermore, questions about specific educational experiences and dilemmas were asked of participants on the national website.

Participants (teachers) varied in age, ethnicity, and include both males and females, although no effort was made to collect representative samples from these groups. In total, forty-three participants completed the survey with 38 participants as tenured, veteran teachers and five untenured new teachers. Less

than 9% of teachers were from Program Improvement schools, 14% did not know

their PI status, and the remaining 77% were not in PI status. Teacher experience

was widely ranged from 31 years of teaching experience to three years of

experience. The median years of teaching experience was 11 years of

experience. These participants (teachers) varied in career experience and taught

different grades (K-12), and taught different types of classrooms (e.g., special

education classes). This study was not attempting to generalize results to a

larger population but rather attempted to understand a phenomenon through

inductive approaches to data collection and reporting. The aim was to identify

issues rather than to say anything about a population of teachers.

Ethical Concerns and Issues

During the IRB (Institutional Review Board) approval process, one

concern for participants was to do with their confidentiality and anonymity. The

concern was that teachers or administrators could be too easily identified and if

they were revealing practices that could be considered unethical there could be

consequences for their employment. My original intention had been to interview a

smaller number of teachers. The IRB panel's concern about this plan was not just

for teachers themselves. It also included a concern to protect school

administrators' reputation who could be seen as pressuring teachers to conform

to perhaps unethical decisions in student education. Their concern was that

administrators would be put in jeopardy if one-on-one off-site interviews of teachers would be made. Identifying administrators in a district would be potentially much easier than identifying individual teachers. Prior to this study, I was given permission to conduct a case study of one middle school that was an example of successful implementation of Professional Learning Communities one year earlier including one-on-one school site interviews and observations without concern from the university IRB panel. However, once the questions were focused on the ideas of ethical decision-making, specifically identifying ethical dilemmas, the IRB panel became concerned with confidentiality and anonymity. The IRB's concerns were valid and it was not my intention to expose individual teachers to ethical scrutiny. I therefore understood why the panel would not approve interviews with a small number of individual teachers. Through this process of resubmitting several alterations to the study I have found that research investigating ethical choices or dilemmas is very sensitive. IRB permission was granted to conduct data collection once this study became an online, anonymous open survey. In the future, research that examines ethical dilemmas should continue the use of open-ended questions through an anonymous survey. However, in the future, I would include participant prompted follow-up interviews by providing contact information. Such follow-up interviews would have to be participant-requested and driven and of course ensure confidentiality. Unfortunately for this study, follow-up questions were not made.

With the use of data collection from a pool of participants drawn from statewide teaching conferences, a wider response to the research questions could be obtained and greater protection of anonymity assured. The methodology of this study could therefore not be fully employed because of the university IRB panel's concerns.

Data Analysis

Following collection of data through anonymous surveys of various teachers, data analysis took place based on the process described by Strauss and Corbin (1990). Open coding, axial coding, and selective coding were implemented to disassemble and reorganize data. In open coding, data was segmented, éxamined, compared, and categorized. Following open coding, axial coding then reassembled the data into new ways to build a relationship between categories and subcategories. Then in selective coding, core themes of categories or concepts were developed. Once these themes of categories developed, an understanding of why these concepts occurred in the data was related to current theory.

The process of constructing and deconstructing data helps to reformulate data in the context of theory. This process occurred twice and was used to compare new analysis to previous analysis toward deeper understanding of themes within theory. This process also allowed for new understanding by the

researcher, making new connections to data and reconnected data to theories in new ways. The use of these three coding techniques in grounded theory provided a process to develop new analysis and understanding of the data and theory.

<u>Open Coding</u>

Open coding was a process where conceptualization or general ideas from the data created categories; which emerged from the data. Data that fell under a category began to describe the characteristics and properties of that category or theme. The formulation of categories or themes was developed from the voice of participants, ideas described by participants, events, and experiences. Categories were examined and labeled. In open coding, data was reduced to more manageable categories to understand the data as a whole. Data that matched common themes were labeled under that category. Relationships between participants' experiences in a theme or category could offer deeper understanding of that phenomenon.

<u>Axial Coding</u>

The process of Open Coding was reductive in nature. Therefore, axial coding was used to analyze the connections and relationships between the subcategories and their category or theme. As the researcher, I thought of questions when analyzing data to ensure that connections made were relevant and purposeful. Strauss and Corbin (1990) identify four common steps in axial coding including (1) connecting subcategories to categories, (2) verifying

relationships to data, (3) maintaining a constant re-analysis of categories and themes, and (4) comparing and contrasting categories.

Strauss and Corbin (1990) formulated six process features used in axial coding. These six features included analysis of the phenomenon (experience or event), causal conditions (what events led to the phenomenon), context (the setting or conditions for the occurrence of the phenomenon), intervening conditions (variables that influence experiences), action or interactions (how participants reacted to phenomenon), and consequences (the results from the phenomenon). In this data set, relationships between participants' experiences or events that they had encountered led to the phenomenon of three themes central to the research findings; namely, pressure to conform, ethical dilemmas, and resistance. Reactions to pressure to conform were found from ethical dilemmas they faced and some reacted through passive or reactive resistance.

Selective Coding

Following axial coding, selective coding allowed for data analysis of examining a core theme and contrasting it to other themes developed from the data. In selective coding, categories were inter-related to one core category that may explain much of the phenomenon derived from data analysis. The relationship of themes within research theory was developed to understand themes in context. Re-examination of previous theory and the development of additional features to previous theory may be created though grounded theory.

The core theme developed from selective coding was itself the grounded theory idea or concepts from which the story of data develops.

The research gathered in this project was formulated into three categories. The use of qualitative grounded theory allowed for the voices of teachers and educators to be used as evidence-based phenomena for the theory. The theory and features of theory were intertwined with the experiences and feelings of participants. This process provides clarity and support for theory-based understanding to commonly experienced phenomena by participants. The experiences of participants, although unique, had commonalities that could be explained by theory in new ways.

<center>Validity</center>

To ensure the validity and quality of this research study, several measures were taken. First and foremost, scenarios were used from the perspective of teachers who had experienced pressure to conform or have faced ethical dilemmas. By using scenarios, it allowed for participants to comment and respond on these situations without the pressure to expose their own ethical dilemmas or confrontations with pressures to conform. Furthermore, the use of scenarios also allowed for a sense of understanding of everyday dilemmas from the perspective of another teacher voice even though research was not conducted with face-to-face interviews.

In addition to using several scenarios, participants had the choice to respond to scenarios to which they could relate. There were no forced questions with expected answers. By offering participants the ability to write their own scenario of an experience they faced in education, the authentic voice of teachers was ensured.

The use of open-ended questions in which participants wrote their responses rather than chose pre-existing responses created by the researcher was important in this study. In an attempt to let the voice of participant teachers lead this research study, questions were all open-ended where teachers could respond in writing with their own experiences and thoughts.

The use of statewide participant recruitment was also critical in understanding a wide variety of participant teachers' experiences. The purpose of this study was not to generalize participants' experiences to all educators under high-stakes testing. Rather, this study was intended to use grounded theory and lived experiences of teachers under high-stakes testing to better understand the ethical dilemmas that teachers face.

CHAPTER FOUR

RESULTS-PRESSURE TO CONFORM

Identified Categories

Data collected suggest three main identified categories of response:
Resistance, Ethical Dilemmas, and Pressure to Conform. In addition to these
three identified themes, one common practice was found in the data that related
to all three themes consistently. In this study, the voices and viewpoints of the
participants provided evidence to support the theory of resistance in high-stakes
systems of accountability. Although voiced concerns related to more than one
theme, these voiced concerns could also stand-alone as an individual experience
or perspective. The findings in a sense provided an underlying story present in
the high-stakes system of accountability experienced by educators. In an attempt
to understand testing from the perspective of educators and the effects and
dilemmas faced in systems of such control, the data may present a picture
otherwise not seen in discourse surrounding the NCLB Act.

Use of Grounded Theory

These three themes were then examined to see how they supported or
refuted existing theories in the literature in order to explain these practices,
experiences, and perspectives in a larger context. In grounded theory, the
deductive as well as inductive processes become "natural" or second nature

when analyzing the data and giving context through grounded theory. This process of being inductive and deductive requires deep involvement of the researcher with the data collected and thorough understanding of preexisting theory.

Findings and data analysis supported Foucault's (1979) analysis of power. The themes in this study also supported current educational theory such as Giroux's (2001) resistance in education and Apple's (2004) theory of teacher agency or education and power.

The purpose of explaining experiences of educators under high-stakes accountability and testing within the context of theory was to understand, in-depth, how educators felt and reacted to accountability processes. Using grounded theory allowed for the generation of explanations for these experiences. Grounded theory was not only used in the analysis of the data collected but was really a technique used in the entire research process with inductive and deductive qualities designed to create research questions, stimulate data collection and assist data analysis. Grounded theory allowed for discovery of experiences and voiced concerns found in the field of education's accountability system.

Furthermore, grounded theory was used to explain the experiences of educators in the field of education. For example, findings in the field of education under systems of high-stakes and accountability identified a theme of resistance. The resistance that has been found in data may contribute beyond Foucault's

and Giroux's analysis of resistance. Resistance in the field as collected from participants' experiences may add to the complex current theories of resistance. Researchers in explaining resistance in education or in other fields that goes beyond current theory may use such additions to resistance theory.

Theme of Pressure to Conform

The NCLB Act (2001) brought with it a very structured, formalized accountability system in the interest of presumed "objectivity." The expectations for student performance on yearly, standardized exams were clearly set in response to the NCLB Act (2001), however the techniques and approaches grounded in school sites that would be required to meet these expectations was left unclear. Some current practices and techniques shared by participants included pressure to abide by curriculum practices, standardized time for test preparation, and removal of subjects such as science, history, and art. Some participants noted a change in discourse by their administrators and fellow teachers that surrounded test preparation, restrictions of class-time usage, and restrictions on resources for students in need.

One prevalent theme from participants experiencing the pressure to meet accountability objectives was the pressure to conform to the current practices and techniques in education that emphasize test preparation and testing skills rather than content and application of subject matter. One participant stated: "Let's face it, it's all about the test. I actually teach less content and explore less

(sic) applications of what I teach in order to satisfy the test requirements..."

(participant 1). Giroux discussed the common practice of conformity through

discourse where discussions and terms used in education have been overly

testing-related. Furthermore, more "radical critiques" have been pushed away

from the forefront in meetings and in official conversation (Giroux, 2001, p. 43).

Teaching techniques that are not testing-related have become quieted and

substituted with the discourse of efficiency and testing. It is easy to dismiss the

power of discourse on the pressure to conform. Educators who voice distaste for

testing or accountability measures are often dismissed or discredited by

administrators and other educators as lacking "team spirit" or as "complainers." I

have experienced this myself simply for conducting research on the question of

testing. One administrator during my data collection stated, "Well, we all know

how you feel about testing," which alluded that she thought I was against testing

altogether. I found this surprising since my classroom of students had very

decent test scores and I volunteer for the state's standardized testing review

panel several times a year. My experiences were not uncommon. One participant

remarked that: "We do our best with the situation, as we can protest but not

change it. When we protest, we are seen as complaining rather than taken

seriously" (participant 2). In education, we are often collaborating and working on

teams to improve education. To be seen by your administrator as a complainer or

not taken seriously when concerns surrounding testing are brought to the

attention of an administrator is very disheartening. It feels like you are doing a

disservice to the school and students when you are seen as a complainer. More importantly, such comments made by administrators as well as administrators being dismissive of concerns can limit the open discourse surrounding concern of testing.

Techniques borrowed from the business world such as Professional Learning Communities are further silencing educators from expressing critique of over use in test preparation. Participants described techniques in which administrators shared student performance scores on benchmark exams amongst teachers. Comparing teachers' classroom scores on such benchmarks created a sense of urgency and competitiveness amongst teachers, which has not allowed for a discourse of critique or discourse about the purpose or ethics of testing in the first place.

> Where is the joy in learning for our students? Or the joy in teaching? By pitting teachers against teachers, it only increases the negative pressure. Some of our departments tried posting every teacher's results on benchmark exams, in the hopes that those (teachers) whose students did well would share their successes and best teacher practices. It only made everyone else feel inferior, incompetent and that their job was on the line (participant 3).

The sentiment of this teacher clearly expresses the effect of the competitive use of data against teachers to create a sense of inferiority that pushes teachers to push students to perform on test preparatory material. Furthermore, to use data

to place the blame of incompetency on teachers rather than on the system of assessment itself removes critique of testing and increases critique of teacher ability. This further limits discourse around testing and micro-manages teachers to become competitive with each other through the use of shared test scores rather than encouraging the evaluation of the ethical and moral values implicit in testing systems.

As a result of increased pressure on teachers and between teachers, teachers are informally and sometimes formally evaluated by administrators based on their student performance levels, or as Giroux calls it, their "profitability." According to Giroux, teachers are under pressures never seen before at these levels of intensity. Schools are also pushed continually by the political atmosphere to turn schools into profit-making institutions (2001, p. xxii). An administrative practice of exposing comparative student data amongst teachers was questionably unethical. Comparing teachers' student scores intensifies pressure to push test preparation as *curriculum* in the classroom. Teaching test preparation becomes a model for educational techniques necessary to stay competitive as a teacher for fear of being viewed as incompetent or as an "anti-test" teacher. For example, a teacher in elementary school who teaches not only subject matter that will be tested on school site, district, and state assessments but also teaches required content in science, history, and physical education is at a disadvantage with regard to the teacher who chooses to only teach math and reading using test preparation material

heavily. The former teacher can be expected to be benefiting children's all round education more fully (an ethical duty of teachers), but the latter teacher is likely to get the better tests scores. A teacher may be placed in a test score disadvantage when data scores are compared and one teacher restricts their teaching to math and reading using test preparatory materials while another teacher provides instruction in all subjects. In addition, a teacher who restricts instruction to test preparatory material may be praised when her students perform better on a district or school benchmark exam. Whereas the teacher who is ethically convicted about giving a well-rounded education and teaches all subjects is at a disadvantage because she does not have students who perform well on exams that only test mathematics and reading. She may then feel an increased pressure to conform to the test preparation expectations.

> I have run into the same type of competitiveness. My first year teaching 2nd grade I had the lowest test scores in the grade and felt embarrassed and ashamed. The next year I focused only on what was tested and did much better. The few weeks after the test was given were the only time to really enjoy my students and do some art and PE (participant 4).

Methods that pressure educators to remove content curriculum or applied learning and focus mostly on test preparation techniques in turn have: "Administrators and teachers now spend(ing) long hours developing curriculum models based on the rather narrow principles of control, prediction, and measurement" (Giroux, 2001, p. 43). One teacher had analyzed his students'

ability to read using a computer software program and found that most of his 5th grade students were functioning in the 2nd and 3rd grade level of reading content. Yet these same students were able to perform at Proficient and Basic on the state standardized exams in English Language Arts because of their ability to use testing techniques and extensive test preparation. When he discussed his finding with several teachers, not only did they find the same results, but also they were considerably saddened that students were able to use skills to pass standardized exams but unable to think critically, understand simple reading passages, or use content vocabulary outside of testing. Following his conversation with his colleagues, they all agreed that testing has seriously disabled their students' true or authentic ability to read but knew that they had a "bottom-line" of producing test scores. This experience of being placed in an ethical dilemma of knowing that students need to learn how to read independently yet also meet testing criteria in a limited school day was not unusual.

The critique of equity in the classroom became an ethical concern for educators. One participant clearly had experienced such difficult decisions.

I believe that given the pressure of meeting Adequate Yearly Progress (the NCLB Accountability objectives), we are teaching to the test and focusing more on students who may not need the attention as much as others. The students who are (labeled) Below Basic or Far Below Basic are not receiving the interventions they need. I especially have noticed it

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this year as funding has become tighter. There is no before or after school program, no in school small group pull out program and my two lowest students who were tested for special IQ. (participant 5).

The NCLB accountability system of testing was creating inequities for some students who would not "help" AYP (Adequate Yearly Progress) and some services such as tutoring that low performing students needed were not always available to such needy students. The accountability system had inadvertently hindered resources for those students who needed the most resources and shifted resources to the average student, which created new inequities in education. The political agenda in schooling has become so technical that schools have become testing grounds and a process that sorts students based on assessments. This sorting process reproduces inequities in students that mirror the sociology of our society (Giroux, 2001, p. xx). State-standardized testing and the system of holding schools and teachers accountable had actually furthered the sorting and classifying of students. Classifying and labeling students had limited opportunities for large groups of students at school sites to access educational resources. School sites furthered some of these inequalities, not because they feel low performing students did not need services, but rather to meet NCLB testing expectations under the current system of accountability. For a school to spend resources on a student who is Far Below Basic or Below Basic is less "valuable" in terms of meeting AYP. To elaborate, in order for a school to meet AYP proficiency rates, a certain percentage of students must be

deemed as Proficient or Advanced. It makes sense for administrators to push teachers to focus on "Bubble Students" or students who are at Basic near the Proficient range rather than on a student who is Far Below Basic and is far from moving to the Proficient range. In other words, the system created an incentive for an ethical (we might say unethical) choice by teachers and administrators that penalized students who were very much in need of extra help.

The NCLB Act accountability system was a political policy in education. As educators, we sometimes would like to see education as objective or removed from political trends. However, "A major benefit deriving from the work on the hidden curriculum was that schools were now seen as political institutions, inextricably linked to issues of power and control in the dominant society" (Giroux, 2001, p. 45-46). The hidden curriculum was part of a larger context of political and social control and power through the use of accountability (Giroux, 2001). Student achievement may increase on standardized tests for students who placed in the Basic, Proficient, or Advanced level and those students benefited from school resources, yet students who were Far Below Basic or Below Basic may have received fewer resources, furthering cultural and social inequities because of the smaller effect they had in a school or district's ability to meet NCLB Adequate Yearly Progress. Socially, many of those students who are labeled Proficient and Advanced came from middle-class families whose primary language was English. Politically, creating a system that benefited middle class families and inadvertently provided more resources for those students also

benefited politicians when schools were meeting Adequate Yearly Progress. Those schools are graded (Schools Accountability Report Card) and have been seen as "good" schools, making parents feel proud of their community and benefiting the politician who appeared "tough" on school accountability. Parents of students in upper middle class and middle class schools that met Adequate Yearly Progress could feel at ease knowing their children were attending a "good" school with qualified teachers. On the other hand, schools that often did not meet Adequate Yearly Progress were schools in largely lower socio-economic communities and schools with larger populations of English learners. These schools were seen as failures that had teachers who were unqualified. Such poorly performing schools were easy targets for politicians who wished to politicize education and use the fears of parents to make policy pronouncements. The accountability system supported these viewpoints within the community. One participant has had the difficult decision under pressure to focus on "bubble students" rather than Far Below Basic and Below Basic Students.

> While it is important to move the students who are basic into the proficient range, these are the students the entire curriculum is aimed at. It is unfair to single out any group of students especially for the purpose of improving test scores. Administrators are to an extent guilty of this, but where does it start? It starts with the District's focus. The District tells the administrators what to do, and the administrators tell the teachers. Which does put teachers in a strange situation. I am waiting for the day when

administration comes right out and says "teach to the test." It's been heavily hinted at but it seems that it will be a matter of time before the directive is made. Because administrator's jobs are on the line when it comes to AYP, all students' needs are not of major concern. We have to get the most "bang for our buck" said by an administrator. So yes pull those kids who will make the most difference on the test. It seems a bit unethical to me. Didn't we as teachers have to take an oath of some sort??? I guess administrators (most that I have encountered anyway) have a different oath. Oh, and that comment about the others will catch up (Far Below Basic students), I haven't seen it happen in my eleven years (participant 6).

Clearly, this teacher believes the decisions and methods of testing were ethical in nature. This teacher also felt like the administrator did not have the same ethical decision-making as she did for pushing testing even if it was a detriment to her low performing students. In fact, untenured administrators were at the mercy of district directives and attempts to meet NCLB Adequate Yearly Progress. The hidden curriculum that was politically influenced had more than one function as Giroux suggests. The politicizing of education not only created inequitable sorting of students, but also created social control in schools. The social and political control in schools created schools that were equitably different based on the class of students attending these schools (Giroux, 2001, p. 47). The control that hidden curriculum had on educational discourse lead to ethical dilemmas in

school classroom practices because testing discourse serves some students and not others. In order for practical resistance to emerge, we need to study and problematize the hidden curriculum. Accountability had become the new tool for the politicized hidden curriculum to meet political expectations, which had created dilemmas. Teachers and administrators were not intentionally limiting the success of students based on class rather it was the federal and state accountability systems that inadvertently increased classism.

The push for "objective" standardized exams in education from the state and federal government has slowly eliminated teacher power and choices. In an attempt to meet accountability objectives, school sites are pressuring teachers to use curricula and test preparation in ways that go against some teachers' ethical judgment and knowledge of best practices. "The curriculum field has been much too accepting of forms of thought that do not do justice to the complexity of inquiry and thus it has not really changed its basic perspective for decades" (Apple, 1979, p. 108). One educator noted that her principal:

> ...is obviously trying to play the "education game" that schools have been forced to play. All students are in need of being educated in the best environment that can be provided for them. It is sad that educating students to pass a state exam has become more important than educating the "whole child" for becoming productive members of society. It is those students who are Far Below Basic that are the most in need of additional assistance and should not be forgotten (participant 7).

The pressure to meet testing and accountability criteria far exceeds the importance of teaching *all* children based on their individual needs. Furthermore, when teachers attempted to teach all their students based on their individual needs, they were seen as resisting testing if they were not heavily using testing preparation, focusing on Basic students who were almost at the Proficient level, or teaching subjects not tested on standardized exams. In addition to the pressure administrators' experience, teachers internalized those pressures. "Lately the pressure to teach to the test is strong. Getting a great score on benchmarks and the CST seem like the only goal in education at the moment" (participant 8). Such pressure to meet testing criteria placed by district and school sites to meet standardized accountability levels often led to teachers feeling limited in meeting all of their students' needs. The need for a classroom to have students move to the Proficient level became more important than teaching a handful of students who were Far Below Basic to read or do simple math since they would most likely not reach the Proficient level. Teachers were placed in such an ethical dilemma because of the pressure to conform to testing as a curriculum. Teachers were understanding of the pressure their administrators faced as expressed by two educators:

> Our principal feels like the state test is the most important thing in education, and our main focus at school is the test. The principal has no choice but to concentrate on getting as many proficient students as the school can or face penalties (participant 9).

It was easy to criticize teachers for conforming to these pressures of accountability and test preparation. However it was important to understand why teachers conformed to these pressures from their own experiences and voices. For power to dominate an individual or group, they must accept the position of submission. "....domination is never total in this perspective, nor is it simply imposed on people" (Giroux, 2001, p. 62). When teachers accepted the position of being submissive in the accountability system, it was not required through force but rather through the inexorability of practices, techniques, discourses, and methods (Foucault, 1982). Foucault described this process as hegemony (after Gramsci), because these practices become adopted as beliefs by the submissive and assumed to be natural. The pressure to conform was not simply top-down. Rather, one must conform to the conformity itself, by choice. Power cannot only act as a force but can also become interwoven in an individual's own chosen beliefs and behaviors (Giroux, 2001, p. 62). One educator said, "This is an example of what every teacher seems to be doing. Trying to have faith in a system that doesn't seem to work and 'Covering Your Ass'ing' so more pressure doesn't come down from above" (participant 10). To avoid further pressure or competiveness between teachers, teachers feel pressure to conform to administrator and fellow educators' expectations and employ techniques of test preparation. By conforming to the pressure to engage in test preparation, a teacher may avoid embarrassment over test scores as well as avoid the scrutinizing eye of hidden practices in the classroom.

Foucault (1980) explained that,

> Power must be viewed in part as a form of production inscribed in the
> discourse and capabilities that people use to make sense out of the world.
> Otherwise the notion of power is subsumed under the category of
> domination, and the issue of human agency gets relegated to either a
> marginal or insignificant place in educational theorizing (p. 63).

Discourse and language under a dominated power becomes a tool to continue
domination and conformity but can also be an alternative tool to resist
domination.

> This year all of the math teachers have taken time from their curriculum to
> review the Released Test Questions to help our students do better on the
> state test. My students are in a higher-level math. They take a test on
> Algebra I, Geometry, and Algebra II. Most of them have forgotten the
> formulas for Geometry and we have spent this week reviewing formulas
> and problems. That obviously takes away from any new curriculum that
> would be covered. I was also told by an administrator to talk to the juniors
> taking the test about the placement test that is embedded. I was to tell
> them that the entire math CST is part of this test when I know it is not. I,
> however, decided to deliver the message to the students as it was relayed
> to me (participant 11).

Here an educator accepted the domination of pressure from her administrator to
conform and avoid conflict. She also was faced with the ethical decision of

whether to follow the directive of an administrator who cared more about the test score and placing pressure on students to perform than on honesty. The ethical dilemma was a decision to tell the truth or not. This teacher made the decision in favor of her administrator against her own intention to be honest. This is an example of favoring the dominating discourse, rather than engaging in resistance.

Giroux explains further that, "…the official discourse of schooling depoliticizes the notion of culture and dismisses resistance, or at least the political significance of resistance" (2001, p. 66). Under a pressure to conform, any discourse that is differing or resistant is disregarded and the continual pressure to conform to the dominant discourse persists. The dominant discourse can even be shaped in a way that undermines the possibility of resistance, as one participant observed, "I know that he (administrator) will be looking at my scores and I feel like I have to explain myself for why my scores are the way they are. I am always thinking about that" (participant 12). This is an example of what Foucault's calls a panopticon effect. This teacher feels watched and conforms, not knowing if her feeling of being watched is real or self-imposed. The pressure to conform to curriculum, prescribed teaching techniques, and testing strategies interferes with teacher knowledge of best practice, which now has to be defined narrowly in terms of test results. Educators' ethical commitments to students' best interests are jeopardized when the measure of schools' performance or adequacy is high-stakes, as in the NCLB accountability system.

CHAPTER FIVE

RESULTS-ETHICAL DILEMMAS

Theme of Ethical Dilemma

When pressure from administrators and from the competition between

teachers was part of the school culture, as when schools were made subject to

the accountability system of NCLB, dilemmas over ethical beliefs had multiplied

for teachers in the classroom. To avoid being noticed or placed under scrutiny as

a teacher, who may not use test preparation as widely as a fellow teacher,

teachers conformed to excessive test preparation on locally created exams

(school and district) in preparation for state standardized exams. However, when

students who were lower in performance (Far Below Basic and Below Basic, on

the basis of previous state exam scores) did not receive extra resources such as

small group tutoring, specialized instruction, or differentiated instruction, teachers

encountered ethical dilemmas in the classroom. On the one hand, teachers were

held accountable by their administrator and fellow teachers to perform well on

locally created exams through the heavy use of test preparation. Classroom

scores may be fairly high because test preparation material usually addressed

students at the middle (Basic) and higher levels (Proficient or Advanced) of

academic ability. Yet lower-scoring students who needed differentiated

instruction and small group instructional time may not have received such

resources, thus ensuring their continuing poor academic standing.

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I was glad to see those on the brink of proficient actually make it because

of all the help, but what about those that weren't getting the necessary

help to get out of the "Far Below" ranking? It's a catch-22 (participant 12).

This teacher's feeling that testing is a "catch-22" expresses a desperate feeling of

being trapped by the accountability system. He or she cannot meet the

accountability demands, while also benefitting the student. This teacher was

thrilled when her middle-scoring students ranked themselves according to

accountability system expectations but also feels a sense of disappointment that

all of the growth her lower-scoring students achieved that year was not counted

as worthy in the accountability system. Worse still she or he knew that those

students may not have had all the interventions and resources they desperately

needed to improve academically.

Working with struggling students often required more time and resources

than what test preparation techniques could provide. "...we have accounts of

schooling that illuminate how cultural resources are selected, organized, and

distributed in schools so as to secure existing power relations" (Giroux, 2001, p.

4). This has been articulated as cultural reproduction in schooling. Teachers

were faced with ethical dilemmas in meeting the demands to keep test scores

high, using test preparation techniques heavily, and focusing classroom

resources on "bubble students," while continuing to see their low students remain

low with limited resources.

The perspective educators had on testing was very different from that of their administrators or policy makers, because educators directly saw the consequences of testing and education as a whole on children.

> With the focus on 'The Test', many students are being left behind in the proverbial dust. If I am "supposed" to pull a focus or bubble group so that they do well on a test, my struggling students are being left behind. The quality and nature of education and the materials used need to improve for the advancement of all students so that no child will truly be left behind (participant 13).

When student needs were not being met due to the pressures to conform and adhere with test preparation as a main source of curriculum, educators were now seeing the effects on students. The long-term effects of low-performing students year-after-year not receiving the interventions and classroom resources began was an ethical dilemma teachers began to face.

> Those students who are behind will never catch up if we don't teach them. We are not teaching by doing test prep all day long. Using RTQs (State Released Test Questions) is just one way of preparing students for the test, the most important thing is the actual teaching of the standards that should occur daily. If the students are behind, there should be interventions school-wide to help them. This is the one thing I see happening less and less (participant 14).

The pressure for teachers to have competitive test scores pushed them to make difficult decisions that they normally would not have made. Limiting resources to the students who were low performing academically and had a greater need for resources was unheard of prior to the influence of the accountability system.

> I know that since our push for the "test prep" I stopped really working with my BB (Below Basic) and FBB (Far Below Basic) at my small group as often. They had been a big focus for me to work with them all along for the year, but once test prep came along, I set them aside. I did this almost without guilt because I had to focus on the next set of basic students (participant 15).

The reference to guilt indicates that this teacher feels that a moral choice is being made. Such an ethical dilemma in deciding which resources to allocate within the classroom is a common concern amongst teachers in education under the current accountability system. In the NCLB accountability system there are two important objectives schools must meet, Adequate Yearly Progress (AYP) and Academic Progress Index (API). The API score of a school is based on the growth rate of students in the school as a whole. Most schools were able to meet API in schools by simply focusing on "bubble" students who were in the Basic range. "Bubble kids were given the most interventions because they could make the most points up for the test. Other teachers basically viewed the low kids as 'throwaways'" (participant 16). Ethically, teachers found such terms as "throwaway" kids abusive and highly unethical. However, administrators and

school districts were restricting resources to needy students as well as restricting teachers to using time, resources, and interventions on "Basic" students. Because of this trend, most schools focused on high Basic students and low Proficient students, pressuring teachers to ignore lower performing students.

> I wish the state scores would take into account the growth most of the kids that are our target to help. Most of these kids don't make AYP but have significant growth. I feel for the other kids who need to be challenged instead of practicing for test-taking strategies (participant 17).

Test preparation techniques, materials, and practices have become heavily used, because too often there are too many state standards that must be covered in one year that cannot be covered in time for early state exams.

> The standards for each grade level should in theory be reflected on the test. However, in many cases, there is just so much information and not enough time in addition to the other variables that keep teachers from being able to teach (participant 18).

When instructional time was inadequate to meet the academic needs of all students, including low students, as well as thoroughly addressing all the standards, results that satisfy accountability requirements could be achieved by heavily relying on test preparation material.

> I have had to skim through chapters just to cover things that I knew would be on the benchmark (school or district test). I felt that I cheated my students. I am hoping to use the time after the test to really get into more

experimental and real-life scenarios for higher-level thinking instead of drill

and kill. Having lessons really relate to real-life...like we learned in all of

our credential classes; making learning real (participant 19).

Notice that this teacher uses the concept of 'cheating.' In educational discourse

this is a strong term. If students cheat, they are heavily punished. But when

system requirements lead to practices that cheat students, it is considered

normal. Teachers also feel that relying heavily on test preparation techniques to

meet school, district, and state exam objectives has affected the type of learning

taking place in the classroom.

> The district I am in also does pre- and post- testing and the scores for all
>
> teachers are made available. While at my school and grade level, there
>
> does not seem to be any animosity and mostly ethical behavior, I feel
>
> there is way too much teaching to the test. Other academic areas such as
>
> Social Studies, Science, art and PE are not taught as often as they should
>
> be and we see the students' lack of general knowledge and vocabulary
>
> suffering (participant 20).

Noticeably here "teaching to the test" was separated from unethical behavior. Yet

the same teacher has a moral objection to it (there is way too much of it). This

can only be explained with reference to the dominating discourse, which defines

some things as in the realm of ethical decision-making and excludes other

decisions from this realm. Giroux explains that policies in education derived from

political initiatives play a role in the classroom. He explains "...the role power

plays in defining and distributing the knowledge and social relationships that mediate the school and classroom experience" (2001, p. 62). Teachers are finding that students have lost or never learned the ability to be critical learners.

It is frustrating that this "teach the test" dogma has produced learning-enabled students who do not know how to figure a problem out on their own. They literally wait for the answer because that's all they know how to do (participant 21).

Furthermore, one teacher had noted not only the lack of critical knowledge in students but also the effect it had on our societal culture.

It's tragic what public school education has come to. What's even more tragic is that students are not being taught critical thinking skills that will carry them beyond a test. On the issue of publishing teachers' class's test scores - I disagree because the playing field is not level. How can the GATE(Gifted and Talented Education) cluster class possibly be compared to the EL (English Language Learning) class? How can a teacher who teaches the test be compared to the teacher who works tirelessly to instill critical thinking skills? If the directive is to teach the standards then that's what should be taught. I fail to see how teaching a test meets the standards. I believe it falls way short of meeting students' educational needs. Teaching the test does not develop skills that are applicable to a wide variety of subject areas. Once a student has been taught how to problem solve, they can apply that reading, math, language arts, fixing a

broken radio, figuring out a better way of doing something, and the list is

endless (participant 22).

The accountability system had created a crossroad of social constructions in

educational pedagogy and classroom practices. By controlling the discourse, the

social and ethical dilemmas faced by educators in the classroom were a by-

product of the political, social, and economic context of the accountability system

of NCLB. Henry Giroux puts it this way.

Out of this concern over the inherent ideological tensions that mediate

between the discourse about schooling and the reality of school practices,

three important insights have emerged that are essential to a more

comprehensive understanding of the schooling process: (1) schools

cannot be analyzed as institutions removed from the socio-economic

context in which they're situated. (2) schools are political sites involved in

the construction and control of discourse, meaning, and subjectivities. (3)

the commonsense values and beliefs that guide and structure classroom

practice are not a priori universals, but social constructions based on

specific normative and political assumption (Giroux, 2001, p. 46).

By understanding the origins and effects political, social, and economic policies

and trends have on education rather than dismissing such effects as unrelated,

educators were beginning to see how power affected classroom techniques and

practices.

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I really believe that education has become too much test-oriented. There have always been students throughout history who have not been good test takers. That does not mean that these children are not intelligent in their own right or can be successful in life. I think it is our job as educators to help students become successful members of our future society. There were many things missing from my education as a child and believe it or not, I survived and am actually successful. Some of my fondest memories of school had absolutely nothing to do with passing tests in language arts or math. I remember learning about Japan when I was in second grade and about performing as a black slave in play in 5th grade. I remember doing a science fair project on solar energy and frying a hot dog to a charred state very quickly when I was in 6th grade. Nowhere in my memories to I remember working so hard to pass a state exam. The United States used to be known for having an edge on people who were creative and had creative ideas to share with the world. We as a nation are losing their creativity with our students because we are essentially creating robots, which respond and think like a group of test designers think they should think. Is this really helping Americans get ahead in the world? Other states have created tests that are dummied down so more students can be successful. How is this fair? In our efforts to leave No Child Behind, I think we have left far too many kids behind with other

things that are important such as music, physical education, literature, drama, art, etc. (participant 22).

There must come a realization by educators that political decisions that affect the classroom are fundamentally removing teacher agency and power of decision-making. Giroux stated,

The removal of the teacher from participating in the complex issues surrounding the process of producing instructional material can reinforce an image in which the teacher is viewed only as a conduit between the homogenized curriculum and the child. And this image reinforces the impression that teachers need only know about the techniques of management (2001, p. 70; Apple and Feinberg, forthcoming, p. 112).

Teachers are reinforced not to question the value of testing and the testing accountability system. Rather, they are to accept the accountability system as it is without the hope of change from the system itself and to implement testing strategies, regardless of the inequities or ethical questions that may arise (Giroux, 2001, p. 70).

Although there was not a space in education for educators to voice their concerns about testing, many educators had strong opinions and convictions surrounding the current accountability system that affected their students. "I think all teachers feel this pressure of state testing. The problem with pushing students too hard before actual state testing is that you run the risk of them burning out before the test is even given" (participant 23). When a teacher knows what was

best for their student and could not meet that child's need because of pressure of performance, ethical dilemmas arose for educators to choose between doing what was best or doing what was expected by others. "It is in the relationship between school culture and contradictory lived experiences that teachers and students register the imprints and texture of domination and resistance" (Giroux, 2001, p. 63). Ethical dilemmas may arrive for newly credentialed teachers, because, in their credentialing program, teachers are introduced to a broad view of education and to research methods for measuring student achievement. However, once these teachers begin to work in schools, they are immediately expected to conform to practices used to meet testing performance levels, which limit their freedom to teach. According to Best and Connolly (1979) the individual becomes a part of the structural constraints that are produced from both the workplace and the self. Yet, it was important to remember that, "...domination is never total or that power itself is something other than a negative force reducible to the economic sphere or state apparatus" (Giroux, 2001, p. 86). There was hope in opening up the discourse of ethical dilemmas faced in education. Union newsletters, parent groups, and news media need to have open discourse about the ethical dilemmas faced under the current accountability system. We blindly accept the disconnect between political and economic forces and the effects on schooling. According to Bourdieu and Passeron (1977) there is an indirect link between the power of an elite and schools. Schools are seen as "symbolic institutions" where students are not directly oppressed or constrained by power

or political elites, yet schools are the producers and distributors of power and constraints.

When teachers were faced with ethical dilemmas in the classroom created by pressures to conform and compete with each other that affected the students they were deeply concerned about, hidden classroom practices were revealed. For example, one educator spoke about her colleagues practices in test preparation in the classroom.

> I am pretty competitive, I look forward to seeing growth and want to have high test scores. Being able to compare yourself to others, makes it easy to measure yourself against your colleagues. However, I feel that I test with fair ethics and follow the rules and procedures and I often wonder how accurate other results are. I could easily help my students cheat and sometimes I wonder if other teachers "accidentally" give additional help. I know the testing process is not consistent between all teachers because I have heard a teacher say, "Oh, I wrote it on the board for them," when part of the question required the student to hear and properly write the number they heard (participant 24).

This is a statement that hints at clearly unethical practices in relation to testing that this teacher suspects were going on in other classrooms. When teachers were helping students pass exams that were high-stakes there was a feeling of resentment from other competitive teachers. However, upon further

understanding of these and other classroom practices have revealed a way

teachers were resisting high-stakes testing that has been hidden.

CHAPTER SIX

RESULTS-RESISTANCE

Theme of Resistance

Through comparison of data and reorganizing data, a common theme of resistance was found. Resistance is both theoretical and ideological in nature, according to Giroux (2001). Understanding resistance gives insight into the relationship between education and society. The research on resistance as a theme found in this study was important because according to Giroux (2001), resistance must be grounded "…in a theoretical rationale that points to a new framework and problematic for examining schools as school sites…" (p. 107). The research in this study was grounded in participant's data in order to give context and meaning to what resistance was and what it was not. Giroux stated that, "the concept of resistance represents more than a new heuristic catchword in the language of radical pedagogy, it represents a mode of *discourse* that rejects traditional explanations of school failure and oppositional behavior" (2001, p. 107). The results of this study offers alternative understandings and explanations of educational policy grounded in the experiences of educators.

Resistance can be a tool used to express "indignation" about political and moral issues in education according to Giroux (2001). Resistance in education may not be done to be deviant but rather to speak about inequities in moral and political decisions that influence education. In my data, resistance was complex

and it was mediated through the experience of teachers who faced ethical dilemmas, which "... interfaced between their own lived experiences and structures of domination and constraint" (Giroux, 2001, p. 108).

Foucault (1977) analyzed how, in different contexts, power and structured systems interact on people and by people. Foucault believed that through the use of critique and thought, resistance would develop and transform within one's self. Rather than reacting to struggle, thought and reflection can bring *intended* actions to realization. Critique is a tool that can develop arguments from well thought out beliefs creating a foundation for resistance. Resistance to power can be a hopeful expression of response to oppressive circumstances. Giroux (2001) thought resistance was potentially an expression of movement toward "radical transformation" which contained an element of hope for an alternative to the restraints of power on or by individuals. The resistance of some participating teachers in this research may be hope toward reform and change. One teacher's hope was very poignant:

> I personally worry about our future students not using critical thinking in their lives. Life is not about one right and three wrong answers. That is not how our world works. That only breeds intolerance. What I love about teaching art and interpreting art is that there is not one right answer. I think kids are not used to having an opinion or forced to ask further questions. Learning now is less relatable to real-life situations. The question, 'Why do we need to know this?' Should not be, 'Because it is going to be on the

test,' but because, 'Here, let me show you how this relates.' We have to really consider what 'Real Learning' is (participant 25).

Although this teacher acknowledged the limited learning that may have taken place in the classroom that was dominated by the testing culture, this teacher felt compelled to think beyond what the student must know immediately to pass a state exam. Rather he or she looked in the future of that child's critical thinking ability and more importantly, the moral position of having more than one answer to a question that required an invested opinion. According to Fernandes (1988), reproduction has a pessimistic perspective. The determinist and functionalists focus on what we cannot change. But why do schools and the educational system contribute to reproduction? The ethical dilemmas that this teacher faced created a critique of the current situation. Teachers and students are more than objects in which social and cultural reproduction "happens" to them, rather they too are active participants. Students and educators alike are able to act and think against the forces that create social structures to make changes. Furthermore, this was an example of resistance because the ethical dilemmas faced had instigated a reformulation and questioning of this teacher's personal educational philosophy. Questioning the meaning of learning and the role the teacher played in creating learning was a first step in questioning the system of accountability. In another example, one participant stated, "People don't hear what they don't want to hear" (participant 26). Yet this participant also suggests active resistance:, "Perhaps fight to be in the teacher team so that you have a say in writing up the

exam" (participant 26). Such activism suggested hope that changes for equity could be made.

In understanding resistance, we must not make the mistake of dividing resistance into two simplified groupings: passive resistance or active resistance. Giroux (2001) found that in identifying and understanding resistance, we must see resistance in its many forms depending on the grounded experiences of individuals. Giroux suggested that many theories of resistance had lacked identification of resistance because of researcher tendency to simplify resistance. Resistance was sometimes under-theorized and neglected to point out that individuals were both subjected to repressive domination, but also involved in the production of repressive domination even when resistance takes place. Willis (1977) found, students in remediation often exhibited resistance to the dominant class (for example, through defiance, graffiti, truancy) and did not feel school was relevant to them. They often take on the role of "tough guy" or "gang-banger" which often derived from the culture of their peers and sometimes family. By identifying as a gang member they were exhibiting a sense of pride and took a valid stance of rejection of the dominant society. Unfortunately, their resistance from the dominant society was muddled resistance. It damaged their own futures as well as impacted on others (particularly through their racist and sexist attitudes) in the process of rejecting the dominant cultural values. Teachers too may respond with such muddled resistance in the attempt to resist a complex

social system. For example, several participants have acknowledged the inequalities of high-stakes tests; yet continue in its reproduction.

> This is a very frustrating place to be for teachers. First it's teach the
> standards but you can only use the approved curriculum even if it is
> inefficient, because heaven forbid you use something that gets the job
> done. Then you can't photocopy something unless you are going to pay
> for it out of your own pocket and then you better be ready to justify using
> it. Then test time comes and it's 'let's just suspend teaching altogether
> and do test prep.' How can test prep be done when students have
> difficulty decoding t-e-s-t p-r-e-p? Education and this focus on "THE
> TEST" really needs to be revamped and the paradigm shifted back to the
> true meaning of teaching, learning, and assessment (participant 27).

The constraints along with the high expectation of good test scores left this teacher frustrated and looking to return to learning theory and the "true meaning of teaching." Such frustration and desire for educational reform could be seen as resistance to the current testing practices. "Theories of resistance have not given enough attention to the issue of how domination reaches into the structure of the personality itself" (Giroux, 2001, p. 106). By documenting the voices of teachers and grounded theory research techniques, we can see a how domination of testing expectations creates ethical dilemmas within teachers' personalities or belief systems. In one participant teacher's words, you can clearly see how testing students' performance affects their feelings of self-worth.

Sounds very familiar. I have been the best teacher and I have been the

worst teacher- depends on the year, the kids, and me. Sometimes it

bothers me, but I let it slide. I am the only one who sees the "whole" piece,

and if I feel that I did my best, most of the time - then I am fairly pleased

(participant 28).

By putting test scores in perspective, this participant tries to move beyond a test

score and look at her effects on students' education as a whole. Giroux (2001)

remarked that, "...resistance is a multilayered phenomenon that not only takes

diverse and complex forms among students and teachers within schools but

registers differently across different contexts and levels of political struggle" (p.

xxiv). Some teachers resist temporarily but then retreat back into the safe

discourse of the dominated political realm of education today. One participant

expresses both resistance and retreat:

I feel sad that real instructional time is being wasted, but after you resist

and try to change things that aren't right, you have to play the game.

That's the way things are these days... I guess that's what's really meant

by being accountable (participant 29).

This participant's statement at first may seem very defeatist, but really was an

example of the struggle of ethics and practice in the classroom against a much

larger political-educational policy context.

Most educators knew what was necessary for authentic learning to take place but felt such techniques were stifled in the classroom due to educational policies that affected school sites. Henry Giroux stated it bluntly:

> Public schools don't need standardized curriculum and testing. On the contrary, they need curricular justice—forms of teaching that are inclusive, caring, respectful, economically equitable, and whose aim, in part, is to undermine those repressive modes of education that produce social hierarchies and legitimate inequality while simultaneously providing students with the knowledge and skills needed to become well-rounded critical actors and social agents (Giroux, 2001, p. xxv-xxvi).

Perhaps not as eloquently, one of the participants in this study spoke in the same vein. "We all have students who need our help and will not get it, because of the 'bubble students.' All we can do is work in our classroom to make it as conducive a learning environment as possible" (participant 30). This participant was aware of the inequitable allocation of resources toward bubble students, but uses their classroom instruction to meet the needs of all students to the best of her ability. What was unclear was how this participant ensured learning for all students in their classroom, while accepting the inequitable allocation of resources. Another participant remarked, "Teachers must always be finding ways to help kids who are ignored by the systems administrators create. It's not right, but it's the way it's always been" (participant 31). Again, how teachers find ways to go around an inequitable and unfair system to meet all students' needs was unclear, however it

was clearly a priority for this participant. And finding ways to "go around" a dominant system has to count as an expression of resistance. According to Giroux (2001) again teachers (and students) can easily lose "their capacities to become critical agents, serving either as ideological gatekeepers or as spineless lackeys for the State" (p. xxi). He urged, "…as educators we must begin to reassess what it means to define the conditions under which full and part-time educators work in order for them to gain a sense of dignity and power" (Giroux, 2001, p. xxv). Giroux would have educators uniting to redefine the expectations in the classroom and the allocation of resources. Yet as one participant reminds us, it was also necessary to be pragmatic:

> We do our best with the situation, as we can protest but not change it.
> When high-stakes testing is the guiding principle of the land, and when our
> union tries to fight for us then the union is bashed and attacked, the only
> thing most of us can do is try our best. It is not good for students or
> teachers to have our lives and livelihoods dependent on bubble tests
> (participant 32).

Giroux suggests that teachers should link with other community groups to form a social movement that resists "the corporatizing of schools" (2001, p xxvi). Many educators, however, were not active in political reform efforts on educational policy. Furthermore, very few educators even discussed the pressure to conform, let alone overtly resist current practices. What other forms of support did they find

in dealing with such contradictions in knowing what was best for students and maintaining conformity to policy expectations?

Making a formal and informal space for discourse surrounding the benefits and constraints of the educational policies that insisted on high-stakes testing may be a first step in active resistance. Through open discourse about testing techniques, meeting the needs of all students, redefining expectations, and reallocating resources as teachers saw fit was one possible form of resistance to the current accountability system. To do this means coming to grips with how they have themselves internalized the logic and the ideology of the current system. It was not easy to examine and possibly reject one's own history in this way. But according to Giroux, it was necessary, "...in order to begin the process of struggling for the conditions that will give them opportunities to lead a self-managed existence" (Giroux, 2001, p. 38). It was in the discourse and exchange of beliefs, struggles, and participation that teachers may begin to understand the role they play as passive and active agents in educational policy. Without open discussion among teachers, the confidence to move forward with change that may resist the current practice and system of accountability may not be made.

If teachers are to move beyond the role of being agents of cultural reproduction to that of being agents of cultural mobilization, they will have to critically engage the nature of their own self-formation and participation in the dominant society, including their role as intellectuals and mediators of the dominant culture (Giroux, 2001, p.68; Greene,1978).

Such mobilization of teachers as a united change agent may further expose ethical dilemmas that were being faced and the pressures on teachers to conform. Giroux (2001) argues that resistance can only flourish in an openly discourse in education. With discourse that expresses shared common experiences and common dilemmas, voiced concerns of teachers may be open to other stakeholders in education, specifically students and parents. There would have to be a place for critique and for questioning the normative assumptions that dominate at present. Yet, as Giroux notes, such critique is currently " minimal at the ground level of education", resulting in "structural silences" (Giroux, 2001, p. 61).

Teachers in this study were resistant in the privacy and security of their classrooms without being noticed. Pressure to conform to test preparation techniques and a lack of open discourse had created ethical dilemmas for teachers to solve themselves. When verbalized resistance, concerns were dismissed and ethical dilemmas remained in the classroom, teachers were often forced to solve those dilemmas themselves as seen by one participant.

'Teach to the test' is not necessarily wrong, but when the test is badly designed, then the teaching has to be twisted to match it. Race to the Top policies and the nightmare likely to come with Obama & Duncan reauthorizing NCLB is going to force this situation on everyone, not just those in PI (Program Improvement). But with PI schools having to choose one or the four options, their fates are not looking good. Students need

choice of curriculum, good electives, and support in reading and math

when they are struggling. They don't need high stakes testing (participant

32).

School administrators were reportedly pushing for test questions on district and

school exams to be used to prepare students for the state exam and counted

toward report card grades. When teachers were faced with unfair exam

questions or questions that should not be on exams, educators who had

vocalized their concerns said they were only disregarded. These teachers found

additional ways to help their students if their districts were not willing to make

ethical changes in testing.

Ultimately, it's the teacher that knows whether a kid "gets it" or not, and it's

got to be the teacher who sets the grade, regardless of a student's

performance on one test. I think I would "prep" my kids for an unfair

question (participant 33).

This participant felt obligated to "prep" or help their student on a district or school

exam if it included unfair questions or had high-stakes attached to the student on

report card grades. It was unclear why teachers would help their student in this

study, however often times, teacher concerns were dismissed.

After taking the time to personally go through a benchmark and identify

standards and reading passages that were of a higher grade level; or

questions that were worded awkwardly, I then produced a detailed report

showing the discrepancies and proposed the query of how can students

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and teachers be graded and how can the results be considered reliable if the testing instrument was flawed and not a true indication of the skills needed at the current grade level? Needless to say, for a mere teacher to do and ask something like this was dismissed and overlooked. 'Just do what you've haven't been directly told, but do it anyway, and teach the test' (participant 34).

When teachers attempted to address inequities of high-stakes district exams with their administrators without resolution, they were left to fix this dilemma on their own accord. As one study participant notes:

One size fits all is not a successful strategy. Research clearly demonstrates links between exercise, diet, sleep, and numerous other factors that are being ignored in trying to establish a 'business model' to educate our students. We do need accountability, (but) research driven models can be skewed. One of our district's favorite professional development readings is Marzano's collection of literature. The reviews of literature that he uses are 'cherry-picked' to support his theories. Many educators are not familiar enough with research design to be able to critically evaluate research. We are not critical consumers. Nor can most of us defend our positions with research (participant 35).

With open discourse, perhaps educators can become equipped with knowledge that can prepare them to defend best practices that do not fit within the dominating testing accountability culture. This need to be able to defend teacher

experiences of ethical dilemmas was somewhat troubling. This participant felt that the only way her administrator or district would take her seriously was with proof testing was creating inequities in the classroom. According to this participant, districts and administrators do not appear willing to listen to the important voices of teachers. If there were a more open discourse among teachers, perhaps teachers might feel more confident about defending their concerns with regard to the district policies.

Resistance was, however, an explicit aspect of the stated ideology of many participants in this study. As one participant stated, "You shouldn't feel conflicted about it; you should fight it" (participant 36). This sentiment approaches Giroux's call "to reject educational theories that reduce schooling...(and) to (reject) forms of technocratic rationality that ignore the central concerns of social change..." (Giroux, 2001, p. 62). In order to "fight" such educational practices that increased inequities, teachers would need to see their experiences not as isolated, but as shared. Understanding how political educational policies from the system of accountability affect teachers' daily decisions about meeting student needs in the classroom would be a first step toward understanding the inequities high-stakes tests had imposed on teachers and students. (Giroux, 2001). Teachers, however, often dismiss the political pressure that affects schools as removed from education, rather than acknowledge its influence on daily practices. As one participant stated:

When pay, professional respect, and job security are tied to an unfair

exam -- and the way benchmark exams are created, they are almost

always unfair in just the ways described -- there are very few options. Like

the "Don't ask, don't tell" policy, it is an institutionalized culture of lying

(participant 37).

The participant sees the inequities created by high-stakes tests as tools to give

the appearance of a high-performing, good school when in reality, the heavy use

of test preparation and the inequitable allocation of resources toward bubble

students gets a school the "good" image at the expense of its low-performing

students.

Resistance Beyond the Panopticon

Foucault (1980) reminds us that as humans, we not only make our

histories, but we also limit ourselves with constraints. Power is both enabling as

well as constraining. Many educators feel powerless against the accountability

system as well as feeling the need to conform to pressures from such a system.

Such constraints become internalized and reproduced among teachers through

the process of comparing test scores. Without an alternative voice countering

dominant constraints, teachers themselves begin to act in ways that reproduce

these constraints. Such helplessness in the face of and acceptance of the

dominant constraints of testing can be seen in one participant's statement:

With so much focus on a school's state testing score, it's only logical that

schools would focus on what would help themselves improve in that area.

Some students will be left out, sad fact of life with this era of public school

we're in currently (participant 38).

Although this teacher may not see much reform or change for the better, we still

see resistance. Resistance was also expressed by teachers who left the

profession as a result of increased testing pressure. The effect of one teacher

leaving the profession of education due to concern for the ethical and equitable

treatment of students and teachers can leave behind a long-lasting legacy of

meaning for others in the profession. One participant remembers:

A teacher in my district had been teaching for a very long time, most of

which was in my district. She loved teaching and was great at it. The

students loved this teacher and always received the warmest hugs after

talking with her. This teacher recently retired after changing hundreds of

students' lives for the better. The very same year she retired, I recall her

telling a story of her class and their reaction to an upcoming science

lesson. "Why are we going over stuff that isn't on the state test?" This

teacher's response was, "because LIFE isn't on the state test and learning

about health and nutrition will always be on your LIFE test". She made the

decision to retire that year and I will forever remember that for what it will

always mean to me and those who heard her say it (participant 39).

This teacher experienced a challenge to the current discourse and system of accountability, perhaps leading him or her to resist the power of the testing discourse for himself or herself. It was unclear how exactly this teacher resisted the dominant discourses of educational testing policies, but it was clear that this experience was a reminder to be a teacher who resisted testing in some way. We also see resistance in conforming to the pressure of testing.

> I've watched kids bubble designs. I've watched them cry. I've watched them look at the first page and not even be able to read it. I've used it to measure my worth. I've found excuses. I've worked to improve. I've said, "WHATEVER!" Time diminishes each ones' importance. These days, I try to look at the big picture and keep "testing" in its place. Am I doing my best? Do my kids love to be here? Do they enjoy math? Reading? Social studies? Did I make a difference? (participant 40).

Keeping "testing in its place" was a statement that reflected this participant's attempt to keep the detrimental effects of accountability testing away from her students. This participant, in a way, was protecting her students from the negative effects the accountability system could have on students in the classroom. We also see resistance from educators when inequities created by high-stakes testing limits resources to the most needy of students through unfair test questions.

> As a person who writes these type of tests at the district level I can understand your frustration. It is imperative that the tests match what is

being expected in the classroom. I think that it is very fair to help the students with questions they might have difficulty with. The key to this whole scenario is whether or not the questions match those on the state test (participant 40).

This participant was a writer of district benchmark tests that created inequities in the classroom. As a test developer himself, he believed that helping students with unfair test questions was an acceptable practice. This was an example of a teacher who plays two roles, that of test creator who acknowledges that tests may sometimes be unfair, as well as teacher who helps and protects students from these unfair questions. Again, this was an example of resistance in the face of an unethical dilemma.

CHAPTER SEVEN

CONCLUSIONS AND RECOMMENDATIONS

Conclusions and Recommendations

In conclusion, three themes were found in the data offered by teachers who responded to my inquiries. I shall now summarize these and use the theories of resistance and power to make sense of them. The three themes amounted to three categories of response to the questions asked: a pressure to conform, ethical dilemmas, and resistance. Teachers in this study experienced pressure to conform to restrictive and limited curricula and focus on test preparation as having too much influence on the definition of these curricula. The pressure to conform to testing techniques and rely heavily on testing preparation came from an intensified use of testing discourse in education.

In addition, some teachers were pressured to conform by the use of shared data scores on benchmark exams. This was a downstream effect of the high stakes consequences placed on the test results for schools, school districts and administrators. Test scores that were shared in grade level meetings or throughout the school produced a sense of competitiveness among teachers. When teachers were competing for test scores, teachers spoke about their reluctance to collaborate about best practices. More importantly, when teachers were occupied with the stress of staying competitive, they became less inclined to question the purpose or reason for staying competitive. For instance, the need

to compete for high-test scores became more prevalent for teachers than their philosophical beliefs about the purpose of education. The needs of all students became less of a concern and instead overall class test scores were more important. As the competiveness toward good test scores continued, instances where teachers began to see some groups of students' needs not met brought ethical dilemmas to teachers. It was unclear how teachers resolved some of these ethical dilemmas, however many teachers experienced the dilemma of meeting all students' needs while attempting to remain competitive.

It was not completely clear from the data exactly how administrators and school policies pressured teachers into heavy uses of test preparation. However, we can turn to the concept of the panopticon to help explain how this happens. Under the intensified gaze of the test score regime and the imposition of high stakes consequences for schools, administrators appear to have transferred the pressure they are under to demonstrate school improvement to teachers through mechanisms such as the sharing of test score data. This study did show that these pressures were common experiences for many participants and created various ethical dilemmas in the use of resources, the dedication of instructional time, and the choice of which students to focus most attention on.

Also, from the data in this study, it was unclear how each of the ethical dilemmas was resolved and how, on the ground, the day-to-day details of teacher relationships were affected by the competition of comparing test scores. Teachers were not forthcoming, for example, about whether they actually

neglected the needs of the lower-performing students in order to focus on the 'bubble' students. But they were clear that they felt a pressure to do so. Neither was it clear the exact methods administrators used to pressure teachers to meet testing expectations or how administrators helped, if at all, teachers to deal with ethical dilemmas. In fact a question that arises from this research is whether these issues were regarded by school leaders as ethical issues at all.

The pressure to conform to testing materials and techniques produced various ethical dilemmas faced by educators. Teaching direct test preparation is an ethical decision that many teachers make. Teachers felt compelled to use test preparation heavily, because test score data is being compared with colleagues under the rubric of competitiveness. In addition, the discourse in meetings with administrators and fellow teachers was often focused on the use of test-preparation. Teachers also felt that if their test scores were not competitive, they would disappoint their administrators or hamper the school's efforts to meet NCLB accountability expectations. Teachers also did not want to look like a low-performing teacher if test scores were not high and, therefore, appeared to rely more heavily on test preparation materials than they wanted to. What the data shows, however, is that committed and ethically discerning teachers felt very uneasy doing so.

Some participating teachers felt that they were prevented from meeting the needs of lower-performing students because more in-class interventions and academic programs were focused on bubble students who were close to

performing as proficient on high-stakes exams. Participants saw this as an ethical dilemma, because teachers felt unable to meet the needs of each individual student in their classes. One participant said that her or his administrator was explicit about being more concerned about overall test scores than about the handful of students who were low-performing and not receiving extra instruction or resources. Some teachers believed that the relationship they had with all their students was a closer relationship than that of an administrator or school district policy. This closeness intensified their awareness of the ethical dilemmas they faced, in ways that administrators were not exposed. As a result, a distance was created between administrator and school district policies that attempted to meet accountability expectations. Teachers felt personably responsible for the effects policies had on students.

Participating teachers felt that high-stakes test scores did not adequately reflect the growth of lower-performing students. The lack of acknowledgement of student growth in the system of accountability further reproduced the need for additional resources and interventions directed toward students performing at a basic level. Participants also believed that high-stakes testing and the reliance on test preparation material led to detrimental effects on students' ability to think critically. Teachers felt that students became accustomed to multiple-choice, low-level questions and using techniques such as eliminating answer choices. For example, students had difficulty using higher-order thinking skills when using similar reading passages and questions that required students to explain their

thinking in words. Teachers also had to make difficult decisions about which subject materials not to teach to students, because of the heavy use of test preparation materials during class instruction time. In this way, test preparation was seen to interfere with the learning program. I would argue that concern for student learning ahead of test preparation in the allocation of instructional time is an expression of a high level professional ethic. The problem is that the system squeezes such ethical practices out, to the discomfort of many of the participants in this study.

When high-stakes benchmark exams were seen as unfair or inappropriate, some teachers verbalized concern to administration. Their concerns often fell on deaf ears. Often participants felt obliged to help students understand questions on subject areas that had not yet been covered before the exam – that is, out of ethical concern for students in the face of an unfair testing regime, they began to teach to the test. These responses by participants are in line with the examples Nichols and Berliner (2008) cited where data on tests were suspiciously changed. Such testing irregularities did not explain the reasons why suspicious activity occurred. Following this research, the ethical dilemmas teachers faced with an unfair testing system may explain why teachers helped students. One participant, who stated he wrote district exams, said:

It is imperative that the tests match what is being expected in the classroom. I think that it is very fair to help the students with questions

they might have difficulty with. The key is whether or not the questions match those on the state test (participant 41).

At the beginning of this study, I had hoped to be able to develop and report much more substantially on an understanding of how teachers resolved the ethical dilemma of unfair tests.

Unfortunately, due to methodological constraints on this project, the data offers only a superficial understanding of why teachers may help students with unfair tests. With follow-up interviews, perhaps further understanding of why teachers might help students would be found. That is a focus for future research. What the data in this study do show, however, is that teachers do feel a pressure to help students with their test performance and are clearly aware of the ethical dilemma they, as teachers, experience.

Equally important, various expressions of resistance from some participants to high-stakes testing emerged. As we have seen above, Foucault has argued that new forms of power relations will always produce new forms of resistance. When they are forced to be a certain way, people always have a response. This response may be more or less effective in changing the power relation but any form of resistance, as Giroux argues, needs to be understood for its transformative potential. It is, therefore, important to pay attention to the forms of resistance expressed by participants in this study.

This research did not investigate the ethics or morality of decisions made by educators. The intent of this research was to look at the dilemmas that

teachers faced and how these ethical dilemmas were formed. Some participants were not only concerned about the difficult decisions they had to make, but also understood that these dilemmas were created by the politically adopted accountability system. Some participants believed that the pressures they faced as well as the ethical dilemmas were not unique, but that all educators had similar experiences. Ethical dilemmas also catalyzed some teachers to reformulate their personal educational philosophies. For example, when a teacher felt constrained to focus on test preparation heavily with certain basic students and not with low-performing students that needed extra help, teachers began to question the use of test preparation materials. This questioning then turned into a re-examination of the purpose of education before the introduction of the accountability system and the meaning of schooling and learning. This re-analysis motivated some participants to teach as they saw fit in response to the needs of their children, when administrators were not present. One could characterize this playing of a double game as dishonesty. But it can also be considered a pragmatic resolution of an untenable ethical dilemma. These teachers feel compromised into having to perform in an unethical way by a system that insists on high-stakes testing. In their own classroom, however, behind closed doors, they are able to express a higher educational ethic and address what they perceive to be the children's best interests.

Some participants looked at their class test scores longitudinally and believed that, regardless of the ups and downs in scores, it was the relationships

that were built with students that were most important. Teachers work closely with students day-to-day and see their role as a mentor who guides students toward their life-potential. Students have unique strengths and weaknesses that teachers work to understand so that they may better understand how they can help their students. The relationships these teachers had with their students seemed to them far more important than their students' score on an exam.

There was not one single type of resistance. Many participants felt that they could only do the best they could with the dilemmas and constraints they faced. When teachers could neither control unfair test questions on district or school exams, nor choose appropriate curricula for their students, teachers focused on what they could control in the classroom. Some teachers skimmed through subject matter and taught to the test that students would have to take for the district or school. However, they would also spend precious classroom instruction time behind closed doors on subject matter they felt was critical to student learning and growth.

In addition, participation in a research study itself can have an effect. It is always an intervention in the context which is being studied. In this case, many participants emailed the researcher asking for a follow-up of the study. One participant stated that not enough discourse on the issue of high-stakes tests was apparent in education today. Some participants remarked that there was a need for much more discussion about the effects of high-stakes tests and about the specific problems that teachers were facing. Several participants believed

that completing the survey had made them feel relieved that they were not the only ones experiencing similar scenarios. Others believed that completing the survey had brought up further questions about high-stakes testing that they had not thought about for a long time. The desire from some participants to discuss these political and educational issues surrounding accountability indicates a need that is missing in the discourse of schooling. It can be concluded that educators may want to express concerns about their experiences under high-stakes testing but do not have the platform for such discourse in their present school systems.

This study had some limitations that need to be acknowledged. One of these was that follow-up interviews were unable to be made because IRB approval for such interviews was not forthcoming. Due to methodological restrictions, it is important to question whether the experiences gathered and investigated in this study are mere observations of systematic flaws found in educational accountability policy. The positionality of participants was clear, however, the inability to complete follow-up interviews produced an incomplete picture regarding the resolution of ethical dilemmas and resistance in a larger context. In this sense, the study fell short of elements of grounded theory in that it did not gather extensive data so as to develop a detailed conceptual theory as well saturated in the data. While the study validates the themes that emerged by examining how they support or refute existing theories in the literature, it does not check the theory with the participants themselves due to the inability to conduct follow up interviews. It could be said that this study was simply a set of

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observations and experiences of educators. However, future research that employs the use of follow-up interviews may complete the grounded theory approach this research has started.

Although this study used scenarios and open-ended questions to capture teachers' voices, interviews may have increased the richness of these voices. Further, interviews may have provided the opportunity to explore the concept of ethical dilemmas from an interactive, transactional and systemic emerging theoretical framework. It was also unclear how often teachers faced ethical dilemmas or pressures to conform. A different kind of study would have been necessary to determine the frequency with which teachers encountered these dilemmas. In addition, follow-up interviews would have been helpful in further understanding in detail forms of resistance, if any, teachers were expressing. I had hoped this research would have uncovered more specifically how educators resolved some of the ethical dilemmas they faced. For example, it is unclear what teachers do to balance the accountability expectations directed from district and school expectations, while also endeavoring to meet the needs of students in the classroom. Also, it is unclear how teachers are using test preparation curriculum specifically for advanced or low-performing students. It was unclear how much time teachers were spending with students who were far-below basic on test preparation or on meeting authentic learning needs. Future research should use interviews or similar methodologies to understand further how participants resolved the ethical dilemmas and pressure to conform in their own

classrooms and teacher-student discussions. It could also examine the ethical

reasoning that educators use to make these decisions, perhaps by exploring the

use of Kohlberg's (1973) moral reasoning categories and Gilligan's (1982)

morality of care . There is a risk here though of reducing the issues faced under

the high stakes testing regime to individual teacher ethical choices and ignoring

the responsibility of the administrators and policymakers for placing teachers in

ethically compromised positions. I would prefer not to do that kind of research.

The focus of research itself is thus an ethical issue. It has consequences for how

the discourse of education gets shaped.

In addition, several participants believed that many of the testing

expectations originated in directives from their administrators. However, these

participants also felt that their administrators were under extreme pressure from

district directives to meet state and federal accountability expectations.

Administrators are untenured and participants believed that their administrators

were unable to risk poor school-wide test scores. Future research must examine

the pressure to conform and ethical dilemmas faced by administrators. Some

participants shared that their administrators were under even greater pressure

than they were. By examining administrators' beliefs and techniques in testing as

well as the ethical dilemmas they face, we can better understand the effects of

high-stakes tests on teachers.

Finally, this research has brought the voices of unheard teachers

regarding the pressure to conform to high-stakes testing in the classroom to the

forefront. A better understanding of some of the ethical dilemmas faced by teachers in meeting the needs of all students and specifically students with the most needs was a new development. Furthermore, I found that some teachers felt that not only was testing unfair, but it was also unrealistic and careless with educational pedagogy and student critical thinking. I found many teachers relying heavily on teaching to the test so that they could meet testing expectations from administrators, even when it went against their own better judgment. Some teachers felt guilty that students with the most profound needs were not receiving interventions. Several teachers complied with the pressure to conform to the testing regime, even when administrators were not in their classrooms, often because they knew that test scores would be seen as a reflection of the use of instructional time between testing periods. This is a clear example of how Foucault theorized the panopticon to work. Monitoring produces self-regulating decisions to use test preparation heavily and teach to the test to stay competitive. On the other hand, a few teachers resisted this effect of power by refusing to internalize pressure to compete or conform and by not taking test scores personally. Rather these teachers asserted their belief in the relationship with their students as more important.

APPENDIX A

RECRUITMENT POST CARD

Ed.D., Doctoral Research Project
California State University, San Bernardino
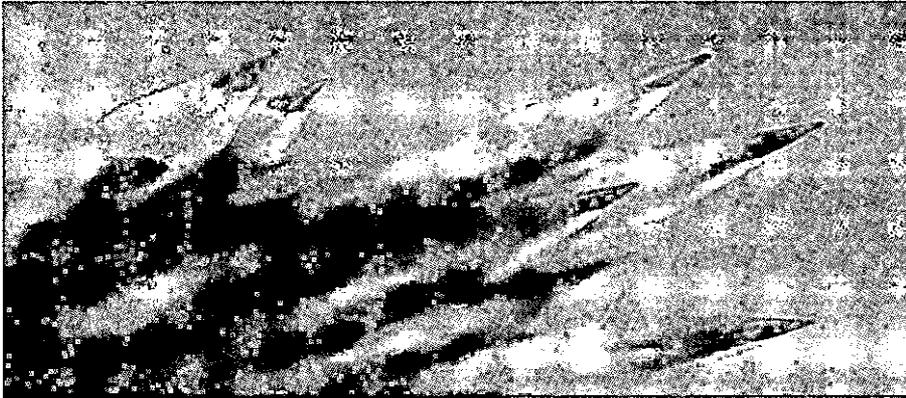
WWW.SURVEYMONKEY.NCLB.COM
EXPLORING TEACHER PRACTICES AND VIEWPOINTS
UNDER THE NO CHILD LEFT BEHIND ACT

APPENDIX B

INFORMED CONSENT

<u>Exploring Teacher Practices and Viewpoints under the No Child Left Behind Act</u>

Informed Consent

I want to invite you to participate in an interview for a doctoral dissertation project from California State University, San Bernardino. In this survey, you will have questions about your experiences as a teacher, read 5 scenarios that you may or may not identify with but can respond, and questions about teaching practices. The objective of this project is to gain an in-depth understanding of the genuine beliefs and practices under the No Child Left Behind Act in the broad sense of accountability. The questions to be asked include:

1.   What experience have you had in education?

2.   How long have you worked in your current position? At this school site?

3.   What role do you feel the principal has in your classroom?

4.   What beliefs and attitudes do teachers at your school have about testing?

5.   What effect, if any, do you think testing has had on your school?

6.   What effect, if any, do you think testing has had on your teaching practices?

7.   How are you using test data to inform teaching?

8.   What are your thoughts on the benefits of benchmark exams?

9.   What are your thoughts on the problems of benchmark exams?

10.   How are benchmark exams used in your district, school, and classroom?

11. What changes have you seen as a result of benchmark exams? CST exams?

12. Are there any changes you've had to make in your instruction to prepare for exams? What are your thoughts on these changes?

13. Many teachers have stated they have felt uncomfortable pressure about high-stakes testing. Has this happened to you or any other teachers you know?

14. Have you had to make any difficult decisions to increase test scores?

15. Have you ever had to do something against your better judgment or educational philosophy?

16. Have you ever heard of teaching practices to increase test scores that you disagreed with?

17. What expectations does your principal have and what advice does he/she you about testing?

18. What are your feelings about those expectations?

19. What strategies does your principal expect you to put into place in the classroom as a result of testing?

20. What are your feelings about those strategies?

There are no direct benefits to you or risks beyond everyday life. However if the questions, for any reason, prove uncomfortable, please do not respond to those questions.

This project is taking place under the supervision of Dr. John Winslade, Dr. Donna Schnorr, and Dr. Sam Crowell and has been approved by the Institutional Review Board (IRB) at California State University, San Bernardino.

You are not being asked for your name and your name will not be attached to your responses. All of your responses will be held in the strictest of confidence by the researchers. All resulting data will be reported anonymously.

Your participation in this study is voluntary. You are free not to answer any question and to withdraw at any time during the survey. When you have completed the survey, contact information of Jennifer Blum (JBLUM75@gmail.com) and Dr. John Winslade (JWINSLADE@csusb.edu) will be available if you have questions or would like to obtain results of the research being conducted. These results will be available after September 15, 2010.

By marking "Yes, I want to continue to the survey" you acknowledge that you have been informed of and understand the nature and purpose of this study, and you freely consent to participate. You also acknowledge that you are at least 18 years of age.

O Yes, I want to continue to the survey.

O No, I prefer not to participate in this survey.

APPENDIX C

INSTITUTIONAL REVIEW BOARD APPROVAL LETTER

Academic Affairs

Academic Research • Office of the Associate Provost

April 21, 2010

Ms. Jennifer Blum
c/o: Prof. Donna Schnorr
Department of Education
California State University
5500 University Parkway
San Bernardino, California 92407

CSUSB
INSTITUTIONAL
REVIEW BOARD
Administrative Review
IRB# 09028
Status
APPROVED

Dear Ms. Blum:

Your application to use human subjects, titled, "Qualitative Look At Ethical Dilemmas Under the No Child Left Behind Act" has been reviewed and approved by the Chair of the Institutional Review Board (IRB) of California State University, San Bernardino and concurs that your application meets the requirements for exemption from IRB review Federal requirements under 45 CFR 46. As the researcher under the exempt category you do not have to follow the requirements under 45 CFR 46 which requires annual renewal and documentation of written informed consent which are not required for the exempt review category. However, exempt status still requires you to attain consent from participants before conducting your research.

The CSUSB IRB has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval notice does not replace any departmental or additional approvals which may be required.

Although exempt from federal regulatory requirements under 45 CFR 46, the CSUSB Federal Wide Assurance does commit all research conducted by members of CSUSB to adhere to the Belmont Commission's ethical principles of respect, beneficence and justice. You must, therefore, still assure that a process of informed consent takes place, that the benefits of doing the research outweigh the risks, that risks are minimized, and that the burden, risks, and benefits of your research have been justly distributed.

You are required to do the following:

1) Notify the IRB if any changes (no matter how minor) are made in your research prospectus/protocol.
2) If any adverse events/serious adverse/unanticipated events are experienced by subjects during your research.
3) And, when your project has ended.

Failure to notify the IRB of the above, emphasizing items.1 and 2, may result in administrative disciplinary action. You are required to keep copies of the informed consent forms and data for at least three years.

If you have any questions regarding the IRB decision, please contact Michael Gillespie, IRB Compliance Coordinator. Mr. Michael Gillespie can be reached by phone at (909) 537-7588, by fax at (909) 537-7028, or by email at mgillesp@csusb.edu. Please include your application identification number (above) in all correspondence.

Best of luck with your research.

Sincerely,

Sharon Ward, Ph.D.

Sharon Ward, Ph.D, Chair
Institutional Review Board

SW/mg

cc: Prof. Donna Schnorr, Department of Education
909.537.7588 • fax: 909.537.7028

5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393

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