

California fails to secure No Child Left Behind waiver

By Sharon Noguchi, San Jose Mercury News

Signaling that California again is marching to its own drum – perhaps trailing the parade – the federal government has denied the state's request for a waiver from a key U.S. education law, thus assuring that schools will have to keep striving to meet what's generally accepted as unachievable goals, then be punished for missing them.

Like other states, California had been hoping to win a reprieve from the restrictive provisions of the No Child Left Behind law. Among other terms, the law punishes schools and districts if not enough of their students reach proficiency in English and math.

With 33 states and the District of Columbia winning waivers from the law, and 10 more with waiver applications pending, that leaves California in the select company of states that must strive to meet escalating federal goals.

The sticking point for the Golden State was whether it was willing to evaluate teachers based in part on how well their students do on standardized tests.

California, pressed by politically strong teachers unions, has resisted.

"We felt our application was approvable," said state Board of Education President Mike Kirst, professor emeritus of education at Stanford University.

He said he had anticipated the rejection, which came via telephone Friday. Instead, he blamed Congress for failing

to rewrite No Child Left Behind, a 10-year-old George W. Bush-

era law known as the Elementary and Secondary Education Act, the primary federal legislation governing the education of poor children.

Efforts to revise the law have been mired in political bickering.

The law has required that a certain percentage of students test proficient in English and math. That percentage has increased annually; by 2014, every student – including the learning-disabled, poor and English learners – must reach proficiency.

If not, then schools must offer parents the option for their children to transfer to other schools within their district, and they also must set aside money for tutoring, transportation and teacher training.

Education officials don't dispute the goals of educating all students, nor even some of the ways to do that. But they do object to the law's punitive and prescriptive means, denoting schools known as "Program Improvement" and potentially mandating that a school's entire leadership and staff be fired.

No Child Left Behind requires test scores that show yearly improvement. "When you have everybody not meeting annual progress, it gets to be ludicrous and it gets to have no impact," Kirst said.

When asked whether the state should tie teacher evaluations to student test scores, he said, "I don't have a personal position on this."

On Friday, Kirst and state Superintendent of Public Instruction Tom Torlakson wrote a joint letter to county and district school superintendents and charter school administrators. The letter in part railed against the "unrealistic goals, labeling and programmatic burdens put on

districts and schools” by the federal law, and it also said that California will continue using its own system to measure academic success.