

# 'No Child' waiver creates rift among Fresno education leaders

<http://www.fresnobee.com/2014/02/23/3787553/no-child-waiver-creates-rift-among.html>

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The Fresno Bee

February 23, 2014

Nearly seven months after Fresno Unified and seven other California school districts got one year of relief from strict federal accountability rules for student academic performance, administrators are now looking to reapply for flexibility from the much-maligned No Child Left Behind law.

But the waiver, which is the first of its kind applied to a group of districts instead of a state, has become a wedge among local education leaders.

Critics of the relief request -- Fresno Teachers Association officials and at least one school board member -- worry the district is handing off money and control over its schools to a nonprofit group that helped write the waiver last year. Others say they're concerned certain measures in the waiver -- like a section outlining how teachers should be evaluated -- have interfered with teacher contract talks that are now gridlocked.

The eight districts that won the waiver last year are part of a consortium called the California Office to Reform Education, or CORE, a nonprofit that helped write the waiver and now oversees its implementation. California applied for statewide relief in 2012, but was rejected.

The CORE waiver offers districts several perks.

First, it promises reprieve from some of the NCLB law's stiffest regulations, like requiring all students to be proficient in math and English by this year. Since NCLB took effect in 2002, Fresno Unified fell farther behind each year as the proficiency standard rose.

It also gets rid of sanctions against chronically low-performing schools. In exchange, CORE districts have promised to improve how they hold themselves accountable. So far, that's meant pairing up weaker schools with high-performing ones to exchange information about what helps students succeed -- and what doesn't. Districts would also have the power to close schools or convert them to charters if they don't meet yearly goals.

Finally, it frees up certain Title I dollars, including about \$8.2 million Fresno Unified has traditionally dedicated to tutoring services and busing for transfer students. It also gives districts leeway to consider factors other than student scores when they measure progress.

School board trustees like Carol Mills have lauded the deal.

"Instead of the federal government setting the parameters and saying, 'This is all you will look at,' and the heavy-handed sanctions if you don't meet their goals and expectations, we set up the parameters," Mills said.

District Superintendent Michael Hanson said that's part of the reason why he plans to reapply for the waiver. He hopes to have an application submitted to the federal government by the end of the school year.

Hanson has been in close communication with the U.S. Department of Education since the waiver was approved last August. Just in the past month, he said, he's met with Deborah Delisle, the U.S. assistant secretary of education, and visited with other federal officials who toured Fresno schools a few weeks ago.

"We're waiting for the feedback from the department," which will help the district draft its renewal application, he said.

But not everyone wants an extension.

Teachers union representatives have cried foul from the beginning, arguing they were ignored by administrators during the waiver application process last year.

And as the district moves closer to seeking a waiver renewal, Fresno Teachers Association complaints are beginning to resurface.

Teachers are blaming certain waiver requirements for interfering with teacher contract talks, which stalled this month after the district unilaterally declared an impasse.

For example, the district's bargaining team for months wouldn't budge on a proposal to base 20% of teachers' evaluations on student test scores, said FTA Executive Director Rhonnie Tinsley. The waiver requires schools to use student achievement when reviewing teacher performance.

Fresno Unified officials dropped that suggestion last week, on the same day they announced an impasse.

Fresno High geometry teacher Tish Rice said the waiver itself is a problem, mostly because it still allows districts to impose harsh penalties on failing schools. She's also worried the district is paying thousands of dollars to CORE, including \$27,650 approved by the school board last month. CORE is a nonprofit run by an ex-state education department administrator, Rick Miller, who now does education policy consulting.

Brenda Emerson, FTA associate executive director, has other worries. She said CORE now wields too much control over how Fresno Unified operates its schools.

Emerson said she's concerned because the school board never voted to submit the waiver in the first place.

That's also troubling to district trustee Michelle Asadoorian. "While there are some good components of the waiver, you don't circumvent local elected officials when you have this kind of a monumental shift in our education," she said.

Valerie Davis, school board president, vigorously defended the local board's role and denied that it has relinquished power to an outside group.

"That's not us. We are a very strong board, they ought to know better than that," Davis said of critics.

Emerson said she's also concerned the CORE districts' oversight board, which is comprised of university, nonprofit and education leaders, is superceding local school boards. The oversight board, which is responsible for ensuring its districts follow the waiver, met for the first time in January in Sacramento.

"That means it's a private entity making decisions about public funds," Emerson said.

Not true, said Miller. In fact, he said, Fresno Unified's board had lost some local control under NCLB. Hanson -- president of CORE's board of directors -- and the other seven district superintendents now have a seat at the decision-making table, he said.

"Now instead of the state doing it, it's the CORE board making those decisions about what our accountability model will look like," he said. "In that sense, they have more power than they had before."

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