U.S. threatens to take $3.52 billion from California schools in testing dispute

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Reinforcing its threat to punish California for dumping its old standardized state tests next spring, the U.S. Department of Education said that decision could cost the state at least $3.5 billion.

The state could lose $15 million it receives to administer a federal program for poor children, known as Title I. More critically, a letter sent Tuesday by Deborah S. Delisle, an assistant secretary of education, hinted California risks significantly more money from other federal initiatives, for the lowest-performing schools, English-language learners, disabled students, rural schools, migrant children and teacher training. Those totaled about $3.5 billion last school year.

The dispute between state and federal education officials boils down to whether students need to take standardized tests in English and math every year, and whether the public should be able to see those results. Federal officials say the law requires that, but California believes that's unreasonable.

State Board of Education President Michael Kirst said he was surprised that federal authorities would send a threatening letter. He and members of the California Department of Education have been meeting with U.S. officials about reconciling California's new testing regimen with federal law.

He characterized the talks as constructive. "I don't believe we are stuck at all."

The federal threat comes as California begins major changes to the way it teaches K-12 students. It has adopted a new standard for learning called Common Core, which is intended to offer practical and relevant lessons, teaching students to think critically and solve problems.

State officials said it makes no sense to use the old STAR tests, which were administered in grades 2 to 11 every spring, in the midst of a switch to a new curriculum. Instead, next spring schools will test-drive the Smarter Balanced test, which succeeds STAR.

The California Legislature decided that schools will only test students either in math or English, and the state will not release the results to schools nor to the public -- because the trial run is as much a calibration of the test as it is a measurement of student achievement.

That limited testing, the elimination of the STAR tests and refusal to release results has infuriated federal education officials.

Advocates for low-income students and school reform cheered the letter. "California is the only state in the entire nation that is choosing to violate the ESEA," the federal law mandating testing, said Arun Ramanathan, executive director of the advocacy group Education Trust-West, based in Oakland. "As a result, the federal government is saying, 'Enough is enough; we have to react.'"

Other states, he said, have figured out how to meet federal standards even with changes to their curriculum. He said California is being cheap, saving money by dumping its state test, and paying for students to take just one of the two segments of the new, shared national tests.
Last month, on the eve of the Legislature's vote phasing in the new tests, U.S. Education Secretary Arne Duncan issued an unusual warning that the bill would violate federal law. Testing helps keep schools accountable, he said, and publishing results provides parents and the public needed information about school performance.

But AB484, the bill promoted by Gov. Jerry Brown, passed easily.

If the federal government does withhold funds, the impact could be significant, said Stephen Fiss, superintendent of the Alum Rock Union School District in San Jose. In special education, for instance, federal dollars account for about 30 percent of the budget. "I don't know if we could survive the impact."

Still, he supports the Legislature's decision for a reprieve from high-stakes testing, giving schools needed time to develop curriculum and modify teaching.

Kirst said he will continue to work with Washington officials.

He noted that the federal government has never taken away money from schools. And, he wrote in a statement issued jointly with state schools Superintendent Tom Torlakson, "We would hope and expect that they would not start now."

Funds the Feds threaten to withhold from state

A partial list of federally funded programs in California schools that could be vulnerable to the U.S. withholding funds:

$65.6 million -- School Improvement Grants program, for the lowest-performing schools
$155.8 million -- Title III of Elementary and Secondary Education Act for Language Acquisition, for English learners
$1.2 billion -- Part B of Individuals with Disabilities Education Act, for special education
$1.3 million -- Title VI, Part B2 for Rural and Low-Income Schools
$133.5 million -- Title I, Part C of ESEA for migrant education
$265.7 million -- Title II, Part A of ESEA, for professional development and other support for educators