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Inside ExploreLI

TOP STORIES

OPT-OUT COSTS

Union: School districts with high rates face penalty

BY JOHN HILDEBRAND
john.hildebrand@newsday.com

A statewide debate over how best to deal with schools where large numbers of students boycott state tests has taken a new turn, as teachers union leaders allege that proposed new regulations represent a “frontal assault” on parents’ efforts to opt their children out.

New York State United Teachers, an Albany-based union umbrella group, issued a letter criticizing proposed new financial penalties and other sanctions for school districts that do not maintain student test participation rates of at least 95 percent. The great majority of districts in Nassau and Suffolk counties do not meet that standard, set by federal law.

The testing dispute resonates on Long Island, where more than 50 percent of eligible students in grades 3 through 8 opted out of state English Language Arts tests administered in mid-April. The region has emerged as an epicenter of the boycott movement over a six-year stretch.

The union letter was addressed to state Education Commissioner MaryEllen Elia, who later said during a Newsday interview that NYSUT and other educational groups had been consulted before the state regulations were drafted.

The regulations would restrict the way that penalized districts spend federal Title I dollars by requiring them to set aside money to be used in encouraging greater student test participation, according to union analysts who have reviewed the 95-page regulatory document. Details on the amount of money to be set aside would be worked out after the regulations passed, education experts said.

In addition, analysts said, the proposed rules would change the way test-participation rates are factored into schools’ overall academic ratings, making it more likely that schools would



A teachers union protest in Oyster Bay on Friday. NYSUT has criticized proposed sanctions for districts

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LI opt-outs from 2018
state English test
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be classified as scholastically deficient. This could pressure reluctant parents into allowing their children to be tested, NYSUT officials said.

The disputed regulations, posted last month by the state Education Department, are intended to meet requirements of the federal Every Student Succeeds Act, which was approved in 2015. New York State’s Board of Regents is tentatively scheduled to take up the regulations for adoption at its next meeting June 11-12.

Previous state regulations required districts with low test participation to come up with plans for improvement but did not include sanctions like those evidently spelled out in the latest proposals.

“The draft ESSA regulations make a direct frontal assault on the rights of parents to opt out their children from the state testing system,” declares the letter signed by Jolene DiBrango, the state union’s executive vice president.

Elia, in a brief interview with Newsday, did not address the union’s specific criticisms but did note that federal law requires the great majority of eligible students to be tested annually.

“We’re required to give the assessments, and there is an anticipation from Washington — and actually, in the law — that

you must have 95 percent of our students taking it,” Elia said last week as she emerged from a Hauppauge luncheon honoring valedictorians where she was keynote speaker.

The state’s chief school official added that NYSUT “was able, certainly, over the last year and a half to give their opinion, and I think we’re hearing their opinion once again, and that’s appropriate.”

Outside education experts agreed that federal law requires students to be tested and that any exceptions would be limited to a relatively small number.

NYSUT’s letter acknowledges the 95 percent requirement but contends the law is ambiguous on how states factor participation rates into their academic ratings of schools.

FEARED



that do not maintain test participation of at least 95 percent.

"The Every Student Succeeds Act seeks to hold states and schools accountable for keeping 'opt-outs' to 5 percent or less," said Robert Lowry, deputy director of the New York State Council of School Superintendents. "All states have to find some way to comply with that part of federal law."

Current debate over ESSA regulations represents a new twist in a long-standing fight over links between student testing and teacher job evaluations.

NYSUT, in addition to supporting families who opt out of testing, is also campaigning against the state's teacher-evaluation law adopted in 2015.

One provision of that law requires up to 50 percent of teachers' evaluations to be based on results of state test scores — a requirement that boycott lead-

ers say places too much stress on students and teachers alike. Albany has temporarily suspended enforcement, but the moratorium expires at the end of the 2018-19 school year.

NYSUT is pushing for legislative repeal of that provision. A union group gathered near one state lawmaker's office in Oyster Bay on Friday with picket signs that read, "Let us teach. Let them learn."

One leader of the group, Joseph Romano, who teaches music in Levittown, contended that state tests have become largely irrelevant in terms of assessing educators' job performance.

"When you're seeing a 50 percent opt-out rate, I don't see how that's a valid assessment of anything," Romano said.

With Keshia Clukey

Terry gets 6 months for state tax fraud conviction

BY BRIDGET MURPHY
bridget.murphy@newsday.com

A Nassau judge sentenced former North Hempstead Democratic Party chairman Gerard Terry on Monday to 6 months behind bars for a state tax fraud conviction, a punishment he'll serve at the same time as a 3-year federal sentence for tax evasion.

Terry, 64, of Roslyn Heights, appeared in court in Mineola in a business suit with no necktie and in handcuffs — the onetime attorney and influential political operative now an inmate and felon following the completion of his tax crime prosecutions.

Acting State Supreme Court Justice Christopher Quinn first sent Terry to Nassau's jail on May 15 to await sentencing in connection with his September guilty plea to one felony count of fourth-degree criminal tax fraud.

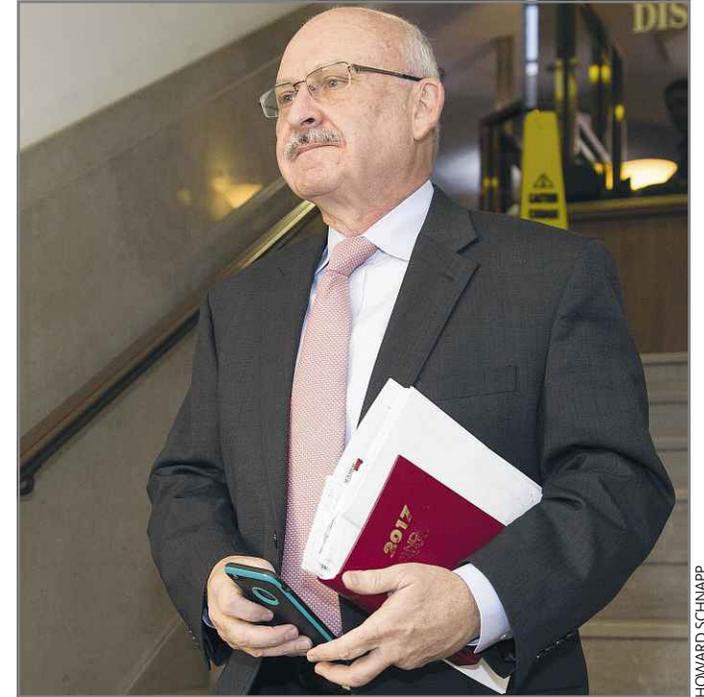
Terry resigned from or was fired from various jobs with public entities after Newsday reported in 2016 before Terry's first arrest that he had received government contracts worth hundreds of thousands of dollars for years, even as he accumulated a nearly \$1.4 million tax debt.

Before his legal troubles, Terry had worked for public entities that included the Nassau County Board of Elections, Long Beach Housing Authority, Hempstead Housing Authority, Freeport Community Development Agency, the Roosevelt Public Library Board, Village of Port Washington North, Village of Manorhaven and the Community Development Corp. of Long Island.

On Monday, Terry's daughter sobbed in the back of the courtroom as the now-disbarred attorney stood up at the defense table, buttoned his suit jacket, and apologized for his crime.

"I want to express my deep remorse and my absolute regret for my irresponsible conduct over a number of years regarding my taxes," Terry said. "I take full responsibility for my actions . . . I should have known better . . . I am truly sorry."

Prosecutor Diane Peress asked for a prison sentence of 1½ to 4 years for Terry, calling him a "tax cheat" who is "not



New penalty will be concurrent with Terry's federal sentence.

honest with the government" and committed more than a decade of "active and deliberate tax evasion."

But defense attorney Stephen Scaring asked Quinn to sentence his client to time served, referencing his recent federal sentence and saying that he needs "constant medical supervision" and follow-up with regard to his prostate cancer.

The Garden City lawyer also pointed to 103 letters of support for his client, saying Terry had helped a lot of people in the community "and was a remarkable person in that respect and not so remarkable in regard to taxes."

Quinn then meted out Terry's state sentence under terms of his commitment at the time of his guilty plea, when the defendant admitted to not filing a 2010 state personal income tax return and not paying more than \$3,000 in taxes.

The state sentence includes 5 years of probation and restitution of \$250,000 to state tax authorities.

Before that plea, Terry had faced eight felony counts of tax-related crimes following a Nassau County grand jury's indictment.

Quinn said he would stick to terms of his previous sentencing commitment despite District Court documents from ear-

lier this year that showed Terry practiced law after his felony conviction. Peress said the Nassau district attorney's office didn't intend to prosecute Terry for that matter, saying it appeared to be an "isolated incident" involving Terry's wife and a landlord and tenant dispute.

Monday's Mineola sentencing followed Terry's May 29 sentencing in U.S. District Court in Central Islip after his October guilty plea there to one count of tax evasion. In that case, he admitted to not paying nearly \$1 million in federal income taxes.

Federal prosecutors said Terry purposely failed to pay taxes from 2000 to 2015 by engaging in schemes in which he sought help from government workers, a law firm and another business. They had alleged in court papers that Terry "pressured colleagues and subordinates to not comply with IRS notices of levy."

Nassau District Attorney Madeline Singas said in a prepared statement Monday that Terry was "a well-connected power player in Nassau politics" who "was paid generously" with taxpayer funds for his government work, but whose "repeated failures" to pay his own taxes "are a betrayal of his obligations as a citizen and an attorney."