

Opt-out proposal nixed

Regents rescind state financial requirement

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ALBANY — A proposed state financial requirement aimed at public schools where large numbers of students boycott state tests was rescinded Monday by education policymakers following widespread protests by parents, teachers and other opponents.

A 15-member committee of the state Board of Regents voted unanimously to back off from the requirement. It would have allowed the state education commissioner to order selected elementary and middle schools to set aside part of their federal funds to pay for advertising campaigns or other initiatives designed to increase test participation.

Approval by all 17 board members on Tuesday is considered a formality. Another final vote eventually must be taken to make the decision permanent. State officials have said that could come within three to five months, following a period of public comment.

Under the plan, money would have been drawn from federal Title I funds, which typically are used to provide extra academic help to students struggling with their English and math lessons.

The concept was sharply denounced on Long Island, the epicenter of the boycott movement. In the spring, for example, more than 90,000 students in grades three through eight opted out of the state English Language Arts exam, according to Newsday's surveys of districts — nearly 50 percent of those eligible to take the test.

Education Commissioner MaryEllen Elia, who initially pushed for the financial set-aside rule, told Regents at the monthly meeting in Albany that she had concluded the approach was widely misunderstood, caused too much stress statewide and should be eliminated.

"I do not ever want to be the one who takes money away from children," Elia said.



Regent Roger Tilles of Great Neck talks with Education Commissioner MaryEllen Elia at the Regents meeting in Albany on Monday.

The Regents committee did approve other changes — most notably, a provision that greatly reduces the number of schools that have to draft formal plans for boosting student test-participation rates.

Until now, schools were supposed to devise such plans whenever fewer than 95 percent of their students were tested. That rule extended to all but a handful of elementary and middle schools in Nassau and Suffolk counties. However, the latest change by the Regents essentially excuses schools from the planning requirement as long as their general academic achievement places them in the top half of schools statewide.

The opt-out movement, which began in the 2012-13 school year, exploded statewide with the test season of spring 2015 and has remained particularly strong on the Island and in

portions of suburban counties in the Hudson Valley.

Many local school leaders have voiced doubt that test participation will recover substantially unless state lawmakers repeal a law, adopted in April 2015, that based up to 50 percent of teachers' annual job evaluations on student test scores. Parent boycott leaders have contended that the law puts too much pressure on students and teachers alike and have set repeal as one of their top priorities.

Eight months after the law passed, Gov. Andrew M. Cuomo, who originally pushed for tough evaluations, appointed a commission that recommended a delay in enforcement. The Regents then approved a four-year moratorium on tying student scores to teacher job ratings. The moratorium is to expire in June, at the end of the current school year.

Roger Tilles of Great Neck, who represents the Island on the Regents board, took note during Monday's meeting of continuing rancor over the teacher evaluation statute.

"As long as that's still on the books, we can do a whole lot of things, but I don't think we can get a lot more people back to taking the tests until the law changes," Tilles said.

Elia, for her part, holds that the moratorium may need to be extended past its expiration.

Also still on the books is a complex new academic rating system that could threaten schools in communities where test refusals run high. The ratings are part of regulations, initially approved by the Regents in June and awaiting a final vote, that will be used to enforce a federal education law, the Every Student Succeeds Act, or ESSA.

Essentially, the ratings system

looks at numbers of students with valid scores on state tests in English, math and science, and then compares those figures with overall student enrollments. The effect is to lower a school's rating, known as a Weighted Average Achievement Index, whenever a large share of enrolled students there do not take state tests.

Such rankings could have a substantial impact later this year, when the state is scheduled to post the names of the lowest-achieving schools in New York.

Such schools, if they do not improve their ratings, will face an increasingly drastic range of penalties, including closure. State education officials, speaking on background, have insisted that schools with generally good academic performance need not worry that they will be penalized simply because their opt-out rates are high.