

# Seeking eval law repeal

Opponents of teacher ratings say time for change is now

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Opponents of the state's controversial teacher evaluation system are pushing for speedy repeal on grounds that Tuesday's election shake-up in Albany reflects growing public demand for change.

Until recently, many Long Island parents and educators who have campaigned against use of state test scores in rating teachers' job performance — one factor in unprecedented boycotts of the exams — had believed that achieving that goal might require another year or so to show progress.

But now, Democrats in the state Senate who had called for quick action in revising the law on evaluations, but were in the minority, have control of the chamber. The shift was stunning, an eight-seat gain that includes four in Nassau and Suffolk counties, where Republican senators once were considered invulnerable, among them Sen. Carl Marcellino of Syosset, chair of the chamber's Education Committee.

## Advocates: Time has come

In response, local parents and teachers who have led test boycotts since spring 2013 said the time has come to repeal a section of state law that requires up to 50 percent of teachers' annual job ratings to be based on their students' test scores in English Language Arts and math. Those state tests, required by federal law, are administered annually in grades three through eight.

Specifically, the advocates for change, including the state's largest teacher union, want this done during the upcoming legislative session, which runs from January through June. They want local districts to decide whether to use state tests in rating teachers and to what extent.

The evaluation system applies to more than 200,000 classroom teachers statewide.

Advocates acknowledge, however, that the outcome ultimately



Teachers Rob Ciani, left, Celina Bialt and Craig Kirchenberg demonstrate against the evaluation law in June. After Democrat wins last week, advocates are calling for changes at the January state legislative session.

rests with Gov. Andrew M. Cuomo, who won reelection this week with 59 percent of the vote and has not said whether he would support repeal of that portion of the law. Cuomo pushed that measure through the legislature in April 2015 as part of a broader package of educational changes, but later backed away from the evaluation section as public opposition grew.

"There were a tremendous number of senators who supported it," said Sen. Todd Kaminsky (D-Long Beach), referring to the repeal movement and its backing by some Republicans as well as Democrats.

Kaminsky, who has emerged as leader of the Island's Democratic contingent in the Senate, added that while he and his colleagues have not yet had time to meet and discuss the issue, "it is my hope and expectation that we will move the bill to passage

this session."

Democratic leaders in both the state Senate and Assembly, through spokesmen, voiced support for repeal.

Test boycott leaders said they were buoyed by the election results and are maintaining a wait-and-see attitude regarding what happens next.

"Now we get to see if the Democrats are serious about fixing this," said Jeannette Deuter-mann of Bellmore, chief organizer of Long Island Opt Out, a regional network of parents and educators. "So I'm hopeful, but we all know that Governor Cuomo will have the final say."

The governor, who did not respond last week to Newsday's request for comment, once was far more vocal on the subject of teacher evaluations.

In 2015, he won adoption of what he called the Education Transformation Act, which pro-

vided an extra \$1.3 billion in statewide financial aid to public schools but also set far stiffer requirements for rating teachers than those applied in the past.

Under that law, teachers were to be rated in two categories — the test achievement of their students and observations of their classroom performance — with each category given roughly equal weight. Teachers rated ineffective three years in a row were to be removed from their jobs following expedited hearings.

"The reforms we have included will move us to an education system that rewards results, addresses challenges and demands accountability," Cuomo declared at the time.

However, the move infuriated many parents and teachers, who said the tougher evaluation system put too much pressure on students and schools alike. In

mid-April 2015, boycotts of state English Language Arts tests, which in past years had been relatively small, mushroomed on Long Island and statewide.

Within months, Cuomo retreated. An advisory group appointed by the governor recommended on Dec. 10, 2015, that the state temporarily drop the use of test scores in deciding whether teachers should keep their jobs. The state Board of Regents, which sets education policy, responded four days later by approving an emergency measure that implemented a four-year freeze in such use of teacher evaluations.

Boycotts in large numbers continued unabated, with Long Island the state's annual hot spot. Last spring, more than 210,000 students in grades three through eight across New York refused to participate in state exams out of about 1 million students eligible to take the tests.

The moratorium on the evaluations is set to expire in June. Leaders of the Regents board announced on Nov. 5, the day before the elections, that they would extend the freeze for another year to June 2020 — action that they said would provide enough time to "get it right" in terms of changing the evaluation system.

## Opponents: Timing is key

Opponents of the system, for their part, said that another 20 months might be an acceptable time period for working out details of the change. They added, however, that the biggest contemplated move — that is, dropping the requirement that all teachers be judged according to their students' scores on state standardized tests — should be carried out much quicker.

"We've had a lot of time to make this work, and it has not been effective," said Joseph Romano, a high school band director in Levittown and officer in his district's 950-member teacher union. "Maybe it's time to say, 'Repeal the Education Transformation Act.'"

Andy Pallotta, president of New York State United Teachers, the statewide umbrella group that represents all public school teachers, said, "Now that we have a new Senate, we would hope that their first order of business would be to fix this broken testing and evaluation system."

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