

Teacher eval law near end

State lawmakers set to repeal test score standard

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ALBANY — Following a shift in political power, state legislators are poised to soon repeal a controversial law that linked teacher evaluations to students' scores on standardized tests and played a role in the exam boycott movement.

The State Assembly will pass a bill to repeal the law on Wednesday, a spokesman said. The State Senate — of which Democrats gained control in November — might act just as quickly, an official said Friday.

"It has become increasingly clear that standardized tests do not fully account for the diversity of our student populations," Assembly Speaker Carl Heastie (D-Bronx) said. "Our legislation reflects that the performance of our teachers and students may not be accurately reflected in these test scores, and it makes common-sense reforms to ensure that teachers can give our students the best possible education."

At issue is a 2015 law, championed by Gov. Andrew M. Cuomo, that requires up to 50 percent of a teachers' annual job ratings to be based on their students' test scores in math and English. Those tests, required by federal law, are given annually in grades three through eight.

The repeal bill removes the mandate and would allow school districts to decide for themselves whether to use standardized exams as a factor, and to what extent.

The mandated use of standardized test scores played a role in the "opt out" movement,

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— Assembly Speaker Carl Heastie (D-Bronx)

which exploded on Long Island and then statewide in 2015.

Following the backlash, an advisory panel appointed by Cuomo recommended in December 2015 that the state temporarily drop the use of test scores in determining teacher evaluations. And days later, the state Board of Regents imposed a four-year moratorium on the use of the tests in evaluations.

The boycotts have continued, though. In 2018, more than 200,000 of the more than 1 million students who were slated to take the exams refused to participate.

Even with the moratorium, powerful teachers' unions have lobbied state legislators to roll back the 2015 law altogether. The Democratic-led Assembly approved a repeal bill last year, but the then-Republican-controlled Senate refused unless the repeal was tied to an increase in publicly funded, privately run charter schools.

When the 2018 legislative session ended last June with no action on the bill, teachers' unions spent heavily to help Democrats win control of the Senate — which they did.

The repeal bill now is sponsored by Sen. Shelley Mayer (D-Yonkers), who replaced former Republican Sen. Carl Marcellino of Syosset in chairing the Senate



Members of New York State United Teachers demonstrate last June in Oyster Bay. Democrats' victory in November has paved the way for repeal of the law tying teacher evaluations to student test scores.

Education Committee.

In a memo supporting the repeal, Mayer said the 2015 law "created many disparities and has not been widely accepted by teachers and parents."

"Allowing school districts and teachers, who know their students best, the ability to negotiate whether they would like to use the standardized tests in teacher or principal evaluations will ensure that a more fair and effective evaluation system will be established," Mayer wrote. "Furthermore, in order to ensure that schools are not negatively impacted as a result of their choice between retaining their current evaluation system and choosing a new one, this bill provides that school districts will not lose their state aid increases while a district is in the process of negotiating/entering into a successor collective bargaining plan."

Counting Mayer, the bill has 39 sponsors and co-sponsors in the 63-member Senate, indicating it will be approved once Democrats bring it to the floor for a vote.

In the Assembly, the bill has dozens of sponsors, Republicans and Democrats. Last Tuesday, the Education Committee voted unanimously to send the measure to the full Assembly for a vote. That is expected to occur Wednesday.

The Senate is still discussing timing but is "likely" to vote on it Wednesday as well, an official said.

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