

NY SUES FEDS OVER FLUKE FISHING QUOTA

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New York State has filed suit against the Trump administration to officially contest the state's "unfair" share of the federal quota for fluke, state Attorney General Letitia James and Gov. Andrew M. Cuomo announced Monday.

The suit follows release of December 2018 allocations for fluke that the state said remained disproportionately small and based on "inaccurate and outdated" fishing data, James said in a statement.

Cuomo had first said the state would sue in 2013, but as recently as last year refrained from doing so as it attempted other remedies, including a petition filed with the federal government. "The message is loud and clear: we will fight this unfair quota until New York's access to summer flounder is consistent with national standards," Cuomo said in a statement.

Hundreds of Long Island commercial fluke fishermen have for decades decried New York's share of the commercial fluke quota, which stands at just 7.6 percent, compared with 21.3 for Virginia and 27.4 for North Carolina. "I'm thrilled the governor has finally pulled the trigger," said Bonnie Brady, executive director of the Long Island Commercial Fishing Association, an industry group. "Hopefully, [Commerce Secretary Wilbur] Ross will understand how devastating this has been to New York fishermen."

For much of the year, the New York quota amounts to 50 to 100 pounds of fluke a day, while other states allow fishermen to land tens of thousands of pounds a week, often from waters off New York. "We need more quota and it was unjustly taken away from us," said Riverhead fisherman Phil Karlin, who has been advocating for the lawsuit for years. "If we win in court, it would be nice. New York should have more quota. Most of the fish are caught right off Long Island."

The suit names as defendants U.S. Commerce Secretary Wilbur Ross, the U.S. Department of Commerce, the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service.

Testy exchange

Regents meeting sparks fireworks over opt-outs

BY JOHN HILDEBRAND
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ALBANY — Plans by state education officials to identify dozens of schools on Long Island and statewide as low academic performers touched off heated debate at Monday's Board of Regents meeting, focused largely on test boycotts and their impact on new school ratings.

The debate was joined as the state Education Department plans soon to publicly release the ratings, which will identify schools in need of "Comprehensive Support and Improvement," or CSI, and those with the less-severe designation of requiring "Targeted Support and Improvement," or TSI.

Meanwhile, state lawmakers are on their own fast-track agenda, responding to parents' and teachers' opposition to testing by pushing for repeal of the state's requirement that students' scores on state tests be used in all districts to measure the job performance of teachers and principals.

The sticky twin issues of testing and school ratings surfaced again this month in Nassau's Island Park district, where the superintendent posted a letter on the district's website saying the middle school faces the possibility of a negative state CSI rating — in part because 60 percent of its students opted out of last spring's state tests in English Language Arts and math.

Superintendent Rosmarie Bovino wrote in the letter, dated Jan. 4, that she had received a state Education Department notice advising her of problems at Lincoln Orens Middle School and inviting her response. Island Park has appealed the state's tentative rating of the middle school.

At Monday's meeting, Roger Tilles, who represents Long Island on the Regents board, joined several other members in asserting that state education officials previously gave them the impression that schools would not face sanctions because of test boy-



State Education Commissioner MaryEllen Elia, left, and Regent Beverly Ouderkirk speak to the media.

“That doesn't sit well with people in my district.”

— Regent Roger Tilles, who represents Long Island, about the plan to designate schools as low academic performers

cotts. "That doesn't sit well with people in my district," he said.

Regent Beverly Ouderkirk of Morristown, in northern New York, objected to the possibility that schools could be labeled as low academic performers because some parents decided to pull their children out of state exams. "Everybody else in a district is being punished," she said.

Education Commissioner MaryEllen Elia, who reports to the Regents, responded that factors other than test opt-out rates are always factored in when determining school ratings. Six specific criteria are considered, and schools that improved test-participation rates between 2016-17 and 2017-18 will not be included on the state's low-performance list, she said.

She said no schools would face any consequences from failing ratings until the 2019-20 school year at the earliest, and the only requirement that year

might be that districts would have to draft improvement plans for those schools.

Elia said the Regents will be given an embargoed list of rated schools within the next two days before the list is publicly released. Officials did not reveal the date of the public release.

Schools designated as CSI or TSI, ranked among the bottom 5 percent or 10 percent of all schools statewide, would be subject to a range of graduated penalties, including closure in extreme cases, if they did not show improvement in test scores, graduation rates and other state-selected criteria within a multiyear period.

Federal law requires public schools to show a test participation rate of at least 95 percent of students in grades three through eight annually in English and math.

Boycotts of state standardized tests given to students in those grades have recurred an-

nually on the Island and statewide, spurred by parent and teacher discontent. Islandwide, the opt-out rate in spring 2018 was nearly 50 percent, involving more than 90,000 students in grades three through eight who took the exams in ELA and math; statewide, more than 210,000 of 1.1 million eligible pupils boycotted the tests.

State lawmakers are seeking to address public opposition through legislation reintroduced in both the Assembly and the Senate. The measure would repeal the state's current mandate for using state test results to judge teachers' performance, instead allowing local districts to use assessments of their choice as long as those had the education commissioner's approval.

The bill is on the Assembly Education Committee's agenda for Tuesday morning.

The same measure was introduced last year and stalled in the Senate, then controlled by Republicans. In November's elections, Democrats gained the majority in that chamber, prompting supporters to predict that the legislation could pass this month or in February. However, Gov. Andrew M. Cuomo has not said if he would sign such a measure into law.