Regents likely to extend moratorium on using test scores for evaluations -
by Keshia Clukey (9/19/2017)

ALBANY — The state Board of Regents will likely extend a moratorium placed on the use of state math and English language arts test scores on teacher evaluations.

The move would give the board more time to revise reforms related to the controversial Race To the Top grant program.

The 2015 legislation, championed by Gov. Andrew Cuomo, required schools to put in place a new principal and teacher evaluation system based largely on student test scores, with implementation linked to school aid increases.

The Regents, acting on the recommendation of Cuomo’s Common Core task force, quickly placed a moratorium on the use of the math and ELA exams in the evaluations through the 2019-20 school year — obviating the need for new legislation, which lawmakers and Cuomo were looking to avoid.

“We’re going to take stock in the next month or two before the Legislature comes back,” Regents Chancellor Betty Rosa told POLITICO New York. “My sense, if I had to make a determination at this point in time, I’d say that we’re going to have to extend the moratorium. We need time to do this right.”

Extending the moratorium would give the Regents more time to include stakeholder input, leading to legislation that could be introduced in the 2019 session, after which districts could begin negotiations with local unions.

Under the current moratorium, legislation would likely have to be introduced and
passed in the upcoming session, creating a “tight timeline,” Rosa said.

An extension of the moratorium would play out nicely for Cuomo because the discussion surrounding the evaluations promises to be charged, something he’d want to avoid as he runs for reelection next year.

“I think it is still a politically volatile issue,” said Jim Tallon Jr., former state assemblyman who was on the Regents board for 15 years before stepping down when his term ended last March. The moratorium “sort of pulled this back out of the headlines,” Tallon said. “Next year, a gubernatorial election year, we can assume it will start to find its way back into the front stage of political battling.”

Cuomo has seemingly made nice with the teachers’ unions, which oppose the evaluation legislation, and with the broader union movement as he prepares for reelection.

The governor recently penned an op-ed in the Daily News stressing the importance of unions and fighting for unions and workers’ rights. He also signed off on a provision in the 2018 state budget making labor dues fully deductible on state personal income taxes.

He also is staying away from the referendum about holding a constitutional convention. Unions are opposed to the idea. All of that is meant to curry favor with the state’s powerful union, including the teachers, said Gerald Benjamin, a professor of political science at SUNY New Paltz. “I think that it’s not only his concern about the Legislature’s position, but organized labor’s position on this,” Benjamin said. "It’s very clear to me that that’s a crucial consideration for him right now.”

New York State United Teachers, the state’s largest teachers union, already pledged to make teacher evaluations a priority in the 2018 legislative session. NYSUT launched a petition Aug. 23 calling for its repeal, shifting instead to local control. As of Tuesday morning the petition had nearly 5,500 signatures.

“We believe that this system has been broken for a very long time,” NYSUT executive vice president Jolene DiBrango told POLITICO New York “I don’t believe that we should be putting this conversation off any longer. I think it’s in the best interest of students and teachers alike to have this conversation now and do what we can to try to repeal [the legislation] as soon as possible.”

It’s unclear where Cuomo will stand on the matter, although he appears to have taken a step back from the reforms he pushed in 2015.
In an April discussion with the Buffalo News editorial board, he said school turnaround plans and teacher evaluation decisions should be made locally — a position that aligns with the unions.

Cuomo’s truce with NYSUT and the United Federation of Teachers, which represents educators in New York City, means “further softening of the accountability rhetoric,” which will “play well in the suburbs, an important political consideration for the governor,” said David Bloomfield, an educational leadership professor at Brooklyn College and at the CUNY Graduate Center.

Support from unions, particularly teachers' unions, also will benefit Cuomo should he decide to run for president in 2020. “In some ways, Cuomo inherits the Hillary Clinton wing of the Democratic Party,” Bloomfield said. He noted that Randi Weingarten, president of the American Federation of Teachers, is "an important, even essential, player in that base. Cuomo needs to stay on her good side, while not alienating those to the Democratic right ... who have little place to go.”

The governor’s office did not return a request for comment regarding evaluations.

New York committed to the evaluation system and to controversial Common Core learning standards under the federal Race to the Top grant and in waivers under the broad federal No Child Left Behind education law.

State education leaders have acknowledged the rushed implementation, and putting both in place simultaneously caused a great deal of contention in the state, resulting in one of the largest test refusal movements in the nation.

The Regents and education department have since been working to quell the controversy, targeting parents and teachers as they revised the state learning standards.

The board last week approved the new “Next Generation Learning Standards,” which drop the Common Core name. The board will now look to review the state tests, aligning them to the new standards.

Lawmakers and the governor have remained content to leave K-12 education policy up to the Regents and state education department. They may do the same with teacher evaluations.

“I’m hoping that we can, with the help of State Ed and other objective people, come up with something that’s more workable,” Assembly Education Committee Chairwoman Cathy Nolan said.
The Democratic-led Assembly will look to the Board of Regents before taking action, spokesman Michael Whyland told POLITICO New York.

It's too soon to speculate whether teacher evaluations will be included in the 2018 legislation session, said Scott Reif, spokesman for Senate Republicans, who control the chamber.

The prescriptive nature of the legislation, however, will likely require action.

Assemblywoman Amy Paulin, a Westchester County Democrat who has proposed legislative changes to the system, said she and many of her colleagues would like to see the state Education Department and Regents create a panel to assess and make recommendations about a new evaluation system — the sooner, the better.

“The moratorium is appropriate and good, but we only have two years now to look for a real evaluation system,” Paulin said. “We need to focus on it this year ... two years comes too quickly.”

Federal changes may further impact the discussion, with the implementation of the Every Student Succeeds Act — successor to No Child Left Behind.

“There will be increasing pressure on the governor and Legislature to roll back Race-to-the-Top era test-based accountability measures to conform to looser ESSA requirements already reflected in the [state education department’s ESSA plan],” Bloomfield said. “Also key will be questions about how test scores actually measure teaching quality, since now teachers are often evaluated on scores outside their subject area.”

The Regents approved the state’s new accountability plan under ESSA last week. It will now go before the federal education department for approval.

The Education Department plans to begin reaching out to stakeholders this fall, gathering input on what needs to be adjusted regarding teacher evaluations, department spokesman Jonathan Burman said. “We will seek input from those individuals who are most directly impacted by the evaluation system to develop the best possible outcome, just like we did for the development of our new learning standards and our state ESSA plan.”

Rosa said the law must certainly be changed, although she’d like to still see student outcomes be included in some way.

“We are taking into consideration all the implications of having to do this work, honor[ing] the issue of teacher evaluation in a comprehensive way, but at the same
time, keeping in mind that we really want to make sure that the student outcomes are part of it as a way of keeping the emphasis and the focus on teacher development, teacher responsiveness...all of those issues,” Rosa said.

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