

A Last-Minute Deal on Teacher Evaluations

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Governor Andrew M. Cuomo with union and education officials at the state Capitol announcing a deal on teacher evaluations.

Updated New York State education officials and the state teachers' union reached an agreement on a new teacher evaluation system on Thursday, just hours before a deadline imposed by Gov. Andrew M. Cuomo, who had threatened to break the impasse by imposing his own way to judge the quality of a teacher's work.

The deal, announced at a news conference in Albany, also resolved the impasse over the process by which New York City teachers could appeal their poor ratings, which had been a major sticking point between City Hall and its teachers' union, the United Federation of Teachers, for months.

"It's a victory for all New York," Mr. Cuomo said. "Government works, and that makes this a better state."

The agreement, announced at a news conference in Albany, allows school districts to base up to 40 percent of a teacher's annual review on student performance on state standardized tests, as long as half of that portion is used to analyze the progress of specific groups of students, like those who are not proficient in English or have special needs. It also offers other options: base 20 percent of the score on state test results and the other 20 percent on exams developed by the districts or by a third party, provided that the exams are approved by the state.

The remaining 60 percent of a teacher's score is to come from subjective measures, like classroom observations and professional development projects.

The resolution came after an all-night negotiating session in Albany and included concessions from both sides, like an agreement by the state to relax certain requirements on the way teachers would be rated. The clear winner is Mr. Cuomo, who used his broad powers under the state's budget process to push for a compromise.

The announcement brought together the state's education commissioner, John B. King Jr., and the president of the state's teachers union, Richard C. Iannuzzi, who

had been at odds for nearly two years, wrangling over the parameters of a statewide evaluation system that was written in law in 2010.

Michael Mulgrew, the president of the New York City teachers' union, was also there, but not Mayor Michael R. Bloomberg. At one point, while the governor's staff sent out Twitter messages about the agreement, Mr. Bloomberg was posting about the start of the city's new Facebook page. He addressed the agreement later, though, before a bill-signing ceremony at City Hall, saying that it resolved "the lion's share of issues" between the city and its teachers' union, and offering it some of the same praise it received in Albany.

"Historic," Mr. Bloomberg said, "is probably not too strong a word to use."

The mood at the Albany news conference was festive; everyone made sure to thank Mr. Cuomo.

"It would not have been possible to get to this day without the governor's extraordinary leadership," Mr. Iannuzzi said.

The evaluation system will introduce a four-tier rating system for teachers and principals: ineffective, developing, effective and highly effective. The agreement stipulates that teachers or principals who are rated "ineffective" in the 40 points of their evaluation that are based on test scores cannot receive a developing score over all, but it does allow for more wiggle room. They could receive an "effective" rating over all even if their students' test scores were low — as long as the students showed at least some progress.

The agreement settles a lawsuit filed by the New York State United Teachers and clears the way for the state's 700 school districts to iron out the specifics of their own evaluation systems with local teachers' unions, as required under the 2010 state law. That law was a result of an earlier compromise between unions and the state to help New York secure \$700 million in education money through the federal Race to the Top program.

The statewide push for a new teacher evaluation system took on renewed urgency last month after federal education officials placed New York on a watch list and warned that it might have to return the \$700 million in Rate to the Top money if it did not fulfill its promise for a new evaluation system for teachers and principals, and a database to track student records across districts.

On Thursday, Education Secretary Arne Duncan said the agreement resolved "a major roadblock," but he did not rule out the possibility that the state could still lose its money over other issues.

Mr. Cuomo, a Democrat, stepped into the fray in his budget address last month, telling state education officials and union leaders that they had to settle the lawsuit in 30 days — the last day is Thursday — or that he would impose his own version of a teacher evaluation system through budget amendments. He also gave school districts until next January to start using new evaluation systems based on the state framework, or risk losing a scheduled 4 percent increase in state aid, or about \$805 million statewide.

For months now, the main point of contention has been over just how much to weigh the state's standardized tests. The 2010 law allows districts to base 20 percent of a teacher's review on state test scores, and another 20 percent on locally developed tests or other measures. But at the request of Mr. Cuomo, the Board of Regents, which sets state education policy, later adopted regulations permitting districts to count state test scores up to 40 percent.

The state teachers union sued over the change, arguing that it allowed districts to place too much importance on one single test when they should be considering multiple subjective measures. In August 2011, a state Supreme Court judge largely sided with the union and invalidated aspects of the Regents' decision. The state appealed the decision. The agreement, however, renders the appeal moot.

State education officials and union leaders said the new agreement would serve as a guide for districts but was not mandatory. The scoring is to be used as part of a new four-tier rating system in which teachers will be deemed ineffective,

developing, effective or highly effective, replacing the “satisfactory” or “unsatisfactory” scale used statewide for decades.

Union leaders said nearly 100 districts had already reached agreements with their local unions on evaluation systems, and another 250 agreed on key parts, with many waiting for the lawsuit to be resolved before moving forward.

Fonte: The New York Times, New York, 16 Feb. 2012, Internacional, online.

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