



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

ANDREW M. CUOMO
GOVERNOR

JIM MALATRAS
DIRECTOR OF STATE OPERATIONS

February 22, 2015

Elizabeth R. Berlin
Acting Commissioner
State Education Department
89 Washington Avenue,
Albany, NY 12234

Dear Acting Commissioner Berlin:

As you know, for 60 percent of the overall Annual Professional Performance Review (APPR or teacher evaluation system), both the scoring bands and the process for assigning points are determined at the local school district level. Recent news reports found that most Long Island school districts have used their local discretion in teacher evaluation systems to skew the overall scoring to ensure that their teachers are rated only 'effective' and 'highly effective'. Most districts adopted the scoring procedures specifically drafted by the teachers unions.

Section 3012-c of the New York State Education Law required that, in 2012, the Commissioner of Education approve each district's teacher evaluation plan and reject those "that [do] not rigorously adhere to the provisions [of the statute] and the regulations of the commissioner." Such a review included how the local 60 percent scoring was implemented.

Further, the teacher evaluation statute also requires the Department to "monitor trends and patterns" in the results on an annual basis to identify systems that lack rigor, and provides for the Commissioner's authority to issue corrective action plans for districts where the results are not credible. The Department's regulations further provide that one trigger for review is a lack of differentiation among teacher evaluation ratings. However, it is not clear how effective these corrective action plans may be to effect meaningful change at the local level.

This raises a series of questions:

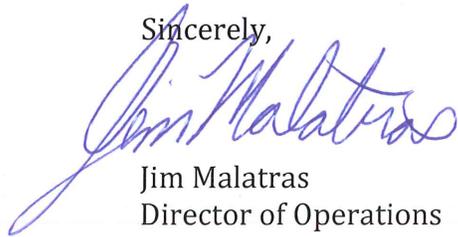
- In 2012, did the Commissioner find any plans that were deficient and therefore reject such plans?

- If so, what were the reasons for the rejection? Did the district(s) remedy any issues the Commissioner found?
- Did the Commissioner find any issues with the local scoring of the teacher evaluation systems? Specifically, do you think the scoring developed by the teachers union and adopted by most of the districts was rigorous enough?
- Has the Department issued any of these corrective action plans?
- If so, were the plans successful in bringing more accuracy to local teacher evaluation systems? Does the Department have sufficient oversight authority under current law?

Given the recent news reports, we strongly urge you to investigate the teacher evaluation results in Long Island, as well as the rest of the state, to determine whether the skewed ratings warrant Departmental action or highlight areas where changes to state law are needed.

On behalf of the Governor, I look forward to hearing your response.

Sincerely,



Jim Malatras
Director of Operations