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SED PLANS APPEAL Decision Would Allow Teachers Who Score Zero on Student Assessment Portion of Evaluation to Receive a Positive Rating Judge Rejects NYSUT's Attempt to Ban Local District Use of State Assessments

Albany County Supreme Court Justice Michael Lynch today issued a decision that would allow teachers whose students show no growth in achievement to receive positive ratings, according to the New York State Education Department (SED). The decision came from a lawsuit filed by the statewide teachers union (NYSUT) to challenge Board of Regents' regulations for teacher evaluations.

"If we're serious about supporting excellence in teaching, we can't have an evaluation system that permits a teacher who scores a zero on student achievement to receive a positive rating," SED Commissioner John B. King, Jr. said. "This decision is not consistent with the legislative intent, and it's certainly not what our students need. Our goal is to make sure every child gets the best education possible. We will be consulting with the Attorney General's Office about our plan to appeal, and we'll explore every avenue, including new legislation, to turn this around."

Justice Lynch ruled the regulations' provision that the scoring bands for teacher effectiveness placed too much emphasis on student performance. King noted that under the court ruling, school districts could be forced to keep a teacher with a zero rating for student performance in the classroom.

Two key regulatory provisions of the Regents' regulations regarding teacher evaluations were upheld. The Court rejected NYSUT's argument that the regulations could not allow state assessments to be used by local school districts for up to 40 percent of teacher evaluations. Also, a provision requiring the timely appeals of evaluations was also upheld by the court. King said this will help local districts avoid having to pay ineffective teachers during lengthy appeals processes.