

# New York state unions file phony lawsuits against teacher evaluations

Jason Melanovski  
2 May 2014

The Rochester Teachers Association (RTA) has filed a class-action lawsuit against the New York State Education Department for failing to take into account the severe poverty in which many Rochester students live when evaluating teachers for their students' performance on standardized tests.

The suit was filed in the state's Supreme Court in Albany on behalf of approximately 100 city of Rochester teachers. Following current pay-for-performance education rules, New York state teachers are evaluated by the state as part of the Annual Professional Performance Review (APPR). The APPR, currently in its first year, bases 40 percent of its teacher ratings on how well students perform on state standardized English and math tests.

Roughly 35 percent of Rochester teachers received "developing" or "ineffective" ratings, according to the state, despite receiving adequate or high-performance ratings from their principals. In comparison, only 5.4 percent of teachers in the rest of the state received similar low ratings. Only 2.9 percent of teachers received low ratings in the surrounding county of Monroe.

According to data presented in the lawsuit by the New York State United Teachers (NYSUT) union, in school districts where more than 80 percent of school students receive free or subsidized lunches, 25 percent of teachers received less than effective ratings. In wealthier districts where less than 20 percent of students received free or subsidized lunches only one percent of teachers were rated less than effective under the APPR. In Rochester, approximately 90 percent of students qualify for free or subsidized lunches.

Teachers in other New York cities with high concentrations of poverty, such as Yonkers, Syracuse and Buffalo, also receive disproportionately low APPR

scores. Last week, the Syracuse Teachers Association followed the RTA and filed its own lawsuit against the state. Union lawsuits in other areas are also expected.

The scapegoating of teachers for conditions beyond their control is outrageous and should be opposed. However, the unions' lawsuits have nothing to do with a genuine struggle. The aim is to boost illusions in the courts and block any independent mobilization of teachers and the working class as a whole against the attack on public education being spearheaded by the Obama administration with the full support of the American Federation of Teachers and the National Education Association.

The history of union complicity in the attack on teachers is well documented. NYSUT itself first agreed to the terms of the APPR in February 2012 in order to curry favor with the Democratic administration of Governor Andrew Cuomo and for the state to gain access to \$700 million of federal Race to the Top (RTTT) funds. The RTTT program, which was cooked up by Obama and his education secretary Arne Duncan, has been used to blackmail states into accepting attacks on teachers and public schools in exchange for federal money. Charter and private schools are not required to participate in the APPR.

In 2010, Richard Iannuzzi, then president of NYSUT, hailed the law that first initiated the introduction of teacher evaluation schemes in New York, saying it "creates an excellent framework for looking at teacher effectiveness."

The teachers unions are not opposed to the evaluations in principle; they just want a "seat at the table" to determine the specifics of the formulas used in creating them. Just last week, Kevin Ahern, president of the Syracuse Teachers Association, stated, "Our teachers are highly skilled, dedicated professionals who

understand that good evaluations, fairly and accurately done, can be helpful.”

There was widespread anger among teachers in upstate New York over the implementation of the evaluation, but the unions insisted they had no choice but to accept them. (See accompanying article: “New York teacher exposes how unions helped impose performance evaluations” ).

Located in western New York state along Lake Ontario, Rochester was until recently known as a company town dominated by the “Big Three” companies of Eastman-Kodak, Xerox and Bausch & Lomb. While other nearby cities such as Buffalo and Syracuse began the process of de-industrialization and mass layoffs in the 1970s, Rochester maintained a relatively high level of employment with decent-paying jobs and benefits before the same economic forces reached Rochester in the 1980s. All three major companies exist today as shells of their former selves.

The Rochester City School district regularly ranks as the lowest performing in the state in terms of test scores and graduation rates. According to the State Education Department only 43.4 percent of seniors successfully graduated and only 10 percent of those who graduated were prepared to enter college-level education.

This past year a study by the Rochester Area Community Foundation titled “Poverty and Concentration of Poverty in the Nine-County Greater Rochester Area” detailed the extremely impoverished social conditions to which students and teachers alike are exposed. The report, which ranked Rochester as the fifth poorest in the nation, found that approximately half of children in the city live in poverty, also one of the highest rates in the nation.

Young people cannot learn if they are hungry and poor and lack the most basic amenities. But the teachers’ unions are allied with the Obama administration, whose policies have only increased poverty. The White House has overseen a massive transfer of wealth to the top, while joining with the Republicans to slash wages of industrial workers and deprive poor families of food stamps and extended unemployment benefits. Obama’s RTTT is specifically premised on the reactionary conception that it is bad teachers, and not poverty and insufficiently funded schools, that lead to poor student performance.

Tied to the Democratic Party, the teachers unions are

opposed to any struggle that challenges the economic and political domination of the corporate elite. That is why the development of a powerful political movement of the working class to defend and greatly improve public education is only possible if it is organized independently of the unions and the Democratic Party. Such a movement must oppose capitalism and the vast inequality it creates and fight for a radical redistribution of wealth to eliminate poverty and satisfy social needs, not private profit.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**