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Answer Sheet

Judge calls evaluation of N.Y. teacher 'arbitrary' and 'capricious' in case against new U.S. secretary of education

By Valerie Strauss May 10 at 5:03 PM

A judge has ruled that a New York teacher received an evaluation that was "arbitrary" and "capricious" as part of an assessment system that was developed when John King, the new U.S. education secretary, was the New York State education commissioner.

New York Supreme Court Judge Roger McDonough said in his decision that he could not rule beyond the individual case of fourth-grade teacher Sheri G. Lederman because regulations around the evaluation system have been changed, but he said she had proved that the controversial method that King developed and administered in New York had provided her with an unfair evaluation. It is thought to be the first time a judge has made such a decision in a teacher evaluation case.

Lederman, who teaches in the Great Neck public school district, filed a suit against state education officials over their controversial method of evaluating her — and, by extension, other N.Y. teachers.

As I explained in an earlier post:

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The method is known as "value-added modeling," or VAM, and it purports to be able to use student standardized test scores to determine the "value" of a teacher while factoring out every other influence on a student (including, for example, hunger, sickness, and stress). One way it works is by predicting, through a complicated computer model, how students with similar characteristics are supposed to perform on the exams, and teachers are then evaluated on how well their students measure up to the theoretical students. New York is just one of the many states where VAM is a key component of teacher assessment. Evaluation experts have warned policymakers that this method is not reliable for evaluating teachers, but VAM became popular among school reformers as a "data-driven" evaluation solution.

Lederman's suit against state education officials — including King — challenges the rationality of the VAM model, and it alleges that the New York State Growth Measures "actually punishes excellence in education through a statistical black box which no rational educator or fact finder could see as fair, accurate or reliable."

Here's what happened to Lederman: In 2012-13, 68.75 percent of her New York students met or exceeded state standards in both English and math. She was labeled "effective" that year. In 2013-2014, her students' test results were very similar, but she was rated "ineffective." Meanwhile, her district superintendent, Thomas Dolan, declared that Lederman — whose students received standardized math and English Language Arts test scores consistently higher than the state average — has a "flawless record."

Bruce Lederman, her attorney and husband, said in a statement that the decision makes "important observations that VAM is biased against teachers at both ends of the spectrum, disproportionate effects of small class size, wholly unexplained swings in growths scores, strict use of curve."

He also said:

The decision should qualify as persuasive authority for other teachers challenging growth scores throughout the country. Court carefully recites all our expert affidavits, and discusses at some length affidavits from Professors Darling-Hammond, Pallas, Amrein-Beardsley, Sean Corcoran and Jesse Rothstein as well as Drs. Burris and Lindell . It is clear that the evidence all of these amazing experts presented was a key factor in winning this case since the Judge repeatedly said both in Court and in the decision that we have a "high burden" to

meet in this case. The Court wrote that the court "does not lightly enter into a critical analysis of this matter ... [and] is constrained on this record, to conclude that petitioner has met her high burden" ...To my knowledge, this is the first time a judge has set aside an individual teacher's VAM rating based upon a presentation like we made."

Here's what the judge decided:

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