by Gail Robinson
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Photo provided by the Office of the Governor

As someone who has famously proclaimed , "I am the government," Gov. Andrew Cuomo must find the governor's limited role in the state's schools particularly galling. So, for the last two weeks, Cuomo has made it clear he no longer will stand on the sidelines while others run education here.

In his State of the State speech and in comments on Martin Luther King Day , Cuomo plunged into the school wars and poised himself to take on the state's teachers unions. He is expected to continue this campaign in his budget address today.

If the governor, who has a relatively skimpy record on education, gets more involved in schools, what exactly will he do? Who will benefit? And who will lose?

Losing Millions

The governor heralded his entrance into education disputes in his State of the State speech two weeks ago. In that address, he announced he would appoint an education commission and that he would serve as a lobbyist for the state's children who, he declared have no one representing them.

Because of the timing, most attention focused on what Cuomo and his commission might do on teacher evaluations. The day before, State Education Commissioner John King had announced he would suspend federal funding for failing schools for districts that had not reached agreement on a new teacher evaluation system. This could cost New York City, one of the 10 districts affected, $60 million for 33 schools.

The U.S. Department of Education tightened the noose last week when it announced New York could lose its federal Race to the Top money because it lags behind in complying with the terms of its grant. " It faulted the state for lack of progress in instituting new methods for teacher evaluation and for delays in upgrading its data systems. These shortcomings, federal officials told Cuomo, mean the state could lose $1 billion in Race to the Top and other federal money.

As part of its application for the federal program, New York agreed to revise the way it evaluates teachers and to consider test scores in making its determinations. Under a bill passed in 2010, though, changes in the individual districts are subject to collective bargaining. That has proved to be a stumbling block. In New York City, negotiations appear to have broken down completely.

A week after Cuomo's speech, Mayor Michael Bloomberg all but threw down the gauntlet in his State of the City speech, which focused on education. In that address -- and in a letter to the state education department -- the administration claimed it could remove teachers at failing schools -- whatever the union might or might not say. Bloomberg also staked out other stands sharply at variance with those of the teacher's union, calling for merit pay, an increase in charter schools and shutting down more schools he considers failing.

Daring Cuomo to follow suit, New York Post publisher Rupert Murdoch took to Twitter to call

Bloomberg's plans "bold â€¦ [and] terrific. How will chicken Cuomo respond?"

Cuomo has started to give his answer. In a statement last week, he called for districts and unions "to expedite their negotiations." And he assailed the legislation that made the evaluation subject to collective bargaining, saying that law "protected the teachers union at the expense of the students and instituted a system that was destined to fail."

Money Talks

On Martin Luther King Day, Cuomo said he was not gong to let the state lose its federal aid. "No evaluation system is in place because the bureaucracy doesn't want one," he said, adding, "We will put an evaluation system in place that represents the students first."

And today, according to some press accounts, he will get more concrete and tie a promised 4 percent increase in state aid to adoption of the teacher evaluation system put forth by the state Board of Regents last year. Fred Dicker of the Post reported that a "source" told him, "All the systems, including the New York City schools, will have until Dec. 31 of this year to adopt the teacher-evaluation systems or lose the money."

That system, which gave increased weight to test scores, was challenged successfully in court by New York State United Teachers .

In response a spokesman for New York State United Teachers, Carl Korn, has said , while the union is prepared to work with the governor and legislature on the issue, "the answer is not to start from scratch or to tie education funding to the teacher-principal evaluation process but to work collaboratively with the legislature and governor to try to move the process along."

Regents Rule

No doubt the impasse over evaluations -- which could cost the state money and prestige -- angered Cuomo. He is not the first governor, though, to seek a greater role in education. "Governors have traditionally looked to wrench some of the power away from a historically and constitutionally independent education department, and whether that's the right thing or the

wrong thing to do, Governor Cuomo sees the same need," Richard Ianuzzi, president of New York State United Teachers, said recently .

Under state law, the legislature appoints the state Board of Regents , which sets policy (testing, graduation requirements, standards, curriculum). The board names a commissioner of education to carry out those policies.

Whatever its merits might be, no other state has this system, according to a survey by the Education Commission of the States , a national group. In 36 states, the governor appoints the members of the state board of education (what we call the Board of Regents here), the chief state education officer or both. South Carolina is the only other state in which the legislature appoints the board, but the chief schools official is elected -- not appointed.

Overall, New York's system also is less democratic than those in much of the country. Residents of 22 states get to choose either the board or the person who runs the schools.

Gov. Eliot Spitzer, for one, tried to weigh in on schools by creating the post of senior education policy adviser -- dubbed "education czar" by some -- and filling it with Manuel Rivera, the Rochester schools superintendent who had been National Superintendent of the Year in 2006 . In a kind of foreshadowing of the stand Cuomo would take five years later, Spitzer's office said at the time that his education policy would include "implementing sweeping reforms designed to improve accountability." Unlike Cuomo's plan, though, it also called for increased funding.

Spitzer's effort faded when he resigned.

The Record So Far

Up until now, Cuomo has not focused on education. Even in his State of State speech, he devoted only a few lines to education. "We must make our schools accountable for the results they achieve and the dollars they spend," his written remarks said. From there Cuomo went on to call for "major reform in two areas": teacher evaluation and management efficiency."

In his 2010 campaign book, the New NY Agenda, Cuomo called for making schools more efficient -- notably by removing unfunded mandates, requirements the state puts on district but does not pay them to meet -- and for an increase in charter schools.

During his first year in office his efforts on education concentrated on funding. He and the legislature agreed to a cap on increases in the property taxes that fund public schools in much of the state. While Senate Republicans had pushed for this -- many of them represent suburban districts where property taxes have risen sharply -- teachers groups and many school boards worried it would force districts to cut programs and teaching staff. The cap will have little effect in the city, however.

Most significantly, Cuomo sharply reduced state education spending in his first budget. Rather than refiguring the state's education formula to spare its highest need districts, including New York City, Cuomo let the cuts take effect across the board. Critics charged this meant they had a greater impact in needy areas than affluent ones.

"We took a huge step backward in last year's budget. Billy Easton of the Alliance for Quality Education recently told AP. "The poorest districts lost not just the money but they lost the most in their classrooms."

While the Cuomo and Bloomberg administrations bickered for months over how much the cut meant to the city -- and whether it would force the city to lay off teachers -- the loss certainly was in the hundreds of millions of dollars.

This year, Cuomo has said he will increase school funding by some $800 million statewide. It remains unclear how that money will be allocated.

In November, though, the governor announced that a far smaller pot of money -- $75 million over three years -- would go to schools that applied for it. In a move modeled on Race to the Top, he said the winning districts would be those that have "demonstrated the most success in increasing student performance, narrowing the achievement gap, and increasing academic performance among students with the greatest educational needs" or that "exhibit the greatest potential for continued improvements in student performance." (For one writer's explanation of

how this might work, go here.)

The possible tying of all aid to the new evaluation system of course, enormously ups this ante.

The Second Man

As the debate over funding and evaluation continues, Assembly Speaker Sheldon Silver will certainly play a key part.

The current system for naming the Board of Regents gives him enormous sway over the state's schools. Silver has support from the teachers union -- in 2008 he held his primary election victory celebration at the union's lower Manhattan headquarters. He also is seen as a champion of groups allied with the union, notably the Alliance for Quality Education, which enjoys funding from the union and has emerged as a particular target of Cuomo's.

If the evaluation issues becomes enmeshed in next year's budget, Silver could be torn between the popular governor -- and the push for an on-time budget -- and his allies in the teachers union. The fact that this is an election year could complicate matters for Silver -- and for many state senators from both parties who enjoy the union's support and campaign contributions.

Not surprisingly, Silver has been cool to Cuomo's entering the education fray. In a radio interview, Silver said he did was "not sure" he saw the need for the commission to intervene in the evaluation dispute. “John King, the commissioner, and the entire Board of Regents have been very focused on these issues and have been working hard to bring resolution about,” Silver said.

On the more general issue of students needing a lobbyist, Silver told a rally called by the alliance, "The most powerful lobbying group for our students is their parents. â€¦ When it comes to our state government, no group of leaders has been a more effective lobbying group for the children in our classrooms and for young children needing early education than â€¦ the members of the majority of the New York State Assembly."

A number of groups joined Silver to rebut the notion that no one speaks for students. "Teachers, in partnership with parents, have always been lobbyists for what children need," New York State United Teachers said in a statement.

The Students' Voice?

The New York State Schools Boards Association also has expressed skepticism. "How he [Cuomo] is going to be a lobbyist for children remains to be seen," said Timothy Kremer, executive director of the association. "I think we do a pretty good job of this."

"The shocking thing is that no where in that long speech did he say the word 'parent'," Mona Davids of the New York City Parents Union told Gotham Gazette. "We are our children's lobbyists, we are our children's advocates."

Under the current system she said, parents do not have a voice. The Board of Regents, according to Davids, makes "things very difficult for the parent."

And, she noted, that while Cuomo said teachers and bus drivers had lobbyists, he did not mention hedge fund managers, representatives of testing and technology companies, and privatization advocates, all of whom have weighed in on education and who have lobbyists. Instead, she said, he singled out "working class people" such as bus drivers.

King, who could find the commission infringing on his turf has told reporters he has "no problem" with it. "There's plenty of work to do to raise student achievement. We're happy to have additional advice and input," King said

Waiting for Details

The final verdict, of course, will hinge on who Cuomo names to the commission and what type of commission he establishes. On this the administration remains tight-lipped. A number of people contacted said they had not received any indication from the governor of what he might do.

Kremer said the commission could help if it is "populated by people who are smart" and who will take an honest, objective look at what resources districts need, at performance measures and at some of the state's mandate that affect local districts. He also would like to see it "come up with ways to engage parents and communities."

Some predict Cuomo will look beyond the usual suspects for commission members. "It will be something that's quite national, people from outside New York," an anonymous source speculated to GothamSchools.

While Michael Mulgrew, president of the United Federation of Teachers , said he wanted a commission that is "actually going to look at the research," on the other side of the ideological fence, Elizabeth Ling of Democrats for Education Reform told GothamSchools Cuomo "should select people who can move his agenda forward to make real progress on behalf of students, and not the hacks who have only thrown up roadblocks time and again."

Bob Lowry of the New York State Council of School Superintendents has said the governor should not dismiss insiders. "You also need to have people who know what things work now and what things don't work now," he has said.

Education Governor, Education Mayor

In their public responses this month, Bloomberg and Cuomo have generally praised the other's statement on education.

"Both the mayor and I agree that this starts with implementing a teacher evaluation system that holds teachers accountable for their performance

Asked about the governor's commission, Bloomberg said, "We could do a better job in New York City, and they certainly can do a better job in the rest of New York state. The state, taken as a whole, is not where we want to be. The country taken as a whole â€¦ is nowhere near where we want to be, and the governor's focus on education is spot-on. That's exactly what he should do, and any help he can give us we'd be happy to take the help."

Cuomo's language on Martin Luther King Day was reminiscent of comments Bloomberg has made in the past on education. Like Bloomberg, Cuomo invoked civil rights when speaking about schools.

“The great equalizer that was supposed to be the public education system can now be the great discriminator," the governor declared, "because if you happen to go to public school in a failing public school, you may never catch up. You may be left behind and never catch up."

He also vowed to put in place an evaluations system that represents the students first,” echoing Bloomberg who has called his agenda for public schools "Children First."

Supportive words aside, Cuomo and Bloomberg clashed repeatedly over education last year, notably on funding and on the mayor's effort to end last in, first out, which requires that seniority determines which teachers get laid off, with the most recently hired teachers the first to go. Altering that system requires state approval.

David Seifman of the Post has written that the single biggest cause of the yawning rift between Cuomo and Bloomberg was the dispute over teacher layoffs. According to Seifman, "The feeling among Cuomo loyalists is that the governor â€¦ was blindsided when the mayor asked him to obliterate the law in the face of fierce union opposition. ... The feeling among Bloomberg loyalists is that LIFO would be a distant memory by now if Cuomo did the right thing."

The issue this time around could again be whether Cuomo will take the fight against the union as far as Bloomberg would like -- and whether Cuomo has other targets as well.

While Bloomberg generally limit his brickbats to the unions, Cuomo has targeted what he calls "the education bureaucracy" -- including superintendents, principal, teachers -- and maybe bus drivers. It is too early to know whether that difference in rhetoric is just that -- rhetoric.

The issue of getting results commensurate with money spent could also prove problematic for

the mayor. Education spending has increased substantially under Bloomberg -- from about $12.7 billion in 2002-2003 to an anticipated $19.5 billion in 2012, excluding pensions and fringes. The mayor would no doubt say this has brought major results -- he most frequently cites an increase in graduation rates, but critics point to indicators that would say otherwise, including relatively flat test scores and the small percentage of city graduates who are prepared to do college level work.

As he has in the past, Bloomberg once again sees his education goals and his fight against the teachers union in Albany's hands. With the mayor's power fading as his time in office draws to a close, he has reason to hope -- and now, maybe even expect -- that this time Cuomo will be on his side. The teachers union must hope with equal fervor that he won't be.

Gail Robinson, the former editor of Gotham Gazette, writes on education and other policy issues.