

7279--A

I N   S E N A T E

May 2, 2012

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to annual professional performance review plans submitted by the highest performing ten percent of school districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph k of subdivision 2 of section 3012-c of the  
2     education law, as added by chapter 21 of the laws of 2012, is amended to  
3     read as follows:  
4     k. (1) Notwithstanding any other provision of law, rule or regulation  
5     to the contrary, by July first, two thousand twelve, the governing body  
6     of each school district and board of cooperative educational services  
7     shall adopt a plan, on a form prescribed by the commissioner, for the  
8     annual professional performance review of all of its classroom teachers  
9     and building principals in accordance with the requirements of this  
10    section and the regulations of the commissioner, and shall submit such  
11    plan to the commissioner for approval. The plan may be an annual or  
12    multi-year plan, for the annual professional performance review of all  
13    of its classroom teachers and building principals. The commissioner  
14    shall approve or reject the plan by September first, two thousand  
15    twelve, or as soon as practicable thereafter. The commissioner may  
16    reject a plan that does not rigorously adhere to the provisions of this  
17    section and the regulations of the commissioner. Should any plan be  
18    rejected, the commissioner shall describe each deficiency in the submit-  
19    ted plan and direct that each such deficiency be resolved through  
20    collective bargaining to the extent required under article fourteen of  
21    the civil service law. If any material changes are made to the plan, the  
22    school district or board of cooperative educational services must submit  
23    the material changes, on a form prescribed by the commissioner, to the  
24    commissioner for approval. To the extent that by July first, two thou-  
25    sand twelve, or by July first of any subsequent year, if all the terms

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 of the plan have not been finalized as a result of unresolved collective  
2 bargaining negotiations, the entire plan shall be submitted to the  
3 commissioner upon resolution of all of its terms, consistent with arti-  
4 cle fourteen of the civil service law. NOTWITHSTANDING ANY OTHER  
5 PROVISION OF LAW TO THE CONTRARY, THE HIGHEST PERFORMING TEN PERCENT OF  
6 SCHOOL DISTRICTS, AS DETERMINED BY THE COMMISSIONER, SHALL BE AUTHORIZED  
7 TO SUBMIT THEIR EXISTING PLANS TO THE COMMISSIONER AND SUCH PLANS SHALL  
8 BE DEEMED APPROVED FOR PURPOSES OF THIS SECTION AND THE RECEIPT OF STATE  
9 AID.

10 (2) THE HIGHEST PERFORMING ELEVEN PERCENT THROUGH TWENTY PERCENT OF  
11 SCHOOL DISTRICTS, AS DETERMINED BY THE COMMISSIONER, SHALL BE AUTHORIZED  
12 TO SUBMIT THEIR EXISTING PLANS, TOGETHER WITH A REQUEST FOR WAIVER FROM  
13 THE REQUIREMENTS OF SUBMITTING A PLAN AS SET FORTH IN THIS SECTION. A  
14 REJECTION OF ANY SUCH PLAN OR REQUEST FOR WAIVER AS TO ANY SCHOOL  
15 DISTRICT AUTHORIZED TO SUBMIT SUCH REQUEST, SHALL BE IN WRITING AND  
16 SHALL STATE THE COMMISSIONER'S DETERMINATION THAT THE SCHOOL DISTRICT'S  
17 REQUEST FOR WAIVER FROM THE REQUIREMENTS OF THIS SECTION HAS BEEN DENIED  
18 AND THE RATIONALE FOR SUCH DETERMINATION. THE COMMISSIONER'S GRANT OR  
19 DENIAL OF SUCH REQUESTS SHALL BE ISSUED WITHIN THIRTY DAYS OF THE APPLI-  
20 CANT'S SUBMISSION OF ITS APPLICATION TO THE COMMISSIONER.

21 (3) A WAIVER ISSUED TO ANY APPLICANT WHOSE EXISTING PLAN HAS BEEN  
22 ACCEPTED BY THE COMMISSIONER, SHALL INCLUDE A STATEMENT INDICATING THE  
23 LEVEL OF PERFORMANCE AS DETERMINED BY THE COMMISSIONER IN MAKING ITS  
24 DETERMINATION, AND SHALL REMAIN IN EFFECT FOR SO LONG AS THE SCHOOL  
25 DISTRICT MAINTAINS ITS LEVEL OF PERFORMANCE AT OR ABOVE THE LEVEL AS  
26 STATED BY THE COMMISSIONER AT THE TIME OF THE ISSUANCE OF THE WAIVER.  
27 ANY WAIVER ISSUED TO A SCHOOL DISTRICT WHICH FALLS BELOW THIS LEVEL  
28 SHALL BE DEEMED VOIDED, AND THE SCHOOL DISTRICT SHALL THEREAFTER BE  
29 REQUIRED TO SUBMIT A PLAN UNDER THIS SUBDIVISION FOR APPROVAL BY THE  
30 COMMISSIONER.

31 (4) THE COMMISSIONER SHALL PUBLISH AND MAKE AVAILABLE TO ALL SCHOOL  
32 DISTRICTS ITS FIRST RANKING OF SCHOOLS NO LATER THAN FOURTEEN CALENDAR  
33 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH; AND NO LATER THAN  
34 THE FIRST DAY OF APRIL, EACH YEAR THEREAFTER.

35 S 2. This act shall take effect immediately.