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I N   S E N A T E

June 18, 2012

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Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to requiring public disclosure of the results of annual professional performance reviews of teachers and principals

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

1     Section 1. Section 3012-c of the education law is amended by adding a  
2     new subdivision 10 to read as follows:

3     10. EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
4     SHALL FULLY DISCLOSE AND RELEASE TO THE PUBLIC AND THE DEPARTMENT THE  
5     FINAL QUALITY RATINGS AND COMPOSITE EFFECTIVENESS SCORES FROM THE ANNUAL  
6     PROFESSIONAL PERFORMANCE REVIEWS OF ITS TEACHERS AND PRINCIPALS AS  
7     PROVIDED IN THIS SUBDIVISION.

8     A. THE COMMISSIONER SHALL FULLY DISCLOSE PROFESSIONAL PERFORMANCE  
9     REVIEW DATA FOR TEACHERS AND PRINCIPALS IN EACH SCHOOL DISTRICT AND  
10    BOARD OF COOPERATIVE EDUCATIONAL SERVICES ON THE DEPARTMENT WEBSITE AND  
11    IN ANY OTHER MANNER TO MAKE SUCH DATA WIDELY AVAILABLE TO THE PUBLIC.  
12    SUCH DATA SHALL BE SUITABLE FOR RESEARCH, ANALYSIS AND COMPARISON OF  
13    PROFESSIONAL PERFORMANCE REVIEW DATA FOR TEACHERS AND PRINCIPALS. SUCH  
14    PUBLIC DISCLOSURE SHALL INCLUDE BUT NOT BE LIMITED TO THE FINAL QUALITY  
15    RATINGS AND COMPOSITE EFFECTIVENESS SCORES BY SCHOOL DISTRICT FOR PRIN-  
16    CIPAL EVALUATION DATA, BY SCHOOL BUILDING FOR TEACHER EVALUATION DATA  
17    AND, WITHIN EACH DISTRICT AND SCHOOL BUILDING, BY CLASS, SUBJECT AND  
18    GRADE; FINAL QUALITY RATINGS AND COMPOSITE EFFECTIVENESS SCORES BY  
19    REGION, DISTRICT WEALTH, DISTRICT NEED CATEGORY, STUDENT ENROLLMENT,  
20    TYPE OF SCHOOL (I.E. ELEMENTARY, MIDDLE AND HIGH SCHOOL), STUDENT NEED  
21    (E.G., POVERTY LEVEL), AND DISTRICT SPENDING; FINAL QUALITY RATINGS AND  
22    COMPOSITE EFFECTIVENESS SCORES BY THE PERCENTAGE OR NUMBER OF TEACHERS  
23    AND PRINCIPALS IN EACH FINAL QUALITY RATING CATEGORY, MOVING TO A HIGHER  
24    RATING CATEGORY THAN THE PREVIOUS YEAR, MOVING TO A LOWER RATING Catego-  
25    RY THAN THE PREVIOUS YEAR, AND RETAINED IN EACH RATING CATEGORY; AND

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

LBD12167-01-2

1 DATA ON TENURE GRANTING AND DENIAL BASED ON THE FINAL QUALITY RATING  
2 CATEGORIES.

3 B. EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
4 SHALL FULLY DISCLOSE AND RELEASE TO THE PARENTS AND LEGAL GUARDIANS OF A  
5 STUDENT THE FINAL QUALITY RATING AND COMPOSITE EFFECTIVENESS SCORE FOR  
6 EACH OF THE TEACHERS AND FOR THE PRINCIPAL OF THE SCHOOL BUILDING TO  
7 WHICH THE STUDENT IS ASSIGNED FOR THE CURRENT SCHOOL YEAR UPON THE  
8 REQUEST OF SUCH PARENTS AND LEGAL GUARDIANS. THE GOVERNING BODY OF EACH  
9 SCHOOL DISTRICT AND BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL  
10 PROVIDE CONSPICUOUS NOTICE TO PARENTS AND LEGAL GUARDIANS OF THE RIGHT  
11 TO OBTAIN SUCH INFORMATION. PARENTS AND LEGAL GUARDIANS MAY REVIEW AND  
12 RECEIVE SUCH DATA IN ANY MANNER, INCLUDING BY PHONE OR IN PERSON; SHALL  
13 RECEIVE AN ORAL OR WRITTEN EXPLANATION OF THE COMPOSITE EFFECTIVENESS  
14 SCORING RANGES FOR FINAL QUALITY RATINGS; AND BE OFFERED OPPORTUNITIES  
15 TO UNDERSTAND SUCH SCORES IN THE CONTEXT OF TEACHER EVALUATION AND  
16 STUDENT PERFORMANCE. REASONABLE EFFORTS SHALL BE MADE TO VERIFY THAT  
17 ANY SUCH REQUEST IS A BONA FIDE REQUEST BY A PARENT OR GUARDIAN ENTITLED  
18 TO REVIEW AND RECEIVE SUCH DATA PURSUANT TO THIS PARAGRAPH.

19 C. THE DEPARTMENT AND EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE  
20 EDUCATIONAL SERVICES SHALL ENSURE THAT ANY RELEASE TO THE PUBLIC OF  
21 ANNUAL PROFESSIONAL PERFORMANCE REVIEW DATA, OR ANY OTHER DATA THAT IS  
22 USED AS A COMPONENT OF ANNUAL PROFESSIONAL PERFORMANCE REVIEWS, DOES NOT  
23 INCLUDE PERSONALLY IDENTIFYING INFORMATION FOR ANY TEACHER OR PRINCIPAL,  
24 PROVIDED, HOWEVER, THAT NOTHING SHALL IMPAIR THE RIGHT OF PARENTS AND  
25 LEGAL GUARDIANS TO REVIEW AND RECEIVE THE FINAL QUALITY RATING AND  
26 COMPOSITE EFFECTIVENESS SCORE OF INDIVIDUAL TEACHERS AND PRINCIPALS AS  
27 PROVIDED IN PARAGRAPH B OF THIS SUBDIVISION. ANNUAL PROFESSIONAL  
28 PERFORMANCE REVIEWS OF INDIVIDUAL TEACHERS AND PRINCIPALS SHALL NOT BE  
29 SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS  
30 LAW.

31 D. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT THE DEPARTMENT FROM  
32 COLLECTING SUCH DATA AND MATERIALS FROM SCHOOL DISTRICTS AND BOARDS OF  
33 COOPERATIVE EDUCATIONAL SERVICES AS IS NECESSARY TO CARRY OUT ITS FUNC-  
34 TIONS AND DUTIES, INCLUDING ITS RESPONSIBILITIES RELATED TO THE FEDERAL  
35 RACE TO THE TOP PROGRAM.

36 S 2. This act shall take effect July 1, 2012.