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I N A S S E M B L Y

March 27, 2012

Introduced by M. of A. TENNEY -- read once and referred to the Committee
on Education

AN ACT to amend a chapter of the laws of 2012, relating to school district eligibility for an increase in apportionment of school aid and implementation of new standards for conducting annual professional performance reviews to determine teacher and principal effectiveness, as proposed in legislative bill numbers S.6257-B and A.9057-B, in relation to providing a four percent across the board increase to funding allocated to school districts in New York state

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

1 Section 1. Section 1 of part A of a chapter of the laws of 2012,
2 relating to school district eligibility for an increase in apportionment
3 of school aid and implementation of new standards for conducting annual
4 professional performance reviews to determine teacher and principal
5 effectiveness, as proposed in legislative bill numbers S.6257-B and
6 A.9057-B, is amended to read as follows:
7 Section 1. Notwithstanding any inconsistent provision of law, [no] ALL
8 school [district] DISTRICTS shall be eligible for an apportionment of
9 general support for public schools from the funds appropriated for the
10 2012-13 school year and thereafter in excess of the amount apportioned
11 to such district for the same time period during the base year [unless
12 such school district has submitted documentation that has been approved
13 by the commissioner of education by January 17, 2013 demonstrating that
14 it has fully implemented new standards and procedures for conducting
15 annual professional performance reviews of classroom teachers and build-
16 ing principals to determine teacher and principal effectiveness includ-
17 ing but not limited to providing for (i) state assessments and other
18 comparable measures which shall comprise twenty or twenty-five percent
19 of the evaluation; (ii) locally selected measures of the student
20 achievement subcomponent which shall comprise twenty or fifteen percent
21 of the evaluation; (iii) subjective measures of effectiveness that have
22 been approved by the commissioner with the majority of such points based
23 on multiple observations by an administrator or principal with at least

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

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1 one unannounced observation which shall comprise 60 percent of the eval-
2 uation; and (iv) a scoring rubric which ensures that it is possible to
3 receive any one of four ratings limited to highly effective, effective,
4 developing and ineffective; provided however that if any such payments
5 in excess of the amount apportioned to such district for the same time
6 period during the base year were made, and the school district has not
7 submitted documentation that it has fully implemented new standards and
8 procedures as set forth above that has been approved by the commissioner
9 of education by January 17, 2013, the total amount of such payments
10 shall be deducted by the commissioner from future payments to the school
11 district; provided further that, for the 2012-13 school year if such
12 deduction is greater than the sum of the amounts available for such
13 deductions, the remainder of the deduction shall be withheld from
14 payments scheduled to be made to the school district pursuant to section
15 3609-a of the education law for the 2013-14 school year; provided
16 further that notwithstanding any inconsistent provision of law to the
17 contrary such documentation shall include a plan adopted by the govern-
18 ing board of the school district for conducting annual professional
19 performance reviews of classroom teachers and building principals that
20 has been approved by the commissioner, and in order to be approvable
21 such plan shall conform with the requirements for conducting annual
22 professional performance reviews of classroom teachers and building
23 principals, including but not limited to (i) state assessments and other
24 comparable measures which shall comprise twenty or twenty-five percent
25 of the evaluation; (ii) locally selected measures of the student
26 achievement subcomponent which shall comprise twenty or fifteen percent
27 of the evaluation; (iii) subjective measures of effectiveness that have
28 been approved by the commissioner with the majority of such points based
29 on multiple observations by an administrator or principal with at least
30 one unannounced observation which shall comprise 60 percent of the eval-
31 uation; and (iv) a scoring rubric which ensures that it is possible to
32 receive any one of four ratings limited to highly effective, effective,
33 developing and ineffective; consistent with and conforms to a chapter of
34 the laws of 2012 enacted as legislation submitted by the governor pursu-
35 ant to Article VII of the New York constitution; and provided further
36 that for a school district in a city with a population of one million or
37 more, notwithstanding any inconsistent provision of law, no such school
38 district shall be eligible for an apportionment of general support for
39 public schools from the funds appropriated for the 2012-13 school year
40 and thereafter in excess of the amount appropriated to such district for
41 the same time period during the base year unless such school district
42 has submitted documentation that has been approved by the commissioner
43 by January 17, 2013 demonstrating that it has adopted an expeditious
44 appeals process pertaining to the annual professional performance review
45 of classroom teachers and building principals that is consistent with
46 and conforms to a chapter of the laws of 2012 enacted as legislation
47 submitted by the governor pursuant to Article VII of the New York
48 constitution and if any such payments in excess of the amount appor-
49 tioned to such district for the same time period during the base year
50 were made, and the school district has not submitted documentation that
51 has been approved by the commissioner by January 17, 2013 that it has
52 adopted an expeditious appeals process pertaining to the annual profes-
53 sional performance review of classroom teachers and building principals
54 that is consistent with and conforms to a chapter of the laws of 2012
55 enacted as legislation submitted by the governor pursuant to Article VII
56 of the New York constitution, the total amount of such payments shall be

1 deducted by the commissioner from future payments to the school
2 district; and provided further that, for the 2012-13 school year if such
3 deduction is greater than the sum of the amounts available for such
4 deductions, the remainder of the deduction shall be withheld from
5 payments scheduled to be made to the school district pursuant to section
6 3609-a of the education law for the 2013-14 school year].

7 S 2. Allocated aid provided pursuant to a chapter of the laws of 2012
8 relating to school district eligibility for an increase in apportionment
9 of school aid and implementation of new standards for conducting annual
10 professional performance reviews to determine teacher and principal
11 effectiveness, as proposed in legislative bill numbers S.6257-B and
12 A.9057-B, shall be distributed equally amongst all school districts
13 without regard to any formula established for the distribution of school
14 aid under the education law.

15 S 3. This act shall take effect immediately, provided, however, that
16 the amendments made by section one of this act shall take effect on the
17 same date and in the same manner as section one of part A of a chapter
18 of the laws of 2012 relating to school district eligibility for an
19 increase in apportionment of school aid and implementation of new stand-
20 ards for conducting annual professional performance reviews to determine
21 teacher and principal effectiveness, as proposed in legislative bill
22 numbers S.6257-B and A.9057-B, takes effect.