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I N   A S S E M B L Y

March 27, 2012

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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.