S T A T E O F N E W Y O R K

10452

I N A S S E M B L Y

May 29, 2012

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

AN ACT to amend the education law, in relation to the process of annual professional performance reviews and the confidentiality of personnel records of classroom teachers and building principals

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

Section 1. Subparagraph 2 of paragraph j of subdivision 2 of section 3012-c of the education law, as added by chapter 21 of the laws of 2012, is amended to read as follows:

(2) Such process must ensure that it is possible for a teacher or principal to obtain each point in the applicable scoring ranges, including zero, for the state assessment or other comparable measures subcomponent, the locally selected measures of student achievement subcomponent and the overall rating categories. The process must also ensure that it is possible for a teacher or principal to obtain each point in the scoring ranges prescribed by the district or board of cooperative educational services for the other measures of teacher and principal effectiveness subcomponent. *SUCH PROCESS MUST ALSO ENSURE THAT NO TEACHER OR PRINCIPAL WHO RECEIVES A DEVELOPING RATING IN ALL THREE SUBCOMPONENTS CAN RECEIVE AN OVERALL RATING OF INEFFECTIVE.*

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

10. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, THE PERSONNEL RECORDS OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, INCLUDING BUT NOT LIMITED TO THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO THIS SECTION, COMPOSITE EFFECTIVENESS SCORES AND ALL INDIVIDUAL SUBCOMPONENTS, AND THE QUALITY RATING CATEGORY SHALL BE DEEMED CONFIDENTIAL AND SHALL NOT BE DISCLOSED, RELEASED OR SHOWN TO ANYONE, EXCEPT:

A. WITH THE WRITTEN CONSENT OF THE SUBJECT TEACHER OR PRINCIPAL;

B. TO THE BOARD OF EDUCATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES THAT EMPLOYS THE TEACHER OR PRINCIPAL AND THE APPROPRIATE ADMINISTRATORS DESIGNATED BY SUCH BOARD;

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

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C. TO THE CHIEF LEGAL OFFICER OF SUCH BOARD OF EDUCATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES; OR

D. PURSUANT TO A SUBPOENA OR COURT ORDER.

S 3. This act shall take effect immediately.