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

5444

2013-2014 Regular Sessions

I N A S S E M B L Y

February 27, 2013

Introduced by M. of A. BRENNAN, MAISEL, STECK, MILLMAN, JAFFEE, COLTON, COOK -- Multi-Sponsored by -- M. of A. GIBSON, GLICK, GOTTFRIED -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 53 of the laws of 2012 enacting the aid to localities budget, in relation 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; and to repeal section 1 of part A of chapter 57 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

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

Section 1. That part of section 1 of chapter 53 of the laws of 2012 enacting the aid to localities budget, entitled "education department" is amended by repealing the items hereinbelow set forth in brackets and by adding thereto the items hereinbelow set forth in italics as follows:

OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION

PROGRAM 46,592,431,000

General Fund

Local Assistance Account

Notwithstanding any inconsistent provision of law, for general support for public schools, for the 2012-13 and 2013-14 state fiscal years provided, however, that not more than 40.21294771 percent of this appropriation shall be available for

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

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remaining payments for the 2012-13 state fiscal year payments for general support for public schools for the 2012-13 school year, nor more than 18.04144294 percent of this appropriation shall be available for remaining payments for the 2012-13 school year payable in the 2013-14 state fiscal year and provided further that notwithstanding any inconsistent provision of law, the remaining amounts available for the 2013-14 school year shall be apportioned to school districts pursuant to the education law and subject to the limitations of this appropriation including the gap elimination adjustment as provided for herein.

[Provided however that, notwithstanding any inconsistent provision of law, no school district shall be eligible for an apportionment from the funds appropriated herein for the 2012-13 school year in excess of the amount apportioned to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner by January 17, 2013 demonstrating that it has fully implemented new standards and procedures for conducting annual professional performance reviews of classroom teachers and building principals to determine teacher and principal effectiveness including but not limited to providing for (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective; provided however that, if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that it has fully

implemented new standards and procedures as set forth above that has been approved by the commissioner by January 17, 2013, the total amount of such payments shall be deducted by the commissioner from future payments to the school district from funds appropriated herein; and provided further that, for the 2012-13 school year if such deduction is greater than the sum of the amounts available for such deductions, the remainder of the deduction shall be withheld from payments scheduled to be made to the school district pursuant to section 3609-a of the education law for the 2013-14 school year in the 2013-14 state fiscal year.

Provided further that notwithstanding any inconsistent provision of law to the contrary such documentation shall include a plan adopted by the governing board of the school district for conducting annual professional performance reviews of classroom teachers and building principals that has been approved by the commissioner, and in order to be approvable such plan shall conform with the requirements for conducting annual professional performance reviews of classroom teachers and building principals, including but not limited to (i) state assessments and other comparable measures which shall comprise twenty or twenty-five percent of the evaluation; (ii) locally selected measures of the student achievement subcomponent which shall comprise twenty or fifteen percent of the evaluation; (iii) subjective measures of effectiveness that have been approved by the commissioner with the majority of such points based on multiple observations by an administrator or principal with at least one unannounced observation which shall comprise 60 percent of the evaluation; and (iv) a scoring rubric which ensures that it is possible to receive any one of four ratings limited to highly effective, effective, developing and ineffective; consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to the annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York; as proposed in legislative bill numbers S.6732 and A.9554.

Provided further that for a school district in a city with a population of one million or more, notwithstanding any inconsistent provision of law, no such school district shall be eligible for an apportionment from the funds appropriated herein for the 2012-13 school year in excess of the amount apportioned to such district for the same time period during the base year unless such school district has submitted documentation that has been approved by the commissioner by January 17, 2013 demonstrating that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to the annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S.6732 and A.9554 and if any such payments in excess of the amount apportioned to such district for the same time period during the base year were made, and the school district has not submitted documentation that has been approved by the commissioner by January 17, 2013 that it has adopted an expeditious appeals process pertaining to the annual professional performance review of classroom teachers and building principals that is consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to the annual professional performance review of classroom teachers and building principals and the teacher evaluation appeal process in the city of New York, as proposed in legislative bill numbers S.6732 and A.9554, the total amount of such payments shall be deducted by the commissioner from future payments to the school district from funds appropriated herein; and provided further that, for the 2012-13 school year if such deduction is greater than the sum of the amounts available for such deductions, the remainder of the deduction shall be withheld from payments scheduled to be made to the school district pursuant to section 3609-a of the education law for the 2013-14 school year in the 2013-14 state fiscal year.]

S 2. Section 1 of part A of chapter 57 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, is REPEALED.

S 3. This act shall take effect immediately.