

8354

I N A S S E M B L Y

January 9, 2014

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

AN ACT to amend the education law, in relation to annual professional
performance review agreements

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

1 Section 1. Paragraph k of subdivision 2 of section 3012-c of the
2 education law, as added by chapter 21 of the laws of 2012, is amended to
3 read as follows:
4 k. Notwithstanding any other provision of law, rule or regulation to
5 the contrary, by July first, two thousand twelve, the governing body of
6 each school district and board of cooperative educational services shall
7 adopt a plan, on a form prescribed by the commissioner, for the annual
8 professional performance review of all of its classroom teachers and
9 building principals in accordance with the requirements of this section
10 and the regulations of the commissioner, and shall submit such plan to
11 the commissioner for approval. The plan may be an annual or multi-year
12 plan, for the annual professional performance review of all of its
13 classroom teachers and building principals. The commissioner shall
14 approve or reject the plan by September first, two thousand twelve, or
15 as soon as practicable thereafter. The commissioner may reject a plan
16 that does not rigorously adhere to the provisions of this section and
17 the regulations of the commissioner. Should any plan be rejected, the
18 commissioner shall describe each deficiency in the submitted plan and
19 direct that each such deficiency be resolved through collective bargain-
20 ing to the extent required under article fourteen of the civil service
21 law. If any material changes are made to the plan, the school district
22 or board of cooperative educational services must submit the material
23 changes, on a form prescribed by the commissioner, to the commissioner
24 for approval. IF MATERIAL CHANGES ARE SUBMITTED FOR AN APPROVED PLAN
25 THAT SOLELY RELATE TO THE ELIMINATION OF UNNECESSARY STUDENT ASSESS-
26 MENTS, THE COMMISSIONER SHALL EXPEDITE HIS OR HER REVIEW OF SUCH MATERI-
27 AL CHANGES AND SOLELY REVIEW THOSE SECTIONS OF THE PLAN THAT RELATE TO
28 THE ELIMINATED STUDENT ASSESSMENTS TO ENSURE COMPLIANCE WITH THIS

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

1 SECTION AND THE REGULATIONS OF THE COMMISSIONER, PROVIDED THAT THE
2 GOVERNING BODY OF SUCH SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCA-
3 TIONAL SERVICES PROVIDE A WRITTEN EXPLANATION OF THE MATERIAL CHANGES
4 SUBMITTED FOR APPROVAL, ON A FORM PRESCRIBED BY THE COMMISSIONER, AND
5 CERTIFY THAT NO OTHER MATERIAL CHANGES HAVE BEEN MADE TO ANY OTHER
6 SECTIONS OF THE CURRENTLY APPROVED PLAN. To the extent that by July
7 first, two thousand twelve, or by July first of any subsequent year, if
8 all the terms of the plan have not been finalized as a result of unre-
9 solved collective bargaining negotiations, the entire plan shall be
10 submitted to the commissioner upon resolution of all of its terms,
11 consistent with article fourteen of the civil service law.
12 S 2. This act shall take effect immediately.