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

5079--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. BRENNAN, MAISEL, GLICK, ROSENTHAL, JACOBS, CRESPO, SCHIMEL, RUSSELL, JAFFEE, MOSLEY, ABINANTI -- Multi-Sponsored by -- M. of A. ARROYO, CLARK, RA, TITONE, WEISENBERG -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to providing that annual performance reviews shall not be utilized for employment decisions until the two thousand fifteen -- two thousand sixteen school year

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

Section 1. Section 3012-c of the education law is amended by adding a new subdivision 11 to read as follows:

11. A. THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO THIS SECTION SHALL NOT BE USED FOR ANY EMPLOYMENT DECISIONS, INCLUDING BUT NOT LIMITED TO, PROMOTION, RETENTION, TENURE DETERMINATION, TERMINATION AND SUPPLEMENTAL COMPENSATION UNTIL THE TWO THOUSAND FIFTEEN -- TWO THOUSAND SIXTEEN SCHOOL YEAR.

B. THE COMMISSIONER SHALL ISSUE A COMPETITIVE BID OR REQUEST FOR PROPOSAL FOR THE PURPOSE OF CONDUCTING AN INDEPENDENT EVALUATION OF THE PERFORMANCE REVIEWS PERFORMED FOR THE TWO THOUSAND TWELVE -- TWO THOUSAND THIRTEEN AND THE TWO THOUSAND THIRTEEN -- TWO THOUSAND FOURTEEN SCHOOL YEARS TO DETERMINE THE EFFECTIVENESS OF THE EVALUATION PROCEDURES UNDER THIS SECTION. ON OR BEFORE JANUARY THIRTY-FIRST, TWO THOUSAND FIFTEEN, THE COMMISSIONER SHALL SUBMIT THE REPORT TO THE GOVERNOR AND TO THE LEGISLATURE ON:

(1) THE ACCURACY, RELIABILITY AND VALIDITY OF THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS, INCLUDING WHETHER SUCH REVIEW PROCESS: PROVIDES AN ACCURATE EVALUATION OF THE PERFORMANCE OF A TEACHER OR PRINCIPAL, ACCURATELY MEASURES THE QUALITY OF INSTRUCTION OR SUPERVISION PROVIDED BY A

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

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TEACHER OR PRINCIPAL, AND ACCURATELY MEASURES THE CORRELATION BETWEEN THE QUALITY OF INSTRUCTION OR SUPERVISION AND STUDENT ACHIEVEMENT;

(2) WHETHER OR HOW STUDENT ABSENCES AND OTHER FACTORS BEYOND THE CONTROL OF THE TEACHER OR PRINCIPAL ARE FACTORED INTO THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW PROCESS;

(3) THE COST TO THE STATE AND SCHOOL DISTRICTS TO IMPLEMENT THE ANNUAL PROFESSIONAL PERFORMANCE REVIEW SYSTEM; AND

(4) RECOMMENDATIONS ON ANY CHANGES TO THE CURRENT LAW TO ENSURE A MORE ACCURATE, VALID AND RELIABLE EVALUATION PROCESS.

C. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO ALTER OR DIMINISH THE AUTHORITY OF THE GOVERNING BODY OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO GRANT OR DENY TENURE TO OR TERMINATE A TEACHER OR BUILDING PRINCIPAL FOR STATUTORILY AND CONSTITUTIONALLY PERMISSIBLE REASONS, OR TO TAKE DISCIPLINARY ACTION AGAINST A TEACHER OR PRINCIPAL PURSUANT TO SECTION THREE THOUSAND TWENTY-A OF THIS ARTICLE.

S 2. The commissioner shall submit an amendment request with no cost extension and request approval to the United States department of education, pursuant to the federal race to the top grant program.

S 3. This act shall take effect immediately.