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

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2013-2014 Regular Sessions

I N A S S E M B L Y

April 9, 2013

Introduced by M. of A. RA, RAIA, WALTER, McDONOUGH, LUPINACCI, SALADINO -- Multi-Sponsored by -- M. of A. McLAUGHLIN -- read once and referred to the Committee on Education

AN ACT to amend 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, in relation to requiring certain costs to be reimbursed by the state and permitting forfeited funds to be disbursed to school districts in compliance

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

Section 1. 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 amended to read as follows:

Section 1. Notwithstanding any inconsistent provision of law, no school district shall be eligible for an apportionment of general support for public schools from the funds appropriated 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 of education 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)

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

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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 of education by January 17, 2013, the total amount of such payments shall be deducted by the commissioner from future payments to the school district; 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; provided further that [notwithstanding] ANY PAYMENTS WITHHELD FROM SCHOOL DISTRICTS, BECAUSE OF NON-COMPLIANCE WITH THE PROVISIONS OF THIS ACT, SHALL BE REALLOCATED TO SCHOOL DISTRICTS IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT ON A PRO RATA BASIS TO OFFSET COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ACT. ANY ADDITIONAL COST ACCRUED BY SCHOOL DISTRICTS WHICH ARE NOT REIMBURSED THROUGH SUCH REALLOCATION OFFSET SHALL BE COVERED BY THE STATE IN THE FORM OF ADDITIONAL AID DURING THE FOLLOWING SCHOOL YEAR. 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 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 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 of general support for public schools from the funds appropriated for the 2012-13 school year in excess of the amount appropriated 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 prin-

cipals that is consistent with and conforms to a chapter of the laws of 2012 amending the education law relating to 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 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; 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.

S 2. This act shall take effect immediately and shall be deemed to have been in effect on the same date and in the same manner as section 1 of part A of chapter 57 of the laws of 2012, took effect.