

6006

2013-2014 Regular Sessions

I N S E N A T E

December 11, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 ASSEMBLY, 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-

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

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