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I N S E N A T E

June 19, 2014

Introduced by Sen. FLANAGAN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT relating to temporary provisions for the implementation of common core learning standards

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

1 Section 1. Temporary provisions relating to the implementation of
2 common core learning standards. 1. Applicability. Notwithstanding any
3 other provision of law, rule or regulation to the contrary, in the case
4 of any classroom teacher or building principal who received an overall
5 composite rating of ineffective or developing in an annual professional
6 performance review calculated pursuant to section 3012-c of the educa-
7 tion law for the 2013-14 and/or 2014-15 school years, if the state
8 assessments and other comparable measures subcomponent score and/or the
9 locally selected measures of student achievement subcomponent of such
10 rating was based on a state assessment aligned with the common core, the
11 calculation pursuant to subdivision two of this section shall be used
12 for the purposes of subdivision three of this section. For purposes of
13 this section, a state assessment aligned with the common core shall mean
14 a state administered standardized English language arts and/or math
15 assessment in grades 3 through 8 that is aligned to the common core
16 learning standards adopted by the board of regents. Provided, however,
17 that nothing contained in this act shall impair or abridge any rights
18 and privileges of any party pursuant to section 3012-c of the education
19 law, except as specifically provided herein.

20 2. Calculations. a. The calculation pursuant to this subdivision shall
21 be based upon the classroom teacher's or building principal's scores on
22 the applicable approved or determined annual professional performance
23 review plan for the school district or board of cooperative educational
24 services.

25 b. Except as provided in paragraphs c and d of this subdivision, the
26 calculation shall consist of:

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

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(1) scaling up the numerator and the denominator of the locally selected measures of student achievement subcomponent such that the denominator is equal to 40 points; and

(2) adding the result to the classroom teacher's or building principal's score on the other measures of teacher or principal effectiveness subcomponent to generate an overall composite calculation out of 100 points.

c. If the locally selected measures of student achievement subcomponent relies in whole or in part on a state assessment aligned with the common core, the following provisions shall apply:

(1) If the state assessment aligned with the common core is used in such subcomponent among multiple measures including measures other than state assessments aligned with the common core, the calculation shall consist of:

(i) excluding the portion of such subcomponent score that relies on state assessments aligned with the common core from both the numerator and denominator of the ratio of the teacher's or principal's score on the locally selected measures of student achievement subcomponent;

(ii) scaling up the resulting ratio such that the denominator is equal to 40 points; and

(iii) adding the result to the classroom teacher's or building principal's score on the other measures of teacher or principal effectiveness subcomponent to generate an overall composite calculation out of 100 points.

(2) If state assessments aligned with the common core constitute the sole measure of the locally selected measures of student achievement subcomponent, the calculation shall consist of scaling up the numerator and denominator of the ratio of the teacher's or principal's score on the other measures of teacher or principal effectiveness subcomponent out of 60 points such that the denominator is equal to 100 points and an overall composite calculation is generated.

d. Notwithstanding the foregoing, in the case of a classroom teacher or building principal (i) whose locally selected measures of student achievement subcomponent is based in whole or in part on a state assessment aligned with the common core, and (ii) whose state assessments and other comparable measures subcomponent is not based, in any part, on a state assessment aligned with the common core, the calculation shall consist of:

(1) If the state assessment aligned with the common core is used in the locally selected measures of student achievement subcomponent among multiple measures including measures other than state assessments aligned with the common core, the calculation shall consist of:

(i) Excluding the portion of such subcomponent score that relies on state assessments aligned with the common core from both the numerator and denominator of the ratio of the teacher's or principal's score on the locally selected measures of student achievement subcomponent;

(ii) Scaling up the resulting ratio such that the denominator is equal to 20 points, or 15 points if a value-added model is in effect; and

(iii) Adding the result to the classroom teacher's or building principal's score on the state assessments and other comparable measures subcomponent and the other measures of teacher or principal effectiveness subcomponent to generate an overall composite calculation out of 100 points.

(2) If state assessments aligned with the common core constitute the sole measure of the locally selected measures of student achievement subcomponent, the calculation shall consist of:

1 (i) Scaling up the numerator and the denominator of the state assess-
2 ments and other comparable measures subcomponent such that the denomina-
3 tor is equal to 40 points; and

4 (ii) Adding the result to the classroom teacher's or building princi-
5 pal's score on the other measures of teacher or principal effectiveness
6 subcomponent to generate an overall composite calculation out of 100
7 points.

8 3. Use. Notwithstanding any other provision of law, rule or regulation
9 to the contrary, if a calculation made pursuant to subdivision 2 of this
10 section would, compared to the rating pursuant to section 3012-c of the
11 education law and the rules of the board of regents, have resulted in a
12 higher rating for a teacher or principal rated developing or ineffec-
13 tive:

14 a. The rating of ineffective or developing calculated pursuant to
15 section 3012-c of the education law and the rules of the board of
16 regents shall not apply for the following employment related decisions:

17 (1) a termination pursuant to sections 2509, 2573, 3012, 3014, 3020,
18 3020-a, or 3031 of the education law;

19 (2) a granting or denial of tenure pursuant to section 2509, 2573,
20 3012, 3014 or 3031 of the education law;

21 (3) expedited hearings pursuant to section 3020-a of the education
22 law; and

23 (4) decisions related to retention.

24 The rating of ineffective or developing calculated pursuant to section
25 3012-c of the education law and the rules of the board of regents shall
26 not apply and the designation calculated pursuant to subdivision 2 of
27 this section shall be used for the requirement for teacher or principal
28 improvement plans pursuant to section 3012-c of the education law.

29 Provided, however, that nothing in this section shall be construed to
30 prevent the use for the purposes listed above of the observations, local
31 assessments or other measures of the performance of the teacher or prin-
32 cipal, other than their rating or a state assessment aligned with the
33 common core, whether or not they were included in an annual professional
34 performance review.

35 b. On individual employment records, except as provided under para-
36 graph a of this subdivision, and for purposes of disclosure to parents
37 pursuant to paragraph b of subdivision 10 of section 3012-c of the
38 education law, the rating pursuant to section 3012-c of the education
39 law shall be reported with (i) the designation calculated pursuant to
40 subdivision 2 of this section and (ii) an explanation of such additional
41 designation.

42 S 2. This act shall take effect immediately, provided that it shall
43 first apply to employment decisions detailed in this act based on annual
44 professional performance review ratings received by classroom teachers
45 and building principals for the 2013-14 and 2014-15 school years.