

9182--A

I N A S S E M B L Y

February 2, 2016

Introduced by M. of A. RA, CURRAN, DUPREY, STEC, RAIA, LUPINACCI, MONTESANO, PALMESANO, CROUCH, HAWLEY, DiPIETRO, McDONOUGH, MURRAY, BRABENEC, WALTER, McKEVITT, GARBARINO, GRAF -- Multi-Sponsored by -- M. of A. BARCLAY, GIGLIO, McLAUGHLIN, THIELE -- 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 creating the commission on exceptional standards for New York state and a new teacher and principal evaluation system; and repealing certain provisions of such law relating thereto

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

- 1 Section 1. Section 3012-d of the education law is REPEALED and a new
2 section 3012-d is added to read as follows:
3 S 3012-D. TEACHER AND PRINCIPAL EVALUATION SYSTEM. 1. THE BOARD OF
4 REGENTS SHALL ESTABLISH A NEW ANNUAL TEACHER AND PRINCIPAL EVALUATION
5 SYSTEM.
6 2. THE NEW EVALUATION SYSTEM SHALL BE ESTABLISHED WITH REQUISITE INPUT
7 FROM EDUCATION EXPERTS, SCHOOL ADMINISTRATORS, PARENTS, AND TEACHERS.
8 3. THE NEW EVALUATION SYSTEM SHALL BE PRESENTED TO THE COMMISSIONER,
9 LEGISLATURE, AND GOVERNOR AS A REPORT BY NO LATER THAN JANUARY
10 THIRTY-FIRST, TWO THOUSAND EIGHTEEN.
11 4. THE REPORT ON THE NEW EVALUATION SYSTEM SHALL BE DESIGNED SO THAT
12 IT MAY BE INTRODUCED FOR IMPLEMENTATION DURING THE TWO THOUSAND NINE-
13 TEEN-TWO THOUSAND TWENTY SCHOOL YEAR.
14 5. THE NEW EVALUATION SYSTEM SHALL BE PROMULGATED AND IMPLEMENTED BY
15 THE COMMISSIONER'S OFFICE.
16 6. THE NEW EVALUATION SYSTEM SHALL INCLUDE MULTIPLE TRIED-AND-TRUE
17 METHODS OF MEASUREMENTS FOR DETERMINING INDIVIDUAL SUCCESS.
18 S 2. The education law is amended by adding a new section 115 to read
19 as follows:

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

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1 S 115. COMMISSION ON EXCEPTIONAL STANDARDS FOR NEW YORK STATE. 1.
2 DEFINITIONS. A. "COMMISSION" SHALL MEAN THE COMMISSION ON EXCEPTIONAL
3 STANDARDS FOR NEW YORK STATE.

4 B. "COMMON CORE CURRICULUM" SHALL MEAN ANY CURRICULUM DEVELOPED IN
5 FURTHERANCE OF THE COMMON CORE ACADEMIC STANDARDS DEVELOPED BY THE
6 NATIONAL GOVERNORS ASSOCIATION CENTER FOR BEST PRACTICES AND THE COUNCIL
7 OF CHIEF STATE SCHOOL OFFICERS, INCLUDING THOSE DESIGNED BY ANY COMMER-
8 CIAL ENTITY PURSUANT TO A CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF
9 EDUCATION.

10 C. "COMMON CORE STATE TEST" SHALL MEAN ANY STATE OR CONSORTIUM
11 CREATED, DEVELOPED OR ADMINISTERED TEST GIVEN IN NEW YORK STATE TO
12 STUDENTS IN GRADES PRE-KINDERGARTEN THROUGH TWELVE THAT TESTS A
13 STUDENT'S KNOWLEDGE AND SKILLS RELATING TO THE COMMON CORE CURRICULUM.

14 2. COMMISSION ON EXCEPTIONAL STANDARDS FOR NEW YORK STATE. A. THERE
15 IS HEREBY CREATED THE COMMISSION ON EXCEPTIONAL STANDARDS FOR NEW YORK
16 STATE, WHICH SHALL CONSIST OF THE FOLLOWING TWENTY-THREE MEMBERS WHO
17 SHALL BE APPOINTED NO LESS THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF
18 THIS SECTION:

19 (1) FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, ONE OF WHOM SHALL
20 BE THE COMMISSIONER;

21 (2) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE
22 SENATE;

23 (3) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

24 (4) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
25 SENATE;

26 (5) TWO MEMBERS SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
27 ASSEMBLY;

28 (6) THREE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF NEW YORK
29 STATE UNITED TEACHERS, ONE OF WHOM MUST HAVE COMPLETED THEIR SPECIAL
30 EDUCATION CERTIFICATION AND ONE OF WHOM MUST PROVIDE INSTRUCTION TO
31 ENGLISH AS A SECOND LANGUAGE STUDENTS;

32 (7) ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
33 SCHOOL ADMINISTRATORS ASSOCIATION OF NEW YORK STATE;

34 (8) TWO MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK
35 STATE PARENT TEACHER ASSOCIATION, ONE OF WHOM MUST BE A PARENT OF A
36 STUDENT WITH A CURRENT INDIVIDUAL EDUCATION PLAN;

37 (9) ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE NEW
38 YORK STATE COUNCIL OF SCHOOL SUPERINTENDENTS;

39 (10) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK
40 STATE SCHOOL BOARDS ASSOCIATION;

41 (11) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK
42 STATE ASSOCIATION OF INDEPENDENT SCHOOLS; AND

43 (12) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK
44 STATE ASSOCIATION OF SCHOOL PSYCHOLOGISTS. SUCH MEMBER SHALL HAVE EXPE-
45 RIENCE IN A CLINICAL SETTING.

46 B. NO MEMBER OF THE COMMISSION SHALL BE DISQUALIFIED FROM HOLDING ANY
47 PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE
48 OR EMPLOYMENT BY VIRTUE OF HIS OR HER APPOINTMENT PURSUANT TO THIS
49 SECTION. MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR
50 THEIR SERVICE, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
51 INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS PURSUANT TO THIS SECTION.
52 A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHORITY
53 ONLY FOR GOOD CAUSE, AFTER NOTICE AND OPPORTUNITY TO BE HEARD. VACANCIES
54 SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

55 3. POWERS AND DUTIES OF THE COMMISSION. A. THE COMMISSION SHALL HOLD
56 AT LEAST ONE PUBLIC HEARING IN EACH OF THE FOLLOWING REGIONS:

- 1 (1) LONG ISLAND;
- 2 (2) NEW YORK CITY;
- 3 (3) HUDSON VALLEY;
- 4 (4) CAPITAL DISTRICT;
- 5 (5) NORTH COUNTRY;
- 6 (6) CENTRAL NEW YORK;
- 7 (7) FINGER LAKES;
- 8 (8) WESTERN NEW YORK; AND
- 9 (9) SOUTHERN TIER.

10 B. DURING THE PUBLIC HEARINGS, THE COMMISSION SHALL HEAR THE TESTIMONY
11 OF VOLUNTARY WITNESSES, MAY COMPEL THE TESTIMONY OF WITNESSES AND MAY
12 REQUIRE THE PRODUCTION OF ANY DOCUMENTS THE COMMISSION DEEMS REASONABLY
13 NECESSARY TO CARRY OUT ITS RESPONSIBILITIES.

14 C. THE COMMISSION SHALL HAVE THE POWER TO:

15 (1) APPOINT A CHAIRPERSON BY A MAJORITY VOTE;

16 (2) CALL UPON ANY AGENCY, DEPARTMENT, OFFICE, DIVISION OR PUBLIC
17 AUTHORITY, OR SCHOOL DISTRICT OF THIS STATE TO SUPPLY IT WITH SUCH
18 INFORMATION AND ASSISTANCE AS THE COMMISSION DEEMS NECESSARY TO
19 DISCHARGE ITS RESPONSIBILITIES. EACH AGENCY, DEPARTMENT, OFFICE, DIVI-
20 SION OR SCHOOL DISTRICT OF THIS STATE SHALL COOPERATE WITH THE COMMIS-
21 SION AND FURNISH SUCH INFORMATION AND ASSISTANCE AS IT REQUESTS TO
22 ACCOMPLISH ITS PURPOSES;

23 (3) APPOINT A COUNSEL AND SUCH OTHER STAFF AS THE COMMISSION DEEMS
24 REASONABLY NECESSARY TO CARRY OUT ITS RESPONSIBILITIES;

25 (4) CONTRACT WITH ANY STATE OR PRIVATE ENTITY FOR THE PROVISION OF
26 SUCH SERVICES AS THE COMMISSION DETERMINES TO BE REASONABLY NECESSARY;
27 AND

28 (5) TAKE OTHER ACTIONS NOT INCONSISTENT WITH THE PURPOSES OF THIS
29 SECTION AS SHALL ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTION.

30 D. MEETINGS OF THE COMMISSION SHALL BE SUBJECT TO THE OPEN MEETINGS
31 LAW ESTABLISHED BY ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

32 E. AFTER REVIEW, STUDY, AND RECEIPT OF PUBLIC COMMENT, THE COMMISSION
33 SHALL ISSUE A REPORT AND PROMULGATE RECOMMENDATIONS ON A NEW SET OF
34 STATE-WIDE EDUCATIONAL STANDARDS FOR THIS STATE. RECOMMENDATIONS SHALL
35 INCLUDE, BUT SHALL NOT BE LIMITED TO, DEVELOPMENT OF A NEW SET OF
36 STATE-WIDE EDUCATIONAL STANDARDS TARGETED SPECIFICALLY TOWARDS STUDENTS
37 OF THIS STATE.

38 F. RECOMMENDATIONS ISSUED BY THE COMMISSION SHALL BE CONTAINED IN A
39 REPORT TO THE GOVERNOR AND LEGISLATURE. THE REPORT SHALL BE ISSUED NO
40 LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND SEVENTEEN.

41 4. SUSPENSION OF COMMON CORE TESTING. NOTWITHSTANDING ANY PROVISION OF
42 LAW TO THE CONTRARY, THE DEPARTMENT OF EDUCATION SHALL BE PROHIBITED
43 FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO ISSUE A
44 COMMON CORE STATE TEST AS DEFINED BY SUBDIVISION ONE OF THIS SECTION.

45 5. SUSPENSION OF COMMON CORE CURRICULUM. NOTWITHSTANDING ANY PROVISION
46 OF LAW TO THE CONTRARY, THE DEPARTMENT OF EDUCATION SHALL BE PROHIBITED
47 FROM REQUIRING ANY SCHOOL OR SCHOOL DISTRICT IN THE STATE TO IMPLEMENT A
48 COMMON CORE CURRICULUM AS DEFINED BY SUBDIVISION ONE OF THIS SECTION.

49 S 3. This act shall take effect immediately.