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

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I N A S S E M B L Y

February 19, 2016

Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to annual teacher performance evaluations

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

Section 1. The education law is amended by adding a new section 3012-e to read as follows:

S 3012-E. ANNUAL TEACHER PERFORMANCE EVALUATIONS. 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW TO THE CONTRARY, COMMENCING WITH THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE ANNUAL TEACHER EVALUATIONS IMPLEMENTED BY SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH ANNUAL EVALUATIONS SHALL BE A SIGNIFICANT FACTOR IN TEACHER DEVELOPMENT, INCLUDING BUT NOT LIMITED TO COACHING, INDUCTION SUPPORT, AND DIFFERENTIATED PROFESSIONAL DEVELOPMENT.

2. RATINGS. THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO THIS SECTION FOR CLASSROOM TEACHERS SHALL DIFFERENTIATE TEACHER EFFECTIVENESS USING THE FOLLOWING QUALITY RATING CATEGORIES: EXCEEDS TEACHING STANDARDS, MEETS TEACHING STANDARDS, DEVELOPING TOWARDS TEACHING STANDARDS, AND DOES NOT MEET TEACHING STANDARDS.

3. EVALUATION COMPONENTS. (A)(1) COMMENCING WITH THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, FOR CLASSROOM TEACHERS, THE ANNUAL EVALUATION SYSTEM SHALL CONSIST OF MULTIPLE MEASURES IN TWO CATEGORIES: STUDENT PERFORMANCE AND TEACHER OBSERVATION. SUCH MEASURES SHALL BE SELECTED AND USED IN A MANNER DETERMINED LOCALLY THROUGH COLLECTIVE BARGAINING PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

(2) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, ANY GROWTH SCORES BASED ON ASSESSMENTS, EXAMINATIONS OR TESTS CREATED, DESIGNED OR ADMINISTERED BY THE STATE SHALL NOT BE USED IN THE EVALUATION OF CLASSROOM TEACHERS UNDER THIS SECTION.

(B) THE STUDENT PERFORMANCE COMPONENT SHALL CONSIST OF ONE OR MORE OF THE FOLLOWING TYPES OF LOCALLY SELECTED MEASURES OF STUDENT ACHIEVEMENT OR GROWTH:

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

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(1) STUDENT ACHIEVEMENT OR GROWTH ON A LOCALLY DEVELOPED MEASURE REFLECTING STUDENT GROWTH, INCLUDING BUT LIMITED TO A TEACHER-SPECIFIC ACHIEVEMENT OR GROWTH SCORE COMPUTED IN A MANNER DETERMINED LOCALLY;

(2) STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN A MANNER DETERMINED LOCALLY BASED ON A DISTRICT, REGIONAL OR BOCES-DEVELOPED ASSESSMENT THAT IS RIGOROUS AND COMPARABLE ACROSS CLASSROOMS;

(3) A SCHOOL-WIDE MEASURE OF EITHER STUDENT GROWTH OR ACHIEVEMENT BASED ON A SCHOOL-WIDE MEASURE OF STUDENT GROWTH OR ACHIEVEMENT COMPUTED IN A MANNER DETERMINED LOCALLY BASED ON A DISTRICT, REGIONAL OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES DEVELOPED ASSESSMENT THAT IS RIGOROUS AND COMPARABLE ACROSS CLASSROOMS; OR

(4) A STRUCTURED DISTRICT-WIDE STUDENT GROWTH GOAL-SETTING PROCESS DEVELOPED LOCALLY THAT IS RIGOROUS AND COMPARABLE ACROSS CLASSROOMS.

(C) THE TEACHER OBSERVATION COMPONENT, INCLUDING THE MEASURES USED, HOW THEY ARE USED, AND HOW PERFORMANCE IS SCORED, SHALL BE LOCALLY DEVELOPED THROUGH NEGOTIATIONS CONDUCTED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. THE MEASURES SELECTED FOR THIS COMPONENT MAY BE DIFFERENTIATED WITHIN A SCHOOL DISTRICT ACCORDING TO THE NEEDS OF PARTICULAR TEACHERS. THIS COMPONENT MAY INCLUDE, BUT IS NOT LIMITED TO CLASSROOM OBSERVATIONS CONDUCTED BY A PRINCIPAL OR OTHER TRAINED ADMINISTRATOR, OR BY AN IMPARTIAL INDEPENDENT TRAINED EVALUATOR.

(D) SCHOOL DISTRICTS ARE AUTHORIZED TO COLLECTIVELY BARGAIN A DIFFERENTIATED EVALUATION AND PROFESSIONAL DEVELOPMENT PROCESS BASED ON THE ABILITIES AND NEEDS OF TEACHERS. THE ANNUAL DIFFERENTIATED PROCESS WOULD ALLOW FLEXIBILITY IN THE FOCUS OF THE EVALUATION; THE FREQUENCY AND TYPE OF MEASURES, INCLUDING OBSERVATION AND STUDENT/TEACHER ARTIFACTS AND STUDENT SURVEYS; THE USE OF TRAINED ADMINISTRATORS AND PEER REVIEWERS; THE PROFESSIONAL DEVELOPMENT FOR TARGETED TEACHER LEARNING AND GROWTH (PERSONAL PROFESSIONAL DEVELOPMENT PLANS); AND THE CYCLE OF THE EVALUATION PROCESS.

4. THE SPECIFIC MINIMUM AND MAXIMUM SCORING RANGES FOR EACH PERFORMANCE LEVEL WITHIN A COMPONENT DESCRIBED IN THIS SECTION SHALL BE SET BEFORE THE START OF EACH SCHOOL YEAR THROUGH COLLECTIVE BARGAINING.

5. THE COMMISSIONER SHALL ENSURE THAT THE PROCESS BY WHICH WEIGHTS AND SCORING RANGES ARE ASSIGNED TO COMPONENTS AND SELECTED MEASURES ARE TRANSPARENT AND AVAILABLE TO THOSE BEING RATED BEFORE THE BEGINNING OF EACH SCHOOL YEAR. SUCH PROCESS MUST ENSURE THAT IT IS POSSIBLE FOR A TEACHER OR PRINCIPAL TO OBTAIN ANY NUMBER OF POINTS IN THE APPLICABLE SCORING RANGES, INCLUDING ZERO, IN EACH COMPONENT OR MEASURE.

6. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, UPON RATING A TEACHER, COMMENCING WITH ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, AS DEVELOPING TOWARDS TEACHING STANDARDS OR DOES NOT MEET TEACHING STANDARDS, THROUGH AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW CONDUCTED PURSUANT TO THIS SECTION, THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL FORMULATE AND COMMENCE IMPLEMENTATION OF A TEACHER IMPROVEMENT PLAN FOR SUCH TEACHER AS SOON AS PRACTICABLE BUT IN NO CASE LATER THAN TEN SCHOOL DAYS AFTER THE OPENING OF CLASSES FOR THE SCHOOL YEAR. SUCH IMPROVEMENT PLAN SHALL BE CONSISTENT WITH THE REGULATIONS OF THE COMMISSIONER AND DEVELOPED LOCALLY THROUGH NEGOTIATIONS CONDUCTED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW. SUCH IMPROVEMENT PLAN SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, IDENTIFICATION OF NEEDED AREAS OF IMPROVEMENT, A TIMELINE FOR ACHIEVING IMPROVEMENT, THE MANNER IN WHICH IMPROVEMENT WILL BE ASSESSED, AND, WHERE APPROPRIATE, DIFFERENTIATED ACTIVITIES TO SUPPORT A TEACHER'S IMPROVEMENT IN THOSE AREAS. THE SCHOOL DISTRICT SHALL BE REQUIRED TO

DEVELOP DISTRICT PROFESSIONAL DEVELOPMENT PLANS TO REFLECT THE DIFFERENTIATED PROFESSIONAL LEARNING AND GROWTH NEEDS OF ALL TEACHERS BASED ON THEIR INDIVIDUAL ANNUAL PROFESSIONAL PERFORMANCE REVIEW RESULTS.

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ALL COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE ANY CONFLICTING PROVISIONS OF ANY COLLECTIVE BARGAINING AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT DURING THE TERM OF SUCH AGREEMENT AND UNTIL THE ENTRY INTO A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, UPON EXPIRATION OF SUCH TERM AND THE ENTRY INTO A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT, THE PROVISIONS OF THIS SECTION SHALL APPLY.

S 2. This act shall take effect immediately.