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

10569

I N A S S E M B L Y

June 6, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nolan, Heastie, Morelle, Farrell, Russell, Brindisi, Abbate, Abinanti, Arroyo, Aubry, Barrett, Barron, Benedetto, Bichotte, Blake, Brennan, Bronson, Buchwald, Cahill, Cancel, Ceretto, Colton, Cook, Crespo, Cusick, Cymbrowitz, DenDekker, Dilan, Dinowitz, Englebright, Fahy, Galef, Gantt, Gjonaj, Glick, Gottfried, Gunther, Harris, Hooper, Hunter, Hyndman, Jaffee, Jean-Pierre, Joyner, Kearns, Lavine, Lentol, Lifton, Linares, Lupardo, Magee, Markey, McDonald, Miller, Mosley, Moya, Ortiz, Otis, Paulin, Peoples-Stokes, Perry, Pichardo, Pretlow, Quart, Ramos, Richardson, Rivera, Robinson, Rodriguez, Rosenthal, Rozic, Ryan, Santabarbara, Seawright, Simanowitz, Simon, Simotas, Skartados, Skoufis, Solages, Steck, Stirpe, Thiele, Titone, Titus, Walker, Weinstein, Weprin, Williams, Woerner, Wright, Zebrowski) -- read once and referred to the Committee on Education

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

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

Section 1. Subdivision 11 of section 3012-d of the education law, as added by section 2 of subpart E of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

11. 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 [2015--2016] 2019--2020 school year and any year thereafter in excess of the amount apportioned to such school district in the respective base year unless such school district has submitted documentation that has been approved by the commissioner [by November fifteenth, two thousand fifteen, or] by September first, TWO THOUSAND NINETEEN AND BY SEPTEMBER FIRST of each subsequent year, demonstrating that it has fully implemented the standards and procedures for conducting annual teacher and principal evaluations of teachers and principals in accordance with the requirements of this section and the regulations issued by the commissioner. Provided further that any apportionment withheld pursuant to this section shall

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

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not occur prior to April first of the current year and shall not have any effect on the base year calculation for use in the subsequent school year. For purposes of this section, "base year" shall mean the base year as defined in paragraph b of subdivision one of section thirty-six hundred two of this chapter, and "current year" shall mean the current year as defined in paragraph a of subdivision one of section thirty-six hundred two of this chapter.

S 2. School districts and boards of cooperative educational services shall be required to have fully implemented annual professional performance reviews consistent with section 3012-d of the education law by September 1, 2016, to the extent consistent with the provisions of subdivision 12 of section 3012-d of the education law. Provided, however, notwithstanding the provisions of chapter 61 of the laws of 2015 and chapter 53 of the laws of 2016 or any other provisions of law to the contrary, prior to the 2019-2020 school year, a school district shall not be subject to a withholding of yearly increases in general support for public schools from funds appropriated from the amount payable in the base year based upon the failure of such school district to fully implement the standards and procedures for conducting annual teacher and principal evaluations of teachers and principals in accordance with the requirements of section 3012-d of the education law provided that such school district that has not yet fully implemented the requirements of section 3012-d of the education law has fully implemented, or fully implements, an annual professional performance review for teachers and principals in accordance with the requirements of section 3012-c of the education law by September first of each respective year, commencing with September 1, 2015.

S 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately.