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

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:

Section 1. Section 3012-d of the education law is REPEALED and a new section 3012-d is added to read as follows:

S 3012-D. TEACHER AND PRINCIPAL EVALUATION SYSTEM. 1. THE BOARD OF REGENTS SHALL ESTABLISH A NEW ANNUAL TEACHER AND PRINCIPAL EVALUATION SYSTEM.

2. THE NEW EVALUATION SYSTEM SHALL BE ESTABLISHED WITH REQUISITE INPUT FROM EDUCATION EXPERTS, SCHOOL ADMINISTRATORS, PARENTS, AND TEACHERS.

3. THE NEW EVALUATION SYSTEM SHALL BE PRESENTED TO THE COMMISSIONER, LEGISLATURE, AND GOVERNOR AS A REPORT BY NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND EIGHTEEN.

4. THE REPORT ON THE NEW EVALUATION SYSTEM SHALL BE DESIGNED SO THAT IT MAY BE INTRODUCED FOR IMPLEMENTATION DURING THE TWO THOUSAND NINETEEN-TWO THOUSAND TWENTY SCHOOL YEAR.

5. THE NEW EVALUATION SYSTEM SHALL BE PROMULGATED AND IMPLEMENTED BY THE COMMISSIONER'S OFFICE.

6. THE NEW EVALUATION SYSTEM SHALL INCLUDE MULTIPLE TRIED-AND-TRUE METHODS OF MEASUREMENTS FOR DETERMINING INDIVIDUAL SUCCESS.

S 2. The education law is amended by adding a new section 115 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE NEW YORK STATE ASSOCIATION OF SCHOOL PSYCHOLOGISTS. SUCH MEMBER SHALL HAVE EXPERIENCE IN A CLINICAL SETTING.

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

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

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

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

C. THE COMMISSION SHALL HAVE THE POWER TO:

(1) APPOINT A CHAIRPERSON BY A MAJORITY VOTE;

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

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

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.