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

March 7, 2016

Introduced by M. of A. PAULIN -- 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] TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE 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 TWENTY AND 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 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. IN THE EVENT THAT A NEW EVALUATION SYSTEM HAS NOT BEEN ADOPTED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMITTEE OF EXPERTS AS SET FORTH IN SUBDIVISION SIXTEEN OF THIS SECTION BY SEPTEMBER FIRST, TWO THOUSAND TWENTY, THE DATE FOR COMPLIANCE WITH THE PROVISIONS OF SUBPART

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

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E OF PART EE OF CHAPTER 56 OF THE LAWS OF 2015, SHALL BE SUSPENDED UNTIL SUCH TIME THAT A NEW EVALUATION SYSTEM IS ENACTED.

S 2. Section 3012-d of the education law is amended by adding a new subdivision 16 to read as follows:

16. A. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF SUBDIVISION FOUR AND SUBDIVISION FIVE OF THIS SECTION, OR OF ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, UNTIL THE TWO THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE SCHOOL YEAR, OR UNTIL SUCH TIME THAT A NEW EVALUATION SYSTEM HAS BEEN ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION ELEVEN OF THIS SECTION, WHICHEVER IS LATER, SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THAT HAVE APPROVED ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLANS PURSUANT TO THIS SECTION SHALL LOCALLY DETERMINE WHETHER TO UTILIZE THE STUDENT PERFORMANCE CATEGORY AS PART OF ITS ANNUAL PROFESSIONAL PERFORMANCE REVIEW EVALUATION SYSTEM OR WHETHER TO BASE EVALUATIONS OF CLASSROOM TEACHERS AND BUILDING PRINCIPALS SOLELY UPON THE OBSERVATION/SCHOOL VISIT CATEGORY RATINGS.

B. DURING THE TRANSITION PERIOD, ANY STUDENT PERFORMANCE CATEGORY SCORE AND RATING THAT IS BASED UPON GRADES THREE THROUGH EIGHT ENGLISH LANGUAGE ARTS AND MATHEMATICS STATE ASSESSMENTS AND/OR STATE-PROVIDED GROWTH SCORES ON REGENTS EXAMINATIONS SHALL BE DEEMED ADVISORY ONLY. THE TRANSITION SCORES AND RATINGS SHALL BE USED FOR THE PURPOSES OF EMPLOYMENT DECISIONS SET FORTH IN SUBDIVISION ONE OF THIS SECTION AND TO DETERMINE WHETHER A TEACHER OR PRINCIPAL IMPROVEMENT PLAN IS REQUIRED. TRANSITION SCORES AND RATINGS SHALL BE CALCULATED BASED UPON EITHER SOLELY THE OBSERVATION/SCHOOL VISIT CATEGORY, OR WITH AN ALTERNATE SLO TO REPLACE SUCH IMPERMISSIBLE ASSESSMENT MEASURES AT THE SOLE OPTION OF EACH SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AS DETERMINED LOCALLY. THE BOARD OF REGENTS SHALL AMEND SECTION 30-3.17 OF ITS RULES IN ACCORDANCE WITH THE TERMS CONTAINED HEREIN.

C. DURING THE TRANSITION PERIOD, SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES SHALL CHOOSE WHETHER TO CONTINUE TO IMPLEMENT THEIR APPROVED ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLANS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE OR WHETHER TO SUBMIT A COMPLIANT ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT TO THIS SECTION AND IMPLEMENT SUCH PLAN UPON ITS APPROVAL.

D. DURING THIS TRANSITION PERIOD WHEN THE STATE COMPLETES ITS TRANSITION TO HIGHER LEARNING STANDARDS AND ALIGNS ITS ASSESSMENTS TO SUCH STANDARDS, A COMMITTEE OF EXPERTS SHALL BE FORMED TO PROPOSE A NEW EVALUATION SYSTEM FOR CLASSROOM TEACHERS AND BUILDING PRINCIPALS WHICH SHALL ULTIMATELY AMEND THIS SECTION IN ACCORDANCE WITH THE COMMITTEE'S RECOMMENDATIONS, SUBJECT TO LEGISLATIVE ADOPTION OF THE SAME, AFTER WHICH THE BOARD OF REGENTS SHALL ALSO AMEND ITS RULES IN ACCORDANCE WITH THE TERM THEREOF. THE COMMITTEE SHALL BE COMPRISED OF EXPERTS IN THE FIELD OF EDUCATION SELECTED BY THE REGENTS. SHOULD THE COMMITTEE MEMBERS BE SELECTED AND ACCEPT SERVICE ON A VOLUNTARY BASIS, THEN THERE SHALL BE NO REMUNERATION FOR SUCH SERVICE, PROVIDED THAT IF VOLUNTEERS CANNOT BE FOUND, THE COMMITTEE MEMBERS SHALL BE REMUNERATED IN ACCORDANCE WITH LEGISLATIVE APPROPRIATIONS THAT SHALL BE MADE TO FAIRLY COMPENSATE SUCH MEMBERS.

E. THE COMMITTEE OF EXPERTS SHALL DEVELOP A RESEARCH-BASED EVALUATION MODEL THAT IS GROUNDED IN STUDENT LEARNING AND TEACHER/PRINCIPAL EFFECTIVENESS RESEARCH. THE COMMITTEE SHALL RECOMMEND AN ARRAY OF PERMISSIBLE ASSESSMENTS FOR USE WITHIN THIS NEW ANNUAL PROFESSIONAL PERFORMANCE REVIEW SYSTEM. THE COMMITTEE SHALL FURTHER RECOMMEND HOW TO MEASURE GROWTH IN A MEANINGFUL WAY THAT FAIRLY AND ACCURATELY CAPTURES TEACHER OR PRINCIPAL CONTRIBUTION TO THE STUDENT LEARNING PROCESS OVER AN APPRO-

PRIATE INTERVAL OF TIME. THE COMMITTEE SHALL CAREFULLY EXAMINE ALL PROVISIONS OF THE CURRENT EVALUATION SYSTEM, INCLUDING CURRENT WEIGHTS ATTRIBUTABLE TO VARIOUS MEASURES, TO RECOMMEND WHAT COMPONENTS THEREOF SHOULD BE CONTINUED AND WHAT SHOULD BE DISCARDED. THE COMMITTEE SHALL PROVIDE A REPORT OF ITS RECOMMENDATIONS BY NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND TWENTY.

S 3. Section 3012-c of the education law is amended by adding a new subdivision 11 to read as follows:

11. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, OR REGULATION TO THE CONTRARY, FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN THROUGH TWO THOUSAND NINETEEN--TWO THOUSAND TWENTY SCHOOL YEARS, OR UNTIL SUCH TIME THAT A NEW EVALUATION SYSTEM HAS BEEN ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SIXTEEN OF SECTION THREE THOUSAND TWELVE-D OF THIS ARTICLE, WHICHEVER IS LATER, SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES CONTINUING TO IMPLEMENT THEIR ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLANS PURSUANT TO THIS SECTION SHALL PROVIDE TRANSITION SCORES AND RATINGS THAT EXCLUDE ANY STUDENT PERFORMANCE RESULTS BASED UPON GRADES THREE THROUGH EIGHT ENGLISH LANGUAGE ARTS AND MATHEMATICS STATE ASSESSMENTS AND/OR STATE-PROVIDED GROWTH SCORES ON REGENTS EXAMINATIONS. SUCH TRANSITION SCORES SHALL BE A SIGNIFICANT FACTOR FOR EMPLOYMENT DECISIONS AS SET FORTH IN SUBDIVISION ONE OF THIS SECTION AND TO DETERMINE WHETHER A TEACHER OR PRINCIPAL IMPROVEMENT PLAN SHALL BE REQUIRED PURSUANT TO THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION. THE TRANSITION SCORES SHALL BE CALCULATED IN ACCORDANCE WITH SECTION 30-2.14 OF THE RULES OF THE BOARD OF REGENTS, WHICH SHALL BE EXTENDED TO REMAIN EFFECTIVE DURING THE TRANSITION PERIOD REFERENCED HEREINABOVE. THE BOARD OF REGENTS SHALL CONFORM SECTION 30-2.14 TO THE PROVISIONS CONTAINED HEREIN.

S 4. This act shall take effect immediately.