

7632

I N S E N A T E

May 11, 2016

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Subdivision 11 of section 3012-d of the education law, as  
2 added by section 2 of subpart E of part EE of chapter 56 of the laws of  
3 2015, is amended to read as follows:  
4 11. Notwithstanding any inconsistent provision of law, no school  
5 district shall be eligible for an apportionment of general support for  
6 public schools from the funds appropriated for the [2015--2016] TWO  
7 THOUSAND TWENTY--TWO THOUSAND TWENTY-ONE school year and any year there-  
8 after in excess of the amount apportioned to such school district in the  
9 respective base year unless such school district has submitted documen-  
10 tation that has been approved by the commissioner by [November  
11 fifteenth, two thousand fifteen, or by] September first, TWO THOUSAND  
12 TWENTY AND SEPTEMBER FIRST of each subsequent year, demonstrating that  
13 it has fully implemented the standards and procedures for conducting  
14 annual teacher and principal evaluations of teachers and principals in  
15 accordance with the requirements of this section and the regulations  
16 issued by the commissioner. Provided further that any apportionment  
17 withheld pursuant to this section shall not occur prior to April first  
18 of the current year and shall not have any effect on the base year  
19 calculation for use in the subsequent school year. For purposes of this  
20 section, "base year" shall mean the base year as defined in paragraph b  
21 of subdivision one of section thirty-six hundred two of this chapter,  
22 and "current year" shall mean the current year as defined in paragraph a  
23 of subdivision one of section thirty-six hundred two of this chapter.  
24 IN THE EVENT THAT A NEW EVALUATION SYSTEM HAS NOT BEEN ADOPTED IN  
25 ACCORDANCE WITH THE RECOMMENDATIONS OF THE COMMITTEE OF EXPERTS AS SET  
26 FORTH IN SUBDIVISION SIXTEEN OF THIS SECTION BY SEPTEMBER FIRST, TWO  
27 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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1 E OF PART EE OF CHAPTER 56 OF THE LAWS OF 2015, SHALL BE SUSPENDED UNTIL  
2 SUCH TIME THAT A NEW EVALUATION SYSTEM IS ENACTED.

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

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

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

30 C. DURING THE TRANSITION PERIOD, SCHOOL DISTRICTS AND BOARDS OF COOP-  
31 ERATIVE EDUCATIONAL SERVICES SHALL CHOOSE WHETHER TO CONTINUE TO IMPLE-  
32 MENT THEIR APPROVED ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLANS PURSU-  
33 ANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE OR WHETHER TO  
34 SUBMIT A COMPLIANT ANNUAL PROFESSIONAL PERFORMANCE REVIEW PLAN PURSUANT  
35 TO THIS SECTION AND IMPLEMENT SUCH PLAN UPON ITS APPROVAL.

36 D. DURING THIS TRANSITION PERIOD WHEN THE STATE COMPLETES ITS TRANSI-  
37 TION TO HIGHER LEARNING STANDARDS AND ALIGNS ITS ASSESSMENTS TO SUCH  
38 STANDARDS, A COMMITTEE OF EXPERTS SHALL BE FORMED TO PROPOSE A NEW EVAL-  
39 UATION SYSTEM FOR CLASSROOM TEACHERS AND BUILDING PRINCIPALS WHICH SHALL  
40 ULTIMATELY AMEND THIS SECTION IN ACCORDANCE WITH THE COMMITTEE'S RECOM-  
41 MENDATIONS, SUBJECT TO LEGISLATIVE ADOPTION OF THE SAME, AFTER WHICH THE  
42 BOARD OF REGENTS SHALL ALSO AMEND ITS RULES IN ACCORDANCE WITH THE TERM  
43 THEREOF. THE COMMITTEE SHALL BE COMPRISED OF EXPERTS IN THE FIELD OF  
44 EDUCATION SELECTED BY THE REGENTS. SHOULD THE COMMITTEE MEMBERS BE  
45 SELECTED AND ACCEPT SERVICE ON A VOLUNTARY BASIS, THEN THERE SHALL BE NO  
46 REMUNERATION FOR SUCH SERVICE, PROVIDED THAT IF VOLUNTEERS CANNOT BE  
47 FOUND, THE COMMITTEE MEMBERS SHALL BE REMUNERATED IN ACCORDANCE WITH  
48 LEGISLATIVE APPROPRIATIONS THAT SHALL BE MADE TO FAIRLY COMPENSATE SUCH  
49 MEMBERS.

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

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

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

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

29 S 4. This act shall take effect immediately.