

# STATE OF NEW YORK

2815

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. PAULIN, JAFFEE, ABINANTI, BRABENEC, GALEF, SKOUFIS, ZEBROWSKI, RAIA, CURRAN -- Multi-Sponsored by -- M. of A. BUCHWALD -- 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:

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-one--two thousand twenty-two school year and any year  
8 thereafter in excess of the amount apportioned to such school district  
9 in the respective base year unless such school district has submitted  
10 documentation that has been approved by the commissioner by [~~November~~  
11 ~~fifteenth, two thousand fifteen, or by~~] September first, two thousand  
12 twenty-one and September first of each subsequent year, demonstrating  
13 that it has fully implemented the standards and procedures for conduct-  
14 ing annual teacher and principal evaluations of teachers and principals  
15 in 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

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

LBD06451-01-7

1 accordance with the recommendations of the committee of experts as set  
2 forth in subdivision sixteen of this section by September first, two  
3 thousand twenty-one, the date for compliance with the provisions of  
4 subpart E of part EE of chapter fifty-six of the laws of two thousand  
5 fifteen, shall be suspended until such time that a new evaluation system  
6 is enacted.

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

9 16. a. Notwithstanding the provisions of paragraph a of subdivision  
10 four and subdivision five of this section, or of any other law, rule or  
11 regulation to the contrary, until the two thousand twenty-one--two thou-  
12 sand twenty-two school year, or until such time that a new evaluation  
13 system has been adopted in accordance with the provisions of subdivision  
14 eleven of this section, whichever is later, school districts and boards  
15 of cooperative educational services that have approved annual profes-  
16 sional performance review plans pursuant to this section shall locally  
17 determine whether to utilize the student performance category as part of  
18 its annual professional performance review evaluation system or whether  
19 to base evaluations of classroom teachers and building principals solely  
20 upon the observation/school visit category ratings.

21 b. During the transition period, any student performance category  
22 score and rating that is based upon grades three through eight English  
23 language arts and mathematics state assessments and/or state-provided  
24 growth scores on regents examinations shall be deemed advisory only. The  
25 transition scores and ratings shall be used for the purposes of employ-  
26 ment decisions set forth in subdivision one of this section and to  
27 determine whether a teacher or principal improvement plan is required.  
28 Transition scores and ratings shall be calculated based upon either  
29 solely the observation/school visit category, or with an alternate SLO  
30 to replace such impermissible assessment measures at the sole option of  
31 each school district or board of cooperative educational services, as  
32 determined locally. The board of regents shall amend section 30-3.17 of  
33 its rules in accordance with the terms contained herein.

34 c. During the transition period, school districts and boards of coop-  
35 erative educational services shall choose whether to continue to imple-  
36 ment their approved annual professional performance review plans pursu-  
37 ant to section three thousand twelve-c of this article or whether to  
38 submit a compliant annual professional performance review plan pursuant  
39 to this section and implement such plan upon its approval.

40 d. During this transition period when the state completes its transi-  
41 tion to higher learning standards and aligns its assessments to such  
42 standards, a committee of experts shall be formed to propose a new eval-  
43 uation system for classroom teachers and building principals which shall  
44 ultimately amend this section in accordance with the committee's recom-  
45 mendations, subject to legislative adoption of the same, after which the  
46 board of regents shall also amend its rules in accordance with the term  
47 thereof. The committee shall be comprised of experts in the field of  
48 education selected by the regents. Should the committee members be  
49 selected and accept service on a voluntary basis, then there shall be no  
50 remuneration for such service, provided that if volunteers cannot be  
51 found, the committee members shall be remunerated in accordance with  
52 legislative appropriations that shall be made to fairly compensate such  
53 members.

54 e. The committee of experts shall develop a research-based evaluation  
55 model that is grounded in student learning and teacher/principal effec-  
56 tiveness research. The committee shall recommend an array of permissible

1 assessments for use within this new annual professional performance  
2 review system. The committee shall further recommend how to measure  
3 growth in a meaningful way that fairly and accurately captures teacher  
4 or principal contribution to the student learning process over an appro-  
5 priate interval of time. The committee shall carefully examine all  
6 provisions of the current evaluation system, including current weights  
7 attributable to various measures, to recommend what components thereof  
8 should be continued and what should be discarded. The committee shall  
9 provide a report of its recommendations by no later than September  
10 first, two thousand twenty-one.

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

13 11. Notwithstanding any other provision of law, rule, or regulation to  
14 the contrary, for the two thousand sixteen--two thousand seventeen  
15 through two thousand twenty--two thousand twenty-one school years, or  
16 until such time that a new evaluation system has been adopted in accord-  
17 ance with the provisions of subdivision sixteen of section three thou-  
18 sand twelve-d of this article, whichever is later, school districts and  
19 boards of cooperative educational services continuing to implement their  
20 annual professional performance review plans pursuant to this section  
21 shall provide transition scores and ratings that exclude any student  
22 performance results based upon grades three through eight English  
23 language arts and mathematics state assessments and/or state-provided  
24 growth scores on regents examinations. Such transition scores shall be a  
25 significant factor for employment decisions as set forth in subdivision  
26 one of this section and to determine whether a teacher or principal  
27 improvement plan shall be required pursuant to the provisions of subdi-  
28 vision four of this section. The transition scores shall be calculated  
29 in accordance with section 30-2.14 of the rules of the board of regents,  
30 which shall be extended to remain effective during the transition period  
31 referenced hereinabove. The board of regents shall conform section  
32 30-2.14 to the provisions contained herein.

33 § 4. This act shall take effect immediately.