STATE OF NEW YORK

5866

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

Introduced by M. of A. WALSH -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the weight assigned to state-created or administered testing results for calculating the student performance category of teacher assessments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph a of subdivision 4 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, subparagraph 1 as amended by section 3 of subpart C of part B of chapter 20 of the laws of 2015, is amended to read as follows:

a. Student performance category. Such category shall have [~~at least one subcomponent and an optional second subcomponent~~] two subcomponents as follows:

(1) For the first subcomponent, (A) for a teacher whose course ends in a state-created or administered test for which there is a state-provided growth model, such teacher shall have a state-provided growth score based on such model, which shall take into consideration certain student characteristics, as determined by the commissioner, including but not limited to students with disabilities, poverty, English language learner status and prior academic history and which shall identify educators whose students' growth is well above or well below average compared to similar students for a teacher's or principal's students after the certain student characteristics above are taken into account; and (B) for a teacher whose course does not end in a state-created or administered test such teacher shall have a student learning objective (SLO) consistent with a goal-setting process determined or developed by the commissioner, that results in a student growth score; provided that, for any teacher whose course ends in a state-created or administered assess-

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

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ment for which there is no state-provided growth model, such assessment must be used as the underlying assessment for such SLO;

(2) For the [~~optional~~] second subcomponent, a district may locally select a second measure in accordance with this subparagraph. Such second measure shall apply in a consistent manner, to the extent practicable, across the district and be [~~either: (A) a second state-provided growth score on a state-created or administered test under clause (A) of subparagraph one of this paragraph, or (B)~~] a growth score based on a state-designed supplemental assessment, calculated using a state-provided or approved growth model. The [~~optional~~] second subcomponent shall provide options for multiple assessment measures that are aligned to existing classroom and school best practices and take into consideration the recommendations in the testing reduction report as required by section one of subpart F of [~~the~~] **part EE of** chapter **fifty-six** of the laws of two thousand fifteen [~~which added this section~~] regarding the reduction of unnecessary additional testing.

The commissioner shall determine the weights and scoring ranges for the subcomponent or subcomponents of the student performance category that shall result in a combined category rating. **Notwithstanding the provisions of section three thousand twelve-c of this article or any other provision of law to the contrary, in no case shall the subcomponent calculated pursuant to subparagraph one of this paragraph be assigned a weight in excess of five percent of a teacher's overall assessment under this section.** The commissioner shall also set parameters for appropriate targets for student growth for both subcomponents, and the department must affirmatively approve and shall have the authority to disapprove or require modifications of district plans that do not set appropriate growth targets, including after initial approval. The commissioner shall set such weights and parameters consistent with the terms contained herein.

§ 2. This act shall take effect immediately.