

# STATE OF NEW YORK

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267

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

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Introduced by Sen. KAMINSKY -- 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~~]  
7 2019--2020 school year and any year thereafter in excess of the amount  
8 apportioned to such school district in the respective base year unless  
9 such school district has submitted documentation that has been approved  
10 by the commissioner [~~by November fifteenth, two thousand fifteen, or~~ by  
11 September first, two thousand nineteen and by September first of each  
12 subsequent year, demonstrating that it has fully implemented the stand-  
13 ards and procedures for conducting annual teacher and principal evalu-  
14 ations of teachers and principals in accordance with the requirements of  
15 this section and the regulations issued by the commissioner. Provided  
16 further that any apportionment withheld pursuant to this section shall  
17 not occur prior to April first of the current year and shall not have  
18 any effect on the base year calculation for use in the subsequent school  
19 year. For purposes of this section, "base year" shall mean the base year  
20 as defined in paragraph b of subdivision one of section thirty-six  
21 hundred two of this chapter, and "current year" shall mean the current  
22 year as defined in paragraph a of subdivision one of section thirty-six  
23 hundred two of this chapter.

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

LBD05093-01-7

1     § 2. School districts and boards of cooperative educational services  
2 shall be required to have fully implemented annual professional perform-  
3 ance reviews consistent with section 3012-d of the education law by  
4 September 1, 2017, to the extent consistent with the provisions of  
5 subdivision 12 of section 3012-d of the education law. Provided, howev-  
6 er, notwithstanding the provisions of chapter 61 of the laws of 2015 and  
7 chapter 53 of the laws of 2016 or any other provisions of law to the  
8 contrary, prior to the 2019-2020 school year, a school district shall  
9 not be subject to a withholding of yearly increases in general support  
10 for public schools from funds appropriated from the amount payable in  
11 the base year based upon the failure of such school district to fully  
12 implement the standards and procedures for conducting annual teacher and  
13 principal evaluations of teachers and principals in accordance with the  
14 requirements of section 3012-d of the education law provided that such  
15 school district that has not yet fully implemented the requirements of  
16 section 3012-d of the education law has fully implemented, or fully  
17 implements, an annual professional performance review for teachers and  
18 principals in accordance with the requirements of section 3012-c of the  
19 education law by September first of each respective year, commencing  
20 with September 1, 2015.

21     § 3. Severability. If any clause, sentence, paragraph, subdivision,  
22 section or part of this act shall be adjudged by any court of competent  
23 jurisdiction to be invalid, such judgment shall not affect, impair, or  
24 invalidate the remainder thereof, but shall be confined in its operation  
25 to the clause, sentence, paragraph, subdivision, section or part thereof  
26 directly involved in the controversy in which such judgment shall have  
27 been rendered. It is hereby declared to be the intent of the legislature  
28 that this act would have been enacted even if such invalid provisions  
29 had not been included herein.

30     § 4. This act shall take effect immediately.