

STATE OF NEW YORK

5000

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

Introduced by M. of A. PAULIN, ABINANTI, BRABENEC, GALEF, ZEBROWSKI --
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 Assem-
bly, 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-five--two thousand twenty-six 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-five 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
25 accordance with the recommendations of the committee of experts as set

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

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

6 § 2. Section 3012-d of the education law is amended by adding a new
7 subdivision 17 to read as follows:

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

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

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

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

53 e. The committee of experts shall develop a research-based evaluation
54 model that is grounded in student learning and teacher/principal effec-
55 tiveness research. The committee shall recommend an array of permissible
56 assessments for use within this new annual professional performance

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

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

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

32 § 4. This act shall take effect immediately.