§ 3012-e. Teacher and principal performance review plans. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, for the annual professional performance reviews related to the two thousand twenty-four--two thousand twenty-five school year and thereafter, a school district or board of cooperative educational services shall conduct performance reviews of classroom teachers and building principals in accordance with the provisions of this section or section three thousand twelve-d of this article, as applicable. Provided that all school districts and boards of cooperative educational services shall adopt a performance review plan pursuant to this section no later than June thirtieth, two thousand thirty-two and such plan shall be used to complete performance reviews of classroom teachers and building principals no later than the two thousand thirty-two--two thousand thirty-three school year. Performance review plans developed pursuant to this section shall be the result of reaching a collectively bargained agreement negotiated pursuant to article fourteen of the civil service law where a recognized employee organization exists.

2. Nothing herein shall require modification of an existing teacher and principal evaluation plan approved by the commissioner pursuant to section three thousand twelve-d of this article and all teacher and principal evaluation plans approved by the commissioner pursuant to the provisions of section three thousand twelve-d of this article shall not be affected by the provisions of this section on or before June thirtieth, two thousand thirty-two; provided, however, that when a school district or board of cooperative educational services adopts a performance review plan pursuant to this section, the school district or board of cooperative educational services shall notify the department and submit the new plan to the department for review on a form and in a manner prescribed by the commissioner. Provided further that, prior to June thirtieth, two thousand thirty-two, a teacher and principal evaluation plan may still be adopted or modified pursuant to section three thousand twelve-d of this article consistent with the provisions of such section.

3. The performance reviews conducted pursuant to this section shall be a significant factor in teacher and principal development, including but

not limited to coaching, induction support, and differentiated professional development for all teachers and principals.

4. (a) A school board or board of cooperative educational services shall make its most recently adopted and reviewed plan pursuant to this section available on the school district or board of cooperative educational services' website.

(b) On an annual basis, each school district and board of cooperative educational services shall submit to the commissioner the ratings for each classroom teacher and building principal on each applicable teaching or leadership standard, as well as the overall rating for each teacher and principal, where available, on a form and in a manner prescribed by the commissioner. Such data shall be collected and used to the extent necessary to comply with any applicable state and federal statutory requirements.

(c) The commissioner and each school district and board of cooperative educational services shall ensure that any release to the public of data collected pursuant to this section, or any other data that is used as a component of performance reviews, does not include personally identifying information for any classroom teacher or building principal; provided, however, that each school district or board of cooperative educational services shall fully disclose and release to the parents or legal guardians of a student the most recent performance review rating received for each of the teachers and for the principal of the school building to which the student is assigned for the current school year consistent with paragraph b of subdivision ten of section three thousand twelve-c of this article.

(d) Performance reviews of individual classroom teachers and building principals shall not be subject to disclosure pursuant to article six of the public officers law.

5. (a) Performance review plans developed pursuant to this section shall:

(i) include the criteria by which all classroom teachers and building principals shall be reviewed and a description of the review procedures;

(ii) address each state teaching and educational leadership standard, as developed or adopted by the commissioner;

(iii) consist of multiple measures; provided, however, that one measure shall be classroom observations of classroom teachers and school visits of building principals. The plan shall describe the number and frequency of observations; provided that nothing herein shall be construed to require that all classroom teachers or building principals have the same number or frequency of observations.

(iv) provide the classroom teacher or building principal with timely, actionable feedback on their practice based on the information collected as part of the performance review;

(v) assign ratings on each applicable teaching or educational leadership standard and an overall rating of Level 4, Level 3, Level 2, or Level 1 consistent with the following requirements:

(1) Level 1 shall indicate performance significantly below a school district's or board of cooperative educational services' expectations aligned to teaching or educational leadership standards;

(2) Level 2 shall indicate performance that partially meets a school district's or board of cooperative educational services' expectations aligned to teaching or educational leadership standards;

(3) Level 3 shall indicate performance that meets a school district's or board of cooperative educational services' expectations aligned to teaching or educational leadership standards; and

(4) Level 4 shall indicate performance that exceeds a school district's or board of cooperative educational services' expectations aligned to teaching or educational leadership standards;

(vi) ensure that it is possible for a classroom teacher or building principal to obtain each rating on each teaching or educational leadership standard and as an overall rating. The process by which ratings are assigned shall be transparent and available to those being rated prior to the start of the school year, to the extent practicable; and

(vii) include a process for each classroom teacher and building principal to receive formal support for professional growth each year, provided that teachers and principals who receive an overall rating of Level 1 or 2 shall have a personalized professional development plan, developed by the school district or board of cooperative educational services, consistent with a locally determined growth goal setting process.

(b) One measure may be used to address more than one teaching or educational leadership standard provided that the performance review includes multiple measures.

(c) Performance reviews conducted pursuant to this section may assess a subset of the teaching and educational leadership standards in a given year; provided, however, that probationary classroom teachers and building principals shall be rated on each teaching or educational leadership standard annually.

(d) Nothing in this section shall be construed to require all classroom teachers or building principals to be evaluated based on the same measures or to receive an overall rating annually; provided, however, that at a minimum, probationary teachers and principals shall receive a rating on each teaching or educational leadership standard and an overall rating annually, while other teachers and principals may have a differentiated performance review process that does not culminate in an overall rating annually. Provided, further, that nothing herein shall be construed to prohibit or prevent any other teachers and principals from receiving an overall rating annually.

6. The school district or board of cooperative educational services, as applicable, shall ensure that all classroom teachers and building principals as well as any individual who conducts all or part of a performance review receive appropriate training consistent with the regulations of the commissioner and shall ensure that each teacher and principal who is reviewed in accordance with this section has the opportunity to provide written comment on their performance review in addition to any collectively bargained teacher and principal performance review grievance or appeal procedures.

7. Nothing in this section shall be construed to affect the unfettered statutory right of a school district or board of cooperative educational services, as applicable, to terminate a probationary classroom teacher or principal for any statutorily and constitutionally permissible reasons.

8. Performance review plans developed pursuant to this section shall be submitted to the commissioner on a form and in a manner prescribed by

the commissioner. The commissioner shall review such plan to determine compliance with the requirements of this section. If the commissioner determines that the submitted plan is not in compliance with this section, the plan shall be returned to the school district or board of cooperative educational services for revision. Such revisions shall be resolved through collective bargaining, to the extent required under article fourteen of the civil service law. The plan most recently accepted by the commissioner pursuant to this section shall remain in effect until a subsequent plan is agreed to by the parties and reviewed by the commissioner to determine compliance with the requirements of this section. Each school district and board of cooperative educational services shall certify annually to the commissioner that they have fully implemented the plan most recently accepted by the commissioner.