A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to annual professional performance review of classroom teachers and building principals

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

Section 1. Subdivision 1 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, is amended to read as follows:

1. Notwithstanding any other provision of law, rule or regulation to the contrary, the annual professional performance reviews of all classroom teachers and building principals employed by school districts or boards of cooperative educational services shall be conducted in accordance with the provisions of this section. Such performance reviews which are conducted on or after July first, two thousand eleven, or on or after the date specified in paragraph c of subdivision two of this section where applicable, shall include measures of student achievement and be conducted in accordance with this section. Such annual professional performance reviews shall be a significant factor for employment decisions including but not limited to, promotion, retention, tenure determination, termination, and supplemental compensation, which decisions are to be made in accordance with locally developed procedures negotiated pursuant to the requirements of article fourteen of the civil service law where applicable. Provided, however, that nothing in this section shall be construed to affect the statutory right of a school district or board of cooperative educational services to terminate a probationary teacher or principal for statutorily and constitutionally
permissible reasons other than the performance of the teacher or principal in the classroom or school, including but not limited to misconduct.

Such performance reviews shall also be a significant factor in teacher and principal development, including but not limited to, coaching, induction support and differentiated professional development, which are to be locally established in accordance with procedures negotiated pursuant to the requirements of article fourteen of the civil service law.

§ 2. Paragraph a of subdivision 2 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, is amended to read as follows:

a. (1) The annual professional performance reviews conducted pursuant to this section for classroom teachers and building principals shall differentiate teacher and principal effectiveness using the following quality rating categories: highly effective, effective, developing and ineffective, with explicit minimum and maximum scoring ranges for each category, for the state assessments and other comparable measures subcomponent of the evaluation and for the locally selected measures of student achievement subcomponent of the evaluation, as prescribed in the regulations of the commissioner. There shall be: (i) a state assessments and other comparable measures subcomponent of the evaluation which shall comprise twenty or twenty-five percent of the evaluation; (ii) a locally selected measures of student achievement subcomponent of the evaluation which shall comprise twenty or fifteen percent of the evaluation; and (iii) an other measures of teacher or principal effectiveness subcomponent which shall comprise the remaining sixty percent of the evaluation, which in sum shall constitute the composite teacher or principal effectiveness score. Such annual professional performance reviews shall result in a single composite
teacher or principal effectiveness score, which incorporates multiple measures of effectiveness related to the criteria included in the regulations of the commissioner.

(2) For annual professional performance reviews conducted in accordance with paragraph b of this subdivision for the two thousand eleven--two thousand twelve school year and for annual professional performance reviews conducted in accordance with paragraphs f and g of this subdivision for the two thousand twelve--two thousand thirteen school year, the overall composite scoring ranges shall be in accordance with this subparagraph. A classroom teacher and building principal shall be deemed to be:

(A) Highly Effective if they achieve a composite effectiveness score of 91-100.

(B) Effective if they achieve a composite effectiveness score of 75-90.

(C) Developing if they achieve a composite effectiveness score of 65-74.

(D) Ineffective if they achieve a composite effectiveness score of 0-64.

(3) For annual professional performance reviews conducted in accordance with paragraph b of this subdivision for the two thousand eleven--two thousand twelve school year and for annual professional performance reviews conducted in accordance with paragraph f of this subdivision for the two thousand twelve--two thousand thirteen school year for classroom teachers in subjects and grades for which the board of regents has not approved a value-added model and for building principals employed in schools or programs for which there is no approved principal value-added model, the scoring ranges for the student growth on state assessments or
other comparable measures subcomponent shall be in accordance with this subparagraph. A classroom teacher and building principal shall receive:

(A) a highly effective rating in this subcomponent if the teacher's or principal's results are well-above the state average for similar students and they achieve a subcomponent score of 18-20;

(B) an effective rating in this subcomponent if the teacher's or principal's results meet the state average for similar students and they achieve a subcomponent score of 9-17; or

(C) a developing rating in this subcomponent if the teacher's or principal's results are below the state average for similar students and they achieve a subcomponent score of 3-8; or

(D) an ineffective rating in this subcomponent, if the teacher's or principal's results are well-below the state average for similar students and they achieve a subcomponent score of 0-2.

(4) For annual professional performance reviews conducted in accordance with paragraph g of this subdivision for the two thousand twelve-two thousand thirteen school year for classroom teachers in subjects and grades for which the board of regents has approved a value-added model and for building principals employed in schools or programs for which there is an approved principal value-added model, the scoring ranges for the student growth on state assessments or other comparable measures subcomponent shall be in accordance with this subparagraph. A classroom teacher and building principal shall receive:

(A) a highly effective rating in this subcomponent if the teacher's or principal's results are well-above the state average for similar students and they achieve a subcomponent score of 22-25;
(B) an effective rating in this subcomponent if the teacher's or principal's results meet the state average for similar students and they achieve a subcomponent score of 10-21; or

(C) a developing rating in this subcomponent if the teacher's or principal's results are below the state average for similar students and they achieve a subcomponent score of 3-9; or

(D) an ineffective rating in this subcomponent, if the teacher's or principal's results are well-below the state average for similar students and they achieve a subcomponent score of 0-2.

(5) For annual professional performance reviews conducted in accordance with paragraph b of this subdivision for the two thousand eleven--two thousand twelve school year and for annual professional performance reviews conducted in accordance with paragraph f of this subdivision for the two thousand twelve--two thousand thirteen school year for classroom teachers in subjects and grades for which the board of regents has not approved a value-added model and for building principals employed in schools or programs for which there is no approved principal value-added model, the scoring ranges for the locally selected measures of student achievement subcomponent shall be in accordance with this subparagraph.

A classroom teacher and building principal shall receive:

(A) a highly effective rating in this subcomponent if the results are well-above district-adopted expectations for student growth or achievement and they achieve a subcomponent score of 18-20; or

(B) an effective rating in this subcomponent if the results meet district-adopted expectations for growth or achievement and they achieve a subcomponent score of 9-17; or
(C) a developing rating in this subcomponent if the results are below
district-adopted expectations for growth or achievement and they achieve
a subcomponent score of 3·8; or

(D) an ineffective rating in this subcomponent if the results are
well-below district-adopted expectations for growth or achievement and
they achieve a subcomponent score of 0·2.

(6) For annual professional performance reviews conducted in accord-
ance with paragraph b of this subdivision for the two thousand eleven--
two thousand twelve school year and for annual professional performance
reviews conducted in accordance with paragraph g of this subdivision for
the two thousand twelve--two thousand thirteen school year for classroom
teachers in subjects and grades for which the board of regents has
approved a value-added model and for building principals employed in
schools or programs for which there is an approved principal value-added
model, the scoring ranges for the locally selected measures of student
achievement subcomponent shall be in accordance with this subparagraph.
A classroom teacher and building principal shall receive:

(A) a highly effective rating in this subcomponent if the results are
well-above district-adopted expectations for student growth or achieve-
ment and they achieve a subcomponent score of 14·15; or

(B) an effective rating in this subcomponent if the results meet
district-adopted expectations for growth or achievement and they achieve
a subcomponent score of 8·13; or

(C) a developing rating in this subcomponent if the results are below
district-adopted expectations for growth or achievement and they achieve
a subcomponent score of 3·7; or
(D) an ineffective rating in this subcomponent if the results are well-below district-adopted expectations for growth or achievement and they achieve a subcomponent score of 0-2.

(7) For the two thousand thirteen--two thousand fourteen school year and thereafter, the commissioner shall review the specific scoring ranges for each of the rating categories annually before the start of each school year and shall recommend any changes to the board of regents for consideration.

(8) Except for the student growth measures on the state assessments or other comparable measures of student growth prescribed in paragraphs e, f and g of this subdivision, the elements comprising the composite effectiveness score and the process by which points are assigned to subcomponents shall be locally developed, consistent with the standards prescribed in the regulations of the commissioner and the requirements of this section, through negotiations conducted, pursuant to the requirements of article fourteen of the civil service law.

§ 3. Paragraphs b and c of subdivision 2 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, are amended to read as follows:

b. (1) Annual professional performance reviews conducted by school districts [on or after July first, two thousand eleven] or boards of cooperative educational services for the two thousand eleven--two thousand twelve school year of classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals of schools in which such teachers are employed shall be conducted pursuant to this subdivision and shall use two thousand ten--two thousand eleven school year student data as the baseline for
the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals.

(2) Subject to paragraph k of this subdivision the entire annual professional performance review shall be completed and provided to the teacher or principal as soon as practicable but in no case later than September first, two thousand twelve. The provisions of subparagraphs two and three of paragraph c of this subdivision shall apply to such reviews.

c. (1) Annual professional performance reviews conducted by school districts or boards of cooperative educational services [on or after July first, two thousand twelve] for the two thousand twelve--two thousand thirteen school year and thereafter of all classroom teachers and all building principals shall be conducted pursuant to this subdivision and shall use two thousand eleven--two thousand twelve school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals. For purposes of this section, an administrator in charge of an instructional program of a board of cooperative educational services shall be deemed to be a building principal.

(2) Subject to paragraph k of this subdivision the entire annual professional performance review shall be completed and provided to the teacher or principal as soon as practicable but in no case later than September first of the school year next following the school year for which the classroom teacher or building principal's performance is being measured. The teacher's and principal's score and rating on the locally selected measures subcomponent, if available, and on the other measures of teacher and principal effectiveness subcomponent for a teacher's or principal's annual professional performance review shall be computed and
provided to the teacher or principal, in writing, by no later than the last day of the school year for which the teacher or principal is being measured. Nothing in this subdivision shall be construed to authorize a teacher or principal to trigger the appeal process prior to receipt of his or her composite effectiveness score and rating.

(3) Each such annual professional performance review shall be based on the state assessments or other comparable measures subcomponent, the locally selected measures of student achievement subcomponent and the other measures of teacher and principal effectiveness subcomponent, determined in accordance with the applicable provisions of this section and the regulations of the commissioner, for the school year for which the teacher's or principal's performance is measured.

§ 4. Paragraphs e, f and g of subdivision 2 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, are amended to read as follows:

e. (1) For annual professional performance reviews conducted in accordance with paragraph b of this subdivision [in] for the two thousand eleven--two thousand twelve school year, forty percent of the composite score of effectiveness shall be based on student achievement measures as follows: (i) twenty percent of the evaluation shall be based upon student growth data on state assessments as prescribed by the commissioner or a comparable measure of student growth if such growth data is not available; and (ii) twenty percent shall be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the regulations of the commissioner and as are developed locally in a manner consistent with procedures negotiated pursuant to the requirements of article fourteen of the civil service law.
(2) Such locally selected measures may include measures of student achievement or growth on state assessments, regents examinations and/or department approved equivalent, provided that such measures are different from those prescribed by the commissioner pursuant to clause (i) of subparagraph one of this paragraph. The regulations of the commissioner shall describe the types of measures of student growth or achievement that may be locally selected. The selection of the local measure(s) as described in this paragraph to be used by the school district or board of cooperative educational services shall be determined through collective bargaining.

f. (1) For annual professional performance reviews conducted in accordance with paragraph c of this subdivision [in any school year prior to the first school year for which the board of regents has approved use of a value-added growth model, but not earlier than] for the two thousand twelve--two thousand thirteen school year and thereafter for classroom teachers in subjects and grades for which the board of regents has not approved a value-added model and for building principals employed in schools or programs for which there is no approved principal value-added model, forty percent of the composite score of effectiveness shall be based on student achievement measures as follows: (i) twenty percent of the evaluation shall be based upon student growth data on state assessments as prescribed by the commissioner or a comparable measure of student growth if such growth data is not available; and (ii) twenty percent shall be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the regulations of the commissioner and as are developed locally in a manner consistent with procedures
negotiated pursuant to the requirements of article fourteen of the civil
service law.

(2) One or more of the following types of locally selected measures of
student achievement or growth may be used for the evaluation of class-
room teachers:

(i) student achievement or growth on state assessments, regents exam-
inations and/or department approved alternative examinations as
described in the regulations of the commissioner including, but not
limited to, advanced placement examinations, international baccalaureate
examinations, and SAT II, using a measure that is different from the
growth score prescribed by the department for student growth on such
assessments or examinations for purposes of the state assessment or
other comparable measures subcomponent that is either:

(A) the change in percentage of a teacher's students who achieve a
specific level of performance as determined locally, on such
assessments/examinations compared to those students' level of perform-
ance on such assessments/examinations in the previous school year such
as a three percentage point increase in students earning the proficient
level (three) or better performance level on the seventh grade math
state assessment compared to those same students' performance levels on
the sixth grade math state assessment, or an increase in the percentage
of a teacher's students earning the advanced performance level (four) on
the fourth grade English language arts or math state assessments
compared to those students' performance levels on the third grade
English language arts or math state assessments; or

(B) a teacher specific growth score computed by the department based
on the percent of the teacher's students earning a department determined
level of growth. The methodology to translate such growth into the
state-established subcomponent scoring ranges shall be determined locally; or

(C) a teacher-specific achievement or growth score computed in a manner determined locally based on a measure of student performance on the state assessments, regents examinations and/or department approved alternative examinations other than the measure described in item (A) or (B) of this subparagraph;

(ii) student growth or achievement computed in a manner determined locally based on a student assessment approved by the department pursuant to a request for qualification process established in the regulations of the commissioner;

(iii) student growth or achievement computed in a manner determined locally based on a district, regional or BOCES-developed assessment that is rigorous and comparable across classrooms;

(iv) a school-wide measure of either student growth or achievement based on either:

(A) a state-provided student growth score covering all students in the school that took the state assessment in English language arts or mathematics in grades four through eight;

(B) a school-wide measure of student growth or achievement computed in a manner determined locally based on a district, regional or board of cooperative educational services developed assessment that is rigorous and comparable across classrooms or a department approved student assessment or based on a state assessment; or

(v) where applicable, for teachers in any grade or subject where there is no growth or value-added growth model approved by the board of regents at that grade level or in that subject, a structured district-wide student growth goal-setting process to be used with any state
(3) One or more of the following types of locally selected measures of student achievement or growth may be used for the evaluation of principals, provided that each measure is rigorous and comparable across classrooms and that any such measure shall be different from that used for the state assessment or other comparable measures subcomponent:

(i) student achievement levels on state assessments in English language arts and/or mathematics in grades four to eight such as percentage of students in the school whose performance levels on state assessments are proficient or advanced, as defined in the regulations of the commissioner;

(ii) student growth or achievement on state or other assessments in English language arts and/or mathematics in grades four to eight for students in each of the performance levels described in the regulations of the commissioner;

(iii) student growth or achievement on state assessments in English language arts and/or mathematics in grades four to eight for students with disabilities and English language learners in grades four to eight;

(iv) student performance on any or all of the district-wide locally selected measures approved for use in teacher evaluations;

(v) for principals employed in a school with high school grades, four, five and/or six-year high school graduation and/or dropout rates;

(vi) percentage of students who earn a regents diploma with advanced designation and/or honors as defined in the regulations of the commissioner, for principals employed in a school with high school grades.
(vii) percentage of a cohort of students that achieve specified scores on regents examinations and/or department approved alternative examinations including, but not limited to, advanced placement examinations, international baccalaureate examinations and SAT II, for principals employed in a school with high school grades such as the percentage of students in the two thousand nine cohort that scored at least a three on an advanced placement examination since entry into the ninth grade; and/or

(viii) students' progress toward graduation in the school using strong predictive indicators, including but not limited to ninth and/or tenth grade credit accumulation and/or the percentage of students that pass ninth and/or tenth grade subjects most commonly associated with graduation and/or students' progress in passing the number of required regents examinations for graduation, for principals employed in a school with high school grades.

(ix) For school districts or boards of cooperative educational services that choose to use more than one set of locally selected measures described in this paragraph for principals in the same or similar grade configuration or program such as one set of locally selected measures is used to evaluate principals in some K-5 schools and another set of locally selected measures is used to evaluate principals in the other K-5 schools in the district, the superintendent or district superintendent shall, in their professional performance review plan, certify that the sets of measures are comparable, in accordance with the testing standards as defined in regulations of the commissioner.

(x) For building principals employed in schools or programs for which there is no approved principal value-added model, the types of locally selected measures of student achievement or growth specified in subpara-
graph three of paragraph g of this subdivision may be used. In addition, a structured district-wide student growth goal-setting process to be used with any state assessment or an approved student assessment or a district, regional of BOCES-developed assessment that is rigorous and comparable across classrooms may be a locally selected measure.

(4) The selection of the local measure or measures as described in subparagraphs two and three of this paragraph to be used by the school district or board of cooperative educational services shall be determined through collective bargaining.

g. (1) For annual professional performance reviews conducted in accordance with paragraph c of this subdivision [in] for the [first school year for which the board of regents has approved use of a value-added growth model] two thousand twelve--two thousand thirteen school year and thereafter for classroom teachers in subjects and grades in which there is a value-added growth model approved by the board of regents and for building principals employed in schools or programs for which there is an approved principal value-added model, forty percent of the composite score of effectiveness shall be based on student achievement measures as follows: (i) twenty-five percent of the evaluation shall be based upon student growth data on state assessments as prescribed by the commissioner or a comparable measure of student growth if such growth data is not available; and (ii) fifteen percent shall be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the regulations of the commissioner and as are locally developed in a manner consistent with procedures negotiated pursuant to the requirements of article fourteen of the civil service law. The department shall develop the value-added growth model and shall consult with the advisory
committee established pursuant to subdivision seven of this section prior to recommending that the board of regents approve its use in evaluations.

(2) One or more of the following types of locally selected measures of student achievement or growth may be used for the evaluation of classroom teachers:

(i) student achievement or growth on state assessments, regents examinations and/or department approved alternative examinations as described in the regulations of the commissioner including, but not limited to, advanced placement examinations, international baccalaureate examinations and SAT II, using a measure that is different from the growth score prescribed by the department for student growth on such assessments or examinations for purposes of the state assessment or other comparable measures subcomponent that is either:

(A) the change in percentage of a teacher's students who achieve a specific level of performance as determined locally, on such assessments/examinations compared to those students' level of performance on such assessments/examinations in the previous school year such as a three percentage point increase in students earning the proficient level (three) or better performance level on the seventh grade math state assessment compared to those same students' performance levels on the sixth grade math state assessment, or an increase in the percentage of a teacher's students earning the advanced performance level (four) on the fourth grade English language arts or math state assessments compared to those students' performance levels on the third grade English language arts or math state assessments; or

(B) a teacher specific growth score computed by the state based on the percent of the teacher's students earning a state determined level of
growth. The methodology to translate such growth into the state-established subcomponent scoring ranges shall be determined locally; or

(C) a teacher-specific achievement or growth score computed in a manner determined locally based on a measure of student performance on the state assessments, regents examinations and/or department approved alternative examinations other than the measure described in item (A) or (B) of this subparagraph;

(ii) student growth or achievement computed in a manner determined locally based on a student assessment approved by the department pursuant to a request for qualification process established in the regulations of the commissioner;

(iii) student growth or achievement computed in a manner determined locally based on a district, regional or BOCES-developed assessment that is rigorous and comparable across classrooms;

(iv) a school-wide measure of either student growth or achievement based on either:

(A) a state-provided student growth score covering all students in the school that took the state assessment in English language arts or mathematics in grades four through eight; or

(B) a school-wide measure of student growth or achievement computed in a manner determined locally based on a district, regional or board of cooperative educational services developed assessment that is rigorous and comparable across classrooms or a department approved student assessment or based on a state assessment.

(3) One or more of the following types of locally selected measures of student achievement or growth may be used for the evaluation of principals, provided that each measure is rigorous and comparable across
classrooms and that any such measure shall be different from that used for the state assessment or other comparable measures subcomponent:

(i) student achievement levels on state assessments in English language arts and/or mathematics in grades four to eight such as percentage of students in the school whose performance levels on state assessments are proficient or advanced, as defined in the regulations of the commissioner;

(ii) student growth or achievement on state or other assessments in English language arts and/or mathematics in grades four to eight for students in each of the performance levels described in the regulations of the commissioner;

(iii) student growth or achievement on state assessments in English language arts and/or mathematics in grades four to eight for students with disabilities and English language learners in grades four to eight;

(iv) student performance on any or all of the district-wide locally selected measures approved for use in teacher evaluations;

(v) for principals employed in a school with high school grades, four, five and/or six-year high school graduation and/or dropout rates;

(vi) percentage of students who earn a regents diploma with advanced designation and/or honors as defined in the regulations of the commissioner, for principals employed in a school with high school grades;

(vii) percentage of a cohort of students that achieve specified scores on regents examinations and/or department approved alternative examinations including, but not limited to, advanced placement examinations, international baccalaureate examinations and SAT II, for principals employed in a school with high school grades such as the percentage of students in the two thousand nine cohort that scored at least a three on
an advanced placement examination since entry into the ninth grade;

and/or

(viii) students' progress toward graduation in the school using strong predictive indicators, including but not limited to ninth and/or tenth grade credit accumulation and/or the percentage of students that pass ninth and/or tenth grade subjects most commonly associated with graduation and/or students' progress in passing the number of required regents examinations for graduation, for principals employed in a school with high school grades.

(ix) For school districts or boards of cooperative educational services that choose to use more than one set of locally selected measures described in this paragraph for principals in the same or similar grade configuration or program, the superintendent or district superintendent shall, in their professional performance review plan, certify that the sets of measures are comparable, in accordance with the testing standards as defined in regulations of the commissioner.

(4) The selection of the local measure or measures as described in subparagraphs two and three of this paragraph to be used by the school district or board of cooperative educational services shall be determined through collective bargaining.

(5) The department shall develop the value-added growth model and shall consult with the advisory committee established pursuant to subdivision seven of this section prior to recommending that the board of regents approve its use in evaluations.

§ 5. Paragraph h of subdivision 2 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, is amended to read as follows:
h. The remaining sixty percent of the evaluations, ratings and effectiveness scores shall be locally developed, consistent with the standards prescribed in the regulations of the commissioner, through negotiations conducted pursuant to article fourteen of the civil service law.

(1) A majority of the sixty points for classroom teachers shall be based on multiple classroom observations conducted by a principal or other trained administrator, which may be performed in-person or by video. For evaluations for the two thousand twelve--two thousand thirteen school year and thereafter, at least one such observation shall be an unannounced visit.

(2) For the remaining portion of these sixty points for evaluations for the two thousand eleven--two thousand twelve school year, the commissioner's regulation shall prescribe the other forms of evidence of teacher and principal effectiveness that may be used.

(3) For evaluations of classroom teachers for the two thousand twelve--two thousand thirteen school year and thereafter, the remaining portion of these sixty points shall be based on one or more of the following:

(i) one or more classroom observations by independent trained evaluators selected by the school district or board of cooperative educational services who are teachers or former teachers with a demonstrated record of effectiveness and have no prior affiliation with the school in which they are conducting the evaluation and no other relationship with the teachers being evaluated that would affect their impartiality;

(ii) classroom observations by trained in-school peer teachers; and/or

(iii) use of a state-approved instrument for parent or student feedback; and/or
(iv) evidence of student development and performance through lesson plans, student portfolios and other artifacts of teacher practices through a structured review process.

(4) A majority of these sixty points for building principals shall be based on a broad assessment of the principal's leadership and management actions based on the principal practice rubric by the building principal's supervisor, a trained administrator or a trained independent evaluator, with one or more visits conducted by the supervisor, and, for evaluations for the two thousand twelve--two thousand thirteen school year and thereafter, that such assessment must incorporate multiple school visits by a supervisor, a trained administrator or other trained evaluator, with at least one visit conducted by the supervisor and at least one unannounced visit. For the remaining portion of these sixty points for evaluations for the two thousand twelve--two thousand twelve school year, such regulations shall also prescribe the other forms of evidence of principal effectiveness that may be used consistent with the standards prescribed by the commissioner.

(5) For evaluations of building principals for the two thousand twelve--two thousand thirteen school year and thereafter, the remaining portion of these sixty points shall include, in addition to the requirements of subparagraph three of this paragraph, at least two other sources of evidence from the following options: feedback from teachers, students, and/or families using state-approved instruments; school visits by other trained evaluators; and/or review of school documents, records, and/or state accountability processes. Any such remaining points shall be assigned based on the results of one or more ambitious and measurable goals set collaboratively with principals and their superintendents or district superintendents as follows:
(i) at least one goal must address the principal's contribution to improving teacher effectiveness, which shall include one or more of the following: improved retention of high performing teachers, the correlation between student growth scores of teachers granted tenure as opposed to those denied tenure; or improvements in the proficiency rating of the principal on specific teacher effectiveness standards in the principal practice rubric.

(ii) any other goals shall address quantifiable and verifiable improvements in academic results or the school's learning environmental such as student or teacher attendance.

(6) The district or board of cooperative educational services shall establish specific minimum and maximum scoring ranges for each performance level within this subcomponent before the start of each school year and shall assign points to a teacher or principal for this subcomponent based on the standards prescribed in the regulations of the commissioner, all in accordance with, and subject to, the requirements of paragraph j of this subdivision.

§ 6. Subdivision 2 of section 3012-c of the education law is amended by adding a new paragraph j to read as follows:

j. (1) The process by which points are assigned in subcomponents and the scoring ranges for the subcomponents must be transparent and available to those being rated before the beginning of each school year. The process by which points are assigned in the respective subcomponents are to be determined as follows:

(i) For the state assessment or other comparable measures subcomponent, that process shall be formulated by the commissioner with the approval of the board of regents.
(ii) For the locally selected measures of the student achievement subcomponent, that process shall be established locally through negotiations conducted under article fourteen of the civil service law.

(iii) For the other measures of teacher and principal effectiveness subcomponent, that process shall be established locally through negotiations conducted under article fourteen of the civil services law.

(2) Such process must ensure that it is possible for a teacher or principal to obtain each point in the applicable scoring ranges, including zero, for the state assessment or other comparable measures subcomponent, the locally selected measures of student achievement subcomponent and the overall rating categories. The process must also ensure that it is possible for a teacher or principal to obtain each point in the scoring ranges prescribed by the district or board of cooperative educational services for the other measures of teacher and principal effectiveness subcomponent.

(3) The superintendent, district superintendent or chancellor and the president of the collective bargaining representative (where one exists) shall certify in its plan that the process will use the narrative descriptions of the standards for the scoring ranges provided in the regulations of the commissioner to effectively differentiate a teacher or principal's performance in each of the subcomponents and in their overall ratings to improve student learning and instruction.

(4) The scoring ranges for the other measures of teacher and principal effectiveness subcomponent shall be established locally through negotiations conducted under article fourteen of the civil service law.

§ 7. Subdivision 2 of section 3012-c of the education law is amended by adding a new paragraph k to read as follows:
k. Notwithstanding any other provision of law, rule or regulation to
the contrary, by July first, two thousand twelve, the governing body of
each school district and board of cooperative educational services shall
adopt a plan, on a form prescribed by the commissioner, for the annual
professional performance review of all of its classroom teachers and
building principals in accordance with the requirements of this section
and the regulations of the commissioner, and shall submit such plan to
the commissioner for approval. The plan may be an annual or multi-year
plan, for the annual professional performance review of all of its
classroom teachers and building principals. The commissioner shall
approve or reject the plan by September first, two thousand twelve, or
as soon as practicable thereafter. The commissioner may reject a plan
that does not rigorously adhere to the provisions of this section and
the regulations of the commissioner. Should any plan be rejected, the
commissioner shall describe each deficiency in the submitted plan and
direct that each such deficiency be resolved through collective bargain-
ing to the extent required under article fourteen of the civil service
law. If any material changes are made to the plan, the school district
or board of cooperative educational services must submit the material
changes, on a form prescribed by the commissioner, to the commissioner
for approval. To the extent that by July first, two thousand twelve, or
by July first of any subsequent year, if all the terms of the plan have
not been finalized as a result of unresolved collective bargaining nego-
tiations, the entire plan shall be submitted to the commissioner upon
resolution of all of its terms, consistent with article fourteen of the
civil service law.

§ 8. Subdivision 4 of section 3012-c of the education law, as added by
chapter 103 of the laws of 2010, is amended to read as follows:
4. Notwithstanding any other law, rule or regulation to the contrary, upon rating a teacher or a principal as developing or ineffective through an annual professional performance review conducted pursuant to subdivision two of this section, the school district or board of cooperative educational services shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal as soon as practicable but in no case later than ten school days after [the date on which teachers are required to report prior to] the opening of classes for the school year. Such improvement plan shall be consistent with the regulations of the commissioner and developed locally through negotiations conducted pursuant to article fourteen of the civil service law. Such improvement plan shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas.

§ 9. Subdivision 5 of section 3012-c of the education law, as added by chapter 103 of the laws of 2010, is amended to read as follows:

5. a. An appeals procedure shall be locally established in each school district and in each board of cooperative educational services by which the evaluated teacher or principal may only challenge the substance of the annual professional performance review, the school district's or board of cooperative educational services' adherence to the standards and methodologies required for such reviews, pursuant to this section, the adherence to the regulations of the commissioner and compliance with any applicable locally negotiated procedures, as well as the school district's or board of cooperative educational services' issuance and/or implementation of the terms of the teacher or principal improvement
plan, as required under this section. Appeal procedures shall provide for the timely and expeditious resolution of any appeal under this subdivision. The specifics of the appeal procedure shall be locally established through negotiations conducted pursuant to article fourteen of the civil service law. An evaluation which is the subject of an appeal shall not be sought to be offered in evidence or placed in evidence in any proceeding conducted pursuant to either section three thousand twenty-a of this article or any locally negotiated alternate disciplinary procedure, until the appeal process is concluded.

b. Nothing in this section shall be construed to alter or diminish the authority of the governing body of a school district or board of cooperative educational services to grant or deny tenure to or terminate probationary teachers or probationary building principals during the pendency of an appeal pursuant to this section for statutorily and constitutionally permissible reasons other than the teacher's or principal's performance that is the subject of the appeal.

c. Nothing in this section shall be construed to authorize a teacher or principal to trigger the appeal process prior to receipt of their composite effectiveness score and rating from the district or board of cooperative educational services.

§ 10. Section 3012-c of the education law is amended by adding a new subdivision 9 to read as follows:

9. a. The department shall annually monitor and analyze trends and patterns in teacher and principal evaluation results and data to identify school districts, boards of cooperative educational services and/or schools where evidence suggests that a more rigorous evaluation system is needed to improve educator effectiveness and student learning outcomes. The criteria for identifying school districts, boards of coop-
erative educational services and/or schools shall be prescribed in the regulations of the commissioner.

b. A school, school district or board of cooperative educational services identified by the department in one of the categories enumerated in paragraph a of this subdivision may be highlighted in public reports and/or the commissioner may order a corrective action plan, which may include, but not be limited to, requirements that the district or board of cooperative educational services arrange for additional professional development, provide additional in-service training and/or utilize independent trained evaluators to review the efficacy of the evaluation system, provided that the plan shall be consistent with law and not in conflict with any applicable collective bargaining agreement.

§ 11. This act shall take effect immediately.