

# PROGRAM BILL # 481

## GOVERNOR'S PROGRAM BILL 2012

### MEMORANDUM

AN ACT to amend the education law, in relation to requiring public disclosure of the results of annual professional performance reviews of teachers and principals.

#### Purpose:

This bill would require public disclosure of the new Annual Professional Performance Reviews ("APPRs") of teachers and principals (L. 2012, ch. 21).

#### Summary of Provisions:

Section 1 would amend Education Law § 3012-c by adding a new subdivision 10 that would:

- Require school districts and boards of cooperative educational services ("BOCES") to fully disclose and release to the public and the department the final quality—Highly Effective, Effective, Developing and Ineffective, or "HEDI"—ratings and composite effectiveness scores—the 0-100 point system to determine the final HEDI rating—from the annual professional performance reviews of its teachers and principals.
- Require the Commissioner of Education to fully disclose APPR data on its website and by other means to make such data widely available to the public. This APPR data must be suitable for research, analysis and comparison and shall include, but not be limited to:
  - the final HEDI ratings and composite effectiveness scores by school district for principal evaluation data, by school building for teacher evaluation data and, within each district and school building, by class, subject and grade;
  - final HEDI ratings and composite effectiveness scores by region, district wealth, district need category, student enrollment, type of school (i.e. elementary, middle and high school), student need (e.g., poverty level), and district spending;

- final HEDI ratings and composite effectiveness scores by the percentage or number of teachers and principals in each rating category, moving to a higher rating category than the previous year, moving to a lower rating category than the previous year, and retained in each rating category; and
- data on tenure granting and denial based on the final HEDI rating categories.
- Require school districts and BOCES to fully disclose and release to the parents and legal guardians of a student, in any manner, including by phone or in person, the final HEDI rating and composite effectiveness score for each of the teachers and for the principal of the school building to which the student is assigned for the current school year upon the request of such parents and legal guardians. Districts would also be required to:
  - give all parents and legal guardians conspicuous notice of their right to obtain this information;
  - explain the scoring ranges for the HEDI ratings to parents and legal guardians orally or in writing;
  - offer parents and legal guardians opportunities to understand the scores in the context of teacher evaluation and student performance; and
  - make reasonable efforts to verify that any review request is a bona fide request by a parent or guardian entitled to review and receive the requested data.
- Require the State Education Department (“SED”) and each school district and BOCES to ensure that any public release of APPR data, including APPR component data, does not contain personally identifying information for any teacher or principal (without impairing the APPR review rights of parents and legal guardians) and provide that individual APPR results are not subject to release pursuant Article 6 of the Public Officers Law; and
- Ensure that SED can collect the data and materials it needs to meet its Race to the Top obligations and carry out its other functions and duties.

These provisions would apply to the new APPR systems being implemented by districts pursuant to L. 2012, ch. 21.

Section 2 would provide for a July 1, 2012 effective date.

**Purpose:**

Section 3012-c of the Education Law, as amended by L. 2012, ch. 21, requires school districts and BOCES to conduct APPRs for teachers and principals.

**Justification:**

The enhanced APPR, also known as the teacher and principal evaluation system law, created a tool to improve teaching and learning in the classroom, as well as principal leadership, by providing an accountability system for student achievement and targeted professional development that will strengthen teacher and principal effectiveness.

The teacher and principal evaluation system offers an opportunity for parents and the general public to assess how schools across New York are performing. Accordingly, this legislation would require school districts and BOCES to fully disclose their APPR results to the public and require SED to post and make widely available important data that will allow the public to analyze and compare how schools are performing. School districts and BOCES would also be required to fully disclose to parents and legal guardians the final HEDI ratings and composite evaluation scores of the teachers and principals to which their student is assigned.

This legislation would protect the rights of parents and the public to access information about how the teachers, principals and schools charged with educating New York's children are performing, while also respecting teacher and principal privacy.

**Legislative History:**

This is a new bill.

**Budget Implications:**

This legislation has no fiscal implications for the state.

**Effective Date:**

The bill would take effect July 1, 2012 and would, therefore, apply to teacher and principal evaluation systems being implemented under the new teacher and principal evaluation system pursuant to L. 2012, ch. 21.