

PROGRAM BILL # 56

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EDUC
(Relates to temporary provisions for
the implementation of common core
learning standards)

Common core standards

AN ACT

relating to temporary provisions for
the implementation of common core
learning standards

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Avella	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s32 Diaz	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s18 Dilan	Thompson	s07 Martins	s19 Sampson	s57 Young
s31 Espaillat	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin
s49 Farley	s63 Kennedy	s25 Montgomery	s23 Savino	s08
s17 Felder	s34 Klein	s54 Nozzolio	s29 Serrano	s20

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a147 DiPietro	a076 Kellner	a132 Palmesano	a099 Skoufis
a092 Abinanti	a115 Duprey	a040 Kim	a002 Palumbo	a022 Solages
a084 Arroyo	a004 Englebright	a131 Kolb	a088 Paulin	a114 Stec
a035 Aubry	a109 Fahy	a105 Lalor	a141 Peoples-	a110 Steck
a120 Barclay	a071 Farrell	a013 Lavine	Stokes	a127 Stirpe
a106 Barrett	a126 Finch	a050 Lentol	a058 Perry	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a086 Pichardo	a112 Tedisco
a117 Blankenbush	a124 Friend	a102 Lopez, P.	a089 Pretlow	a101 Tenney
a062 Borelli	a095 Galef	a123 Lupardo	a073 Quart	a001 Thiele
a026 Braunstein	a137 Gantt	a010 Lupinacci	a019 Ra	a061 Titone
a044 Brennan	a007 Garbarino	a121 Magee	a012 Raia	a031 Titus
a119 Brindisi	a148 Giglio	a129 Magnarelli	a006 Ramos	a146 Walter
a138 Bronson	a080 Gjonaj	a064 Malliotakis	a078 Rivera	a041 Weinstein
a046 Brook-Krasny	a066 Glick	a030 Markey	a128 Roberts	a020 Weisenberg
a093 Buchwald	a023 Goldfeder	a090 Mayer	a056 Robinson	a024 Weprin
a118 Butler	a150 Goodeil	a108 McDonald	a068 Rodriguez	a070 Wright
a103 Cahill	a075 Gottfried	a014 McDonough	a072 Rosa	a096 Zebrowski
a043 Camara	a005 Graf	a017 McKevitt	a067 Rosenthal	a054
a145 Ceretto	a100 Gunther	a107 McLaughlin	a025 Rozic	a055
a033 Clark	a139 Hawley	a038 Miller	a116 Russell	a059
a047 Colton	a083 Heastie	a052 Millman	a149 Ryan	a060
a032 Cook	a003 Hennessey	a015 Montesano	a009 Saladino	a077
a144 Corwin	a028 Hevesi	a136 Moreile	a111 Santabarbara	a079
a085 Crespo	a048 Hikind	a057 Mosley	a029 Scarborough	a098
a122 Crouch	a018 Hooper	a039 Moya	a016 Schimel	a113
a021 Curran	a042 Jacobs	a133 Nojay	a140 Schimminger	a134
a063 Cusick	a097 Jaffee	a037 Nolan	a087 Sepulveda	a143
a045 Cymbrowitz	a135 Johns	a130 Oaks	a065 Silver	
a053 Davila	a094 Katz	a069 O'Donnell	a027 Simanowitz	
a034 DenDekker	a074 Kavanagh	a051 Ortiz	a036 Simotas	
a081 Dinowitz	a142 Kearns	a091 Otis	a104 Skartados	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Temporary provisions relating to the implementation of
2 common core learning standards. 1. Applicability. Notwithstanding any
3 other provision of law, rule or regulation to the contrary, in the case
4 of any classroom teacher or building principal who received an overall
5 composite rating of ineffective or developing in an annual professional
6 performance review calculated pursuant to section 3012-c of the educa-
7 tion law for the 2013-14 and/or 2014-15 school years, if the state
8 assessments and other comparable measures subcomponent score and/or the
9 locally selected measures of student achievement subcomponent of such
10 rating was based on a state assessment aligned with the common core, the
11 calculation pursuant to subdivision two of this section shall be used
12 for the purposes of subdivision three of this section. For purposes of
13 this section, a state assessment aligned with the common core shall mean
14 a state administered standardized English language arts and/or math
15 assessment in grades 3 through 8 that is aligned to the common core
16 learning standards adopted by the board of regents. Provided, however,
17 that nothing contained in this act shall impair or abridge any rights
18 and privileges of any party pursuant to section 3012-c of the education
19 law, except as specifically provided herein.

20 2. Calculations. a. The calculation pursuant to this subdivision shall
21 be based upon the classroom teacher's or building principal's scores on
22 the applicable approved or determined annual professional performance
23 review plan for the school district or board of cooperative educational
24 services.

25 b. Except as provided in paragraphs c and d of this subdivision, the
26 calculation shall consist of:

1 (1) scaling up the numerator and the denominator of the locally
2 selected measures of student achievement subcomponent such that the
3 denominator is equal to 40 points; and

4 (2) adding the result to the classroom teacher's or building princi-
5 pal's score on the other measures of teacher or principal effectiveness
6 subcomponent to generate an overall composite calculation out of 100
7 points.

8 c. If the locally selected measures of student achievement subcompo-
9 nent relies in whole or in part on a state assessment aligned with the
10 common core, the following provisions shall apply:

11 (1) If the state assessment aligned with the common core is used in
12 such subcomponent among multiple measures including measures other than
13 state assessments aligned with the common core, the calculation shall
14 consist of:

15 (i) excluding the portion of such subcomponent score that relies on
16 state assessments aligned with the common core from both the numerator
17 and denominator of the ratio of the teacher's or principal's score on
18 the locally selected measures of student achievement subcomponent;

19 (ii) scaling up the resulting ratio such that the denominator is equal
20 to 40 points; and

21 (iii) adding the result to the classroom teacher's or building princi-
22 pal's score on the other measures of teacher or principal effectiveness
23 subcomponent to generate an overall composite calculation out of 100
24 points.

25 (2) If state assessments aligned with the common core constitute the
26 sole measure of the locally selected measures of student achievement
27 subcomponent, the calculation shall consist of scaling up the numerator
28 and denominator of the ratio of the teacher's or principal's score on

1 the other measures of teacher or principal effectiveness subcomponent
2 out of 60 points such that the denominator is equal to 100 points and an
3 overall composite calculation is generated.

4 d. Notwithstanding the foregoing, in the case of a classroom teacher
5 or building principal (i) whose locally selected measures of student
6 achievement subcomponent is based in whole or in part on a state assess-
7 ment aligned with the common core, and (ii) whose state assessments and
8 other comparable measures subcomponent is not based, in any part, on a
9 state assessment aligned with the common core, the calculation shall
10 consist of:

11 (1) If the state assessment aligned with the common core is used in
12 the locally selected measures of student achievement subcomponent among
13 multiple measures including measures other than state assessments
14 aligned with the common core, the calculation shall consist of:

15 (i) Excluding the portion of such subcomponent score that relies on
16 state assessments aligned with the common core from both the numerator
17 and denominator of the ratio of the teacher's or principal's score on
18 the locally selected measures of student achievement subcomponent;

19 (ii) Scaling up the resulting ratio such that the denominator is equal
20 to 20 points, or 15 points if a value-added model is in effect; and

21 (iii) Adding the result to the classroom teacher's or building princi-
22 pal's score on the state assessments and other comparable measures
23 subcomponent and the other measures of teacher or principal effective-
24 ness subcomponent to generate an overall composite calculation out of
25 100 points.

26 (2) If state assessments aligned with the common core constitute the
27 sole measure of the locally selected measures of student achievement
28 subcomponent, the calculation shall consist of:

1 (i) Scaling up the numerator and the denominator of the state assess-
2 ments and other comparable measures subcomponent such that the denomina-
3 tor is equal to 40 points; and

4 (ii) Adding the result to the classroom teacher's or building princi-
5 pal's score on the other measures of teacher or principal effectiveness
6 subcomponent to generate an overall composite calculation out of 100
7 points.

8 3. Use. Notwithstanding any other provision of law, rule or regulation
9 to the contrary, if a calculation made pursuant to subdivision 2 of this
10 section would, compared to the rating pursuant to section 3012-c of the
11 education law and the rules of the board of regents, have resulted in a
12 higher rating for a teacher or principal rated developing or ineffec-
13 tive:

14 a. The rating of ineffective or developing calculated pursuant to
15 section 3012-c of the education law and the rules of the board of
16 regents shall not apply for the following employment related decisions:

17 (1) a termination pursuant to sections 2509, 2573, 3012, 3014, 3020,
18 3020-a, or 3031 of the education law;

19 (2) a granting or denial of tenure pursuant to section 2509, 2573,
20 3012, 3014 or 3031 of the education law;

21 (3) expedited hearings pursuant to section 3020-a of the education
22 law; and

23 (4) decisions related to retention.

24 The rating of ineffective or developing calculated pursuant to section
25 3012-c of the education law and the rules of the board of regents shall
26 not apply and the designation calculated pursuant to subdivision 2 of
27 this section shall be used for the requirement for teacher or principal
28 improvement plans pursuant to section 3012-c of the education law.

1 Provided, however, that nothing in this section shall be construed to
2 prevent the use for the purposes listed above of the observations, local
3 assessments or other measures of the performance of the teacher or prin-
4 cipal, other than their rating or a state assessment aligned with the
5 common core, whether or not they were included in an annual professional
6 performance review.

7 b. On individual employment records, except as provided under para-
8 graph a of this subdivision, and for purposes of disclosure to parents
9 pursuant to paragraph b of subdivision 10 of section 3012-c of the
10 education law, the rating pursuant to section 3012-c of the education
11 law shall be reported with (i) the designation calculated pursuant to
12 subdivision 2 of this section and (ii) an explanation of such additional
13 designation.

14 § 2. This act shall take effect immediately, provided that it shall
15 first apply to employment decisions detailed in this act based on annual
16 professional performance review ratings received by classroom teachers
17 and building principals for the 2013-14 and 2014-15 school years.