

SUBPART E

7 Section 1. Authority of the commissioner. Notwithstanding any  
8 provisions of section 3012-c of the education law to the contrary, the  
9 commissioner of the state education department, is hereby authorized and  
10 directed to, subject to the provisions of section 207 of the education  
11 law, adopt regulations of the commissioner and guidelines no later than  
12 June 30, 2015, to implement a statewide annual teacher and principal  
13 evaluation system in New York state pursuant to section 3012-d of the  
14 education law, as added by this act, after consulting with experts and  
15 practitioners in the fields of education, economics and psychometrics  
16 and taking into consideration the parameters set forth in the letter  
17 from the Chancellor of the Board of Regents and acting commissioner  
18 dated December 31, 2014, to the New York State Director of State Oper-  
19 ations. The commissioner shall also establish a process to accept public  
20 comments and recommendations regarding the adoption of regulations  
21 pursuant to section 3012-d of the education law and consult in writing  
22 with the Secretary of the United States Department of Education on  
23 weights, measures and ranking of evaluation categories and subcomponents  
24 and shall release the response from the Secretary upon receipt thereof  
25 but in any event prior to publication of the regulations hereunder.

26 S 2. The education law is amended by adding a new section 3012-d to  
27 read as follows:

28 S 3012-D. ANNUAL TEACHER AND PRINCIPAL EVALUATIONS. 1. GENERAL  
29 PROVISIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGU-  
30 LATION TO THE CONTRARY, THE ANNUAL TEACHER AND PRINCIPAL EVALUATIONS  
31 (HEREINAFTER, EVALUATIONS) IMPLEMENTED BY DISTRICTS SHALL BE CONDUCTED  
32 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH ANNUAL EVALU-  
33 ATIONS SHALL BE A SIGNIFICANT FACTOR FOR EMPLOYMENT DECISIONS INCLUDING  
34 BUT NOT LIMITED TO, PROMOTION, RETENTION, TENURE DETERMINATION, TERMI-  
35 NATION, AND SUPPLEMENTAL COMPENSATION. SUCH EVALUATIONS SHALL ALSO BE A  
36 SIGNIFICANT FACTOR IN TEACHER AND PRINCIPAL DEVELOPMENT INCLUDING BUT  
37 NOT LIMITED TO COACHING, INDUCTION SUPPORT, AND DIFFERENTIATED PROFES-  
38 SIONAL DEVELOPMENT.

39 2. DEFINITIONS.

40 A. "DISTRICT" SHALL MEAN SCHOOL DISTRICT AND/OR BOARD OF COOPERATIVE  
41 EDUCATIONAL SERVICES, EXCEPT THAT FOR PURPOSES OF SUBDIVISION ELEVEN OF  
42 THIS SECTION IT SHALL ONLY MEAN A SCHOOL DISTRICT;

43 B. "PRINCIPAL" SHALL MEAN A BUILDING PRINCIPAL OR AN ADMINISTRATOR IN  
44 CHARGE OF AN INSTRUCTIONAL PROGRAM OF A BOARD OF COOPERATIVE EDUCATIONAL  
45 SERVICES;

46 C. "STUDENT GROWTH" SHALL MEAN THE CHANGE IN STUDENT ACHIEVEMENT FOR  
47 AN INDIVIDUAL STUDENT BETWEEN TWO OR MORE POINTS IN TIME.

48 D. "STATE-DESIGNED SUPPLEMENTAL ASSESSMENT" SHALL MEAN A SELECTION OF  
49 STATE TESTS OR ASSESSMENTS DEVELOPED OR DESIGNED BY THE STATE EDUCATION  
50 DEPARTMENT, OR THAT THE STATE EDUCATION DEPARTMENT PURCHASED OR ACQUIRED  
51 FROM (I) ANOTHER STATE; (II) AN INSTITUTION OF HIGHER EDUCATION; OR  
52 (III) A COMMERCIAL OR NOT-FOR-PROFIT ENTITY, PROVIDED THAT SUCH ENTITY  
53 MUST BE OBJECTIVE AND MAY NOT HAVE A CONFLICT OF INTEREST OR APPEARANCE  
54 OF A CONFLICT OF INTEREST; SUCH DEFINITION MAY INCLUDE TESTS OR ASSESS-

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1 MENTS THAT HAVE BEEN PREVIOUSLY DESIGNED OR ACQUIRED BY LOCAL DISTRICTS,  
2 BUT ONLY IF THE STATE EDUCATION DEPARTMENT SIGNIFICANTLY MODIFIES GROWTH  
3 TARGETS OR SCORING BANDS FOR SUCH TESTS OR ASSESSMENTS OR OTHERWISE  
4 ADAPTS THE TEST OR ASSESSMENT TO THE STATE EDUCATION DEPARTMENT'S  
5 REQUIREMENTS.

6 3. RATINGS. THE ANNUAL EVALUATIONS CONDUCTED PURSUANT TO THIS SECTION  
7 SHALL RATE TEACHER AND PRINCIPAL EFFECTIVENESS USING THE FOLLOWING CATE-  
8 GORIES: HIGHLY EFFECTIVE OR "H", EFFECTIVE OR "E", DEVELOPING OR "D" AND  
9 INEFFECTIVE OR "I".

10 4. CATEGORIES. THE ANNUAL EVALUATION SYSTEM SHALL CONSIST OF MULTIPLE  
11 MEASURES IN TWO CATEGORIES: STUDENT PERFORMANCE AND TEACHER OBSERVA-  
12 TIONS.

13 A. STUDENT PERFORMANCE CATEGORY. SUCH CATEGORY SHALL HAVE AT LEAST ONE  
14 SUBCOMPONENT AND AN OPTIONAL SECOND SUBCOMPONENT AS FOLLOWS:

15 (1) FOR THE FIRST SUBCOMPONENT, (A) FOR A TEACHER WHOSE COURSE ENDS IN  
16 A STATE-CREATED OR ADMINISTERED TEST FOR WHICH THERE IS A STATE-PROVIDED  
17 GROWTH MODEL, SUCH TEACHER SHALL HAVE A STATE-PROVIDED GROWTH SCORE  
18 BASED ON SUCH MODEL; AND (B) FOR A TEACHER WHOSE COURSE DOES NOT END IN

19 A STATE-CREATED OR ADMINISTERED TEST SUCH TEACHER SHALL HAVE A STUDENT  
20 LEARNING OBJECTIVE (SLO) CONSISTENT WITH A GOAL-SETTING PROCESS DETER-  
21 MINED OR DEVELOPED BY THE COMMISSIONER, THAT RESULTS IN A STUDENT GROWTH  
22 SCORE; PROVIDED THAT, FOR ANY TEACHER WHOSE COURSE ENDS IN A STATE-  
23 CREATED OR ADMINISTERED ASSESSMENT FOR WHICH THERE IS NO STATE-PROVIDED  
24 GROWTH MODEL, SUCH ASSESSMENT MUST BE USED AS THE UNDERLYING ASSESSMENT  
25 FOR SUCH SLO;

26 (2) FOR THE OPTIONAL SECOND SUBCOMPONENT, A DISTRICT MAY LOCALLY  
27 SELECT A SECOND MEASURE IN ACCORDANCE WITH THIS SUBPARAGRAPH. SUCH  
28 SECOND MEASURE SHALL APPLY IN A CONSISTENT MANNER, TO THE EXTENT PRACTI-  
29 CABLE, ACROSS THE DISTRICT AND BE EITHER: (A) A SECOND STATE-PROVIDED  
30 GROWTH SCORE ON A STATE-CREATED OR ADMINISTERED TEST UNDER CLAUSE (A) OF  
31 SUBPARAGRAPH ONE OF THIS PARAGRAPH, OR (B) A GROWTH SCORE BASED ON A  
32 STATE-DESIGNED SUPPLEMENTAL ASSESSMENT, CALCULATED USING A STATE-PROVID-  
33 ED OR APPROVED GROWTH MODEL. THE OPTIONAL SECOND SUBCOMPONENT SHALL  
34 PROVIDE OPTIONS FOR MULTIPLE ASSESSMENT MEASURES THAT ARE ALIGNED TO  
35 EXISTING CLASSROOM AND SCHOOL BEST PRACTICES AND TAKE INTO CONSIDERATION  
36 THE RECOMMENDATIONS IN THE TESTING REDUCTION REPORT AS REQUIRED BY  
37 SECTION ONE OF SUBPART F OF THE CHAPTER OF THE LAWS OF TWO THOUSAND  
38 FIFTEEN WHICH ADDED THIS SECTION REGARDING THE REDUCTION OF UNNECESSARY  
39 ADDITIONAL TESTING.

40 THE COMMISSIONER SHALL DETERMINE THE WEIGHTS AND SCORING RANGES FOR  
41 THE SUBCOMPONENT OR SUBCOMPONENTS OF THE STUDENT PERFORMANCE CATEGORY  
42 THAT SHALL RESULT IN A COMBINED CATEGORY RATING. THE COMMISSIONER SHALL  
43 ALSO SET PARAMETERS FOR APPROPRIATE TARGETS FOR STUDENT GROWTH FOR BOTH  
44 SUBCOMPONENTS, AND THE DEPARTMENT MUST AFFIRMATIVELY APPROVE AND SHALL  
45 HAVE THE AUTHORITY TO DISAPPROVE OR REQUIRE MODIFICATIONS OF DISTRICT  
46 PLANS THAT DO NOT SET APPROPRIATE GROWTH TARGETS, INCLUDING AFTER  
47 INITIAL APPROVAL. THE COMMISSIONER SHALL SET SUCH WEIGHTS AND PARAMETERS  
48 CONSISTENT WITH THE TERMS CONTAINED HEREIN.

49 B. TEACHER OBSERVATIONS CATEGORY. THE OBSERVATIONS CATEGORY FOR TEACH-  
50 ERS SHALL BE BASED ON A STATE-APPROVED RUBRIC AND SHALL INCLUDE UP TO  
51 THREE SUBCOMPONENTS. SUCH CATEGORY MUST INCLUDE: (1) A SUBCOMPONENT  
52 BASED ON CLASSROOM OBSERVATIONS CONDUCTED BY A PRINCIPAL OR OTHER  
53 TRAINED ADMINISTRATOR AND MUST ALSO INCLUDE (2) A SUBCOMPONENT BASED ON

54 CLASSROOM OBSERVATIONS BY AN IMPARTIAL INDEPENDENT TRAINED EVALUATOR OR  
55 EVALUATORS SELECTED BY THE DISTRICT. AN INDEPENDENT TRAINED EVALUATOR  
56 MAY BE EMPLOYED WITHIN THE SCHOOL DISTRICT, BUT NOT THE SAME SCHOOL

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1 BUILDING, AS THE TEACHER BEING EVALUATED. SUCH CATEGORY MAY ALSO INCLUDE  
2 A SUBCOMPONENT BASED ON CLASSROOM OBSERVATIONS CONDUCTED BY A TRAINED  
3 PEER TEACHER RATED EFFECTIVE OR HIGHLY EFFECTIVE FROM THE SAME SCHOOL OR  
4 FROM ANOTHER SCHOOL IN THE DISTRICT.

5 THE COMMISSIONER SHALL DETERMINE THE WEIGHTS, AND/OR WEIGHTING OPTIONS  
6 AND SCORING RANGES FOR THE SUBCOMPONENTS OF THE OBSERVATIONS CATEGORY  
7 THAT RESULT IN A COMBINED CATEGORY RATING. THE COMMISSIONER SHALL ALSO  
8 DETERMINE THE MINIMUM NUMBER OF OBSERVATIONS TO BE CONDUCTED ANNUALLY,  
9 INCLUDING FREQUENCY AND DURATION, AND ANY PARAMETERS THEREFOR. THE  
10 COMMISSIONER SHALL SET SUCH WEIGHTS AND SCORES CONSISTENT WITH THE TERMS  
11 CONTAINED HEREIN.

12 5. RATING DETERMINATION. THE OVERALL RATING DETERMINATION SHALL BE  
13 DETERMINED ACCORDING TO A METHODOLOGY AS FOLLOWS:

14 A. THE FOLLOWING RULES SHALL APPLY: A TEACHER OR PRINCIPAL WHO IS (1)  
15 RATED USING TWO SUBCOMPONENTS IN THE STUDENT PERFORMANCE CATEGORY AND  
16 RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL BE RATED INEF-  
17 FECTIVE OVERALL; PROVIDED, HOWEVER, THAT IF THE MEASURE USED IN THE  
18 SECOND SUBCOMPONENT IS A STATE-PROVIDED GROWTH SCORE ON A STATE-CREATED  
19 OR ADMINISTERED TEST PURSUANT TO CLAUSE (A) OF SUBPARAGRAPH ONE OF PARA-  
20 GRAPH A OF SUBDIVISION FOUR OF THIS SECTION, A TEACHER OR PRINCIPAL WHO  
21 RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL NOT BE ELIGIBLE  
22 TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVERALL; (2) RATED  
23 USING ONLY THE STATE MEASURE SUBCOMPONENT IN THE STUDENT PERFORMANCE  
24 CATEGORY AND RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL NOT  
25 BE ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVER-  
26 ALL; AND (3) RATED INEFFECTIVE IN THE TEACHER OBSERVATIONS CATEGORY  
27 SHALL NOT BE ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFEC-  
28 TIVE OVERALL.

29 B. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH A OF THIS SUBDIVISION, A  
30 TEACHER'S COMPOSITE SCORE SHALL BE DETERMINED AS FOLLOWS:

31 (1) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,  
32 AND AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
33 SCORE SHALL BE H;

34 (2) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,  
35 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
36 SCORE SHALL BE H;

37 (3) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,  
38 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
39 SCORE SHALL BE E;

40 (4) IF A TEACHER RECEIVES AN H IN THE TEACHER OBSERVATION CATEGORY,  
41 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
42 SCORE SHALL BE D;

43 (5) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,  
44 AND AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
45 SCORE SHALL BE H;

46 (6) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,  
47 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
48 SCORE SHALL BE E;

49 (7) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,  
50 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
51 SCORE SHALL BE E;

52 (8) IF A TEACHER RECEIVES AN E IN THE TEACHER OBSERVATION CATEGORY,  
53 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
54 SCORE SHALL BE D;

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1 (9) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY, AND  
2 AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE SCORE  
3 SHALL BE E;

4 (10) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY,  
5 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
6 SCORE SHALL BE E;

7 (11) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY,  
8 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
9 SCORE SHALL BE D;

10 (12) IF A TEACHER RECEIVES A D IN THE TEACHER OBSERVATION CATEGORY,  
11 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
12 SCORE SHALL BE I;

13 (13) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,  
14 AND AN H IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
15 SCORE SHALL BE D;

16 (14) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,  
17 AND AN E IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
18 SCORE SHALL BE D;

19 (15) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,  
20 AND A D IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
21 SCORE SHALL BE I;

22 (16) IF A TEACHER RECEIVES AN I IN THE TEACHER OBSERVATION CATEGORY,  
23 AND AN I IN THE STUDENT PERFORMANCE CATEGORY, THE TEACHER'S COMPOSITE  
24 SCORE SHALL BE I.

25 6. PROHIBITED ELEMENTS. THE FOLLOWING ELEMENTS SHALL NO LONGER BE  
26 ELIGIBLE TO BE USED IN ANY EVALUATION SUBCOMPONENT PURSUANT TO THIS  
27 SECTION:

28 A. EVIDENCE OF STUDENT DEVELOPMENT AND PERFORMANCE DERIVED FROM LESSON  
29 PLANS, OTHER ARTIFACTS OF TEACHER PRACTICE, AND STUDENT PORTFOLIOS,  
30 EXCEPT FOR STUDENT PORTFOLIOS MEASURED BY A STATE-APPROVED RUBRIC WHERE  
31 PERMITTED BY THE DEPARTMENT;

32 B. USE OF AN INSTRUMENT FOR PARENT OR STUDENT FEEDBACK;

33 C. USE OF PROFESSIONAL GOAL-SETTING AS EVIDENCE OF TEACHER OR PRINCIPAL  
34 EFFECTIVENESS;

35 D. ANY DISTRICT OR REGIONALLY-DEVELOPED ASSESSMENT THAT HAS NOT BEEN  
36 APPROVED BY THE DEPARTMENT; AND

37 E. ANY GROWTH OR ACHIEVEMENT TARGET THAT DOES NOT MEET THE MINIMUM  
38 STANDARDS AS SET FORTH IN REGULATIONS OF THE COMMISSIONER ADOPTED HERE-  
39 UNDER.

40 7. THE COMMISSIONER SHALL ENSURE THAT THE PROCESS BY WHICH WEIGHTS AND  
41 SCORING RANGES ARE ASSIGNED TO SUBCOMPONENTS AND CATEGORIES IS TRANSPAR-  
42 ENT AND AVAILABLE TO THOSE BEING RATED BEFORE THE BEGINNING OF EACH  
43 SCHOOL YEAR. SUCH PROCESS MUST ENSURE THAT IT IS POSSIBLE FOR A TEACHER  
44 OR PRINCIPAL TO OBTAIN ANY NUMBER OF POINTS IN THE APPLICABLE SCORING

45 RANGES, INCLUDING ZERO, IN EACH SUBCOMPONENT. THE SUPERINTENDENT,  
46 DISTRICT SUPERINTENDENT OR CHANCELLOR AND THE REPRESENTATIVE OF THE  
47 COLLECTIVE BARGAINING UNIT (WHERE ONE EXISTS) SHALL CERTIFY IN THE  
48 DISTRICT'S PLAN THAT THE EVALUATION PROCESS SHALL USE THE STANDARDS FOR  
49 THE SCORING RANGES PROVIDED BY THE COMMISSIONER. PROVIDED, HOWEVER, THAT  
50 IN ANY EVENT, THE FOLLOWING RULES SHALL APPLY: A TEACHER OR PRINCIPAL  
51 WHO IS:

52 A. RATED USING TWO SUBCOMPONENTS IN THE STUDENT PERFORMANCE CATEGORY  
53 AND RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL BE RATED  
54 INEFFECTIVE OVERALL, EXCEPT THAT IF THE MEASURE USED IN THE SECOND  
55 SUBCOMPONENT IS A SECOND STATE-PROVIDED GROWTH SCORE ON A STATE-ADMINIS-  
56 TERED OR SPONSORED TEST PURSUANT TO CLAUSE (A) OF SUBPARAGRAPH ONE OF

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1 PARAGRAPH A OF SUBDIVISION FOUR OF THIS SECTION, A TEACHER OR PRINCIPAL  
2 THAT RECEIVES A RATING OF INEFFECTIVE IN SUCH CATEGORY SHALL NOT BE  
3 ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVERALL;

4 B. RATED USING ONLY THE STATE MEASURE SUBCOMPONENT IN THE STUDENT  
5 PERFORMANCE CATEGORY AND RECEIVES A RATING OF INEFFECTIVE IN SUCH CATE-  
6 GORY SHALL NOT BE ELIGIBLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY  
7 EFFECTIVE OVERALL; AND

8 C. RATED INEFFECTIVE IN THE OBSERVATIONS CATEGORY SHALL NOT BE ELIGI-  
9 BLE TO RECEIVE A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE OVERALL.

10 8. A STUDENT MAY NOT BE INSTRUCTED, FOR TWO CONSECUTIVE SCHOOL YEARS,  
11 BY ANY TWO TEACHERS IN THE SAME DISTRICT, EACH OF WHOM RECEIVED A RATING  
12 OF INEFFECTIVE UNDER AN EVALUATION CONDUCTED PURSUANT TO THIS SECTION IN  
13 THE SCHOOL YEAR IMMEDIATELY PRIOR TO THE SCHOOL YEAR IN WHICH THE  
14 STUDENT IS PLACED IN THE TEACHER'S CLASSROOM; PROVIDED, THAT IF A  
15 DISTRICT DEEMS IT IMPRACTICABLE TO COMPLY WITH THIS SUBDIVISION, THE  
16 DISTRICT SHALL SEEK A WAIVER FROM THE DEPARTMENT FROM SUCH REQUIREMENT.

17 9. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT THE UNFETTERED  
18 STATUTORY RIGHT OF A DISTRICT TO TERMINATE A PROBATIONARY (NON-TENURED)  
19 TEACHER OR PRINCIPAL FOR ANY STATUTORILY AND CONSTITUTIONALLY PERMISSI-  
20 BLE REASONS.

21 10. THE LOCAL COLLECTIVE BARGAINING REPRESENTATIVE SHALL NEGOTIATE

22 WITH THE DISTRICT:

23 A. WHETHER TO USE A SECOND MEASURE, AND, IN THE EVENT THAT A SECOND  
24 MEASURE IS USED, WHICH MEASURE TO USE, PURSUANT TO SUBPARAGRAPH TWO OF  
25 PARAGRAPH A OF SUBDIVISION FOUR OF THIS SECTION AND

26 B. HOW TO IMPLEMENT THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION FOUR  
27 OF THIS SECTION, AND ASSOCIATED REGULATIONS AS ESTABLISHED BY THE  
28 COMMISSIONER, IN ACCORDANCE WITH ARTICLE FOURTEEN OF THE CIVIL SERVICE  
29 LAW.

30 11. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO SCHOOL  
31 DISTRICT SHALL BE ELIGIBLE FOR AN APPORTIONMENT OF GENERAL SUPPORT FOR  
32 PUBLIC SCHOOLS FROM THE FUNDS APPROPRIATED FOR THE 2015--2016 SCHOOL  
33 YEAR AND ANY YEAR THEREAFTER IN EXCESS OF THE AMOUNT APPORTIONED TO SUCH  
34 SCHOOL DISTRICT IN THE RESPECTIVE BASE YEAR UNLESS SUCH SCHOOL DISTRICT  
35 HAS SUBMITTED DOCUMENTATION THAT HAS BEEN APPROVED BY THE COMMISSIONER  
36 BY NOVEMBER FIFTEENTH, TWO THOUSAND FIFTEEN, OR BY SEPTEMBER FIRST OF  
37 EACH SUBSEQUENT YEAR, DEMONSTRATING THAT IT HAS FULLY IMPLEMENTED THE  
38 STANDARDS AND PROCEDURES FOR CONDUCTING ANNUAL TEACHER AND PRINCIPAL  
39 EVALUATIONS OF TEACHERS AND PRINCIPALS IN ACCORDANCE WITH THE REQUIRE-  
40 MENTS OF THIS SECTION AND THE REGULATIONS ISSUED BY THE COMMISSIONER.  
41 PROVIDED FURTHER THAT ANY APPORTIONMENT WITHHELD PURSUANT TO THIS  
42 SECTION SHALL NOT OCCUR PRIOR TO APRIL FIRST OF THE CURRENT YEAR AND  
43 SHALL NOT HAVE ANY EFFECT ON THE BASE YEAR CALCULATION FOR USE IN THE  
44 SUBSEQUENT SCHOOL YEAR. FOR PURPOSES OF THIS SECTION, "BASE YEAR" SHALL  
45 MEAN THE BASE YEAR AS DEFINED IN PARAGRAPH B OF SUBDIVISION ONE OF  
46 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, AND "CURRENT YEAR" SHALL  
47 MEAN THE CURRENT YEAR AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF  
48 SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

49 12. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO  
50 THE CONTRARY, ALL COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO AFTER  
51 APRIL FIRST, TWO THOUSAND FIFTEEN SHALL BE CONSISTENT WITH THE REQUIRE-  
52 MENTS OF THIS SECTION, UNLESS THE AGREEMENT RELATES TO THE TWO THOUSAND  
53 FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR ONLY. NOTHING IN THIS SECTION  
54 SHALL BE CONSTRUED TO ABROGATE ANY CONFLICTING PROVISIONS OF ANY COLLEC-  
55 TIVE BARGAINING AGREEMENT IN EFFECT ON APRIL FIRST, TWO THOUSAND FIFTEEN  
56 DURING THE TERM OF SUCH AGREEMENT AND UNTIL THE ENTRY INTO A SUCCESSOR

1 COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT NOTWITHSTANDING ANY OTHER  
2 PROVISION OF LAW TO THE CONTRARY, UPON EXPIRATION OF SUCH TERM AND THE  
3 ENTRY INTO A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT THE PROVISIONS OF  
4 THIS SECTION SHALL APPLY.

5 13. ANY REFERENCE IN LAW TO "ANNUAL PROFESSIONAL PERFORMANCE REVIEW"  
6 SHALL BE DEEMED TO REFER TO AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW  
7 PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE OR ANNUAL  
8 TEACHER AND PRINCIPAL EVALUATIONS PURSUANT TO THIS SECTION AND ANY  
9 REFERENCES TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE SHALL BE  
10 DEEMED TO REFER TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE  
11 AND/OR THIS SECTION, AS APPLICABLE.

12 14. THE COMMISSIONER SHALL ADOPT REGULATIONS TO ALIGN THE PRINCIPAL  
13 EVALUATION SYSTEM AS SET FORTH IN SECTION THREE THOUSAND TWELVE-C OF  
14 THIS ARTICLE WITH THE NEW TEACHER EVALUATION SYSTEM SET FORTH HEREIN.

15 15. THE PROVISIONS OF PARAGRAPHS D, K, K-1, K-2 AND L OF SUBDIVISION  
16 TWO AND SUBDIVISIONS FOUR, FIVE, FIVE-A, NINE, AND TEN OF SECTION THREE  
17 THOUSAND TWELVE-C OF THIS ARTICLE, AS AMENDED, SHALL APPLY TO THIS  
18 SECTION TO THE EXTENT DETERMINED BY THE COMMISSIONER.

19 S 3. This act shall take effect immediately.

20 SUBPART F

21 Section 1. Testing reduction report. New York families in many  
22 districts are expressing significant stress and anxiety from over-test-  
23 ing. The demands of state tests have been growing and there has been an  
24 increase in the number of local tests. As a result, testing in many  
25 districts has reached a level that is counterproductive and must be  
26 addressed. On or before June 1, 2015, the Chancellor of the Board of  
27 Regents shall submit a report to the Governor, the Temporary President  
28 of the Senate, and the Speaker of the Assembly outlining recommendations  
29 that shall help to: reduce the amount of state and local student test-  
30 ing, improve the quality thereof, and thereby reduce test-related stress  
31 and anxiety for students and educators. The report shall outline ways in

32 which any future testing in New York shall be implemented in a manner  
33 that minimizes classroom preparation, student stress and student anxie-  
34 ty. The Chancellor shall work with students, parents, educators, school  
35 districts, and other relevant stakeholders in preparing the report.  
36 S 2. This act shall take effect immediately.