

1 1

PART B

2 Section 1. Subparagraph 1 of paragraph a of subdivision 2 of section
3 3012-c of the education law, as amended by chapter 21 of the laws
4 of 2012, is amended to read as follows:

5
6 (1) [The] (i) For school years prior to the two thousand sixteen-two
7 thousand seventeen school year, annual professional performance reviews
8 conducted pursuant to this section for classroom teachers and building
9 principals shall differentiate teacher and principal effectiveness using
10 the following quality rating categories: highly effective, effective,
11 developing and ineffective, with explicit minimum and maximum scoring
12 ranges for each category, for the state assessments and other comparable
13 measures subcomponent of the evaluation and for the locally selected
14 measures of student achievement subcomponent of the evaluation, as
15 prescribed in the regulations of the commissioner. There shall be:
16 [(i)] (A) a state assessments and other comparable measures subcomponent
17 which shall comprise twenty or twenty-five percent of the evaluation;
18 [(ii)] (B) a locally selected measures of student achievement subcompo-
19 nent which shall comprise twenty or fifteen percent of the evaluation;
20 and [(iii)] (C) an other measures of teacher or principal effectiveness
21 subcomponent which shall comprise the remaining sixty percent of the
22 evaluation, which in sum shall constitute the composite teacher or prin-
23 cipal effectiveness score. Such annual professional performance reviews
24 shall result in a single composite teacher or principal effectiveness
25 score, which incorporates multiple measures of effectiveness related to
26 the criteria included in the regulations of the commissioner.
27 (ii) For the two thousand sixteen--two thousand seventeen school year

1 and thereafter, annual professional performance reviews conducted pursu-
2 ant to this section for classroom teachers and building principals shall
3 differentiate teacher and principal effectiveness using the following
4 quality rating categories: highly effective, effective, developing and
5 ineffective, with explicit minimum and maximum scoring ranges for each
6 category, for the state assessments and other comparable measures
7 of overall student performance subcomponent, the state assessments and
8 other comparable measures of struggling students' growth subcomponent,
9 the other measures of student progress toward meeting student learning
10 objectives subcomponent, and the other measures of teacher and leader
11 effectiveness subcomponent, as prescribed in the regulations of the
12 commissioner.

13 § 2. Subparagraphs 3, 4, 5, 6, 7 and 8 of paragraph a of subdivision 2
14 of section 3012-c of the education law, as amended by chapter 21 of the
15 laws of 2012, are amended to read as follows:

16 (3) For annual professional performance reviews conducted in accord-
17 ance with paragraph b of this subdivision for the two thousand eleven--
18 two thousand twelve school year and for annual professional performance
19 reviews conducted in accordance with paragraph f of this subdivision for
20 the two thousand twelve--two thousand thirteen [school year], two thou-
21 sand thirteen--two thousand fourteen, two thousand fourteen--two
22 thousand fifteen, and two thousand fifteen--two thousand sixteen school
23 years for classroom teachers in subjects and grades for which the
24 board of regents has not approved a value-added model and for building
25 principals employed in schools or programs for which there is no
26 approved principal value-added model, the scoring ranges for the student
27 growth on state assessments or other comparable measures subcomponent
28 shall be in accordance with this subparagraph. A classroom teacher and

1 building principal shall receive:

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

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

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

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

14 (4) For annual professional performance reviews conducted in accord-
15 ance with paragraph g of this subdivision for the two thousand twelve--
16 two thousand thirteen [school year], two thousand thirteen--two thousand
17 fourteen, two thousand fourteen--two thousand fifteen, and two-thousand

18 fifteen--two thousand sixteen school years for classroom teachers in
19 subjects and grades for which the board of regents has approved a
20 value-added model and for building principals employed in schools or
21 programs for which there is an approved principal value-added model, the
22 scoring ranges for the student growth on state assessments or other
23 comparable measures subcomponent shall be in accordance with this
24 subparagraph. A classroom teacher and building principal shall receive:

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

28 (B) an effective rating in this subcomponent if the teacher's or prin-
29 cipal's results meet the state average for similar students and they

1 achieve a subcomponent score of 10-21; or

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

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

8 (5) For annual professional performance reviews conducted in accord-
9 ance with paragraph b of this subdivision for the two thousand eleven--
10 two thousand twelve school year and for annual professional performance
11 reviews conducted in accordance with paragraph f of this subdivision for
12 the two thousand twelve--two thousand thirteen [school year], two thou-
13 sand thirteen--two thousand fourteen, two thousand fourteen--two
14 thousand fifteen, and two thousand fifteen--two thousand sixteen school
15 years for classroom teachers in subjects and grades for which the board
16 of regents has not approved a value-added model and for building
17 principals employed in schools or programs for which there is no approved
18 principalvalue-added model, the scoring ranges for the locally selected
19 measures of student achievement subcomponent shall be in accordance with
20 this subparagraph. A classroom teacher and building principal shall
21 receive:

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

25 (B) an effective rating in this subcomponent if the results meet
26 district-adopted expectations for growth or achievement and they achieve
27 a subcomponent score of 9-17; or

28 (C) a developing rating in this subcomponent if the results are below
29 district-adopted expectations for growth or achievement and they achieve

1 a subcomponent score of 3-8; or

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

5 (6) For annual professional performance reviews conducted in accord-
6 ance with paragraph b of this subdivision for the two thousand eleven--
7 two thousand twelve school year and for annual professional performance
8 reviews conducted in accordance with paragraph g of this subdivision for
9 the two thousand twelve--two thousand thirteen [school year], two thou-
10 sand thirteen--two thousand fourteen, two thousand fourteen--two

11 thousand fifteen, and two thousand fifteen--two thousand sixteen school
12 years for classroom teachers in subjects and grades for which the board

13 of regents has approved a value-added model and for building principals
14 employed in schools or programs for which there is an approved principal
15 value-added model, the scoring ranges for the locally selected measures
16 of student achievement subcomponent shall be in accordance with this
17 subparagraph. A classroom teacher and building principal shall receive:

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

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

24 (C) a developing rating in this subcomponent if the results are below
25 district-adopted expectations for growth or achievement and they achieve
26 a subcomponent score of 3-7; or

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

1 (7) (A) For the two thousand thirteen--two thousand fourteen [school
2 year], two thousand fourteen--two thousand fifteen, two thousand fifteen--
3 two thousand sixteen school years and thereafter, the commissioner shall
4 review the specific scoring ranges for each of the rating categories
5 annually before the start of each school year and shall recommend any
6 changes to the board of regents for consideration.

7 (B) Notwithstanding any other provision of law to the contrary, for
8 the two thousand sixteen--two thousand seventeen school year and
9 thereafter, a classroom teacher and building principal shall receive
10 ratings for the state assessments and other comparable measures of
11 overall student performance subcomponent which shall comprise twenty
12 percent of the evaluation, the state assessments and other comparable
13 measures of struggling students' growth subcomponent which shall comprise
14 twenty percent of the evaluation, the other measures of student progress
15 toward meeting student learning objectives subcomponent which shall
16 comprise twenty percent of the evaluation, and the other measures of
17 teacher and leader effectiveness subcomponent which shall comprise forty
18 percent of the evaluation, as prescribed in the regulations of the
19 commissioner. The commissioner shall review the overall composite
20 scoring ranges annually before the start of each school year and may
21 issue new regulations as he or she deems warranted. Provided; however,
22 if a classroom teacher or building principal receives an ineffective
23 rating on any one of these subcomponents, the highest overall composite
24 rating he or she may receive is developing.

25 (8) Except for the student growth measures on the state assessments or
26 other comparable measures of student growth prescribed in paragraphs e,
27 f and g of this subdivision, the elements comprising the composite
28 effectiveness score and the [Note: Governor's proposal would delete the
29 highlight phrase] process by which points are assigned to subcomponents

1 shall be locally developed, consistent with the standards prescribed
2 in the regulations of the commissioner and the requirements of this
3 section, through negotiations conducted, pursuant to the requirements of
4 article fourteen of the civil service law.

5 § 3. Subparagraphs 2 and 3 of paragraph c of subdivision 2 of section
6 3012-c of the education law, as amended by chapter 21 of the laws of
7 2012, are amended to read as follows:

8 (2) Subject to paragraph k of this subdivision, for the two thousand
9 twelve--two thousand thirteen and the two thousand thirteen--two thou-
10 sand fourteen school years, the entire annual professional performance

11 review shall be completed and provided to the teacher or principal as
12 soon as practicable but in no case later than September first of the
13 school year next following the school year for which the classroom
14 teacher or building principal's performance is being measured. The
15 teacher's and principal's score and rating on the locally selected meas-
16 ures subcomponent, if available, and on the other measures of teacher
17 and principal effectiveness subcomponent for a teacher's or principal's
18 annual professional performance review shall be computed and provided to
19 the teacher or principal, in writing, by no later than the last day of
20 the school year for which the teacher or principal is being measured.
21 Nothing in this subdivision shall be construed to authorize a teacher or
22 principal to trigger the appeal process prior to receipt of his or her
23 composite effectiveness score and rating.

24 (3) Each such annual professional performance review shall be based on
25 the state assessments or other comparable measures subcomponent, the
26 locally selected measures of student achievement subcomponent in school
27 years where applicable, and the other measures of teacher and principal
28 effectiveness subcomponent, determined in accordance with the applicable
29 provisions of this section and the regulations of the commissioner, for

1 the school year for which the teacher's or principal's performance is
2 measured.

3

4 § 4. Subparagraph 1 of paragraph f of subdivision 2 of section 3012-c
5 of the education law, as amended by chapter 21 of the laws of 2012, is
6 amended to read as follows:

7 (1) For annual professional performance reviews conducted in accord-
8 ance with paragraph c of this subdivision for the two thousand twelve--
9 two thousand thirteen [school year and thereafter], two thousand thir-
10 teen--two thousand fourteen, two thousand fourteen--two thousand
11 fifteen school, and two thousand fifteen--two thousand sixteen years for
12 classroom teachers in subjects and grades for which the board of regents has
13 not approved a value-added model and for building principals employed in
14 schools or programs for which there is no approved principal value-added
15 model, forty percent of the composite score of effectiveness shall be based
16 on student achievement measures as follows: (i) twenty percent of the
17 evaluation shall be based upon student growth data on state assessments as
18 prescribed by the commissioner or a comparable measure of student growth if
19 such growth data is not available; and (ii) twenty percent shall be based on
20 other locally selected measures of student achievement that are determined
21 to be rigorous and comparable across classrooms in accordance with the regu-
22 lations of the commissioner and as are developed locally in a manner
23 consistent with procedures negotiated pursuant to the requirements of
24 article fourteen of the civil service law.

25 § 5. Paragraph f of subdivision 2 of section 3012-c of the education
26 law is amended by adding a new subparagraph 5 to read as follows:

27 (5) For the two thousand sixteen--two thousand seventeen school year and
28 thereafter, a teacher's assessment shall be based on three assessments of
29 student growth, which collectively will account for sixty percent of his or

1 her overall evaluation, and a locally-developed measure or measures of a
2 teacher's own performance and growth, which will account for forty percent of
3 his or her overall evaluation, as follows:

4 (A) a state assessment of all students' growth toward meeting standards of
5 college and career readiness over the time a teacher has responsibility
6 for their instruction, or some comparable measure of all students' growth
7 growth toward meeting such standards if sufficient state assessment data
8 are not available, provided that no state assessments of students in pre-
9 kindergarten, kindergarten, first grade, or second grade will be employed,
10 and provided any state assessment has been found to be a valid and
11 reliable measure of student learning by a panel of assessment experts
12 appointed by the commissioner, and provided that assessment data under
13 either measure must be available for at least a majority of a teacher's
14 students. The scoring of state assessment data for this component shall be
15 based on a comparison of the growth of a teacher's students with the
16 growth of similar students statewide; the scoring of data on a comparable
17 assessment shall be based on district-adopted expectations for growth on
18 such an assessment. A classroom teacher shall receive a presumptive score
19 on an assessment under this subparagraph that will account for 20 points
20 toward his or her total possible points of 100, as follows:

- 21 1. a highly effective rating in this subcomponent if the results are well
22 above the state average for similar students or well-above the
23 district-adopted expectations for growth and shall receive a
24 subcomponent score of 18-20;
- 25 2. an effective rating in this subcomponent if the teacher's results meet
26 the state average for similar students or meet district-adopted
27 expectations for student growth, and shall receive a subcomponent score
28 of 9-17;

- 1 3. a developing rating in this subcomponent if the teacher's results are
2 below the state average for similar students or below district-adopted
3 expectations for growth, and shall receive a subcomponent score of 3-8;
4 or
5 4. an ineffective rating in this subcomponent if the teacher's results are
6 well-below the state average for similar students or well-below
7 district-adopted expectations for growth, and shall receive a
8 subcomponent score of 0-2.

9 Provided that every teacher will be expected to account to his or her
10 principal or other trained administrator for his or her students'
11 performance on the assessment under this subcomponent, to identify steps
12 he or she took over the period of instruction to improve their performance
13 over past performance, and to identify steps he or she intends to take to
14 improve future students' performance. Such accounting may be provided in
15 writing, at the teacher's discretion, but in any event shall be discussed
16 in a face-to-face conference with the principal or other designated
17 administrator within one month of receipt of the assessment results under
18 this subparagraph, and may be combined with discussions of assessments
19 under subparagraphs (B), (C) and/or (D) below. On the basis of such
20 accounting, a principal may affirm a teacher's presumptive rating and/or
21 score, or may raise or lower the teacher's presumptive rating by one level
22 and/or the teacher's presumptive score by up to five points, if the
23 principal concludes that there is compelling evidence that the teacher's
24 presumptive rating or score does not accurately reflect the teacher's
25 contribution to his or her students' growth over the period for which he
26 or she was responsible for their instruction. The principal will document
27 the basis for his or her conclusions in a written statement that will be
28 shared with the teacher and the superintendent.

1 (B) a state assessment of struggling students' growth toward
2 standards of college and career readiness for all a teacher's students
3 who were found to be not proficient in the same or closely related
4 content area in the year prior to the one for which the teacher is
5 being evaluated, or some comparable measure approved by the
6 commissioner of growth toward meeting such standards if state
7 assessment data for the current and/or prior year are not available,
8 provided that assessment data are available for at least a majority of
9 such struggling students, and provided that the assessment data are
10 disaggregated in ways that allow the teacher to identify which students
11 have and have not achieved proficiency on subparts of the assessment.
12 The scoring of state assessment data for this subcomponent shall be
13 based on the proportion of a teacher's students who have achieved
14 proficiency or made a minimum number of months of expected growth
15 toward college and career readiness over the period for which the
16 teacher was responsible for their instruction. A classroom teacher
17 shall receive a presumptive score on an assessment subparagraph that
18 will account for 20 points toward his or her total possible points of
19 100, as follows:

20 (1) a highly effective rating in this subcomponent if at least eighty
21 percent of the teacher's students who did not reach proficiency
22 under the previous year's assessment achieved proficiency or made at
23 least 15 months of expected growth during the current year, and
24 shall receive a subcomponent score of 18-20;

25 (2) an effective rating in this subcomponent if at least thirty
26 percent but less than eighty percent of the teacher's students who
27 did not reach proficiency under the previous year's assessment
28 achieved proficiency or made at least 15 months of expected growth

1 during the current year, and shall receive a subcomponent score of
2 9-17;

3 (3) a developing rating in this subcomponent if at least ten percent
4 but less than thirty percent of the teacher's students who did not
5 reach proficiency under the previous year's assessment achieved
6 proficiency or made at least 10 months of expected growth during the
7 current year, and shall receive a subcomponent score of 3-8;

8 (4) an ineffective rating in this subcomponent if less than ten
9 percent of the teacher's students who did not reach proficiency
10 under the previous year's assessment achieved proficiency or made at
11 least 10 months of expected growth during the current year, and
12 shall receive a subcomponent score of 0-2;

13 Provided that every teacher will be expected to account to his or her
14 principal for students' performance on the assessment under this
15 subcomponent, to identify steps he or she took to accelerate these
16 students' growth, and to identify steps he or she intends to take to
17 improve the future performance of similar students. Such accounting may
18 be provided in writing, at the teacher's discretion, but in any event
19 shall be discussed in a face-to-face conference with the principal or
20 other designated administrator within one month of receipt of the
21 assessment results under this subparagraph, and may be combined with
22 discussions of assessments under subparagraphs (A), (C) and/or (D). On
23 the basis of such accounting, a principal may affirm a teacher's
24 presumptive rating and score on this subcomponent or may raise or lower
25 the teacher's rating by one level and/or the teacher's score by up to
26 five points, if the principal concludes that there is compelling
27 evidence that the teacher's presumptive rating or score does not
28 accurately reflect the teacher's contribution to these students' growth
29 over the period for which he or she was responsible for their

1 instruction. The principal will document the basis for his or her
2 conclusions in a written statement that will be shared with the teacher
3 and the superintendent.

4 (C) An assessment approved by the superintendent as an appropriate
5 measure of student growth toward meeting one of the most important
6 student learning objectives of a class or set of classes for which the
7 teacher is responsible, provided that the procedures for identifying
8 these learning objectives, the steps for measuring student growth, and
9 the standards for rating expected student growth shall be established
10 through negotiations conducted pursuant to the requirements of article
11 fourteen of the civil service law and shall be consistent with
12 standards prescribed in the regulations of the commissioner. A
13 classroom teacher shall receive a presumptive score on an assessment
14 under this subparagraph that will account for 20 points toward his or
15 her total possible points of 100, as follows:

16 5. a highly effective rating in this subcomponent if the results are
17 well above the district-adopted expectations for growth and shall
18 receive a subcomponent score of 18-20;

19 6. an effective rating in this subcomponent if the teacher's results
20 meet district-adopted expectations for student growth, and shall
21 receive a subcomponent score of 9-17;

22 7. a developing rating in this subcomponent if the teacher's results
23 are below district-adopted expectations for growth, and shall
24 receive a subcomponent score of 3-8; or

25 8. an ineffective rating in this subcomponent if the teacher's results
26 are well-below district-adopted expectations for growth, and shall
27 receive a subcomponent score of 0-2.

28 Provided that every teacher will be expected to account to his or her
29 principal for students' performance on the assessment under this

1 subcomponent, to identify steps he or she took over the period of
2 instruction to enable all students to meet the expected growth targets,
3 and the steps he or she intends to take to improve future students'
4 performance. Such accounting may be provided in writing, at the
5 teacher's discretion, but shall in any event be discussed in a face-to-
6 face conference with the principal or other designated administrator
7 within one month of receipt of the assessment results under this
8 subparagraph, and may be combined with discussions of assessments under
9 subparagraphs (A), (B) and/or (D). On the basis of such accounting, a
10 principal may affirm the teacher's presumptive rating and score on this
11 subcomponent, or may raise or lower the teacher's rating by one level
12 and/or the teacher's score by up to five points, if the principal
13 concludes that there is compelling evidence that the teacher's
14 presumptive rating or score does not accurately reflect the teacher's
15 contribution to his or her students' growth over the period for which
16 he or she was responsible for their instruction, documenting the basis
17 for his or her conclusions in a written statement that is to be shared
18 with the teacher and the superintendent.

19 (D) Forty percent of the evaluation shall be based on a locally-
20 developed measure or measures of a teacher's own performance and
21 growth, which shall include at least twenty points based on multiple
22 observations of teaching, at least one of which must be unannounced,
23 conducted by the teacher's principal or other trained administrator or
24 person, and at least ten points based on an assessment of the teacher's
25 progress in meeting targets and plans for improving his or her
26 students' performance or his or her own performance set as part of the
27 teacher's evaluation the previous year. The remaining ten points under
28 this component may be allocated to one or the other of these measures
29 or to some other locally-developed measure of a teacher's

1 effectiveness, from a list of options and according to procedures
2 specified in regulations of the commissioner. The standards and
3 procedures for developing and administering this subcomponent of the
4 evaluation shall be established through negotiations conducted pursuant
5 to the requirements of article fourteen of the civil service law, but
6 will include provision for the teacher and the person responsible for
7 his or her evaluation to discuss his or her evaluation in a face to
8 face conference, which may be separate from or combined with
9 discussions of student performance required under subparagraphs (A),
10 (B) and (C) above. The scoring criteria for assessments under this
11 subcomponent shall be selected from alternatives provided in
12 regulations of the commissioner, which will permit the parties to limit
13 the factors to be considered in most annual evaluations to certain
14 State Teaching Standards or to provide for attention to some standards
15 in different years, but will require detailed assessments of all State
16 Teaching Standards for teachers in any year they are being considered
17 for tenure or for assignment of a composite ineffective rating. The
18 commissioner shall establish regulations that ensure that any person
19 serving as an evaluator under this subparagraph shall receive rigorous
20 and ongoing training in conducting observations, assigning ratings, and
21 conducting feedback discussions with teachers.

22 § 6. Paragraph f of subdivision 2 of section 3012-c of the education
23 law is amended by adding a new subparagraph 6 to read as follows:

24 (6) For the two thousand sixteen--two thousand seventeen school year and
25 thereafter, evaluations of a building principal shall be based on three
26 assessments of student growth, which collectively will account for sixty
27 percent of his or her overall evaluation, and a locally-developed measure or
28 measures of a principal's own performance and growth, which will account for
29 forty percent of his or her overall evaluation, as follows:

1
2 (A) A composite assessment of all students' learning on the measures
3 used to evaluate teachers under paragraph f subparagraph 5(A) above.
4 The assessment data and scoring of data for this component shall be the
5 same as those used to generate teachers' presumptive scores and ratings
6 under subparagraph 5(A) above, prior to any adjustments a principal may
7 have made in those scores or ratings. A principal shall receive a
8 presumptive score on this component that will account for 20 points
9 toward his or her total possible points of 100, as follows:

- 10 1. a highly effective rating in this subcomponent if the school's
11 composite results are well above the state average for similar
12 students or well-above the district-adopted expectations for growth
13 and shall receive a subcomponent score of 18-20;
14 2. an effective rating in this subcomponent if the school's composite
15 results meet the state average for similar students or meet
16 district-adopted expectations for student growth, and shall receive
17 a subcomponent score of 9-17;
18 3. a developing rating in this subcomponent if the school's composite
19 results are below the state average for similar students or below
20 district-adopted expectations for growth, and shall receive a
21 subcomponent score of 3-8; or
22 4. an ineffective rating in this subcomponent if the school's results
23 are well-below the state average for similar students or well-below
24 district-adopted expectations for growth, and shall receive a
25 subcomponent score of 0-2.

26 Provided that every principal will be expected to account to his or her
27 superintendent for students' performance on the assessment under this
28 subcomponent, to identify steps he or she and his or her staff took
29 over the period of instruction to improve students' performance over

1 past performance, and steps he or she and his or her staff intend to
2 take to improve future performance, and provided, that on the basis of
3 such accounting, a superintendent may affirm a principal's presumptive
4 rating on this subcomponent or may raise or lower the principal's
5 rating by one level and/or the principal's score by up to five points,
6 if the superintendent concludes that there is compelling evidence that
7 the principal's presumptive rating or score does not accurately reflect
8 the principal's contribution to his or her students' growth over the
9 past year, documenting the basis for his or her conclusions in a
10 written statement that will be shared with the principal and the board
11 of education

12 (B) A composite assessment of all struggling students' learning on
13 the measures used to evaluate teachers under paragraph f subparagraph
14 5(B) above. The data and scoring of data for this component shall be
15 the same as those used to generate teachers' presumptive scores and
16 ratings under subparagraph 5(B) above, prior to any adjustments a
17 principal may have made in those scores or ratings. A principal shall
18 receive a presumptive score on an assessment under this subparagraph
19 that will account for 20 points toward his or her total possible points
20 of 100, as follows:

21 (2) a highly effective rating in this subcomponent if at least eighty
22 percent of the school's students who did not reach proficiency under
23 the previous year's assessments achieved proficiency or made at
24 least 15 months of expected growth during the current year, and
25 shall receive a subcomponent score of 18-20;

26 (3) an effective rating in this subcomponent if at least thirty
27 percent but less than eighty percent of the school's students who
28 did not reach proficiency under the previous year's assessments
29 achieved proficiency or made at least 15 months of expected growth

1 during the current year, and shall receive a subcomponent score of
2 9-17;

3 (5) a developing rating in this subcomponent if at least ten percent
4 but less than thirty percent of a school's students who did not
5 reach proficiency under the previous year's assessments achieved
6 proficiency or made at least 10 months of expected growth during the
7 current year, and shall receive a subcomponent score of 3-8;

8 (6) an ineffective rating in this subcomponent if less than ten
9 percent of the teacher's students who did not reach proficiency
10 under the previous year's assessment achieved proficiency or made at
11 least 10 months of expected growth during the current year, and
12 shall receive a subcomponent score of 0-2;

13 Provided that every principal will be expected to account to his or her
14 superintendent for students' performance on the assessments under this
15 subcomponent, to identify steps he or she and his or her staff took to
16 accelerate these students' growth over past performance, and steps he
17 or she and his or her staff intend to take to improve the future growth
18 of students who have been found to be not proficient on prior
19 assessments, and provided, that on the basis of such accounting, a
20 superintendent may affirm the principal's presumptive rating and score
21 on this subcomponent, or may raise or lower the principal's rating by
22 one level and/or the principal's score by up to five points, if the
23 superintendent concludes that there is compelling evidence that the
24 principal's presumptive rating or score does not accurately reflect the
25 principal's contribution to these students' growth over the current
26 school year, documenting the basis for his or her conclusions in a
27 written statement that will be shared with the principal and the board
28 of education.

1 (C) A composite of assessments employed to assess teachers' success
2 in promoting students' growth toward meeting key student learning
3 objectives in the principal's school, or an assessment of a principal's
4 success in promoting other forms of student growth, as established by
5 the superintendent after consulting with his or her principals. A
6 principal shall receive a presumptive score on an assessment under this
7 subparagraph that will account for 20 points toward his or her total
8 possible points of 100, as follows:

- 9 1. a highly effective rating in this subcomponent if the results are
10 well above the district-adopted expectations for growth and shall
11 receive a subcomponent score of 18-20;
- 12 2. an effective rating in this subcomponent if the school's results
13 meet district-adopted expectations for student growth, and shall
14 receive a subcomponent score of 9-17;
- 15 3. a developing rating in this subcomponent if the school's results are
16 below district-adopted expectations for growth, and shall receive a
17 subcomponent score of 3-8; or
- 18 4. an ineffective rating in this subcomponent if the school's results
19 are well-below district-adopted expectations for growth, and shall
20 receive a subcomponent score of 0-2.

21 Provided that every principal will be expected to account to his or her
22 superintendent for students' performance on the assessment under this
23 subcomponent, to identify steps he or she and his or her staff took
24 over the past year to improve students' performance over previous
25 performance, and steps he or she and his or her staff intend to take to
26 improve future performance, and provided, that on the basis of such
27 accounting, a superintendent may affirm the principal's presumptive
28 rating and score on this subcomponent, or may raise or lower the
29 principal's rating by one level and/or the teacher's score by up to

1 five points, if the superintendent concludes that there is compelling
2 evidence that the principal's presumptive rating or score does not
3 accurately reflect the principal's contribution to his or her students'
4 growth over the previous year, documenting the basis for his or her
5 conclusions in a written statement that will be shared with the
6 principal and the board of education.

7 (D) Forty percent of the evaluation shall be based on a locally-
8 developed measure or measures of a principal's own performance and
9 growth, which shall include at least twenty points based on multiple
10 observations of the principal in various contexts, at least one of
11 which must be unannounced, conducted by the superintendent or some
12 other administrator or person trained according to regulations of the
13 commissioner, and at least ten points based on an assessment by an
14 independent evaluator of how the principal develops and monitors the
15 accountability plans of his or her teachers. The remaining ten points
16 of this component may be allocated at the discretion of the
17 superintendent, after consultation with his or her principals, to one
18 or both of these measures or to other measures provided under
19 regulations of the commissioner. Independent evaluators under this
20 subparagraph shall be one of the following:

21 (1) A superintendent or other trained administrator who
22 supervises principals from outside the school district or board
23 of cooperative educational services with a demonstrated record
24 of effectiveness, or

25 (2) A trained independent evaluator from a list of entities
26 and/or evaluators with a demonstrated record of effectiveness in
27 evaluating the rigor and relevance of teacher goals as determined
28 by the commissioner, or

1 (3) Experienced assessors who are appointed trained faculty at a
2 State University of New York or a City University of New York or
3 a certified New York State independent college or university
4 school of education.

5 Provided that, the department shall specify regulations for conducting
6 these independent evaluators' reviews, which shall include a
7 requirement that they make specific assessments of the principal's
8 grounds for affirming the ineffective score or rating of any teacher on
9 any subcomponent of an evaluation and the grounds for any decision to
10 raise the score or points of any teacher found presumptively
11 ineffective on any assessment of student performance. The results of
12 these assessments will be available to either party as evidence in any
13 hearing under section 3020-a of the education law involving allegations
14 of incompetence. The department will provide technical assistance for
15 school districts including developing and maintaining a list of
16 entities and/or evaluators with a demonstrated record of effectiveness
17 and expertise in evaluating educational goals for college and career
18 readiness with rigor and relevance.