

New York

Law Analyzed	Education Law Sec. 3012-c & 3020-a, as amended by Chapter 103 of the Laws of 2010 & Chapter 21 of the Laws of 2012, A 10786
Date Passed	2010, 2012
Overall Rating	5.75





In May 2010, then-New York Governor David Patterson (D) signed Chapter 103 of the Laws of 2010, which had been passed by the state's Democratic-controlled legislature to support the state's (successful) Race to the Top application. This legislation established a comprehensive evaluation system for classroom teachers and building principals, raised the cap on the number of charter schools, and appropriated \$20.4 million to build the state's longitudinal data system to track student growth. In May 2011, the Board of Regents adopted emergency regulations to implement the new evaluation system. In June 2011, the New York State United Teachers (NYSUT) and representatives of other teachers unions aligned with NYSUT sued the Board of Regents, challenging certain provisions of the regulations. Throughout 2011, state officials engaged in discussions with the parties in the suit, seeking to resolve the issues raised. In February 2012, Governor Andrew Cuomo (D) announced that the parties had come to an agreement, and in March 2012 the New York legislature passed legislation codifying the terms of the agreement, which Cuomo signed. In June 2012, the legislature passed and Gov. Cuomo signed A10786, which details the responsibility of the Commissioner to release aggregated data on teacher effectiveness and of districts to report to parents on the effectiveness of their children's teachers.

New York law requires all districts to conduct annual professional performance reviews (APPR) of all classroom teachers and building principals that include both state growth measures and locally-selected measures of student achievement. Districts develop their own evaluation plans, which must be approved by the Commissioner, who can reject plans that do not meet the requirements of the law and regulations. The law also states that APPRs "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 that are collectively bargained, where applicable." New York's policies do not end "last in, first out" teacher layoffs and excessing, ensure hiring and placement by mutual consent, or prevent children from being consecutively taught by ineffective teachers. These are all areas for future improvement.

New York

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	●
Are principals, as well as teachers, evaluated?	Yes. The law requires annual professional performance reviews (APPRs) of classroom teachers and building principals.	●
Is evidence of student learning a factor in teacher evaluations?	Measures of student growth and achievement account for 40 percent of a teacher's evaluation. The following percentages will be effective starting in 2012-13 or when state value-added measures are available: For teachers in grades/subjects for which value-added data is available, 25 percent of the rating is based on student growth on state assessments and 15 percent on locally selected measures of student achievement. For other grades and subjects, 20 percent of the evaluation is based on comparable growth measures, which the state has determined will be a student learning objectives process based on the state's list of allowable assessment options, and 20 percent on locally-selected measures. Sixty percent of the teacher's evaluation is based on other measures, of which a majority must be based on classroom observations using an approved rubric and at least one unannounced observation.	◐
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, developing, ineffective.	●
Are parents and the public provided clear information about teacher effectiveness?	Under A10786, the Commissioner must publicly disclose aggregated data on professional performance of teachers and principals by district and school, broken down by a variety of factors. Districts must disclose to parents or legal guardians the final quality rating and composite effectiveness scores of their children's teachers and principals.	●
Are educator preparation programs accountable for graduates' effectiveness?	New York's Race to the Top application commits to backward map teachers' and building principals' performance to the programs that prepared them and to hold programs accountable for the performance of their graduates, but the state has not actually done this yet.	○

New York

Criteria	Explanation	Score
Is tenure linked to effectiveness?	The law states that APPRs “shall be a significant factor for employment decisions,” including tenure, but does not provide additional parameters, and use of evaluation as a factor in tenure is subject to collective bargaining.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law defines a pattern of ineffective teaching or performance as two consecutive annual ineffective ratings. A pattern of ineffective teaching or performance shall give rise to a rebuttal presumption of incompetence and if the presumption is not successfully rebutted, the finding, absent extraordinary circumstances, shall be just cause for removal. The law provides an expedited hearing process for dismissals in cases based on these grounds. (There is a separate process for New York City.)	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	New York law requires seniority-based layoffs.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	New York law requires seniority-based layoffs and does not provide a process for exit from district employment for excessed teachers who fail to gain new positions through mutual consent, although some districts may include this in collective bargaining agreements.	

New York

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not address. Under New York law school boards have discretion over employment decisions.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	The law states that APPRs “shall be a significant factor for employment decisions,” including supplemental compensation, but does not specify additional parameters except that decisions are to be made in accordance with locally-developed procedures negotiated in collective bargaining where applicable.	<input type="checkbox"/>