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Review of Education Policy Enacted in the 2015-16 State Budget



Overview

The enacted budget contained education policy changes in the following areas:

- **Evaluation;**
- **Tenure;**
- **Tenured teacher disciplinary hearings;**
- **Teacher preparation and certification; and**
- **Intervention in struggling schools.**

Evaluation – Summary of Changes

- The enacted budget created requirements and options for a new teacher and principal evaluation system administered by the Department in accordance with regulations promulgated by the Board.
- The new evaluation system is comprised of two components that determine each educator's rating:
 - **Student performance:** Requires the use of a state-provided growth score, if available; otherwise requires the use of a student learning objective (SLO). SLOs must use State assessments, as available.
 - If added by local collective bargaining, an optional second subcomponent could be used, comprised of an additional state-provided growth score on a state test or a growth score from a state-designed supplemental assessment calculated using a state-provided or approved growth model. These state-designed supplemental assessments include those developed, designed, purchased, or acquired by SED.
 - **Observations:** Requires observations by a supervisor and an independent evaluator from outside the school building.
 - Districts also have the option of having observations conducted by a trained peer who has been rated Effective or Highly Effective.

Evaluation – Summary of Changes

The statute mandates the “matrix” below to determine a teacher’s composite score based on the two categories of the evaluation (see §3012-d (5)):

		Observation			
		Highly Effective (H)	Effective (E)	Developing (D)	Ineffective (I)
Student Performance	Highly Effective (H)	H	H	E	D
	Effective (E)	H	E	E	D
	Developing (D)	E	E	D	I
	Ineffective (I)	D*	D*	I	I

* If a teacher is rated Ineffective on the Student Performance category, and a State-designed supplemental assessment was included as an optional subcomponent of the Student Performance category, the teacher can be rated no higher than Ineffective overall (see §3012-d (5)(a) and (7)).

Evaluation – Summary of Changes

- **The statute prohibits certain elements from being used as part of an evaluation, including:**
 - Lesson plans, artifacts of teacher practice, and student portfolios;
 - Instruments of parent or student feedback;
 - Use of professional goal-setting;
 - Locally developed assessments not approved by the Department as a state-designated supplemental assessment; and
 - Growth or achievement targets that do not meet minimum standards established by the regulations of the commissioner.
- **Districts will be prohibited from assigning a student to two Ineffective teachers for two consecutive school years.**

Evaluation – Scope of Our Work

Summary of the Scope of Regulations to be Issued

Scoring ranges for and weights among category subcomponents	The regulations must set scoring ranges for and weights among the subcomponents of the Student Performance and Observations categories.
Parameters for growth for the Student Performance category	The regulations must provide for the establishment of growth targets in the Student Performance category.
Parameters for supplemental student performance measures	The regulations must establish parameters for locally-selected State-designed supplemental assessments.
Number, frequency, duration, and parameters of observations	The regulations must prescribe the minimum number of observations to be conducted annually, as well as the frequency, duration, and parameters of the observations.
Observation rubrics	Districts are authorized to use only Department-approved rubrics consistent with regulations.
Applicability to principals	The regulations must prescribe how the new evaluation system will apply to principals.
Waivers to districts to allow a student to be taught by an Ineffective teacher for two consecutive years	While districts are prohibited from assigning a student to two Ineffective teachers for two consecutive school years, there is a provision for districts to receive a waiver from the Department in the rare circumstances whereby the district determines it is impracticable to comply.
Continuation of §3012-c	The extent to which provisions in Education Law 3012-c should apply to the new evaluation system.

Evaluation – Next Steps

- The Board must adopt regulations by June 30, 2015 to fully implement the new evaluation system created by the Governor and the legislature.
- In order for school districts to receive their scheduled increase in state aid, their new evaluation plans must be approved by the Department by November 15, 2015.

While the Regents and Department are tasked with administering the new evaluation system and promulgating implementing regulations, much of the evaluation system is strictly prescribed by statute.

Public comment on the pending evaluation regulations should be sent to

eval2015@nysed.gov

Tenure – Summary of Changes

- The enacted budget extends tenure appointments for all educators from 3 years to 4 years.*
- In order for educators to be eligible for tenure after the 4-year probationary period, an educator must receive a rating of either Effective or Highly Effective in at least 3 of the 4 probationary years, including the final year. An educator who receives an Ineffective rating in the final year cannot receive tenure.
 - If an educator does not meet this criterion, tenure may be extended by an additional year at the discretion of the school district.
- The enacted budget clarifies that districts retain the unfettered right to terminate a probationary teacher or principal during the probationary period for any permissible reason, including, until a tenure decision is made, the performance of the teacher or principal.

*The new, longer probationary period will be effective for all teachers and administrators with probationary appointments *on or after* July 1, 2015.

Tenured Teacher Disciplinary Hearings – Summary of Changes

- The enacted budget enacts a new §3020-b to create a new streamlined disciplinary hearing process for educators who receive two or more consecutive Ineffective ratings on their evaluations.
 - Districts are **authorized** to bring charges of incompetence for educators with 2 consecutive Ineffective ratings and are **required** to bring charges of incompetence for educators with 3 consecutive Ineffective ratings.
 - Hearings for educators charged for incompetence would be heard by a single hearing officer (as opposed to a panel) and must be completed between 30 (for cases of 3 Ineffective ratings) and 90 days (for cases of 2 Ineffective ratings).
 - The statute provides that 2 or more consecutive ratings of Ineffective would constitute *prima facie* evidence of incompetence that can only be overcome by clear and convincing evidence that the educator is not incompetent and are just cause for removal.

Tenured Teacher Disciplinary Hearings – Summary of Changes

- In addition to the changes regarding the handling of cases regarding incompetence, the enacted budget provides for streamlined removal of teachers found guilty of misconduct constituting physical or sexual abuse of a student.
 - Districts would be authorized to suspend a teacher charged with such misconduct without pay pending the outcome of the hearing.
 - Statutory changes are made to allow testimony by child witnesses through closed circuit television.

Tenured Teacher Disciplinary Hearings – Next Steps

- **The Department is tasked with promulgating regulations to implement the new expedited disciplinary hearings.**
- **The Department will be charged with some enforcement responsibilities with regard to fidelity to the new timelines and procedures.**

Teacher Preparation and Certification - Summary of Changes

The enacted budget implements several changes for teacher training and certification, including:

- **Increased admission standards for graduate teacher and education leadership programs:** Requires that graduate-level teacher and leader education programs adopt rigorous selection criteria for candidates, including minimum scores on GREs and a 3.0 GPA or higher;
- **Suspension and de-registration of graduate teacher and education leadership programs:** Requires the Department to suspend graduate-level programs if fewer than 50 percent of students have satisfactorily completed the program in the previous 3 years; and
- **Enhanced registration and continuing education requirements:** Requires educators to re-register with the Department every 5 years and satisfy 100 hours of continuing education requirements.

Teacher Preparation and Certification - Next Steps

- The Department will be required to make procedural and technical changes to the TEACH system to accommodate for the teacher re-registration requirement, which begins in 2016-17.
- The Department will be required to set standards for courses, programs and activities that educators will be required to meet to satisfy the continuing education requirements.
- The Department will be required to promulgate implementing regulations for multiple aspects of these new provisions, including exemptions for the increased admission standards and appeals of suspensions for low-performing programs, among others.

Intervention in Struggling Schools – Summary of Changes

The enacted budget establishes a new intervention authority for districts and the Department to turn around struggling schools through receivership.

Persistently Failing School: Schools that have been in the most severe accountability status since the 2006-07 school year.



Superintendent is given 1 year with “receivership” powers to improve performance. School is eligible for state grant to support turnaround efforts.



If the school fails to make progress, the school is placed in external receivership for up to 3 years.

Failing Schools: Schools that have been Priority Schools since 2012-13.



Superintendent is given 2 years with “receivership” powers to improve performance.



If the school fails to make progress in 2 years, the school is placed in external receivership for up to 3 years.

Intervention in Struggling Schools – Summary of Changes

The enacted budget provides persons or entities vested with the powers of receivership new authority, including to:

Summary of Receivership Powers and Duties

Develop a school intervention plan	Convert schools to community schools providing wrap-around services.
Reallocate funds in the school's budget	Expand the school day
Establish a professional development plan	Order the conversion of the school to a charter school consistent with applicable state laws.
Remove staff and/or require staff to reapply for their jobs in collaboration with a staffing committee	Negotiate a receivership collective bargaining agreement, with any unresolved issues submitted to the Commissioner for decision.

Intervention in Struggling Schools – Determinations of School Status

- At the end of the one- or two-year period in which a school designated as persistently failing or failing remains under district control, and annually thereafter, the Commissioner must determine whether it should be removed from such designation, allowed to continue to be operated by the school district with the superintendent having the powers of a receiver, or be placed in external receivership.
- Schools under external receivership must also be annually evaluated by the Commissioner to determine whether the school intervention plan should be continued or modified.
- At the end of the external receivership period, the Commissioner must decide whether to end the receivership, continue it, or appoint a new receiver.
- Nothing in the legislation prohibits the Commissioner from ordering the closure of a school or the Regents from revoking the registration of a school.

Intervention in Struggling Schools – Next Steps

- The Department must issue regulations regarding implementation of the receivership, including regulations governing how schools will be identified for this new intervention.
- The enacted budget includes \$75 million in grants for Persistently Failing Schools to be used over 2 years to support and implement turnaround plans. Subject to DOB approval, the Department may begin as of July 1, 2015 to provide grants to districts.

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Thank You.

