

## 2010 Update from the New York State Assembly



### EDUCATION COMMITTEE

Sheldon Silver, Speaker • Catherine Nolan, Chairwoman

## Race to the Top Update

The Assembly passed three bills which will bolster New York's application for up to \$700 million in "Race to the Top" federal funding. A.11171 (Nolan) created a comprehensive evaluation system for teachers and principals. A.11309 will provide financial support for a state longitudinal data system to measure long-term student achievement. A.11310 will increase the number of charter schools which will be established through a new request for proposal process and will enhance the transparency and accountability of charter schools to the public. These bills are now law.

A.11310 makes it clear that the state comptroller is the authority to audit charter schools, enhances disclosure and reporting requirements and requires an open and transparent enrollment lottery system. "As we increase the number of charter schools, it is important that we also increase transparency and accountability," Nolan said.

The bill creates a new request for proposals process for the creation of 260 additional charter schools. The new system favors applications that best respond to certain objectives derived from "Race to the Top" such as increasing high school graduation rates and addressing student achievement gaps



in reading/language arts and mathematics. Requests for proposals for new charter schools will be issued by the Board of Regents and SUNY Board of Trustees.

In addition, the legislation will:

- Prohibit for-profit organizations from operating or managing any new charter schools. "It is vital that we put kids before profits," Nolan said;
- Ensure that charter schools serve more children with disabilities, English language learners and free and reduced-price lunch program participants;
- Require the New York City schools chancellor to develop building usage plans

## Race to the Top Update (continued)



for fair allocation and usage of space; and

- Require matching capital improvements to the traditional public school portion of a New York City school building that also houses a charter school when such an improvement is made in excess of \$5,000 to the co-located charter school.

A.11310 ensures that charter schools have a plan to provide students with a quality education that meets their needs. It also enhances New York's application for "Race to the Top" funding. "The Assembly's bills increase the opportunities for students to get the top-notch education they deserve," said Nolan. "The bills also improve accountability, transparency and oversight in all of our schools in the process."

## Teacher Evaluation Reforms

The Assembly passed legislation creating a comprehensive statewide evaluation system for teachers and principals (A.11171, Nolan). Under this bill, now signed into law, the annual professional performance reviews (APPRs) will be a factor in determinations about promotion, retention, tenure determination, termination and supplemental compensation.

This new system will provide for a more objective, student-centered rating system and help ensure that underperforming schools, teachers and principals are given the tools and assistance they need to improve. Evaluations will check both the competence of our teachers and school administrators and the challenges they face. As a result we will be better able to serve our children and assure that they get the quality education they need to succeed.

The APPRs will rate the effectiveness of teachers and principals by using an expanded rating system, including categories of "highly effective," "effective," "developing" and "ineffective." The legislation requires

improvement plans for any educator who receives a rating of "developing" or "ineffective." Two consecutive ratings of "ineffective" teaching or performance will constitute evidence of incompetence and may be just cause for removal through a newly established, expedited hearing process.

The new evaluation system will be phased in at the start of the 2011-2012 school year for teachers in grades 4 through 8 and their respective principals. In 2012-2013, the new evaluation standards will become applicable to all teachers and principals. A number of factors need to be taken into account when reviewing a teacher or principal's performance including student achievement. Sixty percent of the evaluation will be comprised of locally developed measures, including classroom observations, while the remaining 40 percent will be based on student achievement.

More rigorous guidelines will not only help schools and teachers give students the instruction and support they need to succeed,

## Teacher Evaluation Reforms (continued)

but will also make New York State a stronger competitor in the next round of federal 'Race to the Top' funding.

The Assembly's legislation also authorizes the board of education of a school district or the chancellor of the New York City school district to contract with an educational partnership organization to manage schools identified as persistently lowest-achieving or under registration review. The contract must include expectations for academic outcomes and stipulate that failure to meet such expectations may be grounds for termination of the contract.



## Assembly Restored Funds for Education

The Assembly's education budget, also passed by the Senate, added \$600 million for general support to public schools. The budget required that high- and average-wealth districts outside the Big 5 cities – New York, Buffalo, Rochester, Syracuse and Yonkers – use 100 percent of the restored state funding for property tax relief or reserves. Poorer or low-wealth districts outside the Big 5 cities would have discretion to use this aid for property tax relief, educational purposes or reserve funds.

The Legislature's budget froze, but continued, the planned three-year phase-in of Foundation Aid beginning in the 2012-2013 school year – rejecting a proposal to extend the phase-in by an additional three years.

The Legislature's budget continued present law funding levels in the 2010-2011 school year for other formula aids, including transportation aid, building aid and BOCES.

The Legislature's budget rejected the governor's proposals to shift the costs of Summer School Special Education and preschool Special Education to the school districts.

The Legislature's budget continued the Contract

for Excellence program for the 2010-2011 school year. Districts required to prepare a Contract for Excellence would have to continue in the program unless all schools within the district are deemed "in good standing."

The Assembly established and has been fighting for the continuation and growth of the Universal Pre-Kindergarten program to ensure that all 4-year-olds get a head start in school. This year's Assembly budget continued Universal Pre-Kindergarten through 2011-2012.

Although the Legislature did its job, passed a budget that would keep New York running and restored funds to schools, the governor vetoed the education budget. The veto of school aid included in the Legislature's balanced budget will hurt our schools and children. For example, class size will increase and teachers will be lost. "It is my hope," said Nolan, "that, with the addition of federal funding slated for New York, we will be able to better help school districts through these very difficult financial times."

## Legislation Reported by the Assembly Education Committee in 2010

- A. 3661C:** Enacts the “dignity for all students act” to prevent harassment and discrimination
- A. 5434:** Gianaris – Requires New York City school district to notify parents of bedbug infestations
- A. 7603-A:** Nolan – Requires the chancellor of the New York City school district to compile an inventory of outdoor playgrounds and report about their condition and use
- A. 8673A:** Gunther – Authorizes boards of cooperative educational services to enter into contracts with public libraries for high-speed telecommunications services
- A. 10251:** Nolan – Establishes a task force to develop guidelines for school districts about security against cyber theft of school funds in bank and other financial accounts
- A. 10507A:** Nolan – Authorizes use of lever voting machines for school elections

## 2010 Education Committee Hearings

This year the Assembly Education Committee held two public hearings – one about GEDs and another about the governance of Rochester City schools.

**GEDs:** On May 19, 2010, the Education Committee held a hearing in Albany to discuss the state’s GED program. Experts testified before committee members about ways to improve the pass rate which is now only 60% statewide. New York State Education Department Senior Deputy Commissioner John King, David Jones from the Community Service Society and representatives from BOCES as well as the New York City Department of Education were among those who addressed the committee. Issues included: an official practice test, preparation programs, certified instructors and better funding.

**Governance of Rochester City Schools:** On June 18, 2010, Assemblywoman Nolan, Committee Chair, and Assemblymen David Gantt and Joseph Morelle held a hearing in Rochester, New York, to hear from the public about a



proposal before the legislature to give the city mayor authority to manage the school district. Rochester Mayor Robert Duffy, members of the Rochester City School Board, the New York State School Boards Association, teachers, parents and other concerned parties testified.

## Assemblywoman Catherine Nolan, Chair

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