SUMMARY OF EDUCATION TRANSFORMATION ACT OF 2015 VOTED INTO LAW ON APRIL 1, 2015
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Background:
Over several weeks, the NYS Assembly and Senate negotiated, compromised and put forth a revised budget to the one proposed by Governor Cuomo in January, 2015. Late on March 31, 2015, with little time to spare in meeting the budget deadline of April 1, both congressional houses voted in favor of the budget and the Education Transformation Act of 2015 thereby stopping a budget extension and possible government shutdown.

- Education Transformation Act (Part EE - incorporated in bill #S02006B/A03006B):
  - This bill – not uncustomarily – bundled multiple reforms including ethics reforms for state government. It continued to - uncustomarily - link state aid to education reforms. As such, when standing to explain their votes, some legislators said they voted in the affirmative with ‘heavy hearts’ because they did not agree with all parts of the bill in particular, the education reforms.
  - It is a 157 page bills with 49 pages dedicated to education reform and 20 pages dedicated to school aid.
  - Senate: YEA/NAY: 36/22 - Senator Venditto voted “YES”
  - Assembly: YEA/NAY: 92/55 - Assemblyman Saladino voted “NO”

Governor Cuomo controversially linked budgetary state-aid assistance for education to passage of his proposed education reforms. If his reforms were agreed to, the state would provide an incremental $1B to fund education. If not, the state would only provide $343mm in incremental aid. Among other things, his education reforms called for the following:

- 50% of a teacher’s evaluation based on state standardized tests
- 35% of a teacher’s evaluation based on an undetermined outside evaluator
- Tenure eligibility changed from 3 to 5 years

The major concern for school districts was the loss of local control that this represented, and tests - still considered imperfect - weighing so heavily on evaluation of teacher effectiveness and school performance. The MSD Board of Education and Superintendent spoke out publicly against these reforms.

Financial Outcome:
State Aid (Foundation aid is the largest part of this aid for MSD) -
The final budget provides schools in the state with an increase of $1.4b for a total of $23.5b. Allocation of aid to districts is based on a formula that considers the wealth of a district. As such, Massapequa School District (MSD) gets a very small portion of this incremental aid

Gap Elimination Adjustment (GEA) -
Since 2010, state aid to schools has been affected by the Gap Elimination Adjustment. GEA is money that the state has taken away from school aid each year in order to fill “gaps” in the overall state budget. The GEA was not eliminated but has been reduced by 60%. Therefore, the $1.4B gross aid figure will not be fully realized by schools across the state. The number will be reduced by the remaining GEA. [Note: author believes, but has not confirmed, that the $1.4b also includes some restoration of prior GEA funds. Therefore, this may not be a true incremental foundation-aid increase only, as it also includes money that was taken from previous foundation aid that schools are owed.]

The GEA formula that takes a portion of each districts state-aid away is based on a formula which is disproportionate to the foundation-aid allocation formula. Therefore, MSD receives less money from the state-aid pool, but gets more taken away in GEA [note: this is the author’s understanding, but it has not been confirmed].
GEA for MSD represents about $20mm since 2010 that has yet to be repaid.
Impact on Education:
This current budget vote and the Education Transformation Act have NOTHING to do with changing the Common Core Standards or Curriculum. It does NOT change the current state assessments tests or administration thereof for this year (2015). It does, however, impact how teachers and schools will be evaluated based on tests administered next year and a District’s eligibility for state funding. HOWEVER, THE FUNDING ISSUE HAS NOTHING TO DO WITH TEST PARTICIPATION RATES (see Subpart E, sec. 2 – Rating Determinations).

Legislators who voted in favor of this bill claim that it will reduce testing and minimizes the 50% of teacher evaluation based on the tests originally proposed by Governor Cuomo. However, a close read of the bill suggest otherwise (see APPR section for details).

Education Transformation Act of 2015 Specifics:

Teaching Careers –
This act within the bill provides requirements for masters-in-education scholarships along with more rigorous admissions requirements for graduate level teaching program. Programs at NYS institutions that have <50% of those completing the program pass certification exams will be suspended. New teaching certifications will require registration every five years, and current teaching certifications previously held for life will now need to be reregistered every five years as well. In addition, 100 hours of continuing education courses are required within all five-year registration and reregistration periods.

Tenure -
Tenure probation for teachers and administrators will now be four years instead of three years with varying probation period for special certifications and situations. Appointments for tenure can only be made with a rating of “effective” or “highly effective” 3 of the 4 probationary years and in the last year of probation; otherwise, a teacher/admin is not eligible for tenure. The BOE may extend probation for one year if effective or highly effective in three of the four years but not in the last year. The appointment process is subject to appeal. If the appointee wins the appeal, tenure is immediately appointed. Failure to maintain certification is cause for removal.

Annual Professional Performance Review (APPR) -
APPR is the process by which teachers and administrators are evaluated. It includes measures of student achievement based on state tests and is used to decide the employment; promotion, retention; tenure; termination; and supplemental pay of teachers and principals.

The Commissioner of NYSED is to adopt the regulations and guidelines of this bill by 6/30/15 for state-wide teacher/principal evaluations. The commissioner is to do so in consultation with experts and practitioners in education, economics, Psychometrics (science of measuring mental capacity and process), and with the US Secretary of Education. The evaluations are to take into consideration the parameters defined by the Board of Regents Chancellor and acting commissioner in their December 2014 letter which provided recommendations for input to the Governor’s Jan. 2015 budget and education reform proposals

Ratings for teacher evaluation (HEDI) -

TWO Categories for Evaluation –
Teachers will be evaluated on multiple measures in just two categories

1. **Student performance** (based on state 3-8 assessment tests, regent’s exams, or Student Learning Objectives (SLO) – for teachers whose courses do not administer state tests.
   a. An optional second subcomponent to student performance may be added using a state approved second test. The two testing subcomponents will be combined for one category score.
   b. The Education Commissioner will determine the weights and scoring ranges (assumed cut scores), and student growth target rates for this evaluation category.

2. **Teacher Observation** – based on a state approved rubric with up to 3 subcomponents which will result in a combined category rating with weight, scoring, frequency and duration of observation determined by the commissioner:
   a. Required classroom observation by principal or trained administrator
   b. Required classroom observation by an impartial independent state-approved trained evaluator OR a trained district employee, but not one from the same school.
   c. Optional trained peer teacher rated “effective” or “highly effective” from the same school or from another school in the district.

**Effectiveness Rating Determination**

Based on the two evaluation categories, the following matrix shows how teachers/principals will be rated. In almost all instances, the two categories are equally weighted. Therefore, it is difficult to see how this new evaluation system provides for test scores counting for less than 50% of the overall evaluation as some legislators state. Currently, test scores count for 20% of an evaluation. This new evaluation system will be effective for the 2015/16 school year.

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<th>Full Matrix of Ratings:</th>
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- One exception to the above matrix pertains to teachers and principals rated on the two subcomponents of the student performance category (i.e. two tests) and receiving a combined “ineffective” rating in this category will be rated “ineffective” overall regardless of the observation category rating.
- The following elements can no longer be used in an evaluation:
  - Lesson plans
  - Student portfolios unless based on state rubric
  - Parent surveys
  - Professional goal setting
  - District or regional assessments not approved by NYSED
  - Growth/achievement targets not meeting minimum state standards
- Students may not be instructed, for two consecutive years, by any two teachers in the same district rated “ineffective”.
- No state aid in EXCESS of the base aid calculation will be awarded to a district for 2015/16 and subsequent years in which documentation is not submitted to demonstrate full implementation of NYSED APPR requirements by 11/15/15 for the 2015/16 school year and by 9/1 of each subsequent school year.
• Districts will forfeit any increase in state aid received for a year in which they were deemed non-compliant with APPR regulations. This currently has nothing to do with state testing participation rates by students.

Disciplinary Action -
  ▪ 2 consecutive “ineffective” ratings is just cause for removal after a hearing unless evidence is presented to the contrary
  ▪ 3 consecutive “ineffective” ratings can only be overcome if proven fraudulent as in the case of mistaken identity

Testing Reduction Report -
On or before 7/1/15, the Regents Chancellor – working in conjunction with parents, students, educators, and districts - is to provide a report to the governor, senate, and assembly leaders with recommendations to help with the following:
  • Reduce the amount of testing
  • Improve the quality of the tests to reduce related stress
  • Implement procedures to reduce test preparation

Receivership-
A Receiver may be appointed to take over and restructure failing schools. The state will determine if a school is failing based on the state’s accountability system which designates schools in one of the following categories:
  ▪ Reward
  ▪ Good Standing
  ▪ Local Assistance Program (LAP)
  ▪ Focus
  ▪ Priority
  ▪ There is also a designation for a Focus District.

NOTE: ALL SCHOOLS IN THE MASSAPEQUA SCHOOL DISTRICT ARE CURRENTLY IN GOOD STANDING

The above designations are based solely on state tests for the elementary/secondary level. At the high school level, designations are based on regent exams and number of graduates. Tests on all grade levels take measure of student performance (performance index - PI), student growth (annual yearly progress – AYP). Failure to meet the 95% participation rate required for the tests is a failure to make AYP regardless of actual student growth results – this has not been changed by this bill and there still is no effect on funding for the district.

Schools eligible for appointment of an external Receiver-
• A failing school is defined as a school designated as “priority” for the last three consecutive years and in the lowest achieving 5% in the state – determined by the NYSED Commissioner
  o Schools designated as priority for less than 10 years (i.e. failing, but not persistently) will continue to operate locally for an additional 2 years but must have a state-approved improvement plan in place with metrics and goals.
• A persistently failing school is defined as any school among the lowest achieving - designated as “priority” - for 10 consecutive years
  o The superintendent will be vested will full powers of receivership for one year and must have a state-approved improvement plan in place. At the end of 1 year the State will take one of the following actions based on a performance review:
    • Remove the persistently failing designation
    • Continue the designation and superintendent’s receivership with yearly performance reviews
    • Turn the school over to an external receiver
• Schools newly designated as failing after the 2016/17 school year will immediately be eligible for receivership

Receiver Powers -
• The Receiver becomes a non-voting member of the BOE and supersedes the decisions of superintendent and BOE members related to the school intervention plan but cannot interfere in matters not related to the plan.
• Develops a school intervention plan based on regulations spelled out in detail in the bill
• Replace, expand or alter the curriculum
• Replace Teachers and administrators
• Increase salaries to attract teachers
• Improve hiring through evaluations, development plans, and advancement of culture
• Reallocate budget
• Extend school day or year
• Add pre-k and extend existing pre-k programs to full time
• Abolish the positions of all tenured and untenured staff, terminate principals and require reapplication for positions
• Provide provisions for professional development for teachers and admins.
• Order conversion to charter school which would be subject to the same intervention plan.

The Receiver must submit his intervention plan within 6 months of his appointment for approval by the Commissioner. The approved plan will be authorized for no more than 3 years and requires quarterly reports to the Board of Regents.

• At the end of the 3 year intervention plan, the school is evaluated to determine if it has improved sufficiently, requires further improvement, or failed to improve. Based on this review, the Commissioner may:
  - Renew the plan
  - Appoint a new Receiver
  - Remove the “failing” or “persistently failing” designation
• Failing and persistently failing schools eligible for receivership must be notified by the Commissioner by August 15 of each year.