STATE OF NEW YORK

4866

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. GOODELL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to empowering school boards to make decisions regarding employment based on performance, qualifications and the best interests of the students

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 1505-a of the education law, as 1 added by chapter 871 of the laws of 1982, is amended to read as follows: 2 3 2. [Any] Notwithstanding any other provision of law to the contrary, 4 any such teacher who is unable to obtain a teaching position in any such school district to which territory is added, because the number of posi-5 б tions needed are less than the number of teachers eligible to be consid-7 ered employees pursuant to subdivision one of this section, shall, in 8 all such school districts to which territory is added, be placed on a 9 preferred eligible list of candidates for appointment to a vacancy that 10 may thereafter occur in a position similar to the one such teacher filled in such former school district [. The teachers on such a preferred 11 eligible list shall be appointed to such vacancies in such corresponding 12 13 or similar positions under the jurisdiction of the school district to 14 which territory is added in the order of their length of service in such 15 former school district, within seven years from the date of the dissol-16 ution of such former school district pursuant to the provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a and paragraph b 17 of subdivision thirteen and subdivision thirteen-a of section eighteen 18 19 hundred four of this title. 20 § 2. Section 1804 of the education law is amended by adding two new 21 subdivisions 13 and 13-a to read as follows: 13. a. Notwithstanding any other provision of law to the contrary, 22 23 whenever a board of education abolishes or reduces a position or posi-

24 tions under this chapter, the superintendent for the school district

EXPLANATION--Matter in <u>italics</u> (underscored) is new; matter in brackets [-] is old law to be omitted.

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1	shall recommend which teacher or teachers should be retained. Such
2	recommendation shall be based on an evaluation of the teacher's perform-
3	ance, qualifications and the educational needs of the school including
4	but not limited to:
5	(i) annual professional performance reviews conducted pursuant to
б	section three thousand twelve-c of this chapter;
7	(ii) student educational achievements, progress and performance;
8	(iii) teacher educational qualifications, length of service, certif-
9	ications, demonstrated ability and attendance; and
10	(iv) the needs of the school for particular license areas, curriculum,
11	specialized education, degrees, or areas of expertise.
12^{11}	The teacher's salary shall not be a factor in making a recommendation
	as to which teacher or teachers shall be retained. The board of educa-
13	
14	tion shall exercise its discretion and shall approve or reject the
15	recommendations of the superintendent so as to minimize the adverse
16	impact on students and the educational strength of the school district.
17	b. If a teaching position is abolished or reduced, the person filling
18	such position at the time of its abolishment or reduction shall be
19	placed upon a preferred eligible list of candidates for appointment to a
20	vacancy that then exists or that may thereafter occur in a position
21	similar to the one which such person filled without reduction in salary
22	or increment, provided such person has provided faithful, competent
23	service in the office or position he or she has filled.
24	13-a. a. Notwithstanding any other provision of law to the contrary,
25	whenever a board of education abolishes or reduces an office or adminis-
26	trative positions under this chapter the principal for the school or
27	other building administrator in charge of the school or program shall
28	recommend which office or administrative positions should be retained.
29	Such recommendations shall be based upon an evaluation of the perform-
29 30	Such recommendations shall be based upon an evaluation of the perform- ance and qualifications of the individual.
30	ance and qualifications of the individual.
30 31 32	ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or
30 31 32 33	ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates
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30 31 32 33 34 35 36	ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person
30 31 32 33 34 35 36 37	ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he
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30 31 32 33 34 35 36 37 38 39 40 41 42	ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members
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30 31 32 33 35 36 37 38 39 40 41 42 43 445 46 47 48	ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length off service in each tenure area] the provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision thirteen and paragraph a of
30 31 32 33 35 36 37 38 39 41 42 445 467 48 49	<pre>ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of service in each tenure area] the provision thirteen and paragraph a of subdivision thirteen-a of section eighteen hundred four of this title.</pre>
30 31 32 33 35 36 37 38 39 41 423 445 467 489 50	<pre>ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of service in each tenure area] the provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision thirteen and paragraph a of subdivision thirteen-a of section eighteen hundred four of this title. § 4. Section 1917-a of the education law, as added by section 93 of</pre>
30 312 3334 3536 3738 300412 42345 46748 49051	<pre>ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of pervice in each tenure area] the provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision thirteen and paragraph a of subdivision thirteen-a of section eighteen hundred four of this title. § 4. Section 1917-a of the education law, as added by section 93 of part L of chapter 405 of the laws of 1999, is amended to read as</pre>
30 312 334 35 36 3739 412 445 447 490 512 52	<pre>ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of service in each tenure area] the provisions of subparagraphs (i), (ii), (ii) and (iv) of paragraph a of subdivision thirteen and paragraph a of subdivision thirteen-a of section eighteen hundred four of this title. § 4. Section 1917-a of the education law, as added by section 93 of part L of chapter 405 of the laws of 1999, is amended to read as follows:</pre>
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30 312 334 35 3733 367339 4123445678901234 512355354	<pre>ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of service in each tenure area] the provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision thirteen and paragraph a of subdivision thirteen-a of section eighteen hundred four of this title. § 4. Section 1917-a of the education law, as added by section 93 of part L of chapter 405 of the laws of 1999, is amended to read as follows: § 1917-a. Employees; employment rights; creation of new central high school district. 1. [Teachers] Notwithstanding any other provision of</pre>
30 312 334 35 36 3739 412 434 456 478901 51253	<pre>ance and qualifications of the individual. b. If an office or administrative position is abolished or reduced, the person filling such position at the time of its abolishment or reduction shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without reduction in salary or increment, provided such person has provided faithful, competent service in the office or positions he or she has filled. § 3. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows: § 1917. Employees; employment rights. [Teachers] Notwithstanding any other provision of law to the contrary, teachers and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of service in each tenure area] the provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision thirteen and paragraph a of subdivision thirteen-a of section law, as added by section 93 of part L of chapter 405 of the laws of 1999, is amended to read as follows: § 1917-a. Employees; employment rights; creation of new central high</pre>

component districts are no longer needed because of the creation of a 1 2 central high school district or the transference of students to an existing central high school district, shall be granted employment 3 4 in central high school districts in accordance with the rights 5 provisions of this section. б 2. As used in this section, a "component district" shall mean a 7 central, union free or common school district within the territory of 8 the central high school district, and a "central high school district" 9 shall mean a central high school district existing or created pursuant 10 to this article. 11 3. In any case in which a component district sends students to a central high school district, each teacher and all other employees previously employed in the education of such students by such component 12 13 14 district prior to the time that such component district sends its 15 students to a central high school district shall be considered employees of such central high school district, with the same tenure status held 16 17 in such component district. For purposes of this section, when a component district takes back 18 19 students that it sent to another district on a tuition basis and sends 20 such students to a central high school district, such central high 21 school district shall be deemed the "sending district" for purposes of the rights and protections provided in section three thousand fourteen-c 22 23 of this chapter. 24 4. If the number of teaching and other positions needed to provide the 25 educational services required by such central high school district is 26 less than the number of teachers and other employees eligible to be 27 considered employees of such central high school district as provided by subdivision three of this section, [the services of the teachers and 28 other employees having the least seniority in the component district 29 within the tenure area of the position shall be discontinued] decisions 30 31 about the retention of teachers and other employees in the component 32 district shall be made pursuant to subparagraphs (i), (ii), (iii) and (iv) of paragraph a and paragraph b of subdivision thirteen and subdivi-33 34 sion thirteen-a of section eighteen hundred four of this title respec-35 Such teachers and other employees not retained as employees <u>tively</u>. 36 shall be placed on a preferred eligible list of candidates for appoint-37 ment, pursuant to paragraph b of subdivision thirteen and paragraph b of 38 subdivision thirteen-a of section eighteen hundred four of this title, to a vacancy that may thereafter occur in an office or position under 39 jurisdiction of the component district, the "receiving district" as 40 the 41 defined in section three thousand fourteen-c of this chapter, from which 42 a component district has taken back students, and the central high 43 school district similar to the one such teacher or other employee filled 44 in such component district. The teachers and other employees on such 45 preferred lists shall be reinstated or appointed to such vacancies in 46 such corresponding or similar positions under the jurisdiction of the 47 component district or the central high school district [in the order of 48 their length of service in such component district, within seven years from the date of the abolition of such office or position] pursuant to 49 the criteria outlined in subparagraphs (i), (ii), (iii) and (iv) of 50 51 paragraph a of subdivision thirteen and paragraph a of subdivision thir-52 teen-a of section eighteen hundred four of this title. 53 5. For any such teacher or other employee as described in subdivision

54 three of this section for salary, sick leave and any other purposes, the 55 length of service credited in such component district shall be credited 56 as employment time with such central high school district. 1 6. This section shall in no way be construed to limit the rights of 2 any of such teachers or other employees described in this section grant-3 ed by any other provision of law.

4 § 5. Section 2510 of the education law, as added by chapter 762 of the 5 laws of 1950, subdivision 3 as amended by chapter 240 of the laws of 6 1992 and paragraph (a) of subdivision 3 as amended by chapter 236 of the 7 laws of 1993, is amended to read as follows:

8 § 2510. Abolition of office or position. 1. If the board of education 9 abolishes an office or position and creates another office or position 10 for the performance of duties similar to those performed in the office or position abolished, the person filling such office or position at the 11 time of its abolishment shall be appointed to the office or position 12 13 thus created without reduction in salary or increment, provided the 14 record of such person has been one of faithful, competent service in the office or position he or she has filled. 15

16 2. [Whenever] Notwithstanding any other provision of law to the 17 contrary, whenever a board of education abolishes a position under this chapter, [the services of the teacher having the least seniority in the 18 system within the tenure of the position abolished shall be discontin-19 20 ued] termination decisions shall be made pursuant to criteria outlined 21 in subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision thirteen and paragraph a of subdivision thirteen-a of section eighteen 22 hundred four of this title. 23

3. (a) If an office or position is abolished or if it is consolidated 24 with another position without creating a new position, the person fill-25 26 ing such position at the time of its abolishment or consolidation shall 27 be placed upon a preferred eligible list of candidates for appointment 28 to a vacancy that then exists or that may thereafter occur in an office 29 or position similar to the one which such person filled [without 30 reduction in salary or increment, provided the record of such person has 31 been one of faithful, competent service in the office or position he has 32 filled. The persons on such preferred list shall be reinstated or 33 appointed to such vacancies in such corresponding or similar positions in the order of their length of service in the system at any time within 34 35 seven years from the date of abolition or consolidation of such office 36 or position] pursuant to the provisions of paragraph b of subdivision thirteen and paragraph b of subdivision thirteen-a of section eighteen 37 hundred four of this title. Notwithstanding any other provision of law 38 39 to the contrary, in the event that a member of the New York state teach-40 ers' retirement system, who is receiving a disability retirement allow-41 ance, shall have such disability retirement allowance rescinded, such 42 member shall be placed upon such preferred eligible list as of the 43 effective date of his or her disability retirement.

(b) The persons on such preferred list shall be reinstated, in accordance with the terms of paragraph (a) of this subdivision, to such substitute positions of five months or more in duration, as may from time to time occur without losing their preferred status on such list. Declination of such reinstatement shall not adversely affect the persons' preferred eligibility status.

50 § 6. Section 3013 of the education law, as added by chapter 737 of the 51 laws of 1992, is amended to read as follows:

52 § 3013. Abolition of office or position. 1. [If] Notwithstanding any 53 other provision of law to the contrary, if a trustee, board of trustees, 54 board of education or board of cooperative educational services abol-55 ishes an office or position and creates another office or position [for 56 the performance of duties similar to those performed in the office or

position abolished, the person filling such office or position at the time of its abolishment shall be appointed to the office or position thus created without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he or she has filled], decisions regarding employee retention shall be made pursuant to the provisions of subdivisions thirteen and thirteen-a of section eighteen hundred four of this chapter.

8 2. [Whenever a trustee, board of trustee, board of education or board 9 of cooperative educational services abolishes a position under this 10 chapter, the services of the teacher having the least seniority in the 11 system within the tenure of the position abolished shall be discontin-12 ued.

13 $\frac{3}{2}$ (a)] If an office or position is abolished or if it is consolidated 14 with another position without creating a new position, the [person filling such position at the time of its abolishment or consolidation shall 15 16 be placed upon a preferred eligible list of candidates for appointment 17 to a vacancy that then exists or that may thereafter occur in an office or position similar to the one which such person filled without 18 reduction in salary or increment, provided the record of such person has 19 20 been one of faithful, competent service in the office or position he or 21 she has filled. The persons on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar posi-22 tions in the order of their length of service in the system at any time 23 within seven years from the date of abolition or consolidation of such 24 25 office or position provisions of paragraph b of subdivisions thirteen 26 and thirteen-a of section eighteen hundred four of this chapter shall 27 control.

[(b)] 3. The persons on such preferred list shall be reinstated, in accordance with the terms of [paragraph (a)] subdivision one of this [pubdivision] section, to such substitute positions of five months or more in duration, as may from time to time occur without losing their preferred status on such list. Declination of such reinstatement shall not adversely affect the persons' preferred eligibility status.

§ 7. Section 3014-a of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows:

36 § 3014-a. Teachers' rights as a result of a board or boards of cooper-37 ative educational services taking over a program formerly operated by a school district or districts or by a county vocational education and 38 extension board. 1. In any case in which a board or boards of cooper-39 ative educational services duly take over the operation of a program 40 41 formerly provided by a school district or school districts or by a coun-42 ty vocational education and extension board, each teacher, teaching assistant and teacher aide employed in such a program by such a school 43 44 district or such a county vocational education and extension board at 45 the time of such takeover by the board or boards of cooperative educa-46 tional services, shall be considered an employee of such board or boards 47 of cooperative educational services with the same tenure or civil service status he or she maintained in such school district or in such 48 49 county vocational education and extension board.

2. [**If**] Notwithstanding any other provision of law to the contrary, if the number of teaching positions needed to provide the services required by such program by the board or boards of cooperative educational services is less than the number of teachers, teaching assistants and teacher aides eligible to be considered employees of such board or boards of cooperative educational services as provided by subdivision one of this section, [the services of the teachers, teaching assistants

6

and teacher aides having the least seniority in the school district or 1 school districts or county vocational education and extension board 2 whose programs are taken over by the board or boards of cooperative 3 educational services within the tenure area or civil service title of 4 the position shall be discontinued. Such teachers, teaching assistants 5 б and teacher aides shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an 7 8 office or position under the jurisdiction of the board or boards of 9 cooperative educational services similar to the one such teacher, teaching assistant and teacher aide filled in such school district or school 10 11 districts or such county vocational education and extension board. The teachers, teaching assistants and teacher aides on such preferred list 12 13 shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdistion of the board or boards of 14 cooperative educational services in the order of their length of service 15 16 in such school district or school districts or in such county vocational 17 education and extension board, within seven years from the date of the abolition of such office or position] decisions regarding the retention 18 of employees and the procedures for laid off employees shall be made 19 20 pursuant to the provisions of subparagraphs (i), (ii), (iii) and (iv) of 21 paragraph a and paragraph b of subdivision thirteen and subdivision thirteen-a of section eighteen hundred four of this chapter. 22 3. For any such teacher, teaching assistant and teacher aide as set 23 forth in subdivision one of this section for salary, sick leave and any 24 25 other purposes, the length of service credited in such school district 26 or in such county vocational education and extension board shall be 27 credited as employment time with such board or boards of cooperative 28 educational services. 29 4. This section shall in no way be construed to limit the rights of 30 any of such employees set forth in this section granted by any other 31 provision of law. 32 5. Program takeovers pursuant to this section shall be considered a transfer pursuant to section seventy of the civil service law. 33 34 § 8. Section 3014-b of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows: 35 36 § 3014-b. Teachers' rights as a result of a school district taking 37 over a program formerly operated by a board of cooperative educational 38 services. 1. In any case in which a school district duly takes over the operation of a program formerly provided by a board of cooperative 39 educational services, each teacher, teaching assistant and teacher aide 40 employed in such a program by such a board of cooperative educational 41 42 services at the time of such takeover by the school district shall be 43 considered an employee of such school district, with the same tenure or 44 civil service status he or she maintained in such board of cooperative 45 educational services. 46 2. [If] Notwithstanding any other provision of law to the contrary, if 47 the number of teaching positions needed to provide the services required by such program by the school district is less than the number of teach-48 49 ers, teaching assistants and teacher aides eligible to be considered 50 employees of such school district as provided by subdivision one of this section, [the services of the teachers, teaching assistants and teacher 51 aides having the least seniority in the board of cooperative educational 52 53 services whose programs are taken over by the school district within the 54 tenure area or givil service title of the position shall be discontin-55 ued. Such teachers, teaching assistants and teacher aides shall be 56 placed on a preferred eligible list of candidates for appointment to a

vacancy that may thereafter occur in an office or position under the 1 jurisdiction of the school district similar to the one such teacher, 2 teaching assistant and teacher aide filled in such board of cooperative 3 4 educational services. The teachers, teaching assistants and teacher 5 aides on such preferred list shall be reinstated or appointed to such б vacancies in such corresponding or similar positions under the jurisdic-7 tion of the school district in the order of their length of service in 8 such board of cooperative educational services, within seven years from 9 the date of the abolition of such office or position decisions regard-10 ing the retention of employees and the procedures for laid off employees shall be made pursuant to the provisions of subparagraphs (i), (ii), 11 (iii) and (iv) of paragraph a and paragraph b of subdivision thirteen 12 13 and subdivision thirteen-a of section eighteen hundred four of this 14 chapter.

3. For any such teacher, teaching assistant and teacher aide as set forth in subdivision one of this section for salary, sick leave and any other purposes, the length of service credited in such board of cooperative educational services shall be credited as employment time with such school district.

20 4. In the event that more than one school district duly takes over the 21 operation of a program formerly provided by a board of cooperative educational services, then each teacher, teaching assistant and teacher 22 aide employed in such program by such board of cooperative educational 23 services at the time of such takeover by more than one school district, 24 25 shall select the particular school district in which he or she shall be 26 considered an employee, with all of the rights and privileges provided 27 by the other provisions of this section. Such selection of the partic-28 ular school district by such teacher, teaching assistant and teacher aide is to be based upon [the seniority of each teacher, teaching assistant and teacher aide in such board of cooperative educational 29 30 31 services, with the right of selection passing from such teachers, teaching assistants and teacher aides with the most seniority to such teach-32 33 ers, teaching assistants and teacher aides with least seniority. Any such teacher, teaching assistant and teacher aide who is unable to 34 obtain a teaching position in any such school districts because the 35 36 number of positions needed to provide the services required in such programs with such school districts are less than the number of teach-37 ers, teaching assistants and teachers aides eligible to be considered 38 employees of such school districts, shall be placed on a preferred 39 eligible list in all such school districts in the method and with all of 40 the rights provided by the other provisions of this section] the 41 42 provisions of subparagraphs (i), (ii), (iii) and (iv) of paragraph a of 43 subdivision thirteen and paragraph b of subdivision thirteen-a of 44 section eighteen hundred four of this chapter.

5. This section shall in no way be construed to limit the rights of any of such employees set forth in this section granted by any other provision of law.

48 § 9. Section 3014-c of the education law, as added by chapter 706 of 49 the laws of 1989, is amended to read as follows:

50 § 3014-c. Teachers' rights as a result of a school district taking 51 back tuition students. 1. As used in this section, a "sending district" 52 shall mean a school district which previously sent students to another 53 school district on a tuition basis pursuant to section two thousand 54 forty of this chapter, and a "receiving district" shall mean a school 55 district which provided the educational program for students from anoth-

er district on a tuition basis pursuant to section two thousand forty of 1 2 this chapter. 2. In any case in which a sending district assumes the education of 3 4 students formerly provided by a receiving district, each teacher 5 employed in the education of such students by such receiving district at б the time of such take back by the sending district shall be considered 7 an employee of such sending district, with the same tenure status he or 8 she maintained in such receiving district. 9 3. [If] Notwithstanding any other provision of law to the contrary, if 10 the number of teaching positions needed to provide the educational 11 services required by such sending district is less than the number of 12 teachers eligible to be considered employees of such sending district as 13 provided by subdivision two of this section, [the services of the teach-14 ers having the least seniority in the receiving district whose students are taken back by the sending district within the tenure area of the 15 position shall be discontinued. Such teachers shall be placed on a 16 preferred eligible list of candidates for appointment to a vacancy that 17 may thereafter occur in an office or position under the jurisdiction of 18 the sending district and the receiving district similar to the one such 19 teacher filled in such receiving district. The teachers on such 20 21 preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the 22 sending district or the receiving district in the order of their length 23 of service in such receiving district, within seven years from the date 24 of the abolition of such office or position] decisions regarding the 25 26 retention of employees shall be made pursuant to the provisions of 27 subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision 28 thirteen and paragraph a of subdivision thirteen-a of section eighteen 29 hundred four of this chapter. 30 4. For any such teacher as described in subdivision two of this 31 section for salary, sick leave and any other purposes, the length of service credited in such receiving district shall be credited as employ-32 33 ment time with such sending district. 34 5. In the event that more than one sending district assumes the educa-35 tion of students formerly provided by a receiving district, then each 36 teacher employed in the education of such students in such receiving 37 district at the time of such take back by more than one sending district, shall select the particular sending district in which he or 38 39 she shall be considered an employee, with all of the rights and privileges provided by the other provisions of this section. [Such selection 40 of the particular sending district by such teacher is to be based upon 41 each teacher's seniority in such receiving district, with the right of 42 43 selection passing from such teachers with the most seniority to such 44 teachers with least seniority.] Any such teacher who is unable to obtain 45 a teaching position in any such sending district because the number of 46 positions needed to provide the services required with such sending 47 district are less than the number of teachers eligible to be considered employees of such sending districts, shall be placed on a preferred 48 eligible list in all such sending districts in the method and with all 49 50 of the rights provided by the other provisions of this section. 51 6. This section shall in no way be construed to limit the rights of 52 any of such teachers described in this section granted by any other 53 provision of law.

§ 10. Section 3014-d of the education law, as added by chapter 706 of 55 the laws of 1989, is amended to read as follows:

§ 3014-d. Teachers' rights as a result of a school district sending 1 2 students to another district on a tuition basis pursuant to section two 3 thousand forty of this chapter. 1. As used in this section, a "sending district" shall mean a school district which sends students to another 4 5 school district on a tuition basis pursuant to section two thousand б forty of this chapter, and a "receiving district" shall mean a school 7 district which receives and provides the educational program for 8 students from another district on a tuition basis pursuant to section 9 two thousand forty of this chapter.

10 2. In any case in which a sending district sends such students to a 11 receiving district, each teacher previously employed in the education of 12 students by such sending district prior to the time that such sending 13 district sends its students to a receiving district shall be considered 14 an employee of such receiving district, with the same tenure status he 15 <u>or she</u> maintained in such sending district.

16 3. [If] Notwithstanding any other provision of law to the contrary, if 17 the number of teaching positions needed to provide the educational 18 services required by such receiving district is less than the number of 19 teachers eligible to be considered employees of such receiving district 20 as provided by subdivision two of this section, [the services of the 21 teachers having the least seniority in the sending district within the tenure area of the position shall be discontinued. Such teachers shall 22 be placed on a preferred eligible list of candidates for appointment to 23 a vacancy that may thereafter occur in an office or position under the 24 jurisdiction of the sending district and the receiving district similar 25 26 to the one such teacher filled in such sending district. The teachers on 27 such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the 28 29 sending district or the receiving district in the order of their length 30 of service in such sending district, within seven years from the date of 31 the abolition of such office or position] decisions regarding the retention of employees shall be made pursuant to the provisions of 32 33 subparagraphs (i), (ii), (iii) and (iv) of paragraph a of subdivision 34 thirteen and paragraph a of subdivision thirteen-a of section eighteen 35 hundred four of this chapter.

36 4. For any such teacher as described in subdivision two of this 37 section for salary, sick leave and any other purposes, the length of 38 service credited in such sending district shall be credited as employ-39 ment time with such receiving district.

5. This section shall in no way be construed to limit the rights of any of such teachers described in this section granted by any other provision of law.

43 § 11. This act shall take effect immediately.