

# STATE OF NEW YORK

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5151

2021-2022 Regular Sessions

## IN ASSEMBLY

February 11, 2021

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

AN ACT to amend the education law, in relation to the appointment of teachers

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

1 Section 1. Section 2509 of the education law, as added by chapter 762  
2 of the laws of 1950, subdivision 1 as amended by chapter 116 of the laws  
3 of 1971, paragraphs (a) and (b) of subdivision 1 as amended by section 1  
4 and subdivision 2 as amended by section 2 of subpart D of part EE of  
5 chapter 56 of the laws of 2015, subparagraph ii of paragraph (b) of  
6 subdivision 1 as amended by chapter 345 of the laws of 2019, subdivision  
7 3 as amended by chapter 680 of the laws of 1983, subdivision 4 as  
8 amended by chapter 263 of the laws of 2005, subdivisions 5, 6 and 7 as  
9 renumbered by chapter 717 of the laws of 1970, and subdivision 7 as  
10 added by chapter 859 of the laws of 1955, is amended to read as follows:  
11 § 2509. Appointment of assistant and other superintendents, teachers  
12 and other employees. 1. (a) i. Teachers and all other members of the  
13 teaching staff appointed prior to July first, two thousand fifteen and  
14 authorized by section twenty-five hundred three of this article, shall  
15 be appointed by the board of education, upon the recommendation of the  
16 superintendent of schools, for a probationary period of three years,  
17 except that in the case of a teacher who has rendered satisfactory  
18 service as a regular substitute for a period of up to two years or as a  
19 seasonally licensed per session teacher of swimming in day schools who  
20 has served in that capacity for a period of up to two years and has been  
21 appointed to teach the same subject in day schools on an annual salary,  
22 the probationary period shall be [~~limited to one year~~ reduced propor-  
23 tionately based upon the length of the satisfactory service; provided,  
24 however, that in the case of a teacher who has been appointed on tenure  
25 in another school district within the state, the school district where

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

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1 currently employed, or a board of cooperative educational services, and  
2 who was not dismissed from such district or board as a result of charges  
3 brought pursuant to subdivision one of section three thousand twenty-a  
4 of this chapter, the probationary period shall not exceed two years. The  
5 service of a person appointed to any ~~[of]~~ such positions may be discon-  
6 tinued at any time during such probationary period, on the recommenda-  
7 tion of the superintendent of schools, by a majority vote of the board  
8 of education. Each person who is not to be recommended for appointment  
9 on tenure shall be so notified by the superintendent of schools in writ-  
10 ing not later than sixty days immediately preceding the expiration of  
11 ~~[his]~~ the probationary period.

12 ii. Notwithstanding any other provision of law or regulation to the  
13 contrary, teachers and all other members of the teaching staff appointed  
14 on or after July first, two thousand fifteen and authorized by section  
15 twenty-five hundred three of this article, shall be appointed by the  
16 board of education, upon the recommendation of the superintendent of  
17 schools, for a probationary period of four years, except that in the  
18 case of a teacher who has rendered satisfactory service as a regular  
19 substitute for a period of up to two years and, if a classroom teacher,  
20 has received ~~[composite]~~ satisfactory annual ~~[professional performance~~  
21 ~~review ratings]~~ reviews in each of those years, or has rendered satis-  
22 factory service as a seasonally licensed per session teacher of swimming  
23 in day schools who has served in that capacity for a period of up to two  
24 years and has been appointed to teach the same subject in day schools on  
25 an annual salary, the teacher shall be appointed ~~[for]~~ to a probationary  
26 period ~~[of two years]~~ that is reduced proportionately based upon the  
27 length of the satisfactory service; provided, however, that in the case  
28 of a teacher who has been appointed on tenure in another school district  
29 within the state, the school district where currently employed, or a  
30 board of cooperative educational services, and who was not dismissed  
31 from such district or board as a result of charges brought pursuant to  
32 subdivision one of section three thousand twenty-a or section three  
33 thousand twenty-b of this chapter, the teacher shall be appointed for a  
34 probationary period of three years; provided that the teacher demon-  
35 strates that ~~[he or she]~~ they received ~~[an]~~ a satisfactory annual  
36 ~~[professional performance review rating pursuant to section three thou-~~  
37 ~~sand twelve c or section three thousand twelve d of this chapter]~~ review  
38 in ~~[his or her]~~ their final year of service in such other school  
39 district or board of cooperative educational services. The service of a  
40 person appointed to any ~~[of]~~ such positions may be discontinued at any  
41 time during such probationary period, on the recommendation of the  
42 superintendent of schools, by a majority vote of the board of education.  
43 Each person who is not to be recommended for appointment on tenure shall  
44 be so notified by the superintendent of schools in writing not later  
45 than sixty days immediately preceding the expiration of ~~[his/her]~~ their  
46 probationary period.

47 (b) i. Administrators, directors, supervisors, principals and all  
48 other members of the supervising staff, except associate, assistant and  
49 other superintendents appointed prior to July first, two thousand  
50 fifteen and authorized by section twenty-five hundred three of this  
51 article, shall be appointed by the board of education, upon the recom-  
52 mendation of the superintendent of schools for a probationary period of  
53 three years. The service of a person appointed to any ~~[of]~~ such posi-  
54 tions may be discontinued at any time during the probationary period on  
55 the recommendation of the superintendent of schools, by a majority vote  
56 of the board of education.

ii. Notwithstanding any other provision of law or regulation to the contrary, administrators, directors, supervisors, principals and all other members of the supervising staff, except associate, assistant and other superintendents, appointed on or after July first, two thousand fifteen and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools for a probationary period of four years; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff who has been appointed on tenure pursuant to this chapter as an administrator within an authorized administrative tenure area in another school district within the state, the school district where currently employed, or a board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

2. ~~(a)~~ (a) Notwithstanding any other provision of law or regulation to the contrary, teachers and all other members of the teaching staff appointed on or after July first, two thousand twenty-one and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of up to two years and, if a classroom teacher, has received satisfactory annual reviews in each of those years, or has rendered satisfactory service as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of up to two years and has been appointed to teach the same subject in day schools on an annual salary, such teacher shall be appointed for a probationary period that is reduced proportionately based upon the length of the satisfactory service; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, such teacher shall be appointed for a probationary period of two years; provided that the teacher demonstrates that they received a satisfactory annual review in their final year of service in such other school district or board of cooperative educational services. The service of a person appointed to any such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of the probationary period.

(b) Administrators, directors, supervisors, principals and all other members of the supervising staff, except associate, assistant and other superintendents appointed on or after July first, two thousand twenty-one and authorized by section twenty-five hundred three of this article,

1 shall be appointed by the board of education, upon the recommendation of  
2 the superintendent of schools for a probationary period of three years.  
3 The service of a person appointed to any such positions may be discon-  
4 tinued at any time during the probationary period on the recommendation  
5 of the superintendent of schools, by a majority vote of the board of  
6 education.

7 3. (a) At the expiration of the probationary term of any persons  
8 appointed for such term prior to July first, two thousand fifteen, or  
9 within six months prior thereto, the superintendent of schools shall  
10 make a written report to the board of education recommending for  
11 appointment on tenure those persons who have been found competent, effi-  
12 cient and satisfactory. By a majority vote the board of education may  
13 then appoint on tenure any or all of the persons recommended by the  
14 superintendent of schools. Such persons and all others employed in the  
15 teaching service of the schools of such school district who have served  
16 the full probationary period shall hold their respective positions  
17 during good behavior and efficient and competent service, and shall not  
18 be removable except for cause after a hearing as provided by section  
19 three thousand twenty-a or section three thousand twenty-b of this chap-  
20 ter. Failure to maintain certification as required by this chapter and  
21 the regulations of the commissioner shall constitute cause for removal.

22 ~~[b-]~~ (b) For persons appointed on or after July first, two thousand  
23 fifteen, at the expiration of the probationary term of any persons  
24 appointed for such term, or within six months prior thereto, the super-  
25 intendent of schools shall make a written report to the board of educa-  
26 tion recommending for appointment on tenure those persons who have been  
27 found competent, efficient and satisfactory and in the case of a class-  
28 room teacher or building principal, who have received satisfactory annu-  
29 al ~~[professional performance review ratings pursuant to section three~~  
30 ~~thousand twelve c or section three thousand twelve d of this chapter, of~~  
31 ~~either effective or highly effective]~~ reviews in at least three of the  
32 four preceding years, exclusive of any breaks in service~~[, provided~~  
33 ~~that, notwithstanding any other provision of this section to the contra-~~  
34 ~~ry, when a teacher or principal receives an effective or highly effec-~~  
35 ~~tive rating in each year of his or her probationary service except he or~~  
36 ~~she receives an ineffective rating in the final year of his or her~~  
37 ~~probationary period, such teacher or principal shall not be eligible for~~  
38 ~~tenure but the board of education in its discretion, may extend the~~  
39 ~~teacher's probationary period for an additional year, provided, however,~~  
40 ~~that if such teacher or principal successfully appealed such ineffective~~  
41 ~~rating, such teacher or principal shall immediately be eligible for~~  
42 ~~tenure if the rating resulting from the appeal established that such~~  
43 ~~individual has been effective or highly effective in at least three of~~  
44 ~~the preceding four years and was not ineffective in the final year]~~. By  
45 a majority vote, the board of education may then appoint on tenure any  
46 or all of the persons recommended by the superintendent of schools. ~~[At~~  
47 ~~the expiration of the probationary period, the classroom teacher or~~  
48 ~~building principal shall remain in probationary status until the end of~~  
49 ~~the school year in which such teacher or principal has received such~~  
50 ~~ratings of effective or highly effective for at least three of the four~~  
51 ~~preceding school years exclusive of any breaks in service and subject to~~  
52 ~~the terms hereof, during which time a board of education shall consider~~  
53 ~~whether to grant tenure for those classroom teachers or building princi-~~  
54 ~~pals who otherwise have been found competent, efficient and satisfac-~~  
55 ~~tory. Provided, however, that the board of education may grant tenure~~  
56 ~~contingent upon a classroom teacher's or building principal's receipt of~~

~~a minimum rating in the final year of the probationary period, pursuant to the requirements of this section, and if such contingency is not met after all appeals have been exhausted, the grant of tenure shall be void and unenforceable and the teacher's or principal's probationary period may be extended in accordance with this subdivision.]~~ Such persons who

have been recommended for tenure and all others employed in the teaching service of the schools of such school district who have served the full probationary period [~~as extended~~] pursuant to this subdivision shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing as provided by section three thousand twenty-a or section three thousand twenty-b of this chapter. Failure to maintain certification as required by this chapter and the regulations of the commissioner shall constitute cause for removal.

[~~3-~~] **4.** Associate superintendents and all other employees authorized by section twenty-five hundred three of this article, except as otherwise provided in subdivision one of this section, shall be appointed by the board of education, provided, however, that the board of education may enter into an employment contract with an associate, assistant, or other superintendent of schools for a period of from one to five years.

[~~4-~~] **5.** Clerks, draftsmen, inspectors, chemists, tabulating machine operators, secretaries, stenographers, copyists, statisticians, janitors, custodians, custodian-engineers, and all other administrative employees of a board of education, unless otherwise provided in this chapter, shall be appointed for a probationary period provided in the civil service law and regulations based thereon. The service of a person appointed to any of such positions may be discontinued by the board of education at any time during such probationary period. Such persons and all others employed in the administrative service of the board of education who have served the full probationary period shall hold their respective positions during good behavior and efficient and competent service, and shall not be removed except for cause after a hearing by the affirmative vote of a majority of the board.

[~~5-~~] **6.** No principal, supervisor, director, or teacher shall be appointed to the teaching force of such city school district who does not possess qualifications required under this chapter and under the regulations prescribed by the commissioner of education for the persons employed in such positions in the schools of the city school districts of the state, but a board of education may prescribe additional or higher qualifications for the persons employed in any of such positions.

[~~6-~~] **7.** Rules and regulations shall be adopted governing excusing of absences and for the granting of leaves of absence either with or without pay for all members of the teaching and supervising staff and other employees.

[~~7-~~] **8.** Notwithstanding any other provision of this section no period in any school year for which there is no required service and/or for which no compensation is provided shall in any event constitute a break or suspension of probationary period or continuity of tenure rights of any of the persons hereinabove described.

§ 2. Paragraph (a) of subdivision 1, and subdivisions 3, 5, 6, paragraph (a) of subdivision 10, 11, 16 and 17 of section 2573 of the education law, paragraph (a) of subdivision 1, and subdivisions 5 and 6 as amended by section 3 of subpart D of part EE of chapter 56 of the laws of 2015, subdivision 3 as amended by chapter 27 of the laws of 2012, paragraph (a) of subdivision 10 and subdivision 11 as amended by chapter 650 of the laws of 1990, subdivision 16 as added by chapter 898 of the



1 laws of 1960, and subdivision 17 as amended by chapter 210 of the laws  
2 of 2001, are amended to read as follows:

3 (a) i. Teachers and all other members of the teaching staff, appointed  
4 prior to July first, two thousand fifteen and authorized by section  
5 twenty-five hundred fifty-four of this article, shall be appointed by  
6 the board of education, upon the recommendation of the superintendent of  
7 schools, for a probationary period of three years, except that in the  
8 case of a teacher who has rendered satisfactory service as a regular  
9 substitute for a period of up to two years or as a seasonally licensed  
10 per session teacher of swimming in day schools who has served in that  
11 capacity for a period of up to two years and has been appointed to teach  
12 the same subject in day schools on an annual salary, the probationary  
13 period shall be ~~[limited to]~~ reduced proportionately based upon the  
14 length of the satisfactory service one year; provided, however, that in  
15 the case of a teacher who has been appointed on tenure in another school  
16 district within the state, the school district where currently employed,  
17 or a board of cooperative educational services, and who was not  
18 dismissed from such district or board as a result of charges brought  
19 pursuant to subdivision one of section three thousand twenty-a or  
20 section three thousand twenty-b of this chapter, the probationary period  
21 shall not exceed two years; provided, however, that in cities with a  
22 population of one million or more, a teacher appointed under a newly  
23 created license, for teachers of reading and of the emotionally hand-  
24 icapped, to a position which the teacher has held for at least two years  
25 prior to such appointment while serving on tenure in another license  
26 area who was not dismissed as a result of charges brought pursuant to  
27 subdivision one of section three thousand twenty-a or section three  
28 thousand twenty-b of this chapter, the probationary period shall be one  
29 year. The service of a person appointed to any ~~[of]~~ such positions may  
30 be discontinued at any time during such probationary period, on the  
31 recommendation of the superintendent of schools, by a majority vote of  
32 the board of education. Each person who is not to be recommended for  
33 appointment on tenure shall be so notified by the superintendent of  
34 schools in writing not later than sixty days immediately preceding the  
35 expiration of ~~[his or her]~~ their probationary period. In city school  
36 districts having a population of four hundred thousand or more, persons  
37 with licenses obtained as a result of examinations announced subsequent  
38 to the twenty-second day of May, nineteen hundred sixty-nine appointed  
39 upon conditions that all announced requirements for the position be  
40 fulfilled within a specified period of time, shall not acquire tenure  
41 unless and until such requirements have been completed within the time  
42 specified for the fulfillment of such requirements, notwithstanding the  
43 expiration of any probationary period. In all other city school  
44 districts subject to the provisions of this article, failure to maintain  
45 certification as required by this article and by the regulations of the  
46 commissioner shall be cause for removal within the meaning of subdivi-  
47 sion five of this section.

48 ii. Teachers and all other members of the teaching staff appointed on  
49 or after July first, two thousand fifteen and authorized by section  
50 twenty-five hundred fifty-four of this article, shall be appointed by  
51 the board of education, upon the recommendation of the superintendent of  
52 schools, for a probationary period of four years, except that in the  
53 case of a teacher who has rendered satisfactory service as a regular  
54 substitute for a period of up to two years and, if a classroom teacher,  
55 has received satisfactory annual ~~[professional performance review~~  
56 ~~ratings]~~ reviews in each of those years, or has rendered satisfactory

1 service as a seasonally licensed per session teacher of swimming in day  
2 schools who has served in that capacity for a period of up to two years  
3 and has been appointed to teach the same subject in day schools on an  
4 annual salary, the teacher shall be appointed ~~[for]~~ to a probationary  
5 period ~~[of two years]~~ that is reduced proportionately based upon the  
6 length of the satisfactory service; provided, however, that in the case  
7 of a teacher who has been appointed on tenure in another school district  
8 within the state, the school district where currently employed, or a  
9 board of cooperative educational services, and who was not dismissed  
10 from such district or board as a result of charges brought pursuant to  
11 subdivision one of section three thousand twenty-a or section three  
12 thousand twenty-b of this chapter, the teacher shall be appointed for a  
13 probationary period of three years; provided that, in the case of a  
14 classroom teacher, the teacher demonstrates that ~~[he or she]~~ they  
15 received ~~[an annual professional performance]~~ a satisfactory annual  
16 review ~~[rating pursuant to section three thousand twelve-c or section~~  
17 ~~three thousand twelve-d of this chapter]~~ in ~~[his or her]~~ their final  
18 year of service in such other school district or board of cooperative  
19 educational services; provided, however, that in cities with a popu-  
20 lation of one million or more, a teacher appointed under a newly created  
21 license, for teachers of reading and of the emotionally handicapped, to  
22 a position which the teacher has held for at least two years prior to  
23 such appointment while serving on tenure in another license area who was  
24 not dismissed as a result of charges brought pursuant to subdivision one  
25 of section three thousand twenty-a or section three thousand twenty-b of  
26 this chapter, the teacher shall be appointed for a probationary period  
27 of two years. The service of a person appointed to any ~~[of]~~ such posi-  
28 tions may be discontinued at any time during such probationary period,  
29 on the recommendation of the superintendent of schools, by a majority  
30 vote of the board of education. Each person who is not to be recom-  
31 mended for appointment on tenure shall be so notified by the superinten-  
32 dent of schools in writing not later than sixty days immediately preced-  
33 ing the expiration of ~~[his or her]~~ their probationary period. In all  
34 city school districts subject to the provisions of this article, failure  
35 to maintain certification as required by this article and by the regu-  
36 lations of the commissioner shall be cause for removal within the mean-  
37 ing of subdivision five of this section.

38 3. Associate superintendents, examiners and all other employees  
39 authorized by section twenty-five hundred fifty-four of this article,  
40 except as otherwise provided in subdivision one of this section, shall  
41 be appointed by the board of education except that in the city school  
42 districts of the cities of Buffalo, Rochester, and Syracuse, the associ-  
43 ate, assistant and district superintendents and all other supervising  
44 staff who are excluded from the right to bargain collectively pursuant  
45 to article fourteen of the civil service law shall be appointed, within  
46 amounts budgeted therefor, by the superintendent of such city school  
47 district. In a city having a population of one million or more, such  
48 appointments shall be made on nomination of the superintendent of  
49 schools. Notwithstanding any other provision in this chapter to the  
50 contrary, whenever an associate superintendent of schools in the employ  
51 of the board of education in a city having a population of one million  
52 or more fails of reappointment, said person shall be immediately  
53 appointed an assistant superintendent of schools with permanent appoint-  
54 ment as said term permanent appointment is defined in subdivisions four,  
55 five and six of this section. The salary of such assistant superinten-  
56 dent shall be less than the salary of an associate superintendent, but

1 said differential in salary shall not exceed ten per centum of the annu-  
2 al salary of an associate superintendent of schools. When, however, an  
3 associate superintendent of schools who fails of reappointment has to  
4 ~~[his]~~ their credit thirty or more years of city service including ten or  
5 more years of service as such associate superintendent of schools, he  
6 shall suffer no reduction of salary or of pension prospects while serv-  
7 ing as such assistant superintendent of schools.

8 5. (a) At the expiration of the probationary ~~[term]~~ period of any  
9 persons appointed for such ~~[term]~~ period prior to July first, two thou-  
10 sand fifteen, the superintendent of schools shall make a written report  
11 to the board of education recommending for permanent appointment those  
12 persons who have been found competent, efficient and satisfactory. Such  
13 persons and all others employed in the teaching, service of the schools  
14 of a city, who have served the full probationary period, shall hold  
15 their respective positions during good behavior and efficient and compe-  
16 tent service, and shall not be removable except for cause after a hear-  
17 ing as provided by section three thousand twenty-a or section three  
18 thousand twenty-b of this chapter.

19 (b) At the expiration of the probationary ~~[term]~~ period of any persons  
20 appointed for such ~~[term]~~ period on or after July first, two thousand  
21 fifteen, the superintendent of schools shall make a written report to  
22 the board of education recommending for permanent appointment those  
23 persons who have been found competent, efficient and satisfactory and,  
24 in the case of a classroom teacher or building principal, who have  
25 received ~~[composite annual professional performance review ratings~~  
26 ~~pursuant to section three thousand twelve-c or section three thousand~~  
27 ~~twelve-d of this chapter, of either effective or highly effective]~~  
28 satisfactory annual reviews in at least three of the four preceding  
29 years, exclusive of any breaks in service~~[- provided that, notwithstand-~~  
30 ~~ing any other provision of this section to the contrary, when a teacher~~  
31 ~~or principal receives an effective and/or highly effective rating in~~  
32 ~~each year of his or her probationary service except he or she receives~~  
33 ~~an ineffective rating in the final year of his or her probationary peri-~~  
34 ~~od, such teacher or principal shall not be eligible for tenure but the~~  
35 ~~board of education in its discretion, may extend the teacher's proba-~~  
36 ~~tionary period for an additional year; provided, however, that if such~~  
37 ~~teacher or principal successfully appealed such ineffective rating, such~~  
38 ~~teacher or principal shall immediately be eligible for tenure if the~~  
39 ~~rating resulting from the appeal established that such individual has~~  
40 ~~been effective or highly effective in at least three of the preceding~~  
41 ~~four years. At the expiration of the probationary period, the classroom~~  
42 ~~teacher or building principal shall remain in probationary status until~~  
43 ~~the end of the school year in which such teacher or principal has~~  
44 ~~received such ratings of effective or highly effective for at least~~  
45 ~~three of the four preceding school years, exclusive of any breaks in~~  
46 ~~service and subject to the terms hereof, during which time a board of~~  
47 ~~education shall consider whether to grant tenure for those classroom~~  
48 ~~teachers or building principals who otherwise have been found competent,~~  
49 ~~efficient and satisfactory. Provided, however, that the board of educa-~~  
50 ~~tion may grant tenure contingent upon a classroom teacher's or building~~  
51 ~~principal's receipt of a minimum rating in the final year of the proba-~~  
52 ~~tionary period, pursuant to the requirements of this section, and if~~  
53 ~~such contingency is not met after all appeals have been exhausted, the~~  
54 ~~grant of tenure shall be void and unenforceable and the teacher's or~~  
55 ~~principal's probationary period may be extended in accordance with this~~  
56 ~~subdivision~~]. Such persons who have been recommended for tenure and all



1 others employed in the teaching service of the schools of such school  
2 district who have served the full probationary period [~~as extended~~]  
3 pursuant to this subdivision shall hold their respective positions  
4 during good behavior and efficient and competent service, and shall not  
5 be removable except for cause after a hearing as provided by section  
6 three thousand twenty-a or section three thousand twenty-b of this chap-  
7 ter. Failure to maintain certification as required by this chapter and  
8 the regulations of the commissioner shall constitute cause for removal.

9 6. (a) In a city having a population of four hundred thousand or more,  
10 at the expiration of the probationary term of any persons appointed for  
11 such term prior to July first, two thousand fifteen, the superintendent  
12 of schools shall make a written report to the board of education recom-  
13 mending for permanent appointment those persons who have been found  
14 satisfactory, and such board of education shall immediately thereafter  
15 issue to such persons permanent certificates of appointment. Such  
16 persons and all others employed in the teaching service of the schools  
17 of such city, who have served the full probationary period shall receive  
18 permanent certificates to teach issued to them by the certifying  
19 authority, except as otherwise provided in subdivision ten-a of this  
20 section, and shall hold their respective positions during good behavior  
21 and satisfactory teaching service, and shall not be removable except for  
22 cause after a hearing as provided by section three thousand twenty-a or  
23 section three thousand twenty-b of this chapter.

24 (b) At the expiration of the probationary [~~term~~] period of any persons  
25 appointed for such [~~term~~] period on or after July first, two thousand  
26 fifteen, the superintendent of schools shall make a written report to  
27 the board of education recommending for permanent appointment those  
28 persons who have been found competent, efficient and satisfactory and,  
29 in the case of a classroom teacher or building principal, who have  
30 received [~~composite annual professional performance review ratings~~  
31 ~~pursuant to section three thousand twelve-c or section three thousand~~  
32 ~~twelve-d of this chapter, of either effective or highly effective~~]  
33 satisfactory annual reviews in at least three of the four preceding  
34 years, exclusive of any breaks in service[, ~~provided that, notwithstand-~~  
35 ~~ing any other provision of this section to the contrary, when a teacher~~  
36 ~~receives an effective and/or highly effective rating in each year of his~~  
37 ~~or her probationary service except he or she receives an ineffective~~  
38 ~~rating in the final year of his or her probationary period, such teacher~~  
39 ~~or principal shall not be eligible for tenure but the board of education~~  
40 ~~in its discretion, may extend the teacher's probationary period for an~~  
41 ~~additional year, provided, however, that if such teacher or principal~~  
42 ~~successfully appealed such ineffective rating, such teacher or principal~~  
43 ~~shall immediately be eligible for tenure if the rating resulting from~~  
44 ~~the appeal established that such individual has been effective or highly~~  
45 ~~effective in at least three of the preceding four years and was not~~  
46 ~~ineffective in the final year. At the expiration of the probationary~~  
47 ~~period, the classroom teacher or building principal shall remain in~~  
48 ~~probationary status until the end of the school year in which such~~  
49 ~~teacher or principal has received such ratings of effective or highly~~  
50 ~~effective for at least three of the four preceding school years, exclu-~~  
51 ~~sive of any breaks in service and subject to the terms hereof, during~~  
52 ~~which time a board of education shall consider whether to grant tenure~~  
53 ~~for those classroom teachers or building principals who otherwise have~~  
54 ~~been found competent, efficient and satisfactory. Provided, however,~~  
55 ~~that the board of education may grant tenure contingent upon a classroom~~  
56 ~~teacher's or building principal's receipt of a minimum rating in the~~

~~final year of the probationary period, pursuant to the requirements of this section, and if such contingency is not met after all appeals have been exhausted, the grant of tenure shall be void and unenforceable and the teacher's or principal's probationary period may be extended in accordance with this subdivision~~]. Such persons who have been recommended for tenure and all others employed in the teaching service of the schools of such school district who have served the full probationary period [~~as extended~~] pursuant to this subdivision shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing as provided by section three thousand twenty-a or section three thousand twenty-b of this chapter. Failure to maintain certification as required by this chapter and the regulations of the commissioner shall constitute cause for removal.

(a) In a city having a population of one million or more, recommendations for appointment to the teaching service shall be from the first three persons chosen by random selection from the qualifying eligible lists prepared by the chancellor. Competitive eligible lists in existence at the time of enactment of this subdivision shall not be merged and any such lists shall be exhausted or have expired before nominations are made from a qualifying list of a subsequent date promulgated hereunder. Qualifying eligible lists for supervisory positions shall be merged with any subsequently promulgated lists in the same license area so that there shall be one continuing non-expiring eligible list for each license area. No competitive eligible list shall remain in force for a longer period than four years, nor have a life of less than three years. No competitive eligible list now in force shall terminate any sooner than four years from the date on which it was promulgated. The board of education, on the recommendation of the chancellor shall designate, subject to the other provisions of this chapter, the kind and grades of licenses which shall be required for service as principal, branch principal, director, supervisor or teacher of a special branch, head of department, assistant, school psychiatrist, school psychologist, school medical inspector, school social worker, school social caseworker, school secretary, industrial or trade helper in vocational schools, school librarian, laboratory assistant, or any other position of the teaching staff together with the academic and professional qualifications required for each kind or grade of license. No person required to have a license under the provisions of this chapter in order to be employed in a position who does not have such license shall have any claim for salary, except that a person who has been assigned to teach in a subject or field not specifically covered in [~~his~~] their license but on the same rank or level of service shall be entitled to [~~his~~] their salary.

11. In a city [~~have~~] having a population of one million or more, the board of education, subject to the approval of the commissioner of education, shall have power to authorize the superintendent of schools to assign any teacher employed to teach any subject or subjects other than any specific subject for which such teacher is licensed. No such assignment shall be made unless the superintendent of schools shall have certified that such teacher is competent to teach the assigned subject or subjects. The superintendent of schools with the approval of the board of education, shall have power to make rules and regulations in relation to ascertainment of competency of teachers to teach such assigned subject or subjects. The assignment of a teacher to teach any such assigned subject shall not operate to change the rank or level of

1 such teacher from that which [~~he or she~~] **they** occupied prior to such  
2 assignment.

3 16. In the city school district of the city of New York, the board of  
4 education shall ascertain prior to August first, nineteen hundred sixty,  
5 and annually thereafter the number of appointments which will be  
6 required for the duration of not less than a term of the ensuing school  
7 year by reason of leaves of absence granted to members of the teaching  
8 staff serving on tenure. The board shall thereupon establish and make  
9 appointments to positions of replacement teachers in a number which,  
10 including any such teachers already serving as a result of earlier  
11 appointment, shall be at least equal, if possible, and, if not, as near-  
12 ly as possible, to two-thirds of the minimum number of such teachers  
13 expected to be absent on leave at any one time. Such positions shall  
14 constitute a pool from which the board shall assign teachers to replace  
15 the teachers who are absent on leave. Appointments to such positions of  
16 replacement teachers shall be made from the appropriate eligible lists  
17 for the positions for which such replacement teachers will be required  
18 as determined by the board. Such positions of replacement teachers shall  
19 be in all respects permanent positions in the school system and persons  
20 duly appointed by the board to such positions shall be entitled to the  
21 rights of tenure and retirement accruing to persons serving in other  
22 permanent teaching positions, except that no replacement teacher shall  
23 be entitled to the special limitation of the probationary period to one  
24 year provided for certain teachers by subdivision one of this section.  
25 Upon acceptance of appointment as replacement teacher, the name of each  
26 such appointee shall be placed on a preferred eligible list as a candi-  
27 date for appointment to any permanent teaching position for which he  
28 holds a valid license and such candidates shall be entitled to appoint-  
29 ment from such preferred eligible list in order of their placement on  
30 such list. At any time when the total number of positions of replacement  
31 teacher in such pool exceeds the total number of teachers who will be  
32 absent on leave for the ensuing term of school, the board may abolish  
33 positions in such pool which are in excess of the number of teachers to  
34 be absent on leave as aforesaid, or may use replacement teachers in such  
35 pool instead of substitute teachers to replace teachers who are absent  
36 for shorter periods than one term. Whenever a particular replacement  
37 teacher cannot be used to replace any teacher who is absent on leave for  
38 a full term, [~~he~~] **they** may similarly be used to replace teachers who are  
39 absent for shorter periods. Nothing herein contained shall be construed  
40 as preventing the appointment of regular substitute teachers to replace  
41 teachers absent on leave when no persons holding positions created  
42 pursuant to this subdivision are available for such replacement.

43 17. In the city school district of the city of Buffalo, the board of  
44 education shall, within sixty days of the effective date of this subdivi-  
45 sion and annually prior to August first of each year thereafter,  
46 ascertain the number of appointments which will be required for the  
47 duration of not less than a term of the ensuing school year by reason of  
48 leaves of absence granted to members of the teaching staff serving on  
49 tenure. The board shall thereupon establish and make appointments to  
50 positions of replacement teachers in a number which, including any such  
51 teachers already serving as a result of earlier appointment, shall be  
52 equal, if possible, or as nearly as possible, to two-thirds of the mini-  
53 mum number of such teachers expected to be absent on leave at any one  
54 time. Such positions shall constitute a pool from which the board shall  
55 assign teachers to replace the teachers who are absent on leave. Such  
56 positions of replacement teachers shall be in all respects permanent

positions in the school system and persons duly appointed by the board to such positions shall be entitled to the rights of tenure and retirement accruing to persons serving in other permanent teaching positions, except that no replacement teacher shall be entitled to the special limitation of the probationary period to one year provided for certain teachers by subdivision one of this section. Upon acceptance of appointment as replacement teacher, the name of each such appointee shall be placed on a preferred eligible list as a candidate for appointment to any permanent teaching position for which ~~[he or she holds]~~ they hold a valid license and such candidates shall be entitled to appointment from such preferred eligible list in order of their placement on such list. At any time when the total number of positions of replacement teacher in such pool exceeds the total number of teachers who will be absent on leave for the ensuing term of school, the board may abolish positions in such pool which are in excess of the number of teachers to be absent on leave as aforesaid, or may use replacement teachers in such pool instead of substitute teachers to replace teachers who are absent for shorter periods than one term. Whenever a particular replacement teacher cannot be used to replace any teacher who is absent on leave for a full term, ~~[he or she]~~ they may similarly be used to replace teachers who are absent for shorter periods. Nothing herein contained shall be construed as preventing the appointment of regular substitute teachers to replace teachers absent on leave when no persons holding positions created pursuant to this subdivision are available for such replacement.

§ 3. Section 3012 of the education law, as amended by section 4 of subpart D of part EE of chapter 56 of the laws of 2015, subparagraph ii of paragraph (b) of subdivision 1 as amended by chapter 345 of the laws of 2019, is amended to read as follows:

§ 3012. Tenure: certain school districts. 1. (a) i. Teachers and all other members of the teaching staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts, who are appointed prior to July first, two thousand fifteen, shall be appointed by the board of education, or the trustees of common school districts, upon the recommendation of the superintendent of schools, for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of up to two years or as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of up to two years and has been appointed to teach the same subject in day schools, on an annual salary, the probationary period shall be ~~[limited to one year]~~ reduced proportionately based upon the length of the satisfactory service; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the probationary period shall not exceed two years. The service of a person appointed to any ~~[of]~~ such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education or the trustees of a common school district.

ii. Teachers and all other members of the teaching staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts,

1 who are appointed on or after July first, two thousand fifteen, shall be  
2 appointed by the board of education, or the trustees of common school  
3 districts, upon the recommendation of the superintendent of schools, for  
4 a probationary period of four years, except that in the case of a teach-  
5 er who has rendered satisfactory service as a regular substitute for a  
6 period of two years and, if a classroom teacher, has received satisfac-  
7 tory annual [~~professional performance review ratings~~] reviews in each of  
8 those years, or has rendered satisfactory service as a seasonally  
9 licensed per session teacher of swimming in day schools who has served  
10 in that capacity for a period of up to two years and has been appointed  
11 to teach the same subject in day schools, on an annual salary, the  
12 teacher shall be appointed [~~for~~] to a probationary period [~~of two years~~]  
13 reduced proportionately based upon the length of the satisfactory  
14 service; provided, however, that in the case of a teacher who has been  
15 appointed on tenure in another school district within the state, the  
16 school district where currently employed, or a board of cooperative  
17 educational services, and who was not dismissed from such district or  
18 board as a result of charges brought pursuant to subdivision one of  
19 section three thousand twenty-a or section three thousand twenty-b of  
20 this article, the teacher shall be appointed for a probationary period  
21 of three years; provided that, in the case of a classroom teacher, the  
22 teacher demonstrates that [~~he or she~~] they received [~~an annual profes-~~  
23 ~~sional performance~~] a satisfactory review [~~rating pursuant to section~~  
24 ~~three thousand twelve-c or section three thousand twelve-d of this chap-~~  
25 ~~ter~~] in [~~his or her~~] their final year of service in such other school  
26 district or board of cooperative educational services. The service of a  
27 person appointed to any of such positions may be discontinued at any  
28 time during such probationary period, on the recommendation of the  
29 superintendent of schools, by a majority vote of the board of education  
30 or the trustees of a common school district.

31 (b) i. Principals, administrators, supervisors and all other members  
32 of the supervising staff of school districts, including common school  
33 districts and/or school districts employing fewer than eight teachers,  
34 other than city school districts, who are appointed prior to July first,  
35 two thousand fifteen, shall be appointed by the board of education, or  
36 the trustees of a common school district, upon the recommendation of the  
37 superintendent of schools for a probationary period of three years. The  
38 service of a person appointed to any of such positions may be discontin-  
39 ued at any time during the probationary period on the recommendation of  
40 the superintendent of schools, by a majority vote of the board of educa-  
41 tion or the trustees of a common school district.

42 ii. Principals, administrators, supervisors and all other members of  
43 the supervising staff of school districts, including common school  
44 districts and/or school districts employing fewer than eight teachers,  
45 other than city school districts, who are appointed on or after July  
46 first, two thousand fifteen, shall be appointed by the board of educa-  
47 tion, or the trustees of a common school district, upon the recommenda-  
48 tion of the superintendent of schools for a probationary period of four  
49 years; provided, however, that in the case of a principal, administra-  
50 tor, supervisor, or other member of the supervising staff who has been  
51 appointed on tenure pursuant to this chapter as an administrator within  
52 an authorized administrative tenure area in another school district  
53 within the state, the school district where currently employed, or a  
54 board of cooperative educational services, and who was not dismissed  
55 from such district or board as a result of charges brought pursuant to  
56 subdivision one of section three thousand twenty-a or section three



1 thousand twenty-b of this article, the principal, administrator, super-  
2 visor or other member of the supervising staff shall be appointed for a  
3 probationary period of three years. The service of a person appointed to  
4 any of such positions may be discontinued at any time during the proba-  
5 tionary period on the recommendation of the superintendent of schools,  
6 by a majority vote of the board of education or the trustees of a common  
7 school district.

8 (c) Any person previously appointed to tenure or a probationary period  
9 pursuant to the provisions of former section three thousand thirteen of  
10 this article shall continue to hold such position and be governed by the  
11 provisions of this section notwithstanding any contrary provision of  
12 law.

13 2. (a) Teachers and all other members of the teaching staff of school  
14 districts, including common school districts and/or school districts  
15 employing fewer than eight teachers, other than city school districts,  
16 who are appointed on or after July first, two thousand twenty-one, shall  
17 be appointed by the board of education, or the trustees of common school  
18 districts, upon the recommendation of the superintendent of schools, for  
19 a probationary period of three years, except that in the case of a  
20 teacher who has rendered satisfactory service as a regular substitute  
21 for a period of up to two years and, if a classroom teacher, has  
22 received satisfactory annual reviews in each of those years, or has  
23 rendered satisfactory service as a seasonally licensed per session  
24 teacher of swimming in day schools who has served in that capacity for a  
25 period of up to two years and has been appointed to teach the same  
26 subject in day schools, on an annual salary, such teacher shall be  
27 appointed for a probationary period reduced proportionately based upon  
28 the length of the satisfactory service; provided, however, that in the  
29 case of a teacher who has been appointed on tenure in another school  
30 district within the state, the school district where currently employed,  
31 or a board of cooperative educational services, and who was not  
32 dismissed from such district or board as a result of charges brought  
33 pursuant to subdivision one of section three thousand twenty-a or  
34 section three thousand twenty-b of this article, such teacher shall be  
35 appointed for a probationary period of two years; provided that, in the  
36 case of a classroom teacher, the teacher demonstrates that they received  
37 a satisfactory review in their final year of service in such other  
38 school district or board of cooperative educational services. The  
39 service of a person appointed to any such positions may be discontinued  
40 at any time during such probationary period, on the recommendation of  
41 the superintendent of schools, by a majority vote of the board of educa-  
42 tion or the trustees of a common school district.

43 (b) Principals, administrators, supervisors and all other members of  
44 the supervising staff of school districts, including common school  
45 districts and/or school districts employing fewer than eight teachers,  
46 other than city school districts, who are appointed on or after July  
47 first, two thousand twenty-one, shall be appointed by the board of  
48 education, or the trustees of a common school district, upon the recom-  
49 mendation of the superintendent of schools for a probationary period of  
50 three years. The service of a person appointed to any such positions may  
51 be discontinued at any time during the probationary period on the recom-  
52 mendation of the superintendent of schools, by a majority vote of the  
53 board of education or the trustees of a common school district.

54 3. (a) At the expiration of the probationary [~~term~~] period of a person  
55 appointed for such [~~term~~] period prior to July first, two thousand  
56 fifteen, subject to the conditions of this section, the superintendent

1 of schools shall make a written report to the board of education or the  
2 trustees of a common school district recommending for appointment on  
3 tenure those persons who have been found competent, efficient and satis-  
4 factory. Such persons, and all others employed in the teaching service  
5 of the schools of such union free school district, common school  
6 district and/or school district employing fewer than eight teachers, who  
7 have served the probationary period as provided in this section, shall  
8 hold their respective positions during good behavior and efficient and  
9 competent service, and shall not be removed except for any of the  
10 following causes, after a hearing, as provided by section three thousand  
11 twenty-a or section three thousand twenty-b of this article: (a) insub-  
12 ordination, immoral character or conduct unbecoming a teacher; (b) inef-  
13 ficiency, incompetency, physical or mental disability, or neglect of  
14 duty; (c) failure to maintain certification as required by this chapter  
15 and by the regulations of the commissioner. Each person who is not to be  
16 recommended for appointment on tenure, shall be so notified by the  
17 superintendent of schools in writing not later than sixty days imme-  
18 diately preceding the expiration of [~~his~~] the probationary period.

19 (b) At the expiration of the probationary [~~term~~] period of a person  
20 appointed for such [~~term~~] period on or after July first, two thousand  
21 fifteen, subject to the conditions of this section, the superintendent  
22 of schools shall make a written report to the board of education or the  
23 trustees of a common school district recommending for appointment on  
24 tenure those persons who have been found competent, efficient and satis-  
25 factory and, in the case of a classroom teacher or building principal,  
26 who have received [~~composite~~] satisfactory annual [~~professional perform-~~  
27 ~~ance review ratings pursuant to section three thousand twelve c or~~  
28 ~~section three thousand twelve d of this article, of either effective or~~  
29 ~~highly effective~~] reviews in at least three of the four preceding years,  
30 exclusive of any breaks in service[, ~~provided that, notwithstanding any~~  
31 ~~other provision of this section to the contrary, when a teacher or prin-~~  
32 ~~icipal receives an effective or highly effective rating in each year of~~  
33 ~~his or her probationary service except he or she receives an ineffective~~  
34 ~~rating in the final year of his or her probationary period, such teacher~~  
35 ~~shall not be eligible for tenure but the board of education, in its~~  
36 ~~discretion, may extend the teacher's probationary period for an addi-~~  
37 ~~tional year, provided, however, that if such teacher or principal~~  
38 ~~successfully appealed such ineffective rating, such teacher or principal~~  
39 ~~shall immediately be eligible for tenure if the rating resulting from~~  
40 ~~the appeal established that such individual has been effective or highly~~  
41 ~~effective in at least three of the preceding four years and was not~~  
42 ~~ineffective in the final year. At the expiration of the probationary~~  
43 ~~period, the classroom teacher or building principal shall remain in~~  
44 ~~probationary status until the end of the school year in which such~~  
45 ~~teacher or principal has received such ratings of effective or highly~~  
46 ~~effective for at least three of the four preceding school years, exclu-~~  
47 ~~sive of any breaks in service, and subject to the terms hereof, during~~  
48 ~~which time the trustees or board of education shall consider whether to~~  
49 ~~grant tenure for those classroom teachers or building principals who~~  
50 ~~otherwise have been found competent, efficient and satisfactory.~~  
51 ~~Provided, however, that the trustees or board of education may grant~~  
52 ~~tenure contingent upon a classroom teacher's or building principal's~~  
53 ~~receipt of a minimum rating in the final year of the probationary peri-~~  
54 ~~od, pursuant to the requirements of this section, and if such contingen-~~  
55 ~~cy is not met after all appeals have been exhausted, the grant of tenure~~  
56 ~~shall be void and unenforceable and the teacher's or principal's proba-~~

~~tionary period may be extended in accordance with this subdivision~~.  
Such persons who have been recommended for tenure and all others employed in the teaching service of the schools of such school district who have served the full probationary period ~~[as extended]~~ pursuant to this subdivision shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing as provided by section three thousand twenty-a or section three thousand twenty-b of this article. Failure to maintain certification as required by this chapter and the regulations of the commissioner shall constitute cause for removal.

~~[3-]~~ 4. Notwithstanding any other provision of this section no period in any school year for which there is no required service and/or for which no compensation is provided shall in any event constitute a break or suspension of probationary period or continuity of tenure rights of any of the persons hereinabove described.

§ 4. Section 3014 of the education law, as amended by section 5 of subpart D of part EE of chapter 56 of the laws of 2015, paragraph (b) of subdivision 1 as amended by chapter 345 of the laws of 2019, is amended to read as follows:

§ 3014. Tenure: boards of cooperative educational services. 1. (a) Administrative assistants, supervisors, teachers and all other members of the teaching and supervising staff of the board of cooperative educational services appointed prior to July first, two thousand fifteen, shall be appointed by a majority vote of the board of cooperative educational services upon the recommendation of the district superintendent of schools for a probationary period ~~[of]~~ not to exceed three years; provided, however, that in the case of a teacher who has been appointed on tenure in a school district within the state, the board of cooperative educational services where currently employed, or another board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the probationary period shall not exceed two years. Services of a person so appointed to any such positions may be discontinued at any time during such probationary period, upon the recommendation of the district superintendent, by a majority vote of the board of cooperative educational services.

(b) Administrative assistants, supervisors, teachers and all other members of the teaching and supervising staff of the board of cooperative educational services appointed on or after July first, two thousand fifteen, shall be appointed by a majority vote of the board of cooperative educational services upon the recommendation of the district superintendent of schools for a probationary period ~~[of]~~ not to exceed four years; provided, however, that in the case of a teacher who has been appointed on tenure in a school district within the state, the board of cooperative educational services where currently employed, or another board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to section three thousand twenty-a or section three thousand twenty-b of this article, the teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, the teacher demonstrates that ~~[he or she]~~ they received a ~~[composite]~~ satisfactory annual ~~[professional performance]~~ review ~~[rating pursuant to section three thousand twelve-c or three thousand twelve-d of this article of either effective or highly effective]~~ in ~~[his or her]~~ their final year of service in such other school district

1 or board of cooperative educational services; and provided further that  
2 in the case of a principal, administrator, supervisor, or other member  
3 of the supervising staff who has been appointed on tenure pursuant to  
4 this chapter as an administrator within an authorized administrative  
5 tenure area in another school district within the state, the school  
6 district where currently employed, or a board of cooperative educational  
7 services, and who was not dismissed from such district or board as a  
8 result of charges brought pursuant to subdivision one of section three  
9 thousand twenty-a or section three thousand twenty-b of this article,  
10 the principal, administrator, supervisor, or other member of the super-  
11 vising staff shall be appointed for a probationary period of three  
12 years. Services of a person so appointed to any such positions to which  
13 this paragraph applies may be discontinued at any time during the proba-  
14 tionary period, upon the recommendation of the district superintendent,  
15 by a majority vote of the board of cooperative educational services.

16 (c) Administrative assistants, supervisors, teachers and all other  
17 members of the teaching and supervising staff of the board of cooper-  
18 ative educational services appointed on or after July first, two thou-  
19 sand twenty-one, shall be appointed by a majority vote of the board of  
20 cooperative educational services upon the recommendation of the district  
21 superintendent of schools for a probationary period not to exceed three  
22 years; provided, however, that in the case of a teacher who has been  
23 appointed on tenure in a school district within the state, the board of  
24 cooperative educational services where currently employed, or another  
25 board of cooperative educational services, and who was not dismissed  
26 from such district or board as a result of charges brought pursuant to  
27 section three thousand twenty-a or section three thousand twenty-b of  
28 this article, such teacher shall be appointed for a probationary period  
29 of two years; provided that, in the case of a classroom teacher, such  
30 teacher demonstrates that they received a satisfactory annual review in  
31 their final year of service in such other school district or board of  
32 cooperative educational services. Services of a person so appointed to  
33 any such positions may be discontinued at any time during such proba-  
34 tionary period, upon the recommendation of the district superintendent,  
35 by a majority vote of the board of cooperative educational services.

36 2. (a) On or before the expiration of the probationary [~~term~~] period  
37 of a person appointed for such [~~term~~] period prior to July first, two  
38 thousand fifteen, the district superintendent of schools shall make a  
39 written report to the board of cooperative educational services recom-  
40 mending for appointment on tenure persons who have been found competent,  
41 efficient and satisfactory. Such persons shall hold their respective  
42 positions during good behavior and competent and efficient service and  
43 shall not be removed except for any of the following causes, after a  
44 hearing, as provided by section three thousand twenty-a or section three  
45 thousand twenty-b of this article: (i) Insubordination, immoral charac-  
46 ter or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or  
47 neglect of duty; (iii) Failure to maintain certification as required by  
48 this chapter and by the regulations of the commissioner. Each person who  
49 is not to be so recommended for appointment on tenure shall be so noti-  
50 fied in writing by the district superintendent not later than sixty days  
51 immediately preceding the expiration of [~~his or her~~] their probationary  
52 period.

53 (b) On or before the expiration of the probationary [~~term~~] period of a  
54 person appointed for such [~~term~~] period on or after July first, two  
55 thousand fifteen, the district superintendent of schools shall make a  
56 written report to the board of cooperative educational services recom-

1 mending for appointment on tenure persons who have been found competent,  
2 efficient and satisfactory and, in the case of a classroom teacher or  
3 building principal, who have received [~~composite~~] annual [~~professional~~  
4 ~~performance review ratings pursuant to section three thousand twelve-c~~  
5 ~~or section three thousand twelve-d of this article, of either effective~~  
6 ~~or highly effective in at least three of the four preceding years,~~]  
7 reviews in at least three of the four preceding years, exclusive of any  
8 breaks in service[~~, provided that, notwithstanding any other provision~~  
9 ~~of this section to the contrary, when a teacher or principal receives an~~  
10 ~~effective or highly effective rating in each year of his or her proba-~~  
11 ~~tionary service except he or she receives an ineffective rating in the~~  
12 ~~final year of his or her probationary period, such teacher shall not be~~  
13 ~~eligible for tenure but the board of education in its discretion, may~~  
14 ~~extend the teacher's probationary period for an additional year,~~  
15 ~~provided, however that if such teacher or principal successfully~~  
16 ~~appealed such ineffective rating, such teacher or principal shall imme-~~  
17 ~~diately be eligible for tenure if the rating resulting from the appeal~~  
18 ~~established that such individual has been effective or highly effective~~  
19 ~~in at least three of the preceding four years and was not ineffective in~~  
20 ~~the final year. At the expiration of the probationary period, the class-~~  
21 ~~room teacher or building principal shall remain in probationary status~~  
22 ~~until the end of the school year in which such teacher or principal has~~  
23 ~~received such ratings of effective or highly effective for at least~~  
24 ~~three of the four preceding school years, exclusive of any breaks in~~  
25 ~~service, during which time a board of cooperative educational services~~  
26 ~~shall consider whether to grant tenure for those classroom teachers or~~  
27 ~~building principals who otherwise have been found competent, efficient~~  
28 ~~and satisfactory. Provided, however, that the board of cooperative~~  
29 ~~educational services may grant tenure contingent upon a classroom teach-~~  
30 ~~er's or building principal's receipt of a minimum rating in the final~~  
31 ~~year of the probationary period, pursuant to the requirements of this~~  
32 ~~section, and if such contingency is not met after all appeals have been~~  
33 ~~exhausted, the grant of tenure shall be void and unenforceable and the~~  
34 ~~teacher's or principal's probationary period may be extended in accord-~~  
35 ~~ance with this subdivision~~]. Such persons shall hold their respective  
36 positions during good behavior and competent and efficient service and  
37 shall not be removed except for any of the following causes, after a  
38 hearing, as provided by section three thousand twenty-a or section three  
39 thousand twenty-b of this article: (i) Insubordination, immoral charac-  
40 ter or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or  
41 neglect of duty; (iii) Failure to maintain certification as required by  
42 this chapter and by the regulations of the commissioner. Each person who  
43 is not to be so recommended for appointment on tenure shall be so noti-  
44 fied in writing by the district superintendent not later than sixty days  
45 immediately preceding the expiration of [~~his or her~~] the probationary  
46 period.

47 § 5. This act shall take effect immediately.