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Introduced by Sens. MAYER, HINCHEY, JORDAN, MARTUCCI, REICHLIN-MELNICK, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to the granting of tenure

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

1 Section 1. Subparagraph ii of paragraph (a) of subdivision 1 of
2 section 3012 of the education law, as amended by section 4 of subpart D
3 of part EE of chapter 56 of the laws of 2015, is amended to read as
4 follows:
5 ii. Teachers and all other members of the teaching staff of school
6 districts, including common school districts and/or school districts
7 employing fewer than eight teachers, other than city school districts,
8 who are appointed on or after July first, two thousand fifteen, shall be
9 appointed by the board of education, or the trustees of common school
10 districts, upon the recommendation of the superintendent of schools, for
11 a probationary period of four years, except that in the case of a teach-
12 er who has rendered satisfactory service as a regular substitute for a
13 period of two years and, if a classroom teacher, has received annual
14 professional performance review ratings in each of those years, or has
15 rendered satisfactory service as a seasonally licensed per session
16 teacher of swimming in day schools who has served in that capacity for a
17 period of two years and has been appointed to teach the same subject in
18 day schools, on an annual salary, the teacher shall be appointed for a

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

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1 probationary period of two years; provided, however, that in the case of
2 a teacher who has been appointed on tenure in another school district
3 within the state, the school district where currently employed, or a
4 board of cooperative educational services, and who was not dismissed
5 from such district or board as a result of charges brought pursuant to
6 subdivision one of section three thousand twenty-a or section three
7 thousand twenty-b of this article, the teacher shall be appointed for a
8 probationary period of three years; provided that, in the case of a
9 classroom teacher, the teacher demonstrates that he or she received an
10 annual professional performance review rating pursuant to section three
11 thousand twelve-c or section three thousand twelve-d of this chapter in
12 his or her final year of service in such other school district or board
13 of cooperative educational services. Provided further, however, that in
14 the case of a teacher who has been appointed for a probationary period
15 during the two thousand twenty--two thousand twenty-one school year and
16 who has been appointed on tenure in another school district within the
17 state, the school district where currently employed, board of cooper-
18 ative educational services or state school for the blind or deaf and who
19 was not dismissed from such district, board or state school for the
20 blind or deaf as a result of charges brought pursuant to subdivision one
21 of section three thousand twenty-a or section three thousand twenty-b of
22 this article, such teacher shall be appointed for a probationary period
23 of three years; provided that, in the case of a classroom teacher, such
24 teacher demonstrates that he or she received an annual professional
25 performance review rating pursuant to section three thousand twelve-c or
26 section three thousand twelve-d of this article in the two thousand
27 seventeen--two thousand eighteen or two thousand eighteen--two thousand
28 nineteen school year in such other school district, board of cooperative
29 educational services or state school for the blind or deaf. The service
30 of a person appointed to any of such positions may be discontinued at
31 any time during such probationary period, on the recommendation of the
32 superintendent of schools, by a majority vote of the board of education
33 or the trustees of a common school district.

34 § 2. Paragraph (b) of subdivision 2 of section 3012 of the education
35 law, as added by section 4 of subpart D of part EE of chapter 56 of the
36 laws of 2015, is amended to read as follows:

37 (b) At the expiration of the probationary term of a person appointed
38 for such term on or after July first, two thousand fifteen, subject to
39 the conditions of this section, the superintendent of schools shall make
40 a written report to the board of education or the trustees of a common
41 school district recommending for appointment on tenure those persons who
42 have been found competent, efficient and satisfactory and, in the case
43 of a classroom teacher or building principal, who have received compos-
44 ite annual professional performance review ratings pursuant to section
45 three thousand twelve-c or section three thousand twelve-d of this arti-
46 cle, of either effective or highly effective in at least three of the
47 four preceding years, exclusive of any breaks in service; provided that
48 in the case of a classroom teacher or building principal appointed
49 during the two thousand seventeen--two thousand eighteen, two thousand
50 eighteen--two thousand nineteen or two thousand nineteen--two thousand
51 twenty school year, who have received composite annual professional
52 performance review ratings pursuant to section three thousand twelve-c
53 or section three thousand twelve-d of this article, of either effective
54 or highly effective in at least one of the four preceding years, exclu-
55 sive of any breaks in service, and did not receive an ineffective rating
56 in the final year of his or her probationary period, or during the most

1 recent school year where a rating was received; provided that, in the
2 case of a classroom teacher or building principal appointed during the
3 two thousand twenty--two thousand twenty-one school year who have
4 received composite annual professional performance review ratings pursu-
5 ant to section three thousand twelve-c or section three thousand
6 twelve-d of this article of either effective or highly effective in at
7 least two of the four preceding years, exclusive of any breaks in
8 service, and did not receive an ineffective rating in the final year of
9 his or her probationary period, or during the most recent school year
10 where a rating was received; provided further that, notwithstanding any
11 other provision of this section to the contrary, when a teacher or prin-
12 cipal receives an effective or highly effective rating in each year of
13 his or her probationary service except he or she receives an ineffective
14 rating in the final year of his or her probationary period, such teacher
15 shall not be eligible for tenure but the board of education, in its
16 discretion, may extend the teacher's probationary period for an addi-
17 tional year; provided, however, that if such teacher or principal
18 successfully appealed such ineffective rating, such teacher or principal
19 shall immediately be eligible for tenure if the rating resulting from
20 the appeal established that such individual has been effective or highly
21 effective in at least three of the preceding four years and was not
22 ineffective in the final year. At the expiration of the probationary
23 period, the classroom teacher or building principal shall remain in
24 probationary status until the end of the school year in which such
25 teacher or principal has received such ratings of effective or highly
26 effective for at least three of the four preceding school years, exclu-
27 sive of any breaks in service, and subject to the terms hereof, during
28 which time the trustees or board of education shall consider whether to
29 grant tenure for those classroom teachers or building principals who
30 otherwise have been found competent, efficient and satisfactory.
31 Provided, however, that the trustees or board of education may grant
32 tenure contingent upon a classroom teacher's or building principal's
33 receipt of a minimum rating in the final year of the probationary peri-
34 od, pursuant to the requirements of this section, and if such contingen-
35 cy is not met after all appeals have been exhausted, the grant of tenure
36 shall be void and unenforceable and the teacher's or principal's proba-
37 tionary period may be extended in accordance with this subdivision. Such
38 persons who have been recommended for tenure and all others employed in
39 the teaching service of the schools of such school district who have
40 served the full probationary period as extended pursuant to this subdivi-
41 sion shall hold their respective positions during good behavior and
42 efficient and competent service, and shall not be removable except for
43 cause after a hearing as provided by section three thousand twenty-a or
44 section three thousand twenty-b of this article. Failure to maintain
45 certification as required by this chapter and the regulations of the
46 commissioner shall constitute cause for removal.

47 § 3. Section 3012-d of the education law is amended by adding a new
48 subdivision 17 to read as follows:

49 17. Notwithstanding any other provision of this section, for the two
50 thousand twenty--two thousand twenty-one school year, no school district
51 or board of cooperative educational services shall complete an annual
52 teacher and principal evaluation required by this section for any class-
53 room teacher or building principal and state funding shall not be with-
54 held from any school district for not complying with the requirements of
55 this section.

§ 4. Paragraph (b) of subdivision 2 of section 3014 of the education law, as added by section 5 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

(b) On or before the expiration of the probationary term of a person appointed for such term on or after July first, two thousand fifteen, the district superintendent of schools shall make a written report to the board of cooperative educational services recommending for appointment on tenure persons who have been found competent, efficient and satisfactory and, in the case of a classroom teacher or building principal, who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article, of either effective or highly effective in at least three of the four preceding years, exclusive of any breaks in service; provided that, in the case of a classroom teacher or building principal appointed during the two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen or two thousand nineteen--two thousand twenty school year who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article of either effective or highly effective in at least one of the four preceding years, exclusive of any breaks in service, and did not receive an ineffective rating in the final year of his or her probationary period or in the most recent school year where a rating was received; provided that, in the case of a classroom teacher or building principal appointed during the two thousand twenty--two thousand twenty-one school year who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article of either effective or highly effective in at least two of the four preceding years, exclusive of any breaks in service, and did not receive an ineffective rating in the final year of his or her probationary period, or during the most recent school year where a rating was received; provided further that, notwithstanding any other provision of this section to the contrary, when a teacher or principal receives an effective or highly effective rating in each year of his or her probationary service except he or she receives an ineffective rating in the final year of his or her probationary period, such teacher shall not be eligible for tenure but the board of education in its discretion, may extend the teacher's probationary period for an additional year; provided, however that if such teacher or principal successfully appealed such ineffective rating, such teacher or principal shall immediately be eligible for tenure if the rating resulting from the appeal established that such individual has been effective or highly effective in at least three of the preceding four years and was not ineffective in the final year. At the expiration of the probationary period, the classroom teacher or building principal shall remain in probationary status until the end of the school year in which such teacher or principal has received such ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service, during which time a board of cooperative educational services shall consider whether to grant tenure for those classroom teachers or building principals who otherwise have been found competent, efficient and satisfactory. Provided, however, that the board of cooperative educational services may grant tenure 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

1 contingency is not met after all appeals have been exhausted, the grant
2 of tenure shall be void and unenforceable and the teacher's or principal's
3 probationary period may be extended in accordance with this subdivision.
4 Such persons shall hold their respective positions during good
5 behavior and competent and efficient service and shall not be removed
6 except for any of the following causes, after a hearing, as provided by
7 section three thousand twenty-a or section three thousand twenty-b of
8 this article: (i) Insubordination, immoral character or conduct unbecom-
9 ing a teacher; (ii) Inefficiency, incompetency, or neglect of duty;
10 (iii) Failure to maintain certification as required by this chapter and
11 by the regulations of the commissioner. Each person who is not to be so
12 recommended for appointment on tenure shall be so notified in writing by
13 the district superintendent not later than sixty days immediately
14 preceding the expiration of his or her probationary period.

15 § 5. Paragraph (b) of subdivision 1 of section 3014 of the education
16 law, as amended by chapter 345 of the laws of 2019, is amended to read
17 as follows:

18 (b) Administrative assistants, supervisors, teachers and all other
19 members of the teaching and supervising staff of the board of cooper-
20 ative educational services appointed on or after July first, two thou-
21 sand fifteen, shall be appointed by a majority vote of the board of
22 cooperative educational services upon the recommendation of the district
23 superintendent of schools for a probationary period of not to exceed
24 four years; provided, however, that in the case of a teacher who has
25 been appointed on tenure in a school district within the state, the
26 board of cooperative educational services where currently employed, or
27 another board of cooperative educational services, and who was not
28 dismissed from such district or board as a result of charges brought
29 pursuant to section three thousand twenty-a or section three thousand
30 twenty-b of this article, the teacher shall be appointed for a proba-
31 tionary period of three years; provided that, in the case of a classroom
32 teacher, the teacher demonstrates that he or she received a composite
33 annual professional performance review rating pursuant to section three
34 thousand twelve-c or three thousand twelve-d of this article of either
35 effective or highly effective in his or her final year of service in
36 such other school district or board of cooperative educational services;
37 and provided further that in the case of a principal, administrator,
38 supervisor, or other member of the supervising staff who has been
39 appointed on tenure pursuant to this chapter as an administrator within
40 an authorized administrative tenure area in another school district
41 within the state, the school district where currently employed, or a
42 board of cooperative educational services, and who was not dismissed
43 from such district or board as a result of charges brought pursuant to
44 subdivision one of section three thousand twenty-a or section three
45 thousand twenty-b of this article, the principal, administrator, super-
46 visor, or other member of the supervising staff shall be appointed for a
47 probationary period of three years. Provided further, however, that in
48 the case of a classroom teacher who has been appointed for a probation-
49 ary period during the two thousand twenty--two thousand twenty-one
50 school year and who has been appointed on tenure in a school district
51 within the state, state school for the blind or deaf, the board of coop-
52 erative educational services where currently employed, or another board
53 of cooperative educational services, and who was not dismissed from such
54 district, board or state school for the blind or deaf as a result of
55 charges brought pursuant to section three thousand twenty-a or section
56 three thousand twenty-b of this article, such teacher shall be appointed

1 for a probationary period of three years; provided that, in the case of
2 a classroom teacher, such teacher demonstrates that he or she received
3 an annual professional performance review rating pursuant to section
4 three thousand twelve-c or section three thousand twelve-d of this arti-
5 cle in the two thousand seventeen--two thousand eighteen or two thousand
6 eighteen--two thousand nineteen school year in such other school
7 district, state school for the blind or deaf or board of cooperative
8 educational services. Services of a person so appointed to any such
9 positions to which this paragraph applies may be discontinued at any
10 time during the probationary period, upon the recommendation of the
11 district superintendent, by a majority vote of the board of cooperative
12 educational services.

13 § 6. Subparagraph ii of paragraph (a) of subdivision 1 of section 2509
14 of the education law, as amended by section 1 of subpart D of part EE of
15 chapter 56 of the laws of 2015, is amended to read as follows:

16 ii. Notwithstanding any other provision of law or regulation to the
17 contrary, teachers and all other members of the teaching staff appointed
18 on or after July first, two thousand fifteen and authorized by section
19 twenty-five hundred three of this article, shall be appointed by the
20 board of education, upon the recommendation of the superintendent of
21 schools, for a probationary period of four years, except that in the
22 case of a teacher who has rendered satisfactory service as a regular
23 substitute for a period of two years and, if a classroom teacher, has
24 received composite annual professional performance review ratings in
25 each of those years, or has rendered satisfactory service as a
26 seasonally licensed per session teacher of swimming in day schools who
27 has served in that capacity for a period of two years and has been
28 appointed to teach the same subject in day schools on an annual salary,
29 the teacher shall be appointed for a probationary period of two years;
30 provided, however, that in the case of a teacher who has been appointed
31 on tenure in another school district within the state, the school
32 district where currently employed, or a board of cooperative educational
33 services, and who was not dismissed from such district or board as a
34 result of charges brought pursuant to subdivision one of section three
35 thousand twenty-a or section three thousand twenty-b of this chapter,
36 the teacher shall be appointed for a probationary period of three years;
37 provided that the teacher demonstrates that he or she received an annual
38 professional performance review rating pursuant to section three thou-
39 sand twelve-c or section three thousand twelve-d of this chapter in his
40 or her final year of service in such other school district or board of
41 cooperative educational services. Provided further, however, that in the
42 case of a teacher who has been appointed for a probationary period
43 during the two thousand twenty--two thousand twenty-one school year and
44 who has been appointed on tenure in another school district within the
45 state, the school district where currently employed, board of cooper-
46 ative educational services or state school for the blind or deaf and who
47 was not dismissed from such district, board or state school for the
48 blind or deaf as a result of charges brought pursuant to subdivision one
49 of section three thousand twenty-a or section three thousand twenty-b of
50 this chapter, such teacher shall be appointed for a probationary period
51 of three years; provided that, in the case of a classroom teacher, such
52 teacher demonstrates that he or she received an annual professional
53 performance review rating pursuant to section three thousand twelve-c or
54 section three thousand twelve-d of this chapter in the two thousand
55 seventeen--two thousand eighteen or two thousand eighteen--two thousand
56 nineteen school year in such other school district, board of cooperative

1 educational services or state school for the blind or deaf. The service
2 of a person appointed to any of such positions may be discontinued at
3 any time during such probationary period, on the recommendation of the
4 superintendent of schools, by a majority vote of the board of education.
5 Each person who is not to be recommended for appointment on tenure shall
6 be so notified by the superintendent of schools in writing not later
7 than sixty days immediately preceding the expiration of his/her proba-
8 tionary period.

9 § 7. Paragraph b of subdivision 2 of section 2509 of the education
10 law, as added by section 2 of subpart D of part EE of chapter 56 of the
11 laws of 2015, is amended to read as follows:

12 b. For persons appointed on or after July first, two thousand fifteen,
13 at the expiration of the probationary term of any persons appointed for
14 such term, or within six months prior thereto, the superintendent of
15 schools shall make a written report to the board of education recommend-
16 ing for appointment on tenure those persons who have been found compe-
17 tent, efficient and satisfactory and in the case of a classroom teacher
18 or building principal, who have received annual professional performance
19 review ratings pursuant to section three thousand twelve-c or section
20 three thousand twelve-d of this chapter, of either effective or highly
21 effective in at least three of the four preceding years, exclusive of
22 any breaks in service; provided that, in the case of a classroom teacher
23 or building principal appointed during the two thousand seventeen--two
24 thousand eighteen, two thousand eighteen--two thousand nineteen or two
25 thousand nineteen--two thousand twenty school year, who have received
26 composite annual professional performance review ratings pursuant to
27 section three thousand twelve-c or section three thousand twelve-d of
28 this chapter, of either effective or highly effective in at least one of
29 the four preceding years, exclusive of any breaks in service, and did
30 not receive an ineffective rating in the final year of his or her proba-
31 tionary period, or during the most recent school year where a rating was
32 received; provided that, in the case of a classroom teacher or building
33 principal appointed during the two thousand twenty--two thousand twen-
34 ty-one school year who have received composite annual professional
35 performance review ratings pursuant to section three thousand twelve-c
36 or section three thousand twelve-d of this chapter of either effective
37 or highly effective in at least two of the four preceding years, exclu-
38 sive of any breaks in service, and did not receive an ineffective
39 rating in the final year of his or her probationary period, or during
40 the most recent school year where a rating was received; provided
41 further that, notwithstanding any other provision of this section to the
42 contrary, when a teacher or principal receives an effective or highly
43 effective rating in each year of his or her probationary service except
44 he or she receives an ineffective rating in the final year of his or her
45 probationary period, such teacher or principal shall not be eligible for
46 tenure but the board of education in its discretion, may extend the
47 teacher's probationary period for an additional year; provided, however,
48 that if such teacher or principal successfully appealed such ineffective
49 rating, such teacher or principal shall immediately be eligible for
50 tenure if the rating resulting from the appeal established that such
51 individual has been effective or highly effective in at least three of
52 the preceding four years and was not ineffective in the final year. By a
53 majority vote, the board of education may then appoint on tenure any or
54 all of the persons recommended by the superintendent of schools. At the
55 expiration of the probationary period, the classroom teacher or building
56 principal shall remain in probationary status until the end of the

1 school year in which such teacher or principal has received such ratings
2 of effective or highly effective for at least three of the four preced-
3 ing school years exclusive of any breaks in service and subject to the
4 terms hereof, during which time a board of education shall consider
5 whether to grant tenure for those classroom teachers or building princi-
6 pals who otherwise have been found competent, efficient and satisfac-
7 tory. Provided, however, that the board of education may grant tenure
8 contingent upon a classroom teacher's or building principal's receipt of
9 a minimum rating in the final year of the probationary period, pursuant
10 to the requirements of this section, and if such contingency is not met
11 after all appeals have been exhausted, the grant of tenure shall be void
12 and unenforceable and the teacher's or principal's probationary period
13 may be extended in accordance with this subdivision. Such persons who
14 have been recommended for tenure and all others employed in the teaching
15 service of the schools of such school district who have served the full
16 probationary period as extended pursuant to this subdivision shall hold
17 their respective positions during good behavior and efficient and compe-
18 tent service, and shall not be removable except for cause after a hear-
19 ing as provided by section three thousand twenty-a or section three
20 thousand twenty-b of this chapter. Failure to maintain certification as
21 required by this chapter and the regulations of the commissioner shall
22 constitute cause for removal.

23 § 8. Subparagraph ii of paragraph (a) of subdivision 1 of section 2573
24 of the education law, as amended by section 3 of subpart D of part EE of
25 chapter 56 of the laws of 2015, is amended to read as follows:

26 ii. Teachers and all other members of the teaching staff appointed on
27 or after July first, two thousand fifteen and authorized by section
28 twenty-five hundred fifty-four of this article, shall be appointed by
29 the board of education, upon the recommendation of the superintendent of
30 schools, for a probationary period of four years, except that in the
31 case of a teacher who has rendered satisfactory service as a regular
32 substitute for a period of two years and, if a classroom teacher, has
33 received annual professional performance review ratings in each of those
34 years, or has rendered satisfactory service as a seasonally licensed per-
35 session teacher of swimming in day schools who has served in that capac-
36 ity for a period of two years and has been appointed to teach the same
37 subject in day schools on an annual salary, the teacher shall be
38 appointed for a probationary period of two years; provided, however,
39 that in the case of a teacher who has been appointed on tenure in anoth-
40 er school district within the state, the school district where currently
41 employed, or a board of cooperative educational services, and who was
42 not dismissed from such district or board as a result of charges brought
43 pursuant to subdivision one of section three thousand twenty-a or
44 section three thousand twenty-b of this chapter, the teacher shall be
45 appointed for a probationary period of three years; provided that, in
46 the case of a classroom teacher, the teacher demonstrates that he or she
47 received an annual professional performance review rating pursuant to
48 section three thousand twelve-c or section three thousand twelve-d of
49 this chapter in his or her final year of service in such other school
50 district or board of cooperative educational services; provided, howev-
51 er, that, in the case of a classroom teacher who has been appointed for
52 a probationary period during the two thousand twenty--two thousand twen-
53 ty-one school year and who has been appointed on tenure in another
54 school district within the state, the school district where currently
55 employed, board of cooperative educational services or state school for
56 the blind or deaf, and who was not dismissed from such district, board

1 or state school for the blind or deaf as a result of charges brought
2 pursuant to section three thousand twenty-a or section three thousand
3 twenty-b of this chapter, such teacher shall be appointed for a proba-
4 tionary period of three years; provided that, in the case of a classroom
5 teacher, such teacher demonstrates that he or she received an annual
6 professional performance review rating pursuant to section three thou-
7 sand twelve-c or section three thousand twelve-d of this chapter in the
8 two thousand seventeen--two thousand eighteen or two thousand eighteen-
9 -two thousand nineteen school year in such other school district, board
10 of cooperative educational services or state school for the blind or
11 deaf; provided further, however, that in cities with a population of one
12 million or more, a teacher appointed under a newly created license, for
13 teachers of reading and of the emotionally handicapped, to a position
14 which the teacher has held for at least two years prior to such appoint-
15 ment while serving on tenure in another license area who was not
16 dismissed as a result of charges brought pursuant to subdivision one of
17 section three thousand twenty-a or section three thousand twenty-b of
18 this chapter, the teacher shall be appointed for a probationary period
19 of two years. The service of a person appointed to any of such positions
20 may be discontinued at any time during such probationary period, on the
21 recommendation of the superintendent of schools, by a majority vote of
22 the board of education. Each person who is not to be recommended for
23 appointment on tenure shall be so notified by the superintendent of
24 schools in writing not later than sixty days immediately preceding the
25 expiration of his or her probationary period. In all city school
26 districts subject to the provisions of this article, failure to maintain
27 certification as required by this article and by the regulations of the
28 commissioner shall be cause for removal within the meaning of subdivi-
29 sion five of this section.

30 § 9. Paragraph (b) of subdivision 5 of section 2573 of the education
31 law, as added by section 3 of subpart D of part EE of chapter 56 of the
32 laws of 2015, is amended to read as follows:

33 (b) At the expiration of the probationary term of any persons
34 appointed for such term on or after July first, two thousand fifteen,
35 the superintendent of schools shall make a written report to the board
36 of education recommending for permanent appointment those persons who
37 have been found competent, efficient and satisfactory and, in the case
38 of a classroom teacher or building principal, who have received compos-
39 ite annual professional performance review ratings pursuant to section
40 three thousand twelve-c or section three thousand twelve-d of this chap-
41 ter, of either effective or highly effective in at least three of the
42 four preceding years, exclusive of any breaks in service; provided that,
43 in the case of a classroom teacher or building principal appointed
44 during the two thousand seventeen--two thousand eighteen, two thousand
45 eighteen--two thousand nineteen or two thousand nineteen--two thousand
46 twenty school year, who have received composite annual professional
47 performance review ratings pursuant to section three thousand twelve-c
48 or section three thousand twelve-d of this chapter of either effective
49 or highly effective in at least one of the four preceding years, exclu-
50 sive of any breaks in service, and did not receive an ineffective rating
51 in the final year of his or her probationary period or during the most
52 recent school year where a rating was received; provided that, in the
53 case of a classroom teacher or building principal appointed during the
54 two thousand twenty--two thousand twenty-one school year who have
55 received composite annual professional performance review ratings pursu-
56 ant to section three thousand twelve-c or section three thousand

twelve-d of this chapter of either effective or highly effective in at least two of the four preceding years, exclusive of any breaks in service, and did not receive an ineffective rating in the final year of his or her probationary period or during the most recent school year where a rating was received; provided further that, notwithstanding any other provision of this section to the contrary, when a teacher or principal receives an effective and/or highly effective rating in each year of his or her probationary service except he or she receives an ineffective rating in the final year of his or her probationary period, such teacher or principal shall not be eligible for tenure but the board of education in its discretion, may extend the teacher's probationary period for an additional year; provided, however, that if such teacher or principal successfully appealed such ineffective rating, such teacher or principal shall immediately be eligible for tenure if the rating resulting from the appeal established that such individual has been effective or highly effective in at least three of the preceding four years. At the expiration of the probationary period, the classroom teacher or building principal shall remain in probationary status until the end of the school year in which such teacher or principal has received such ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service and subject to the terms hereof, during which time a board of education shall consider whether to grant tenure for those classroom teachers or building principals who otherwise have been found competent, efficient and satisfactory. Provided, however, that the board of education may grant tenure 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.

§ 10. Paragraph (b) of subdivision 6 of section 2573 of the education law, as added by section 3 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

(b) At the expiration of the probationary term of any persons appointed for such term on or after July first, two thousand fifteen, the superintendent of schools shall make a written report to the board of education recommending for permanent appointment those persons who have been found competent, efficient and satisfactory and, in the case of a classroom teacher or building principal, who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter, of either effective or highly effective in at least three of the four preceding years, exclusive of any breaks in service; provided that, in the case of a classroom teacher or building principal appointed during the two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen or two thousand nineteen--two thousand

1 twenty school year, who have received composite annual professional
2 performance review ratings pursuant to section three thousand twelve-c
3 or section three thousand twelve-d of this chapter of either effective
4 or highly effective in at least one of the four preceding years, exclu-
5 sive of any breaks in service, and did not receive an ineffective rating
6 in the final year of his or her probationary period or during the most
7 recent school year where a rating was received; provided that, in the
8 case of a classroom teacher or building principal appointed during the
9 two thousand twenty-two thousand twenty-one school year who have
10 received composite annual professional performance review ratings pursu-
11 ant to section three thousand twelve-c or section three thousand
12 twelve-d of this chapter of either effective or highly effective in at
13 least two of the four preceding years, exclusive of any breaks in
14 service, and did not receive an ineffective rating in the final year of
15 his or her probationary period or during the most recent school year
16 where a rating was received; provided further that, notwithstanding any
17 other provision of this section to the contrary, when a teacher receives
18 an effective and/or highly effective rating in each year of his or her
19 probationary service except he or she receives an ineffective rating in
20 the final year of his or her probationary period, such teacher or prin-
21 cipal shall not be eligible for tenure but the board of education in its
22 discretion, may extend the teacher's probationary period for an addi-
23 tional year; provided, however, that if such teacher or principal
24 successfully appealed such ineffective rating, such teacher or principal
25 shall immediately be eligible for tenure if the rating resulting from
26 the appeal established that such individual has been effective or highly
27 effective in at least three of the preceding four years and was not
28 ineffective in the final year. At the expiration of the probationary
29 period, the classroom teacher or building principal shall remain in
30 probationary status until the end of the school year in which such
31 teacher or principal has received such ratings of effective or highly
32 effective for at least three of the four preceding school years, exclu-
33 sive of any breaks in service and subject to the terms hereof, during
34 which time a board of education shall consider whether to grant tenure
35 for those classroom teachers or building principals who otherwise have
36 been found competent, efficient and satisfactory. Provided, however,
37 that the board of education may grant tenure contingent upon a classroom
38 teacher's or building principal's receipt of a minimum rating in the
39 final year of the probationary period, pursuant to the requirements of
40 this section, and if such contingency is not met after all appeals have
41 been exhausted, the grant of tenure shall be void and unenforceable and
42 the teacher's or principal's probationary period may be extended in
43 accordance with this subdivision. Such persons who have been recommended
44 for tenure and all others employed in the teaching service of the
45 schools of such school district who have served the full probationary
46 period as extended pursuant to this subdivision shall hold their respec-
47 tive positions during good behavior and efficient and competent service,
48 and shall not be removable except for cause after a hearing as provided
49 by section three thousand twenty-a or section three thousand twenty-b of
50 this chapter. Failure to maintain certification as required by this
51 chapter and the regulations of the commissioner shall constitute cause
52 for removal.

53 § 11. This act shall take effect immediately.