

STATE OF NEW YORK

910

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed 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

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

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

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

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

1 the recommendation of the superintendent of schools, by a majority vote
2 of the board of education.

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

24 2. ~~[a-]~~ (a) Notwithstanding any other provision of law or regulation to
25 the contrary, teachers and all other members of the teaching staff
26 appointed on or after July first, two thousand twenty-one and authorized
27 by section twenty-five hundred three of this article, shall be appointed
28 by the board of education, upon the recommendation of the superintendent
29 of schools, for a probationary period of three years, except that in the
30 case of a teacher who has rendered satisfactory service as a regular
31 substitute for a period of up to two years and, if a classroom teacher,
32 has received satisfactory annual reviews in each of those years, or has
33 rendered satisfactory service as a seasonally licensed per session
34 teacher of swimming in day schools who has been served in that capacity for a
35 period of up to two years and has been appointed to teach the same
36 subject in day schools on an annual salary, such teacher shall be
37 appointed for a probationary period that is reduced proportionately
38 based upon the length of the satisfactory service; 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, such teacher shall be
45 appointed for a probationary period of two years; provided that the
46 teacher demonstrates that they received a satisfactory annual review in
47 their final year of service in such other school district or board of
48 cooperative educational services. The service of a person appointed to
49 any such positions may be discontinued at any time during such proba-
50 tionary period, on the recommendation of the superintendent of schools,
51 by a majority vote of the board of education. Each person who is not to
52 be recommended for appointment on tenure shall be so notified by the
53 superintendent of schools in writing not later than sixty days imme-
54 diately preceding the expiration of the probationary period.

55 (b) Administrators, directors, supervisors, principals and all other
56 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, shall be appointed by the board of education, upon the recommendation of the superintendent of schools for a probationary period of three years. The service of a person appointed to any 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.

3. (a) At the expiration of the probationary term of any persons appointed for such term prior to July first, two thousand fifteen, or within six months prior thereto, the superintendent of schools shall make a written report to the board of education recommending for appointment on tenure those persons who have been found competent, efficient and satisfactory. By a majority vote the board of education may then appoint on tenure any or all of the persons recommended by the superintendent of schools. Such persons and all others employed in the teaching service of the schools of such school district who have served the full probationary period 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.

~~(b) For persons appointed on or after July first, two thousand fifteen, at the expiration of the probationary term of any persons appointed for such term, or within six months prior thereto, the superintendent of schools shall make a written report to the board of education recommending for appointment on tenure those persons who have been found competent, efficient and satisfactory and in the case of a classroom teacher or building principal, who have received satisfactory 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] reviews in at least three of the four preceding years, exclusive of any breaks in service[; provided 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 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 and was not ineffective in the final year].~~ By a majority vote, the board of education may then appoint on tenure any or all of the persons recommended by the superintendent of schools. ~~[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 satisfac-~~

~~tory. 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.

[~~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,

1 paragraph (a) of subdivision 10 and subdivision 11 as amended by chapter
2 650 of the laws of 1990, subdivision 16 as added by chapter 898 of the
3 laws of 1960, and subdivision 17 as amended by chapter 210 of the laws
4 of 2001, are amended to read as follows:

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

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

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

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

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

10 5. (a) At the expiration of the probationary ~~[term]~~ period of any
11 persons appointed for such ~~[term]~~ period prior to July first, two thou-
12 sand fifteen, the superintendent of schools shall make a written report
13 to the board of education recommending for permanent appointment those
14 persons who have been found competent, efficient and satisfactory. Such
15 persons and all others employed in the teaching, service of the schools
16 of a city, who have served the full probationary period, 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.

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

6. (a) In a city having a population of four hundred thousand or more, at the expiration of the probationary term of any persons appointed for such term prior to 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 satisfactory, and such board of education shall immediately thereafter issue to such persons permanent certificates of appointment. Such persons and all others employed in the teaching service of the schools of such city, who have served the full probationary period shall receive permanent certificates to teach issued to them by the certifying authority, except as otherwise provided in subdivision ten-a of this section, and shall hold their respective positions during good behavior and satisfactory teaching 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.

(b) At the expiration of the probationary ~~[term]~~ period of any persons appointed for such ~~[term]~~ period 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]~~ satisfactory annual reviews in at least three of the four preceding years, exclusive of any breaks in service~~;~~ ~~provided that, notwithstanding any other provision of this section to the contrary, when a teacher 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 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 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.

(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

1 assigned subject or subjects. The assignment of a teacher to teach any
2 such assigned subject shall not operate to change the rank or level of
3 such teacher from that which [~~he or she~~] **they** occupied prior to such
4 assignment.

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

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

1 assign teachers to replace the teachers who are absent on leave. Such
2 positions of replacement teachers shall be in all respects permanent
3 positions in the school system and persons duly appointed by the board
4 to such positions shall be entitled to the rights of tenure and retire-
5 ment accruing to persons serving in other permanent teaching positions,
6 except that no replacement teacher shall be entitled to the special
7 limitation of the probationary period to one year provided for certain
8 teachers by subdivision one of this section. Upon acceptance of appoint-
9 ment as replacement teacher, the name of each such appointee shall be
10 placed on a preferred eligible list as a candidate for appointment to
11 any permanent teaching position for which ~~he or she holds~~ they hold a
12 valid license and such candidates shall be entitled to appointment from
13 such preferred eligible list in order of their placement on such list.
14 At any time when the total number of positions of replacement teacher in
15 such pool exceeds the total number of teachers who will be absent on
16 leave for the ensuing term of school, the board may abolish positions in
17 such pool which are in excess of the number of teachers to be absent on
18 leave as aforesaid, or may use replacement teachers in such pool instead
19 of substitute teachers to replace teachers who are absent for shorter
20 periods than one term. Whenever a particular replacement teacher cannot
21 be used to replace any teacher who is absent on leave for a full term,
22 ~~he or she~~ they may similarly be used to replace teachers who are
23 absent for shorter periods. Nothing herein contained shall be construed
24 as preventing the appointment of regular substitute teachers to replace
25 teachers absent on leave when no persons holding positions created
26 pursuant to this subdivision are available for such replacement.

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

31 § 3012. Tenure: certain school districts. 1. (a) i. Teachers and all
32 other members of the teaching staff of school districts, including
33 common school districts and/or school districts employing fewer than
34 eight teachers, other than city school districts, who are appointed
35 prior to July first, two thousand fifteen, shall be appointed by the
36 board of education, or the trustees of common school districts, upon the
37 recommendation of the superintendent of schools, for a probationary
38 period of three years, except that in the case of a teacher who has
39 rendered satisfactory service as a regular substitute for a period of up
40 to two years or as a seasonally licensed per session teacher of swimming
41 in day schools who has served in that capacity for a period of up to two
42 years and has been appointed to teach the same subject in day schools,
43 on an annual salary, the probationary period shall be ~~[limited to one~~
44 ~~year]~~ reduced proportionately based upon the length of the satisfactory
45 service; provided, however, that in the case of a teacher who has been
46 appointed on tenure in another school district within the state, the
47 school district where currently employed, or a board of cooperative
48 educational services, and who was not dismissed from such district or
49 board as a result of charges brought pursuant to subdivision one of
50 section three thousand twenty-a or section three thousand twenty-b of
51 this article, the probationary period shall not exceed two years. The
52 service of a person appointed to any ~~of~~ such positions may be discon-
53 tinued at any time during such probationary period, on the recommenda-
54 tion of the superintendent of schools, by a majority vote of the board
55 of education or the trustees of a common school district.

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

45 ii. Principals, administrators, supervisors and all other members of
46 the supervising staff of school districts, including common school
47 districts and/or school districts employing fewer than eight teachers,
48 other than city school districts, who are appointed on or after July
49 first, two thousand fifteen, shall be appointed by the board of educa-
50 tion, or the trustees of a common school district, upon the recommenda-
51 tion of the superintendent of schools for a probationary period of four
52 years; provided, however, that in the case of a principal, administra-
53 tor, supervisor, or other member of the supervising staff who has been
54 appointed on tenure pursuant to this chapter as an administrator within
55 an authorized administrative tenure area in another school district
56 within the state, the school district where currently employed, or a

1 board of cooperative educational services, and who was not dismissed
2 from such district or board as a result of charges brought pursuant to
3 subdivision one of section three thousand twenty-a or section three
4 thousand twenty-b of this article, the principal, administrator, super-
5 visor or other member of the supervising staff shall be appointed for a
6 probationary period of three years. The service of a person appointed to
7 any of such positions may be discontinued at any time during the proba-
8 tionary period on the recommendation of the superintendent of schools,
9 by a majority vote of the board of education or the trustees of a common
10 school district.

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

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

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

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

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

~~ed, 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 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

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

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

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

(b) On or before the expiration of the probationary ~~[term]~~ period of a person appointed for such ~~[term]~~ period 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,]~~ reviews in at least three of the four preceding years, exclusive of any breaks in service~~;~~ ~~provided 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 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 shall hold their respective positions during good behavior and competent and efficient service and shall not be removed except for any of the following causes, after a hearing, as provided by section three thousand twenty-a or section three thousand twenty-b of this article: (i) Insubordination, immoral character or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or neglect of duty; (iii) Failure to maintain certification as required by this chapter and by the regulations of the commissioner. Each person who is not so recommended for appointment on tenure shall be so notified in writing by the district superintendent not later than sixty days immediately preceding the expiration of ~~[his or her]~~ the probationary period.

§ 5. This act shall take effect immediately.