

6154

2009-2010 Regular Sessions

I N S E N A T E

September 3, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to teachers' rights

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Section 3014-a of the education law, as amended by chapter
2 511 of the laws of 1998, is amended to read as follows:
3 S 3014-a. Teachers' rights as a result of a board or boards of cooperative
4 educational services taking over a program formerly operated by a
5 school district or districts or by a county vocational education and
6 extension board. 1. In any case in which a board or boards of cooperative
7 educational services duly take over the operation of a program
8 formerly provided by a school district or school districts or by a county
9 vocational education and extension board, each teacher, teaching
10 assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL employed in
11 such a program by such a school district or such a county vocational
12 education and extension board at the time of such takeover by the board
13 or boards of cooperative educational services, shall be considered an
14 employee of such board or boards of cooperative educational services
15 with the same tenure or civil service status he OR SHE maintained in
16 such school district or in such county vocational education and extension
17 board.
18 2. If the number of teaching positions needed to provide the services
19 required by such program by the board or boards of cooperative educational
20 services is less than the number of teachers, teaching assistants
21 [and], teacher aides, AND OTHER SPECIFIED PERSONNEL eligible to be
22 considered employees of such board or boards of cooperative educational
23 services as provided by subdivision one of this section, the services of
24 the teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED
25 PERSONNEL having the least seniority in the school district or
26 school districts or county vocational education and extension board

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

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1 whose programs are taken over by the board or boards of cooperative
2 educational services within the tenure area or civil service title of
3 the position shall be discontinued. Such teachers, teaching assistants
4 [and], teacher aides, AND OTHER SPECIFIED PERSONNEL shall be placed on a
5 preferred eligible list of candidates for appointment to a vacancy that
6 may thereafter occur in an office or position under the jurisdiction of
7 the board or boards of cooperative educational services similar to the
8 one such teacher, teaching assistant [and], teacher aide, AND OTHER
9 SPECIFIED PERSONNEL filled in such school district or school districts
10 or such county vocational education and extension board. The teachers,
11 teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL
12 on such preferred list shall be reinstated or appointed to such vacan-
13 cies in such corresponding or similar positions under the jurisdiction
14 of the board or boards of cooperative educational services in the order
15 of their length of service in such school district or school districts
16 or in such county vocational education and extension board, within seven
17 years from the date of the abolition of such office or position.

18 3. For any such teacher, teaching assistant [and], teacher aide, AND
19 OTHER SPECIFIED PERSONNEL as set forth in subdivision one of this
20 section for salary, sick leave and any other purposes, the length of
21 service credited in such school district or in such county vocational
22 education and extension board shall be credited as employment time with
23 such board or boards of cooperative educational services.

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

27 5. Program takeovers pursuant to this section shall be considered a
28 transfer pursuant to section seventy of the civil service law.

29 6. FOR THE PURPOSES OF THIS SECTION, "OTHER SPECIFIED PERSONNEL" SHALL
30 MEAN ANY PERSON CERTIFIED TO THE STATE CIVIL SERVICE COMMISSION BY THE
31 COMMISSIONER PURSUANT TO SUBDIVISION (G) OF SECTION THIRTY-FIVE OF THE
32 CIVIL SERVICE LAW PROVIDING INSTRUCTIONAL, ANCILLARY, OR SUPPORTIVE
33 EDUCATIONAL SERVICES AND ANY LICENSED HEALTH PROFESSIONAL WHO IS PRINCI-
34 PALLY ENGAGED IN PROVIDING HEALTH SERVICES.

35 S 2. Section 3014-b of the education law, as amended by chapter 511 of
36 the laws of 1998, is amended to read as follows:

37 S 3014-b. Teachers' rights as a result of a school district taking
38 over a program formerly operated by a board of cooperative educational
39 services. 1. In any case in which a school district duly takes over the
40 operation of a program formerly provided by a board of cooperative
41 educational services, each teacher, teaching assistant [and], teacher
42 aide, AND OTHER SPECIFIED PERSONNEL employed in such a program by such a
43 board of cooperative educational services at the time of such takeover
44 by the school district shall be considered an employee of such school
45 district, with the same tenure or civil service status he OR SHE main-
46 tained in such board of cooperative educational services.

47 2. If the number of teaching positions needed to provide the services
48 required by such program by the school district is less than the number
49 of teachers, teaching assistants [and], teacher aides, AND OTHER SPECI-
50 FIED PERSONNEL eligible to be considered employees of such school
51 district as provided by subdivision one of this section, the services of
52 the teachers, teaching assistants [and], teacher aides, AND OTHER SPECI-
53 FIED PERSONNEL having the least seniority in the board of cooperative
54 educational services whose programs are taken over by the school
55 district within the tenure area or civil service title of the position
56 shall be discontinued. Such teachers, teaching assistants [and], teacher

1 aides, AND OTHER SPECIFIED PERSONNEL shall be placed on a preferred
2 eligible list of candidates for appointment to a vacancy that may there-
3 after occur in an office or position under the jurisdiction of the
4 school district similar to the one such teacher, teaching assistant
5 [and], teacher aide, AND OTHER SPECIFIED PERSONNEL filled in such board
6 of cooperative educational services. The teachers, teaching assistants
7 [and], teacher aides, AND OTHER SPECIFIED PERSONNEL on such preferred
8 list shall be reinstated or appointed to such vacancies in such corre-
9 sponding or similar positions under the jurisdiction of the school
10 district in the order of their length of service in such board of coop-
11 erative educational services, within seven years from the date of the
12 abolition of such office or position.

13 3. For any such teacher, teaching assistant [and], teacher aide, AND
14 OTHER SPECIFIED PERSONNEL as set forth in subdivision one of this
15 section for salary, sick leave and any other purposes, the length of
16 service credited in such board of cooperative educational services shall
17 be credited as employment time with such school district.

18 4. In the event that more than one school district duly takes over the
19 operation of a program formerly provided by a board of cooperative
20 educational services, then each teacher, teaching assistant [and],
21 teacher aide, AND OTHER SPECIFIED PERSONNEL employed in such program by
22 such board of cooperative educational services at the time of such take-
23 over by more than one school district, shall select the particular
24 school district in which he OR SHE shall be considered an employee, with
25 all of the rights and privileges provided by the other provisions of
26 this section. Such selection of the particular school district by such
27 teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED
28 PERSONNEL is to be based upon the seniority of each teacher, teaching
29 assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL in such
30 board of cooperative educational services, with the right of selection
31 passing from such teachers, teaching assistants [and], teacher aides,
32 AND OTHER SPECIFIED PERSONNEL with the most seniority to such teachers,
33 teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL
34 with least seniority. Any such teacher, teaching assistant [and],
35 teacher aide, AND OTHER SPECIFIED PERSONNEL who is unable to obtain a
36 teaching position in any such school districts because the number of
37 positions needed to provide the services required in such programs with
38 such school districts are less than the number of teachers, teaching
39 assistants [and], teachers aides, AND OTHER SPECIFIED PERSONNEL eligible
40 to be considered employees of such school districts, shall be placed on
41 a preferred eligible list in all such school districts in the method and
42 with all of the rights provided by the other provisions of this section.

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

46 6. FOR THE PURPOSES OF THIS SECTION, "OTHER SPECIFIED PERSONNEL" SHALL
47 MEAN ANY PERSON CERTIFIED TO THE STATE CIVIL SERVICE COMMISSION BY THE
48 COMMISSIONER PURSUANT TO SUBDIVISION (G) OF SECTION THIRTY-FIVE OF THE
49 CIVIL SERVICE LAW PROVIDING INSTRUCTIONAL, ANCILLARY, OR SUPPORTIVE
50 EDUCATIONAL SERVICES AND ANY LICENSED HEALTH PROFESSIONAL WHO IS PRINCI-
51 PALLY ENGAGED IN PROVIDING HEALTH SERVICES.

52 S 3. This act shall take effect September 1, 2010.