S T A T E O F N E W Y O R K

10616

I N A S S E M B L Y

June 8, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nolan) -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the statute of limitations for disciplinary procedures against tenured teachers

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

Section 1. Subdivision 1 of section 3020-a of the education law, as amended by section 1 of part B of chapter 57 of the laws of 2012, is amended to read as follows:

1. Filing of charges. All charges against a person enjoying the benefits of tenure as provided in subdivision three of section eleven hundred two, and sections twenty-five hundred nine, twenty-five hundred seventy-three, twenty-five hundred ninety-j, three thousand twelve and three thousand fourteen of this chapter shall be in writing and filed with the clerk or secretary of the school district or employing board during the period between the actual opening and closing of the school year for which the employed is normally required to serve. [Except as provided in subdivision eight of section twenty-five hundred seventy-three and subdivision seven of section twenty-five hundred ninety-j of this chapter, no] NO charges under this section shall be brought more than three years after the occurrence of the alleged incompetency or misconduct, except when the charge is of misconduct constituting a crime when committed.

S 2. Subdivision 8 of section 2573 of the education law, as amended by chapter 915 of the laws of 1963 and as renumbered by chapter 717 of the laws of 1970, is amended to read as follows:

8. No charges under this section shall be brought more than three years after the occurrence of the alleged incompetency or misconduct except where the charge is of misconduct [which resulted in conviction for a crime] CONSTITUTING A CRIME WHEN COMMITTED.

S 3. This act shall take effect immediately.

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

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