

8588

2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to retaining quality
teachers

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

1 Section 1. Section 1604 of the education law is amended by adding a
2 new subdivision 8-a to read as follows:
3 8-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN-
4 EVER A BOARD OF EDUCATION ABOLISHES OR REDUCES A POSITION OR POSITIONS
5 UNDER THIS CHAPTER, THE SUPERINTENDENT FOR THE SCHOOL DISTRICT SHALL
6 RECOMMEND WHICH TEACHER OR TEACHERS SHOULD BE RETAINED. SUCH RECOMMENDA-
7 TIONS SHALL BE BASED ON AN EVALUATION OF THE TEACHER'S PERFORMANCE AND
8 QUALIFICATIONS AND THE EDUCATIONAL NEEDS OF THE SCHOOL, INCLUDING BUT
9 NOT LIMITED TO:
10 (I) ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO
11 SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER;
12 (II) THE SCHOOL NEEDS FOR PARTICULAR LICENSE AREAS, OFFICE OR SCHOOL
13 NEEDS, INCLUDING CURRICULUM, SPECIALIZED EDUCATION, DEGREES, LICENSES OR
14 AREAS OF EXPERTISE;
15 (III) FAILURE TO OBTAIN PERMANENT CERTIFICATION WITHIN THE STATUTORILY
16 PRESCRIBED TIME LIMITS;
17 (IV) THE LENGTH OF SERVICE; PROVIDED, THAT THE TEACHER'S SALARY SHALL
18 NOT BE CONSIDERED IN MAKING A LAYOFF RECOMMENDATION.
19 THE BOARD OF EDUCATION SHALL EXERCISE ITS DISCRETION AND SHALL APPROVE
20 OR REJECT THE RECOMMENDATIONS OF THE SUPERINTENDENT SO AS TO MINIMIZE
21 THE ADVERSE IMPACT ON STUDENTS AND THE EDUCATIONAL STRENGTH OF THE
22 SCHOOL DISTRICT.
23 S 2. Section 1709 of the education law is amended by adding a new
24 subdivision 16-a to read as follows:

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

LBD11934-03-1

1 16-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
2 WHENEVER A BOARD OF EDUCATION ABOLISHES OR REDUCES A POSITION OR POSI-
3 TIONS UNDER THIS CHAPTER, THE SUPERINTENDENT FOR THE SCHOOL DISTRICT
4 SHALL RECOMMEND WHICH TEACHER OR TEACHERS SHOULD BE RETAINED. SUCH
5 RECOMMENDATIONS SHALL BE BASED ON AN EVALUATION OF THE TEACHER'S
6 PERFORMANCE AND QUALIFICATIONS AND THE EDUCATIONAL NEEDS OF THE SCHOOL,
7 INCLUDING BUT NOT LIMITED TO:

8 (I) ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO
9 SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER;

10 (II) THE SCHOOL NEEDS FOR PARTICULAR LICENSE AREAS, OFFICE OR SCHOOL
11 NEEDS, INCLUDING CURRICULUM, SPECIALIZED EDUCATION, DEGREES, LICENSES OR
12 AREAS OF EXPERTISE;

13 (III) FAILURE TO OBTAIN PERMANENT CERTIFICATION WITHIN THE STATUTORILY
14 PRESCRIBED TIME LIMITS;

15 (IV) THE LENGTH OF SERVICE; PROVIDED, THAT THE TEACHER'S SALARY SHALL
16 NOT BE CONSIDERED IN MAKING A LAY OFF RECOMMENDATION.

17 THE BOARD OF EDUCATION SHALL EXERCISE ITS DISCRETION AND SHALL APPROVE
18 OR REJECT THE RECOMMENDATIONS OF THE SUPERINTENDENT SO AS TO MINIMIZE
19 THE ADVERSE IMPACT ON STUDENTS AND THE EDUCATIONAL STRENGTH OF THE
20 SCHOOL DISTRICT.

21 S 3. Section 1804 of the education law is amended by adding a new
22 subdivision 13 to read as follows:

23 13. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN-
24 EVER A BOARD OF EDUCATION ABOLISHES OR REDUCES A POSITION OR POSITIONS
25 UNDER THIS CHAPTER, THE SUPERINTENDENT FOR THE SCHOOL DISTRICT SHALL
26 RECOMMEND WHICH TEACHER OR TEACHERS SHOULD BE RETAINED. SUCH RECOMMENDA-
27 TIONS SHALL BE BASED ON AN EVALUATION OF THE TEACHER'S PERFORMANCE AND
28 QUALIFICATIONS AND THE EDUCATIONAL NEEDS OF THE SCHOOL, INCLUDING BUT
29 NOT LIMITED TO:

30 (I) ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO
31 SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER;

32 (II) THE SCHOOL NEEDS FOR PARTICULAR LICENSE AREAS, OFFICE OR SCHOOL
33 NEEDS, INCLUDING CURRICULUM, SPECIALIZED EDUCATION, DEGREES, LICENSES OR
34 AREAS OF EXPERTISE;

35 (III) FAILURE TO OBTAIN PERMANENT CERTIFICATION WITHIN THE STATUTORILY
36 PRESCRIBED TIME LIMITS;

37 (IV) THE LENGTH OF SERVICE; PROVIDED, THAT THE TEACHER'S SALARY SHALL
38 NOT BE CONSIDERED IN MAKING A LAY OFF RECOMMENDATION.

39 THE BOARD OF EDUCATION SHALL EXERCISE ITS DISCRETION AND SHALL APPROVE
40 OR REJECT THE RECOMMENDATIONS OF THE SUPERINTENDENT SO AS TO MINIMIZE
41 THE ADVERSE IMPACT ON STUDENTS AND THE EDUCATIONAL STRENGTH OF THE
42 SCHOOL DISTRICT.

43 S 4. The opening paragraph of paragraph e of subdivision 4 of section
44 1950 of the education law, as renumbered by chapter 378 of the laws of
45 1972, is designated subparagraph (1) and a new subparagraph (2) is added
46 to read as follows:

47 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHEN-
48 EVER A BOARD OF COOPERATIVE EDUCATIONAL SERVICES ABOLISHES OR REDUCES A
49 POSITION OR POSITIONS UNDER THIS CHAPTER, THE DISTRICT SUPERINTENDENT
50 SHALL RECOMMEND WHICH TEACHER OR TEACHERS SHOULD BE RETAINED. SUCH
51 RECOMMENDATIONS SHALL BE BASED ON AN EVALUATION OF THE TEACHER'S
52 PERFORMANCE AND QUALIFICATIONS AND THE EDUCATIONAL NEEDS OF THE BOARD OF
53 COOPERATIVE EDUCATIONAL SERVICES, INCLUDING BUT NOT LIMITED TO:

54 (I) ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSUANT TO
55 SECTION THREE THOUSAND TWELVE-C OF THIS CHAPTER;

(II) THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES NEEDS FOR PARTICULAR LICENSE AREAS, OFFICE OR SCHOOL NEEDS, INCLUDING CURRICULUM, SPECIALIZED EDUCATION, DEGREES, LICENSES OR AREAS OF EXPERTISE;

(III) FAILURE TO OBTAIN PERMANENT CERTIFICATION WITHIN THE STATUTORILY PRESCRIBED TIME LIMITS;

(IV) THE LENGTH OF SERVICE; PROVIDED, THAT THE TEACHER'S SALARY SHALL NOT BE CONSIDERED IN MAKING A LAY OFF RECOMMENDATION.

THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL EXERCISE ITS DISCRETION AND SHALL APPROVE OR REJECT THE RECOMMENDATIONS OF THE SUPERINTENDENT SO AS TO MINIMIZE THE ADVERSE IMPACT ON STUDENTS AND THE EDUCATIONAL STRENGTH OF THE SCHOOL DISTRICT.

S 5. Subdivision 2 of section 1505-a of the education law, as added by chapter 871 of the laws of 1982, is amended to read as follows:

2. [Any] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY such teacher who is unable to obtain a teaching position in any such school district to which territory is added, because the number of positions needed are less than the number of teachers eligible to be considered employees pursuant to subdivision one of this section, shall, in all such school districts to which territory is added, be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in a position similar to the one such teacher filled in such former school district. The teachers on such a preferred eligible list shall be appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the school district to which territory is added [in the order of their length of service in such former school district] PURSUANT TO SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER, within seven years from the date of the dissolution of such former school district.

S 6. Section 1917 of the education law, as added by chapter 732 of the laws of 1981, is amended to read as follows:

S 1917. Employees; employment rights. [Teachers] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, TEACHERS and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of creation of a central high school district, shall be granted employment rights in central high school districts in accordance with [length of service] SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER, in each tenure area.

S 7. Subdivisions 1 and 4 of section 1917-a of the education law, as added by section 93 of part L of chapter 405 of the laws of 1999, are amended to read as follows:

1. [Teachers] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, TEACHERS and other staff members of component districts, except the superintendent of schools, whose services in the component districts are no longer needed because of the creation of a central high school district or the transference of students to an existing central high school district, shall be granted employment rights in central high school districts in accordance with the provisions of this section.

4. If the number of teaching and other positions needed to provide the educational services required by such central high school district is less than the number of teachers and other employees eligible to be considered employees of such central high school district as provided by

1 subdivision three of this section, [the services of the] DECISIONS
2 REGARDING RETENTION OF teachers and other employees [having the least
3 seniority] in the component district within the tenure area of the posi-
4 tion shall be [discontinued] MADE PURSUANT TO SUBDIVISION EIGHT-A OF
5 SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN
6 HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR
7 OF THIS CHAPTER. Such teachers and other employees shall be placed on a
8 preferred eligible list of candidates for appointment to a vacancy that
9 may thereafter occur in an office or position under the jurisdiction of
10 the component district, the "receiving district" as defined in section
11 three thousand fourteen-c of this chapter, from which a component
12 district has taken back students, and the central high school district
13 similar to the one such teacher or other employee filled in such compo-
14 nent district. The teachers and other employees on such preferred lists
15 shall be reinstated or appointed to such vacancies in such corresponding
16 or similar positions under the jurisdiction of the component district or
17 the central high school district [in the order of their length of
18 service in such component district,] within seven years from the date of
19 the abolition of such office or position PURSUANT TO THE CRITERIA
20 OUTLINED IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDI-
21 VISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIR-
22 TEEN OF SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER.

23 S 8. Paragraph f of subdivision 5 of section 2218 of the education
24 law, as added by section 83 of part L of chapter 405 of the laws of
25 1999, is amended to read as follows:

26 f. [Members] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRA-
27 RY, MEMBERS of the teaching and supervisory staff of the pre-existing
28 school district at the time of the reorganization shall have the right
29 to select the school district in which he or she shall be considered an
30 employee, with the same tenure status he or she maintained in the pre-
31 existing school district. Such selection shall be based on each teach-
32 er's seniority in the pre-existing school district, with the right of
33 selection passing from such teachers with the most seniority to such
34 teachers with the least seniority. Any such teacher who is unable to
35 obtain a teaching position in the new school district because the number
36 of positions needed is less than the number of teachers eligible to be
37 considered employees pursuant to this paragraph shall, in such new
38 school district and in the remaining school district, be placed on a
39 preferred eligible list of candidates for appointment to a vacancy that
40 may thereafter occur in a position similar to the one such teacher
41 filled in the pre-existing school district. Such teachers shall be
42 appointed to vacancies in such corresponding or similar positions [in
43 the order of their length of service in the pre-existing school
44 district] PURSUANT TO SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED
45 FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDI-
46 VISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER, within
47 seven years from the date of the reorganization pursuant to this
48 section. For such teachers, for salary, sick leave or any other purpose,
49 the length of service credited in the pre-existing school district shall
50 be credited as employment time with the new school district or the
51 remaining school district, as applicable.

52 S 9. Subdivision 2 and paragraph (a) of subdivision 3 of section 2510
53 of the education law, subdivision 2 as added by chapter 762 of the laws
54 of 1950 and paragraph (a) of subdivision 3 as amended by chapter 236 of
55 the laws of 1993, are amended to read as follows:

1 2. [Whenever] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
2 CONTRARY, WHENEVER a board of education abolishes a position under this
3 chapter, [the services of the teacher having the least seniority in the
4 system within the tenure of the position abolished] DECISIONS REGARDING
5 RETENTION shall be [discontinued] MADE PURSUANT TO CRITERIA OUTLINED IN
6 SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION
7 SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF
8 SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER.

9 (a) If an office or position is abolished or if it is consolidated
10 with another position without creating a new position, the person fill-
11 ing such position at the time of its abolishment or consolidation shall
12 be placed upon a preferred eligible list of candidates for appointment
13 to a vacancy that then exists or that may thereafter occur in an office
14 or position similar to the one which such person filled without
15 reduction in salary or increment, provided the record of such person has
16 been one of faithful, competent service in the office or position he has
17 filled. The persons on such preferred list shall be reinstated or
18 appointed to such vacancies in such corresponding or similar positions
19 [in the order of their length of service in the system at any time]
20 within seven years from the date of abolition or consolidation of such
21 office or position PURSUANT TO THE CRITERIA OUTLINED IN SUBDIVISION
22 EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF
23 SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGH-
24 TEEN HUNDRED FOUR OF THIS CHAPTER. Notwithstanding any other provision
25 of law to the contrary, in the event that a member of the New York state
26 teachers' retirement system, who is receiving a disability retirement
27 allowance, shall have such disability retirement allowance rescinded,
28 such member shall be placed upon such preferred eligible list as of the
29 effective date of his or her disability retirement.

30 S 10. Subdivisions 3 and 4 of section 2585 of the education law,
31 subdivision 3 as renumbered by chapter 762 of the laws of 1950 and
32 subdivision 4 as renumbered by chapter 521 of the laws of 1976, are
33 amended to read as follows:

34 3. [Whenever] NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
35 WHENEVER a board of education abolishes a position under this chapter,
36 [the services of the teacher having the least seniority in the system]
37 DECISIONS REGARDING RETENTION within the tenure of the position abol-
38 ished shall be [discontinued] MADE PURSUANT TO CRITERIA OUTLINED IN
39 SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION
40 SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF
41 SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER.

42 4. If an office or position is abolished or if it is consolidated with
43 another position without creating a new position, the person filling
44 such position at the time of its abolishment or consolidation shall be
45 placed upon a preferred eligible list of candidates for appointment to a
46 vacancy that then exists or that may thereafter occur in an office or
47 position similar to the one which such person filled without reduction
48 in salary or increment, provided the record of such person has been one
49 of faithful, competent service in the office or position he OR SHE has
50 filled. The persons on such preferred list shall be reinstated or
51 appointed to such corresponding or similar positions [in the order of
52 their length of service in the system] PURSUANT TO THE CRITERIA OUTLINED
53 IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION
54 SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF
55 SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER.

1 S 11. Subdivision 2 and paragraph (a) of subdivision 3 of section 3013
2 of the education law, as added by chapter 737 of the laws of 1992, is
3 amended to read as follows:

4 2. [Whenever] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
5 CONTRARY, WHENEVER a trustee, board of trustee, board of education or
6 board of cooperative educational services abolishes a position under
7 this chapter, [the services of the teacher having the least seniority in
8 the system within the tenure of the position abolished] DECISIONS
9 REGARDING RETENTION OF TEACHERS shall be [discontinued] MADE PURSUANT TO
10 CRITERIA OUTLINED IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED
11 FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE, SUBDIVI-
12 SION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR AND SUBPARAGRAPH TWO OF
13 PARAGRAPH E OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF
14 THIS CHAPTER.

15 (a) If an office or position is abolished or if it is consolidated
16 with another position without creating a new position, the person fill-
17 ing such position at the time of its abolishment or consolidation shall
18 be placed upon a preferred eligible list of candidates for appointment
19 to a vacancy that then exists or that may thereafter occur in an office
20 or position similar to the one which such person filled without
21 reduction in salary or increment, provided the record of such person has
22 been one of faithful, competent service in the office or position he or
23 she has filled. The persons on such preferred list shall be reinstated
24 or appointed to such vacancies in such corresponding or similar posi-
25 tions [in the order of their length of service in the system] PURSUANT
26 TO THE CRITERIA OUTLINED IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN
27 HUNDRED FOUR, SUBDIVISION EIGHT-A OF SECTION SEVENTEEN HUNDRED NINE AND
28 SUBDIVISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER,
29 at any time within seven years from the date of abolition or consol-
30 idation of such office or position.

31 S 12. Subdivision 2 of section 3014-a of the education law, as amended
32 by chapter 511 of the laws of 1998, is amended to read as follows:

33 2. [If] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF
34 the number of teaching positions needed to provide the services required
35 by such program by the board or boards of cooperative educational
36 services is less than the number of teachers, teaching assistants and
37 teacher aides eligible to be considered employees of such board or
38 boards of cooperative educational services as provided by subdivision
39 one of this section, [the services of the teachers, teaching assistants
40 and teacher aides having the least seniority in the school district or
41 school districts or county vocational education and extension board
42 whose programs are taken over by the board or boards of cooperative
43 educational services within the tenure area or civil service title of
44 the position] DECISIONS REGARDING LAYOFFS AND RETENTION OF SUCH EMPLOY-
45 EES shall be [discontinued] MADE PURSUANT TO THE CRITERIA OUTLINED IN
46 SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION
47 SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE, SUBDIVISION THIRTEEN OF
48 SECTION EIGHTEEN HUNDRED FOUR AND SUBPARAGRAPH TWO OF PARAGRAPH E OF
49 SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF THIS CHAPTER. Such
50 teachers, teaching assistants and teacher aides shall be placed on a
51 preferred eligible list of candidates for appointment to a vacancy that
52 may thereafter occur in an office or position under the jurisdiction of
53 the board or boards of cooperative educational services similar to the
54 one such teacher, teaching assistant and teacher aide filled in such
55 school district or school districts or such county vocational education
56 and extension board. The teachers, teaching assistants and teacher aides

1 on such preferred list shall be reinstated or appointed to such vacan-
2 cies in such corresponding or similar positions under the jurisdiction
3 of the board or boards of cooperative educational services [in the order
4 of their length of service in such school district or school districts
5 or in such county vocational education and extension board] PURSUANT TO
6 THE CRITERIA OUTLINED IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED
7 FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE, SUBDIVI-
8 SION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR AND SUBPARAGRAPH TWO OF
9 PARAGRAPH E OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF
10 THIS CHAPTER, within seven years from the date of the abolition of such
11 office or position.

12 S 13. Subdivision 2 of section 3014-b of the education law, as amended
13 by chapter 511 of the laws of 1998, is amended to read as follows:

14 2. [If] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF
15 the number of teaching positions needed to provide the services required
16 by such program by the school district is less than the number of teach-
17 ers, teaching assistants and teacher aides eligible to be considered
18 employees of such school district as provided by subdivision one of this
19 section, [the services of the teachers, teaching assistants and teacher
20 aides having the least seniority in the board of cooperative educational
21 services whose programs are taken over by the school district within the
22 tenure area or civil service title of the position] DECISIONS REGARDING
23 RETENTION OF SUCH EMPLOYEES shall be [discontinued] MADE PURSUANT TO
24 CRITERIA OUTLINED IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED
25 FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE, SUBDIVI-
26 SION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR AND SUBPARAGRAPH TWO OF
27 PARAGRAPH E OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY OF
28 THIS CHAPTER. Such teachers, teaching assistants and teacher aides
29 shall be placed on a preferred eligible list of candidates for appoint-
30 ment to a vacancy that may thereafter occur in an office or position
31 under the jurisdiction of the school district similar to the one such
32 teacher, teaching assistant and teacher aide filled in such board of
33 cooperative educational services. The teachers, teaching assistants and
34 teacher aides on such preferred list shall be reinstated or appointed to
35 such vacancies in such corresponding or similar positions under the
36 jurisdiction of the school district [in the order of their length of
37 service in such board of cooperative educational services, within seven
38 years from the date of the abolition of such office or position] PURSU-
39 ANT TO THE CRITERIA OUTLINED IN SUBDIVISION EIGHT-A OF SECTION SIXTEEN
40 HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE,
41 SUBDIVISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR AND SUBPARAGRAPH
42 TWO OF PARAGRAPH E OF SUBDIVISION FOUR OF SECTION NINETEEN HUNDRED FIFTY
43 OF THIS CHAPTER.

44 S 14. Subdivision 3 of section 3014-c of the education law, as added
45 by chapter 706 of the laws of 1989, is amended to read as follows:

46 3. [If] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF
47 the number of teaching positions needed to provide the educational
48 services required by such sending district is less than the number of
49 teachers eligible to be considered employees of such sending district as
50 provided by subdivision two of this section, [the services of the teach-
51 ers having the least seniority in the receiving district whose students
52 are taken back by the sending district within the tenure area of the
53 position] DECISIONS REGARDING RETENTION OF TEACHERS shall be [discontin-
54 ued] MADE PURSUANT TO THE CRITERIA OUTLINED IN SUBDIVISION EIGHT-A OF
55 SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF SECTION SEVENTEEN
56 HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGHTEEN HUNDRED FOUR

1 OF THIS CHAPTER. Such teachers shall be placed on a preferred eligible
2 list of candidates for appointment to a vacancy that may thereafter
3 occur in an office or position under the jurisdiction of the sending
4 district and the receiving district similar to the one such teacher
5 filled in such receiving district. The teachers on such preferred list
6 shall be reinstated or appointed to such vacancies in such corresponding
7 or similar positions under the jurisdiction of the sending district or
8 the receiving district [in the order of their length of service in such
9 receiving district, within seven years from the date of the abolition of
10 such office or position] PURSUANT TO THE CRITERIA OUTLINED IN SUBDIVI-
11 SION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF
12 SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGH-
13 TEEN HUNDRED FOUR OF THIS CHAPTER.

14 S 15. Subdivision 3 of section 3014-d of the education law, as added
15 by chapter 706 of the laws of 1989, is amended to read as follows:

16 3. [If] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF
17 the number of teaching positions needed to provide the educational
18 services required by such receiving district is less than the number of
19 teachers eligible to be considered employees of such receiving district
20 as provided by subdivision two of this section, [the services of the
21 teachers having the least seniority in the sending district within the
22 tenure area of the position] DECISIONS REGARDING RETENTION shall be
23 [discontinued] MADE PURSUANT TO THE CRITERIA OUTLINED IN SUBDIVISION
24 EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION SIXTEEN-A OF
25 SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF SECTION EIGH-
26 TEEN HUNDRED FOUR OF THIS CHAPTER. Such teachers shall be placed on a
27 preferred eligible list of candidates for appointment to a vacancy that
28 may thereafter occur in an office or position under the jurisdiction of
29 the sending district and the receiving district similar to the one such
30 teacher filled in such sending district. The teachers on such preferred
31 list shall be reinstated or appointed to such vacancies in such corre-
32 sponding or similar positions under the jurisdiction of the sending
33 district or the receiving district [in the order of their length of
34 service in such sending district] PURSUANT TO THE CRITERIA OUTLINED IN
35 SUBDIVISION EIGHT-A OF SECTION SIXTEEN HUNDRED FOUR, SUBDIVISION
36 SIXTEEN-A OF SECTION SEVENTEEN HUNDRED NINE AND SUBDIVISION THIRTEEN OF
37 SECTION EIGHTEEN HUNDRED FOUR OF THIS CHAPTER, within seven years from
38 the date of the abolition of such office or position.

39 S 16. This act shall take effect July 1, 2012.