

1588--A

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommended to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 educational services taking over a program formerly operated by a
4 school district or districts or by a county vocational education and
5 extension board. 1. In any case in which a board or boards of cooperative educational services duly take over the operation of a program
6 formerly provided by a school district or school districts or by a county vocational education and extension board, each teacher, teaching
7 assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL employed in
8 such a program by such a school district or such a county vocational
9 education and extension board at the time of such takeover by the board
10 or boards of cooperative educational services, shall be considered an
11 employee of such board or boards of cooperative educational services
12 with the same tenure or civil service status he OR SHE maintained in
13 such school district or in such county vocational education and extension board.
14 2. If the number of teaching positions needed to provide the services
15 required by such program by the board or boards of cooperative educational services is less than the number of teachers, teaching assistants
16 [and], teacher aides, AND OTHER SPECIFIED PERSONNEL eligible to be
17 considered employees of such board or boards of cooperative educational
18 services as provided by subdivision one of this section, the services of

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

LBD05313-02-2

1 the teachers, teaching assistants [and], teacher aides, AND OTHER SPECI-
2 FIED PERSONNEL having the least seniority in the school district or
3 school districts or county vocational education and extension board
4 whose programs are taken over by the board or boards of cooperative
5 educational services within the tenure area or civil service title of
6 the position shall be discontinued. Such teachers, teaching assistants
7 [and], teacher aides, AND OTHER SPECIFIED PERSONNEL 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 board or boards of cooperative educational services similar to the
11 one such teacher, teaching assistant [and], teacher aide, AND OTHER
12 SPECIFIED PERSONNEL filled in such school district or school districts
13 or such county vocational education and extension board. The teachers,
14 teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL
15 on such preferred list shall be reinstated or appointed to such vacan-
16 cies in such corresponding or similar positions under the jurisdiction
17 of the board or boards of cooperative educational services in the order
18 of their length of service in such school district or school districts
19 or in such county vocational education and extension board, within seven
20 years from the date of the abolition of such office or position.

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

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

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

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

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

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

50 2. If the number of teaching positions needed to provide the services
51 required by such program by the school district is less than the number
52 of teachers, teaching assistants [and], teacher aides, AND OTHER SPECI-
53 FIED PERSONNEL eligible to be considered employees of such school
54 district as provided by subdivision one of this section, the services of
55 the teachers, teaching assistants [and], teacher aides, AND OTHER SPECI-
56 FIED PERSONNEL having the least seniority in the board of cooperative

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

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

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

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

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

55 S 3. This act shall take effect September 1, 2012.