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

5458

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. FARLEY -- 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 teachers' rights

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

Section 1. Section 3014-a of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows:

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 school district or districts or by a county vocational education and extension board. 1. In any case in which a board or boards of cooperative educational services duly take over the operation of a program formerly provided by a school district or school districts or by a county vocational education and extension board, each teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL employed in such a program by such a school district or such a county vocational education and extension board at the time of such takeover by the board or boards of cooperative educational services, shall be considered an employee of such board or boards of cooperative educational services with the same tenure or civil service status he OR SHE maintained in such school district or in such county vocational education and extension board.

2. If the number of teaching positions needed to provide the services required by such program by the board or boards of cooperative educational services is less than the number of teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL eligible to be considered employees of such board or boards of cooperative educational services as provided by subdivision one of this section, the services of the teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL having the least seniority in the school district or 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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whose programs are taken over by the board or boards of cooperative educational services within the tenure area or civil service title of the position shall be discontinued. Such teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the board or boards of cooperative educational services similar to the one such teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL filled in such school district or school districts or such county vocational education and extension board. The teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the board or boards of cooperative educational services in the order of their length of service in such school district or school districts or in such county vocational education and extension board, within seven years from the date of the abolition of such office or position.

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

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

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

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

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

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

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

aides, AND OTHER SPECIFIED PERSONNEL shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the school district similar to the one such teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL filled in such board of cooperative educational services. The teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the school district in the order of their length of service in such board of cooperative educational services, within seven years from the date of the abolition of such office or position.

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

4. In the event that more than one school district duly takes over the operation of a program formerly provided by a board of cooperative educational services, then each teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL employed in such program by such board of cooperative educational services at the time of such takeover by more than one school district, shall select the particular school district in which he OR SHE shall be considered an employee, with all of the rights and privileges provided by the other provisions of this section. Such selection of the particular school district by such teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL is to be based upon the seniority of each teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL in such board of cooperative educational services, with the right of selection passing from such teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL with the most seniority to such teachers, teaching assistants [and], teacher aides, AND OTHER SPECIFIED PERSONNEL with least seniority. Any such teacher, teaching assistant [and], teacher aide, AND OTHER SPECIFIED PERSONNEL who is unable to obtain a teaching position in any such school districts because the number of positions needed to provide the services required in such programs with such school districts are less than the number of teachers, teaching assistants [and], teachers aides, AND OTHER SPECIFIED PERSONNEL eligible to be considered employees of such school districts, shall be placed on a preferred eligible list in all such school districts in the method and with all of the rights provided by the other provisions of this section.

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

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

S 3. This act shall take effect on the ninetieth day after it shall have become a law.