

S. 2010

A. 3010

S E N A T E - A S S E M B L Y

January 21, 2015

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to admission requirements for graduate-level teacher education programs, institution deregistration and suspension, teacher registration and continuing teacher education requirements (Subpart A); to amend the education law, in relation to establishing the New York state masters-in-education teacher incentive scholarship program (Subpart B); to amend the education law, in relation to the appointment of teachers, principals, administrators, supervisors and all other members of the teaching and supervising staff of school districts (Subpart C); to amend the education law, in relation to takeover and restructuring of failing school districts (Subpart D); to amend the education law, in relation to disciplinary procedures for ineffective teaching or performance by a building principal or teacher (Subpart E); and to amend the education law, in relation to charter schools (Subpart F) (Part A); to amend the education law, in relation to annual professional performance reviews for classroom teachers and building principals (Part B); to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and to amend chapter 345 of the laws of 2009 amending the education law relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof (Part C); and to amend the education law, in relation to school aid increase linkage and to amend part A of chapter 57 of the laws of 2013 relating to school district eligibility for an increase in apportionment of school aid and implementation of standards for conducting annual professional performance reviews to determine teacher and principal effectiveness, in relation to apportionment of general support for public schools (Part D)

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

LBD12575-01-5

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2015-2016
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through D. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. This act enacts into law components of legislation which
14 are necessary to implement the provisions relating to the prosecution of
15 misconduct by public officials. Each component is wholly contained with-
16 in a Subpart identified as Subparts A through F. The effective date for
17 each particular provision contained within such Subpart is set forth in
18 the last section of such Subpart. Any provision in any section contained
19 within a Subpart, including the effective date of the Subpart, which
20 makes a reference to a section "of this act", when used in connection
21 with that particular component, shall be deemed to mean and refer to the
22 corresponding section of the Subpart in which it is found. Section three
23 of this act sets forth the general effective date of this act.

24 SUBPART A

25 Section 1. The education law is amended by adding a new section 210-a
26 to read as follows:

27 S 210-A. ADMISSION REQUIREMENTS FOR GRADUATE-LEVEL TEACHER EDUCATION
28 PROGRAMS. EACH INSTITUTION REGISTERED BY THE DEPARTMENT WITH GRADUATE-
29 LEVEL TEACHER EDUCATION PROGRAMS SHALL ADOPT RIGOROUS SELECTION CRITERIA
30 GEARED TO PREDICTING A CANDIDATE'S ACADEMIC SUCCESS IN ITS PROGRAM,
31 INCLUDING BUT NOT LIMITED TO, A MINIMUM SCORE ON THE GRADUATE RECORD
32 EXAMINATION AND/OR A SUBSTANTIALLY EQUIVALENT ADMISSION EXAMINATION, AS
33 DETERMINED BY THE INSTITUTION, AND ACHIEVEMENT OF A CUMULATIVE GRADE
34 POINT AVERAGE OF 3.0 OR HIGHER IN THE CANDIDATE'S UNDERGRADUATE PROGRAM.

35 S 2. The education law is amended by adding a new section 210-b to
36 read as follows:

37 S 210-B. INSTITUTION DEREGISTRATION AND SUSPENSION. 1. THE DEPARTMENT
38 SHALL DE-REGISTER AND SUSPEND THE OPERATION OF AN INSTITUTION IF FOR
39 THREE CONSECUTIVE ACADEMIC YEARS, FEWER THAN FIFTY PERCENT OF ITS
40 STUDENTS PASS EACH EXAMINATION THAT THEY HAVE TAKEN THAT IS REQUIRED FOR
41 CERTIFICATION. PROVIDED, HOWEVER, THE INSTITUTION MAY BE PERMITTED TO
42 CONTINUE OPERATIONS IF THE INSTITUTION MAKES A WRITTEN REQUEST TO THE
43 DEPARTMENT TO BE PERMITTED TO CONTINUE OPERATIONS AND THE COMMISSIONER
44 GRANTS SUCH A REQUEST AND IN WRITING STATES SPECIFIC REASONS FOR ALLOW-
45 ING THE INSTITUTION TO CONTINUE OPERATIONS. FOR PURPOSES OF THIS PARA-
46 GRAPH, STUDENTS WHO HAVE SATISFACTORILY COMPLETED THE INSTITUTION'S
47 PROGRAM SHALL MEAN STUDENTS WHO HAVE MET EACH EDUCATIONAL REQUIREMENT OF
48 THE PROGRAM, EXCLUDING ANY INSTITUTIONAL REQUIREMENT THAT THE STUDENT
49 PASS EACH REQUIRED NEW YORK STATE TEACHER CERTIFICATION EXAMINATION FOR

1 A TEACHING CERTIFICATE AND/OR SCHOOL BUILDING LEADER EXAMINATION FOR A
2 SCHOOL BUILDING LEADER CERTIFICATE IN ORDER TO COMPLETE THE PROGRAM.
3 STUDENTS SATISFACTORILY MEETING EACH EDUCATIONAL REQUIREMENT MAY INCLUDE
4 STUDENTS WHO EARN A DEGREE OR STUDENTS WHO COMPLETE EACH EDUCATIONAL
5 REQUIREMENT WITHOUT EARNING A DEGREE. WHEN MAKING SUCH A DETERMINATION,
6 THE DEPARTMENT SHALL CONSIDER THE PERFORMANCE ON EACH CERTIFICATION
7 EXAMINATION OF THOSE STUDENTS COMPLETING AN EXAMINATION NOT MORE THAN
8 THREE YEARS BEFORE THE END OF THE ACADEMIC YEAR IN WHICH THE PROGRAM IS
9 COMPLETED OR NOT LATER THAN THE SEPTEMBER THIRTIETH FOLLOWING THE END OF
10 SUCH ACADEMIC YEAR, WHERE ACADEMIC YEAR IS DEFINED AS JULY FIRST THROUGH
11 JUNE THIRTIETH, AND SHALL CONSIDER ONLY THE HIGHEST SCORE OF INDIVIDUALS
12 TAKING A TEST MORE THAN ONCE.

13 2. THE INSTITUTION MAY SUBMIT AN APPEAL AS PRESCRIBED BY THE COMMIS-
14 SIONER IN REGULATIONS. A DE-REGISTERED INSTITUTION SHALL CEASE OPER-
15 ATIONS AND SHALL NOT EDUCATE ANY STUDENTS WHILE AWAITING THE COMMISSION-
16 ER'S DECISION ON THEIR APPLICATION FOR RE-REGISTRATION.

17 3. THE DEPARTMENT MAY ALSO, AS PRESCRIBED BY THE COMMISSIONER IN REGU-
18 LATIONS, CONDUCT EXPEDITED REGISTRATION REVIEWS FOR INSTITUTIONS THAT
19 HAVE DEMONSTRATED POOR PERFORMANCE ON STUDENT OUTCOMES.

20 S 3. Section 3006 of the education law is amended by adding a new
21 subdivision 3 to read as follows:

22 3. REGISTRATION. A. COMMENCING WITH THE TWO THOUSAND FIFTEEN--TWO
23 THOUSAND SIXTEEN SCHOOL YEAR, ANY HOLDER OF A TEACHING CERTIFICATE IN
24 THE CLASSROOM TEACHING SERVICE, TEACHING ASSISTANT CERTIFICATE, OR
25 EDUCATIONAL LEADERSHIP CERTIFICATE THAT IS VALID FOR LIFE AS PRESCRIBED
26 BY THE COMMISSIONER IN REGULATIONS SHALL BE REQUIRED TO REGISTER WITH
27 THE DEPARTMENT EVERY FIVE YEARS IN ACCORDANCE WITH REGULATIONS OF THE
28 COMMISSIONER. SUCH REGULATIONS SHALL PRESCRIBE THE DATE OR DATES BY
29 WHICH APPLICATIONS FOR INITIAL REGISTRATION MUST BE SUBMITTED AND MAY
30 PROVIDE FOR STAGGERED INITIAL REGISTRATION AND/OR ROLLING RE-REGISTRA-
31 TION SO THAT RE-REGISTRATIONS ARE DISTRIBUTED AS EQUALLY AS POSSIBLE
32 THROUGHOUT THE YEAR.

33 B. THE DEPARTMENT SHALL POST AN APPLICATION FOR REGISTRATION ON ITS
34 WEBSITE. AN APPLICATION FOR REGISTRATION AND THE REQUIRED REGISTRATION
35 FEE SHALL BE SUBMITTED TOGETHER WITH OR AS PART OF THE APPLICATION FOR A
36 REGISTRATION CERTIFICATE. A PERSON INITIALLY CERTIFIED OR RESUMING PRACTICE
37 AFTER A LAPSE IN REGISTRATION DURING THE LAST TWO YEARS OF A FIVE-
38 YEAR REGISTRATION PERIOD SHALL RECEIVE A PRORATED REFUND OF ONE-FIFTH OF
39 THE TOTAL REGISTRATION FEE FOR EACH FULL YEAR OF THE REGISTRATION PERIOD
40 THAT ELAPSED PRIOR TO THE DATE OF REGISTRATION. EXCEPT AS OTHERWISE
41 PROVIDED IN THIS SECTION, THE DEPARTMENT SHALL RENEW THE REGISTRATION OF
42 EACH CERTIFICATE HOLDER UPON RECEIPT OF A PROPER APPLICATION, ON A FORM
43 PRESCRIBED BY THE DEPARTMENT, AND THE REGISTRATION FEE. ANY CERTIFICATE
44 HOLDER WHO FAILS TO REGISTER BY THE BEGINNING OF THE APPROPRIATE REGIS-
45 TRATION PERIOD SHALL BE REQUIRED TO PAY AN ADDITIONAL FEE FOR THE LATE
46 FILING OF TEN DOLLARS FOR EACH MONTH THAT REGISTRATION HAS BEEN DELAYED.
47 NO LICENSEE RESUMING PRACTICE AFTER A LAPSE OF REGISTRATION SHALL BE
48 PERMITTED TO PRACTICE WITHOUT ACTUAL POSSESSION OF THE REGISTRATION
49 CERTIFICATE.

50 C. ANY CERTIFICATE HOLDER WHO IS NOT ENGAGING IN THE PRACTICE OF HIS
51 OR HER PROFESSION IN THIS STATE AND DOES NOT DESIRE TO REGISTER SHALL SO
52 ADVISE THE DEPARTMENT. SUCH CERTIFICATE HOLDER SHALL NOT BE REQUIRED TO
53 PAY AN ADDITIONAL FEE FOR FAILURE TO REGISTER AT THE BEGINNING OF THE
54 REGISTRATION PERIOD.

55 D. CERTIFICATE HOLDERS SHALL NOTIFY THE DEPARTMENT OF ANY CHANGE OF
56 NAME OR MAILING ADDRESS WITHIN THIRTY DAYS OF SUCH CHANGE. FAILURE TO

1 REGISTER OR PROVIDE SUCH NOTICE WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH
2 CHANGE SHALL CONSTITUTE GROUNDS FOR MORAL CHARACTER REVIEW UNDER SUBDI-
3 VISION SEVEN OF SECTION THREE HUNDRED FIVE OF THIS TITLE.

4 E. THE FEE FOR REPLACEMENT OF A LOST REGISTRATION CERTIFICATE OR
5 LICENSE OR FOR REGISTRATION OF AN ADDITIONAL OFFICE SHALL BE TEN
6 DOLLARS.

7 F. AN ADDITIONAL FEE OF TWENTY-FIVE DOLLARS SHALL BE CHARGED FOR THE
8 REGISTRATION OF ANY APPLICANT WHOSE CHECK HAS BEEN DISHONORED, OR IN THE
9 CASE OF A CREDIT CARD PAYMENT, WHERE THE PAYMENT IS CONTESTED AND IS NOT
10 HONORED BY THE CREDIT CARD COMPANY.

11 S 4. The education law is amended by adding a new section 3006-a to
12 read as follows:

13 S 3006-A. REGISTRATION AND CONTINUING TEACHER EDUCATION REQUIREMENTS
14 FOR HOLDERS OF PROFESSIONAL CERTIFICATES IN THE CLASSROOM TEACHING
15 SERVICE, HOLDERS OF LEVEL III TEACHING ASSISTANT CERTIFICATES, HOLDERS
16 OF PROFESSIONAL CERTIFICATES IN THE EDUCATIONAL LEADERSHIP SERVICE. 1.
17 A. EACH HOLDER OF A PROFESSIONAL CERTIFICATE IN THE CLASSROOM TEACHING
18 SERVICE, HOLDER OF A LEVEL III TEACHING ASSISTANT CERTIFICATE AND HOLDER
19 OF A PROFESSIONAL CERTIFICATE IN THE EDUCATIONAL LEADERSHIP SERVICE
20 SHALL BE REQUIRED TO REGISTER EVERY FIVE YEARS WITH THE DEPARTMENT TO
21 PRACTICE IN THE STATE AND SHALL COMPLY WITH THE PROVISIONS OF THE
22 CONTINUING TEACHER EDUCATION REQUIREMENTS SET FORTH IN THIS SECTION.

23 B. ANY OF THE CERTIFIED INDIVIDUALS DESCRIBED IN PARAGRAPH A OF THIS
24 SECTION WHO DO NOT SATISFY THE CONTINUING TEACHER EDUCATION REQUIREMENTS
25 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, HAVE PAID ALL
26 APPLICABLE FEES, AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL
27 REGISTRATION CERTIFICATE.

28 C. HOLDERS OF A PROFESSIONAL CERTIFICATE IN THE CLASSROOM TEACHING
29 SERVICE, HOLDERS OF A LEVEL III TEACHING ASSISTANCE CERTIFICATE AND
30 HOLDERS OF A PROFESSIONAL CERTIFICATE IN THE EDUCATIONAL LEADERSHIP
31 SERVICE AND ANY OTHER CERTIFIED INDIVIDUAL REQUIRED BY THE COMMISSIONER
32 TO REGISTER TRIENNIALLY SHALL BE EXEMPT FROM THE CONTINUING TEACHER
33 EDUCATION REQUIREMENT FOR THE FIVE-YEAR REGISTRATION PERIOD DURING WHICH
34 THEY ARE FIRST LICENSED BY THE DEPARTMENT. IN ACCORDANCE WITH THE INTENT
35 OF THIS SECTION, ADJUSTMENTS TO THE CONTINUING TEACHER EDUCATION
36 REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH
37 CERTIFIED BY A PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH ARMED FORCES OF
38 THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT
39 WHICH MAY PREVENT COMPLIANCE.

40 D. CERTIFICATE HOLDERS WHO ARE NOT PRACTICING AS A TEACHER, TEACHING
41 ASSISTANT OR EDUCATIONAL LEADER IN A SCHOOL DISTRICT OR BOARD OF COOPER-
42 ATIVE EDUCATIONAL SERVICES IN THIS STATE SHALL BE EXEMPT FROM THE
43 CONTINUING TEACHER EDUCATION REQUIREMENT UPON THE FILING OF A WRITTEN
44 STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY HOLDER OF A
45 PROFESSIONAL CERTIFICATE IN THE CLASSROOM TEACHING SERVICE, HOLDER OF A
46 LEVEL III TEACHING ASSISTANT CERTIFICATE AND HOLDER OF A PROFESSIONAL
47 CERTIFICATE IN THE EDUCATIONAL LEADERSHIP SERVICE WHO RESUMES PRACTICE
48 DURING THE FIVE-YEAR REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT
49 PRIOR TO RESUMING PRACTICE AND SHALL PAY THE CURRENT CONTINUING TEACHER
50 EDUCATION FEE AND SHALL MEET SUCH CONTINUING TEACHER EDUCATION REQUIRE-
51 MENTS AS PRESCRIBED IN REGULATIONS OF THE COMMISSIONER.

52 2. A. DURING EACH FIVE-YEAR REGISTRATION PERIOD BEGINNING ON OR AFTER
53 JULY FIRST, TWO THOUSAND FIFTEEN, AN APPLICANT FOR REGISTRATION SHALL
54 SUCCESSFULLY COMPLETE A MINIMUM OF 100 HOURS OF CONTINUING TEACHER
55 EDUCATION, AS DEFINED BY THE COMMISSIONER. THE DEPARTMENT SHALL ISSUE

1 RIGOROUS STANDARDS FOR COURSES AND PROGRAMS THAT SHALL QUALIFY AS
2 CONTINUING TEACHER EDUCATION PURSUANT TO THIS SECTION.

3 B. A CERTIFIED INDIVIDUAL WHO HAS NOT SATISFIED THE CONTINUING TEACHER
4 EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A FIVE-YEAR REGISTRATION
5 CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A
6 REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS
7 PROVIDED IN SUBDIVISION THREE OF THIS SECTION. FOR PURPOSES OF THIS
8 SUBDIVISION, "CONTINUING TEACHER EDUCATION REQUIREMENTS" SHALL MEAN
9 FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO GROWTH IN THE PROFES-
10 SIONAL KNOWLEDGE AND PROFESSIONAL COMPETENCE OF THE CERTIFICATE HOLDER
11 WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.
12 TO FULFILL THE CONTINUING TEACHER EDUCATION REQUIREMENT, PROGRAMS MUST
13 BE TAKEN FROM SPONSORS APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGU-
14 LATIONS OF THE COMMISSIONER.

15 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
16 TRATION TO A TEACHER, TEACHING ASSISTANT OR EDUCATIONAL LEADER IN A
17 SCHOOL DISTRICT OR BOCES IN THIS STATE WHO FAILS TO MEET THE CONTINUING
18 EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION
19 BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL
20 EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDI-
21 TIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE
22 FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGIS-
23 TRATION SHALL BE DETERMINED BY THE DEPARTMENT. ANY HOLDER OF A PROFES-
24 SIONAL CERTIFICATE IN THE CLASSROOM TEACHING SERVICE, HOLDER OF A LEVEL
25 III TEACHING ASSISTANT CERTIFICATE OR HOLDER OF A PROFESSIONAL CERTIF-
26 ICATE IN THE EDUCATIONAL LEADERSHIP SERVICE AND ANY OTHER CERTIFIED
27 INDIVIDUAL REQUIRED BY THE COMMISSIONER TO REGISTER TRIENNIALLY WHO IS
28 NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE,
29 SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING EDUCATION AND WHO
30 PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO MORAL CHARACTER
31 REVIEW UNDER SUBDIVISION SEVEN OF SECTION THREE HUNDRED FIVE OF THIS
32 TITLE.

33 4. THE REGISTRATION FEE SHALL BE DETERMINED BY THE REGENTS, AND SHALL
34 BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION
35 PERIOD.

36 S 5. This act shall take effect July 1, 2015, provided that the
37 authority of the board of regents to adopt regulations necessary to
38 implement the provisions of this act on such effective date shall take
39 effect immediately.

40

SUBPART B

41 Section 1. The education law is amended by adding a new section 669-f
42 to read as follows:

43 S 669-F. NEW YORK STATE MASTERS-IN-EDUCATION TEACHER INCENTIVE SCHOL-
44 ARSHIP PROGRAM. 1. ELIGIBILITY. STUDENTS WHO ARE MATRICULATED IN AN
45 APPROVED MASTER'S DEGREE IN EDUCATION PROGRAM AT A NEW YORK STATE PUBLIC
46 INSTITUTION OF HIGHER EDUCATION LEADING TO A CAREER AS A TEACHER IN
47 PUBLIC ELEMENTARY OR SECONDARY EDUCATION SHALL BE ELIGIBLE FOR AN AWARD
48 UNDER THIS SECTION, PROVIDED THE APPLICANT: (A) EARNED AN UNDERGRADUATE
49 DEGREE FROM A COLLEGE LOCATED IN NEW YORK STATE; (B) WAS A NEW YORK
50 STATE RESIDENT WHILE EARNING SUCH UNDERGRADUATE DEGREE; (C) ACHIEVED
51 ACADEMIC EXCELLENCE AS AN UNDERGRADUATE STUDENT, AS DEFINED BY THE
52 CORPORATION IN REGULATION; (D) ENROLLS IN FULL-TIME STUDY IN AN APPROVED
53 MASTER'S DEGREE IN EDUCATION PROGRAM AT A NEW YORK STATE PUBLIC INSTITU-
54 TION OF HIGHER EDUCATION LEADING TO A CAREER AS A TEACHER IN PUBLIC

1 ELEMENTARY OR SECONDARY EDUCATION; (E) SIGNS A CONTRACT WITH THE CORPO-
2 RATION AGREEING TO TEACH IN A CLASSROOM SETTING ON A FULL-TIME BASIS FOR
3 FIVE YEARS IN A SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING PUBLIC
4 ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR
5 THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS
6 AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER; AND (F)
7 COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE AND ALL REQUIRE-
8 MENTS PROMULGATED BY THE CORPORATION FOR THE ADMINISTRATION OF THE
9 PROGRAM.

10 2. WITHIN AMOUNTS APPROPRIATED THEREFOR, AWARDS SHALL BE GRANTED TO
11 APPLICANTS THAT THE CORPORATION HAS CERTIFIED ARE ELIGIBLE TO RECEIVE
12 SUCH AWARDS. UP TO FIVE HUNDRED AWARDS MAY BE GRANTED TO NEW RECIPIENTS
13 ANNUALLY. SUCH AWARDS SHALL BE GRANTED UPON SUCCESSFUL COMPLETION OF
14 EACH TERM, AS DEFINED BY THE CORPORATION.

15 3. AN AWARD SHALL ENTITLE THE RECIPIENT TO ANNUAL PAYMENTS FOR NOT
16 MORE THAN TWO ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY LEADING TO
17 CERTIFICATION AS AN ELEMENTARY OR SECONDARY CLASSROOM TEACHER.

18 4. THE CORPORATION SHALL GRANT SUCH AWARDS IN AN AMOUNT EQUAL TO THE
19 ANNUAL TUITION CHARGED TO STATE RESIDENT STUDENTS ATTENDING A GRADUATE
20 PROGRAM FULL-TIME AT THE STATE UNIVERSITY OF NEW YORK, OR ACTUAL TUITION
21 CHARGED, WHICHEVER IS LESS; PROVIDED, HOWEVER, (I) A STUDENT WHO
22 RECEIVES EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS THAT COVER THE STUDENT'S
23 FULL COST OF ATTENDANCE SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THIS
24 PROGRAM; (II) FOR A STUDENT WHO RECEIVES EDUCATIONAL GRANTS AND/OR SCHO-
25 LARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE,
26 SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS
27 PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM,
28 PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL
29 COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE
30 APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS
31 AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT
32 EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION
33 OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT
34 OF TUITION EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPI-
35 ENT'S SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITU-
36 TION. A RECIPIENT OF AN AWARD UNDER THIS PROGRAM SHALL NOT BE ELIGIBLE
37 FOR AN AWARD UNDER THE NEW YORK STATE MATH AND SCIENCE TEACHING INCEN-
38 TIVE PROGRAM.

39 5. THE CORPORATION SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF
40 THE AWARD GRANTED PURSUANT TO THIS SECTION, PLUS INTEREST, ACCORDING TO
41 A SCHEDULE TO BE DETERMINED BY THE CORPORATION IF: (A) TWO YEARS AFTER
42 THE COMPLETION OF THE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIF-
43 ICATION IT IS FOUND THAT A RECIPIENT IS NOT TEACHING IN A PUBLIC SCHOOL
44 LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY EDUCA-
45 TION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE
46 OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE
47 FIFTY-SIX OF THIS CHAPTER; (B) A RECIPIENT HAS NOT TAUGHT IN A PUBLIC
48 SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY
49 EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE
50 STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO
51 ARTICLE FIFTY-SIX OF THIS CHAPTER FOR FIVE OF THE SEVEN YEARS AFTER THE
52 COMPLETION OF THE GRADUATE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIF-
53 ICATION; (C) A RECIPIENT FAILS TO COMPLETE HIS OR HER GRADUATE DEGREE
54 PROGRAM IN EDUCATION; (D) A RECIPIENT FAILS TO RECEIVE OR MAINTAIN HIS
55 OR HER TEACHING CERTIFICATE OR LICENSE IN NEW YORK STATE; OR (E) A
56 RECIPIENT FAILS TO RESPOND TO REQUESTS BY THE CORPORATION FOR THE STATUS

1 OF HIS OR HER ACADEMIC OR PROFESSIONAL PROGRESS. THE TERMS AND CONDI-
2 TIONS OF THIS SUBDIVISION SHALL BE DEFERRED FOR ANY INTERRUPTION IN
3 GRADUATE STUDY OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS
4 OF THE CORPORATION. ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS
5 OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIP-
6 IENT. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRA-
7 RY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO
8 PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH
9 WOULD INVOLVE EXTREME HARDSHIP.

10 6. THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS,
11 AND MAY PROMULGATE EMERGENCY REGULATIONS, NECESSARY FOR THE IMPLEMENTA-
12 TION OF THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO,
13 THE CRITERIA FOR THE PROVISION OF AWARDS ON A COMPETITIVE BASIS, AND THE
14 RATE OF INTEREST CHARGED FOR REPAYMENT OF THE STUDENT LOAN.

15 S 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 2015.

17

SUBPART C

18 Section 1. Paragraphs (a) and (b) of subdivision 1 of section 2509 of
19 the education law, paragraph (a) as amended by chapter 551 of the laws
20 of 1976, and paragraph (b) as amended by chapter 468 of the laws of
21 1975, are amended to read as follows:

22 (a) I. Teachers and all other members of the teaching staff[,]
23 APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND authorized by
24 section twenty-five hundred three of this article, shall be appointed by
25 the board of education, upon the recommendation of the superintendent of
26 schools, for a probationary period of three years, except that in the
27 case of a teacher who has rendered satisfactory service as a regular
28 substitute for a period of two years or as a seasonally licensed per
29 session teacher of swimming in day schools who has served in that capac-
30 ity for a period of two years and has been appointed to teach the same
31 subject in day schools on an annual salary, the probationary period
32 shall be limited to one year; provided, however, that in the case of a
33 teacher who has been appointed on tenure in another school district
34 within the state, the school district where currently employed, or a
35 board of cooperative educational services, and who was not dismissed
36 from such district or board as a result of charges brought pursuant to
37 subdivision one of section three thousand twenty-a of this chapter, the
38 probationary period shall not exceed two years. The service of a person
39 appointed to any of such positions may be discontinued at any time
40 during such probationary period, on the recommendation of the super-
41 intendent of schools, by a majority vote of the board of education. Each
42 person who is not to be recommended for appointment on tenure shall be
43 so notified by the superintendent of schools in writing not later than
44 sixty days immediately preceding the expiration of his probationary
45 period.

46 II. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE
47 CONTRARY, TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF APPOINTED
48 ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN AND AUTHORIZED BY SECTION
49 TWENTY-FIVE HUNDRED THREE OF THIS ARTICLE, SHALL BE APPOINTED BY THE
50 BOARD OF EDUCATION, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF
51 SCHOOLS, FOR A PROBATIONARY PERIOD OF FIVE YEARS, EXCEPT THAT IN THE
52 CASE OF A TEACHER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR
53 SUBSTITUTE FOR A PERIOD OF TWO YEARS OR AS A SEASONALLY LICENSED PER
54 SESSION TEACHER OF SWIMMING IN DAY SCHOOLS WHO HAS SERVED IN THAT CAPAC-

1 ITY FOR A PERIOD OF TWO YEARS AND HAS BEEN APPOINTED TO TEACH THE SAME
2 SUBJECT IN DAY SCHOOLS ON AN ANNUAL SALARY, THE TEACHER SHALL BE
3 APPOINTED FOR A PROBATIONARY PERIOD OF THREE YEARS; PROVIDED, HOWEVER,
4 THAT IN THE CASE OF A TEACHER WHO HAS BEEN APPOINTED ON TENURE IN ANOTH-
5 ER SCHOOL DISTRICT WITHIN THE STATE, THE SCHOOL DISTRICT WHERE CURRENTLY
6 EMPLOYED, OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS
7 NOT DISMISSED FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT
8 PURSUANT TO SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OF THIS
9 CHAPTER, THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF
10 FOUR YEARS. THE SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS
11 MAY BE DISCONTINUED AT ANY TIME DURING SUCH PROBATIONARY PERIOD, ON THE
12 RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF
13 THE BOARD OF EDUCATION. EACH PERSON WHO IS NOT TO BE RECOMMENDED FOR
14 APPOINTMENT ON TENURE SHALL BE SO NOTIFIED BY THE SUPERINTENDENT OF
15 SCHOOLS IN WRITING NOT LATER THAN SIXTY DAYS IMMEDIATELY PRECEDING THE
16 EXPIRATION OF HIS/HER PROBATIONARY PERIOD.

17 (b) I. Administrators, directors, supervisors, principals and all
18 other members of the supervising staff, except associate, assistant and
19 other superintendents[,] APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND
20 FIFTEEN AND authorized by section twenty-five hundred three of this
21 article, shall be appointed by the board of education, upon the recom-
22 mendation of the superintendent of schools for a probationary period of
23 three years. The service of a person appointed to any of such positions
24 may be discontinued at any time during the probationary period on the
25 recommendation of the superintendent of schools, by a majority vote of
26 the board of education.

27 II. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION TO THE
28 CONTRARY, ADMINISTRATORS, DIRECTORS, SUPERVISORS, PRINCIPALS AND ALL
29 OTHER MEMBERS OF THE SUPERVISING STAFF, EXCEPT ASSOCIATE, ASSISTANT AND
30 OTHER SUPERINTENDENTS, APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND
31 FIFTEEN AND AUTHORIZED BY SECTION TWENTY-FIVE HUNDRED THREE OF THIS
32 ARTICLE, SHALL BE APPOINTED BY THE BOARD OF EDUCATION, UPON THE RECOM-
33 MENDATION OF THE SUPERINTENDENT OF SCHOOLS FOR A PROBATIONARY PERIOD OF
34 FIVE YEARS. THE SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS
35 MAY BE DISCONTINUED AT ANY TIME DURING THE PROBATIONARY PERIOD ON THE
36 RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF
37 THE BOARD OF EDUCATION.

38 S 2. Subdivision 2 of section 2509 of the education law, as amended by
39 section 6 of part A of chapter 57 of the laws of 2007, is amended to
40 read as follows:

41 2. A. At the expiration of the probationary term of any persons
42 appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, or
43 within six months prior thereto, the superintendent of schools shall
44 make a written report to the board of education recommending for
45 appointment on tenure those persons who have been found competent, effi-
46 cient and satisfactory[, consistent with any applicable rules of the
47 board of regents adopted pursuant to section three thousand twelve-b of
48 this chapter]. By a majority vote the board of education may then
49 appoint on tenure any or all of the persons recommended by the super-
50 intendent of schools. Such persons and all others employed in the teach-
51 ing service of the schools of such school district who have served the
52 full probationary period shall hold their respective positions during
53 good behavior and efficient and competent service, and shall not be
54 removable except for cause after a hearing as provided by section three
55 thousand twenty-a of [such law] THIS CHAPTER. Failure to maintain

1 certification as required by this chapter and the regulations of the
2 commissioner of education shall constitute cause for removal.

3 B. FOR PERSONS APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
4 AT THE EXPIRATION OF THE PROBATIONARY TERM OF ANY PERSONS APPOINTED FOR
5 SUCH TERM, OR WITHIN SIX MONTHS PRIOR THERETO, THE SUPERINTENDENT OF
6 SCHOOLS SHALL MAKE A WRITTEN REPORT TO THE BOARD OF EDUCATION RECOMMEND-
7 ING FOR APPOINTMENT ON TENURE THOSE PERSONS WHO HAVE BEEN FOUND COMPE-
8 TENT, EFFICIENT AND SATISFACTORY AND IN THE CASE OF A CLASSROOM TEACHER
9 OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOSITE ANNUAL PROFESSIONAL
10 PERFORMANCE REVIEW RATINGS PURSUANT TO THREE THOUSAND TWELVE-C OF THIS
11 CHAPTER, OF EITHER EFFECTIVE OR HIGHLY EFFECTIVE IN EACH OF THE FIVE
12 PRECEDING YEARS. BY A MAJORITY VOTE, THE BOARD OF EDUCATION MAY THEN
13 APPOINT ON TENURE ANY OR ALL OF THE PERSONS RECOMMENDED BY THE SUPER-
14 INTENDENT OF SCHOOLS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE
15 OR REGULATION TO THE CONTRARY, IF NO AFFIRMATIVE ACTION IS TAKEN BY THE
16 BOARD OF EDUCATION TO TERMINATE A CLASSROOM TEACHER OR BUILDING PRINCI-
17 PAL, OR TO APPROVE OR DENY TENURE TO A CLASSROOM TEACHER OR BUILDING
18 PRINCIPAL AT THE EXPIRATION OF THE PROBATIONARY PERIOD, THE CLASSROOM
19 TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN PROBATIONARY STATUS UNTIL
20 THE END OF THE SCHOOL YEAR IN WHICH SUCH TEACHER OR PRINCIPAL HAS
21 RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY EFFECTIVE FOR THE FIVE
22 PRECEDING SCHOOL YEARS, DURING WHICH TIME A BOARD OF EDUCATION SHALL
23 EITHER DISCONTINUE THE SERVICES OF SUCH PERSON, DENY TENURE OR APPROVE
24 TENURE FOR THOSE CLASSROOM TEACHERS OR BUILDING PRINCIPALS WHO OTHERWISE
25 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY. PROVIDED, HOWEV-
26 ER, THAT THE BOARD OF EDUCATION MAY GRANT TENURE CONTINGENT UPON A
27 CLASSROOM TEACHER'S OR BUILDING PRINCIPAL'S RECEIPT OF SUCH A RATING OF
28 EFFECTIVE OR HIGHLY EFFECTIVE IN THE FIFTH YEAR, AND IF SUCH CONTINGENCY
29 IS NOT MET, THE GRANT OF TENURE SHALL BE VOID AND UNENFORCEABLE AND THE
30 TEACHER'S OR PRINCIPAL'S PROBATIONARY PERIOD SHALL BE EXTENDED IN
31 ACCORDANCE WITH THIS SUBDIVISION. SUCH PERSONS WHO HAVE BEEN RECOMMENDED
32 FOR TENURE AND ALL OTHERS EMPLOYED IN THE TEACHING SERVICE OF THE
33 SCHOOLS OF SUCH SCHOOL DISTRICT WHO HAVE SERVED THE FULL PROBATIONARY
34 PERIOD AS EXTENDED PURSUANT TO THIS SUBDIVISION SHALL HOLD THEIR RESPEC-
35 TIVE POSITIONS DURING GOOD BEHAVIOR AND EFFICIENT AND COMPETENT SERVICE,
36 AND SHALL NOT BE REMOVABLE EXCEPT FOR CAUSE AFTER A HEARING AS PROVIDED
37 BY SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER. FAILURE TO MAINTAIN
38 CERTIFICATION AS REQUIRED BY THIS CHAPTER AND THE REGULATIONS OF THE
39 COMMISSIONER OF EDUCATION SHALL CONSTITUTE CAUSE FOR REMOVAL.

40 S 3. Subdivisions 1, 5 and 6 of section 2573 of the education law,
41 subdivision 1 as amended by chapter 732 of the laws of 1971, paragraph
42 (a) of subdivision 1 as amended by chapter 640 of the laws of 1983,
43 paragraph (b) of subdivision 1 as amended by chapter 468 of the laws of
44 1975, subdivision 5 and 6 as amended by section 7 of part A of chapter
45 57 of the laws of 2007, are amended to read as follows:

46 1. (a) I. Teachers and all other members of the teaching staff,
47 APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND authorized by
48 section twenty-five hundred fifty-four of this article, shall be
49 appointed by the board of education, upon the recommendation of the
50 superintendent of schools, for a probationary period of three years,
51 except that in the case of a teacher who has rendered satisfactory
52 service as a regular substitute for a period of two years or as a
53 seasonally licensed per session teacher of swimming in day schools who
54 has served in that capacity for a period of two years and has been
55 appointed to teach the same subject in day schools on an annual salary,
56 the probationary period shall be limited to one year; provided, however,

1 that in the case of a teacher who has been appointed on tenure in another
2 school district within the state, the school district where currently
3 employed, or a board of cooperative educational services, and who was
4 not dismissed from such district or board as a result of charges brought
5 pursuant to subdivision one of section three thousand twenty-a of this
6 chapter, the probationary period shall not exceed two years; provided,
7 however, that in cities with a population of one million or more, a
8 teacher appointed under a newly created license, for teachers of reading
9 and of the emotionally handicapped, to a position which the teacher has
10 held for at least two years prior to such appointment while serving on
11 tenure in another license area who was not dismissed as a result of
12 charges brought pursuant to subdivision one of section three thousand
13 twenty-a of this chapter, the probationary period shall be one year. The
14 service of a person appointed to any of such positions may be discontinued
15 at any time during such probationary period, on the recommendation
16 of the superintendent of schools, by a majority vote of the board of
17 education. Each person who is not to be recommended for appointment on
18 tenure shall be so notified by the superintendent of schools in writing
19 not later than sixty days immediately preceding the expiration of his
20 probationary period. In city school districts having a population of
21 four hundred thousand or more, persons with licenses obtained as a
22 result of examinations announced subsequent to the twenty-second day of
23 May, nineteen hundred sixty-nine appointed upon conditions that all
24 announced requirements for the position be fulfilled within a specified
25 period of time, shall not acquire tenure unless and until such requirements
26 have been completed within the time specified for the fulfillment
27 of such requirements, notwithstanding the expiration of any probationary
28 period. In all other city school districts subject to the provisions of
29 this article, failure to maintain certification as required by this
30 article and by the regulations of the commissioner of education shall be
31 cause for removal within the meaning of subdivision five of this
32 section.

33 II. TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF APPOINTED ON
34 OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN AND AUTHORIZED BY SECTION
35 TWENTY-FIVE HUNDRED FIFTY-FOUR OF THIS ARTICLE, SHALL BE APPOINTED BY
36 THE BOARD OF EDUCATION, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF
37 SCHOOLS, FOR A PROBATIONARY PERIOD OF FIVE YEARS, EXCEPT THAT IN THE
38 CASE OF A TEACHER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR
39 SUBSTITUTE FOR A PERIOD OF TWO YEARS OR AS A SEASONALLY LICENSED PER
40 SESSION TEACHER OF SWIMMING IN DAY SCHOOLS WHO HAS SERVED IN THAT CAPAC-
41 ITY FOR A PERIOD OF TWO YEARS AND HAS BEEN APPOINTED TO TEACH THE SAME
42 SUBJECT IN DAY SCHOOLS ON AN ANNUAL SALARY, THE TEACHER SHALL BE
43 APPOINTED FOR A PROBATIONARY PERIOD OF THREE YEARS; PROVIDED, HOWEVER,
44 THAT IN THE CASE OF A TEACHER WHO HAS BEEN APPOINTED ON TENURE IN ANOTHER
45 SCHOOL DISTRICT WITHIN THE STATE, THE SCHOOL DISTRICT WHERE CURRENTLY
46 EMPLOYED, OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS
47 NOT DISMISSED FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT
48 PURSUANT TO SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OF THIS
49 CHAPTER, THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF
50 FOUR YEARS; PROVIDED, HOWEVER, THAT IN CITIES WITH A POPULATION OF ONE
51 MILLION OR MORE, A TEACHER APPOINTED UNDER A NEWLY CREATED LICENSE, FOR
52 TEACHERS OF READING AND OF THE EMOTIONALLY HANDICAPPED, TO A POSITION
53 WHICH THE TEACHER HAS HELD FOR AT LEAST TWO YEARS PRIOR TO SUCH APPOINT-
54 MENT WHILE SERVING ON TENURE IN ANOTHER LICENSE AREA WHO WAS NOT
55 DISMISSED AS A RESULT OF CHARGES BROUGHT PURSUANT TO SUBDIVISION ONE OF
56 SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER, THE TEACHER SHALL BE

1 APPOINTED FOR A PROBATIONARY PERIOD OF THREE YEARS. THE SERVICE OF A
2 PERSON APPOINTED TO ANY OF SUCH POSITIONS MAY BE DISCONTINUED AT ANY
3 TIME DURING SUCH PROBATIONARY PERIOD, ON THE RECOMMENDATION OF THE
4 SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF THE BOARD OF EDUCATION.
5 EACH PERSON WHO IS NOT TO BE RECOMMENDED FOR APPOINTMENT ON TENURE SHALL
6 BE SO NOTIFIED BY THE SUPERINTENDENT OF SCHOOLS IN WRITING NOT LATER
7 THAN SIXTY DAYS IMMEDIATELY PRECEDING THE EXPIRATION OF HIS PROBATIONARY
8 PERIOD. IN ALL CITY SCHOOL DISTRICTS SUBJECT TO THE PROVISIONS OF THIS
9 ARTICLE, FAILURE TO MAINTAIN CERTIFICATION AS REQUIRED BY THIS ARTICLE
10 AND BY THE REGULATIONS OF THE COMMISSIONER OF EDUCATION SHALL BE CAUSE
11 FOR REMOVAL WITHIN THE MEANING OF SUBDIVISION FIVE OF THIS SECTION.

12 (b) I. Administrators, directors, supervisors, principals and all
13 other members of the supervising staff, except executive directors,
14 associate, assistant, district and community superintendents and examin-
15 ers, APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN AND authorized
16 by section twenty-five hundred fifty-four of this article, shall be
17 appointed by the board of education, upon the recommendation of the
18 superintendent or chancellor of schools, for a probationary period of
19 three years. The service of a person appointed to any of such positions
20 may be discontinued at any time during the probationary period on the
21 recommendation of the superintendent of schools, by a majority vote of
22 the board of education.

23 II. ADMINISTRATORS, DIRECTORS, SUPERVISORS, PRINCIPALS AND ALL OTHER
24 MEMBERS OF THE SUPERVISING STAFF, EXCEPT EXECUTIVE DIRECTORS, ASSOCIATE,
25 ASSISTANT, DISTRICT AND COMMUNITY SUPERINTENDENTS AND EXAMINERS,
26 APPOINTED ON OR AFTER JULY 1, 2015 AND AUTHORIZED BY SECTION TWENTY-FIVE
27 HUNDRED FIFTY-FOUR OF THIS ARTICLE, SHALL BE APPOINTED BY THE BOARD OF
28 EDUCATION, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OR CHANCELLOR
29 OF SCHOOLS, FOR A PROBATIONARY PERIOD OF FIVE YEARS PROVIDED THAT SUCH
30 PROBATIONARY PERIOD MAY BE EXTENDED IN ACCORDANCE WITH PARAGRAPH (B) OF
31 SUBDIVISION FIVE OF THIS SECTION. THE SERVICE OF A PERSON APPOINTED TO
32 ANY OF SUCH POSITIONS MAY BE DISCONTINUED AT ANY TIME DURING THE PROBA-
33 TIONARY PERIOD ON THE RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS,
34 BY A MAJORITY VOTE OF THE BOARD OF EDUCATION.

35 5. (A) At the expiration of the probationary term of any persons
36 appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, the
37 superintendent of schools shall make a written report to the board of
38 education recommending for permanent appointment those persons who have
39 been found competent, efficient and satisfactory[, consistent with any
40 applicable rules of the board of regents adopted pursuant to section
41 three thousand twelve-b of this chapter]. Such persons and all others
42 employed in the teaching, service of the schools of a city, who have
43 served the full probationary period, shall hold their respective posi-
44 tions during good behavior and efficient and competent service, and
45 shall not be removable except for cause after a hearing as provided by
46 section three thousand twenty-a of this chapter.

47 (B) AT THE EXPIRATION OF THE PROBATIONARY TERM OF ANY PERSONS
48 APPOINTED FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
49 THE SUPERINTENDENT OF SCHOOLS SHALL MAKE A WRITTEN REPORT TO THE BOARD
50 OF EDUCATION RECOMMENDING FOR PERMANENT APPOINTMENT THOSE PERSONS WHO
51 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY AND, IN THE CASE
52 OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOS-
53 ITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS PURSUANT TO SECTION
54 THREE THOUSAND TWELVE-C OF THIS CHAPTER, OF EITHER EFFECTIVE OR HIGHLY
55 EFFECTIVE IN EACH OF THE FIVE PRECEDING YEARS. NOTWITHSTANDING ANY OTHER
56 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IF NO AFFIRMATIVE

1 ACTION IS TAKEN BY THE BOARD OF EDUCATION TO TERMINATE A CLASSROOM
2 TEACHER OR BUILDING PRINCIPAL, OR TO APPROVE OR DENY TENURE TO A CLASS-
3 ROOM TEACHER OR BUILDING PRINCIPAL AT THE EXPIRATION OF THE PROBATIONARY
4 PERIOD, THE CLASSROOM TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN
5 PROBATIONARY STATUS UNTIL THE END OF THE SCHOOL YEAR IN WHICH SUCH
6 TEACHER OR PRINCIPAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY
7 EFFECTIVE FOR THE FIVE PRECEDING SCHOOL YEARS, DURING WHICH TIME A BOARD
8 OF EDUCATION SHALL EITHER DISCONTINUE THE SERVICES OF SUCH PERSON, DENY
9 TENURE OR APPROVE TENURE FOR THOSE CLASSROOM TEACHERS OR BUILDING PRIN-
10 CIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFAC-
11 TORY. PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION MAY GRANT TENURE
12 CONTINGENT UPON A CLASSROOM TEACHER'S OR BUILDING PRINCIPAL'S RECEIPT OF
13 SUCH A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE IN THE FIFTH YEAR, AND IF
14 SUCH CONTINGENCY IS NOT MET, THE GRANT OF TENURE SHALL BE VOID AND UNEN-
15 FORCEABLE AND THE TEACHER'S OR PRINCIPAL'S PROBATIONARY PERIOD SHALL BE
16 EXTENDED IN ACCORDANCE WITH THIS SUBDIVISION. SUCH PERSONS WHO HAVE BEEN
17 RECOMMENDED FOR TENURE AND ALL OTHERS EMPLOYED IN THE TEACHING SERVICE
18 OF THE SCHOOLS OF SUCH SCHOOL DISTRICT WHO HAVE SERVED THE FULL PROBA-
19 TIONARY PERIOD AS EXTENDED PURSUANT TO THIS SUBDIVISION SHALL HOLD THEIR
20 RESPECTIVE POSITIONS DURING GOOD BEHAVIOR AND EFFICIENT AND COMPETENT
21 SERVICE, AND SHALL NOT BE REMOVABLE EXCEPT FOR CAUSE AFTER A HEARING AS
22 PROVIDED BY SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER. FAILURE TO
23 MAINTAIN CERTIFICATION AS REQUIRED BY THIS CHAPTER AND THE REGULATIONS
24 OF THE COMMISSIONER OF EDUCATION SHALL CONSTITUTE CAUSE FOR REMOVAL.

25 6. (A) In a city having a population of four hundred thousand or more,
26 at the expiration of the probationary term of any persons appointed for
27 such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, the superintendent
28 of schools shall make a written report to the board of education recom-
29 mending for permanent appointment those persons who have been found
30 satisfactory[, consistent with any applicable rules of the board of
31 regents adopted pursuant to section three thousand twelve-b of this
32 chapter], and such board of education shall immediately thereafter issue
33 to such persons permanent certificates of appointment. Such persons and
34 all others employed in the teaching service of the schools of such city,
35 who have served the full probationary period shall receive permanent
36 certificates to teach issued to them by the certificating authority,
37 except as otherwise provided in subdivision ten-a of this section, and
38 shall hold their respective positions during good behavior and satisfac-
39 tory teaching service, and shall not be removable except for cause after
40 a hearing as provided by section three thousand twenty-a of this chap-
41 ter.

42 (B) AT THE EXPIRATION OF THE PROBATIONARY TERM OF ANY PERSONS
43 APPOINTED FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
44 THE SUPERINTENDENT OF SCHOOLS SHALL MAKE A WRITTEN REPORT TO THE BOARD
45 OF EDUCATION RECOMMENDING FOR PERMANENT APPOINTMENT THOSE PERSONS WHO
46 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY AND, IN THE CASE
47 OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOS-
48 ITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS PURSUANT TO SECTION
49 THREE THOUSAND TWELVE-C OF THIS CHAPTER, OF EITHER EFFECTIVE OR HIGHLY
50 EFFECTIVE IN EACH OF THE FIVE PRECEDING YEARS. NOTWITHSTANDING ANY OTHER
51 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IF NO AFFIRMATIVE
52 ACTION IS TAKEN BY THE BOARD OF EDUCATION TO TERMINATE A CLASSROOM
53 TEACHER OR BUILDING PRINCIPAL, OR TO APPROVE OR DENY TENURE TO A CLASS-
54 ROOM TEACHER OR BUILDING PRINCIPAL AT THE EXPIRATION OF THE PROBATIONARY
55 PERIOD, THE CLASSROOM TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN
56 PROBATIONARY STATUS UNTIL THE END OF THE SCHOOL YEAR IN WHICH SUCH

1 TEACHER OR PRINCIPAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY
2 EFFECTIVE FOR THE FIVE PRECEDING SCHOOL YEARS, DURING WHICH TIME A BOARD
3 OF EDUCATION SHALL EITHER DISCONTINUE THE SERVICES OF SUCH PERSON, DENY
4 TENURE OR APPROVE TENURE FOR THOSE CLASSROOM TEACHERS OR BUILDING PRIN-
5 CIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFAC-
6 TORY. PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION MAY GRANT TENURE
7 CONTINGENT UPON A CLASSROOM TEACHER'S OR BUILDING PRINCIPAL'S RECEIPT OF
8 SUCH A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE IN THE FIFTH YEAR, AND IF
9 SUCH CONTINGENCY IS NOT MET, THE GRANT OF TENURE SHALL BE VOID AND UNEN-
10 FORCEABLE AND THE TEACHER'S OR PRINCIPAL'S PROBATIONARY PERIOD SHALL BE
11 EXTENDED IN ACCORDANCE WITH THIS SUBDIVISION. SUCH PERSONS WHO HAVE BEEN
12 RECOMMENDED FOR TENURE AND ALL OTHERS EMPLOYED IN THE TEACHING SERVICE
13 OF THE SCHOOLS OF SUCH SCHOOL DISTRICT WHO HAVE SERVED THE FULL PROBA-
14 TIONARY PERIOD AS EXTENDED PURSUANT TO THIS SUBDIVISION SHALL HOLD THEIR
15 RESPECTIVE POSITIONS DURING GOOD BEHAVIOR AND EFFICIENT AND COMPETENT
16 SERVICE, AND SHALL NOT BE REMOVABLE EXCEPT FOR CAUSE AFTER A HEARING AS
17 PROVIDED BY SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER. FAILURE TO
18 MAINTAIN CERTIFICATION AS REQUIRED BY THIS CHAPTER AND THE REGULATIONS
19 OF THE COMMISSIONER OF EDUCATION SHALL CONSTITUTE CAUSE FOR REMOVAL.

20 S 4. Section 3012 of the education law, the section heading as amended
21 by chapter 358 of the laws of 1978, subdivision 1 as amended by chapter
22 442 of the laws of 1980, paragraph (a) of subdivision 1 as amended by
23 chapter 737 of the laws of 1992, subdivision 2 as amended by section 8
24 of part A of chapter 57 of the laws of 2007, subdivision 3 as added by
25 chapter 859 of the laws of 1955 and as renumbered by chapter 717 of the
26 laws of 1970, is amended to read as follows:

27 S 3012. Tenure: certain school districts. 1. (a) I. Teachers and all
28 other members of the teaching staff of school districts, including
29 common school districts and/or school districts employing fewer than
30 eight teachers, other than city school districts, WHO ARE APPOINTED
31 PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN, shall be appointed by the
32 board of education, or the trustees of common school districts, upon the
33 recommendation of the superintendent of schools, for a probationary
34 period of three years, except that in the case of a teacher who has
35 rendered satisfactory service as a regular substitute for a period of
36 two years or as a seasonally licensed per session teacher of swimming in
37 day schools who has served in that capacity for a period of two years
38 and has been appointed to teach the same subject in day schools, on an
39 annual salary, the probationary period shall be limited to one year;
40 provided, however, that in the case of a teacher who has been appointed
41 on tenure in another school district within the state, the school
42 district where currently employed, or a board of cooperative educational
43 services, and who was not dismissed from such district or board as a
44 result of charges brought pursuant to subdivision one of section three
45 thousand twenty-a of this [chapter] ARTICLE, the probationary period
46 shall not exceed two years. The service of a person appointed to any of
47 such positions may be discontinued at any time during such probationary
48 period, on the recommendation of the superintendent of schools, by a
49 majority vote of the board of education or the trustees of a common
50 school district.

51 II. TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF OF SCHOOL
52 DISTRICTS, INCLUDING COMMON SCHOOL DISTRICTS AND/OR SCHOOL DISTRICTS
53 EMPLOYING FEWER THAN EIGHT TEACHERS, OTHER THAN CITY SCHOOL DISTRICTS,
54 WHO ARE APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, SHALL BE
55 APPOINTED BY THE BOARD OF EDUCATION, OR THE TRUSTEES OF COMMON SCHOOL
56 DISTRICTS, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS, FOR

1 A PROBATIONARY PERIOD OF FIVE YEARS, EXCEPT THAT IN THE CASE OF A TEACH-
2 ER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR SUBSTITUTE FOR A
3 PERIOD OF TWO YEARS OR AS A SEASONALLY LICENSED PER SESSION TEACHER OF
4 SWIMMING IN DAY SCHOOLS WHO HAS SERVED IN THAT CAPACITY FOR A PERIOD OF
5 TWO YEARS AND HAS BEEN APPOINTED TO TEACH THE SAME SUBJECT IN DAY
6 SCHOOLS, ON AN ANNUAL SALARY, THE TEACHER SHALL BE APPOINTED FOR A
7 PROBATIONARY PERIOD OF THREE YEARS; PROVIDED, HOWEVER, THAT IN THE CASE
8 OF A TEACHER WHO HAS BEEN APPOINTED ON TENURE IN ANOTHER SCHOOL DISTRICT
9 WITHIN THE STATE, THE SCHOOL DISTRICT WHERE CURRENTLY EMPLOYED, OR A
10 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS NOT DISMISSED
11 FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT PURSUANT TO
12 SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OF THIS ARTICLE, THE
13 TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF FOUR YEARS. THE
14 SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS MAY BE DISCONTIN-
15 UED AT ANY TIME DURING SUCH PROBATIONARY PERIOD, ON THE RECOMMENDATION
16 OF THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF THE BOARD OF
17 EDUCATION OR THE TRUSTEES OF A COMMON SCHOOL DISTRICT.

18 (b) I. Principals, administrators, supervisors and all other members
19 of the supervising staff of school districts, including common school
20 districts and/or school districts employing fewer than eight teachers,
21 other than city school districts, WHO ARE APPOINTED PRIOR TO JULY FIRST,
22 TWO THOUSAND FIFTEEN, shall be appointed by the board of education, or
23 the trustees of a common school district, upon the recommendation of the
24 superintendent of schools for a probationary period of three years. The
25 service of a person appointed to any of such positions may be discontin-
26 ued at any time during the probationary period on the recommendation of
27 the superintendent of schools, by a majority vote of the board of educa-
28 tion or the trustees of a common school district.

29 II. PRINCIPALS, ADMINISTRATORS, SUPERVISORS AND ALL OTHER MEMBERS OF
30 THE SUPERVISING STAFF OF SCHOOL DISTRICTS, INCLUDING COMMON SCHOOL
31 DISTRICTS AND/OR SCHOOL DISTRICTS EMPLOYING FEWER THAN EIGHT TEACHERS,
32 OTHER THAN CITY SCHOOL DISTRICTS, WHO ARE APPOINTED ON OR AFTER JULY
33 FIRST, TWO THOUSAND FIFTEEN, SHALL BE APPOINTED BY THE BOARD OF EDUCA-
34 TION, OR THE TRUSTEES OF A COMMON SCHOOL DISTRICT, UPON THE RECOMMENDA-
35 TION OF THE SUPERINTENDENT OF SCHOOLS FOR A PROBATIONARY PERIOD OF FIVE
36 YEARS. THE SERVICE OF A PERSON APPOINTED TO ANY OF SUCH POSITIONS MAY BE
37 DISCONTINUED AT ANY TIME DURING THE PROBATIONARY PERIOD ON THE RECOMMEN-
38 DATION OF THE SUPERINTENDENT OF SCHOOLS, BY A MAJORITY VOTE OF THE BOARD
39 OF EDUCATION OR THE TRUSTEES OF A COMMON SCHOOL DISTRICT.

40 (c) Any person previously appointed to tenure or a probationary period
41 pursuant to the provisions of former section three thousand thirteen of
42 this [chapter] ARTICLE shall continue to hold such position and be
43 governed by the provisions of this section notwithstanding any contrary
44 provision of law.

45 2. (A) At the expiration of the probationary term of a person
46 appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN,
47 subject to the conditions of this section, the superintendent of schools
48 shall make a written report to the board of education or the trustees of
49 a common school district recommending for appointment on tenure those
50 persons who have been found competent, efficient and satisfactory[,
51 consistent with any applicable rules of the board of regents adopted
52 pursuant to section three thousand twelve-b of this article]. Such
53 persons, and all others employed in the teaching service of the schools
54 of such union free school district, common school district and/or school
55 district employing fewer than eight teachers, who have served the proba-
56 tionary period as provided in this section, shall hold their respective

1 positions during good behavior and efficient and competent service, and
2 shall not be removed except for any of the following causes, after a
3 hearing, as provided by section three thousand twenty-a of [such law]
4 THIS ARTICLE: (a) insubordination, immoral character or conduct unbecom-
5 ing a teacher; (b) inefficiency, incompetency, physical or mental
6 disability, or neglect of duty; (c) failure to maintain certification as
7 required by this chapter and by the regulations of the commissioner.
8 Each person who is not to be recommended for appointment on tenure,
9 shall be so notified by the superintendent of schools in writing not
10 later than sixty days immediately preceding the expiration of his proba-
11 tionary period.

12 (B) AT THE EXPIRATION OF THE PROBATIONARY TERM OF A PERSON APPOINTED
13 FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, SUBJECT TO
14 THE CONDITIONS OF THIS SECTION, THE SUPERINTENDENT OF SCHOOLS SHALL MAKE
15 A WRITTEN REPORT TO THE BOARD OF EDUCATION OR THE TRUSTEES OF A COMMON
16 SCHOOL DISTRICT RECOMMENDING FOR APPOINTMENT ON TENURE THOSE PERSONS WHO
17 HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATISFACTORY AND, IN THE CASE
18 OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL, WHO HAVE RECEIVED COMPOS-
19 ITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW RATINGS PURSUANT TO SECTION
20 THREE THOUSAND TWELVE-C OF THIS ARTICLE, OF EITHER EFFECTIVE OR HIGHLY
21 EFFECTIVE IN EACH OF THE FIVE PRECEDING YEARS. NOTWITHSTANDING ANY OTHER
22 PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, IF NO AFFIRMATIVE
23 ACTION IS TAKEN BY THE TRUSTEES OR BOARD OF EDUCATION TO TERMINATE A
24 CLASSROOM TEACHER OR BUILDING PRINCIPAL, OR TO APPROVE OR DENY TENURE TO
25 A CLASSROOM TEACHER OR BUILDING PRINCIPAL AT THE EXPIRATION OF THE
26 PROBATIONARY PERIOD, THE CLASSROOM TEACHER OR BUILDING PRINCIPAL SHALL
27 REMAIN IN PROBATIONARY STATUS UNTIL THE END OF THE SCHOOL YEAR IN WHICH
28 SUCH TEACHER OR PRINCIPAL HAS RECEIVED SUCH RATINGS OF EFFECTIVE OR
29 HIGHLY EFFECTIVE FOR THE FIVE PRECEDING SCHOOL YEARS, DURING WHICH TIME
30 THE TRUSTEES OR BOARD OF EDUCATION SHALL EITHER DISCONTINUE THE SERVICES
31 OF SUCH PERSON, DENY TENURE OR APPROVE TENURE FOR THOSE CLASSROOM TEACH-
32 ERS OR BUILDING PRINCIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT,
33 EFFICIENT AND SATISFACTORY. PROVIDED, HOWEVER, THAT THE TRUSTEES OR
34 BOARD OF EDUCATION MAY GRANT TENURE CONTINGENT UPON A CLASSROOM TEACH-
35 ER'S OR BUILDING PRINCIPAL'S RECEIPT OF SUCH A RATING OF EFFECTIVE OR
36 HIGHLY EFFECTIVE IN THE FIFTH YEAR, AND IF SUCH CONTINGENCY IS NOT MET,
37 THE GRANT OF TENURE SHALL BE VOID AND UNENFORCEABLE AND THE TEACHER'S OR
38 PRINCIPAL'S PROBATIONARY PERIOD SHALL BE EXTENDED IN ACCORDANCE WITH
39 THIS SUBDIVISION. SUCH PERSONS WHO HAVE BEEN RECOMMENDED FOR TENURE AND
40 ALL OTHERS EMPLOYED IN THE TEACHING SERVICE OF THE SCHOOLS OF SUCH
41 SCHOOL DISTRICT WHO HAVE SERVED THE FULL PROBATIONARY PERIOD AS EXTENDED
42 PURSUANT TO THIS SUBDIVISION SHALL HOLD THEIR RESPECTIVE POSITIONS
43 DURING GOOD BEHAVIOR AND EFFICIENT AND COMPETENT SERVICE, AND SHALL NOT
44 BE REMOVABLE EXCEPT FOR CAUSE AFTER A HEARING AS PROVIDED BY SECTION
45 THREE THOUSAND TWENTY-A OF THIS ARTICLE. FAILURE TO MAINTAIN CERTIF-
46 ICATION AS REQUIRED BY THIS CHAPTER AND THE REGULATIONS OF THE COMMIS-
47 SIONER OF EDUCATION SHALL CONSTITUTE CAUSE FOR REMOVAL.

48 3. Notwithstanding any other provision of this section no period in
49 any school year for which there is no required service and/or for which
50 no compensation is provided shall in any event constitute a break or
51 suspension of probationary period or continuity of tenure rights of any
52 of the persons hereinabove described.

53 S 5. Section 3014 of the education law, as added by chapter 583 of the
54 laws of 1955, subdivision 1 as amended by chapter 551 of the laws of
55 1976, subdivision 2 as amended by section 10 of part A of chapter 57 of
56 the laws of 2007, is amended to read as follows:

1 S 3014. Tenure: boards of cooperative educational services. 1. (A)
2 Administrative assistants, supervisors, teachers and all other members
3 of the teaching and supervising staff of the board of cooperative educa-
4 tional services APPOINTED PRIOR TO JULY FIRST, TWO THOUSAND FIFTEEN,
5 shall be appointed by a majority vote of the board of cooperative educa-
6 tional services upon the recommendation of the district superintendent
7 of schools for a probationary period of not to exceed three years;
8 provided, however, that in the case of a teacher who has been appointed
9 on tenure in a school district within the state, the board of cooper-
10 ative educational services where currently employed, or another board of
11 cooperative educational services, and who was not dismissed from such
12 district or board as a result of charges brought pursuant to subdivision
13 one of section three thousand twenty-a of this [chapter] ARTICLE, the
14 probationary period shall not exceed two years. Services of a person so
15 appointed to any such positions may be discontinued at any time during
16 such probationary period, upon the recommendation of the district super-
17 intendent, by a majority vote of the board of cooperative educational
18 services.

19 (B) ADMINISTRATIVE ASSISTANTS, SUPERVISORS, TEACHERS AND ALL OTHER
20 MEMBERS OF THE TEACHING AND SUPERVISING STAFF OF THE BOARD OF COOPER-
21 ATIVE EDUCATIONAL SERVICES APPOINTED ON OR AFTER JULY FIRST, TWO THOU-
22 SAND FIFTEEN, SHALL BE APPOINTED BY A MAJORITY VOTE OF THE BOARD OF
23 COOPERATIVE EDUCATIONAL SERVICES UPON THE RECOMMENDATION OF THE DISTRICT
24 SUPERINTENDENT OF SCHOOLS FOR A PROBATIONARY PERIOD OF NOT TO EXCEED
25 FIVE YEARS; PROVIDED, HOWEVER, THAT IN THE CASE OF A TEACHER WHO HAS
26 BEEN APPOINTED ON TENURE IN A SCHOOL DISTRICT WITHIN THE STATE, THE
27 BOARD OF COOPERATIVE EDUCATIONAL SERVICES WHERE CURRENTLY EMPLOYED, OR
28 ANOTHER BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS NOT
29 DISMISSED FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT
30 PURSUANT TO SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OF THIS
31 ARTICLE, THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF
32 FOUR YEARS. SERVICES OF A PERSON SO APPOINTED TO ANY SUCH POSITIONS MAY
33 BE DISCONTINUED AT ANY TIME DURING SUCH PROBATIONARY PERIOD, UPON THE
34 RECOMMENDATION OF THE DISTRICT SUPERINTENDENT, BY A MAJORITY VOTE OF THE
35 BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

36 2. (A) On or before the expiration of the probationary term of a
37 person appointed for such term PRIOR TO JULY FIRST, TWO THOUSAND
38 FIFTEEN, the district superintendent of schools shall make a written
39 report to the board of cooperative educational services recommending for
40 appointment on tenure persons who have been found competent, efficient
41 and satisfactory[, consistent with any applicable rules of the board of
42 regents adopted pursuant to section three thousand twelve-b of this
43 article]. Such persons shall hold their respective positions during good
44 behavior and competent and efficient service and shall not be removed
45 except for any of the following causes, after a hearing, as provided by
46 section three thousand twenty-a of [such law] THIS ARTICLE: [(a)] (I)
47 Insubordination, immoral character or conduct unbecoming a teacher;
48 [(b)] (II) Inefficiency, incompetency, physical or mental disability or
49 neglect of duty; [(c)] (III) Failure to maintain certification as
50 required by this chapter and by the regulations of the commissioner.
51 Each person who is not to be so recommended for appointment on tenure
52 shall be so notified in writing by the district superintendent not later
53 than sixty days immediately preceding the expiration of his probationary
54 period.

55 (B) ON OR BEFORE THE EXPIRATION OF THE PROBATIONARY TERM OF A PERSON
56 APPOINTED FOR SUCH TERM ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,

1 THE DISTRICT SUPERINTENDENT OF SCHOOLS SHALL MAKE A WRITTEN REPORT TO
2 THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES RECOMMENDING FOR APPOINT-
3 MENT ON TENURE PERSONS WHO HAVE BEEN FOUND COMPETENT, EFFICIENT AND
4 SATISFACTORY AND, IN THE CASE OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL,
5 WHO HAVE RECEIVED COMPOSITE ANNUAL PROFESSIONAL PERFORMANCE REVIEW
6 RATINGS PURSUANT TO THREE THOUSAND TWELVE-C OF THIS ARTICLE, OF EITHER
7 EFFECTIVE OR HIGHLY EFFECTIVE IN EACH OF THE FIVE PRECEDING YEARS.
8 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE
9 CONTRARY, IF NO AFFIRMATIVE ACTION IS TAKEN BY THE BOARD OF COOPERATIVE
10 EDUCATIONAL SERVICES TO TERMINATE A CLASSROOM TEACHER OR BUILDING PRIN-
11 CIPAL, OR TO APPROVE OR DENY TENURE TO A CLASSROOM TEACHER OR BUILDING
12 PRINCIPAL AT THE EXPIRATION OF THE PROBATIONARY PERIOD, THE CLASSROOM
13 TEACHER OR BUILDING PRINCIPAL SHALL REMAIN IN PROBATIONARY STATUS UNTIL
14 THE END OF THE SCHOOL YEAR IN WHICH SUCH TEACHER OR PRINCIPAL HAS
15 RECEIVED SUCH RATINGS OF EFFECTIVE OR HIGHLY EFFECTIVE FOR THE FIVE
16 PRECEDING SCHOOL YEARS, DURING WHICH TIME A BOARD OF COOPERATIVE EDUCA-
17 TIONAL SERVICES SHALL EITHER DISCONTINUE THE SERVICES OF SUCH PERSON,
18 DENY TENURE OR APPROVE TENURE FOR THOSE CLASSROOM TEACHERS OR BUILDING
19 PRINCIPALS WHO OTHERWISE HAVE BEEN FOUND COMPETENT, EFFICIENT AND SATIS-
20 FACTORY. PROVIDED, HOWEVER, THAT THE BOARD OF COOPERATIVE EDUCATIONAL
21 SERVICES MAY GRANT TENURE CONTINGENT UPON A CLASSROOM TEACHER'S OR
22 BUILDING PRINCIPAL'S RECEIPT OF SUCH A RATING OF EFFECTIVE OR HIGHLY
23 EFFECTIVE IN THE FIFTH YEAR, AND IF SUCH CONTINGENCY IS NOT MET, THE
24 GRANT OF TENURE SHALL BE VOID AND UNENFORCEABLE AND THE TEACHER'S OR
25 PRINCIPAL'S PROBATIONARY PERIOD SHALL BE EXTENDED IN ACCORDANCE WITH
26 THIS SUBDIVISION. SUCH PERSONS SHALL HOLD THEIR RESPECTIVE POSITIONS
27 DURING GOOD BEHAVIOR AND COMPETENT AND EFFICIENT SERVICE AND SHALL NOT
28 BE REMOVED EXCEPT FOR ANY OF THE FOLLOWING CAUSES, AFTER A HEARING, AS
29 PROVIDED BY SECTION THREE THOUSAND TWENTY-A OF THIS ARTICLE: (I) INSUB-
30 ORDINATION, IMMORAL CHARACTER OR CONDUCT UNBECOMING A TEACHER; (II)
31 INEFFICIENCY, INCOMPETENCY, PHYSICAL OR MENTAL DISABILITY OR NEGLECT OF
32 DUTY; (III) FAILURE TO MAINTAIN CERTIFICATION AS REQUIRED BY THIS CHAP-
33 TER AND BY THE REGULATIONS OF THE COMMISSIONER. EACH PERSON WHO IS NOT
34 TO BE SO RECOMMENDED FOR APPOINTMENT ON TENURE SHALL BE SO NOTIFIED IN
35 WRITING BY THE DISTRICT SUPERINTENDENT NOT LATER THAN SIXTY DAYS IMME-
36 DIATELY PRECEDING THE EXPIRATION OF HIS PROBATIONARY PERIOD.

37 S 6. Subdivision 1 of section 3012-c of the education law, as amended
38 by chapter 21 of the laws of 2012, is amended to read as follows:

39 1. Notwithstanding any other provision of law, rule or regulation to
40 the contrary, the annual professional performance reviews of all class-
41 room teachers and building principals employed by school districts or
42 boards of cooperative educational services shall be conducted in accord-
43 ance with the provisions of this section. Such performance reviews which
44 are conducted on or after July first, two thousand eleven, or on or
45 after the date specified in paragraph c of subdivision two of this
46 section where applicable, shall include measures of student achievement
47 and be conducted in accordance with this section. Such annual profes-
48 sional performance reviews shall be a significant factor for employment
49 decisions including but not limited to, promotion, retention, tenure
50 determination, termination, and supplemental compensation, which deci-
51 sions are to be made in accordance with locally developed procedures
52 negotiated pursuant to the requirements of article fourteen of the civil
53 service law where applicable. Provided, however, that nothing in this
54 section shall be construed to affect the UNFETTERED statutory right of a
55 school district or board of cooperative educational services to termi-
56 nate a probationary teacher or principal for ANY statutorily and consti-

1 tutionally permissible reasons [other than the performance of the teach-
2 er or principal in the classroom or school], including but not limited
3 to misconduct AND UNTIL A TENURE DECISION IS MADE AT THE
4 END/EXPIRATION/CONCLUSION OF THE PROBATIONARY PERIOD, THE PERFORMANCE OF
5 THE TEACHER OR PRINCIPAL IN THE CLASSROOM. Such performance reviews
6 shall also be a significant factor in teacher and principal development,
7 including but not limited to, coaching, induction support and differen-
8 tiated professional development, which are to be locally established in
9 accordance with procedures negotiated pursuant to the requirements of
10 article fourteen of the civil service law.

11 S 7. Paragraph b of subdivision 5 of section 3012-c of the education
12 law, as added by chapter 21 of the laws of 2012, is amended to read as
13 follows:

14 b. Nothing in this section shall be construed to alter or diminish the
15 authority of the governing body of a school district or board of cooper-
16 ative educational services to grant or deny tenure to or terminate
17 probationary teachers or probationary building principals during the
18 pendency of an appeal pursuant to this section for statutorily and
19 constitutionally permissible reasons [other than] INCLUDING the teach-
20 er's or principal's performance that is the subject of the appeal.

21 S 8. This act shall take effect immediately.

22

SUBPART D

23 Section 1. The education law is amended by adding a new section 211-g
24 to read as follows:

25 S 211-G. TAKEOVER AND RESTRUCTURING FAILING SCHOOL DISTRICTS. 1. (A) A
26 SCHOOL DISTRICT, OTHER THAN A SPECIAL ACT SCHOOL DISTRICT AS DEFINED IN
27 SUBDIVISION EIGHT OF SECTION FOUR THOUSAND ONE OF THIS CHAPTER, SHALL BE
28 DEEMED ELIGIBLE FOR DESIGNATION AS FAILING UPON A DETERMINATION BY THE
29 COMMISSIONER, PURSUANT TO REGULATIONS ADOPTED BY SUCH COMMISSIONER, THAT
30 THE SCHOOL DISTRICT HAS SCORED IN THE LOWEST TWO AND ONE-HALF PERCENT OF
31 SCHOOL DISTRICTS STATEWIDE WHEN COMPARED TO OTHER DISTRICTS BASED ON
32 METRICS OF STUDENT ACHIEVEMENT AND OUTCOMES PRESCRIBED IN SUCH REGU-
33 LATIONS WHICH MAY INCLUDE BUT SHALL NOT BE LIMITED TO PERFORMANCE ON
34 STATE ASSESSMENTS, GRADUATION RATES AND DROP-OUT RATES AND/OR PERFORM-
35 ANCE OF THE DISTRICT OVER TIME IN SUCH MEASURES OF STUDENT ACADEMIC
36 ACHIEVEMENT AND OUTCOMES. IN MAKING SUCH DETERMINATION THE COMMISSIONER
37 SHALL CONSIDER THE SEVERITY AND DURATION OF THE DEFICIENCIES IN STUDENT
38 ACHIEVEMENT AND OUTCOMES OF THE DISTRICT.

39 (B) FOR ANY SCHOOL DISTRICT DEEMED ELIGIBLE FOR A DESIGNATION AS FAIL-
40 ING, THE COMMISSIONER SHALL APPOINT A DISTRICT REVIEW TEAM TO ASSESS AND
41 REPORT ON THE REASONS FOR THE CHRONIC UNDERPERFORMANCE AND THE PROSPECTS
42 FOR IMPROVEMENT, UNLESS SUCH AN ASSESSMENT, WHICH IS DEEMED ADEQUATE BY
43 THE COMMISSIONER, HAS BEEN PREVIOUSLY COMPLETED BY A DISTRICT REVIEW
44 TEAM, INTEGRATED INTERVENTION TEAM OR DISTINGUISHED EDUCATOR WITHIN THE
45 PREVIOUS YEAR.

46 (I) THE DISTRICT REVIEW TEAM SHALL HAVE THE MEMBERSHIP PRESCRIBED BY
47 THE COMMISSIONER, PROVIDED THAT IT SHALL INCLUDE AT LEAST ONE PERSON
48 WITH EXPERTISE IN THE EDUCATION OF ENGLISH LANGUAGE LEARNERS AND AT
49 LEAST ONE PERSON WITH EXPERTISE IN THE EDUCATION OF STUDENTS WITH DISA-
50 BILITIES.

51 (II) PURSUANT TO REGULATIONS ADOPTED BY THE COMMISSIONER, THE DISTRICT
52 REVIEW TEAM SHALL EVALUATE THE PERFORMANCE OF THE DISTRICT BASED ON
53 MULTIPLE INDICATORS OF DISTRICT QUALITY INCLUDING STUDENT ATTENDANCE,
54 SHORT-TERM AND LONG-TERM SUSPENSION RATES, STUDENT PROMOTION AND GRADU-

1 ATION RATES IN THE DISTRICT, OR THE LACK OF DEMONSTRATED SIGNIFICANT
2 IMPROVEMENT FOR TWO OR MORE CONSECUTIVE YEARS IN ENGLISH LANGUAGE ARTS
3 AND MATHEMATICS, EITHER IN THE AGGREGATE OR AMONG ALL THE STUDENT
4 SUBGROUPS USED IN THE STATE'S ACCOUNTABILITY SYSTEM. THE DISTRICT REVIEW
5 TEAM SHALL ALSO CONSIDER DISTRICT LEADERSHIP AND CAPACITY, SCHOOL LEADER
6 PRACTICES AND DECISIONS, CURRICULUM DEVELOPMENT AND SUPPORT, TEACHER
7 PRACTICES AND DECISIONS, STUDENT SOCIAL AND EMOTIONAL DEVELOPMENTAL
8 HEALTH AND FAMILY AND COMMUNITY ENGAGEMENT.

9 (C) UPON REVIEW OF THE FINDINGS OF THE DISTRICT REVIEW TEAM, THE
10 COMMISSIONER MAY DECLARE A DISTRICT AS FAILING. NOT MORE THAN TWO AND
11 ONE-HALF PERCENT OF THE TOTAL NUMBER OF SCHOOL DISTRICTS WITHIN THE
12 STATE MAY BE DESIGNATED AS FAILING AT ANY GIVEN TIME.

13 2. (A) UPON DESIGNATION AS A FAILING SCHOOL DISTRICT, THE COMMISSIONER
14 SHALL APPOINT A RECEIVER FOR THE SCHOOL DISTRICT WHO SHALL POSSESS AND
15 MAINTAIN ALL OF THE POWERS VESTED IN THE SUPERINTENDENT OF SCHOOLS, OR
16 OTHER CHIEF SCHOOL OFFICER OF THE DISTRICT, AND THE BOARD OF EDUCATION,
17 AND SHALL HAVE THE POWER TO SUPERSEDE ANY DECISION OF SUCH SUPERINTEN-
18 DENT OR CHIEF SCHOOL OFFICER, OR OF THE BOARD OF EDUCATION. THE RECEIVER
19 SHALL HAVE AUTHORITY TO REVIEW PROPOSED SCHOOL DISTRICT BUDGETS PRIOR TO
20 PRESENTATION TO THE DISTRICT VOTERS, OR IN THE CASE OF A CITY SCHOOL
21 DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOU-
22 SAND OR MORE OR THE ADOPTION OF A CONTINGENCY BUDGET, PRIOR TO APPROVAL
23 BY THE BOARD OF EDUCATION, AND TO MODIFY THE PROPOSED BUDGET TO CONFORM
24 TO THE DISTRICT TURNAROUND PLAN.

25 (B) THE COMMISSIONER SHALL CONTRACT WITH THE RECEIVER, AND THE COMPEN-
26 SATION AND OTHER COSTS OF THE RECEIVER APPOINTED BY THE COMMISSIONER
27 SHALL BE PAID FROM A STATE APPROPRIATION FOR SUCH PURPOSE, OR BY THE
28 SCHOOL DISTRICT, AS DETERMINED BY THE COMMISSIONER. NOTWITHSTANDING ANY
29 OTHER PROVISION OF LAW TO THE CONTRARY, THE RECEIVER AND ANY OF ITS
30 EMPLOYEES PROVIDING SERVICES IN THE RECEIVERSHIP SHALL BE ENTITLED TO
31 DEFENSE AND INDEMNIFICATION BY THE SCHOOL DISTRICT TO THE SAME EXTENT AS
32 A SCHOOL DISTRICT EMPLOYEE.

33 (C) THE RECEIVER SHALL BE A NON-PROFIT ENTITY, ANOTHER SCHOOL
34 DISTRICT, OR AN INDIVIDUAL, WHO SHALL OPERATE INDEPENDENTLY, BUT WHOSE
35 CONTRACT MAY BE TERMINATED BY THE COMMISSIONER FOR A VIOLATION OF LAW OR
36 THE COMMISSIONER'S REGULATIONS OR FOR NEGLECT OF DUTY. AN EXTERNAL
37 RECEIVER APPOINTED BY THE COMMISSIONER TO OPERATE A DISTRICT UNDER THIS
38 SECTION SHALL HAVE FULL MANAGERIAL AND OPERATIONAL CONTROL OVER SUCH
39 DISTRICT; PROVIDED, HOWEVER, THAT THE BOARD OF EDUCATION SHALL REMAIN
40 THE EMPLOYER OF RECORD, AND PROVIDED FURTHER THAT ANY EMPLOYMENT DECI-
41 SIONS OF THE BOARD OF EDUCATION MAY BE SUPERSEDED BY THE RECEIVER. IT
42 SHALL BE THE DUTY OF THE BOARD OF EDUCATION AND THE SUPERINTENDENT OF
43 SCHOOLS TO FULLY COOPERATE WITH THE RECEIVER AND WILLFUL FAILURE TO
44 COOPERATE OR INTERFERENCE WITH THE FUNCTIONS OF THE RECEIVER SHALL
45 CONSTITUTE WILLFUL NEGLECT OF DUTY FOR PURPOSES OF SECTION THREE HUNDRED
46 SIX OF THIS TITLE. THE RECEIVER OR THE RECEIVER'S DESIGNEE SHALL BE AN
47 EX OFFICIO NON-VOTING MEMBER OF THE BOARD OF EDUCATION ENTITLED TO
48 ATTEND ALL MEETINGS OF THE BOARD OF EDUCATION.

49 3. THE RECEIVER SHALL CREATE A DISTRICT TURNAROUND PLAN TO PROMOTE THE
50 RAPID IMPROVEMENT OF THE FAILING DISTRICT AND SUBMIT IT TO THE COMMIS-
51 SIONER FOR APPROVAL. THE PLAN SHALL SPECIFICALLY FOCUS ON THE SCHOOL OR
52 SCHOOLS IN THE DISTRICT THAT HAVE BEEN IDENTIFIED AS BEING IN ACCOUNT-
53 ABILITY STATUS UNDER THE STATE'S ACCOUNTABILITY SYSTEM AND THE DISTRICT
54 POLICIES OR PRACTICES THAT HAVE CONTRIBUTED TO CHRONIC UNDERPERFORMANCE.

55 4. BEFORE CREATING THE DISTRICT TURNAROUND PLAN REQUIRED BY THIS
56 SUBDIVISION, THE RECEIVER SHALL CONSULT WITH LOCAL STAKEHOLDERS, SUCH

1 AS: (A) THE BOARD OF EDUCATION; (B) THE SUPERINTENDENT OF SCHOOLS; (C)
2 BUILDING PRINCIPALS AND OTHER SCHOOL LEADERS; (D) TEACHERS AND THEIR
3 COLLECTIVE BARGAINING REPRESENTATIVES; (E) SCHOOL ADMINISTRATORS AND
4 THEIR COLLECTIVE BARGAINING REPRESENTATIVES; (F) PARENTS OF STUDENTS
5 ATTENDING THE SCHOOL OR THEIR REPRESENTATIVES; (G) REPRESENTATIVES OF
6 APPLICABLE STATE AND LOCAL SOCIAL SERVICES, HEALTH, AND/OR MENTAL HEALTH
7 AGENCIES; (H) AS APPROPRIATE, REPRESENTATIVES OF LOCAL PROVIDERS OF
8 CAREER AND TECHNICAL EDUCATION SERVICES, STATE OR LOCAL WORKFORCE DEVEL-
9 OPMENT AGENCIES AND THE LOCAL BUSINESS COMMUNITY; (I) REPRESENTATIVES OF
10 LOCAL PREKINDERGARTEN PROGRAMS; AND (J) REPRESENTATIVES FROM LOCAL
11 INSTITUTIONS OF HIGHER EDUCATION.

12 5. (A) IN THE DEVELOPMENT OF THE DISTRICT TURNAROUND PLAN FOR A FAIL-
13 ING SCHOOL DISTRICT, THE RECEIVER SHALL INCLUDE MEASURES INTENDED TO
14 MAXIMIZE THE RAPID IMPROVEMENT OF THE ACADEMIC ACHIEVEMENT OF STUDENTS
15 IN THE DISTRICT AND SHALL ENSURE THAT THE PLAN ADDRESSES DISTRICT LEAD-
16 ERSHIP AND CAPACITY, SCHOOL LEADER PRACTICES AND DECISIONS, CURRICULUM
17 DEVELOPMENT AND SUPPORT, TEACHER PRACTICES AND DECISIONS, STUDENT SOCIAL
18 AND EMOTIONAL DEVELOPMENTAL WELL-BEING, HEALTH AND FAMILY AND COMMUNITY
19 ENGAGEMENT. TO THE EXTENT PRACTICABLE, THE RECEIVER SHALL BASE THE PLAN
20 ON STUDENT OUTCOME DATA, INCLUDING, BUT NOT LIMITED TO: (I) STUDENT
21 ACHIEVEMENT GROWTH DATA BASED ON STATE ASSESSMENTS; (II) OTHER MEASURES
22 OF STUDENT ACHIEVEMENT; (III) STUDENT PROMOTION AND GRADUATION RATES;
23 (IV) ACHIEVEMENT AND GROWTH DATA FOR THE SUBGROUPS OF STUDENTS USED IN
24 THE STATE'S ACCOUNTABILITY SYSTEM; (V) STUDENT ATTENDANCE; AND (VI)
25 LONG-TERM AND SHORT-TERM SUSPENSION RATES.

26 (B) THE DISTRICT TURNAROUND PLAN SHALL, AFTER CONSIDERATION OF THE
27 RECOMMENDATIONS MADE BY THE LOCAL STAKEHOLDER GROUP, INCLUDE THE FOLLOW-
28 ING: (I) STEPS TO ADDRESS SOCIAL SERVICE, HEALTH AND MENTAL HEALTH NEEDS
29 OF STUDENTS IN THE DISTRICT AND THEIR FAMILIES IN ORDER TO HELP STUDENTS
30 ARRIVE AND REMAIN AT SCHOOL READY TO LEARN; PROVIDED, HOWEVER, THAT THIS
31 MAY INCLUDE MENTAL HEALTH AND SUBSTANCE ABUSE SCREENING; (II) STEPS TO
32 IMPROVE OR EXPAND ACCESS TO CHILD WELFARE SERVICES AND, AS APPROPRIATE,
33 SERVICES IN THE SCHOOL DISTRICT COMMUNITY TO PROMOTE A SAFE AND SECURE
34 LEARNING ENVIRONMENT; (III) AS APPLICABLE, STEPS TO PROVIDE GREATER
35 ACCESS TO CAREER AND TECHNICAL EDUCATION AND WORKFORCE DEVELOPMENT
36 SERVICES PROVIDED TO STUDENTS IN THE DISTRICT AND THEIR FAMILIES IN
37 ORDER TO PROVIDE STUDENTS AND FAMILIES WITH MEANINGFUL EMPLOYMENT SKILLS
38 AND OPPORTUNITIES; (IV) STEPS TO ADDRESS ACHIEVEMENT GAPS FOR ENGLISH
39 LANGUAGE LEARNERS, STUDENTS WITH DISABILITIES AND ECONOMICALLY DISADVAN-
40 TAGED STUDENTS, AS APPLICABLE; (V) STEPS TO ADDRESS SCHOOL CLIMATE AND
41 POSITIVE BEHAVIOR SUPPORT; AND (VI) A BUDGET FOR THE DISTRICT TURNAROUND
42 PLAN.

43 (C) AS NECESSARY, THE COMMISSIONERS OF THE DEPARTMENT OF HEALTH, THE
44 OFFICE OF CHILDREN AND FAMILY SERVICES, THE DEPARTMENT OF LABOR AND
45 OTHER APPLICABLE STATE AND LOCAL SOCIAL SERVICE, HEALTH, MENTAL HEALTH
46 AND CHILD WELFARE OFFICIALS SHALL COORDINATE WITH THE COMMISSIONER
47 REGARDING THE IMPLEMENTATION OF THE STRATEGIES DESCRIBED IN SUBPARA-
48 GRAPHS (I) THROUGH (III) OF PARAGRAPH (B) OF THIS SUBDIVISION THAT ARE
49 INCLUDED IN THE DISTRICT TURNAROUND PLAN AND SHALL, SUBJECT TO APPROPRI-
50 ATION, REASONABLY SUPPORT THE IMPLEMENTATION CONSISTENT WITH THE
51 REQUIREMENTS OF STATE AND FEDERAL LAW APPLICABLE TO THE RELEVANT
52 PROGRAMS THAT EACH SUCH OFFICIAL IS RESPONSIBLE FOR ADMINISTERING AND
53 GRANT FAILING SCHOOLS PRIORITY ACCESS TO COMPETITIVE GRANTS TO THE
54 EXTENT ALLOWABLE.

55 (D) IN ORDER TO ASSESS THE SCHOOL DISTRICT ACROSS MULTIPLE INDICATORS
56 OF DISTRICT PERFORMANCE AND STUDENT SUCCESS, THE DISTRICT TURNAROUND

1 PLAN SHALL INCLUDE, MEASURABLE ANNUAL GOALS INCLUDING, BUT NOT LIMITED
2 TO, THE FOLLOWING: (I) STUDENT ATTENDANCE; (II) SHORT-TERM AND LONG-TERM
3 SUSPENSION RATES; (III) STUDENT SAFETY AND DISCIPLINE; (IV) STUDENT
4 PROMOTION AND GRADUATION AND DROP-OUT RATES; (V) STUDENT ACHIEVEMENT AND
5 GROWTH ON STATE ASSESSMENTS; (VI) PROGRESS IN AREAS OF ACADEMIC UNDER-
6 PERFORMANCE; (VII) PROGRESS AMONG THE SUBGROUPS OF STUDENTS USED IN THE
7 STATE'S ACCOUNTABILITY SYSTEM; (VIII) REDUCTION OF ACHIEVEMENT GAPS
8 AMONG DIFFERENT GROUPS OF STUDENTS; (IX) DEVELOPMENT OF COLLEGE AND
9 CAREER READINESS, INCLUDING AT THE ELEMENTARY AND MIDDLE SCHOOL LEVELS;
10 (X) PARENT AND FAMILY ENGAGEMENT; (XI) BUILDING A CULTURE OF ACADEMIC
11 SUCCESS AMONG STUDENTS; (XII) BUILDING A CULTURE OF STUDENT SUPPORT AND
12 SUCCESS AMONG FACULTY AND STAFF; AND (XIII) USING DEVELOPMENTALLY APPRO-
13 PRIATE CHILD ASSESSMENTS FROM PRE-KINDERGARTEN THROUGH THIRD GRADE, IF
14 APPLICABLE.

15 (E) NOTWITHSTANDING ANY OTHER APPLICABLE LAW TO THE CONTRARY, IN
16 CREATING THE DISTRICT TURNAROUND PLAN, THE RECEIVER SHALL: (I) ESTABLISH
17 COMMUNITY SCHOOLS AT SCHOOLS IN THE DISTRICT TO PROVIDE EXPANDED HEALTH,
18 MENTAL HEALTH AND OTHER SERVICES TO THE COMMUNITY; (II) EXPAND, ALTER OR
19 REPLACE THE CURRICULUM AND PROGRAM OFFERINGS OF THE DISTRICT OR OF A
20 SCHOOL IN THE DISTRICT, INCLUDING THE IMPLEMENTATION OF RESEARCH-BASED
21 EARLY LITERACY PROGRAMS, EARLY INTERVENTIONS FOR STRUGGLING READERS AND
22 THE TEACHING OF ADVANCED PLACEMENT COURSES OR OTHER RIGOROUS NATIONALLY
23 OR INTERNATIONALLY RECOGNIZED COURSES, IF THE DISTRICT OR SCHOOLS IN THE
24 DISTRICT DO NOT ALREADY HAVE SUCH PROGRAMS OR COURSES; (III) REPLACE
25 UNQUALIFIED TEACHERS AND ADMINISTRATORS, INCLUDING SCHOOL LEADERSHIP;
26 (IV) PROVIDE FUNDS, SUBJECT TO APPROPRIATION TO INCREASE SALARIES OF
27 CURRENT OR PROSPECTIVE TEACHERS OR ADMINISTRATORS IN THE DISTRICT WORK-
28 ING IN A SCHOOL IN ACCOUNTABILITY STATUS; AND (V) ESTABLISH STEPS TO
29 IMPROVE HIRING, INDUCTION, TEACHER EVALUATION, PROFESSIONAL DEVELOPMENT,
30 TEACHER ADVANCEMENT, SCHOOL CULTURE AND ORGANIZATIONAL STRUCTURE.

31 IN ADDITION TO THESE INTERVENTIONS, THE RECEIVER MAY TAKE OTHER
32 ACTIONS TO SUPPORT THE TURNAROUND PLAN INCLUDING BUT NOT LIMITED TO: (I)
33 REALLOCATE THE USES OF THE EXISTING BUDGET OF THE DISTRICT; (II) EXPAND
34 THE SCHOOL DAY OR SCHOOL YEAR OR BOTH OF SCHOOLS IN THE DISTRICT; (III)
35 LIMIT, SUSPEND OR CHANGE ONE OR MORE PROVISIONS OF ANY CONTRACT OR
36 COLLECTIVE BARGAINING AGREEMENT IN THE DISTRICT; PROVIDED, HOWEVER, THAT
37 THE RECEIVER SHALL NOT REDUCE THE COMPENSATION OF AN ADMINISTRATOR,
38 TEACHER OR STAFF MEMBER UNLESS THE HOURS OF THE PERSON ARE PROPORTION-
39 ATELY REDUCED; (IV) ADD FULL-DAY PRE-KINDERGARTEN AND FULL-DAY KINDER-
40 GARTEN PROGRAMS, IF THE DISTRICT DOES NOT ALREADY HAVE SUCH PROGRAMS;
41 (V) DIRECT THE RECEIVER, IN ACCORDANCE WITH PARAGRAPHS (F) AND (G) OF
42 THIS SUBDIVISION, TO ABOLISH THE POSITIONS OF ALL MEMBERS OF THE TEACH-
43 ING AND ADMINISTRATIVE AND SUPERVISORY STAFF ASSIGNED TO A SCHOOL DESIG-
44 NATED AS A FAILING SCHOOL PURSUANT TO SECTION TWO HUNDRED ELEVEN-F OF
45 THIS PART, AND TERMINATE THE EMPLOYMENT OF ANY BUILDING PRINCIPAL
46 ASSIGNED TO SUCH A SCHOOL AND REQUIRE THEM TO REAPPLY FOR THEIR POSI-
47 TIONS IN THE DISTRICT, WITH FULL DISCRETION VESTED IN THE RECEIVER
48 REGARDING ANY SUCH REAPPLICATIONS; (VI) INCLUDE A PROVISION OF JOB-EM-
49 BEDDED PROFESSIONAL DEVELOPMENT FOR TEACHERS IN THE DISTRICT, WITH AN
50 EMPHASIS ON STRATEGIES THAT INVOLVE TEACHER INPUT AND FEEDBACK; (VII)
51 ESTABLISH A PLAN FOR PROFESSIONAL DEVELOPMENT FOR ADMINISTRATORS IN THE
52 DISTRICT, WITH AN EMPHASIS ON STRATEGIES THAT DEVELOP LEADERSHIP SKILLS
53 AND USE THE PRINCIPLES OF DISTRIBUTIVE LEADERSHIP; AND/OR (VIII) ORDER
54 THE CONVERSION OF A DISTRICT SCHOOL THAT HAS BEEN DESIGNATED AS FAILING
55 PURSUANT TO SECTION TWO HUNDRED ELEVEN-F OF THIS PART WITHOUT A VOTE OF
56 THE PARENTS OF THE SCHOOL, PROVIDED THAT NOTWITHSTANDING ANY OTHER

1 PROVISION OF THE LAW TO THE CONTRARY, THE BOARD OF REGENTS SHALL BE THE
2 CHARTER ENTITY FOR SUCH CHARTER SCHOOL AND THE PROVISIONS OF PARAGRAPH
3 (B) AND SUBPARAGRAPH (I) OF PARAGRAPH (B-1) OF SUBDIVISION THREE OF
4 SECTION TWENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS CHAPTER SHALL NOT APPLY
5 TO SUCH A CONVERSION CHARTER SCHOOL.

6 (F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
7 THE CONTRARY, UPON DESIGNATION OF A SCHOOL DISTRICT AS A FAILING SCHOOL
8 DISTRICT PURSUANT TO SECTION TWO HUNDRED ELEVEN-G OF THIS PART, THE
9 ABOLITION OF POSITIONS OF MEMBERS OF THE TEACHING AND ADMINISTRATIVE AND
10 SUPERVISORY STAFF OF THE SCHOOL DISTRICT SHALL THEREAFTER BE GOVERNED BY
11 THE APPLICABLE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN,
12 TWENTY-FIVE HUNDRED EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR
13 THREE THOUSAND THIRTEEN OF THIS CHAPTER. A CLASSROOM TEACHER OR BUILDING
14 PRINCIPAL WHO HAS RECEIVED TWO OR MORE COMPOSITE RATINGS OF INEFFECTIVE
15 ON AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW OR WHO HAS NEVER RECEIVED
16 AN EFFECTIVE OR HIGHLY EFFECTIVE RATING ON SUCH A REVIEW SHALL BE DEEMED
17 NOT TO HAVE RENDERED FAITHFUL AND COMPETENT SERVICE WITHIN THE MEANING
18 OF SECTION TWENTY-FIVE HUNDRED TEN, TWENTY-FIVE HUNDRED EIGHTY-FIVE,
19 TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR THREE THOUSAND THIRTEEN OF THIS
20 CHAPTER. WHEN A POSITION OF A CLASSROOM TEACHER OR BUILDING PRINCIPAL IS
21 ABOLISHED, THE SERVICES OF THE TEACHER OR ADMINISTRATOR OR SUPERVISOR
22 WITHIN THE TENURE AREA OF THE POSITION WITH THE LOWEST SCORE ON THE
23 STATE GROWTH AND OTHER COMPARABLE MEASURES SUBCOMPONENT OF THE MOST
24 RECENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW SHALL BE DISCONTINUED,
25 PROVIDED THAT SENIORITY WITHIN THE TENURE OF THE POSITION SHALL BE USED
26 SOLELY TO DETERMINE WHICH POSITION SHOULD BE DISCONTINUED IN THE EVENT
27 OF A TIE.

28 (G) THE RECEIVER MAY ABOLISH THE POSITIONS OF ALL MEMBERS OF THE
29 TEACHING AND SUPERVISORY STAFF ASSIGNED TO A SCHOOL DESIGNATED AS FAIL-
30 ING PURSUANT TO SECTION TWO HUNDRED ELEVEN-F OF THIS PART, AND TERMINATE
31 ANY BUILDING PRINCIPAL ASSIGNED TO SUCH SCHOOL WHO IS NOT IN A TENURED
32 POSITION, AND REQUIRE THEM TO REAPPLY FOR PROBATIONARY APPOINTMENT. THE
33 RECEIVER SHALL HAVE THE SAME DISCRETION UPON SUCH REAPPLICATION AS THE
34 BOARD OF EDUCATION HAS WITH ANY CANDIDATE FOR A PROBATIONARY APPOINT-
35 MENT. A DETERMINATION OF THE RECEIVER NOT TO REHIRE A TEACHER, ADMINIS-
36 TRATOR OR SUPERVISOR MAY BE APPEALED TO THE COMMISSIONER PURSUANT TO
37 SECTION THREE HUNDRED TEN OF THIS TITLE, PROVIDED THAT SUCH DETERMI-
38 NATION MAY ONLY BE SET ASIDE UPON A FINDING THAT THE RECEIVER'S DETERMI-
39 NATION WAS MADE IN BAD FAITH OR FOR CONSTITUTIONAL OR STATUTORY REASONS.
40 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A MEMBER OF
41 THE TEACHING OR ADMINISTRATIVE STAFF WHO IS NOT REHIRED PURSUANT TO THIS
42 PARAGRAPH SHALL NOT HAVE ANY RIGHT TO BUMP OR DISPLACE ANY OTHER PERSON
43 EMPLOYED BY THE DISTRICT, BUT SHALL BE PLACED ON A PREFERRED ELIGIBILITY
44 LIST IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTION TWENTY-FIVE
45 HUNDRED TEN, TWENTY-FIVE HUNDRED EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHT-
46 Y-EIGHT OR THREE THOUSAND THIRTEEN OF THIS CHAPTER.

47 (H) FOR A DISTRICT WITH ENGLISH LANGUAGE LEARNERS, THE PROFESSIONAL
48 DEVELOPMENT AND PLANNING TIME FOR TEACHERS AND ADMINISTRATORS IDENTIFIED
49 IN SUBPARAGRAPHS (IX) THROUGH (XI), INCLUSIVE, OF PARAGRAPH (D) OF THIS
50 SUBDIVISION SHALL INCLUDE SPECIFIC STRATEGIES AND CONTENT DESIGNED TO
51 MAXIMIZE THE RAPID ACADEMIC ACHIEVEMENT OF ENGLISH LANGUAGE LEARNERS IN
52 THE DISTRICT.

53 6. A FINAL DISTRICT TURNAROUND PLAN SHALL BE ISSUED BY THE RECEIVER
54 WITHIN SIX MONTHS OF DESIGNATION OF THE DISTRICT AS A FAILING SCHOOL
55 DISTRICT. A COPY OF SUCH PLAN SHALL BE PROVIDED TO THE BOARD OF EDUCA-
56 TION, THE SUPERINTENDENT OF SCHOOLS AND THE COLLECTIVE BARGAINING REPRE-

1 SENTATIVES OF TEACHERS AND ADMINISTRATORS OF THE SCHOOL DISTRICT. THE
2 PLAN SHALL BE PUBLICLY AVAILABLE AND SHALL BE POSTED ON THE DEPARTMENT'S
3 WEBSITE AND THE SCHOOL DISTRICT'S WEBSITE, AND THE SCHOOL DISTRICT SHALL
4 PROVIDE NOTICE TO PARENTS OF SUCH DISTRICT TURNAROUND PLAN AND ITS
5 AVAILABILITY.

6 7. THE DISTRICT TURNAROUND PLAN SHALL BE AUTHORIZED FOR A PERIOD OF
7 NOT MORE THAN THREE YEARS. THE RECEIVER MAY DEVELOP ADDITIONAL COMPO-
8 NENTS OF THE PLAN AND SHALL DEVELOP ANNUAL GOALS FOR EACH COMPONENT OF
9 THE PLAN IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE
10 RECEIVER SHALL BE RESPONSIBLE FOR MEETING THE GOALS OF THE DISTRICT
11 TURNAROUND PLAN.

12 8. THE RECEIVER SHALL PROVIDE A WRITTEN REPORT TO THE BOARD OF EDUCA-
13 TION ON A QUARTERLY BASIS TO PROVIDE SPECIFIC INFORMATION ABOUT THE
14 PROGRESS BEING MADE ON THE IMPLEMENTATION OF THE DISTRICT'S DISTRICT
15 TURNAROUND PLAN. ONE OF THE QUARTERLY REPORTS SHALL BE THE ANNUAL EVALU-
16 ATION REQUIRED IN SUBDIVISION NINE OF THIS SECTION.

17 9. THE COMMISSIONER SHALL EVALUATE THE PERFORMANCE OF THE RECEIVER ON
18 NOT LESS THAN AN ANNUAL BASIS. THE PURPOSE OF SUCH EVALUATION SHALL BE
19 TO ASSESS THE IMPLEMENTATION OF THE DISTRICT TURNAROUND PLAN AND DETER-
20 MINE WHETHER THE DISTRICT HAS MET THE ANNUAL GOALS CONTAINED IN THE
21 DISTRICT TURNAROUND PLAN. THE EVALUATION SHALL BE IN WRITING AND SUBMIT-
22 TED TO THE COMMISSIONER AND THE BOARD OF EDUCATION OF THE SCHOOL
23 DISTRICT NO LATER THAN JULY FIRST FOR THE PRECEDING SCHOOL YEAR. IF THE
24 COMMISSIONER DETERMINES THAT THE DISTRICT HAS MET THE ANNUAL PERFORMANCE
25 GOALS STATED IN THE DISTRICT TURNAROUND PLAN, THE EVALUATION SHALL BE
26 CONSIDERED SUFFICIENT AND THE IMPLEMENTATION OF THE DISTRICT TURNAROUND
27 PLAN SHALL CONTINUE. IF THE COMMISSIONER DETERMINES THAT THE RECEIVER
28 HAS NOT MET ONE OR MORE GOALS IN THE PLAN AND THE FAILURE TO MEET THE
29 GOALS MAY BE CORRECTED THROUGH REASONABLE MODIFICATION OF THE PLAN, THE
30 COMMISSIONER MAY REQUIRE THE RECEIVER TO AMEND THE DISTRICT TURNAROUND
31 PLAN, AS NECESSARY. IF THE COMMISSIONER DETERMINES THAT THE RECEIVER HAS
32 SUBSTANTIALLY FAILED TO MEET MULTIPLE GOALS IN THE DISTRICT TURNAROUND
33 PLAN, THE COMMISSIONER MAY TERMINATE THE CONTRACT OF SUCH RECEIVER;
34 PROVIDED, HOWEVER, THAT THE TERMINATION SHALL NOT OCCUR BEFORE THE
35 COMPLETION OF THE FIRST FULL SCHOOL YEAR OF THE RECEIVERSHIP OF THE
36 DISTRICT.

37 10. AFTER THE PERIOD OF RECEIVERSHIP, THE COMMISSIONER SHALL CONDUCT A
38 REEVALUATION OF A DISTRICT'S STATUS AS FAILING PURSUANT TO THIS SECTION.
39 THE COMMISSIONER SHALL ADOPT REGULATIONS PROVIDING FOR: THE REMOVAL OF
40 A DESIGNATION OF A DISTRICT AS CHRONICALLY UNDERPERFORMING; AND THE
41 TRANSFER OF THE OPERATION OF A CHRONICALLY UNDERPERFORMING DISTRICT FROM
42 AN EXTERNAL RECEIVER BACK TO THE SUPERINTENDENT OF SCHOOLS AND THE BOARD
43 OF EDUCATION OF THE SCHOOL DISTRICT, BASED ON THE MEASURABLE IMPROVEMENT
44 OF THE DISTRICT.

45 (A) THE REGULATIONS SHALL INCLUDE PROVISIONS TO ALLOW A DISTRICT TO
46 RETAIN MEASURES ADOPTED IN A DISTRICT TURNAROUND PLAN FOR A TRANSITIONAL
47 PERIOD IF, IN THE JUDGMENT OF THE COMMISSIONER, THE MEASURES WOULD
48 CONTRIBUTE TO THE CONTINUED IMPROVEMENT OF THE DISTRICT. SUCH REGU-
49 LATIONS SHALL ALSO INCLUDE PROVISIONS THAT CLEARLY IDENTIFY THE CONDI-
50 TIONS UNDER WHICH SUCH A TRANSITIONAL PERIOD SHALL END AND THE POWERS
51 GRANTED TO THE COMMISSIONER UNDER THIS SECTION SHALL CEASE TO APPLY TO A
52 DISTRICT PREVIOUSLY DESIGNATED AS A FAILING SCHOOL DISTRICT.

53 (B) PURSUANT TO THE REGULATIONS PROMULGATED BY THE COMMISSIONER, AT
54 ANY TIME AFTER A FAILING DISTRICT HAS BEEN PLACED IN RECEIVERSHIP, THE
55 BOARD OF EDUCATION OF THE SCHOOL DISTRICT MAY PETITION THE COMMISSIONER
56 FOR A DETERMINATION AS TO WHETHER THE DISTRICT TURNAROUND PLAN SHOULD BE

1 MODIFIED OR ELIMINATED AND WHETHER THE SCHOOL DISTRICT SHALL NO LONGER
2 BE DESIGNATED AS FAILING. THE BOARD OF EDUCATION OF A FAILING SCHOOL
3 DISTRICT MAY SEEK REVIEW BY COMMISSIONER FOLLOWING AN ADVERSE DETERMI-
4 NATION.

5 (C) IF, PURSUANT TO THE REGULATIONS ADOPTED BY THE COMMISSIONER, A
6 DISTRICT HAS NOT IMPROVED SUFFICIENTLY TO REMOVE THE DESIGNATION OF THE
7 DISTRICT AS FAILING, THE COMMISSIONER MAY: (I) JOINTLY DETERMINE SUBSE-
8 QUENT ANNUAL GOALS FOR EACH COMPONENT OF THE DISTRICT TURNAROUND PLAN
9 WITH THE RECEIVER AND RENEW THE DISTRICT TURNAROUND PLAN FOR AN ADDI-
10 TIONAL PERIOD OF NOT MORE THAN THREE YEARS; OR (II) TERMINATE THE
11 CONTRACT OF THE RECEIVER, APPOINT A NEW RECEIVER AND CREATE A NEW OR
12 MODIFIED DISTRICT TURNAROUND PLAN, CONSISTENT WITH THE REQUIREMENTS OF
13 THIS SECTION.

14 S 2. The education law is amended by adding a new section 211-f to
15 read as follows:

16 S 211-F. TAKE OVER AND RESTRUCTURING FAILING SCHOOLS. 1. (A) THE
17 COMMISSIONER SHALL DESIGNATE AS FAILING EACH OF THE SCHOOLS THAT HAVE
18 BEEN IDENTIFIED UNDER THE STATE'S ACCOUNTABILITY SYSTEM TO BE AMONG THE
19 LOWEST ACHIEVING FIVE PERCENT OF PUBLIC SCHOOLS IN THE STATE (PRIORITY
20 SCHOOLS) FOR AT LEAST THREE YEARS BASED UPON MEASURES OF STUDENT
21 ACHIEVEMENT AND OUTCOMES AND A METHODOLOGY PRESCRIBED IN THE REGULATIONS
22 OF THE COMMISSIONER, PROVIDED THAT THIS LIST SHALL NOT INCLUDE SCHOOLS
23 WITHIN A SPECIAL ACT SCHOOL DISTRICT AS DEFINED IN SUBDIVISION EIGHT OF
24 SECTION FOUR THOUSAND ONE OF THIS CHAPTER OR SCHOOLS CHARTERED PURSUANT
25 TO ARTICLE FIFTY-SIX OF THIS CHAPTER.

26 (B) A FAILING SCHOOL SHALL OPERATE IN ACCORDANCE WITH LAWS REGULATING
27 OTHER PUBLIC SCHOOLS, EXCEPT AS SUCH PROVISIONS MAY CONFLICT WITH THIS
28 SECTION OR ANY SCHOOL INTERVENTION PLANS CREATED THEREUNDER.

29 (C) UPON THE DESIGNATION OF A SCHOOL AS A FAILING SCHOOL IN ACCORDANCE
30 WITH REGULATIONS DEVELOPED PURSUANT TO THIS SECTION, THE COMMISSIONER
31 SHALL APPOINT AN EXTERNAL RECEIVER TO MANAGE AND OPERATE THE SCHOOL AND
32 TO DEVELOP AND IMPLEMENT A SCHOOL INTERVENTION PLAN FOR THE SCHOOL. THE
33 COMMISSIONER SHALL MAKE SUCH APPOINTMENTS AS EXPEDITIOUSLY AS POSSIBLE,
34 AND IN PRIORITIZING SCHOOLS FOR APPOINTMENTS THE COMMISSIONER SHALL GIVE
35 PRIORITY BASED ON THE SEVERITY AND DURATION OF THE SCHOOL'S DEFICIENCIES
36 IN STUDENT ACHIEVEMENT AND OUTCOMES.

37 2. (A) THE RECEIVER SHALL BE AUTHORIZED TO MANAGE AND OPERATE THE
38 FAILING SCHOOL AND SHALL HAVE THE POWER TO SUPERSEDE ANY DECISION OF THE
39 SUPERINTENDENT OF SCHOOLS OR CHIEF SCHOOL OFFICER, OR OF THE BOARD OF
40 EDUCATION OR OF THE BUILDING PRINCIPAL THAT IN THE JUDGMENT OF THE
41 RECEIVER CONFLICTS WITH THE SCHOOL IMPROVEMENT PLAN. THE RECEIVER SHALL
42 HAVE AUTHORITY TO REVIEW PROPOSED SCHOOL DISTRICT BUDGETS PRIOR TO PRES-
43 ENTATION TO THE DISTRICT VOTERS, OR IN THE CASE OF A CITY SCHOOL
44 DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOU-
45 SAND OR MORE OR THE ADOPTION OF A CONTINGENCY BUDGET, PRIOR TO APPROVAL
46 BY THE BOARD OF EDUCATION, AND TO MODIFY THE PROPOSED BUDGET TO CONFORM
47 TO THE SCHOOL INTERVENTION PLAN.

48 (B) THE PROVISIONS OF PARAGRAPHS (B) AND (C) OF SUBDIVISION TWO OF
49 SECTION TWO HUNDRED ELEVEN-G OF THIS PART SHALL APPLY TO RECEIVERS
50 APPOINTED PURSUANT TO THIS SECTION.

51 3. BEFORE DEVELOPING THE SCHOOL INTERVENTION PLAN, THE RECEIVER SHALL
52 CONSULT WITH LOCAL STAKEHOLDERS SUCH AS: (A) THE BOARD OF EDUCATION; (B)
53 THE SUPERINTENDENT OF SCHOOLS; (C) THE BUILDING PRINCIPAL; (D) TEACHERS
54 ASSIGNED TO THE SCHOOL AND THEIR COLLECTIVE BARGAINING REPRESENTATIVE;
55 (E) SCHOOL ADMINISTRATORS ASSIGNED TO THE SCHOOL AND THEIR COLLECTIVE
56 BARGAINING REPRESENTATIVE; (F) PARENTS OF STUDENTS ATTENDING THE SCHOOL

1 OR THEIR REPRESENTATIVES; (G) REPRESENTATIVES OF APPLICABLE STATE AND
2 LOCAL SOCIAL SERVICE, HEALTH AND MENTAL HEALTH AGENCIES; (H) AS APPRO-
3 PRIATE, REPRESENTATIVES OF LOCAL CAREER EDUCATION PROVIDERS, STATE AND
4 LOCAL WORKFORCE DEVELOPMENT AGENCIES AND THE LOCAL BUSINESS COMMUNITY;
5 (I) FOR ELEMENTARY SCHOOLS, REPRESENTATIVES OF LOCAL PREKINDERGARTEN
6 PROGRAMS AND, (J) AS NEEDED FOR MIDDLE SCHOOLS OR HIGH SCHOOLS, REPRE-
7 SENTATIVES OF LOCAL HIGHER EDUCATION INSTITUTIONS.

8 4. IN CREATING THE SCHOOL INTERVENTION PLAN, THE RECEIVER SHALL
9 INCLUDE PROVISIONS INTENDED TO MAXIMIZE THE RAPID ACADEMIC ACHIEVEMENT
10 OF STUDENTS AT THE SCHOOL AND SHALL ENSURE THAT THE PLAN ADDRESSES
11 DISTRICT LEADERSHIP AND CAPACITY, SCHOOL LEADER PRACTICES AND DECISIONS,
12 CURRICULUM DEVELOPMENT AND SUPPORT, TEACHER PRACTICES AND DECISIONS,
13 STUDENT SOCIAL AND EMOTIONAL DEVELOPMENTAL HEALTH AND FAMILY AND COMMU-
14 NITY ENGAGEMENT. THE RECEIVER SHALL, TO THE EXTENT PRACTICABLE, BASE THE
15 PLAN ON THE FINDINGS OF ANY RECENT DIAGNOSTIC REVIEW OR ASSESSMENT OF
16 THE SCHOOL THAT HAS BEEN CONDUCTED AND, AS APPLIED TO THE SCHOOL,
17 STUDENT OUTCOME DATA AS SPECIFIED IN PARAGRAPH (A) OF SUBDIVISION FIVE
18 OF SECTION TWO HUNDRED ELEVEN-G OF THIS PART.

19 5. (A) THE RECEIVER SHALL ADDRESS IN THE SCHOOL INTERVENTION PLAN THE
20 STRATEGIES SET FORTH IN PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION TWO
21 HUNDRED ELEVEN-G OF THIS PART, AS APPLIED TO THE SCHOOL, EXCEPT THAT
22 INSTEAD OF THE SCHOOL DISTRICT BUDGET, THE SCHOOL INTERVENTION PLAN
23 SHALL INCLUDE A FINANCIAL PLAN.

24 (B) AS NECESSARY, THE COMMISSIONERS OF THE DEPARTMENT OF HEALTH, THE
25 OFFICE OF CHILDREN AND FAMILY SERVICES, THE DEPARTMENT OF LABOR AND
26 OTHER APPLICABLE STATE AND LOCAL SOCIAL SERVICE, HEALTH, MENTAL HEALTH
27 AND CHILD WELFARE OFFICIALS SHALL COORDINATE WITH THE RECEIVER REGARDING
28 THE IMPLEMENTATION OF THE STRATEGIES DESCRIBED IN SUBPARAGRAPHS (I)
29 THROUGH (III) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION TWO
30 HUNDRED ELEVEN-G OF THIS PART THAT ARE INCLUDED IN THE SCHOOL INTER-
31 VENTION PLAN AND SHALL, SUBJECT TO APPROPRIATION, REASONABLY SUPPORT THE
32 IMPLEMENTATION CONSISTENT WITH THE REQUIREMENTS OF STATE AND FEDERAL LAW
33 APPLICABLE TO THE RELEVANT PROGRAMS THAT EACH SUCH OFFICIAL IS RESPONSI-
34 BLE FOR ADMINISTERING, AND GRANT COMMUNITY SCHOOLS ACCESS TO COMPETITIVE
35 GRANTS, AS ALLOWABLE.

36 6. IN ORDER TO ASSESS THE SCHOOL ACROSS MULTIPLE MEASURES OF SCHOOL
37 PERFORMANCE AND STUDENT SUCCESS, THE SCHOOL INTERVENTION PLAN SHALL
38 INCLUDE MEASURABLE ANNUAL GOALS, AS SET FORTH IN PARAGRAPH (D) OF SUBDI-
39 VISION FIVE OF SECTION TWO HUNDRED ELEVEN-G OF THIS PART, THAT ARE
40 TAILORED TO THE NEEDS OF THE SCHOOL.

41 7. (A) NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, IN
42 CREATING AND IMPLEMENTING THE SCHOOL INTERVENTION PLAN, THE RECEIVER
43 SHALL, AFTER CONSULTING WITH STAKEHOLDERS: (I) CONVERT SCHOOLS TO COMMU-
44 NITY SCHOOLS TO PROVIDE EXPANDED HEALTH, MENTAL HEALTH AND OTHER
45 SERVICES TO THE COMMUNITY; (II) EXPAND, ALTER OR REPLACE THE CURRICULUM
46 AND PROGRAM OFFERINGS OF THE SCHOOL, INCLUDING THE IMPLEMENTATION OF
47 RESEARCH-BASED EARLY LITERACY PROGRAMS, EARLY INTERVENTIONS FOR STRUGGL-
48 ING READERS AND THE TEACHING OF ADVANCED PLACEMENT COURSES OR OTHER
49 RIGOROUS NATIONALLY OR INTERNATIONALLY RECOGNIZED COURSES, IF THE SCHOOL
50 DOES NOT ALREADY HAVE SUCH PROGRAMS OR COURSES; (III) REPLACE UNQUALI-
51 FIED TEACHERS AND ADMINISTRATORS, INCLUDING SCHOOL LEADERSHIP; (IV)
52 INCREASE SALARIES OF CURRENT OR PROSPECTIVE TEACHERS AND ADMINISTRATORS;
53 AND (V) IMPROVED HIRING, INDUCTION, TEACHER EVALUATION, PROFESSIONAL
54 DEVELOPMENT, TEACHER ADVANCEMENT, SCHOOL CULTURE AND ORGANIZATIONAL
55 STRUCTURE.

1 IN ADDITION TO THE ABOVE INTERVENTIONS, THE RECEIVER MAY ALSO: (I)
2 REALLOCATE THE USES OF THE EXISTING BUDGET OF THE SCHOOL; (II) EXPAND
3 THE SCHOOL DAY OR SCHOOL YEAR OR BOTH OF THE SCHOOL; (III) FOR A SCHOOL
4 THAT OFFERS THE FIRST GRADE, ADD PRE-KINDERGARTEN AND FULL-DAY KINDER-
5 GARTEN CLASSES, IF THE SCHOOL DOES NOT ALREADY HAVE SUCH CLASSES; (IV)
6 LIMIT, SUSPEND, OR CHANGE ONE OR MORE PROVISIONS OF ANY CONTRACT OR
7 COLLECTIVE BARGAINING AGREEMENT, AS THE CONTRACT OR AGREEMENT APPLIES TO
8 THE SCHOOL; PROVIDED, HOWEVER, THAT THE RECEIVER SHALL NOT REDUCE THE
9 COMPENSATION OF AN ADMINISTRATOR, TEACHER OR STAFF MEMBER UNLESS THE
10 HOURS OF THE PERSON ARE PROPORTIONATELY REDUCED; AND PROVIDED FURTHER,
11 THAT UPON REQUEST OF THE RECEIVER THE PUBLIC EMPLOYMENT RELATIONS BOARD
12 SHALL REQUIRE THE BOARD OF EDUCATION AND ANY APPLICABLE COLLECTIVE
13 BARGAINING REPRESENTATIVES TO BARGAIN IN GOOD FAITH FOR AT LEAST THIRTY
14 DAYS BEFORE EXERCISING AUTHORITY PURSUANT TO THIS CLAUSE; (V) IN ACCORD-
15 ANCE WITH PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION, TO ABOLISH THE
16 POSITIONS OF ALL MEMBERS OF THE TEACHING AND ADMINISTRATIVE AND SUPERVI-
17 SORY STAFF ASSIGNED TO THE FAILING SCHOOL AND TERMINATE THE EMPLOYMENT
18 OF ANY BUILDING PRINCIPAL ASSIGNED TO SUCH A SCHOOL, AND REQUIRE THEM TO
19 REAPPLY FOR THEIR POSITIONS IN THE DISTRICT; (VI) INCLUDE A PROVISION OF
20 JOB-EMBEDDED PROFESSIONAL DEVELOPMENT FOR TEACHERS AT THE SCHOOL, WITH
21 AN EMPHASIS ON STRATEGIES THAT INVOLVE TEACHER INPUT AND FEEDBACK; (VII)
22 ESTABLISH A PLAN FOR PROFESSIONAL DEVELOPMENT FOR ADMINISTRATORS AT THE
23 SCHOOL, WITH AN EMPHASIS ON STRATEGIES THAT DEVELOP LEADERSHIP SKILLS
24 AND USE THE PRINCIPLES OF DISTRIBUTIVE LEADERSHIP; AND/OR (VIII) ORDER
25 THE CONVERSION OF A DISTRICT SCHOOL THAT HAS BEEN DESIGNATED AS FAILING
26 PURSUANT TO THIS SECTION WITHOUT A VOTE OF THE PARENTS OF THE SCHOOL,
27 PROVIDED THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRA-
28 RY, THE BOARD OF REGENTS SHALL BE THE CHARTER ENTITY FOR SUCH CHARTER
29 SCHOOL AND THE PROVISIONS OF PARAGRAPH (B) AND SUBPARAGRAPH (I) OF PARA-
30 GRAPH (B-1) OF SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-
31 FOUR OF THIS CHAPTER SHALL NOT APPLY TO SUCH A CONVERSION CHARTER
32 SCHOOL.

33 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
34 THE CONTRARY, UPON DESIGNATION OF ANY SCHOOL OF THE SCHOOL DISTRICT AS A
35 FAILING SCHOOL PURSUANT TO THIS SECTION, THE ABOLITION OF POSITIONS OF
36 MEMBERS OF THE TEACHING AND ADMINISTRATIVE AND SUPERVISORY STAFF OF THE
37 SCHOOL DISTRICT SHALL THEREAFTER BE GOVERNED BY THE APPLICABLE
38 PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN, TWENTY-FIVE HUNDRED
39 EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR THREE THOUSAND THIRTEEN
40 OF THIS CHAPTER AS MODIFIED BY THIS PARAGRAPH. A CLASSROOM TEACHER OR
41 BUILDING PRINCIPAL WHO HAS RECEIVED TWO OR MORE COMPOSITE RATINGS OF
42 INEFFECTIVE ON AN ANNUAL PROFESSIONAL PERFORMANCE REVIEW OR WHO HAS
43 NEVER RECEIVED AN EFFECTIVE OR HIGHLY EFFECTIVE RATING ON SUCH A REVIEW
44 SHALL BE DEEMED NOT TO HAVE RENDERED FAITHFUL AND COMPETENT SERVICE
45 WITHIN THE MEANING OF SECTION TWENTY-FIVE HUNDRED TEN, TWENTY-FIVE
46 HUNDRED EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR THREE THOUSAND
47 THIRTEEN OF THIS CHAPTER. WHEN A POSITION OF A CLASSROOM TEACHER OR
48 BUILDING PRINCIPAL IS ABOLISHED, THE SERVICES OF THE TEACHER OR ADMINIS-
49 TRATOR OR SUPERVISOR WITHIN THE TENURE AREA OF THE POSITION WITH THE
50 LOWEST SCORE ON THE STATE GROWTH AND OTHER COMPARABLE MEASURES SUBCOMPO-
51 NENT OF THE MOST RECENT ANNUAL PROFESSIONAL PERFORMANCE REVIEW SHALL BE
52 DISCONTINUED, PROVIDED THAT SENIORITY WITHIN THE TENURE OF THE POSITION
53 SHALL BE USED SOLELY TO DETERMINE WHICH POSITION SHOULD BE DISCONTINUED
54 IN THE EVENT OF A TIE.

55 (C) THE RECEIVER MAY ABOLISH THE POSITIONS OF ALL MEMBERS OF THE
56 TEACHING AND SUPERVISORY STAFF ASSIGNED TO A SCHOOL DESIGNATED AS FAIL-

1 ING PURSUANT TO THIS SECTION, AND TERMINATE ANY BUILDING PRINCIPAL
2 ASSIGNED TO SUCH SCHOOL WHO IS NOT IN A TENURED POSITION, AND REQUIRE
3 THEM TO REAPPLY FOR A PROBATIONARY APPOINTMENT. THE BOARD SHALL HAVE
4 THE SAME DISCRETION UPON SUCH REAPPLICATION AS IT HAS WITH ANY CANDIDATE
5 FOR A PROBATIONARY APPOINTMENT. A DETERMINATION OF THE BOARD NOT TO
6 REHIRE A TEACHER, ADMINISTRATOR OR SUPERVISOR MAY BE APPEALED TO THE
7 COMMISSIONER PURSUANT TO SECTION THREE HUNDRED TEN OF THIS TITLE,
8 PROVIDED THAT SUCH DETERMINATION MAY ONLY BE SET ASIDE UPON A FINDING
9 THAT THE BOARD'S DETERMINATION WAS MADE IN BAD FAITH OR FOR CONSTITU-
10 TIONALLY OR STATUTORILY IMPERMISSIBLE REASONS. NOTWITHSTANDING ANY OTHER
11 PROVISION OF LAW TO THE CONTRARY, A MEMBER OF THE TEACHING OR ADMINIS-
12 TRATIVE STAFF WHO IS NOT REHIRED PURSUANT TO THIS PARAGRAPH SHALL NOT
13 HAVE ANY RIGHT TO BUMP OR DISPLACE ANY OTHER PERSON EMPLOYED BY THE
14 DISTRICT, BUT SHALL BE PLACED ON A PREFERRED ELIGIBILITY LIST IN ACCORD-
15 ANCE WITH THE APPLICABLE PROVISIONS OF SECTION TWENTY-FIVE HUNDRED TEN,
16 TWENTY-FIVE HUNDRED EIGHTY-FIVE, TWENTY-FIVE HUNDRED EIGHTY-EIGHT OR
17 THREE THOUSAND THIRTEEN OF THIS CHAPTER.

18 (D) FOR A SCHOOL WITH ENGLISH LANGUAGE LEARNERS, THE PROFESSIONAL
19 DEVELOPMENT AND PLANNING TIME FOR TEACHERS AND ADMINISTRATORS IDENTIFIED
20 IN CLAUSES (VI) THROUGH (VIII) OF THE CLOSING PARAGRAPH OF PARAGRAPH (A)
21 OF THIS SUBDIVISION, SHALL INCLUDE SPECIFIC STRATEGIES AND CONTENT
22 DESIGNED TO MAXIMIZE THE RAPID ACADEMIC ACHIEVEMENT OF THE ENGLISH
23 LANGUAGE LEARNERS.

24 (E) IF THE RECEIVER PROPOSES TO REALLOCATE FUNDS TO THE SCHOOL FROM
25 THE BUDGET OF THE DISTRICT UNDER CLAUSE (I) OF THE CLOSING PARAGRAPH OF
26 PARAGRAPH (A) OF THIS SUBDIVISION, THE RECEIVER SHALL NOTIFY THE BOARD
27 OF EDUCATION, IN WRITING, OF THE AMOUNT OF AND RATIONALE FOR THE REALLO-
28 CATION.

29 8. A FINAL SCHOOL INTERVENTION PLAN SHALL BE ISSUED BY THE RECEIVER
30 WITHIN SIX MONTHS OF DESIGNATION OF THE SCHOOL AS A FAILING SCHOOL. A
31 COPY OF SUCH PLAN SHALL BE PROVIDED TO THE BOARD OF EDUCATION, THE
32 SUPERINTENDENT OF SCHOOLS AND THE COLLECTIVE BARGAINING REPRESENTATIVES
33 OF TEACHERS AND ADMINISTRATORS OF THE SCHOOL DISTRICT. THE PLAN SHALL BE
34 PUBLICLY AVAILABLE AND SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE AND
35 THE SCHOOL DISTRICT'S WEBSITE, AND THE SCHOOL DISTRICT SHALL PROVIDE
36 NOTICE TO PARENTS OF SUCH SCHOOL INTERVENTION PLAN AND ITS AVAILABILITY.

37 9. EACH SCHOOL INTERVENTION PLAN SHALL BE AUTHORIZED FOR A PERIOD OF
38 NOT MORE THAN THREE YEARS. THE EXTERNAL RECEIVER, AS APPLICABLE, MAY
39 DEVELOP ADDITIONAL COMPONENTS OF THE PLAN AND SHALL DEVELOP ANNUAL GOALS
40 FOR EACH COMPONENT OF THE PLAN IN A MANNER CONSISTENT WITH THIS SECTION,
41 ALL OF WHICH MUST BE APPROVED BY THE COMMISSIONER. THE EXTERNAL RECEIV-
42 ER, AS APPLICABLE, SHALL BE RESPONSIBLE FOR MEETING THE GOALS OF THE
43 SCHOOL INTERVENTION PLAN.

44 10. THE EXTERNAL RECEIVER SHALL PROVIDE A WRITTEN REPORT TO THE BOARD
45 OF EDUCATION ON A QUARTERLY BASIS TO PROVIDE SPECIFIC INFORMATION ABOUT
46 THE PROGRESS BEING MADE ON THE IMPLEMENTATION OF THE SCHOOL'S SCHOOL
47 INTERVENTION PLAN. ONE OF THE QUARTERLY REPORTS SHALL BE THE ANNUAL
48 EVALUATION UNDER SUBDIVISION ELEVEN OF THIS SECTION.

49 11. (A) THE COMMISSIONER SHALL EVALUATE EACH FAILING SCHOOL AT LEAST
50 ANNUALLY. THE PURPOSE OF THE EVALUATION SHALL BE TO DETERMINE WHETHER
51 THE SCHOOL HAS MET THE ANNUAL GOALS IN ITS SCHOOL INTERVENTION PLAN AND
52 ASSESS THE IMPLEMENTATION OF THE PLAN AT THE SCHOOL. THE REVIEW SHALL BE
53 IN WRITING AND SHALL BE SUBMITTED TO THE SUPERINTENDENT AND THE BOARD OF
54 EDUCATION NOT LATER THAN JULY FIRST FOR THE PRECEDING SCHOOL YEAR. THE
55 REVIEW SHALL BE SUBMITTED IN A FORMAT DETERMINED BY THE COMMISSIONER.

1 (B) IF THE COMMISSIONER DETERMINES THAT THE SCHOOL HAS MET THE ANNUAL
2 PERFORMANCE GOALS STATED IN THE SCHOOL INTERVENTION PLAN, THE REVIEW
3 SHALL BE CONSIDERED SUFFICIENT AND THE IMPLEMENTATION OF THE SCHOOL
4 INTERVENTION PLAN SHALL CONTINUE. IF THE COMMISSIONER DETERMINES THAT
5 THE SCHOOL HAS NOT MET ONE OR MORE GOALS IN THE PLAN, THE COMMISSIONER
6 MAY MODIFY THE PLAN.

7 12. UPON THE EXPIRATION OF A SCHOOL INTERVENTION PLAN FOR A FAILING
8 SCHOOL, THE COMMISSIONER SHALL CONDUCT A REVIEW OF THE SCHOOL TO DETER-
9 MINE WHETHER THE SCHOOL HAS IMPROVED SUFFICIENTLY, REQUIRES FURTHER
10 IMPROVEMENT OR HAS FAILED TO IMPROVE. ON THE BASIS OF SUCH REVIEW, THE
11 COMMISSIONER MAY: (A) ON THE BASIS OF THE EXTERNAL RECEIVER'S PROGRESS
12 IN SUCCESSFULLY MEETING THE TERMS OF THE PLAN, RENEW THE PLAN WITH THE
13 EXTERNAL RECEIVER FOR AN ADDITIONAL PERIOD OF NOT MORE THAN THREE YEARS;
14 (B) IF THE FAILING SCHOOL REMAINS FAILING AND THE TERMS OF THE PLAN HAVE
15 NOT BEEN SUBSTANTIALLY MET, TERMINATE THE CONTRACT WITH THE RECEIVER AND
16 APPOINT A NEW EXTERNAL RECEIVER; OR (C) DETERMINE THAT THE SCHOOL HAS
17 IMPROVED SUFFICIENTLY FOR THE DESIGNATION OF FAILING TO BE REMOVED.

18 13. THE COMMISSIONER SHALL BE AUTHORIZED TO ADOPT REGULATIONS TO CARRY
19 OUT THE PROVISIONS OF THIS SECTION.

20 14. THE COMMISSIONER SHALL REPORT ANNUALLY TO THE GOVERNOR AND THE
21 LEGISLATURE ON THE IMPLEMENTATION AND FISCAL IMPACT OF THIS SECTION AND
22 SECTION TWO HUNDRED ELEVEN-G OF THIS PART. THE REPORT SHALL INCLUDE, BUT
23 NOT BE LIMITED TO, A LIST OF ALL SCHOOLS CURRENTLY DESIGNATED AS FAIL-
24 ING, A LIST OF ALL DISTRICTS CURRENTLY DESIGNATED AS FAILING, AND THE
25 STRATEGIES USED IN EACH OF THE SCHOOLS AND DISTRICTS TO MAXIMIZE THE
26 RAPID ACADEMIC ACHIEVEMENT OF STUDENTS.

27 S 3. This act shall take effect July 1, 2015; provided, however, that
28 effective immediately, the addition, amendment and/or repeal of any rule
29 or regulation necessary for the implementation of this act on its effec-
30 tive date is authorized and directed to be made and completed on or
31 before such date.

32

SUBPART E

33 Section 1. Subdivision 7-a of section 305 of the education law, as
34 added by chapter 296 of the laws of 2008, is amended to read as follows:

35 7-a. a. In addition to the authority to revoke and annul a certificate
36 of qualification of a teacher in a proceeding brought pursuant to subdi-
37 vision seven of this section, the commissioner shall be authorized, and
38 it shall be his or her duty, to revoke and annul in accordance with this
39 subdivision the teaching certificate of a teacher convicted of a sex
40 offense for which registration as a sex offender is required pursuant to
41 article six-C of the correction law OR OF ANY OTHER VIOLENT FELONY
42 OFFENSE IN WHICH A CHILD WAS A VICTIM.

43 b. As used in this subdivision, the following terms shall have the
44 following meanings:

45 (1) "conviction" means any conviction whether by plea of guilty or
46 nolo contendere or from a verdict after trial or otherwise;

47 (2) "sex offense" means an offense set forth in subdivision two or
48 three of section one hundred sixty-eight-a of the correction law,
49 including an offense committed in any jurisdiction for which the offen-
50 der is required to register as a sex offender in New York;

51 (3) "teacher" means any professional educator holding a teaching
52 certificate as defined in subparagraph four of this paragraph, including
53 but not limited to a classroom teacher, teaching assistant, pupil

1 personnel services professional, school administrator or supervisor or
2 superintendent of schools; [and]

3 (4) "teaching certificate" means the certificate or license or other
4 certificate of qualification granted to a teacher by any authority what-
5 soever; AND

6 (5) "VIOLENT FELONY OFFENSE" MEANS ANY OFFENSE AS DEFINED IN SUBDIVI-
7 SION ONE OF SECTION 70.02 OF THE PENAL LAW.

8 c. Upon receipt of a certified copy of a criminal history record show-
9 ing that a teacher has been convicted of a sex offense or sex offenses
10 OR A VIOLENT FELONY OFFENSE IN WHICH A CHILD WAS A VICTIM or upon
11 receipt of notice of such a conviction as provided in paragraph d of
12 this subdivision, the commissioner shall automatically revoke and annul
13 the teaching certificate of such teacher without the right to a hearing.
14 The commissioner shall mail notice of the revocation and annulment
15 pursuant to this subdivision by certified mail, return receipt
16 requested, and by first-class mail directed to the teacher at such
17 teacher's last known address and, if different, the last address filed
18 by the certificate holder with the commissioner and to the teacher's
19 counsel of record in the criminal proceeding as reported in the notice
20 pursuant to paragraph d of this subdivision. Such notice shall inform
21 the teacher that his or her certificate has been revoked and annulled,
22 identify the sex offense or sex offenses OR VIOLENT FELONY OFFENSE OR
23 OFFENSES IN WHICH A CHILD WAS A VICTIM of which the teacher has been
24 convicted and shall set forth the procedure to follow if the teacher
25 denies he or she is the person who has been so convicted. If such teach-
26 er notifies the commissioner in writing within twenty-five days after
27 the date of receipt of the notice that he or she is not the same person
28 as the convicted offender identified in the criminal record or identi-
29 fied pursuant to paragraph d of this subdivision, provides proof to
30 reasonably support such claim and the commissioner is satisfied the
31 proof establishes such claim, the commissioner shall, within five busi-
32 ness days of the receipt of such proof, restore such teacher's teaching
33 certificate retroactive to the date of revocation and annulment.

34 d. Upon conviction of a teacher of a sex offense defined in this
35 subdivision, the district attorney or other prosecuting authority who
36 obtained such conviction shall provide notice of such conviction to the
37 commissioner identifying the sex offense or sex offenses OR VIOLENT
38 FELONY OFFENSE OR OFFENSES IN WHICH A CHILD WAS A VICTIM of which the
39 teacher has been convicted, the name and address of such offender and
40 other identifying information prescribed by the commissioner, including
41 the offender's date of birth and social security number, to the extent
42 consistent with federal and state laws governing personal privacy and
43 confidentiality of information. Such notice shall also include the name
44 and business address of the offender's counsel of record in the criminal
45 proceeding.

46 e. Upon receipt of proof that the conviction or convictions that
47 formed the basis for revocation and annulment of the teacher's teaching
48 certificate pursuant to this subdivision have been set aside upon appeal
49 or otherwise reversed, vacated or annulled, the commissioner shall be
50 required to conduct a due process hearing pursuant to subdivision seven
51 of this section and part eighty-three of title eight of the New York
52 codes, rules and regulations prior to making a determination as to
53 whether to reinstate the teacher's original teaching certificate. Such
54 determination shall be made within ninety days after such proof has been
55 received.

1 f. Except as provided in paragraph g of this subdivision, and notwith-
2 standing any other provision of law to the contrary, a teacher shall be
3 reinstated to his or her position of employment in a public school, with
4 full back pay and benefits from the date his or her certificate was
5 revoked or annulled to the date of such reinstatement, under the follow-
6 ing circumstances:

7 (i) The termination of employment was based solely on the conviction
8 of a sex offense, OR CONVICTION OF A VIOLENT FELONY OFFENSE OR OFFENSES
9 IN WHICH A CHILD WAS A VICTIM, or the revocation or annulment of a
10 certificate based on such conviction, and such conviction has been set
11 aside on appeal or otherwise reversed, vacated or annulled and the
12 commissioner has reinstated the teacher's certification pursuant to
13 paragraph e of this subdivision; or

14 (ii) The termination of employment was based solely on the conviction
15 of a sex offense OR VIOLENT FELONY OFFENSE OR OFFENSES IN WHICH A CHILD
16 WAS A VICTIM and it has been determined that the teacher is not the same
17 person as the convicted offender.

18 g. If a teacher's employment was terminated as a result of a discipli-
19 nary proceeding conducted pursuant to section three thousand twenty-a of
20 this chapter or other disciplinary hearing conducted pursuant to any
21 collective bargaining or contractual agreement on one or more grounds
22 other than conviction of a sex offense, or the revocation or annulment
23 of a certificate based on such conviction, then nothing in paragraph f
24 of this subdivision shall require a school district to reinstate employ-
25 ment of such teacher or be liable for back pay or benefits.

26 h. No provision of this article shall be deemed to preclude the
27 following: (i) the commissioner from conducting a due process hearing
28 pursuant to subdivision seven of this section and part eighty-three of
29 title eight of the New York codes, rules and regulations; or (ii) a
30 school district or employing board from bringing a disciplinary proceed-
31 ing pursuant to section three thousand twenty-a of this chapter; or
32 (iii) a school district or employing board from bringing an alternative
33 disciplinary proceeding conducted pursuant to a collective bargaining or
34 contractual agreement.

35 i. The commissioner shall be authorized to promulgate any regulations
36 necessary to implement the provisions of this subdivision.

37 S 2. Subdivision 3 and paragraph a of subdivision 4 of section 3020 of
38 the education law, as amended by chapter 103 of the laws of 2010, are
39 amended to read as follows:

40 3. Notwithstanding any inconsistent provision of law, the procedures
41 set forth in section three thousand twenty-a of this article and subdi-
42 vision seven of section twenty-five hundred ninety-j of this chapter may
43 be modified or replaced by agreements negotiated between the city school
44 district of the city of New York and any employee organization repres-
45 enting employees or titles that are or were covered by any memorandum of
46 agreement executed by such city school district and the council of
47 supervisors and administrators of the city of New York on or after
48 December first, nineteen hundred ninety-nine. Where such procedures are
49 so modified or replaced: (i) compliance with such modification or
50 replacement procedures shall satisfy any provision in this chapter that
51 requires compliance with section three thousand twenty-a, (ii) any
52 employee against whom charges have been preferred prior to the effective
53 date of such modification or replacement shall continue to be subject to
54 the provisions of such section as in effect on the date such charges
55 were preferred, (iii) the provisions of subdivisions one and two of this
56 section shall not apply to agreements negotiated pursuant to this subdi-

1 vision, and (iv) in accordance with paragraph (e) of subdivision one of
2 section two hundred nine-a of the civil service law, such modification
3 or replacement procedures contained in an agreement negotiated pursuant
4 to this subdivision shall continue as terms of such agreement after its
5 expiration until a new agreement is negotiated; provided that any alter-
6 nate disciplinary procedures contained in a collective bargaining agree-
7 ment that becomes effective on or after July first, two thousand ten
8 shall provide for an expedited hearing process before a single hearing
9 officer in accordance with subparagraph (i-a) of paragraph c of subdivi-
10 sion three of section three thousand twenty-a of this article in cases
11 in which charges of incompetence are brought against a building princi-
12 pal based solely upon an allegation of a pattern of ineffective teaching
13 or performance as defined in section three thousand twelve-c of this
14 article and shall provide that such a pattern of ineffective teaching or
15 performance shall constitute very significant evidence of incompetence
16 which may form the basis for just cause removal of the building princi-
17 pal AND PROVIDED FURTHER THAT ANY ALTERNATE DISCIPLINARY PROCEDURES
18 CONTAINED IN A COLLECTIVE BARGAINING AGREEMENT THAT BECOMES EFFECTIVE ON
19 OR AFTER APRIL FIRST, TWO THOUSAND FIFTEEN SHALL PROVIDE THAT ALL HEAR-
20 INGS SHALL BE CONDUCTED BEFORE A SINGLE HEARING OFFICER AND THAT SUCH A
21 PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE BY A BUILDING PRINCIPAL
22 SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE THAT CAN ONLY BE
23 REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR
24 MORE OF THE TEACHER'S OR PRINCIPAL'S UNDERLYING COMPOSITE RATINGS ON THE
25 ANNUAL PROFESSIONAL PERFORMANCE REVIEWS PURSUANT TO SECTION THREE THOU-
26 SAND TWELVE-C OF THIS ARTICLE WAS FRAUDULENT, AND IF NOT SUCCESSFULLY
27 REBUTTED, THE FINDING, ABSENT EXTRAORDINARY CIRCUMSTANCES, SHALL BE JUST
28 CAUSE FOR REMOVAL. Notwithstanding any inconsistent provision of law,
29 the commissioner shall review any appeals authorized by such modifica-
30 tion or replacement procedures within fifteen days from receipt by such
31 commissioner of the record of prior proceedings in the matter subject to
32 appeal. Such review shall have preference over all other appeals or
33 proceedings pending before such commissioner.

34 a. Notwithstanding any inconsistent provision of law, the procedures
35 set forth in section three thousand twenty-a of this article and subdivi-
36 sion seven of section twenty-five hundred ninety-j of this chapter may
37 be modified by agreements negotiated between the city school district of
38 the city of New York and any employee organization representing employ-
39 ees or titles that are or were covered by any memorandum of agreement
40 executed by such city school district and the united federation of
41 teachers on or after June tenth, two thousand two. Where such proce-
42 dures are so modified: (i) compliance with such modified procedures
43 shall satisfy any provision of this chapter that requires compliance
44 with section three thousand twenty-a of this article; (ii) any employee
45 against whom charges have been preferred prior to the effective date of
46 such modification shall continue to be subject to the provisions of such
47 section as in effect on the date such charges were preferred; (iii) the
48 provisions of subdivisions one and two of this section shall not apply
49 to agreements negotiated pursuant to this subdivision, except that no
50 person enjoying the benefits of tenure shall be disciplined or removed
51 during a term of employment except for just cause; and (iv) in accord-
52 ance with paragraph (e) of subdivision one of section two hundred nine-a
53 of the civil service law, such modified procedures contained in an
54 agreement negotiated pursuant to this subdivision shall continue as
55 terms of such agreement after its expiration until a new agreement is
56 negotiated; and provided further that any alternate disciplinary proce-

1 dures contained in a collective bargaining agreement that becomes effective on or after July first, two thousand ten shall provide for an expedited hearing process before a single hearing officer in accordance with subparagraph (i-a) of paragraph c of subdivision three of section three thousand twenty-a of this article in cases in which charges of incompetence are brought based solely upon an allegation of a pattern of ineffective teaching or performance as defined in section three thousand twelve-c of this article and shall provide that such a pattern of ineffective teaching or performance shall constitute very significant evidence of incompetence which may form the basis for just cause removal, AND PROVIDED FURTHER THAT ANY ALTERNATE DISCIPLINARY PROCEDURES CONTAINED IN A COLLECTIVE BARGAINING AGREEMENT THAT BECOMES EFFECTIVE ON OR AFTER APRIL FIRST, TWO THOUSAND FIFTEEN SHALL PROVIDE THAT ALL HEARINGS SHALL BE CONDUCTED BEFORE A SINGLE HEARING OFFICER AND THAT SUCH A PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE THAT CAN ONLY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR MORE OF THE TEACHER'S OR PRINCIPAL'S UNDERLYING COMPOSITE RATINGS ON THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE WAS FRAUDULENT, AND IF NOT SUCCESSFULLY REBUTTED, THE FINDING, ABSENT EXTRAORDINARY CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL.

22 S 3. 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:

24 S 3020-a. Disciplinary procedures and penalties. 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 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.

38 2. Disposition of charges. a. Upon receipt of the charges, the clerk or secretary of the school district or employing board shall immediately notify said board thereof. Within five days after receipt of charges, the employing board, in executive session, shall determine, by a vote of a majority of all the members of such board, whether probable cause exists to bring a disciplinary proceeding against an employee pursuant to this section. If such determination is affirmative, a written statement specifying (i) the charges in detail, (ii) the maximum penalty which will be imposed by the board if the employee does not request a hearing or that will be sought by the board if the employee is found guilty of the charges after a hearing and (iii) the employee's rights under this section, shall be immediately forwarded to the accused employee by certified or registered mail, return receipt requested or by personal delivery to the employee.

52 b. The employee may be suspended pending a hearing on the charges and the final determination thereof. The suspension shall be with pay, except the employee may be suspended without pay if the employee has entered a guilty plea to or has been convicted of a felony crime concerning the criminal sale or possession of a controlled substance, a

1 precursor of a controlled substance, or drug paraphernalia as defined in
2 article two hundred twenty or two hundred twenty-one of the penal law;
3 or a felony crime involving the physical abuse of a minor or student.
4 THE SUSPENSION SHALL ALSO BE WITHOUT PAY IF THE EMPLOYEE IS CHARGED WITH
5 MISCONDUCT CONSTITUTING PHYSICAL OR SEXUAL ABUSE OF A STUDENT AND IS
6 SUSPENDED PENDING AN EXPEDITED HEARING PURSUANT TO SUBPARAGRAPH (I-B) OF
7 PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION, PROVIDED THAT SUCH AN
8 EMPLOYEE SHALL BE ELIGIBLE TO RECEIVE REIMBURSEMENT FOR WITHHELD PAY IF
9 THE HEARING OFFICER FINDS IN HIS FAVOR. The employee shall be terminated
10 without a hearing, as provided for in this section, upon conviction of a
11 sex offense, as defined in subparagraph two of paragraph b of subdivi-
12 sion seven-a of section three hundred five of this chapter. To the
13 extent this section applies to an employee acting as a school adminis-
14 trator or supervisor, as defined in subparagraph three of paragraph b of
15 subdivision seven-b of section three hundred five of this chapter, such
16 employee shall be terminated without a hearing, as provided for in this
17 section, upon conviction of a felony offense defined in subparagraph two
18 of paragraph b of subdivision seven-b of section three hundred five of
19 this chapter.

20 c. [Within] (I) FOR HEARINGS COMMENCED BY THE FILING OF CHARGES PRIOR
21 TO APRIL FIRST, TWO THOUSAND FIFTEEN, WITHIN ten days of receipt of the
22 statement of charges, the employee shall notify the clerk or secretary
23 of the employing board in writing whether he or she desires a hearing on
24 the charges and when the charges concern pedagogical incompetence or
25 issues involving pedagogical judgment, his or her choice of either a
26 single hearing officer or a three member panel, provided that a three
27 member panel shall not be available where the charges concern pedagog-
28 ical incompetence based solely upon a teacher's or principal's pattern
29 of ineffective teaching or performance as defined in section three thou-
30 sand twelve-c of this article. All other charges shall be heard by a
31 single hearing officer.

32 (II) ALL HEARINGS COMMENCED BY THE FILING OF CHARGES ON OR AFTER APRIL
33 FIRST, TWO THOUSAND FIFTEEN SHALL BE HEARD BY A SINGLE HEARING OFFICER.

34 d. The unexcused failure of the employee to notify the clerk or secre-
35 tary of his or her desire for a hearing within ten days of the receipt
36 of charges shall be deemed a waiver of the right to a hearing. Where an
37 employee requests a hearing in the manner provided for by this section,
38 the clerk or secretary of the board shall, within three working days of
39 receipt of the employee's notice or request for a hearing, notify the
40 commissioner of the need for a hearing. If the employee waives his or
41 her right to a hearing the employing board shall proceed, within fifteen
42 days, by a vote of a majority of all members of such board, to determine
43 the case and fix the penalty, if any, to be imposed in accordance with
44 subdivision four of this section.

45 3. Hearings. a. Notice of hearing. Upon receipt of a request for a
46 hearing in accordance with subdivision two of this section, the commis-
47 sioner shall forthwith notify the American Arbitration Association
48 (hereinafter "association") of the need for a hearing and shall request
49 the association to provide to the commissioner forthwith a list of names
50 of persons chosen by the association from the association's panel of
51 labor arbitrators to potentially serve as hearing officers together with
52 relevant biographical information on each arbitrator. Upon receipt of
53 said list and biographical information, the commissioner shall forthwith
54 send a copy of both simultaneously to the employing board and the
55 employee. The commissioner shall also simultaneously notify both the
56 employing board and the employee of each potential hearing officer's

1 record in the last five cases of commencing and completing hearings
2 within the time periods prescribed in this section.

3 b. (i) Hearing officers. All hearings pursuant to this section shall
4 be conducted before and by a single hearing officer selected as provided
5 for in this section. A hearing officer shall not be eligible to serve in
6 such position if he or she is a resident of the school district, other
7 than the city of New York, under the jurisdiction of the employing
8 board, an employee, agent or representative of the employing board or of
9 any labor organization representing employees of such employing board,
10 has served as such agent or representative within two years of the date
11 of the scheduled hearing, or if he or she is then serving as a mediator
12 or fact finder in the same school district.

13 (A) Notwithstanding any other provision of law, for hearings commenced
14 by the filing of charges prior to April first, two thousand twelve, the
15 hearing officer shall be compensated by the department with the custom-
16 ary fee paid for service as an arbitrator under the auspices of the
17 association for each day of actual service plus necessary travel and
18 other reasonable expenses incurred in the performance of his or her
19 duties. All other expenses of the disciplinary proceedings commenced by
20 the filing of charges prior to April first, two thousand twelve shall be
21 paid in accordance with rules promulgated by the commissioner. Claims
22 for such compensation for days of actual service and reimbursement for
23 necessary travel and other expenses for hearings commenced by the filing
24 of charges prior to April first, two thousand twelve shall be paid from
25 an appropriation for such purpose in the order in which they have been
26 approved by the commissioner for payment, provided payment shall first
27 be made for any other hearing costs payable by the commissioner, includ-
28 ing the costs of transcribing the record, and provided further that no
29 such claim shall be set aside for insufficiency of funds to make a
30 complete payment, but shall be eligible for a partial payment in one
31 year and shall retain its priority date status for appropriations desig-
32 nated for such purpose in future years.

33 (B) Notwithstanding any other provision of law, rule or regulation to
34 the contrary, for hearings commenced by the filing of charges on or
35 after April first, two thousand twelve, the hearing officer shall be
36 compensated by the department for each day of actual service plus neces-
37 sary travel and other reasonable expenses incurred in the performance of
38 his or her duties, provided that the commissioner shall establish a
39 schedule for maximum rates of compensation of hearing officers based on
40 customary and reasonable fees for service as an arbitrator and provide
41 for limitations on the number of study hours that may be claimed.

42 (ii) The commissioner shall mail to the employing board and the
43 employee the list of potential hearing officers and biographies provided
44 to the commissioner by the association, the employing board and the
45 employee, individually or through their agents or representatives, shall
46 by mutual agreement select a hearing officer from said list to conduct
47 the hearing and shall notify the commissioner of their selection.

48 (iii) Within fifteen days after receiving the list of potential hear-
49 ing officers as described in subparagraph (ii) of this paragraph, the
50 employing board and the employee shall each notify the commissioner of
51 their agreed upon hearing officer selection. If the employing board and
52 the employee fail to agree on an arbitrator to serve as a hearing offi-
53 cer from the list of potential hearing officers, or fail to notify the
54 commissioner of a selection within such fifteen day time period, the
55 commissioner shall appoint a hearing officer from the list. The
56 provisions of this subparagraph shall not apply in cities with a popu-

1 lation of one million or more with alternative procedures specified in
2 section three thousand twenty of this article.

3 (iv) In those cases COMMENCED BY THE FILING OF CHARGES PRIOR TO APRIL
4 FIRST, TWO THOUSAND FIFTEEN in which the employee elects to have the
5 charges heard by a hearing panel, the hearing panel shall consist of the
6 hearing officer, selected in accordance with this subdivision, and two
7 additional persons, one selected by the employee and one selected by the
8 employing board, from a list maintained for such purpose by the commis-
9 sioner. The list shall be composed of professional personnel with admin-
10 istrative or supervisory responsibility, professional personnel without
11 administrative or supervisory responsibility, chief school administra-
12 tors, members of employing boards and others selected from lists of
13 nominees submitted to the commissioner by statewide organizations
14 representing teachers, school administrators and supervisors and the
15 employing boards. Hearing panel members other than the hearing officer
16 shall be compensated by the department at the rate of one hundred
17 dollars for each day of actual service plus necessary travel and subsis-
18 tence expenses. The hearing officer shall be compensated as set forth in
19 this subdivision. The hearing officer shall be the chairperson of the
20 hearing panel.

21 c. Hearing procedures. (i) (A) The commissioner shall have the power
22 to establish necessary rules and procedures for the conduct of hearings
23 under this section.

24 (B) The department shall be authorized to monitor and investigate a
25 hearing officer's compliance with statutory timelines pursuant to this
26 section. The commissioner shall annually inform all hearing officers who
27 have heard cases pursuant to this section during the preceding year that
28 the time periods prescribed in this section for conducting such hearings
29 are to be strictly followed. A record of continued failure to commence
30 and complete hearings within the time periods prescribed in this section
31 shall be considered grounds for the commissioner to exclude such indi-
32 vidual from the list of potential hearing officers sent to the employing
33 board and the employee for such hearings.

34 (C) Such rules shall not require compliance with technical rules of
35 evidence. Hearings shall be conducted by the hearing officer selected
36 pursuant to paragraph b of this subdivision [with full and fair disclo-
37 sure of the nature of the case and evidence against the employee by the
38 employing board] and shall be public or private at the discretion of the
39 employee. FULL AND FAIR DISCLOSURE OF THE WITNESSES AND EVIDENCE SHALL
40 BE MADE BY BOTH PARTIES IN THE MANNER PRESCRIBED IN ARTICLES THREE AND
41 FOUR OF THE STATE ADMINISTRATIVE PROCEDURE ACT. The employee shall have
42 a reasonable opportunity to defend himself or herself and an opportunity
43 to testify in his or her own behalf. The employee shall not be required
44 to testify. Each party shall have the right to be represented by coun-
45 sel, to subpoena witnesses, and to cross-examine witnesses. All testimo-
46 ny taken shall be under oath which the hearing officer is hereby author-
47 ized to administer. CHILDREN SHALL BE PERMITTED TO TESTIFY THROUGH SWORN
48 WRITTEN OR VIDEO STATEMENTS.

49 (D) An accurate record of the proceedings shall be kept at the expense
50 of the department at each such hearing in accordance with the regu-
51 lations of the commissioner. A copy of the record of the hearings shall,
52 upon request, be furnished without charge to the employee and the board
53 of education involved. The department shall be authorized to utilize any
54 new technology or such other appropriate means to transcribe or record
55 such hearings in an accurate, reliable, efficient and cost-effective

1 manner without any charge to the employee or board of education
2 involved.

3 (i-a)(A) Where charges of incompetence are brought based solely upon a
4 pattern of ineffective teaching or performance of a classroom teacher or
5 principal, as defined in section three thousand twelve-c of this arti-
6 cle, the hearing shall be conducted before and by a single hearing offi-
7 cer in an expedited hearing, which shall commence within seven days
8 after the pre-hearing conference and shall be completed within sixty
9 days after the pre-hearing conference. The hearing officer shall estab-
10 lish a hearing schedule at the pre-hearing conference to ensure that the
11 expedited hearing is completed within the required timeframes and to
12 ensure an equitable distribution of days between the employing board and
13 the charged employee. Notwithstanding any other law, rule or regulation
14 to the contrary, no adjournments may be granted that would extend the
15 hearing beyond such sixty days, except as authorized in this subpara-
16 graph. A hearing officer, upon request, may grant a limited and time
17 specific adjournment that would extend the hearing beyond such sixty
18 days if the hearing officer determines that the delay is attributable to
19 a circumstance or occurrence substantially beyond the control of the
20 requesting party and an injustice would result if the adjournment were
21 not granted.

22 (B) Such charges shall allege that the employing board has developed
23 and substantially implemented a teacher or principal improvement plan in
24 accordance with subdivision four of section three thousand twelve-c of
25 this article for the employee following the first evaluation in which
26 the employee was rated ineffective, and the immediately preceding evalu-
27 ation if the employee was rated developing. Notwithstanding any other
28 provision of law to the contrary, a pattern of ineffective teaching or
29 performance as defined in section three thousand twelve-c of this arti-
30 cle shall [constitute very significant evidence of incompetence for
31 purposes of this section] CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPE-
32 TENCE THAT CAN ONLY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT
33 THE CALCULATION OF ONE OR MORE OF THE TEACHER'S OR PRINCIPAL'S UNDERLY-
34 ING COMPOSITE RATINGS ON THE ANNUAL PROFESSIONAL PERFORMANCE REVIEWS
35 PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE WAS FRAUDU-
36 LENT, AND IF NOT SUCCESSFULLY REBUTTED, THE FINDING, ABSENT EXTRAOR-
37 DINARY CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL. Nothing in this
38 subparagraph shall be construed to OTHERWISE limit the defenses which
39 the employee may place before the hearing officer in challenging the
40 allegation of a pattern of ineffective teaching or performance, EXCEPT
41 THAT FAILURE OF THE EMPLOYING BOARD TO REHABILITATE THE TEACHER OR PRIN-
42 CIPAL AND CORRECT HIS OR HER DEFICIENCIES SHALL NOT BE A DEFENSE.

43 (C) The commissioner shall annually inform all hearing officers who
44 have heard cases pursuant to this section during the preceding year that
45 the time periods prescribed in this subparagraph for conducting expe-
46 dited hearings are to be strictly followed. A record of continued fail-
47 ure to commence and complete expedited hearings within the time periods
48 prescribed in this subparagraph shall be considered grounds for the
49 commissioner to exclude such individual from the list of potential hear-
50 ing officers sent to the employing board and the employee for such expe-
51 dited hearings.

52 (I-B)(A) WHERE CHARGES OF MISCONDUCT CONSTITUTING PHYSICAL OR SEXUAL
53 ABUSE OF A STUDENT ARE BROUGHT, THE HEARING SHALL BE CONDUCTED BEFORE
54 AND BY A SINGLE HEARING OFFICER IN AN EXPEDITED HEARING, WHICH SHALL
55 COMMENCE WITHIN SEVEN DAYS AFTER THE PRE-HEARING CONFERENCE AND SHALL BE
56 COMPLETED WITHIN SIXTY DAYS AFTER THE PRE-HEARING CONFERENCE. THE HEAR-

1 ING OFFICER SHALL ESTABLISH A HEARING SCHEDULE AT THE PRE-HEARING
2 CONFERENCE TO ENSURE THAT THE EXPEDITED HEARING IS COMPLETED WITHIN THE
3 REQUIRED TIMEFRAMES AND TO ENSURE AN EQUITABLE DISTRIBUTION OF DAYS
4 BETWEEN THE EMPLOYING BOARD AND THE CHARGED EMPLOYEE. NOTWITHSTANDING
5 ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, NO ADJOURNMENTS MAY
6 BE GRANTED THAT WOULD EXTEND THE HEARING BEYOND SUCH SIXTY DAYS, EXCEPT
7 AS AUTHORIZED IN THIS SUBPARAGRAPH. A HEARING OFFICER, UPON REQUEST, MAY
8 GRANT A LIMITED AND TIME SPECIFIC ADJOURNMENT THAT WOULD EXTEND THE
9 HEARING BEYOND SUCH SIXTY DAYS IF THE HEARING OFFICER DETERMINES THAT
10 THE DELAY IS ATTRIBUTABLE TO A CIRCUMSTANCE OR OCCURRENCE SUBSTANTIALLY
11 BEYOND THE CONTROL OF THE REQUESTING PARTY AND AN INJUSTICE WOULD RESULT
12 IF THE ADJOURNMENT WERE NOT GRANTED.

13 (B) THE COMMISSIONER SHALL ANNUALLY INFORM ALL HEARING OFFICERS WHO
14 HAVE HEARD CASES PURSUANT TO THIS SECTION DURING THE PRECEDING YEAR THAT
15 THE TIME PERIODS PRESCRIBED IN THIS SUBPARAGRAPH FOR CONDUCTING EXPE-
16 DITED HEARINGS ARE TO BE STRICTLY FOLLOWED AND FAILURE TO DO SO SHALL BE
17 CONSIDERED GROUNDS FOR THE COMMISSIONER TO EXCLUDE SUCH INDIVIDUAL FROM
18 THE LIST OF POTENTIAL HEARING OFFICERS SENT TO THE EMPLOYING BOARD AND
19 THE EMPLOYEE FOR SUCH EXPEDITED HEARINGS.

20 (ii) The hearing officer selected to conduct a hearing under this
21 section shall, within ten to fifteen days of agreeing to serve in such
22 position, hold a pre-hearing conference which shall be held in the
23 school district or county seat of the county, or any county, wherein the
24 employing school board is located. The pre-hearing conference shall be
25 limited in length to one day except that the hearing officer, in his or
26 her discretion, may allow one additional day for good cause shown.

27 (iii) At the pre-hearing conference the hearing officer shall have the
28 power to:

29 (A) issue subpoenas;

30 (B) hear and decide all motions, including but not limited to motions
31 to dismiss the charges;

32 (C) hear and decide all applications for bills of particular or
33 requests for production of materials or information, including, but not
34 limited to, any witness statement (or statements), investigatory state-
35 ment (or statements) or note (notes), exculpatory evidence or any other
36 evidence, including district or student records, relevant and material
37 to the employee's defense.

38 (iv) Any pre-hearing motion or application relative to the sufficiency
39 of the charges, application or amendment thereof, or any preliminary
40 matters shall be made upon written notice to the hearing officer and the
41 adverse party no less than five days prior to the date of the pre-hear-
42 ing conference. Any pre-hearing motions or applications not made as
43 provided for herein shall be deemed waived except for good cause as
44 determined by the hearing officer.

45 (v) In the event that at the pre-hearing conference the employing
46 board presents evidence that the professional license of the employee
47 has been revoked and all judicial and administrative remedies have been
48 exhausted or foreclosed, the hearing officer shall schedule the date,
49 time and place for an expedited hearing, which hearing shall commence
50 not more than seven days after the pre-hearing conference and which
51 shall be limited to one day. The expedited hearing shall be held in the
52 local school district or county seat of the county or any county, where-
53 in the said employing board is located. The expedited hearing shall not
54 be postponed except upon the request of a party and then only for good
55 cause as determined by the hearing officer. At such hearing, each party
56 shall have equal time in which to present its case.

1 (vi) During the pre-hearing conference, the hearing officer shall
2 determine the reasonable amount of time necessary for a final hearing on
3 the charge or charges and shall schedule the location, time(s) and
4 date(s) for the final hearing. The final hearing shall be held in the
5 local school district or county seat of the county, or any county, wher-
6 ein the said employing school board is located. In the event that the
7 hearing officer determines that the nature of the case requires the
8 final hearing to last more than one day, the days that are scheduled for
9 the final hearing shall be consecutive. The day or days scheduled for
10 the final hearing shall not be postponed except upon the request of a
11 party and then only for good cause shown as determined by the hearing
12 officer. In all cases, the final hearing shall be completed no later
13 than sixty days after the pre-hearing conference unless the hearing
14 officer determines that extraordinary circumstances warrant a limited
15 extension.

16 (vii) All evidence shall be submitted by all parties within one
17 hundred twenty-five days of the filing of charges and no additional
18 evidence shall be accepted after such time, absent extraordinary circum-
19 stances beyond the control of the parties.

20 d. Limitation on claims. Notwithstanding any other provision of law,
21 rule or regulation to the contrary, no payments shall be made by the
22 department pursuant to this subdivision on or after April first, two
23 thousand twelve for: (i) compensation of a hearing officer or hearing
24 panel member, (ii) reimbursement of such hearing officers or panel
25 members for necessary travel or other expenses incurred by them, or
26 (iii) for other hearing expenses on a claim submitted later than one
27 year after the final disposition of the hearing by any means, including
28 settlement, or within ninety days after the effective date of this para-
29 graph, whichever is later; provided that no payment shall be barred or
30 reduced where such payment is required as a result of a court order or
31 judgment or a final audit.

32 4. Post hearing procedures. a. The hearing officer shall render a
33 written decision within thirty days of the last day of the final hear-
34 ing, or in the case of an expedited hearing within ten days of such
35 expedited hearing, and shall forward a copy thereof to the commissioner
36 who shall immediately forward copies of the decision to the employee and
37 to the clerk or secretary of the employing board. The written decision
38 shall include the hearing officer's findings of fact on each charge, his
39 or her conclusions with regard to each charge based on said findings and
40 shall state what penalty or other action, if any, shall be taken by the
41 employing board. [At the request of the employee, in determining what,
42 if any, penalty or other action shall be imposed, the hearing officer
43 shall consider the extent to which the employing board made efforts
44 towards correcting the behavior of the employee which resulted in charg-
45 es being brought under this section through means including but not
46 limited to: remediation, peer intervention or an employee assistance
47 plan.] FAILURE OF THE EMPLOYING BOARD TO REMEDIATE OR CORRECT THE BEHAV-
48 IOR OF THE EMPLOYEE SHALL NOT BE A DEFENSE TO ANY CHARGES AND SHALL NOT
49 BE CONSIDERED BY THE HEARING OFFICER IN DETERMINING THE PENALTY OR OTHER
50 ACTION TO BE IMPOSED. In those cases where a penalty is imposed, such
51 penalty may be a written reprimand, a fine, suspension for a fixed time
52 without pay, or dismissal. In addition to or in lieu of the aforemen-
53 tioned penalties, the hearing officer[, where he or she deems appropri-
54 ate,] may impose upon the employee remedial action including but not
55 limited to leaves of absence with or without pay, continuing education
56 and/or study, a requirement that the employee seek counseling or medical

1 treatment or that the employee engage in any other remedial or combina-
2 tion of remedial actions. PROVIDED, HOWEVER, THAT THE HEARING OFFICER
3 SHALL ADOPT THE PENALTY RECOMMENDED BY THE EMPLOYING BOARD EXCEPT WHERE
4 THE HEARING OFFICER CONCLUDES THAT THE BOARD ACTED IN BAD FAITH OR THERE
5 ARE EXTRAORDINARY CIRCUMSTANCES IN WHICH THE RECOMMENDED PENALTY WOULD
6 BE SO DISPROPORTIONATE TO THE OFFENSES PROVEN AS TO BE SHOCKING TO THE
7 CONSCIENCE OF THE HEARING OFFICER.

8 b. Within fifteen days of receipt of the hearing officer's decision
9 the employing board shall implement the decision. If the employee is
10 acquitted he or she shall be restored to his or her position with full
11 pay for any period of suspension without pay and the charges expunged
12 from the employment record. If an employee who was convicted of a felony
13 crime specified in paragraph b of subdivision two of this section, has
14 said conviction reversed, the employee, upon application, shall be enti-
15 tled to have his or her pay and other emoluments restored, for the peri-
16 od from the date of his or her suspension to the date of the decision.

17 c. The hearing officer shall indicate in the decision whether any of
18 the charges brought by the employing board were frivolous as defined in
19 section eighty-three hundred three-a of the civil practice law and
20 rules. If the hearing officer finds that all of the charges brought
21 against the employee were frivolous, the hearing officer shall order the
22 employing board to reimburse the department the reasonable costs said
23 department incurred as a result of the proceeding and to reimburse the
24 employee the reasonable costs, including but not limited to reasonable
25 attorneys' fees, the employee incurred in defending the charges. If the
26 hearing officer finds that some but not all of the charges brought
27 against the employee were frivolous, the hearing officer shall order the
28 employing board to reimburse the department a portion, in the discretion
29 of the hearing officer, of the reasonable costs said department incurred
30 as a result of the proceeding and to reimburse the employee a portion,
31 in the discretion of the hearing officer, of the reasonable costs,
32 including but not limited to reasonable attorneys' fees, the employee
33 incurred in defending the charges.

34 5. Appeal. a. Not later than ten days after receipt of the hearing
35 officer's decision, the employee or the employing board may make an
36 application to the New York state supreme court to vacate or modify the
37 decision of the hearing officer pursuant to section seventy-five hundred
38 eleven of the civil practice law and rules. The court's review shall be
39 limited to the grounds set forth in such section. The hearing panel's
40 determination shall be deemed to be final for the purpose of such
41 proceeding.

42 b. In no case shall the filing or the pendency of an appeal delay the
43 implementation of the decision of the hearing officer.

44 S 4. Paragraph j of subdivision 5-a of section 3012-c of the education
45 law, as added by chapter 21 of the laws of 2012, is amended to read as
46 follows:

47 j. If a teacher receives an ineffective rating for a school year in
48 which the teacher is in year two status and the independent validator
49 agrees, the district may bring a proceeding pursuant to sections three
50 thousand twenty and three thousand twenty-a of this article based on a
51 pattern of ineffective teaching or performance. In such proceeding, the
52 charges shall allege that the employing board has developed and substan-
53 tially implemented a teacher improvement plan in accordance with subdi-
54 vision four of this section for the employee following the evaluation
55 made for the year in which the employee was in year one status and was
56 rated ineffective. The pattern of ineffective teaching or performance

1 shall [give rise to a rebuttable presumption of incompetence and if the
2 presumption is not successfully rebutted, the finding, absent extraor-
3 dinary circumstances, shall be just cause for removal] CONSTITUTE PRIMA
4 FACIE EVIDENCE OF INCOMPETENCE THAT CAN ONLY BE REBUTTED BY CLEAR AND
5 CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR MORE OF THE TEACHER'S
6 OR PRINCIPAL'S UNDERLYING COMPOSITE RATINGS ON THE ANNUAL PROFESSIONAL
7 PERFORMANCE REVIEWS PURSUANT TO THIS SECTION WAS FRAUDULENT, AND IF NOT
8 SUCCESSFULLY REBUTTED, THE FINDING, ABSENT EXTRAORDINARY CIRCUMSTANCES,
9 SHALL BE JUST CAUSE FOR REMOVAL. In these hearings, the teacher shall
10 have up to three days to present his or her case for every one day used
11 by the district to present its case. The hearing officer shall render a
12 written decision within ten days of the last day of the hearing.

13 S 5. This act shall take effect April 1, 2015 and shall apply to hear-
14 ings commenced by the filing or service of charges on or after April 1,
15 2015, provided that effective immediately, the commissioner of education
16 shall be authorized to promulgate any regulations needed to implement
17 the provisions of this act on such effective date.

18

SUBPART F

19 Section 1. Paragraph (a) of subdivision 1 of section 2856 of the
20 education law, as amended by section 3 of part BB of chapter 56 of the
21 laws of 2014, is amended to read as follows:

22 (a) The enrollment of students attending charter schools shall be
23 included in the enrollment, attendance, membership and, if applicable,
24 count of students with disabilities of the school district in which the
25 pupil resides. The charter school shall report all such data to the
26 school districts of residence in a timely manner. Each school district
27 shall report such enrollment, attendance and count of students with
28 disabilities to the department. The school district of residence shall
29 pay directly to the charter school for each student enrolled in the
30 charter school who resides in the school district the charter school
31 basic tuition, which shall be:

32 (i) for school years prior to the two thousand nine--two thousand ten
33 school year and for school years following the two thousand sixteen--two
34 thousand seventeen school year, an amount equal to one hundred percent
35 of the amount calculated pursuant to paragraph f of subdivision one of
36 section thirty-six hundred two of this chapter for the school district
37 for the year prior to the base year increased by the percentage change
38 in the state total approved operating expense calculated pursuant to
39 paragraph t of subdivision one of section thirty-six hundred two of this
40 chapter from two years prior to the base year to the base year;

41 (ii) for the two thousand nine--two thousand ten school year, the
42 charter school basic tuition shall be the amount payable by such
43 district as charter school basic tuition for the two thousand eight--two
44 thousand nine school year;

45 (iii) for the two thousand ten--two thousand eleven through two thou-
46 sand thirteen--two thousand fourteen school years, the charter school
47 basic tuition shall be the basic tuition computed for the two thousand
48 ten--two thousand eleven school year pursuant to the provisions of
49 subparagraph (i) of this paragraph;

50 (iv) for the two thousand fourteen--two thousand fifteen, two thousand
51 fifteen--two thousand sixteen and two thousand sixteen--two thousand
52 seventeen school years, the charter school basic tuition shall be the
53 sum of the lesser of the charter school basic tuition computed for the
54 two thousand ten--two thousand eleven school year pursuant to the

1 provisions of subparagraph (i) of this paragraph or the charter school
2 basic tuition computed for the current year pursuant to the provisions
3 of subparagraph (i) of this paragraph plus the supplemental basic
4 tuition.

5 For the purposes of this subdivision, the "supplemental basic tuition"
6 shall be (A) for a school district for which the charter school basic
7 tuition computed for the current year is greater than or equal to the
8 charter school basic tuition for the two thousand ten--two thousand
9 eleven school year pursuant to the provisions of subparagraph (i) of
10 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
11 school year two hundred and fifty dollars, and (2) for the two thousand
12 fifteen--two thousand sixteen school year [three hundred and fifty] FOUR
13 HUNDRED TWENTY-FIVE dollars, and (3) for the two thousand sixteen--two
14 thousand seventeen school year five hundred SEVENTY-FIVE dollars, and
15 (B) for a school district for which the charter school basic tuition for
16 the two thousand ten--two thousand eleven school year is greater than
17 the charter school basic tuition for the current year pursuant to the
18 provisions of subparagraph (i) of this paragraph, the positive differ-
19 ence of the charter school basic tuition for the two thousand ten--two
20 thousand eleven school year minus the charter school basic tuition for
21 the current year pursuant to the provisions of subparagraph (i) of this
22 paragraph.

23 S 2. Paragraph (a) of subdivision 1 of section 2856 of the education
24 law, as amended by section 4 of part BB of chapter 56 of the laws of
25 2014, is amended to read as follows:

26 (a) The enrollment of students attending charter schools shall be
27 included in the enrollment, attendance, MEMBERSHIP and, if applicable,
28 count of students with disabilities of the school district in which the
29 pupil resides. The charter school shall report all such data to the
30 school districts of residence in a timely manner. Each school district
31 shall report such enrollment, attendance and count of students with
32 disabilities to the department. The school district of residence shall
33 pay directly to the charter school for each student enrolled in the
34 charter school who resides in the school district the charter school
35 basic tuition which shall be:

36 (i) for school years prior to the two thousand nine--two thousand ten
37 school year and for school years following the two thousand sixteen--two
38 thousand seventeen school year, an amount equal to one hundred percent
39 of the amount calculated pursuant to paragraph f of subdivision one of
40 section thirty-six hundred two of this chapter for the school district
41 for the year prior to the base year increased by the percentage change
42 in the state total approved operating expense calculated pursuant to
43 paragraph t of subdivision one of section thirty-six hundred two of this
44 chapter from two years prior to the base year to the base year;

45 (ii) for the two thousand nine--two thousand ten school year, the
46 charter school basic tuition shall be the amount payable by such
47 district as charter school basic tuition for the two thousand eight--two
48 thousand nine school year;

49 (iii) for the two thousand ten--two thousand eleven through two thou-
50 sand thirteen--two thousand fourteen school years, the charter school
51 basic tuition shall be the basic tuition computed for the two thousand
52 ten--two thousand eleven school year pursuant to the provisions of
53 subparagraph (i) of this paragraph;

54 (iv) for the two thousand fourteen--two thousand fifteen, two thousand
55 fifteen--two thousand sixteen and two thousand sixteen--two thousand
56 seventeen school years, the charter school basic tuition shall be the

1 sum of the lesser of the charter school basic tuition computed for the
2 two thousand ten--two thousand eleven school year pursuant to the
3 provisions of subparagraph (i) of this paragraph or the charter school
4 basic tuition computed for the current year pursuant to the provisions
5 of subparagraph (i) of this paragraph plus the supplemental basic
6 tuition.

7 For the purposes of this subdivision, the "supplemental basic tuition"
8 shall be (A) for a school district for which the charter school basic
9 tuition computed for the current year is greater than or equal to the
10 charter school basic tuition for the two thousand ten--two thousand
11 eleven school year pursuant to the provisions of subparagraph (i) of
12 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
13 school year two hundred and fifty dollars, and (2) for the two thousand
14 fifteen--two thousand sixteen school year [three hundred and fifty] FOUR
15 HUNDRED TWENTY-FIVE dollars, and (3) for the two thousand sixteen--two
16 thousand seventeen school year five hundred SEVENTY-FIVE dollars, and
17 (B) for a school district for which the charter school basic tuition for
18 the two thousand ten--two thousand eleven school year is greater than
19 the charter school basic tuition for the current year pursuant to the
20 provisions of subparagraph (i) of this paragraph, the positive differ-
21 ence of the charter school basic tuition for the two thousand ten--two
22 thousand eleven school year minus the charter school basic tuition for
23 the current year pursuant to the provisions of subparagraph (i) of this
24 paragraph.

25 S 3. Subdivisions 9 and 9-a of section 2852 of the education law,
26 subdivision 9 as amended and subdivision 9-a as added by chapter 101 of
27 the laws of 2010, paragraph (a) of subdivision 9-a as amended by chapter
28 221 of the laws of 2010, paragraph (f) of subdivision 9-a as amended by
29 chapter 102 of the laws of 2010, are amended to read as follows:

30 9. The total number of charters issued pursuant to this article STATE-
31 WIDE shall not exceed [four] FIVE hundred sixty. (a) [One hundred of
32 such charters shall be issued on the recommendation of the charter enti-
33 ty described in paragraph (b) of subdivision three of section twenty-
34 eight hundred fifty-one of this article; (b) one hundred of such char-
35 ters shall be issued on the recommendation of the other charter entities
36 set forth in subdivision three of section twenty-eight hundred fifty-one
37 of this article; (c) up to fifty of the additional charters authorized
38 to be issued by the chapter of the laws of two thousand seven which
39 amended this subdivision effective July first, two thousand seven shall
40 be reserved for a city school district of a city having a population of
41 one million or more; (d) one hundred thirty charters shall be issued by
42 the board of regents pursuant to a competitive process in accordance
43 with subdivision nine-a of this section, provided that no more than
44 fifty-seven of such charters shall be granted to a charter for a school
45 to be located in a city having a population of one million or more; (e)
46 one hundred thirty charters shall be issued by the board of regents on
47 the recommendation of the board of trustees of the state university of
48 New York pursuant to a competitive process in accordance with subdivi-
49 sion nine-a of this section, provided that no more than fifty-seven of
50 such charters shall be granted to a charter for a school to be located
51 in a city having a population of one million or more] ALL CHARTERS
52 ISSUED ON OR AFTER FEBRUARY FIRST, TWO THOUSAND FIFTEEN AND COUNTED
53 TOWARD THE NUMERICAL LIMITS ESTABLISHED BY THIS SUBDIVISION SHALL BE
54 ISSUED BY THE BOARD OF REGENTS UPON APPLICATION DIRECTLY TO THE BOARD OF
55 REGENTS OR ON THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE
56 UNIVERSITY OF NEW YORK PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE

1 WITH SUBDIVISION NINE-A OF THIS SECTION. The failure of any body to
2 issue the regulations authorized pursuant to this article shall not
3 affect the authority of a charter entity to propose a charter to the
4 board of regents or the board of regents' authority to grant such char-
5 ter. A conversion of an existing public school to a charter school or
6 the renewal or extension of a charter APPROVED BY ANY CHARTER ENTITY
7 shall not be counted toward the numerical limits established by this
8 subdivision.

9 (B) A CHARTER SCHOOL WHOSE CHARTER HAS BEEN SURRENDERED, REVOKED OR
10 TERMINATED, INCLUDING A CHARTER THAT HAS NOT BEEN RENEWED BY ACTION OF
11 ITS CHARTER ENTITY, SHALL NOT BE COUNTED TOWARD THE NUMERICAL LIMITS
12 ESTABLISHED BY THIS SUBDIVISION AND INSTEAD SHALL BE RETURNED TO THE
13 STATEWIDE POOL AND MAY BE REISSUED BY THE BOARD OF REGENTS EITHER UPON
14 APPLICATION DIRECTLY TO THE BOARD OF REGENTS OR ON THE RECOMMENDATION OF
15 THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK PURSUANT TO A
16 COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVISION NINE-A OF THIS
17 SECTION.

18 (C) FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF CHARTERS ISSUED
19 WITHIN THE NUMERICAL LIMITS ESTABLISHED BY THIS SUBDIVISION, THE
20 APPROVAL DATE OF THE CHARTERING ENTITY SHALL BE THE DETERMINING FACTOR.

21 9-a. (a) The board of regents is hereby authorized and directed to
22 issue [two] UP TO FIVE hundred sixty charters UPON EITHER APPLICATIONS
23 SUBMITTED DIRECTLY TO THE BOARD OF REGENTS OR APPLICATIONS RECOMMENDED
24 BY THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK pursuant to
25 a competitive request for proposals process.

26 [(i) Commencing on August first, two thousand ten through September
27 first, two thousand thirteen, the board of regents and the board of
28 trustees of the state university of New York shall each issue a request
29 for proposals in accordance with this subdivision and this subparagraph:

30 (1) Each request for proposals to be issued by the board of regents
31 and the board of trustees of the state university of New York on August
32 first, two thousand ten shall be for a maximum of thirty-two charters to
33 be issued for charter schools which would commence instructional opera-
34 tion by the September of the next calendar year.

35 (2) Each request for proposals to be issued by the board of regents
36 and the board of trustees of the state university of New York on January
37 first, two thousand eleven shall be for a maximum of thirty-three char-
38 ters to be issued for charter schools which would commence instructional
39 operation by the September of the next calendar year.

40 (3) Each request for proposals to be issued by the board of regents
41 and the board of trustees of the state university of New York on January
42 first, two thousand twelve shall be for a maximum of thirty-two charters
43 to be issued for charter schools which would commence instructional
44 operation by the September of the next calendar year.

45 (4) Each request for proposals to be issued by the board of regents
46 and the board of trustees of the state university of New York on Septem-
47 ber first, two thousand thirteen shall be for a maximum of thirty-three
48 charters to be issued for charter schools which would commence instruc-
49 tional operation by the September of the next calendar year.

50 (ii) If after September first, two thousand thirteen, either the board
51 of regents or the board of trustees of the state university of New York
52 have any charters which have not yet been issued, they may be issued
53 pursuant to requests for proposals issued in each succeeding year, with-
54 out limitation as to when such requests for proposals may be issued, or
55 a limitation on the number of charters which may be issued.

1 (iii) Notwithstanding the provisions of clauses one, two, three and
2 four of subparagraph (i) of this paragraph and subparagraph (ii) of this
3 paragraph, if fewer charters are issued than were requested in such
4 request for proposals, the difference may be added to the number of
5 charters requested in the request for proposals issued in each succeed-
6 ing year.

7 (iv)] The board of regents shall make a determination to issue a char-
8 ter pursuant to a request for proposals no later than December thirty-
9 first of each year.

10 (b) The board of regents and the board of trustees of the state
11 university of New York shall each develop such request for proposals in
12 a manner that facilitates a thoughtful review of charter school applica-
13 tions, considers the demand for charter schools by the community, and
14 seeks to locate charter schools in a region or regions where there may
15 be a lack of alternatives and access to charter schools would provide
16 new alternatives within the local public education system that would
17 offer the greatest educational benefit to students. Applications shall
18 be evaluated in accordance with the criteria and objectives contained
19 within a request for proposals. The board of regents and the board of
20 trustees of the state university of New York shall not consider any
21 applications which do not rigorously demonstrate that they have met the
22 following criteria:

23 (i) that the proposed charter school would meet or exceed enrollment
24 and retention targets, as prescribed by the board of regents or the
25 board of trustees of the state university of New York, as applicable, of
26 students with disabilities, English language learners, and students who
27 are eligible applicants for the free and reduced price lunch program.
28 When developing such targets, the board of regents and the board of
29 trustees of the state university of New York, shall ensure (1) that such
30 enrollment targets are comparable to the enrollment figures of such
31 categories of students attending the public schools within the school
32 district, or in a city school district in a city having a population of
33 one million or more inhabitants, the community school district, in which
34 the proposed charter school would be located; and (2) that such
35 retention targets are comparable to the rate of retention of such cate-
36 gories of students attending the public schools within the school
37 district, or in a city school district in a city having a population of
38 one million or more inhabitants, the community school district, in which
39 the proposed charter school would be located; and

40 (ii) that the applicant has conducted public outreach, in conformity
41 with a thorough and meaningful public review process prescribed by the
42 board of regents and the board of trustees of the state university of
43 New York, to solicit community input regarding the proposed charter
44 school and to address comments received from the impacted community
45 concerning the educational and programmatic needs of students.

46 (c) The board of regents and the board of trustees of the state
47 university of New York shall grant priority based on a scoring rubric to
48 those applications that best demonstrate how they will achieve the
49 following objectives, and any additional objectives the board of regents
50 and the board of trustees of the state university of New York, may
51 prescribe:

52 (i) increasing student achievement and decreasing student achievement
53 gaps in reading/language arts and mathematics;

54 (ii) increasing high school graduation rates and focusing on serving
55 specific high school student populations including, but not limited to,
56 students at risk of not obtaining a high school diploma, re-enrolled

1 high school drop-outs, and students with academic skills below grade
2 level;

3 (iii) focusing on the academic achievement of middle school students
4 and preparing them for a successful transition to high school;

5 (iv) utilizing high-quality assessments designed to measure a
6 student's knowledge, understanding of, and ability to apply, critical
7 concepts through the use of a variety of item types and formats;

8 (v) increasing the acquisition, adoption, and use of local instruc-
9 tional improvement systems that provide teachers, principals, and admin-
10 istrators with the information and resources they need to inform and
11 improve their instructional practices, decision-making, and overall
12 effectiveness;

13 (vi) partnering with low performing public schools in the area to
14 share best educational practices and innovations;

15 (vii) demonstrating the management and leadership techniques necessary
16 to overcome initial start-up problems to establish a thriving, finan-
17 cially viable charter school;

18 (viii) demonstrating the support of the school district in which the
19 proposed charter school will be located and the intent to establish an
20 ongoing relationship with such school district.

21 (d) No later than November first, two thousand ten, and of each
22 succeeding year, after a thorough review of applications received, the
23 board of trustees of the state university of New York shall recommend
24 for approval to the board of regents the qualified applications that it
25 has determined rigorously demonstrate the criteria and best satisfy the
26 objectives contained within a request for proposals, along with support-
27 ing documentation outlining such determination.

28 (e) Upon receipt of a proposed charter to be issued pursuant to this
29 subdivision submitted by a charter entity, the board of regents or the
30 board of trustees of the state university of New York, shall review,
31 recommend and issue, as applicable, such charters in accordance with the
32 standards established in this subdivision.

33 (f) The board of regents shall be the only entity authorized to issue
34 a charter pursuant to this article. The board of regents shall consider
35 applications submitted directly to the board of regents and applications
36 recommended by the board of trustees of the state university of New
37 York. Provided, however, that all such recommended applications shall be
38 deemed approved and issued pursuant to the provisions of subdivisions
39 five, five-a and five-b of this section.

40 (g) Each application submitted in response to a request for proposals
41 pursuant to this subdivision shall also meet the application require-
42 ments set out in this article and any other applicable laws, rules and
43 regulations.

44 (h) During the development of a request for proposals pursuant to this
45 subdivision the board of regents and the board of trustees of the state
46 university of New York shall each afford the public an opportunity to
47 submit comments and shall review and consider the comments raised by all
48 interested parties.

49 S 4. Paragraph (b) of subdivision 2 of section 2854 of the education
50 law, as amended by chapter 101 of the laws of 2010, is amended to read
51 as follows:

52 (b) Any child who is qualified under the laws of this state for admis-
53 sion to a public school is qualified for admission to a charter school.
54 Applications for admission to a charter school shall be submitted on a
55 uniform application form created by the department and shall be made
56 available by a charter school in languages predominately spoken in the

1 community in which such charter school is located. The school shall
2 enroll each eligible student who submits a timely application by the
3 first day of April each year, unless the number of applications exceeds
4 the capacity of the grade level or building. In such cases, students
5 shall be accepted from among applicants by a random selection process,
6 provided, however, that an enrollment preference shall be provided to
7 pupils returning to the charter school in the second or any subsequent
8 year of operation and pupils residing in the school district in which
9 the charter school is located, and siblings of pupils already enrolled
10 in the charter school. PREFERENCE SHALL ALSO BE PROVIDED TO (I) STUDENTS
11 WHO ARE ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH
12 PROGRAM, (II) STUDENTS WHO ARE CURRENTLY ATTENDING OR WOULD OTHERWISE
13 ATTEND A SCHOOL DISTRICT OR SCHOOL DESIGNATED AS CHRONICALLY UNDERPER-
14 FORMING PURSUANT TO SECTIONS TWO HUNDRED ELEVEN-F AND TWO HUNDRED
15 ELEVEN-G OF THIS CHAPTER, AND (III) CHILDREN OF EMPLOYEES OF THE CHARTER
16 SCHOOL, PROVIDED THAT SUCH CHILDREN OF EMPLOYEES MAY ONLY CONSTITUTE A
17 SMALL PERCENTAGE OF THE CHARTER SCHOOL'S TOTAL ENROLLMENT. The commis-
18 sioner shall establish regulations to require that the random selection
19 process conducted pursuant to this paragraph be performed in a transpar-
20 ent and equitable manner and to require that the time and place of the
21 random selection process be publicized in a manner consistent with the
22 requirements of section one hundred four of the public officers law and
23 be open to the public. For the purposes of this paragraph and paragraph
24 (a) of this subdivision, the school district in which the charter school
25 is located shall mean, for the city school district of the city of New
26 York, the community district in which the charter school is located.

27 S 5. Paragraphs (d) and (e) of subdivision 1 of section 2855 of the
28 education law, paragraph (d) as amended and paragraph (e) as added by
29 chapter 101 of the laws of 2010, are amended, and a new paragraph (f) is
30 added to read as follows:

31 (d) When the public employment relations board makes a determination
32 that the charter school demonstrates a practice and pattern of egregious
33 and intentional violations of subdivision one of section two hundred
34 nine-a of the civil service law involving interference with or discrimi-
35 nation against employee rights under article fourteen of the civil
36 service law; [or]

37 (e) Repeated failure to comply with the requirement to meet or exceed
38 enrollment and retention targets of students with disabilities, English
39 language learners, and students who are eligible applicants for the free
40 and reduced price lunch program pursuant to targets established by the
41 board of regents or the board of trustees of the state university of New
42 York, as applicable. Provided, however, if no grounds for terminating a
43 charter are established pursuant to this section other than pursuant to
44 this paragraph, and the charter school demonstrates that it has made
45 extensive efforts to recruit and retain such students, including
46 outreach to parents and families in the surrounding communities, widely
47 publicizing the lottery for such school, and efforts to academically
48 support such students in such charter school, then the charter entity or
49 board of regents may retain such charter[.]; OR

50 (F) REPEATED FAILURE TO COMPLY WITH THE DATA REPORTING REQUIREMENTS
51 PRESCRIBED IN SUBDIVISIONS TWO AND TWO-A OF SECTION TWENTY-EIGHT HUNDRED
52 FIFTY-SEVEN OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO THE END OF THE
53 YEAR REPORTING REQUIREMENTS ON THE ENROLLMENT AND RETENTION OF STUDENTS
54 WITH LIMITED ENGLISH PROFICIENCY; THE NUMBER OF STUDENTS WITH DISABILI-
55 TIES AND THE NUMBER OF STUDENTS IDENTIFIED AS ELIGIBLE FOR FREE AND
56 REDUCED PRICE LUNCHES.

1 S 6. Section 2857 of the education law is amended by adding a new
2 subdivision 2-a to read as follows:

3 2-A. NO LATER THAN THE FIRST DAY OF AUGUST OF EACH SCHOOL YEAR, (FOR
4 DATA FOR THE PRECEDING SCHOOL YEAR) AND BI-MONTHLY THEREAFTER FOR THE
5 CURRENT SCHOOL YEAR DATA, EACH CHARTER SCHOOL SHALL SUBMIT TO THE BOARD
6 OF REGENTS DATA ON ENROLLMENT RATES, INCLUDING BUT NOT LIMITED TO THE
7 NUMBER OF STUDENTS WITH LIMITED ENGLISH PROFICIENCY; THE NUMBER OF
8 STUDENTS WITH DISABILITIES AND THE NUMBER OF STUDENTS IDENTIFIED AS
9 ELIGIBLE FOR FREE AND REDUCED PRICE LUNCHES AND ANY OTHER ADDITIONAL
10 REQUIREMENTS PRESCRIBED BY THE BOARD OF REGENTS IN THE RULES OF THE
11 BOARD OF REGENTS.

12 S 7. This act shall take effect immediately; provided that the amend-
13 ments to subdivision 1 of section 2856 of the education law made by
14 section one of this act shall be subject to the expiration and reversion
15 of such subdivision pursuant to subdivision d of section 27 of chapter
16 378 of the laws of 2007, as amended, when upon such date the provisions
17 of section two of this act shall take effect.

18 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
19 sion, section or part of this act shall be adjudged by any court of
20 competent jurisdiction to be invalid, such judgment shall not affect,
21 impair, or invalidate the remainder thereof, but shall be confined in
22 its operation to the clause, sentence, paragraph, subdivision, section
23 or part thereof directly involved in the controversy in which such judg-
24 ment shall have been rendered. It is hereby declared to be the intent of
25 the legislature that this act would have been enacted even if such
26 invalid provisions had not been included herein.

27 S 3. This act shall take effect immediately provided, however, that
28 the applicable effective date of Subparts A through F of this act shall
29 be as specifically set forth in the last section of such Subparts.

30

PART B

31 Section 1. Subparagraph 1 of paragraph a of subdivision 2 of section
32 3012-c of the education law, as amended by chapter 21 of the laws of
33 2012, is amended to read as follows:

34 (1) [The] (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO
35 THOUSAND SIXTEEN SCHOOL YEAR, annual professional performance reviews
36 conducted pursuant to this section for classroom teachers and building
37 principals shall differentiate teacher and principal effectiveness using
38 the following quality rating categories: highly effective, effective,
39 developing and ineffective, with explicit minimum and maximum scoring
40 ranges for each category, for the state assessments and other comparable
41 measures subcomponent of the evaluation and for the locally selected
42 measures of student achievement subcomponent of the evaluation, as
43 prescribed in the regulations of the commissioner. There shall be:
44 [(i)] (A) a state assessments and other comparable measures subcomponent
45 which shall comprise twenty or twenty-five percent of the evaluation;
46 [(ii)] (B) a locally selected measures of student achievement subcompo-
47 nent which shall comprise twenty or fifteen percent of the evaluation;
48 and [(iii)] (C) an other measures of teacher or principal effectiveness
49 subcomponent which shall comprise the remaining sixty percent of the
50 evaluation, which in sum shall constitute the composite teacher or prin-
51 cipal effectiveness score. Such annual professional performance reviews
52 shall result in a single composite teacher or principal effectiveness
53 score, which incorporates multiple measures of effectiveness related to
54 the criteria included in the regulations of the commissioner.

1 (II) FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR
2 AND THEREAFTER, ANNUAL PROFESSIONAL PERFORMANCE REVIEWS CONDUCTED PURSU-
3 ANT TO THIS SECTION FOR CLASSROOM TEACHERS AND BUILDING PRINCIPALS SHALL
4 DIFFERENTIATE TEACHER AND PRINCIPAL EFFECTIVENESS USING THE FOLLOWING
5 QUALITY RATING CATEGORIES: HIGHLY EFFECTIVE, EFFECTIVE, DEVELOPING AND
6 INEFFECTIVE, WITH EXPLICIT MINIMUM AND MAXIMUM SCORING RANGES FOR EACH
7 CATEGORY, FOR THE STATE ASSESSMENTS AND OTHER COMPARABLE MEASURES
8 SUBCOMPONENT AND THE OTHER MEASURES OF TEACHER AND LEADER EFFECTIVENESS
9 SUBCOMPONENT, AS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER.
10 THERE SHALL BE: (A) A STATE ASSESSMENTS AND OTHER COMPARABLE MEASURES
11 SUBCOMPONENT WHICH SHALL COMPRISE FIFTY PERCENT OF THE EVALUATION; AND
12 (B) AN OTHER MEASURES OF TEACHER OR PRINCIPAL EFFECTIVENESS SUBCOMPONENT
13 WHICH SHALL COMPRISE THE REMAINING FIFTY PERCENT OF THE EVALUATION,
14 PURSUANT TO CRITERIA INCLUDED IN THE REGULATIONS OF THE COMMISSIONER.

15 S 2. Subparagraphs 3, 4, 5, 6, 7 and 8 of paragraph a of subdivision 2
16 of section 3012-c of the education law, as amended by chapter 21 of the
17 laws of 2012, are amended to read as follows:

18 (3) For annual professional performance reviews conducted in accord-
19 ance with paragraph b of this subdivision for the two thousand eleven--
20 two thousand twelve school year and for annual professional performance
21 reviews conducted in accordance with paragraph f of this subdivision for
22 the two thousand twelve--two thousand thirteen [school year], TWO THOU-
23 SAND THIRTEEN--TWO THOUSAND FOURTEEN AND TWO THOUSAND FOURTEEN--TWO
24 THOUSAND FIFTEEN SCHOOL YEARS for classroom teachers in subjects and
25 grades for which the board of regents has not approved a value-added
26 model and for building principals employed in schools or programs for
27 which there is no approved principal value-added model, the scoring
28 ranges for the student growth on state assessments or other comparable
29 measures subcomponent shall be in accordance with this subparagraph. A
30 classroom teacher and building principal shall receive:

31 (A) a highly effective rating in this subcomponent if the teacher's or
32 principal's results are well-above the state average for similar
33 students and they achieve a subcomponent score of 18-20;

34 (B) an effective rating in this subcomponent if the teacher's or prin-
35 cipal's results meet the state average for similar students and they
36 achieve a subcomponent score of 9-17; or

37 (C) a developing rating in this subcomponent if the teacher's or prin-
38 cipal's results are below the state average for similar students and
39 they achieve a subcomponent score of 3-8; or

40 (D) an ineffective rating in this subcomponent, if the teacher's or
41 principal's results are well-below the state average for similar
42 students and they achieve a subcomponent score of 0-2.

43 (4) For annual professional performance reviews conducted in accord-
44 ance with paragraph g of this subdivision for the two thousand twelve--
45 two thousand thirteen [school year], TWO THOUSAND THIRTEEN--TWO THOUSAND
46 FOURTEEN AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEARS
47 for classroom teachers in subjects and grades for which the board of
48 regents has approved a value-added model and for building principals
49 employed in schools or programs for which there is an approved principal
50 value-added model, the scoring ranges for the student growth on state
51 assessments or other comparable measures subcomponent shall be in
52 accordance with this subparagraph. A classroom teacher and building
53 principal shall receive:

54 (A) a highly effective rating in this subcomponent if the teacher's or
55 principal's results are well-above the state average for similar
56 students and they achieve a subcomponent score of 22-25;

1 (B) an effective rating in this subcomponent if the teacher's or prin-
2 cipal's results meet the state average for similar students and they
3 achieve a subcomponent score of 10-21; or

4 (C) a developing rating in this subcomponent if the teacher's or prin-
5 cipal's results are below the state average for similar students and
6 they achieve a subcomponent score of 3-9; or

7 (D) an ineffective rating in this subcomponent, if the teacher's or
8 principal's results are well-below the state average for similar
9 students and they achieve a subcomponent score of 0-2.

10 (5) For annual professional performance reviews conducted in accord-
11 ance with paragraph b of this subdivision for the two thousand eleven--
12 two thousand twelve school year and for annual professional performance
13 reviews conducted in accordance with paragraph f of this subdivision for
14 the two thousand twelve--two thousand thirteen [school year], TWO THOU-
15 SAND THIRTEEN--TWO THOUSAND FOURTEEN AND TWO THOUSAND FOURTEEN--TWO
16 THOUSAND FIFTEEN SCHOOL YEARS for classroom teachers in subjects and
17 grades for which the board of regents has not approved a value-added
18 model and for building principals employed in schools or programs for
19 which there is no approved principal value-added model, the scoring
20 ranges for the locally selected measures of student achievement subcom-
21 ponent shall be in accordance with this subparagraph. A classroom teach-
22 er and building principal shall receive:

23 (A) a highly effective rating in this subcomponent if the results are
24 well-above district-adopted expectations for student growth or achieve-
25 ment and they achieve a subcomponent score of 18-20; or

26 (B) an effective rating in this subcomponent if the results meet
27 district-adopted expectations for growth or achievement and they achieve
28 a subcomponent score of 9-17; or

29 (C) a developing rating in this subcomponent if the results are below
30 district-adopted expectations for growth or achievement and they achieve
31 a subcomponent score of 3-8; or

32 (D) an ineffective rating in this subcomponent if the results are
33 well-below district-adopted expectations for growth or achievement and
34 they achieve a subcomponent score of 0-2.

35 (6) For annual professional performance reviews conducted in accord-
36 ance with paragraph b of this subdivision for the two thousand eleven--
37 two thousand twelve school year and for annual professional performance
38 reviews conducted in accordance with paragraph g of this subdivision for
39 the two thousand twelve--two thousand thirteen [school year], TWO THOU-
40 SAND THIRTEEN--TWO THOUSAND FOURTEEN AND TWO THOUSAND FOURTEEN--TWO
41 THOUSAND FIFTEEN SCHOOL YEARS for classroom teachers in subjects and
42 grades for which the board of regents has approved a value-added model
43 and for building principals employed in schools or programs for which
44 there is an approved principal value-added model, the scoring ranges for
45 the locally selected measures of student achievement subcomponent shall
46 be in accordance with this subparagraph. A classroom teacher and build-
47 ing principal shall receive:

48 (A) a highly effective rating in this subcomponent if the results are
49 well-above district-adopted expectations for student growth or achieve-
50 ment and they achieve a subcomponent score of 14-15; or

51 (B) an effective rating in this subcomponent if the results meet
52 district-adopted expectations for growth or achievement and they achieve
53 a subcomponent score of 8-13; or

54 (C) a developing rating in this subcomponent if the results are below
55 district-adopted expectations for growth or achievement and they achieve
56 a subcomponent score of 3-7; or

1 (D) an ineffective rating in this subcomponent if the results are
2 well-below district-adopted expectations for growth or achievement and
3 they achieve a subcomponent score of 0-2.

4 (7) (A) For the two thousand thirteen--two thousand fourteen [school
5 year] AND TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEARS and
6 thereafter, the commissioner shall review the specific scoring ranges
7 for each of the rating categories annually before the start of each
8 school year and shall recommend any changes to the board of regents for
9 consideration.

10 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR
11 THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFT-
12 ER, A CLASSROOM TEACHER AND BUILDING PRINCIPAL SHALL RECEIVE RATINGS ON
13 THE STATE GROWTH OR OTHER COMPARABLE MEASURES SUBCOMPONENT AND THE OTHER
14 MEASURES OF TEACHER AND PRINCIPAL EFFECTIVENESS SUBCOMPONENT PURSUANT TO
15 SCORING RANGES PRESCRIBED BY THE COMMISSIONER IN REGULATIONS. THE
16 COMMISSIONER SHALL REVIEW THE OVERALL COMPOSITE SCORING RANGES ANNUALLY
17 BEFORE THE START OF EACH SCHOOL YEAR AND MAY ISSUE NEW REGULATIONS AS HE
18 OR SHE DEEMS WARRANTED. PROVIDED; HOWEVER, IF A CLASSROOM TEACHER OR
19 BUILDING PRINCIPAL RECEIVES AN INEFFECTIVE RATING ON ANY ONE OF THESE
20 SUBCOMPONENTS, THE HIGHEST OVERALL COMPOSITE RATING HE OR SHE MAY
21 RECEIVE IS DEVELOPING.

22 (8) Except for the student growth measures on the state assessments or
23 other comparable measures of student growth prescribed in paragraphs e,
24 f and g of this subdivision, the [elements comprising the composite
25 effectiveness score and the] process by which points are assigned to
26 subcomponents shall be locally developed, consistent with the standards
27 prescribed in the regulations of the commissioner and the requirements
28 of this section, through negotiations conducted, pursuant to the
29 requirements of article fourteen of the civil service law.

30 S 3. Subparagraphs 2 and 3 of paragraph c of subdivision 2 of section
31 3012-c of the education law, as amended by chapter 21 of the laws of
32 2012, are amended to read as follows:

33 (2) Subject to paragraph k of this subdivision, FOR THE TWO THOUSAND
34 TWELVE--TWO THOUSAND THIRTEEN AND THE TWO THOUSAND THIRTEEN--TWO THOU-
35 SAND FOURTEEN SCHOOL YEARS, the entire annual professional performance
36 review shall be completed and provided to the teacher or principal as
37 soon as practicable but in no case later than September first of the
38 school year next following the school year for which the classroom
39 teacher or building principal's performance is being measured. The
40 teacher's and principal's score and rating on the locally selected meas-
41 ures subcomponent, if available, and on the other measures of teacher
42 and principal effectiveness subcomponent for a teacher's or principal's
43 annual professional performance review shall be computed and provided to
44 the teacher or principal, in writing, by no later than the last day of
45 the school year for which the teacher or principal is being measured.
46 Nothing in this subdivision shall be construed to authorize a teacher or
47 principal to trigger the appeal process prior to receipt of his or her
48 composite effectiveness score and rating.

49 (3) Each such annual professional performance review shall be based on
50 the state assessments or other comparable measures subcomponent, the
51 locally selected measures of student achievement subcomponent IN SCHOOL
52 YEARS WHERE APPLICABLE, and the other measures of teacher and principal
53 effectiveness subcomponent, determined in accordance with the applicable
54 provisions of this section and the regulations of the commissioner, for
55 the school year for which the teacher's or principal's performance is
56 measured.

1 S 4. Subparagraph 1 of paragraph f of subdivision 2 of section 3012-c
2 of the education law, as amended by chapter 21 of the laws of 2012, is
3 amended to read as follows:

4 (1) For annual professional performance reviews conducted in accord-
5 ance with paragraph c of this subdivision for the two thousand twelve--
6 two thousand thirteen [school year and thereafter], TWO THOUSAND THIR-
7 TEEN--TWO THOUSAND FOURTEEN AND TWO THOUSAND FOURTEEN--TWO THOUSAND
8 FIFTEEN SCHOOL YEARS for classroom teachers in subjects and grades for
9 which the board of regents has not approved a value-added model and for
10 building principals employed in schools or programs for which there is
11 no approved principal value-added model, forty percent of the composite
12 score of effectiveness shall be based on student achievement measures as
13 follows: (i) twenty percent of the evaluation shall be based upon
14 student growth data on state assessments as prescribed by the commis-
15 sioner or a comparable measure of student growth if such growth data is
16 not available; and (ii) twenty percent shall be based on other locally
17 selected measures of student achievement that are determined to be
18 rigorous and comparable across classrooms in accordance with the regu-
19 lations of the commissioner and as are developed locally in a manner
20 consistent with procedures negotiated pursuant to the requirements of
21 article fourteen of the civil service law.

22 S 5. Paragraph f of subdivision 2 of section 3012-c of the education
23 law is amended by adding a new subparagraph 5 to read as follows:

24 (5) FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND
25 THEREAFTER, FIFTY PERCENT OF A CLASSROOM TEACHER'S OR BUILDING PRINCI-
26 PAL'S COMPOSITE EFFECTIVENESS SCORE SHALL BE BASED ON STUDENT GROWTH ON
27 STATE ASSESSMENTS, WHERE APPLICABLE, OR OTHER COMPARABLE MEASURES OF
28 STUDENT GROWTH, AS PRESCRIBED BY THE COMMISSIONER IN REGULATIONS;
29 PROVIDED THAT SUCH REGULATIONS SHALL REQUIRE THAT ANY COMPARABLE MEAS-
30 URES OF STUDENT GROWTH BE MEASURED ON AN ANNUAL BASIS. FOR THE TWO THOU-
31 SAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, THERE
32 SHALL BE NO LOCALLY SELECTED MEASURES OF STUDENT ACHIEVEMENT SUBCOMPO-
33 NENT.

34 S 6. Paragraphs h, i and j of subdivision 2 of section 3012-c of the
35 education law, paragraph h as amended and paragraph j as added by chap-
36 ter 21 of the laws of 2012 and paragraph i as added by chapter 103 of
37 the laws of 2010, are amended to read as follows:

38 h. [The] FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO THOU-
39 SAND SIXTEEN SCHOOL YEAR, THE remaining sixty percent of the evalu-
40 ations, ratings and effectiveness scores shall be locally developed, AND
41 FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THER-
42 EAFTER, THE REMAINING FIFTY PERCENT OF THE EVALUATIONS, RATINGS AND
43 EFFECTIVENESS SCORES SHALL BE LOCALLY DEVELOPED, consistent with the
44 standards prescribed in the regulations of the commissioner, through
45 negotiations conducted pursuant to article fourteen of the civil service
46 law, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

47 (1) [A] (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO
48 THOUSAND SIXTEEN SCHOOL YEAR, A majority of the sixty points for class-
49 room teachers shall be based on multiple classroom observations
50 conducted by a principal or other trained administrator, which may be
51 performed in-person or by video. For evaluations for the two thousand
52 twelve--two thousand thirteen school year and thereafter, at least one
53 such observation shall be an unannounced visit.

54 (II) FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR
55 AND THEREAFTER, A MINIMUM OF THIRTY-FIVE OF THE FIFTY POINTS MUST BE
56 BASED ON ONE OR MORE CLASSROOM OBSERVATIONS CONDUCTED BY AN INDEPENDENT

1 EVALUATOR, AT LEAST ONE OF WHICH MUST BE UNANNOUNCED. AN INDEPENDENT
2 EVALUATOR SHALL BE ONE OF THE FOLLOWING:

3 (A) A BUILDING PRINCIPAL OR OTHER TRAINED ADMINISTRATOR WITHIN OR
4 OUTSIDE THE SCHOOL DISTRICT, WITH A DEMONSTRATED RECORD OF EFFECTIVENESS
5 AS DETERMINED BY THE COMMISSIONER, AND WHO IS NOT CURRENTLY ASSIGNED AS
6 A PRINCIPAL OR ADMINISTRATOR IN THE SCHOOL IN WHICH HE OR SHE IS
7 CONDUCTING THE EVALUATION; OR

8 (B) A TRAINED INDEPENDENT EVALUATOR FROM A LIST OF ENTITIES AND/OR
9 EVALUATORS WITH A DEMONSTRATED RECORD OF EFFECTIVENESS AND EXPERTISE IN
10 TEACHER TRAINING, OBSERVATION, OR EFFECTIVENESS, AS DETERMINED BY THE
11 COMMISSIONER INCLUDING BUT NOT LIMITED TO RETIRED TEACHERS AND ADMINIS-
12 TRATORS; OR

13 (C) APPOINTED FACULTY AT A STATE UNIVERSITY OF NEW YORK OR A CITY
14 UNIVERSITY OF NEW YORK SCHOOL OF EDUCATION. PROVIDED HOWEVER THAT, THE
15 DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE FOR SCHOOL DISTRICTS AND
16 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES INCLUDING BUT NOT LIMITED TO:

17 (A) FACILITATING PARTNERSHIPS FOR SCHOOL DISTRICTS TO IMPLEMENT SHARED
18 SERVICE AGREEMENTS IN ORDER TO ACCESS NEIGHBORING PRINCIPALS OR TRAINED
19 ADMINISTRATORS;

20 (B) DEVELOPING AND MAINTAINING A LIST OF ENTITIES AND/OR EVALUATORS
21 WITH A DEMONSTRATED RECORD OF EFFECTIVENESS AND EXPERTISE IN TEACHER
22 TRAINING, OBSERVATION, OR EFFECTIVENESS; OR

23 (C) ASSISTING SCHOOL DISTRICTS IN DEVELOPING SCHEDULES FOR SHARING
24 ADMINISTRATORS WITHIN A SCHOOL DISTRICT; OR

25 (D) COORDINATING WITH BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO
26 PROVIDE ADDITIONAL TECHNICAL ASSISTANCE.

27 (2) For the remaining portion of these sixty points for evaluations
28 for the two thousand eleven--two thousand twelve school year, the
29 commissioner's regulation shall prescribe the other forms of evidence of
30 teacher and principal effectiveness that may be used.

31 (3) For evaluations of classroom teachers for the two thousand twelve-
32 -two thousand thirteen [school year and thereafter] TWO THOUSAND THIR-
33 TEEN--TWO THOUSAND FOURTEEN AND TWO THOUSAND FOURTEEN--TWO THOUSAND
34 FIFTEEN SCHOOL YEARS, the remaining portion of these sixty points shall
35 be based on one or more of the following:

36 (i) one or more classroom observations by independent trained evalu-
37 ators selected by the school district or board of cooperative educa-
38 tional services who are teachers or former teachers with a demonstrated
39 record of effectiveness and have no prior affiliation with the school in
40 which they are conducting the evaluation and no other relationship with
41 the teachers being evaluated that would affect their impartiality;

42 (ii) classroom observations by trained in-school peer teachers; and/or

43 (iii) use of a state-approved instrument for parent or student feed-
44 back; and/or

45 (iv) evidence of student development and performance through lesson
46 plans, student portfolios and other artifacts of teacher practices
47 through a structured review process.

48 (4) [A] FOR EVALUATIONS OF CLASSROOM TEACHERS FOR THE TWO THOUSAND
49 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, THE REMAINING
50 PORTION OF THE FIFTY POINTS SHALL BE BASED ON ONE OR MORE CLASSROOM
51 OBSERVATIONS CONDUCTED BY A PRINCIPAL OR OTHER TRAINED ADMINISTRATOR,
52 WHICH MAY BE PERFORMED IN-PERSON OR BY VIDEO AND AT LEAST ONE SUCH
53 OBSERVATION SHALL BE AN UNANNOUNCED VISIT.

54 (5) (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO THOU-
55 SAND SIXTEEN SCHOOL YEAR, A majority of these sixty points for building
56 principals shall be based on a broad assessment of the principal's lead-

1 ership and management actions based on the principal practice rubric by
2 the building principal's supervisor, a trained administrator or a
3 trained independent evaluator, with one or more visits conducted by the
4 supervisor, and, for evaluations for the two thousand twelve--two thou-
5 sand thirteen school year and thereafter, that such assessment must
6 incorporate multiple school visits by a supervisor, a trained adminis-
7 trator or other trained evaluator, with at least one visit conducted by
8 the supervisor and at least one unannounced visit. For the remaining
9 portion of these sixty points for evaluations for the two thousand
10 eleven--two thousand twelve school year, such regulations shall also
11 prescribe the other forms of evidence of principal effectiveness that
12 may be used consistent with the standards prescribed by the commission-
13 er.

14 [(5)] (6) FOR EVALUATIONS OF BUILDING PRINCIPALS FOR THE TWO THOUSAND
15 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, A MINIMUM OF
16 THIRTY-FIVE OF THE FIFTY POINTS SHALL BE BASED ON A BROAD ASSESSMENT OF
17 THE PRINCIPAL'S LEADERSHIP AND MANAGEMENT ACTIONS BASED ON THE PRINCIPAL
18 PRACTICE RUBRIC AS DETERMINED BY AN INDEPENDENT OBSERVER FOLLOWING ONE
19 OR MORE SCHOOL VISITS, AT LEAST ONE OF WHICH MUST BE UNANNOUNCED. AN
20 INDEPENDENT OBSERVER SHALL BE ONE OF THE FOLLOWING:

21 (I) A SUPERINTENDENT OR OTHER TRAINED ADMINISTRATOR THAT SUPERVISES
22 PRINCIPALS FROM OUTSIDE THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE
23 EDUCATIONAL SERVICES WITH A DEMONSTRATED RECORD OF EFFECTIVENESS, OR

24 (II) A TRAINED INDEPENDENT EVALUATOR FROM A LIST OF ENTITIES AND/OR
25 EVALUATORS WITH A DEMONSTRATED RECORD OF EFFECTIVENESS AND EXPERTISE IN
26 SCHOOL BUILDING LEADER TRAINING, OBSERVATION, OR EFFECTIVENESS, AS
27 DETERMINED BY THE COMMISSIONER, OR

28 (III) APPOINTED FACULTY AT A STATE UNIVERSITY OF NEW YORK OR A CITY
29 UNIVERSITY OF NEW YORK SCHOOL OF EDUCATION.

30 PROVIDED THAT, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE FOR
31 SCHOOL DISTRICTS INCLUDING BUT NOT LIMITED TO:

32 (A) FACILITATING PARTNERSHIPS FOR SCHOOL DISTRICTS TO IMPLEMENT SHARED
33 SERVICE AGREEMENTS IN ORDER TO ACCESS NEIGHBORING SUPERINTENDENTS OR
34 OTHER TRAINED ADMINISTRATORS THAT SUPERVISE PRINCIPALS; OR

35 (B) DEVELOPING AND MAINTAINING A LIST OF ENTITIES AND/OR EVALUATORS
36 WITH A DEMONSTRATED RECORD OF EFFECTIVENESS AND EXPERTISE IN SCHOOL
37 BUILDING LEADER TRAINING, OBSERVATION, OR EFFECTIVENESS, AS DETERMINED
38 BY THE COMMISSIONER, INCLUDING BUT NOT LIMITED TO RETIRED ADMINISTRA-
39 TORS; OR

40 (C) ASSISTING SCHOOL DISTRICTS IN DEVELOPING SCHEDULES FOR SHARING
41 NON-SUPERVISING ADMINISTRATORS WITHIN A SCHOOL DISTRICT, IF APPLICABLE;
42 OR

43 (D) COORDINATING WITH BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO
44 PROVIDE ADDITIONAL TECHNICAL ASSISTANCE.

45 (7) For evaluations of building principals for the two thousand
46 twelve--two thousand thirteen [school year and thereafter], TWO THOUSAND
47 THIRTEEN--TWO FOURTEEN AND THE TWO THOUSAND FOURTEEN--TWO THOUSAND
48 FIFTEEN SCHOOL YEARS, the remaining portion of these sixty points shall
49 include, in addition to the requirements of subparagraph three of this
50 paragraph, at least two other sources of evidence from the following
51 options: feedback from teachers, students, and/or families using state-
52 approved instruments; school visits by other trained evaluators; and/or
53 review of school documents, records, and/or state accountability proc-
54 esses. Any such remaining points shall be assigned based on the results
55 of one or more ambitious and measurable goals set collaboratively with

1 principals and their superintendents or district superintendents as
2 follows:

3 (i) at least one goal must address the principal's contribution to
4 improving teacher effectiveness, which shall include one or more of the
5 following: improved retention of high performing teachers, the corre-
6 lation between student growth scores of teachers granted tenure as
7 opposed to those denied tenure; or improvements in the proficiency
8 rating of the principal on specific teacher effectiveness standards in
9 the principal practice rubric.

10 (ii) any other goals shall address quantifiable and verifiable
11 improvements in academic results or the school's learning environmental
12 such as student or teacher attendance.

13 [(6) The] (8) FOR EVALUATIONS OF BUILDING PRINCIPALS FOR THE TWO THOU-
14 SAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THEREAFTER, THE
15 REMAINING PORTION OF THE FIFTY POINTS SHALL BE BASED ON A BROAD ASSESS-
16 MENT OF THE PRINCIPAL'S LEADERSHIP AND MANAGEMENT ACTIONS BASED ON THE
17 PRINCIPAL PRACTICE RUBRIC BY THE BUILDING PRINCIPAL'S SUPERVISOR, WITH
18 AT LEAST ONE UNANNOUNCED VISIT.

19 (9) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO THOUSAND
20 SIXTEEN SCHOOL YEAR, THE district or board of cooperative educational
21 services shall establish specific minimum and maximum scoring ranges for
22 each performance level within this subcomponent before the start of each
23 school year and shall assign points to a teacher or principal for this
24 subcomponent based on the standards prescribed in the regulations of the
25 commissioner, all in accordance with, and subject to, the requirements
26 of paragraph j of this subdivision. FOR THE TWO THOUSAND FIFTEEN--SIX-
27 TEEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL ESTABLISH IN
28 REGULATIONS THE MINIMUM AND MAXIMUM SCORING RANGES FOR EACH PERFORMANCE
29 LEVEL WITHIN THIS SUBCOMPONENT.

30 i. For purposes of this section, student growth means the change in
31 student achievement for an individual student between two or more points
32 in time.

33 j. (1) The process by which points are assigned in subcomponents and
34 the scoring ranges for the subcomponents must be transparent and avail-
35 able to those being rated before the beginning of each school year. The
36 process by which points are assigned in the respective subcomponents are
37 to be determined as follows:

38 (i) For the state assessment or other comparable measures subcompo-
39 nent, that process shall be formulated by the commissioner with the
40 approval of the board of regents.

41 (ii) For SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO THOUSAND
42 SIXTEEN SCHOOL YEAR, FOR the locally selected measures of the student
43 achievement subcomponent, that process shall be established locally
44 through negotiations conducted under article fourteen of the civil
45 service law.

46 (iii) For the other measures of teacher and principal effectiveness
47 subcomponent, that process shall be established locally through negoti-
48 ations conducted under article fourteen of the civil services law.

49 (2) Such process must ensure that it is possible for a teacher or
50 principal to obtain each point in the applicable scoring ranges, includ-
51 ing zero, for the state assessment or other comparable measures subcom-
52 ponent, the locally selected measures of student achievement subcompo-
53 nent IN SCHOOL YEARS WHERE APPLICABLE, and the overall rating
54 categories. The process must also ensure that it is possible for a
55 teacher or principal to obtain each point in the scoring ranges
56 prescribed by the district or board of cooperative educational services

1 for the other measures of teacher and principal effectiveness subcompo-
2 nent.

3 (3) The superintendent, district superintendent or chancellor and the
4 president of the collective bargaining representative (where one exists)
5 shall certify in its plan that the process will use the narrative
6 descriptions of the standards for the scoring ranges provided in the
7 regulations of the commissioner to effectively differentiate a teacher
8 or principal's performance in each of the subcomponents and in their
9 overall ratings to improve student learning and instruction.

10 (4) [The] FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND FIFTEEN--TWO
11 THOUSAND SIXTEEN SCHOOL YEAR, scoring ranges for the other measures of
12 teacher and principal effectiveness subcomponent shall be established
13 locally through negotiations conducted under article fourteen of the
14 civil service law. FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
15 SCHOOL YEAR AND THEREAFTER, THE SCORING RANGES FOR THE OTHER MEASURES OF
16 TEACHER AND PRINCIPAL EFFECTIVENESS SUBCOMPONENT SHALL BE ESTABLISHED BY
17 THE COMMISSIONER IN REGULATIONS.

18 S 7. Section 3012-c of the education law is amended by adding a new
19 subdivision 11 to read as follows:

20 11. A. A STUDENT MAY NOT BE INSTRUCTED FOR TWO CONSECUTIVE SCHOOL
21 YEARS BY TWO CONSECUTIVE CLASSROOM TEACHERS IN THE SAME DISTRICT, EACH
22 OF WHOM RECEIVED A FINAL QUALITY RATING OF INEFFECTIVE UNDER AN ANNUAL
23 PROFESSIONAL PERFORMANCE REVIEW CONDUCTED PURSUANT TO THIS SECTION IN
24 THE SCHOOL YEAR IMMEDIATELY BEFORE THE SCHOOL YEAR IN WHICH THE STUDENT
25 IS PLACED IN THE RESPECTIVE CLASSROOM TEACHER'S CLASS.

26 B. IF A CLASSROOM TEACHER DID NOT INSTRUCT STUDENTS IN THE SCHOOL YEAR
27 IMMEDIATELY BEFORE THE SCHOOL YEAR IN WHICH THE STUDENTS ARE PLACED IN
28 THE TEACHER'S CLASS, THE TEACHER'S RATING IN THE MOST RECENT YEAR IN
29 WHICH THE TEACHER INSTRUCTED STUDENTS, INSTEAD OF THE SCHOOL YEAR IMME-
30 DIATELY BEFORE THE SCHOOL YEAR IN WHICH STUDENTS ARE PLACED IN THE
31 CLASSROOM TEACHER'S CLASS, SHALL BE USED IN DETERMINING THE RATINGS FOR
32 PURPOSES OF THIS SUBDIVISION.

33 S 8. This act shall take effect immediately.

34

PART C

35 Section 1. Section 34 of chapter 91 of the laws of 2002 amending the
36 education law and other laws relating to the reorganization of the New
37 York city school construction authority, board of education and communi-
38 ty boards, as amended by chapter 345 of the laws of 2009, is amended to
39 read as follows:

40 S 34. This act shall take effect July 1, 2002; provided, that sections
41 one through twenty, twenty-four, and twenty-six through thirty of this
42 act shall expire and be deemed repealed June 30, [2015] 2018; provided,
43 further, that notwithstanding any provision of article 5 of the general
44 construction law, on June 30, [2015] 2018 the provisions of subdivisions
45 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
46 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
47 2554 of the education law as repealed by section three of this act,
48 subdivision 1 of section 2590-b of the education law as repealed by
49 section six of this act, paragraph (a) of subdivision 2 of section
50 2590-b of the education law as repealed by section seven of this act,
51 section 2590-c of the education law as repealed by section eight of this
52 act, paragraph c of subdivision 2 of section 2590-d of the education law
53 as repealed by section twenty-six of this act, subdivision 1 of section
54 2590-e of the education law as repealed by section twenty-seven of this

1 act, subdivision 28 of section 2590-h of the education law as repealed
2 by section twenty-eight of this act, subdivision 30 of section 2590-h of
3 the education law as repealed by section twenty-nine of this act, subdi-
4 vision 30-a of section 2590-h of the education law as repealed by
5 section thirty of this act shall be revived and be read as such
6 provisions existed in law on the date immediately preceding the effec-
7 tive date of this act; provided, however, that sections seven and eight
8 of this act shall take effect on November 30, 2003; provided further
9 that the amendments to subdivision 25 of section 2554 of the education
10 law made by section two of this act shall be subject to the expiration
11 and reversion of such subdivision pursuant to section 12 of chapter 147
12 of the laws of 2001, as amended, when upon such date the provisions of
13 section four of this act shall take effect.

14 S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
15 amending the education law relating to the New York city board of educa-
16 tion, chancellor, community councils, and community superintendents, is
17 amended to read as follows:

18 12. any provision in sections one, two, three, four, five, six, seven,
19 eight, nine, ten and eleven of this act not otherwise set to expire
20 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
21 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
22 and be deemed repealed June 30, [2015] 2018.

23 S 3. This act shall take effect immediately.

24

PART D

25 Section 1. As used in this section, "current year" and "base year"
26 shall have the same meanings as defined in paragraphs a and b, respec-
27 tively, of subdivision 1 of section 3602 of the education law.

28 1. Notwithstanding any provision of law to the contrary, a school
29 district shall not be eligible for an apportionment of general support
30 for public schools for the 2015-16 school year or any school year there-
31 after in excess of the amount apportioned to such school district in the
32 base year, unless the following eligibility criteria and conditions have
33 been met:

34 (a) For all school districts, the director of the budget has notified
35 the commissioner of education in writing that by March 31, 2015 the
36 legislature has enacted a chapter or chapters of law identical to part A
37 and part B of this act as proposed in legislative bill numbers S.2010
38 and A.3010 and submitted in support of the executive budget for the
39 2015-16 state fiscal year; and

40 (b) For all school districts, the school district has submitted
41 documentation that has been approved by the commissioner of education,
42 by September 1 of the current year, demonstrating that it has fully
43 implemented the standards and procedures for conducting annual profes-
44 sional performance reviews of classroom teachers and building principals
45 in accordance with the requirements of section 3012-c of the education
46 law, as amended by part B of this act as proposed in legislative bill
47 numbers S.2010 and A.3010 and submitted in support of the executive
48 budget for the 2015-16 state fiscal year, and the commissioner of
49 education's regulations; and

50 (c) For a school district in a city with a population of one million
51 or more, the director of the budget has notified the commissioner of
52 education in writing that by March 31, 2015 the legislature has enacted
53 a chapter or chapters of law identical to part C of this act as proposed
54 in legislative bill numbers S.2010 and A.3010 and submitted in support
55 of the executive budget for the 2015-16 state fiscal year.

1 2. If any payments of ineligible amounts pursuant to subdivision one
2 of this section were made, the total amount of such payments shall be
3 deducted from future payments to the school district; provided that, if
4 the amount of the deduction is greater than the sum of the amounts
5 available for such deductions in the applicable school year, the remain-
6 der of the deduction shall be withheld from payments scheduled to be
7 made to the school district pursuant to section 3609-a of the education
8 law for the subsequent school year.

9 3. Notwithstanding any provision of law to the contrary, any appor-
10 tionment withheld pursuant to this section shall not have any effect on
11 the base year calculation for use in the subsequent school year.

12 S 2. Subdivision 2 of section 1 of part A of chapter 57 of the laws of
13 2013 relating to school district eligibility for an increase in appor-
14 tionment of school aid and implementation of standards for conducting
15 annual professional performance reviews to determine teacher and princi-
16 pal effectiveness is amended to read as follows:

17 2. Notwithstanding any inconsistent provision of law, no school
18 district shall be eligible for an apportionment of general support for
19 public schools from the funds appropriated for the 2013-14 school year
20 [and thereafter] OR THE 2014-15 SCHOOL YEAR in excess of the amount
21 apportioned to such school district in the base year unless such school
22 district has submitted documentation that has been approved by the
23 commissioner of education by September 1 of the current year, demon-
24 strating that it has fully implemented the standards and procedures for
25 conducting annual professional performance reviews of classroom teachers
26 and building principals in accordance with the requirements of section
27 3012-c of the education law and the commissioner of education's regu-
28 lations. Any apportionment withheld pursuant to this section shall not
29 occur prior to April 1 of the current year and shall not have any effect
30 on the base year calculation for use in the subsequent school year.

31 S 3. This act shall take effect immediately.

32 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
33 sion, section or part of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent of
39 the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 S 3. This act shall take effect immediately provided, however, that
42 the applicable effective date of Parts A through D of this act shall be
43 as specifically set forth in the last section of such Parts.