

S. 2010

A. 3010

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

January 21, 2015

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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 PRAC-  
37 TICE 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

REGISTER OR PROVIDE SUCH NOTICE WITHIN ONE HUNDRED EIGHTY DAYS OF SUCH CHANGE SHALL CONSTITUTE GROUNDS FOR MORAL CHARACTER REVIEW UNDER SUBDIVISION SEVEN OF SECTION THREE HUNDRED FIVE OF THIS TITLE.

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

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

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

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

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

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

D. CERTIFICATE HOLDERS WHO ARE NOT PRACTICING AS A TEACHER, TEACHING ASSISTANT OR EDUCATIONAL LEADER IN A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES IN THIS STATE SHALL BE EXEMPT FROM THE CONTINUING TEACHER EDUCATION REQUIREMENT UPON THE FILING OF A WRITTEN STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY HOLDER OF A PROFESSIONAL CERTIFICATE IN THE CLASSROOM TEACHING SERVICE, HOLDER OF A LEVEL III TEACHING ASSISTANT CERTIFICATE AND HOLDER OF A PROFESSIONAL CERTIFICATE IN THE EDUCATIONAL LEADERSHIP SERVICE WHO RESUMES PRACTICE DURING THE FIVE-YEAR REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO RESUMING PRACTICE AND SHALL PAY THE CURRENT CONTINUING TEACHER EDUCATION FEE AND SHALL MEET SUCH CONTINUING TEACHER EDUCATION REQUIREMENTS AS PRESCRIBED IN REGULATIONS OF THE COMMISSIONER.

2. A. DURING EACH FIVE-YEAR REGISTRATION PERIOD BEGINNING ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, AN APPLICANT FOR REGISTRATION SHALL SUCCESSFULLY COMPLETE A MINIMUM OF 100 HOURS OF CONTINUING TEACHER 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 SCHOLARSHIPS THAT COVER LESS THAN THE STUDENT'S FULL COST OF ATTENDANCE, SUCH GRANTS AND/OR SCHOLARSHIPS SHALL NOT BE DEEMED DUPLICATIVE OF THIS PROGRAM AND MAY BE HELD CONCURRENTLY WITH AN AWARD UNDER THIS PROGRAM, PROVIDED THAT THE COMBINED BENEFITS DO NOT EXCEED THE STUDENT'S FULL COST OF ATTENDANCE; AND (III) AN AWARD UNDER THIS PROGRAM SHALL BE APPLIED TO TUITION AFTER THE APPLICATION OF ALL OTHER EDUCATIONAL GRANTS AND SCHOLARSHIPS LIMITED TO TUITION AND SHALL BE REDUCED IN AN AMOUNT EQUAL TO SUCH EDUCATIONAL GRANTS AND/OR SCHOLARSHIPS. UPON NOTIFICATION OF AN AWARD UNDER THIS PROGRAM, THE INSTITUTION SHALL DEFER THE AMOUNT OF TUITION EQUAL TO THE AWARD. NO AWARD SHALL BE FINAL UNTIL THE RECIPIENT'S SUCCESSFUL COMPLETION OF A TERM HAS BEEN CERTIFIED BY THE INSTITUTION. A RECIPIENT OF AN AWARD UNDER THIS PROGRAM SHALL NOT BE ELIGIBLE FOR AN AWARD UNDER THE NEW YORK STATE MATH AND SCIENCE TEACHING INCENTIVE 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 CERTIFICATION IT IS FOUND THAT A RECIPIENT IS NOT TEACHING IN A PUBLIC SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER; (B) A RECIPIENT HAS NOT TAUGHT IN A PUBLIC SCHOOL LOCATED WITHIN NEW YORK STATE PROVIDING ELEMENTARY OR SECONDARY EDUCATION RECOGNIZED BY THE BOARD OF REGENTS OR THE UNIVERSITY OF THE STATE OF NEW YORK, INCLUDING CHARTER SCHOOLS AUTHORIZED PURSUANT TO ARTICLE FIFTY-SIX OF THIS CHAPTER FOR FIVE OF THE SEVEN YEARS AFTER THE COMPLETION OF THE GRADUATE DEGREE PROGRAM AND RECEIPT OF INITIAL CERTIFICATION; (C) A RECIPIENT FAILS TO COMPLETE HIS OR HER GRADUATE DEGREE PROGRAM IN EDUCATION; (D) A RECIPIENT FAILS TO RECEIVE OR MAINTAIN HIS OR HER TEACHING CERTIFICATE OR LICENSE IN NEW YORK STATE; OR (E) A 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 school district within the state, the school district where currently employed, or a board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to subdivision one of section three thousand twenty-a of this chapter, the probationary period shall not exceed two years; provided, however, that in cities with a population of one million or more, a teacher appointed under a newly created license, for teachers of reading and of the emotionally handicapped, to a position which the teacher has held for at least two years prior to such appointment while serving on tenure in another license area who was not dismissed as a result of charges brought pursuant to subdivision one of section three thousand twenty-a of this chapter, the probationary period shall be one year. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of his probationary period. In city school districts having a population of four hundred thousand or more, persons with licenses obtained as a result of examinations announced subsequent to the twenty-second day of May, nineteen hundred sixty-nine appointed upon conditions that all announced requirements for the position be fulfilled within a specified period of time, shall not acquire tenure unless and until such requirements have been completed within the time specified for the fulfillment of such requirements, notwithstanding the expiration of any probationary period. In all other city school districts subject to the provisions of this article, failure to maintain certification as required by this article and by the regulations of the commissioner of education shall be cause for removal within the meaning of subdivision five of this section.

33 II. TEACHERS AND ALL OTHER MEMBERS OF THE TEACHING STAFF APPOINTED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN AND AUTHORIZED BY SECTION TWENTY-FIVE HUNDRED FIFTY-FOUR OF THIS ARTICLE, SHALL BE APPOINTED BY THE BOARD OF EDUCATION, UPON THE RECOMMENDATION OF THE SUPERINTENDENT OF SCHOOLS, FOR A PROBATIONARY PERIOD OF FIVE YEARS, EXCEPT THAT IN THE CASE OF A TEACHER WHO HAS RENDERED SATISFACTORY SERVICE AS A REGULAR SUBSTITUTE FOR A PERIOD OF TWO YEARS OR AS A SEASONALLY LICENSED PER SESSION TEACHER OF SWIMMING IN DAY SCHOOLS WHO HAS SERVED IN THAT CAPACITY FOR A PERIOD OF TWO YEARS AND HAS BEEN APPOINTED TO TEACH THE SAME SUBJECT IN DAY SCHOOLS ON AN ANNUAL SALARY, THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF THREE YEARS; PROVIDED, HOWEVER, THAT IN THE CASE OF A TEACHER WHO HAS BEEN APPOINTED ON TENURE IN ANOTHER SCHOOL DISTRICT WITHIN THE STATE, THE SCHOOL DISTRICT WHERE CURRENTLY EMPLOYED, OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES, AND WHO WAS NOT DISMISSED FROM SUCH DISTRICT OR BOARD AS A RESULT OF CHARGES BROUGHT PURSUANT TO SUBDIVISION ONE OF SECTION THREE THOUSAND TWENTY-A OF THIS CHAPTER, THE TEACHER SHALL BE APPOINTED FOR A PROBATIONARY PERIOD OF FOUR YEARS; PROVIDED, HOWEVER, THAT IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, A TEACHER APPOINTED UNDER A NEWLY CREATED LICENSE, FOR TEACHERS OF READING AND OF THE EMOTIONALLY HANDICAPPED, TO A POSITION WHICH THE TEACHER HAS HELD FOR AT LEAST TWO YEARS PRIOR TO SUCH APPOINTMENT WHILE SERVING ON TENURE IN ANOTHER LICENSE AREA WHO WAS NOT DISMISSED AS A RESULT OF CHARGES BROUGHT PURSUANT TO SUBDIVISION ONE OF 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 unbe-  
5 coming 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 PRINCIPAL,  
11 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 EDUCATIONAL  
17 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 SATISFACTORY.  
20 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) INSUBORDINATION,  
30 IMMORAL CHARACTER OR CONDUCT UNBECOMING A TEACHER; (II) INEFFICIENCY,  
31 INCOMPETENCY, PHYSICAL OR MENTAL DISABILITY OR NEGLECT OF DUTY; (III) FAILURE  
32 TO MAINTAIN CERTIFICATION AS REQUIRED BY THIS CHAPTER AND BY THE REGULATIONS  
33 OF THE COMMISSIONER. EACH PERSON WHO IS NOT TO BE SO RECOMMENDED FOR  
34 APPOINTMENT ON TENURE SHALL BE SO NOTIFIED IN WRITING BY THE DISTRICT  
35 SUPERINTENDENT NOT LATER THAN SIXTY DAYS IMMEDIATELY PRECEDING THE  
36 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 classroom  
41 teachers and building principals employed by school districts or boards of  
42 cooperative educational services shall be conducted in accordance with the  
43 provisions of this section. Such performance reviews which are conducted  
44 on or after July first, two thousand eleven, or on or after the date  
45 specified in paragraph c of subdivision two of this section where applicable,  
46 shall include measures of student achievement and be conducted in accordance  
47 with this section. Such annual professional performance reviews shall be  
48 a significant factor for employment decisions including but not limited to,  
49 promotion, retention, tenure determination, termination, and supplemental  
50 compensation, which decisions are to be made in accordance with locally  
51 developed procedures negotiated pursuant to the requirements of article  
52 fourteen of the civil service law where applicable. Provided, however,  
53 that nothing in this section shall be construed to affect the UNFETTERED  
54 statutory right of a school district or board of cooperative educational  
55 services to terminate a probationary teacher or principal for ANY statutorily  
56 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 DECIS-  
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-

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

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

8. THE RECEIVER SHALL PROVIDE A WRITTEN REPORT TO THE BOARD OF EDUCATION ON A QUARTERLY BASIS TO PROVIDE SPECIFIC INFORMATION ABOUT THE PROGRESS BEING MADE ON THE IMPLEMENTATION OF THE DISTRICT'S DISTRICT TURNAROUND PLAN. ONE OF THE QUARTERLY REPORTS SHALL BE THE ANNUAL EVALUATION REQUIRED IN SUBDIVISION NINE OF THIS SECTION.

9. THE COMMISSIONER SHALL EVALUATE THE PERFORMANCE OF THE RECEIVER ON NOT LESS THAN AN ANNUAL BASIS. THE PURPOSE OF SUCH EVALUATION SHALL BE TO ASSESS THE IMPLEMENTATION OF THE DISTRICT TURNAROUND PLAN AND DETERMINE WHETHER THE DISTRICT HAS MET THE ANNUAL GOALS CONTAINED IN THE DISTRICT TURNAROUND PLAN. THE EVALUATION SHALL BE IN WRITING AND SUBMITTED TO THE COMMISSIONER AND THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT NO LATER THAN JULY FIRST FOR THE PRECEDING SCHOOL YEAR. IF THE COMMISSIONER DETERMINES THAT THE DISTRICT HAS MET THE ANNUAL PERFORMANCE GOALS STATED IN THE DISTRICT TURNAROUND PLAN, THE EVALUATION SHALL BE CONSIDERED SUFFICIENT AND THE IMPLEMENTATION OF THE DISTRICT TURNAROUND PLAN SHALL CONTINUE. IF THE COMMISSIONER DETERMINES THAT THE RECEIVER HAS NOT MET ONE OR MORE GOALS IN THE PLAN AND THE FAILURE TO MEET THE GOALS MAY BE CORRECTED THROUGH REASONABLE MODIFICATION OF THE PLAN, THE COMMISSIONER MAY REQUIRE THE RECEIVER TO AMEND THE DISTRICT TURNAROUND PLAN, AS NECESSARY. IF THE COMMISSIONER DETERMINES THAT THE RECEIVER HAS SUBSTANTIALLY FAILED TO MEET MULTIPLE GOALS IN THE DISTRICT TURNAROUND PLAN, THE COMMISSIONER MAY TERMINATE THE CONTRACT OF SUCH RECEIVER; PROVIDED, HOWEVER, THAT THE TERMINATION SHALL NOT OCCUR BEFORE THE COMPLETION OF THE FIRST FULL SCHOOL YEAR OF THE RECEIVERSHIP OF THE DISTRICT.

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

(A) THE REGULATIONS SHALL INCLUDE PROVISIONS TO ALLOW A DISTRICT TO RETAIN MEASURES ADOPTED IN A DISTRICT TURNAROUND PLAN FOR A TRANSITIONAL PERIOD IF, IN THE JUDGMENT OF THE COMMISSIONER, THE MEASURES WOULD CONTRIBUTE TO THE CONTINUED IMPROVEMENT OF THE DISTRICT. SUCH REGULATIONS SHALL ALSO INCLUDE PROVISIONS THAT CLEARLY IDENTIFY THE CONDITIONS UNDER WHICH SUCH A TRANSITIONAL PERIOD SHALL END AND THE POWERS GRANTED TO THE COMMISSIONER UNDER THIS SECTION SHALL CEASE TO APPLY TO A DISTRICT PREVIOUSLY DESIGNATED AS A FAILING SCHOOL DISTRICT.

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

MODIFIED OR ELIMINATED AND WHETHER THE SCHOOL DISTRICT SHALL NO LONGER BE DESIGNATED AS FAILING. THE BOARD OF EDUCATION OF A FAILING SCHOOL DISTRICT MAY SEEK REVIEW BY COMMISSIONER FOLLOWING AN ADVERSE DETERMINATION.

(C) IF, PURSUANT TO THE REGULATIONS ADOPTED BY THE COMMISSIONER, A DISTRICT HAS NOT IMPROVED SUFFICIENTLY TO REMOVE THE DESIGNATION OF THE DISTRICT AS FAILING, THE COMMISSIONER MAY: (I) JOINTLY DETERMINE SUBSEQUENT ANNUAL GOALS FOR EACH COMPONENT OF THE DISTRICT TURNAROUND PLAN WITH THE RECEIVER AND RENEW THE DISTRICT TURNAROUND PLAN FOR AN ADDITIONAL PERIOD OF NOT MORE THAN THREE YEARS; OR (II) TERMINATE THE CONTRACT OF THE RECEIVER, APPOINT A NEW RECEIVER AND CREATE A NEW OR MODIFIED DISTRICT TURNAROUND PLAN, CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION.

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

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

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

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

2. (A) THE RECEIVER SHALL BE AUTHORIZED TO MANAGE AND OPERATE THE FAILING SCHOOL AND SHALL HAVE THE POWER TO SUPERSEDE ANY DECISION OF THE SUPERINTENDENT OF SCHOOLS OR CHIEF SCHOOL OFFICER, OR OF THE BOARD OF EDUCATION OR OF THE BUILDING PRINCIPAL THAT IN THE JUDGMENT OF THE RECEIVER CONFLICTS WITH THE SCHOOL IMPROVEMENT PLAN. THE RECEIVER SHALL HAVE AUTHORITY TO REVIEW PROPOSED SCHOOL DISTRICT BUDGETS PRIOR TO PRESENTATION TO THE DISTRICT VOTERS, OR IN THE CASE OF A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND OR MORE OR THE ADOPTION OF A CONTINGENCY BUDGET, PRIOR TO APPROVAL BY THE BOARD OF EDUCATION, AND TO MODIFY THE PROPOSED BUDGET TO CONFORM TO THE SCHOOL INTERVENTION PLAN.

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

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

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

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

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

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

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

## SUBPART E

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

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

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

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

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

(3) "teacher" means any professional educator holding a teaching certificate as defined in subparagraph four of this paragraph, including 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 subdivi-  
42 sion 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 subdivi-

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  
2  
3 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  
4  
5 twelve-c of this article and shall provide that such a pattern of ineffective teaching or performance shall constitute very significant  
6  
7 evidence of incompetence which may form the basis for just cause removal, AND PROVIDED FURTHER THAT ANY ALTERNATE DISCIPLINARY PROCEDURES  
8  
9 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  
10  
11 PATTERN OF INEFFECTIVE TEACHING OR PERFORMANCE SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF INCOMPETENCE THAT CAN ONLY BE REBUTTED BY CLEAR AND  
12  
13 CONVINCING EVIDENCE THAT THE CALCULATION OF ONE OR MORE OF THE TEACHER'S OR PRINCIPAL'S UNDERLYING COMPOSITE RATINGS ON THE ANNUAL PROFESSIONAL  
14  
15 PERFORMANCE REVIEWS PURSUANT TO SECTION THREE THOUSAND TWELVE-C OF THIS ARTICLE WAS FRAUDULENT, AND IF NOT SUCCESSFULLY REBUTTED, THE FINDING,  
16  
17 ABSENT EXTRAORDINARY CIRCUMSTANCES, SHALL BE JUST CAUSE FOR REMOVAL.

18  
19 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:

20  
21 S 3020-a. Disciplinary procedures and penalties. 1. Filing of charges. All charges against a person enjoying the benefits of tenure as provided  
22  
23 in subdivision three of section eleven hundred two, and sections twenty-five hundred nine, twenty-five hundred seventy-three, twenty-five  
24  
25 hundred ninety-j, three thousand twelve and three thousand fourteen of this chapter shall be in writing and filed with the clerk or secretary  
26  
27 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  
28  
29 normally required to serve. Except as provided in subdivision eight of section twenty-five hundred seventy-three and subdivision seven of  
30  
31 section twenty-five hundred ninety-j of this chapter, no charges under this section shall be brought more than three years after the occurrence  
32  
33 of the alleged incompetency or misconduct, except when the charge is of misconduct constituting a crime when committed.

34  
35 2. Disposition of charges. a. Upon receipt of the charges, the clerk or secretary of the school district or employing board shall immediately  
36  
37 notify said board thereof. Within five days after receipt of charges, the employing board, in executive session, shall determine, by a vote of  
38  
39 a majority of all the members of such board, whether probable cause exists to bring a disciplinary proceeding against an employee pursuant  
40  
41 to this section. If such determination is affirmative, a written statement specifying (i) the charges in detail, (ii) the maximum penalty  
42  
43 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  
44  
45 guilty of the charges after a hearing and (iii) the employee's rights under this section, shall be immediately forwarded to the accused  
46  
47 employee by certified or registered mail, return receipt requested or by personal delivery to the employee.

48  
49 b. The employee may be suspended pending a hearing on the charges and the final determination thereof. The suspension shall be with pay,  
50  
51 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  
52  
53 concerning the criminal sale or possession of a controlled substance, a  
54  
55  
56

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 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

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

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

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

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

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

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

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

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

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

(ii) If after September first, two thousand thirteen, either the board of regents or the board of trustees of the state university of New York have any charters which have not yet been issued, they may be issued pursuant to requests for proposals issued in each succeeding year, without limitation as to when such requests for proposals may be issued, or 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

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

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

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

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

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

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

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