

# STATE OF NEW YORK

5497

2019-2020 Regular Sessions

## IN ASSEMBLY

February 12, 2019

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

AN ACT to amend the education law, in relation to annual professional performance review of classroom teachers and building principals and to reducing the probationary period for assistants and other superintendents, teachers and other employees; and to repeal certain provisions of the education law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 3012-c of the education law is REPEALED.  
2 § 2. Section 3012-d of the education law is REPEALED.  
3 § 3. The education law is amended by adding a new section 3012-b to  
4 read as follows:  
5 § 3012-b. Annual professional performance review of classroom teachers  
6 and building principals. 1. Notwithstanding any other provision of law,  
7 rule or regulation to the contrary, the annual professional performance  
8 reviews of all classroom teachers and building principals employed by  
9 school districts or boards of cooperative educational services shall be  
10 conducted in accordance with the provisions of this section.  
11 2. Annual professional performance reviews shall be determined through  
12 collective bargaining.  
13 3. Classroom teachers and building principals shall receive final  
14 annual professional performance review ratings of either: (i) highly  
15 effective; (ii) effective; (iii) developing; or (iv) ineffective. The  
16 process and parameters for determining each rating shall be determined  
17 by the school district or board of cooperative educational services  
18 through collective bargaining.  
19 4. Notwithstanding any other provision of law, rule, or regulation to  
20 the contrary until a successor collective bargaining agreement is  
21 entered into, the provisions of the collective bargaining agreement in  
22 effect on the effective date of this section relating to annual profes-

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

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1 sional performance reviews conducted pursuant to former section three  
2 thousand twelve-d of this article shall remain in effect.

3 5. Notwithstanding any other provision of law, rule or regulation to  
4 the contrary, all collective bargaining agreements entered into after  
5 the effective date of this section shall be consistent with the require-  
6 ments of this section, unless the agreement relates to the two thousand  
7 seventeen--two thousand eighteen school year only. Nothing in this  
8 section shall be construed to abrogate any conflicting provisions of any  
9 collective bargaining agreement in effect prior to the effective date of  
10 this section during the term of such agreement and until the entry into  
11 a successor collective bargaining agreement, provided that notwithstand-  
12 ing any other provision of law to the contrary, upon expiration of such  
13 term and the entry into a successor collective bargaining agreement the  
14 provisions of this section shall apply.

15 § 4. Subdivisions 1 and 2 of section 2509 of the education law, subdivi-  
16 sion 1 as amended by chapter 116 of the laws of 1971, paragraphs (a)  
17 and (b) of subdivision 1 as amended by section 1 and subdivision 2 as  
18 amended by section 2 of subpart D of part EE of chapter 56 of the laws  
19 of 2015, are amended to read as follows:

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

44 ii. Notwithstanding any other provision of law or regulation to the  
45 contrary, teachers and all other members of the teaching staff appointed  
46 on or after July first, two thousand fifteen and authorized by section  
47 twenty-five hundred three of this article, shall be appointed by the  
48 board of education, upon the recommendation of the superintendent of  
49 schools, for a probationary period of [~~four~~ three] years, except that in  
50 the case of a teacher who has rendered satisfactory service as a regular  
51 substitute for a period of two years and, if a classroom teacher, has  
52 received composite annual professional performance review ratings in  
53 each of those years, or has rendered satisfactory service as a  
54 seasonally licensed per session teacher of swimming in day schools who  
55 has served in that capacity for a period of two years and has been  
56 appointed to teach the same subject in day schools on an annual salary,

1 the teacher shall be appointed for a probationary period of two years;  
2 provided, however, that in the case of a teacher who has been appointed  
3 on tenure in another school district within the state, the school  
4 district where currently employed, or a board of cooperative educational  
5 services, and who was not dismissed from such district or board as a  
6 result of charges brought pursuant to subdivision one of section three  
7 thousand twenty-a or section three thousand twenty-b of this chapter,  
8 the teacher shall be appointed for a probationary period of [~~three~~] two  
9 years; provided that the teacher demonstrates that he or she received an  
10 annual professional performance review rating pursuant to section [~~three~~  
11 ~~thousand twelve c or section three thousand twelve d~~] three thousand  
12 twelve-b of this chapter in his or her final year of service in such  
13 other school district or board of cooperative educational services. 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. Each person who is not to be recommended for appointment on  
18 tenure shall be so notified by the superintendent of schools in writing  
19 not later than sixty days immediately preceding the expiration of  
20 his/her probationary period.

21 (b) i. Administrators, directors, supervisors, principals and all  
22 other members of the supervising staff, except associate, assistant and  
23 other superintendents appointed prior to July first, two thousand  
24 fifteen and authorized by section twenty-five hundred three of this  
25 article, shall be appointed by the board of education, upon the recom-  
26 mendation of the superintendent of schools for a probationary period of  
27 three years. The service of a person appointed to any of such positions  
28 may be discontinued at any time during the probationary period on the  
29 recommendation of the superintendent of schools, by a majority vote of  
30 the board of education.

31 ii. Notwithstanding any other provision of law or regulation to the  
32 contrary, administrators, directors, supervisors, principals and all  
33 other members of the supervising staff, except associate, assistant and  
34 other superintendents, appointed on or after July first, two thousand  
35 fifteen and authorized by section twenty-five hundred three of this  
36 article, shall be appointed by the board of education, upon the recom-  
37 mendation of the superintendent of schools for a probationary period of  
38 [~~four~~] three years. The service of a person appointed to any of such  
39 positions may be discontinued at any time during the probationary period  
40 on the recommendation of the superintendent of schools, by a majority  
41 vote of the board of education.

42 2. a. At the expiration of the probationary term of any persons  
43 appointed for such term prior to July first, two thousand fifteen, or  
44 within six months prior thereto, the superintendent of schools shall  
45 make a written report to the board of education recommending for  
46 appointment on tenure those persons who have been found competent, effi-  
47 cient and satisfactory. By a majority vote the board of education may  
48 then appoint on tenure any or all of the persons recommended by the  
49 superintendent of schools. Such persons and all others employed in the  
50 teaching service of the schools of such school district who have served  
51 the full probationary period shall hold their respective positions  
52 during good behavior and efficient and competent service, and shall not  
53 be removable except for cause after a hearing as provided by section  
54 three thousand twenty-a or section three thousand twenty-b of this chap-  
55 ter. Failure to maintain certification as required by this chapter and  
56 the regulations of the commissioner shall constitute cause for removal.

1 b. For persons appointed on or after July first, two thousand fifteen,  
2 at the expiration of the probationary term of any persons appointed for  
3 such term, or within six months prior thereto, the superintendent of  
4 schools shall make a written report to the board of education recommend-  
5 ing for appointment on tenure those persons who have been found compe-  
6 tent, efficient and satisfactory and in the case of a classroom teacher  
7 or building principal, who have received annual professional performance  
8 review ratings pursuant to section [~~three thousand twelve-c or section~~  
9 ~~three thousand twelve-d~~] three thousand twelve-b of this chapter, of  
10 either effective or highly effective in at least [~~three~~] two of the  
11 [~~four~~] three preceding years, exclusive of any breaks in service;  
12 provided that, notwithstanding any other provision of this section to  
13 the contrary, when a teacher or principal receives an effective or high-  
14 ly effective rating in each year of his or her probationary service  
15 except he or she receives an ineffective rating in the final year of his  
16 or her probationary period, such teacher or principal shall not be  
17 eligible for tenure but the board of education in its discretion, may  
18 extend the teacher's probationary period for an additional year;  
19 provided, however, that if such teacher or principal successfully  
20 appealed such ineffective rating, such teacher or principal shall imme-  
21 diately be eligible for tenure if the rating resulting from the appeal  
22 established that such individual has been effective or highly effective  
23 in at least [~~three~~] two of the preceding [~~four~~] three years and was not  
24 ineffective in the final year. By a majority vote, the board of educa-  
25 tion may then appoint on tenure any or all of the persons recommended by  
26 the superintendent of schools. At the expiration of the probationary  
27 period, the classroom teacher or building principal shall remain in  
28 probationary status until the end of the school year in which such  
29 teacher or principal has received such ratings of effective or highly  
30 effective for at least [~~three~~] two of the [~~four~~] three preceding school  
31 years exclusive of any breaks in service and subject to the terms here-  
32 of, during which time a board of education shall consider whether to  
33 grant tenure for those classroom teachers or building principals who  
34 otherwise have been found competent, efficient and satisfactory.  
35 Provided, however, that the board of education may grant tenure contin-  
36 gent upon a classroom teacher's or building principal's receipt of a  
37 minimum rating in the final year of the probationary period, pursuant to  
38 the requirements of this section, and if such contingency is not met  
39 after all appeals have been exhausted, the grant of tenure shall be void  
40 and unenforceable and the teacher's or principal's probationary period  
41 may be extended in accordance with this subdivision. Such persons who  
42 have been recommended for tenure and all others employed in the teaching  
43 service of the schools of such school district who have served the full  
44 probationary period as extended pursuant to this subdivision shall hold  
45 their respective positions during good behavior and efficient and compe-  
46 tent service, and shall not be removable except for cause after a hear-  
47 ing as provided by section three thousand twenty-a or section three  
48 thousand twenty-b of this chapter. Failure to maintain certification as  
49 required by this chapter and the regulations of the commissioner shall  
50 constitute cause for removal.

51 § 5. Subdivision 1, paragraph (b) of subdivision 5, and paragraph (b)  
52 of subdivision 6 of section 2573 of the education law, subdivision 1 as  
53 amended, paragraph (b) of subdivision 5 and paragraph (b) of subdivision  
54 6 as added by section 3 of subpart D of part EE of chapter 56 of the  
55 laws of 2015, are amended to read as follows:

1 1. (a) i. Teachers and all other members of the teaching staff,  
2 appointed prior to July first, two thousand fifteen and authorized by  
3 section twenty-five hundred fifty-four of this article, shall be  
4 appointed by the board of education, upon the recommendation of the  
5 superintendent of schools, for a probationary period of three years,  
6 except that in the case of a teacher who has rendered satisfactory  
7 service as a regular substitute for a period of two years or as a  
8 seasonally licensed per session teacher of swimming in day schools who  
9 has served in that capacity for a period of two years and has been  
10 appointed to teach the same subject in day schools on an annual salary,  
11 the probationary period shall be limited to one year; provided, however,  
12 that in the case of a teacher who has been appointed on tenure in another  
13 school district within the state, the school district where currently  
14 employed, or a board of cooperative educational services, and who was  
15 not dismissed from such district or board as a result of charges brought  
16 pursuant to subdivision one of section three thousand twenty-a or  
17 section three thousand twenty-b of this chapter, the probationary period  
18 shall not exceed two years; provided, however, that in cities with a  
19 population of one million or more, a teacher appointed under a newly  
20 created license, for teachers of reading and of the emotionally hand-  
21 icapped, to a position which the teacher has held for at least two years  
22 prior to such appointment while serving on tenure in another license  
23 area who was not dismissed as a result of charges brought pursuant to  
24 subdivision one of section three thousand twenty-a or section three  
25 thousand twenty-b of this chapter, the probationary period shall be one  
26 year. The service of a person appointed to any of such positions may be  
27 discontinued at any time during such probationary period, on the recom-  
28 mendation of the superintendent of schools, by a majority vote of the  
29 board of education. Each person who is not to be recommended for  
30 appointment on tenure shall be so notified by the superintendent of  
31 schools in writing not later than sixty days immediately preceding the  
32 expiration of his or her probationary period. In city school districts  
33 having a population of four hundred thousand or more, persons with  
34 licenses obtained as a result of examinations announced subsequent to  
35 the twenty-second day of May, nineteen hundred sixty-nine appointed upon  
36 conditions that all announced requirements for the position be fulfilled  
37 within a specified period of time, shall not acquire tenure unless and  
38 until such requirements have been completed within the time specified  
39 for the fulfillment of such requirements, notwithstanding the expiration  
40 of any probationary period. In all other city school districts subject  
41 to the provisions of this article, failure to maintain certification as  
42 required by this article and by the regulations of the commissioner  
43 shall be cause for removal within the meaning of subdivision five of  
44 this section.

45 ii. Teachers and all other members of the teaching staff appointed on  
46 or after July first, two thousand fifteen and authorized by section  
47 twenty-five hundred fifty-four of this article, shall be appointed by  
48 the board of education, upon the recommendation of the superintendent of  
49 schools, for a probationary period of [~~four~~ **three**] years, except that in  
50 the case of a teacher who has rendered satisfactory service as a regular  
51 substitute for a period of two years and, if a classroom teacher, has  
52 received annual professional performance review ratings in each of those  
53 years, or has rendered satisfactory service as a seasonally licensed per  
54 session teacher of swimming in day schools who has served in that capac-  
55 ity for a period of two years and has been appointed to teach the same  
56 subject in day schools on an annual salary, the teacher shall be

1 appointed for a probationary period of two years; provided, however,  
2 that in the case of a teacher who has been appointed on tenure in another  
3 school district within the state, the school district where currently  
4 employed, or a board of cooperative educational services, and who was  
5 not dismissed from such district or board as a result of charges brought  
6 pursuant to subdivision one of section three thousand twenty-a or  
7 section three thousand twenty-b of this chapter, the teacher shall be  
8 appointed for a probationary period of [~~three~~ two years; provided that,  
9 in the case of a classroom teacher, the teacher demonstrates that he or  
10 she received an annual professional performance review rating pursuant  
11 to section [~~three thousand twelve e or section three thousand twelve d~~  
12 three thousand twelve-b of this chapter in his or her final year of  
13 service in such other school district or board of cooperative educa-  
14 tional services; provided, however, that in cities with a population of  
15 one million or more, a teacher appointed under a newly created license,  
16 for teachers of reading and of the emotionally handicapped, to a posi-  
17 tion which the teacher has held for at least two years prior to such  
18 appointment while serving on tenure in another license area who was not  
19 dismissed as a result of charges brought pursuant to subdivision one of  
20 section three thousand twenty-a or section three thousand twenty-b of  
21 this chapter, the teacher shall be appointed for a probationary period  
22 of two years. The service of a person appointed to any of such positions  
23 may be discontinued at any time during such probationary period, on the  
24 recommendation of the superintendent of schools, by a majority vote of  
25 the board of education. Each person who is not to be recommended for  
26 appointment on tenure shall be so notified by the superintendent of  
27 schools in writing not later than sixty days immediately preceding the  
28 expiration of his or her probationary period. In all city school  
29 districts subject to the provisions of this article, failure to maintain  
30 certification as required by this article and by the regulations of the  
31 commissioner shall be cause for removal within the meaning of subdivi-  
32 sion five of this section.

33 (b) i. Administrators, directors, supervisors, principals and all  
34 other members of the supervising staff, except executive directors,  
35 associate, assistant, district and community superintendents and examiners,  
36 appointed prior to July first, two thousand fifteen and authorized  
37 by section twenty-five hundred fifty-four of this article, shall be  
38 appointed by the board of education, upon the recommendation of the  
39 superintendent or chancellor of schools, for a probationary period of  
40 three years. The service of a person appointed to any of such positions  
41 may be discontinued at any time during the probationary period on the  
42 recommendation of the superintendent of schools, by a majority vote of  
43 the board of education.

44 ii. Administrators, directors, supervisors, principals and all other  
45 members of the supervising staff, except executive directors, associate,  
46 assistant, district and community superintendents and examiners,  
47 appointed on or after 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 or chancellor of schools, for a probationary period of  
51 [~~four~~ three years provided that such probationary period may be  
52 extended in accordance with paragraph (b) of subdivision five of this  
53 section. The service of a person appointed to any of such positions may  
54 be discontinued at any time during the probationary period on the recom-  
55 mendation of the superintendent of schools, by a majority vote of the  
56 board of education.

1 (b) At the expiration of the probationary term of any persons  
2 appointed for such term on or after July first, two thousand fifteen,  
3 the superintendent of schools shall make a written report to the board  
4 of education recommending for permanent appointment those persons who  
5 have been found competent, efficient and satisfactory and, in the case  
6 of a classroom teacher or building principal, who have received compos-  
7 ite annual professional performance review ratings pursuant to section  
8 [~~three thousand twelve-c or section three thousand twelve-d~~] three thou-  
9 sand twelve-b of this chapter, of either effective or highly effective  
10 in at least [~~three~~] two of the [~~four~~] three preceding years, exclusive  
11 of any breaks in service; provided that, notwithstanding any other  
12 provision of this section to the contrary, when a teacher or principal  
13 receives an effective and/or highly effective rating in each year of his  
14 or her probationary service except he or she receives an ineffective  
15 rating in the final year of his or her probationary period, such teacher  
16 or principal shall not be eligible for tenure but the board of education  
17 in its discretion, may extend the teacher's probationary period for an  
18 additional year; provided, however, that if such teacher or principal  
19 successfully appealed such ineffective rating, such teacher or principal  
20 shall immediately be eligible for tenure if the rating resulting from  
21 the appeal established that such individual has been effective or highly  
22 effective in at least [~~three~~] two of the preceding [~~four~~] three years.  
23 At the expiration of the probationary period, the classroom teacher or  
24 building principal shall remain in probationary status until the end of  
25 the school year in which such teacher or principal has received such  
26 ratings of effective or highly effective for at least [~~three~~] two of the  
27 [~~four~~] three preceding school years, exclusive of any breaks in service  
28 and subject to the terms hereof, during which time a board of education  
29 shall consider whether to grant tenure for those classroom teachers or  
30 building principals who otherwise have been found competent, efficient  
31 and satisfactory. Provided, however, that the board of education may  
32 grant tenure contingent upon a classroom teacher's or building princi-  
33 pal's receipt of a minimum rating in the final year of the probationary  
34 period, pursuant to the requirements of this section, and if such  
35 contingency is not met after all appeals have been exhausted, the grant  
36 of tenure shall be void and unenforceable and the teacher's or princi-  
37 pal's probationary period may be extended in accordance with this subdivi-  
38 sion. Such persons who have been recommended for tenure and all others  
39 employed in the teaching service of the schools of such school district  
40 who have served the full probationary period as extended pursuant to  
41 this subdivision shall hold their respective positions during good  
42 behavior and efficient and competent service, and shall not be removable  
43 except for cause after a hearing as provided by section three thousand  
44 twenty-a or section three thousand twenty-b of this chapter. Failure to  
45 maintain certification as required by this chapter and the regulations  
46 of the commissioner shall constitute cause for removal.

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 or section three thousand twelve-d~~] three thou-  
55 sand twelve-b of this chapter, of either effective or highly effective  
56 in at least [~~three~~] two of the [~~four~~] three preceding years, exclusive

1 of any breaks in service; provided that, notwithstanding any other  
2 provision of this section to the contrary, when a teacher receives an  
3 effective and/or highly effective rating in each year of his or her  
4 probationary service except he or she receives an ineffective rating in  
5 the final year of his or her probationary period, such teacher or prin-  
6 cipal shall not be eligible for tenure but the board of education in its  
7 discretion, may extend the teacher's probationary period for an addi-  
8 tional year; provided, however, that if such teacher or principal  
9 successfully appealed such ineffective rating, such teacher or principal  
10 shall immediately be eligible for tenure if the rating resulting from  
11 the appeal established that such individual has been effective or highly  
12 effective in at least [~~three~~] two of the preceding [~~four~~] three years  
13 and was not ineffective in the final year. At the expiration of the  
14 probationary period, the classroom teacher or building principal shall  
15 remain in probationary status until the end of the school year in which  
16 such teacher or principal has received such ratings of effective or  
17 highly effective for at least [~~three~~] two of the [~~four~~] three preceding  
18 school years, exclusive of any breaks in service and subject to the  
19 terms hereof, during which time a board of education shall consider  
20 whether to grant tenure for those classroom teachers or building princi-  
21 pals who otherwise have been found competent, efficient and satisfac-  
22 tory. Provided, however, that the board of education may grant tenure  
23 contingent upon a classroom teacher's or building principal's receipt of  
24 a minimum rating in the final year of the probationary period, pursuant  
25 to the requirements of this section, and if such contingency is not met  
26 after all appeals have been exhausted, the grant of tenure shall be void  
27 and unenforceable and the teacher's or principal's probationary period  
28 may be extended in accordance with this subdivision. Such persons who  
29 have been recommended for tenure and all others employed in the teaching  
30 service of the schools of such school district who have served the full  
31 probationary period as extended pursuant to this subdivision shall hold  
32 their respective positions during good behavior and efficient and compe-  
33 tent service, and shall not be removable except for cause after a hear-  
34 ing as provided by section three thousand twenty-a or section three  
35 thousand twenty-b of this chapter. Failure to maintain certification as  
36 required by this chapter and the regulations of the commissioner shall  
37 constitute cause for removal.

38 § 6. Subparagraph ii of paragraph (a) of subdivision 1, subparagraph  
39 ii of paragraph (b) of subdivision 1, and paragraph (b) of subdivision 2  
40 of section 3012 of the education law, as amended by section 4 of subpart  
41 D of part EE of chapter 56 of the laws of 2015, are amended to read as  
42 follows:

43 ii. Teachers and all other members of the teaching staff of school  
44 districts, including common school districts and/or school districts  
45 employing fewer than eight teachers, other than city school districts,  
46 who are appointed on or after July first, two thousand fifteen, shall be  
47 appointed by the board of education, or the trustees of common school  
48 districts, upon the recommendation of the superintendent of schools, for  
49 a probationary period of [~~four~~] three years, except that in the case of  
50 a teacher who has rendered satisfactory service as a regular substitute  
51 for a period of two years and, if a classroom teacher, has received  
52 annual professional performance review ratings in each of those years,  
53 or has rendered satisfactory service as a seasonally licensed per  
54 session teacher of swimming in day schools who has served in that capac-  
55 ity for a period of two years and has been appointed to teach the same  
56 subject in day schools, on an annual salary, the teacher shall be

1 appointed for a probationary period of two years; provided, however,  
2 that in the case of a teacher who has been appointed on tenure in another  
3 school district within the state, the school district where currently  
4 employed, or a board of cooperative educational services, and who was  
5 not dismissed from such district or board as a result of charges brought  
6 pursuant to subdivision one of section three thousand twenty-a or  
7 section three thousand twenty-b of this article, the teacher shall be  
8 appointed for a probationary period of [~~three~~] two years; provided that,  
9 in the case of a classroom teacher, the teacher demonstrates that he or  
10 she received an annual professional performance review rating pursuant  
11 to section [~~three thousand twelve-e or section three thousand twelve-d~~]  
12 three thousand twelve-b of this [~~chapter~~] article in his or her final  
13 year of service in such other school district or board of cooperative  
14 educational services. The service of a person appointed to any of such  
15 positions may be discontinued at any time during such probationary period,  
16 on the recommendation of the superintendent of schools, by a majority  
17 vote of the board of education or the trustees of a common school  
18 district.

19 ii. Principals, administrators, supervisors and all other members of  
20 the supervising staff of school districts, including common school  
21 districts and/or school districts employing fewer than eight teachers,  
22 other than city school districts, who are appointed on or after July  
23 first, two thousand fifteen, shall be appointed by the board of education,  
24 or the trustees of a common school district, upon the recommendation  
25 of the superintendent of schools for a probationary period of  
26 [~~four~~] three years. The service of a person appointed to any of such  
27 positions may be discontinued at any time during the probationary period  
28 on the recommendation of the superintendent of schools, by a majority  
29 vote of the board of education or the trustees of a common school  
30 district.

31 (b) At the expiration of the probationary term of a person appointed  
32 for such term on or after July first, two thousand fifteen, subject to  
33 the conditions of this section, the superintendent of schools shall make  
34 a written report to the board of education or the trustees of a common  
35 school district recommending for appointment on tenure those persons who  
36 have been found competent, efficient and satisfactory and, in the case  
37 of a classroom teacher or building principal, who have received composite  
38 annual professional performance review ratings pursuant to section  
39 [~~three thousand twelve-e or section three thousand twelve-d~~] three thousand twelve-b  
40 of this article, of either effective or highly effective  
41 in at least [~~three~~] two of the [~~four~~] three preceding years, exclusive  
42 of any breaks in service; provided that, notwithstanding any other  
43 provision of this section to the contrary, when a teacher or principal  
44 receives an effective or highly effective rating in each year of his or  
45 her probationary service except he or she receives an ineffective rating  
46 in the final year of his or her probationary period, such teacher shall  
47 not be eligible for tenure but the board of education, in its  
48 discretion, may extend the teacher's probationary period for an additional  
49 year; provided, however, that if such teacher or principal  
50 successfully appealed such ineffective rating, such teacher or principal  
51 shall immediately be eligible for tenure if the rating resulting from  
52 the appeal established that such individual has been effective or highly  
53 effective in at least [~~three~~] two of the preceding [~~four~~] three years  
54 and was not ineffective in the final year. At the expiration of the  
55 probationary period, the classroom teacher or building principal shall  
56 remain in probationary status until the end of the school year in which

1 such teacher or principal has received such ratings of effective or  
2 highly effective for at least [~~three~~ two] of the [~~four~~ three] preceding  
3 school years, exclusive of any breaks in service, and subject to the  
4 terms hereof, during which time the trustees or board of education shall  
5 consider whether to grant tenure for those classroom teachers or build-  
6 ing principals who otherwise have been found competent, efficient and  
7 satisfactory. Provided, however, that the trustees or board of education  
8 may grant tenure contingent upon a classroom teacher's or building prin-  
9 cipal's receipt of a minimum rating in the final year of the probation-  
10 ary period, pursuant to the requirements of this section, and if such  
11 contingency is not met after all appeals have been exhausted, the grant  
12 of tenure shall be void and unenforceable and the teacher's or princi-  
13 pal's probationary period may be extended in accordance with this subdivi-  
14 sion. Such persons who have been recommended for tenure and all others  
15 employed in the teaching service of the schools of such school district  
16 who have served the full probationary period as extended pursuant to  
17 this subdivision shall hold their respective positions during good  
18 behavior and efficient and competent service, and shall not be removable  
19 except for cause after a hearing as provided by section three thousand  
20 twenty-a or section three thousand twenty-b of this article. Failure to  
21 maintain certification as required by this chapter and the regulations  
22 of the commissioner shall constitute cause for removal.

23 § 7. Paragraph (b) of subdivision 1 and paragraph (b) of subdivision 2  
24 of section 3014 of the education law, as added by section 5 of subpart D  
25 of part EE of chapter 56 of the laws of 2015, are amended to read as  
26 follows:

27 (b) Administrative assistants, supervisors, teachers and all other  
28 members of the teaching and supervising staff of the board of cooper-  
29 ative educational services appointed on or after July first, two thou-  
30 sand fifteen, shall be appointed by a majority vote of the board of  
31 cooperative educational services upon the recommendation of the district  
32 superintendent of schools for a probationary period of not to exceed  
33 [~~four~~ three] years; provided, however, that in the case of a teacher who  
34 has been appointed on tenure in a school district within the state, the  
35 board of cooperative educational services where currently employed, or  
36 another board of cooperative educational services, and who was not  
37 dismissed from such district or board as a result of charges brought  
38 pursuant to section three thousand twenty-a or section three thousand  
39 twenty-b of this article, the teacher shall be appointed for a proba-  
40 tionary period of [~~three~~ two] years; provided that, in the case of a  
41 classroom teacher, the teacher demonstrates that he or she received a  
42 composite annual professional performance review rating pursuant to  
43 section [~~three thousand twelve-c or three thousand twelve-d~~] three thou-  
44 sand twelve-b of this [~~chapter~~ article] of either effective or highly  
45 effective in his or her final year of service in such other school  
46 district or board of cooperative educational services. Services of a  
47 person so appointed to any such positions may be discontinued at any  
48 time during such probationary period, upon the recommendation of the  
49 district superintendent, by a majority vote of the board of cooperative  
50 educational services.

51 (b) On or before the expiration of the probationary term of a person  
52 appointed for such term on or after July first, two thousand fifteen,  
53 the district superintendent of schools shall make a written report to  
54 the board of cooperative educational services recommending for appoint-  
55 ment on tenure persons who have been found competent, efficient and  
56 satisfactory and, in the case of a classroom teacher or building princi-

1 pal, who have received composite annual professional performance review  
2 ratings pursuant to section [~~three thousand twelve c or section three~~  
3 ~~thousand twelve d~~] three thousand twelve-b of this article, of either  
4 effective or highly effective in at least [~~three~~] two of the [~~four~~]  
5 three preceding years, exclusive of any breaks in service; provided  
6 that, notwithstanding any other provision of this section to the contra-  
7 ry, when a teacher or principal receives an effective or highly effec-  
8 tive rating in each year of his or her probationary service except he or  
9 she receives an ineffective rating in the final year of his or her  
10 probationary period, such teacher shall not be eligible for tenure but  
11 the board of education in its discretion, may extend the teacher's  
12 probationary period for an additional year; provided, however that if  
13 such teacher or principal successfully appealed such ineffective rating,  
14 such teacher or principal shall immediately be eligible for tenure if  
15 the rating resulting from the appeal established that such individual  
16 has been effective or highly effective in at least [~~three~~] two of the  
17 preceding [~~four~~] three years and was not ineffective in the final year.  
18 At the expiration of the probationary period, the classroom teacher or  
19 building principal shall remain in probationary status until the end of  
20 the school year in which such teacher or principal has received such  
21 ratings of effective or highly effective for at least [~~three~~] two of the  
22 [~~four~~] three preceding school years, exclusive of any breaks in service,  
23 during which time a board of cooperative educational services shall  
24 consider whether to grant tenure for those classroom teachers or build-  
25 ing principals who otherwise have been found competent, efficient and  
26 satisfactory. Provided, however, that the board of cooperative educa-  
27 tional services may grant tenure contingent upon a classroom teacher's  
28 or building principal's receipt of a minimum rating in the final year of  
29 the probationary period, pursuant to the requirements of this section,  
30 and if such contingency is not met after all appeals have been  
31 exhausted, the grant of tenure shall be void and unenforceable and the  
32 teacher's or principal's probationary period may be extended in accord-  
33 ance with this subdivision. Such persons shall hold their respective  
34 positions during good behavior and competent and efficient service and  
35 shall not be removed except for any of the following causes, after a  
36 hearing, as provided by section three thousand twenty-a or section three  
37 thousand twenty-b of this article: (i) Insubordination, immoral charac-  
38 ter or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or  
39 neglect of duty; (iii) Failure to maintain certification as required by  
40 this chapter and by the regulations of the commissioner. Each person who  
41 is not to be so recommended for appointment on tenure shall be so noti-  
42 fied in writing by the district superintendent not later than sixty days  
43 immediately preceding the expiration of his or her probationary period.  
44 § 8. This act shall take effect immediately.