STATE OF NEW YORK

4007

2019-2020 Regular Sessions

IN SENATE

February 25, 2019

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the probationary period for certain tenured employees in school districts

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

Section 1. Subparagraph ii of paragraph (b) of subdivision 1 of section 2509 of the education law, as amended by section 1 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

ii. Notwithstanding any other provision of law or regulation to the contrary, administrators, directors, supervisors, principals and all other members of the supervising staff, except associate, assistant and other superintendents, appointed on or after July first, two thousand fifteen and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools for a probationary period of four years**; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff 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 or section three thousand twenty-b of this chapter, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years**. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

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

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§ 2. Subparagraph ii of paragraph (b) of subdivision 1 of section 2573 of the education law, as amended by section 3 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

ii. Administrators, directors, supervisors, principals and all other members of the supervising staff, except executive directors, associate, assistant, district and community superintendents and examiners, 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 or chancellor of schools, for a probationary period of four years provided that such probationary period may be extended in accordance with paragraph (b) of subdivision five of this section**; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff 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 or section three thousand twenty-b of this chapter, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years**. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

§ 3. Subparagraph ii of paragraph (b) of subdivision 1 of section 3012 of the education law, as added by section 4 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

ii. Principals, administrators, supervisors and all other members of the supervising staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts, who are appointed on or after July first, two thousand fifteen, shall be appointed by the board of education, or the trustees of a common school district, upon the recommendation of the superintendent of schools for a probationary period of four years**; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff 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 or section three thousand twenty-b of this title, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years**. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education or the trustees of a common school district.

§ 4. Paragraph (b) of subdivision 1 of section 3014 of the education law, as added by section 5 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

(b) Administrative assistants, supervisors, teachers and all other members of the teaching and supervising staff of the board of cooperative educational services appointed on or after July first, two thousand fifteen, shall be appointed by a majority vote of the board of cooperative educational services upon the recommendation of the district

superintendent of schools for a probationary period of not to exceed four years; provided, however, that in the case of a teacher**, administrator, or supervisory staff** who has been appointed on tenure in a school district within the state, the board of cooperative educational services where currently employed, or another board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to section three thousand twenty-a or section three thousand twenty-b of this article, the teacher**, administrator, or supervisory staff** shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, **administrator, or supervisory staff,** the [~~teacher~~] **individual** demonstrates that he or she received a composite annual professional performance review rating pursuant to section three thousand twelve-c or three thousand twelve-d of this chapter of either effective or highly effective in his or her final year of service in such other school district or board of cooperative educational services. Services of a person so appointed to any such positions may be discontinued at any time during such probationary period, upon the recommendation of the district superintendent, by a majority vote of the board of cooperative educational services.

§ 5. This act shall take effect June 1, 2020 and shall apply only to individuals beginning their probationary periods on or after such date.