

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 Section 3012-c of the education law is REPEALED.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 Section 3012-d of the education law is REPEALED.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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sional performance reviews conducted pursuant to former section three thousand twelve-d of this article shall remain in effect.

5. Notwithstanding any other provision of law, rule or regulation to the contrary, all collective bargaining agreements entered into after the effective date of this section shall be consistent with the requirements of this section, unless the agreement relates to the two thousand seventeen--two thousand eighteen school year only. Nothing in this section shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect prior to the effective date of this section during the term of such agreement and until the entry into a successor collective bargaining agreement, provided that notwithstanding any other provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement the provisions of this section shall apply.

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

1. (a) i. Teachers and all other members of the teaching staff appointed prior to 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 three 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 probationary period shall be limited to one year; 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 probationary period shall not exceed two years. 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.

ii. Notwithstanding any other provision of law or regulation to the contrary, 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 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~~ three] years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years and, if a classroom teacher, has received composite annual professional performance review ratings in each of those years, or has rendered satisfactory service 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,

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.

b. For persons appointed on or after July first, two thousand fifteen, at the expiration of the probationary term of any persons appointed for such term, or within six months prior thereto, the superintendent of schools shall make a written report to the board of education recommending for appointment on tenure those persons who have been found competent, efficient and satisfactory and in the case of a classroom teacher or building principal, who have received annual professional performance review ratings pursuant to section ~~three thousand twelve-c or section three thousand twelve-d~~ three thousand twelve-b of this chapter, of either effective or highly effective in at least ~~three~~ two of the ~~four~~ three preceding years, exclusive of any breaks in service; provided that, notwithstanding any other provision of this section to the contrary, when a teacher or principal receives an effective or highly effective rating in each year of his or her probationary service except he or she receives an ineffective rating in the final year of his or her probationary period, such teacher or principal shall not be eligible for tenure but the board of education in its discretion, may extend the teacher's probationary period for an additional year; provided, however, that if such teacher or principal successfully appealed such ineffective rating, such teacher or principal shall immediately be eligible for tenure if the rating resulting from the appeal established that such individual has been effective or highly effective in at least ~~three~~ two of the preceding ~~four~~ three years and was not ineffective in the final year. By a majority vote, the board of education may then appoint on tenure any or all of the persons recommended by the superintendent of schools. At the expiration of the probationary period, the classroom teacher or building principal shall remain in probationary status until the end of the school year in which such teacher or principal has received such ratings of effective or highly effective for at least ~~three~~ two of the ~~four~~ three preceding school years exclusive of any breaks in service and subject to the terms hereof, during which time a board of education shall consider whether to grant tenure for those classroom teachers or building principals who otherwise have been found competent, efficient and satisfactory. Provided, however, that the board of education may grant tenure contingent upon a classroom teacher's or building principal's receipt of a minimum rating in the final year of the probationary period, pursuant to the requirements of this section, and if such contingency is not met after all appeals have been exhausted, the grant of tenure shall be void and unenforceable and the teacher's or principal's probationary period may be extended in accordance with this subdivision. Such persons who have been recommended for tenure and all others employed in the teaching service of the schools of such school district who have served the full probationary period as extended pursuant to this subdivision shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing as provided by section three thousand twenty-a or section three thousand twenty-b of this chapter. Failure to maintain certification as required by this chapter and the regulations of the commissioner shall constitute cause for removal.

§ 5. Subdivision 1, paragraph (b) of subdivision 5, and paragraph (b) of subdivision 6 of section 2573 of the education law, subdivision 1 as amended, paragraph (b) of subdivision 5 and paragraph (b) of subdivision 6 as added by section 3 of subpart D of part EE of chapter 56 of the 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 handicapped,
21 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 recommendation
28 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 capacity
55 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 school district within the state, the school district where currently
3 employed, or a board of cooperative educational services, and who was
4 not dismissed from such district or board as a result of charges brought
5 pursuant to subdivision one of section three thousand twenty-a or
6 section three thousand twenty-b of this chapter, the teacher shall be
7 appointed for a probationary period of ~~[three]~~ two years; provided that,
8 in the case of a classroom teacher, the teacher demonstrates that he or
9 she received an annual professional performance review rating pursuant
10 to section ~~[three thousand twelve c or section three thousand twelve d]~~
11 three thousand twelve-b of this chapter in his or her final year of
12 service in such other school district or board of cooperative educational services; provided, however, that in cities with a population of
13 one million or more, a teacher appointed under a newly created license,
14 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
15 appointment while serving on tenure in another license area who was not
16 dismissed as a result of charges brought pursuant to subdivision one of
17 section three thousand twenty-a or section three thousand twenty-b of
18 this chapter, the teacher shall be appointed for a probationary period
19 of two years. The service of a person appointed to any of such positions
20 may be discontinued at any time during such probationary period, on the
21 recommendation of the superintendent of schools, by a majority vote of
22 the board of education. Each person who is not to be recommended for
23 appointment on tenure shall be so notified by the superintendent of
24 schools in writing not later than sixty days immediately preceding the
25 expiration of his or her probationary period. In all city school
26 districts subject to the provisions of this article, failure to maintain
27 certification as required by this article and by the regulations of the
28 commissioner shall be cause for removal within the meaning of subdivision
29 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 recommendation of the superintendent of schools, by a majority vote of the
55 board of education.

(b) At the expiration of the probationary term of any persons appointed for such term on or after July first, two thousand fifteen, the superintendent of schools shall make a written report to the board of education recommending for permanent appointment those persons who have been found competent, efficient and satisfactory and, in the case of a classroom teacher or building principal, who have received composite annual professional performance review ratings pursuant to section ~~[three thousand twelve-c or section three thousand twelve-d]~~ three thousand twelve-b of this chapter, of either effective or highly effective in at least ~~[three]~~ two of the ~~[four]~~ three preceding years, exclusive of any breaks in service; provided that, notwithstanding any other provision of this section to the contrary, when a teacher or principal receives an effective and/or highly effective rating in each year of his or her probationary service except he or she receives an ineffective rating in the final year of his or her probationary period, such teacher or principal shall not be eligible for tenure but the board of education in its discretion, may extend the teacher's probationary period for an additional year; provided, however, that if such teacher or principal successfully appealed such ineffective rating, such teacher or principal shall immediately be eligible for tenure if the rating resulting from the appeal established that such individual has been effective or highly effective in at least ~~[three]~~ two of the preceding ~~[four]~~ three years. At the expiration of the probationary period, the classroom teacher or building principal shall remain in probationary status until the end of the school year in which such teacher or principal has received such ratings of effective or highly effective for at least ~~[three]~~ two of the ~~[four]~~ three preceding school years, exclusive of any breaks in service and subject to the terms hereof, during which time a board of education shall consider whether to grant tenure for those classroom teachers or building principals who otherwise have been found competent, efficient and satisfactory. Provided, however, that the board of education may grant tenure contingent upon a classroom teacher's or building principal's receipt of a minimum rating in the final year of the probationary period, pursuant to the requirements of this section, and if such contingency is not met after all appeals have been exhausted, the grant of tenure shall be void and unenforceable and the teacher's or principal's probationary period may be extended in accordance with this subdivision. Such persons who have been recommended for tenure and all others employed in the teaching service of the schools of such school district who have served the full probationary period as extended pursuant to this subdivision shall hold their respective positions during good behavior and efficient and competent service, and shall not be removable except for cause after a hearing as provided by section three thousand twenty-a or section three thousand twenty-b of this chapter. Failure to maintain certification as required by this chapter and the regulations of the commissioner shall constitute cause for removal.

(b) At the expiration of the probationary term of any persons appointed for such term on or after July first, two thousand fifteen, the superintendent of schools shall make a written report to the board of education recommending for permanent appointment those persons who have been found competent, efficient and satisfactory and, in the case of a classroom teacher or building principal, who have received composite annual professional performance review ratings pursuant to section ~~[three thousand twelve-c or section three thousand twelve-d]~~ three thousand twelve-b of this chapter, of either effective or highly effective 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 c 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 c 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 subdi-
14 vision. 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.