

# STATE OF NEW YORK

8346

2019-2020 Regular Sessions

## IN ASSEMBLY

June 15, 2019

Introduced by M. of A. BENEDETTO -- read once and referred 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:

1 Section 1. Subparagraph ii of paragraph (b) of subdivision 1 of  
2 section 2509 of the education law, as amended by section 1 of subpart D  
3 of part EE of chapter 56 of the laws of 2015, is amended to read as  
4 follows:  
5 ii. Notwithstanding any other provision of law or regulation to the  
6 contrary, administrators, directors, supervisors, principals and all  
7 other members of the supervising staff, except associate, assistant and  
8 other superintendents, appointed on or after July first, two thousand  
9 fifteen and authorized by section twenty-five hundred three of this  
10 article, shall be appointed by the board of education, upon the recom-  
11 mendation of the superintendent of schools for a probationary period of  
12 four years; provided, however, that in the case of a principal, adminis-  
13 trator, supervisor, or other member of the supervising staff who has  
14 been appointed on tenure pursuant to this chapter as an administrator  
15 within an authorized administrative tenure area in another school  
16 district within the state, the school district where currently employed,  
17 or a board of cooperative educational services, and who was not  
18 dismissed from such district or board as a result of charges brought  
19 pursuant to subdivision one of section three thousand twenty-a or  
20 section three thousand twenty-b of this chapter, the principal, adminis-  
21 trator, supervisor or other member of the supervising staff shall be  
22 appointed for a probationary period of three years. The service of a  
23 person appointed to any of such positions may be discontinued at any  
24 time during the probationary period on the recommendation of the super-  
25 intendent 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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1 § 2. Subparagraph ii of paragraph (b) of subdivision 1 of section 2573  
2 of the education law, as amended by section 3 of subpart D of part EE of  
3 chapter 56 of the laws of 2015, is amended to read as follows:

4 ii. Administrators, directors, supervisors, principals and all other  
5 members of the supervising staff, except executive directors, associate,  
6 assistant, district and community superintendents and examiners,  
7 appointed on or after July first, two thousand fifteen and authorized by  
8 section twenty-five hundred fifty-four of this article, shall be  
9 appointed by the board of education, upon the recommendation of the  
10 superintendent or chancellor of schools, for a probationary period of  
11 four years provided that such probationary period may be extended in  
12 accordance with paragraph (b) of subdivision five of this section;  
13 provided, however, that in the case of a principal, administrator,  
14 supervisor, or other member of the supervising staff who has been  
15 appointed on tenure pursuant to this chapter as an administrator within  
16 an authorized administrative tenure area in another school district  
17 within the state, the school district where currently employed, or a  
18 board of cooperative educational services, and who was not dismissed  
19 from such district or board as a result of charges brought pursuant to  
20 subdivision one of section three thousand twenty-a or section three  
21 thousand twenty-b of this chapter, the principal, administrator, super-  
22 visor or other member of the supervising staff shall be appointed for a  
23 probationary period of three years. The service of a person appointed  
24 to any of such positions may be discontinued at any time during the  
25 probationary period on the recommendation of the superintendent of  
26 schools, by a majority vote of the board of education.

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

30 ii. Principals, administrators, supervisors and all other members of  
31 the supervising staff of school districts, including common school  
32 districts and/or school districts employing fewer than eight teachers,  
33 other than city school districts, who are appointed on or after July  
34 first, two thousand fifteen, shall be appointed by the board of educa-  
35 tion, or the trustees of a common school district, upon the recommenda-  
36 tion of the superintendent of schools for a probationary period of four  
37 years; provided, however, that in the case of a principal, administra-  
38 tor, supervisor, or other member of the supervising staff who has been  
39 appointed on tenure pursuant to this chapter as an administrator within  
40 an authorized administrative tenure area in another school district  
41 within the state, the school district where currently employed, or a  
42 board of cooperative educational services, and who was not dismissed  
43 from such district or board as a result of charges brought pursuant to  
44 subdivision one of section three thousand twenty-a or section three  
45 thousand twenty-b of this article, the principal, administrator, super-  
46 visor or other member of the supervising staff shall be appointed for a  
47 probationary period of three years. The service of a person appointed  
48 to any of such positions may be discontinued at any time during the  
49 probationary period on the recommendation of the superintendent of  
50 schools, by a majority vote of the board of education or the trustees of  
51 a common school district.

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

55 (b) Administrative assistants, supervisors, teachers and all other  
56 members of the teaching and supervising staff of the board of cooper-

1 ative educational services appointed on or after July first, two thou-  
2 sand fifteen, shall be appointed by a majority vote of the board of  
3 cooperative educational services upon the recommendation of the district  
4 superintendent of schools for a probationary period of not to exceed  
5 four years; provided, however, that in the case of a teacher who has  
6 been appointed on tenure in a school district within the state, the  
7 board of cooperative educational services where currently employed, or  
8 another board of cooperative educational services, and who was not  
9 dismissed from such district or board as a result of charges brought  
10 pursuant to section three thousand twenty-a or section three thousand  
11 twenty-b of this article, the teacher shall be appointed for a proba-  
12 tionary period of three years; provided that, in the case of a classroom  
13 teacher, the teacher demonstrates that he or she received a composite  
14 annual professional performance review rating pursuant to section three  
15 thousand twelve-c or three thousand twelve-d of this [~~chapter~~] article  
16 of either effective or highly effective in his or her final year of  
17 service in such other school district or board of cooperative educa-  
18 tional services; and provided further that in the case of a principal,  
19 administrator, supervisor, or other member of the supervising staff who  
20 has been appointed on tenure pursuant to this chapter as an administra-  
21 tor within an authorized administrative tenure area in another school  
22 district within the state, the school district where currently employed,  
23 or a board of cooperative educational services, and who was not  
24 dismissed from such district or board as a result of charges brought  
25 pursuant to subdivision one of section three thousand twenty-a or  
26 section three thousand twenty-b of this article, the principal, adminis-  
27 trator, supervisor, or other member of the supervising staff shall be  
28 appointed for a probationary period of three years. Services of a  
29 person so appointed to any such positions to which this paragraph  
30 applies may be discontinued at any time during [~~such~~] the probationary  
31 period, upon the recommendation of the district superintendent, by a  
32 majority vote of the board of cooperative educational services.

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