

STATE OF NEW YORK

8369

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 appointment of
teachers

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

1 Section 1. Section 2509 of the education law, as added by chapter 762
2 of the laws of 1950, subdivision 1 as amended by chapter 116 of the laws
3 of 1971, paragraphs (a) and (b) of subdivision 1 as amended by section 1
4 and subdivision 2 as amended by section 2 of subpart D of part EE of
5 chapter 56 of the laws of 2015, subdivision 3 as amended by chapter 680
6 of the laws of 1983, subdivision 4 as amended by chapter 263 of the laws
7 of 2005, subdivisions 5, 6 and 7 as renumbered by chapter 717 of the
8 laws of 1970, and subdivision 7 as added by chapter 859 of the laws of
9 1955, is amended to read as follows:

10 § 2509. Appointment of assistant and other superintendents, teachers
11 and other employees. 1. (a) i. Teachers and all other members of the
12 teaching staff appointed prior to July first, two thousand fifteen and
13 authorized by section twenty-five hundred three of this article, shall
14 be appointed by the board of education, upon the recommendation of the
15 superintendent of schools, for a probationary period of three years,
16 except that in the case of a teacher who has rendered satisfactory
17 service as a regular substitute for a period of up to two years or as a
18 seasonally licensed per session teacher of swimming in day schools who
19 has served in that capacity for a period of up to two years and has been
20 appointed to teach the same subject in day schools on an annual salary,
21 the probationary period shall be [~~limited to one year~~ reduced propor-
22 tionately based upon the length of the satisfactory service; provided,
23 however, that in the case of a teacher who has been appointed on tenure
24 in another school district within the state, the school district where
25 currently employed, or a board of cooperative educational services, and

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

LBD11810-01-9

1 who was not dismissed from such district or board as a result of charges
2 brought pursuant to subdivision one of section three thousand twenty-a
3 of this chapter, the probationary period shall not exceed two years. The
4 service of a person appointed to any ~~[of]~~ such positions may be discon-
5 tinued at any time during such probationary period, on the recommenda-
6 tion of the superintendent of schools, by a majority vote of the board
7 of education. Each person who is not to be recommended for appointment
8 on tenure shall be so notified by the superintendent of schools in writ-
9 ing not later than sixty days immediately preceding the expiration of
10 ~~[his]~~ the probationary period.

11 ii. Notwithstanding any other provision of law or regulation to the
12 contrary, teachers and all other members of the teaching staff appointed
13 on or after July first, two thousand fifteen and authorized by section
14 twenty-five hundred three of this article, shall be appointed by the
15 board of education, upon the recommendation of the superintendent of
16 schools, for a probationary period of four years, except that in the
17 case of a teacher who has rendered satisfactory service as a regular
18 substitute for a period of up to two years and, if a classroom teacher,
19 has received ~~[composite]~~ satisfactory annual ~~[professional performance~~
20 ~~review ratings]~~ reviews in each of those years, or has rendered satis-
21 factory service as a seasonally licensed per session teacher of swimming
22 in day schools who has served in that capacity for a period of up to two
23 years and has been appointed to teach the same subject in day schools on
24 an annual salary, the teacher shall be appointed ~~[for]~~ to a probationary
25 period ~~[of two years]~~ that is reduced proportionately based upon the
26 length of the satisfactory service; provided, however, that in the case
27 of a teacher who has been appointed on tenure in another school district
28 within the state, the school district where currently employed, or a
29 board of cooperative educational services, and who was not dismissed
30 from such district or board as a result of charges brought pursuant to
31 subdivision one of section three thousand twenty-a or section three
32 thousand twenty-b of this chapter, the teacher shall be appointed for a
33 probationary period of three years; provided that the teacher demon-
34 strates that ~~[he or she]~~ they received ~~[an]~~ a satisfactory annual
35 ~~[professional performance review rating pursuant to section three thou-~~
36 ~~sand twelve c or section three thousand twelve d of this chapter]~~ review
37 in ~~[his or her]~~ their final year of service in such other school
38 district or board of cooperative educational services. The service of a
39 person appointed to any ~~[of]~~ such positions may be discontinued at any
40 time during such probationary period, on the recommendation of the
41 superintendent of schools, by a majority vote of the board of education.
42 Each person who is not to be recommended for appointment on tenure shall
43 be so notified by the superintendent of schools in writing not later
44 than sixty days immediately preceding the expiration of ~~[his/her]~~ their
45 probationary period.

46 (b) i. Administrators, directors, supervisors, principals and all
47 other members of the supervising staff, except associate, assistant and
48 other superintendents appointed prior to July first, two thousand
49 fifteen and authorized by section twenty-five hundred three of this
50 article, shall be appointed by the board of education, upon the recom-
51 mendation of the superintendent of schools for a probationary period of
52 three years. The service of a person appointed to any ~~[of]~~ such posi-
53 tions may be discontinued at any time during the probationary period on
54 the recommendation of the superintendent of schools, by a majority vote
55 of the board of education.

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. 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.

2. ~~(a)~~ (a) 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 nineteen 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 up to two years and, if a classroom teacher, has received satisfactory annual reviews 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 up to two years and has been appointed to teach the same subject in day schools on an annual salary, such teacher shall be appointed for a probationary period that is reduced proportionately based upon the length of the satisfactory service; 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 or section three thousand twenty-b of this chapter, such teacher shall be appointed for a probationary period of two years; provided that the teacher demonstrates that they received a satisfactory annual review in their final year of service in such other school district or board of cooperative educational services. The service of a person appointed to any 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 the probationary period.

(b) 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 nineteen 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. The service of a person appointed to any 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. (a) At the expiration of the probationary term of any persons appointed for such term prior to July first, two thousand fifteen, or within six months prior thereto, the superintendent of schools shall make a written report to the board of education recommending for

1 appointment on tenure those persons who have been found competent, effi-
2 cient and satisfactory. By a majority vote the board of education may
3 then appoint on tenure any or all of the persons recommended by the
4 superintendent of schools. Such persons and all others employed in the
5 teaching service of the schools of such school district who have served
6 the full probationary period shall hold their respective positions
7 during good behavior and efficient and competent service, and shall not
8 be removable except for cause after a hearing as provided by section
9 three thousand twenty-a or section three thousand twenty-b of this chap-
10 ter. Failure to maintain certification as required by this chapter and
11 the regulations of the commissioner shall constitute cause for removal.

12 ~~[b-]~~ (b) For persons appointed on or after July first, two thousand
13 fifteen, at the expiration of the probationary term of any persons
14 appointed for such term, or within six months prior thereto, the super-
15 intendent of schools shall make a written report to the board of educa-
16 tion recommending for appointment on tenure those persons who have been
17 found competent, efficient and satisfactory and in the case of a class-
18 room teacher or building principal, who have received satisfactory annu-
19 al ~~[professional performance review ratings pursuant to section three~~
20 ~~thousand twelve c or section three thousand twelve d of this chapter, of~~
21 ~~either effective or highly effective]~~ reviews in at least three of the
22 four preceding years, exclusive of any breaks in service~~[, provided~~
23 ~~that, notwithstanding any other provision of this section to the contra-~~
24 ~~ry, when a teacher or principal receives an effective or highly effec-~~
25 ~~tive rating in each year of his or her probationary service except he or~~
26 ~~she receives an ineffective rating in the final year of his or her~~
27 ~~probationary period, such teacher or principal shall not be eligible for~~
28 ~~tenure but the board of education in its discretion, may extend the~~
29 ~~teacher's probationary period for an additional year; provided, however,~~
30 ~~that if such teacher or principal successfully appealed such ineffective~~
31 ~~rating, such teacher or principal shall immediately be eligible for~~
32 ~~tenure if the rating resulting from the appeal established that such~~
33 ~~individual has been effective or highly effective in at least three of~~
34 ~~the preceding four years and was not ineffective in the final year]~~. By
35 a majority vote, the board of education may then appoint on tenure any
36 or all of the persons recommended by the superintendent of schools. ~~[At~~
37 ~~the expiration of the probationary period, the classroom teacher or~~
38 ~~building principal shall remain in probationary status until the end of~~
39 ~~the school year in which such teacher or principal has received such~~
40 ~~ratings of effective or highly effective for at least three of the four~~
41 ~~preceding school years exclusive of any breaks in service and subject to~~
42 ~~the terms hereof, during which time a board of education shall consider~~
43 ~~whether to grant tenure for those classroom teachers or building princi-~~
44 ~~pals who otherwise have been found competent, efficient and satisfac-~~
45 ~~tory. Provided, however, that the board of education may grant tenure~~
46 ~~contingent upon a classroom teacher's or building principal's receipt of~~
47 ~~a minimum rating in the final year of the probationary period, pursuant~~
48 ~~to the requirements of this section, and if such contingency is not met~~
49 ~~after all appeals have been exhausted, the grant of tenure shall be void~~
50 ~~and unenforceable and the teacher's or principal's probationary period~~
51 ~~may be extended in accordance with this subdivision.]~~ Such persons who
52 have been recommended for tenure and all others employed in the teaching
53 service of the schools of such school district who have served the full
54 probationary period ~~[as extended]~~ pursuant to this subdivision shall
55 hold their respective positions during good behavior and efficient and
56 competent service, and shall not be removable except for cause after a

1 hearing as provided by section three thousand twenty-a or section three
2 thousand twenty-b of this chapter. Failure to maintain certification as
3 required by this chapter and the regulations of the commissioner shall
4 constitute cause for removal.

5 ~~[3-]~~ 4. Associate superintendents and all other employees authorized
6 by section twenty-five hundred three of this article, except as other-
7 wise provided in subdivision one of this section, shall be appointed by
8 the board of education, provided, however, that the board of education
9 may enter into an employment contract with an associate, assistant, or
10 other superintendent of schools for a period of from one to five years.

11 ~~[4-]~~ 5. Clerks, draftsmen, inspectors, chemists, tabulating machine
12 operators, secretaries, stenographers, copyists, statisticians, jani-
13 tors, custodians, custodian-engineers, and all other administrative
14 employees of a board of education, unless otherwise provided in this
15 chapter, shall be appointed for a probationary period provided in the
16 civil service law and regulations based thereon. The service of a person
17 appointed to any of such positions may be discontinued by the board of
18 education at any time during such probationary period. Such persons and
19 all others employed in the administrative service of the board of educa-
20 tion who have served the full probationary period shall hold their
21 respective positions during good behavior and efficient and competent
22 service, and shall not be removed except for cause after a hearing by
23 the affirmative vote of a majority of the board.

24 ~~[5-]~~ 6. No principal, supervisor, director, or teacher shall be
25 appointed to the teaching force of such city school district who does
26 not possess qualifications required under this chapter and under the
27 regulations prescribed by the commissioner of education for the persons
28 employed in such positions in the schools of the city school districts
29 of the state, but a board of education may prescribe additional or high-
30 er qualifications for the persons employed in any of such positions.

31 ~~[6-]~~ 7. Rules and regulations shall be adopted governing excusing of
32 absences and for the granting of leaves of absence either with or with-
33 out pay for all members of the teaching and supervising staff and other
34 employees.

35 ~~[7-]~~ 8. Notwithstanding any other provision of this section no period
36 in any school year for which there is no required service and/or for
37 which no compensation is provided shall in any event constitute a break
38 or suspension of probationary period or continuity of tenure rights of
39 any of the persons hereinabove described.

40 § 2. Paragraph (a) of subdivision 1, and subdivisions 3, 5, 6, para-
41 graph (a) of subdivision 10, 11, 16 and 17 of section 2573 of the educa-
42 tion law, paragraph (a) of subdivision 1, and subdivisions 5 and 6 as
43 amended by section 3 of subpart D of part EE of chapter 56 of the laws
44 of 2015, subdivision 3 as amended by chapter 27 of the laws of 2012,
45 paragraph (a) of subdivision 10 and subdivision 11 as amended by chapter
46 650 of the laws of 1990, subdivision 16 as added by chapter 898 of the
47 laws of 1960, and subdivision 17 as amended by chapter 210 of the laws
48 of 2001, are amended to read as follows:

49 (a) i. Teachers and all other members of the teaching staff, appointed
50 prior to July first, two thousand fifteen and authorized by section
51 twenty-five hundred fifty-four of this article, shall be appointed by
52 the board of education, upon the recommendation of the superintendent of
53 schools, for a probationary period of three years, except that in the
54 case of a teacher who has rendered satisfactory service as a regular
55 substitute for a period of up to two years or as a seasonally licensed
56 per session teacher of swimming in day schools who has served in that

1 capacity for a period of up to two years and has been appointed to teach
2 the same subject in day schools on an annual salary, the probationary
3 period shall be [~~limited to~~] reduced proportionately based upon the
4 length of the satisfactory service one year; provided, however, that in
5 the case of a teacher who has been appointed on tenure in another school
6 district within the state, the school district where currently employed,
7 or a board of cooperative educational services, and who was not
8 dismissed from such district or board as a result of charges brought
9 pursuant to subdivision one of section three thousand twenty-a or
10 section three thousand twenty-b of this chapter, the probationary period
11 shall not exceed two years; provided, however, that in cities with a
12 population of one million or more, a teacher appointed under a newly
13 created license, for teachers of reading and of the emotionally hand-
14 icapped, to a position which the teacher has held for at least two years
15 prior to such appointment while serving on tenure in another license
16 area who was not dismissed as a result of charges brought pursuant to
17 subdivision one of section three thousand twenty-a or section three
18 thousand twenty-b of this chapter, the probationary period shall be one
19 year. The service of a person appointed to any [~~of~~] such positions may
20 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~~] their probationary period. In city school
26 districts having a population of four hundred thousand or more, persons
27 with licenses obtained as a result of examinations announced subsequent
28 to the twenty-second day of May, nineteen hundred sixty-nine appointed
29 upon conditions that all announced requirements for the position be
30 fulfilled within a specified period of time, shall not acquire tenure
31 unless and until such requirements have been completed within the time
32 specified for the fulfillment of such requirements, notwithstanding the
33 expiration of any probationary period. In all other city school
34 districts subject to the provisions of this article, failure to maintain
35 certification as required by this article and by the regulations of the
36 commissioner shall be cause for removal within the meaning of subdivi-
37 sion five of this section.

38 ii. Teachers and all other members of the teaching staff appointed on
39 or after July first, two thousand fifteen and authorized by section
40 twenty-five hundred fifty-four of this article, shall be appointed by
41 the board of education, upon the recommendation of the superintendent of
42 schools, for a probationary period of four years, except that in the
43 case of a teacher who has rendered satisfactory service as a regular
44 substitute for a period of up to two years and, if a classroom teacher,
45 has received satisfactory annual [~~professional performance review~~
46 ~~ratings~~] reviews in each of those years, or has rendered satisfactory
47 service as a seasonally licensed per session teacher of swimming in day
48 schools who has served in that capacity for a period of up to two years
49 and has been appointed to teach the same subject in day schools on an
50 annual salary, the teacher shall be appointed [~~for~~] to a probationary
51 period [~~of two years~~] that is reduced proportionately based upon the
52 length of the satisfactory service; provided, however, that in the case
53 of a teacher who has been appointed on tenure in another school district
54 within the state, the school district where currently employed, or a
55 board of cooperative educational services, and who was not dismissed
56 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 teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, the teacher demonstrates that ~~[he or she]~~ they received ~~[an annual professional performance]~~ a satisfactory annual review ~~[rating pursuant to section three thousand twelve c or section three thousand twelve d of this chapter]~~ in ~~[his or her]~~ their final year of service in such other school district or board of cooperative educational services; provided, however, that in cities with a population of one million or more, a teacher appointed under a newly created license, for teachers of reading and of the emotionally handicapped, to a position which the teacher has held for at least two years prior to such appointment while serving on tenure in another license area who was not dismissed as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the teacher shall be appointed for a probationary period of 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 or her]~~ their probationary period. In all city school districts subject to the provisions of this article, failure to maintain certification as required by this article and by the regulations of the commissioner shall be cause for removal within the meaning of subdivision five of this section.

3. Associate superintendents, examiners and all other employees authorized by section twenty-five hundred fifty-four of this article, except as otherwise provided in subdivision one of this section, shall be appointed by the board of education except that in the city school districts of the cities of Buffalo, Rochester, and Syracuse, the associate, assistant and district superintendents and all other supervising staff who are excluded from the right to bargain collectively pursuant to article fourteen of the civil service law shall be appointed, within amounts budgeted therefor, by the superintendent of such city school district. In a city having a population of one million or more, such appointments shall be made on nomination of the superintendent of schools. Notwithstanding any other provision in this chapter to the contrary, whenever an associate superintendent of schools in the employ of the board of education in a city having a population of one million or more fails of reappointment, said person shall be immediately appointed an assistant superintendent of schools with permanent appointment as said term permanent appointment is defined in subdivisions four, five and six of this section. The salary of such assistant superintendent shall be less than the salary of an associate superintendent, but said differential in salary shall not exceed ten per centum of the annual salary of an associate superintendent of schools. When, however, an associate superintendent of schools who fails of reappointment has to ~~[his]~~ their credit thirty or more years of city service including ten or more years of service as such associate superintendent of schools, he shall suffer no reduction of salary or of pension prospects while serving as such assistant superintendent of schools.

5. (a) At the expiration of the probationary ~~[term]~~ period of any persons appointed for such ~~[term]~~ period prior to July first, two thousand fifteen, the superintendent of schools shall make a written report

1 to the board of education recommending for permanent appointment those
2 persons who have been found competent, efficient and satisfactory. Such
3 persons and all others employed in the teaching, service of the schools
4 of a city, who have served the full probationary period, shall hold
5 their respective positions during good behavior and efficient and compe-
6 tent service, and shall not be removable except for cause after a hear-
7 ing as provided by section three thousand twenty-a or section three
8 thousand twenty-b of this chapter.

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

55 6. (a) In a city having a population of four hundred thousand or more,
56 at the expiration of the probationary term of any persons appointed for

1 such term prior to July first, two thousand fifteen, the superintendent
2 of schools shall make a written report to the board of education recom-
3 mending for permanent appointment those persons who have been found
4 satisfactory, and such board of education shall immediately thereafter
5 issue to such persons permanent certificates of appointment. Such
6 persons and all others employed in the teaching service of the schools
7 of such city, who have served the full probationary period shall receive
8 permanent certificates to teach issued to them by the certificating
9 authority, except as otherwise provided in subdivision ten-a of this
10 section, and shall hold their respective positions during good behavior
11 and satisfactory teaching service, and shall not be removable except for
12 cause after a hearing as provided by section three thousand twenty-a or
13 section three thousand twenty-b of this chapter.

14 (b) At the expiration of the probationary [~~term~~] period of any persons
15 appointed for such [~~term~~] period on or after July first, two thousand
16 fifteen, the superintendent of schools shall make a written report to
17 the board of education recommending for permanent appointment those
18 persons who have been found competent, efficient and satisfactory and,
19 in the case of a classroom teacher or building principal, who have
20 received [~~composite annual professional performance review ratings~~
21 ~~pursuant to section three thousand twelve c or section three thousand~~
22 ~~twelve d of this chapter, of either effective or highly effective~~]
23 satisfactory annual reviews in at least three of the four preceding
24 years, exclusive of any breaks in service[, ~~provided that, notwithstand-~~
25 ~~ing any other provision of this section to the contrary, when a teacher~~
26 ~~receives an effective and/or highly effective rating in each year of his~~
27 ~~or her probationary service except he or she receives an ineffective~~
28 ~~rating in the final year of his or her probationary period, such teacher~~
29 ~~or principal shall not be eligible for tenure but the board of education~~
30 ~~in its discretion, may extend the teacher's probationary period for an~~
31 ~~additional year, provided, however, that if such teacher or principal~~
32 ~~successfully appealed such ineffective rating, such teacher or principal~~
33 ~~shall immediately be eligible for tenure if the rating resulting from~~
34 ~~the appeal established that such individual has been effective or highly~~
35 ~~effective in at least three of the preceding four years and was not~~
36 ~~ineffective in the final year. At the expiration of the probationary~~
37 ~~period, the classroom teacher or building principal shall remain in~~
38 ~~probationary status until the end of the school year in which such~~
39 ~~teacher or principal has received such ratings of effective or highly~~
40 ~~effective for at least three of the four preceding school years, exclu-~~
41 ~~sive of any breaks in service and subject to the terms hereof, during~~
42 ~~which time a board of education shall consider whether to grant tenure~~
43 ~~for those classroom teachers or building principals who otherwise have~~
44 ~~been found competent, efficient and satisfactory. Provided, however,~~
45 ~~that the board of education may grant tenure contingent upon a classroom~~
46 ~~teacher's or building principal's receipt of a minimum rating in the~~
47 ~~final year of the probationary period, pursuant to the requirements of~~
48 ~~this section, and if such contingency is not met after all appeals have~~
49 ~~been exhausted, the grant of tenure shall be void and unenforceable and~~
50 ~~the teacher's or principal's probationary period may be extended in~~
51 ~~accordance with this subdivision~~]. Such persons who have been recom-
52 mended for tenure and all others employed in the teaching service of the
53 schools of such school district who have served the full probationary
54 period [~~as extended~~] pursuant to this subdivision shall hold their
55 respective positions during good behavior and efficient and competent
56 service, and shall not be removable except for cause after a hearing as

1 provided by section three thousand twenty-a or section three thousand
2 twenty-b of this chapter. Failure to maintain certification as required
3 by this chapter and the regulations of the commissioner shall constitute
4 cause for removal.

5 (a) In a city having a population of one million or more, recommenda-
6 tions for appointment to the teaching service shall be from the first
7 three persons chosen by random selection from the qualifying eligible
8 lists prepared by the chancellor. Competitive eligible lists in exist-
9 ence at the time of enactment of this subdivision shall not be merged
10 and any such lists shall be exhausted or have expired before nominations
11 are made from a qualifying list of a subsequent date promulgated here-
12 under. Qualifying eligible lists for supervisory positions shall be
13 merged with any subsequently promulgated lists in the same license area
14 so that there shall be one continuing non-expiring eligible list for
15 each license area. No competitive eligible list shall remain in force
16 for a longer period than four years, nor have a life of less than three
17 years. No competitive eligible list now in force shall terminate any
18 sooner than four years from the date on which it was promulgated. The
19 board of education, on the recommendation of the chancellor shall desig-
20 nate, subject to the other provisions of this chapter, the kind and
21 grades of licenses which shall be required for service as principal,
22 branch principal, director, supervisor or teacher of a special branch,
23 head of department, assistant, school psychiatrist, school psychologist,
24 school medical inspector, school social worker, school social casework-
25 er, school secretary, industrial or trade helper in vocational schools,
26 school librarian, laboratory assistant, or any other position of the
27 teaching staff together with the academic and professional qualifica-
28 tions required for each kind or grade of license. No person required to
29 have a license under the provisions of this chapter in order to be
30 employed in a position who does not have such license shall have any
31 claim for salary, except that a person who has been assigned to teach in
32 a subject or field not specifically covered in [~~his~~] their license but
33 on the same rank or level of service shall be entitled to [~~his~~] their
34 salary.

35 11. In a city [~~have~~] having a population of one million or more, the
36 board of education, subject to the approval of the commissioner of
37 education, shall have power to authorize the superintendent of schools
38 to assign any teacher employed to teach any subject or subjects other
39 than any specific subject for which such teacher is licensed. No such
40 assignment shall be made unless the superintendent of schools shall have
41 certified that such teacher is competent to teach the assigned subject
42 or subjects. The superintendent of schools with the approval of the
43 board of education, shall have power to make rules and regulations in
44 relation to ascertainment of competency of teachers to teach such
45 assigned subject or subjects. The assignment of a teacher to teach any
46 such assigned subject shall not operate to change the rank or level of
47 such teacher from that which [~~he or she~~] they occupied prior to such
48 assignment.

49 16. In the city school district of the city of New York, the board of
50 education shall ascertain prior to August first, nineteen hundred sixty,
51 and annually thereafter the number of appointments which will be
52 required for the duration of not less than a term of the ensuing school
53 year by reason of leaves of absence granted to members of the teaching
54 staff serving on tenure. The board shall thereupon establish and make
55 appointments to positions of replacement teachers in a number which,
56 including any such teachers already serving as a result of earlier

1 appointment, shall be at least equal, if possible, and, if not, as near-
2 ly as possible, to two-thirds of the minimum number of such teachers
3 expected to be absent on leave at any one time. Such positions shall
4 constitute a pool from which the board shall assign teachers to replace
5 the teachers who are absent on leave. Appointments to such positions of
6 replacement teachers shall be made from the appropriate eligible lists
7 for the positions for which such replacement teachers will be required
8 as determined by the board. Such positions of replacement teachers shall
9 be in all respects permanent positions in the school system and persons
10 duly appointed by the board to such positions shall be entitled to the
11 rights of tenure and retirement accruing to persons serving in other
12 permanent teaching positions, except that no replacement teacher shall
13 be entitled to the special limitation of the probationary period to one
14 year provided for certain teachers by subdivision one of this section.
15 Upon acceptance of appointment as replacement teacher, the name of each
16 such appointee shall be placed on a preferred eligible list as a candi-
17 date for appointment to any permanent teaching position for which he
18 holds a valid license and such candidates shall be entitled to appoint-
19 ment from such preferred eligible list in order of their placement on
20 such list. At any time when the total number of positions of replacement
21 teacher in such pool exceeds the total number of teachers who will be
22 absent on leave for the ensuing term of school, the board may abolish
23 positions in such pool which are in excess of the number of teachers to
24 be absent on leave as aforesaid, or may use replacement teachers in such
25 pool instead of substitute teachers to replace teachers who are absent
26 for shorter periods than one term. Whenever a particular replacement
27 teacher cannot be used to replace any teacher who is absent on leave for
28 a full term, ~~he~~ they may similarly be used to replace teachers who are
29 absent for shorter periods. Nothing herein contained shall be construed
30 as preventing the appointment of regular substitute teachers to replace
31 teachers absent on leave when no persons holding positions created
32 pursuant to this subdivision are available for such replacement.

33 17. In the city school district of the city of Buffalo, the board of
34 education shall, within sixty days of the effective date of this subdi-
35 vision and annually prior to August first of each year thereafter,
36 ascertain the number of appointments which will be required for the
37 duration of not less than a term of the ensuing school year by reason of
38 leaves of absence granted to members of the teaching staff serving on
39 tenure. The board shall thereupon establish and make appointments to
40 positions of replacement teachers in a number which, including any such
41 teachers already serving as a result of earlier appointment, shall be
42 equal, if possible, or as nearly as possible, to two-thirds of the mini-
43 mum number of such teachers expected to be absent on leave at any one
44 time. Such positions shall constitute a pool from which the board shall
45 assign teachers to replace the teachers who are absent on leave. Such
46 positions of replacement teachers shall be in all respects permanent
47 positions in the school system and persons duly appointed by the board
48 to such positions shall be entitled to the rights of tenure and retire-
49 ment accruing to persons serving in other permanent teaching positions,
50 except that no replacement teacher shall be entitled to the special
51 limitation of the probationary period to one year provided for certain
52 teachers by subdivision one of this section. Upon acceptance of appoint-
53 ment as replacement teacher, the name of each such appointee shall be
54 placed on a preferred eligible list as a candidate for appointment to
55 any permanent teaching position for which ~~he or she holds~~ they hold a
56 valid license and such candidates shall be entitled to appointment from

1 such preferred eligible list in order of their placement on such list.
2 At any time when the total number of positions of replacement teacher in
3 such pool exceeds the total number of teachers who will be absent on
4 leave for the ensuing term of school, the board may abolish positions in
5 such pool which are in excess of the number of teachers to be absent on
6 leave as aforesaid, or may use replacement teachers in such pool instead
7 of substitute teachers to replace teachers who are absent for shorter
8 periods than one term. Whenever a particular replacement teacher cannot
9 be used to replace any teacher who is absent on leave for a full term,
10 ~~[he or she]~~ they may similarly be used to replace teachers who are
11 absent for shorter periods. Nothing herein contained shall be construed
12 as preventing the appointment of regular substitute teachers to replace
13 teachers absent on leave when no persons holding positions created
14 pursuant to this subdivision are available for such replacement.

15 § 3. Section 3012 of the education law, as amended by section 4 of
16 subpart D of part EE of chapter 56 of the laws of 2015, is amended to
17 read as follows:

18 § 3012. Tenure: certain school districts. 1. (a) i. Teachers and all
19 other members of the teaching staff of school districts, including
20 common school districts and/or school districts employing fewer than
21 eight teachers, other than city school districts, who are appointed
22 prior to July first, two thousand fifteen, shall be appointed by the
23 board of education, or the trustees of common school districts, upon the
24 recommendation of the superintendent of schools, for a probationary
25 period of three years, except that in the case of a teacher who has
26 rendered satisfactory service as a regular substitute for a period of up
27 to two years or as a seasonally licensed per session teacher of swimming
28 in day schools who has served in that capacity for a period of up to two
29 years and has been appointed to teach the same subject in day schools,
30 on an annual salary, the probationary period shall be ~~[limited to one~~
31 ~~year]~~ reduced proportionately based upon the length of the satisfactory
32 service; provided, however, that in the case of a teacher who has been
33 appointed on tenure in another school district within the state, the
34 school district where currently employed, or a board of cooperative
35 educational services, and who was not dismissed from such district or
36 board as a result of charges brought pursuant to subdivision one of
37 section three thousand twenty-a or section three thousand twenty-b of
38 this article, the probationary period shall not exceed two years. The
39 service of a person appointed to any ~~[of]~~ such positions may be discon-
40 tinued at any time during such probationary period, on the recommenda-
41 tion of the superintendent of schools, by a majority vote of the board
42 of education or the trustees of a common school district.

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 years, except that in the case of a teach-
50 er who has rendered satisfactory service as a regular substitute for a
51 period of two years and, if a classroom teacher, has received satisfac-
52 tory annual ~~[professional performance review ratings]~~ reviews in each of
53 those years, or has rendered satisfactory service as a seasonally
54 licensed per session teacher of swimming in day schools who has served
55 in that capacity for a period of up to two years and has been appointed
56 to teach the same subject in day schools, on an annual salary, the

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

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

31 ii. Principals, administrators, supervisors and all other members of
32 the supervising staff of school districts, including common school
33 districts and/or school districts employing fewer than eight teachers,
34 other than city school districts, who are appointed on or after July
35 first, two thousand fifteen, shall be appointed by the board of educa-
36 tion, or the trustees of a common school district, upon the recommenda-
37 tion of the superintendent of schools for a probationary period of four
38 years. The service of a person appointed to any of such positions may be
39 discontinued at any time during the probationary period on the recommen-
40 dation of the superintendent of schools, by a majority vote of the board
41 of education or the trustees of a common school district.

42 (c) Any person previously appointed to tenure or a probationary period
43 pursuant to the provisions of former section three thousand thirteen of
44 this article shall continue to hold such position and be governed by the
45 provisions of this section notwithstanding any contrary provision of
46 law.

47 2. (a) Teachers and all other members of the teaching staff of school
48 districts, including common school districts and/or school districts
49 employing fewer than eight teachers, other than city school districts,
50 who are appointed on or after July first, two thousand nineteen, shall
51 be appointed by the board of education, or the trustees of common school
52 districts, upon the recommendation of the superintendent of schools, for
53 a probationary period of three years, except that in the case of a
54 teacher who has rendered satisfactory service as a regular substitute
55 for a period of up to two years and, if a classroom teacher, has
56 received satisfactory annual reviews in each of those years, or has

1 rendered satisfactory service as a seasonally licensed per session
2 teacher of swimming in day schools who has served in that capacity for a
3 period of up to two years and has been appointed to teach the same
4 subject in day schools, on an annual salary, such teacher shall be
5 appointed for a probationary period reduced proportionately based upon
6 the length of the satisfactory service; provided, however, that in the
7 case of a teacher who has been appointed on tenure in another school
8 district within the state, the school district where currently employed,
9 or a board of cooperative educational services, and who was not
10 dismissed from such district or board as a result of charges brought
11 pursuant to subdivision one of section three thousand twenty-a or
12 section three thousand twenty-b of this article, such teacher shall be
13 appointed for a probationary period of two years; provided that, in the
14 case of a classroom teacher, the teacher demonstrates that they received
15 a satisfactory review in their final year of service in such other
16 school district or board of cooperative educational services. The
17 service of a person appointed to any such positions may be discontinued
18 at any time during such probationary period, on the recommendation of
19 the superintendent of schools, by a majority vote of the board of educa-
20 tion or the trustees of a common school district.

21 (b) Principals, administrators, supervisors and all other members of
22 the supervising staff of school districts, including common school
23 districts and/or school districts employing fewer than eight teachers,
24 other than city school districts, who are appointed on or after July
25 first, two thousand nineteen, shall be appointed by the board of educa-
26 tion, or the trustees of a common school district, upon the recommenda-
27 tion of the superintendent of schools for a probationary period of three
28 years. The service of a person appointed to any such positions may be
29 discontinued at any time during the probationary period on the recommen-
30 dation of the superintendent of schools, by a majority vote of the board
31 of education or the trustees of a common school district.

32 3. (a) At the expiration of the probationary [~~term~~] period of a person
33 appointed for such [~~term~~] period prior to July first, two thousand
34 fifteen, subject to the conditions of this section, the superintendent
35 of schools shall make a written report to the board of education or the
36 trustees of a common school district recommending for appointment on
37 tenure those persons who have been found competent, efficient and satis-
38 factory. Such persons, and all others employed in the teaching service
39 of the schools of such union free school district, common school
40 district and/or school district employing fewer than eight teachers, who
41 have served the probationary period as provided in this section, shall
42 hold their respective positions during good behavior and efficient and
43 competent service, and shall not be removed except for any of the
44 following causes, after a hearing, as provided by section three thousand
45 twenty-a or section three thousand twenty-b of this article: (a) insub-
46 ordination, immoral character or conduct unbecoming a teacher; (b) inef-
47 iciency, incompetency, physical or mental disability, or neglect of
48 duty; (c) failure to maintain certification as required by this chapter
49 and by the regulations of the commissioner. Each person who is not to be
50 recommended for appointment on tenure, shall be so notified by the
51 superintendent of schools in writing not later than sixty days imme-
52 diately preceding the expiration of [~~his~~] the probationary period.

53 (b) At the expiration of the probationary [~~term~~] period of a person
54 appointed for such [~~term~~] period on or after July first, two thousand
55 fifteen, subject to the conditions of this section, the superintendent
56 of schools shall make a written report to the board of education or the

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

45 [~~3.~~] **4.** Notwithstanding any other provision of this section no period
46 in any school year for which there is no required service and/or for
47 which no compensation is provided shall in any event constitute a break
48 or suspension of probationary period or continuity of tenure rights of
49 any of the persons hereinabove described.

50 § 4. Section 3014 of the education law, as amended by section 5 of
51 subpart D of part EE of chapter 56 of the laws of 2015, is amended to
52 read as follows:

53 § 3014. Tenure: boards of cooperative educational services. 1. (a)
54 Administrative assistants, supervisors, teachers and all other members
55 of the teaching and supervising staff of the board of cooperative educa-
56 tional services appointed prior to July first, two thousand fifteen,

1 shall be appointed by a majority vote of the board of cooperative educa-
2 tional services upon the recommendation of the district superintendent
3 of schools for a probationary period ~~[of]~~ not to exceed three years;
4 provided, however, that in the case of a teacher who has been appointed
5 on tenure in a school district within the state, the board of cooper-
6 ative educational services where currently employed, or another board of
7 cooperative educational services, and who was not dismissed from such
8 district or board as a result of charges brought pursuant to subdivision
9 one of section three thousand twenty-a or section three thousand twen-
10 ty-b of this article, the probationary period shall not exceed two
11 years. Services of a person so appointed to any such positions may be
12 discontinued at any time during such probationary period, upon the
13 recommendation of the district superintendent, by a majority vote of the
14 board of cooperative educational services.

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

39 (c) Administrative assistants, supervisors, teachers and all other
40 members of the teaching and supervising staff of the board of cooper-
41 ative educational services appointed on or after July first, two thou-
42 sand nineteen, shall be appointed by a majority vote of the board of
43 cooperative educational services upon the recommendation of the district
44 superintendent of schools for a probationary period not to exceed three
45 years; provided, however, that in the case of a teacher who has been
46 appointed on tenure in a school district within the state, the board of
47 cooperative educational services where currently employed, or another
48 board of cooperative educational services, and who was not dismissed
49 from such district or board as a result of charges brought pursuant to
50 section three thousand twenty-a or section three thousand twenty-b of
51 this article, such teacher shall be appointed for a probationary period
52 of two years; provided that, in the case of a classroom teacher, such
53 teacher demonstrates that they received a satisfactory annual review in
54 their final year of service in such other school district or board of
55 cooperative educational services. Services of a person so appointed to
56 any such positions may be discontinued at any time during such proba-

1 tionary period, upon the recommendation of the district superintendent,
2 by a majority vote of the board of cooperative educational services.

3 2. (a) On or before the expiration of the probationary [~~term~~] period
4 of a person appointed for such [~~term~~] period prior to July first, two
5 thousand fifteen, the district superintendent of schools shall make a
6 written report to the board of cooperative educational services recom-
7 mending for appointment on tenure persons who have been found competent,
8 efficient and satisfactory. Such persons shall hold their respective
9 positions during good behavior and competent and efficient service and
10 shall not be removed except for any of the following causes, after a
11 hearing, as provided by section three thousand twenty-a or section three
12 thousand twenty-b of this article: (i) Insubordination, immoral charac-
13 ter or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or
14 neglect of duty; (iii) Failure to maintain certification as required by
15 this chapter and by the regulations of the commissioner. Each person who
16 is not to be so recommended for appointment on tenure shall be so noti-
17 fied in writing by the district superintendent not later than sixty days
18 immediately preceding the expiration of [~~his or her~~] their probationary
19 period.

20 (b) On or before the expiration of the probationary [~~term~~] period of a
21 person appointed for such [~~term~~] period on or after July first, two
22 thousand fifteen, the district superintendent of schools shall make a
23 written report to the board of cooperative educational services recom-
24 mending for appointment on tenure persons who have been found competent,
25 efficient and satisfactory and, in the case of a classroom teacher or
26 building principal, who have received [~~composite~~] annual [~~professional~~
27 ~~performance review ratings pursuant to section three thousand twelve c~~
28 ~~or section three thousand twelve d of this article, of either effective~~
29 ~~or highly effective in at least three of the four preceding years,~~
30 reviews in at least three of the four preceding years, exclusive of any
31 breaks in service[, ~~provided that, notwithstanding any other provision~~
32 ~~of this section to the contrary, when a teacher or principal receives an~~
33 ~~effective or highly effective rating in each year of his or her proba-~~
34 ~~tionary service except he or she receives an ineffective rating in the~~
35 ~~final year of his or her probationary period, such teacher shall not be~~
36 ~~eligible for tenure but the board of education in its discretion, may~~
37 ~~extend the teacher's probationary period for an additional year,~~
38 ~~provided, however that if such teacher or principal successfully~~
39 ~~appealed such ineffective rating, such teacher or principal shall imme-~~
40 ~~diately be eligible for tenure if the rating resulting from the appeal~~
41 ~~established that such individual has been effective or highly effective~~
42 ~~in at least three of the preceding four years and was not ineffective in~~
43 ~~the final year. At the expiration of the probationary period, the class-~~
44 ~~room teacher or building principal shall remain in probationary status~~
45 ~~until the end of the school year in which such teacher or principal has~~
46 ~~received such ratings of effective or highly effective for at least~~
47 ~~three of the four preceding school years, exclusive of any breaks in~~
48 ~~service, during which time a board of cooperative educational services~~
49 ~~shall consider whether to grant tenure for those classroom teachers or~~
50 ~~building principals who otherwise have been found competent, efficient~~
51 ~~and satisfactory. Provided, however, that the board of cooperative~~
52 ~~educational services may grant tenure contingent upon a classroom teach-~~
53 ~~er's or building principal's receipt of a minimum rating in the final~~
54 ~~year of the probationary period, pursuant to the requirements of this~~
55 ~~section, and if such contingency is not met after all appeals have been~~
56 ~~exhausted, the grant of tenure shall be void and unenforceable and the~~

1 ~~teacher's or principal's probationary period may be extended in accord-~~
2 ~~ance with this subdivision~~]. Such persons shall hold their respective
3 positions during good behavior and competent and efficient service and
4 shall not be removed except for any of the following causes, after a
5 hearing, as provided by section three thousand twenty-a or section three
6 thousand twenty-b of this article: (i) Insubordination, immoral charac-
7 ter or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or
8 neglect of duty; (iii) Failure to maintain certification as required by
9 this chapter and by the regulations of the commissioner. Each person who
10 is not to be so recommended for appointment on tenure shall be so noti-
11 fied in writing by the district superintendent not later than sixty days
12 immediately preceding the expiration of [~~his or her~~ the] probationary
13 period.
14 § 5. This act shall take effect immediately.