

# STATE OF NEW YORK

4007--A

Cal. No. 222

2019-2020 Regular Sessions

## IN SENATE

February 25, 2019

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 person appointed to any of such positions may be discontinued at any  
2 time during the probationary period on the recommendation of the super-  
3 intendent of schools, by a majority vote of the board of education.

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

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

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

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

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

(b) Administrative assistants, supervisors, teachers and all other members of the teaching and supervising staff of the board of cooperative educational services appointed on or after July first, two thousand fifteen, shall be appointed by a majority vote of the board of cooperative educational services upon the recommendation of the district superintendent of schools for a probationary period of not to exceed four years; provided, however, that in the case of a teacher who has been appointed on tenure in a school district within the state, the board of cooperative educational services where currently employed, or another board of cooperative educational services, and who was not dismissed from such district or board as a result of charges brought pursuant to section three thousand twenty-a or section three thousand twenty-b of this article, the teacher 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 received a composite annual professional performance review rating pursuant to section three thousand twelve-c or three thousand twelve-d of this ~~chapter~~ article of either effective or highly effective in his or her final year of service in such other school district or board of cooperative educational services; and provided further that in the case of a principal, administrator, supervisor, or other member of the supervising staff who has been appointed on tenure pursuant to this chapter as an administrator within an authorized administrative tenure area 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 article, the principal, administrator, supervisor, or other member of the supervising staff shall be appointed for a probationary period of three years. Services of a person so appointed to any such positions to which this paragraph applies may be discontinued at any time during ~~such~~ the probationary period, upon the recommendation of the district superintendent, by a majority vote of the board of cooperative educational services.

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