

# STATE OF NEW YORK

6750--B

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

Introduced by M. of A. BENEDETTO, GUNTHER, OTIS, McDONALD -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the granting of tenure

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

1 Section 1. Subparagraph ii of paragraph (a) of subdivision 1 of  
2 section 3012 of the education law, as amended by section 4 of subpart D  
3 of part EE of chapter 56 of the laws of 2015, is amended to read as  
4 follows:  
5 ii. Teachers and all other members of the teaching staff of school  
6 districts, including common school districts and/or school districts  
7 employing fewer than eight teachers, other than city school districts,  
8 who are appointed on or after July first, two thousand fifteen, shall be  
9 appointed by the board of education, or the trustees of common school  
10 districts, upon the recommendation of the superintendent of schools, for  
11 a probationary period of four years, except that in the case of a teach-  
12 er who has rendered satisfactory service as a regular substitute for a  
13 period of two years and, if a classroom teacher, has received annual  
14 professional performance review ratings in each of those years, or has  
15 rendered satisfactory service as a seasonally licensed per session  
16 teacher of swimming in day schools who has served in that capacity for a  
17 period of two years and has been appointed to teach the same subject in  
18 day schools, on an annual salary, the teacher shall be appointed for a  
19 probationary period of two years; provided, however, that in the case of  
20 a teacher who has been appointed on tenure in another school district  
21 within the state, the school district where currently employed, or a  
22 board of cooperative educational services, and who was not dismissed  
23 from such district or board as a result of charges brought pursuant to

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

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1 subdivision one of section three thousand twenty-a or section three  
2 thousand twenty-b of this article, the teacher shall be appointed for a  
3 probationary period of three years; provided that, in the case of a  
4 classroom teacher, the teacher demonstrates that he or she received an  
5 annual professional performance review rating pursuant to section three  
6 thousand twelve-c or section three thousand twelve-d of this chapter in  
7 his or her final year of service in such other school district or board  
8 of cooperative educational services. Provided further, however, that in  
9 the case of a teacher who has been appointed for a probationary period  
10 during the two thousand twenty--two thousand twenty-one school year and  
11 who has been appointed on tenure in another school district within the  
12 state, the school district where currently employed, board of cooper-  
13 ative educational services or state school for the blind or deaf and who  
14 was not dismissed from such district, board or state school for the  
15 blind or deaf as a result of charges brought pursuant to subdivision one  
16 of section three thousand twenty-a or section three thousand twenty-b of  
17 this article, such teacher shall be appointed for a probationary period  
18 of three years; provided that, in the case of a classroom teacher, such  
19 teacher demonstrates that he or she received an annual professional  
20 performance review rating pursuant to section three thousand twelve-c or  
21 section three thousand twelve-d of this article in the two thousand  
22 seventeen--two thousand eighteen or two thousand eighteen--two thousand  
23 nineteen school year in such other school district, board of cooperative  
24 educational services or state school for the blind or deaf. The service  
25 of a person appointed to any of such positions may be discontinued at  
26 any time during such probationary period, on the recommendation of the  
27 superintendent of schools, by a majority vote of the board of education  
28 or the trustees of a common school district.

29 § 2. Paragraph (b) of subdivision 2 of section 3012 of the education  
30 law, as added by section 4 of subpart D of part EE of chapter 56 of the  
31 laws of 2015, is amended to read as follows:

32 (b) At the expiration of the probationary term of a person appointed  
33 for such term on or after July first, two thousand fifteen, subject to  
34 the conditions of this section, the superintendent of schools shall make  
35 a written report to the board of education or the trustees of a common  
36 school district recommending for appointment on tenure those persons who  
37 have been found competent, efficient and satisfactory and, in the case  
38 of a classroom teacher or building principal, who have received compos-  
39 ite annual professional performance review ratings pursuant to section  
40 three thousand twelve-c or section three thousand twelve-d of this arti-  
41 cle, of either effective or highly effective in at least three of the  
42 four preceding years, exclusive of any breaks in service; provided that  
43 in the case of a classroom teacher or building principal appointed  
44 during the two thousand seventeen--two thousand eighteen, two thousand  
45 eighteen--two thousand nineteen or two thousand nineteen--two thousand  
46 twenty school year, who have received composite annual professional  
47 performance review ratings pursuant to section three thousand twelve-c  
48 or section three thousand twelve-d of this article, of either effective  
49 or highly effective in at least one of the four preceding years, exclu-  
50 sive of any breaks in service, and did not receive an ineffective rating  
51 in the final year of his or her probationary period, or during the most  
52 recent school year where a rating was received; provided that, in the  
53 case of a classroom teacher or building principal appointed during the  
54 two thousand twenty--two thousand twenty-one school year who have  
55 received composite annual professional performance review ratings pursu-  
56 ant to section three thousand twelve-c or section three thousand

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

42 § 3. Section 3012-d of the education law is amended by adding a new  
43 subdivision 17 to read as follows:

44 17. Notwithstanding any other provision of this section, for the two  
45 thousand twenty--two thousand twenty-one school year, no school district  
46 or board of cooperative educational services shall complete an annual  
47 teacher and principal evaluation required by this section for any class-  
48 room teacher or building principal and state funding shall not be with-  
49 held from any school district for not complying with the requirements of  
50 this section.

51 § 4. Paragraph (b) of subdivision 2 of section 3014 of the education  
52 law, as added by section 5 of subpart D of part EE of chapter 56 of the  
53 laws of 2015, is amended to read as follows:

54 (b) On or before the expiration of the probationary term of a person  
55 appointed for such term on or after July first, two thousand fifteen,  
56 the district superintendent of schools shall make a written report to

1 the board of cooperative educational services recommending for appoint-  
2 ment on tenure persons who have been found competent, efficient and  
3 satisfactory and, in the case of a classroom teacher or building princi-  
4 pal, who have received composite annual professional performance review  
5 ratings pursuant to section three thousand twelve-c or section three  
6 thousand twelve-d of this article, of either effective or highly effec-  
7 tive in at least three of the four preceding years, exclusive of any  
8 breaks in service; provided that, in the case of a classroom teacher or  
9 building principal appointed during the two thousand seventeen--two  
10 thousand eighteen, two thousand eighteen--two thousand nineteen or two  
11 thousand nineteen--two thousand twenty school year who have received  
12 composite annual professional performance review ratings pursuant to  
13 section three thousand twelve-c or section three thousand twelve-d of  
14 this article of either effective or highly effective in at least one of  
15 the four preceding years, exclusive of any breaks in service, and did  
16 not receive an ineffective rating in the final year of his or her proba-  
17 tionary period or in the most recent school year where a rating was  
18 received; provided that, in the case of a classroom teacher or building  
19 principal appointed during the two thousand twenty--two thousand twen-  
20 ty-one school year who have received composite annual professional  
21 performance review ratings pursuant to section three thousand twelve-c  
22 or section three thousand twelve-d of this article of either effective  
23 or highly effective in at least two of the four preceding years, exclu-  
24 sive of any breaks in service, and did not receive an ineffective  
25 rating in the final year of his or her probationary period, or during  
26 the most recent school year where a rating was received; provided  
27 further that, notwithstanding any other provision of this section to the  
28 contrary, when a teacher or principal receives an effective or highly  
29 effective rating in each year of his or her probationary service except  
30 he or she receives an ineffective rating in the final year of his or her  
31 probationary period, such teacher shall not be eligible for tenure but  
32 the board of education in its discretion, may extend the teacher's  
33 probationary period for an additional year; provided, however that if  
34 such teacher or principal successfully appealed such ineffective rating,  
35 such teacher or principal shall immediately be eligible for tenure if  
36 the rating resulting from the appeal established that such individual  
37 has been effective or highly effective in at least three of the preced-  
38 ing four years and was not ineffective in the final year. At the expira-  
39 tion of the probationary period, the classroom teacher or building prin-  
40 cipal shall remain in probationary status until the end of the school  
41 year in which such teacher or principal has received such ratings of  
42 effective or highly effective for at least three of the four preceding  
43 school years, exclusive of any breaks in service, during which time a  
44 board of cooperative educational services shall consider whether to  
45 grant tenure for those classroom teachers or building principals who  
46 otherwise have been found competent, efficient and satisfactory.  
47 Provided, however, that the board of cooperative educational services  
48 may grant tenure contingent upon a classroom teacher's or building prin-  
49 cipal's receipt of a minimum rating in the final year of the probation-  
50 ary period, pursuant to the requirements of this section, and if such  
51 contingency is not met after all appeals have been exhausted, the grant  
52 of tenure shall be void and unenforceable and the teacher's or princi-  
53 pal's probationary period may be extended in accordance with this subdi-  
54 vision. Such persons shall hold their respective positions during good  
55 behavior and competent and efficient service and shall not be removed  
56 except for any of the following causes, after a hearing, as provided by

1 section three thousand twenty-a or section three thousand twenty-b of  
2 this article: (i) Insubordination, immoral character or conduct unbecom-  
3 ing a teacher; (ii) Inefficiency, incompetency, or neglect of duty;  
4 (iii) Failure to maintain certification as required by this chapter and  
5 by the regulations of the commissioner. Each person who is not to be so  
6 recommended for appointment on tenure shall be so notified in writing by  
7 the district superintendent not later than sixty days immediately  
8 preceding the expiration of his or her probationary period.

9 § 5. Paragraph (b) of subdivision 1 of section 3014 of the education  
10 law, as amended by chapter 345 of the laws of 2019, is amended to read  
11 as follows:

12 (b) Administrative assistants, supervisors, teachers and all other  
13 members of the teaching and supervising staff of the board of cooper-  
14 ative educational services appointed on or after July first, two thou-  
15 sand fifteen, shall be appointed by a majority vote of the board of  
16 cooperative educational services upon the recommendation of the district  
17 superintendent of schools for a probationary period of not to exceed  
18 four years; provided, however, that in the case of a teacher who has  
19 been appointed on tenure in a school district within the state, the  
20 board of cooperative educational services where currently employed, or  
21 another board of cooperative educational services, and who was not  
22 dismissed from such district or board as a result of charges brought  
23 pursuant to section three thousand twenty-a or section three thousand  
24 twenty-b of this article, the teacher shall be appointed for a proba-  
25 tionary period of three years; provided that, in the case of a classroom  
26 teacher, the teacher demonstrates that he or she received a composite  
27 annual professional performance review rating pursuant to section three  
28 thousand twelve-c or three thousand twelve-d of this article of either  
29 effective or highly effective in his or her final year of service in  
30 such other school district or board of cooperative educational services;  
31 and provided further that in the case of a principal, administrator,  
32 supervisor, or other member of the supervising staff who has been  
33 appointed on tenure pursuant to this chapter as an administrator within  
34 an authorized administrative tenure area in another school district  
35 within the state, the school district where currently employed, or a  
36 board of cooperative educational services, and who was not dismissed  
37 from such district or board as a result of charges brought pursuant to  
38 subdivision one of section three thousand twenty-a or section three  
39 thousand twenty-b of this article, the principal, administrator, super-  
40 visor, or other member of the supervising staff shall be appointed for a  
41 probationary period of three years. Provided further, however, that in  
42 the case of a classroom teacher who has been appointed for a probation-  
43 ary period during the two thousand twenty--two thousand twenty-one  
44 school year and who has been appointed on tenure in a school district  
45 within the state, state school for the blind or deaf, the board of coop-  
46 erative educational services where currently employed, or another board  
47 of cooperative educational services, and who was not dismissed from such  
48 district, board or state school for the blind or deaf as a result of  
49 charges brought pursuant to section three thousand twenty-a or section  
50 three thousand twenty-b of this article, such teacher shall be appointed  
51 for a probationary period of three years; provided that, in the case of  
52 a classroom teacher, such teacher demonstrates that he or she received  
53 an annual professional performance review rating pursuant to section  
54 three thousand twelve-c or section three thousand twelve-d of this arti-  
55 cle in the two thousand seventeen--two thousand eighteen or two thousand  
56 eighteen--two thousand nineteen school year in such other school

1 district, state school for the blind or deaf or board of cooperative  
2 educational services. Services of a person so appointed to any such  
3 positions to which this paragraph applies may be discontinued at any  
4 time during the probationary period, upon the recommendation of the  
5 district superintendent, by a majority vote of the board of cooperative  
6 educational services.

7 § 6. Subparagraph ii of paragraph (a) of subdivision 1 of section 2509  
8 of the education law, as amended by section 1 of subpart D of part EE of  
9 chapter 56 of the laws of 2015, is amended to read as follows:

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

1 than sixty days immediately preceding the expiration of his/her proba-  
2 tionary period.

3 § 7. Paragraph b of subdivision 2 of section 2509 of the education  
4 law, as added by section 2 of subpart D of part EE of chapter 56 of the  
5 laws of 2015, is amended to read as follows:

6 b. For persons appointed on or after July first, two thousand fifteen,  
7 at the expiration of the probationary term of any persons appointed for  
8 such term, or within six months prior thereto, the superintendent of  
9 schools shall make a written report to the board of education recommend-

10 ing for appointment on tenure those persons who have been found compe-  
11 tent, efficient and satisfactory and in the case of a classroom teacher  
12 or building principal, who have received annual professional performance  
13 review ratings pursuant to section three thousand twelve-c or section  
14 three thousand twelve-d of this chapter, of either effective or highly  
15 effective in at least three of the four preceding years, exclusive of  
16 any breaks in service; provided that, in the case of a classroom teacher  
17 or building principal appointed during the two thousand seventeen--two  
18 thousand eighteen, two thousand eighteen--two thousand nineteen or two  
19 thousand nineteen--two thousand twenty school year, who have received  
20 composite annual professional performance review ratings pursuant to  
21 section three thousand twelve-c or section three thousand twelve-d of  
22 this chapter, of either effective or highly effective in at least one of  
23 the four preceding years, exclusive of any breaks in service, and did  
24 not receive an ineffective rating in the final year of his or her proba-  
25 tionary period, or during the most recent school year where a rating was  
26 received; provided that, in the case of a classroom teacher or building  
27 principal appointed during the two thousand twenty--two thousand twen-  
28 ty-one school year who have received composite annual professional  
29 performance review ratings pursuant to section three thousand twelve-c  
30 or section three thousand twelve-d of this chapter of either effective  
31 or highly effective in at least two of the four preceding years, exclu-  
32 sive of any breaks in service, and did not receive an ineffective  
33 rating in the final year of his or her probationary period, or during  
34 the most recent school year where a rating was received; provided

35 further that, notwithstanding any other provision of this section to the  
36 contrary, when a teacher or principal receives an effective or highly  
37 effective rating in each year of his or her probationary service except  
38 he or she receives an ineffective rating in the final year of his or her  
39 probationary period, such teacher or principal shall not be eligible for  
40 tenure but the board of education in its discretion, may extend the  
41 teacher's probationary period for an additional year; provided, however,  
42 that if such teacher or principal successfully appealed such ineffective  
43 rating, such teacher or principal shall immediately be eligible for  
44 tenure if the rating resulting from the appeal established that such  
45 individual has been effective or highly effective in at least three of  
46 the preceding four years and was not ineffective in the final year. By a  
47 majority vote, the board of education may then appoint on tenure any or  
48 all of the persons recommended by the superintendent of schools. At the  
49 expiration of the probationary period, the classroom teacher or building  
50 principal shall remain in probationary status until the end of the  
51 school year in which such teacher or principal has received such ratings  
52 of effective or highly effective for at least three of the four preced-  
53 ing school years exclusive of any breaks in service and subject to the  
54 terms hereof, during which time a board of education shall consider  
55 whether to grant tenure for those classroom teachers or building princi-  
56 pals who otherwise have been found competent, efficient and satisfac-

1 tory. Provided, however, that the board of education may grant tenure  
2 contingent upon a classroom teacher's or building principal's receipt of  
3 a minimum rating in the final year of the probationary period, pursuant  
4 to the requirements of this section, and if such contingency is not met  
5 after all appeals have been exhausted, the grant of tenure shall be void  
6 and unenforceable and the teacher's or principal's probationary period  
7 may be extended in accordance with this subdivision. Such persons who  
8 have been recommended for tenure and all others employed in the teaching  
9 service of the schools of such school district who have served the full  
10 probationary period as extended pursuant to this subdivision shall hold  
11 their respective positions during good behavior and efficient and compe-  
12 tent service, and shall not be removable except for cause after a hear-  
13 ing as provided by section three thousand twenty-a or section three  
14 thousand twenty-b of this chapter. Failure to maintain certification as  
15 required by this chapter and the regulations of the commissioner shall  
16 constitute cause for removal.

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

20 ii. Teachers and all other members of the teaching staff appointed on  
21 or after July first, two thousand fifteen and authorized by section  
22 twenty-five hundred fifty-four of this article, shall be appointed by  
23 the board of education, upon the recommendation of the superintendent of  
24 schools, for a probationary period of four years, except that in the  
25 case of a teacher who has rendered satisfactory service as a regular  
26 substitute for a period of two years and, if a classroom teacher, has  
27 received annual professional performance review ratings in each of those  
28 years, or has rendered satisfactory service as a seasonally licensed per  
29 session teacher of swimming in day schools who has served in that capac-  
30 ity for a period of two years and has been appointed to teach the same  
31 subject in day schools on an annual salary, the teacher shall be  
32 appointed for a probationary period of two years; provided, however,  
33 that in the case of a teacher who has been appointed on tenure in another  
34 school district within the state, the school district where currently  
35 employed, or a board of cooperative educational services, and who was  
36 not dismissed from such district or board as a result of charges brought  
37 pursuant to subdivision one of section three thousand twenty-a or  
38 section three thousand twenty-b of this chapter, the teacher shall be  
39 appointed for a probationary period of three years; provided that, in  
40 the case of a classroom teacher, the teacher demonstrates that he or she  
41 received an annual professional performance review rating pursuant to  
42 section three thousand twelve-c or section three thousand twelve-d of  
43 this chapter in his or her final year of service in such other school  
44 district or board of cooperative educational services; provided, howev-  
45 er, that, in the case of a classroom teacher who has been appointed for  
46 a probationary period during the two thousand twenty--two thousand twen-  
47 ty-one school year and who has been appointed on tenure in another  
48 school district within the state, the school district where currently  
49 employed, board of cooperative educational services or state school for  
50 the blind or deaf, and who was not dismissed from such district, board  
51 or state school for the blind or deaf as a result of charges brought  
52 pursuant to section three thousand twenty-a or section three thousand  
53 twenty-b of this chapter, such teacher shall be appointed for a proba-  
54 tionary period of three years; provided that, in the case of a classroom  
55 teacher, such teacher demonstrates that he or she received an annual  
56 professional performance review rating pursuant to section three thou-

1 sand twelve-c or section three thousand twelve-d of this chapter in the  
2 two thousand seventeen--two thousand eighteen or two thousand eighteen-  
3 -two thousand nineteen school year in such other school district, board  
4 of cooperative educational services or state school for the blind or  
5 deaf; provided further, however, that in cities with a population of one  
6 million or more, a teacher appointed under a newly created license, for  
7 teachers of reading and of the emotionally handicapped, to a position  
8 which the teacher has held for at least two years prior to such appoint-  
9 ment while serving on tenure in another license area who was not  
10 dismissed as a result of charges brought pursuant to subdivision one of  
11 section three thousand twenty-a or section three thousand twenty-b of  
12 this chapter, the teacher shall be appointed for a probationary period  
13 of two years. The service of a person appointed to any of such positions  
14 may be discontinued at any time during such probationary period, on the  
15 recommendation of the superintendent of schools, by a majority vote of  
16 the board of education. Each person who is not to be recommended for  
17 appointment on tenure shall be so notified by the superintendent of  
18 schools in writing not later than sixty days immediately preceding the  
19 expiration of his or her probationary period. In all city school  
20 districts subject to the provisions of this article, failure to maintain  
21 certification as required by this article and by the regulations of the  
22 commissioner shall be cause for removal within the meaning of subdivi-  
23 sion five of this section.

24 § 9. Paragraph (b) of subdivision 5 of section 2573 of the education  
25 law, as added by section 3 of subpart D of part EE of chapter 56 of the  
26 laws of 2015, is amended to read as follows:

27 (b) At the expiration of the probationary term of any persons  
28 appointed for such term on or after July first, two thousand fifteen,  
29 the superintendent of schools shall make a written report to the board  
30 of education recommending for permanent appointment those persons who  
31 have been found competent, efficient and satisfactory and, in the case  
32 of a classroom teacher or building principal, who have received compos-  
33 ite annual professional performance review ratings pursuant to section  
34 three thousand twelve-c or section three thousand twelve-d of this chap-  
35 ter, of either effective or highly effective in at least three of the  
36 four preceding years, exclusive of any breaks in service; provided that,  
37 in the case of a classroom teacher or building principal appointed  
38 during the two thousand seventeen--two thousand eighteen, two thousand  
39 eighteen--two thousand nineteen or two thousand nineteen--two thousand  
40 twenty school year, who have received composite annual professional  
41 performance review ratings pursuant to section three thousand twelve-c  
42 or section three thousand twelve-d of this chapter of either effective  
43 or highly effective in at least one of the four preceding years, exclu-  
44 sive of any breaks in service, and did not receive an ineffective rating  
45 in the final year of his or her probationary period or during the most  
46 recent school year where a rating was received; provided that, in the  
47 case of a classroom teacher or building principal appointed during the  
48 two thousand twenty--two thousand twenty-one school year who have  
49 received composite annual professional performance review ratings pursu-  
50 ant to section three thousand twelve-c or section three thousand  
51 twelve-d of this chapter of either effective or highly effective in at  
52 least two of the four preceding years, exclusive of any breaks in  
53 service, and did not receive an ineffective rating in the final year of  
54 his or her probationary period or during the most recent school year  
55 where a rating was received; provided further that, notwithstanding any  
56 other provision of this section to the contrary, when a teacher or prin-

1 cipal receives an effective and/or highly effective rating in each year  
2 of his or her probationary service except he or she receives an ineffec-  
3 tive rating in the final year of his or her probationary period, such  
4 teacher or principal shall not be eligible for tenure but the board of  
5 education in its discretion, may extend the teacher's probationary peri-  
6 od for an additional year; provided, however, that if such teacher or  
7 principal successfully appealed such ineffective rating, such teacher or  
8 principal shall immediately be eligible for tenure if the rating result-  
9 ing from the appeal established that such individual has been effective  
10 or highly effective in at least three of the preceding four years. At  
11 the expiration of the probationary period, the classroom teacher or  
12 building principal shall remain in probationary status until the end of  
13 the school year in which such teacher or principal has received such  
14 ratings of effective or highly effective for at least three of the four  
15 preceding school years, exclusive of any breaks in service and subject  
16 to the terms hereof, during which time a board of education shall  
17 consider whether to grant tenure for those classroom teachers or build-  
18 ing principals who otherwise have been found competent, efficient and  
19 satisfactory. Provided, however, that the board of education may grant  
20 tenure contingent upon a classroom teacher's or building principal's  
21 receipt of a minimum rating in the final year of the probationary peri-  
22 od, pursuant to the requirements of this section, and if such contingen-  
23 cy is not met after all appeals have been exhausted, the grant of tenure  
24 shall be void and unenforceable and the teacher's or principal's proba-  
25 tionary period may be extended in accordance with this subdivision. Such  
26 persons who have been recommended for tenure and all others employed in  
27 the teaching service of the schools of such school district who have  
28 served the full probationary period as extended pursuant to this subdivi-  
29 sion shall hold their respective positions during good behavior and  
30 efficient and competent service, and shall not be removable except for  
31 cause after a hearing as provided by section three thousand twenty-a or  
32 section three thousand twenty-b of this chapter. Failure to maintain  
33 certification as required by this chapter and the regulations of the  
34 commissioner shall constitute cause for removal.

35 § 10. Paragraph (b) of subdivision 6 of section 2573 of the education  
36 law, as added by section 3 of subpart D of part EE of chapter 56 of the  
37 laws of 2015, is amended to read as follows:

38 (b) At the expiration of the probationary term of any persons  
39 appointed for such term on or after July first, two thousand fifteen,  
40 the superintendent of schools shall make a written report to the board  
41 of education recommending for permanent appointment those persons who  
42 have been found competent, efficient and satisfactory and, in the case  
43 of a classroom teacher or building principal, who have received compos-  
44 ite annual professional performance review ratings pursuant to section  
45 three thousand twelve-c or section three thousand twelve-d of this chap-  
46 ter, of either effective or highly effective in at least three of the  
47 four preceding years, exclusive of any breaks in service; provided that,  
48 in the case of a classroom teacher or building principal appointed  
49 during the two thousand seventeen--two thousand eighteen, two thousand  
50 eighteen--two thousand nineteen or two thousand nineteen--two thousand  
51 twenty school year, who have received composite annual professional  
52 performance review ratings pursuant to section three thousand twelve-c  
53 or section three thousand twelve-d of this chapter of either effective  
54 or highly effective in at least one of the four preceding years, exclu-  
55 sive of any breaks in service, and did not receive an ineffective rating  
56 in the final year of his or her probationary period or during the most

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

47 § 11. This act shall take effect immediately.