

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.

LBD09855-17-1

subdivision one of 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 an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter in his or her final year of service in such other school district or board of cooperative educational services. Provided further, however, that in the case of a teacher who has been appointed for a probationary period during the two thousand twenty--two thousand twenty-one school year and who has been appointed on tenure in another school district within the state, the school district where currently employed, board of cooperative educational services or state school for the blind or deaf and who was not dismissed from such district, board or state school for the blind or deaf 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, such teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, such teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this article in the two thousand seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year in such other school district, board of cooperative educational services or state school for the blind or deaf. 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 or the trustees of a common school district.

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

(b) At the expiration of the probationary term of a person appointed for such term on or after July first, two thousand fifteen, subject to the conditions of this section, the superintendent of schools shall make a written report to the board of education or the trustees of a common school district recommending for appointment on tenure those persons who have been found competent, efficient and satisfactory and, in the case of a classroom teacher or building principal, who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article, of either effective or highly effective in at least three of the four preceding years, exclusive of any breaks in service; provided that in the case of a classroom teacher or building principal appointed during the two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen or two thousand nineteen--two thousand twenty school year, who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article, of either effective or highly effective in at least one of the four preceding years, exclusive of any breaks in service, and did not receive an ineffective rating in the final year of his or her probationary period, or during the most recent school year where a rating was received; provided that, in the case of a classroom teacher or building principal appointed during the two thousand twenty--two thousand twenty-one school year who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand

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

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

17. Notwithstanding any other provision of this section, for the two thousand twenty--two thousand twenty-one school year, no school district or board of cooperative educational services shall complete an annual teacher and principal evaluation required by this section for any classroom teacher or building principal and state funding shall not be withheld from any school district for not complying with the requirements of this section.

§ 4. Paragraph (b) of subdivision 2 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) On or before the expiration of the probationary term of a person appointed for such term on or after July first, two thousand fifteen, 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

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

§ 11. This act shall take effect immediately.