

STATE OF NEW YORK

7189

2021-2022 Regular Sessions

IN SENATE

June 4, 2021

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Paragraph (b) of subdivision 2 of section 3012 of the
2 education law, as amended by a chapter of the laws of 2021 amending the
3 education law relating to the granting of tenure, as proposed in legis-
4 lative bills numbers S.5576-C and A.6750-B, is amended to read as
5 follows:

6 (b) At the expiration of the probationary term of a person appointed
7 for such term on or after July first, two thousand fifteen, subject to
8 the conditions of this section, the superintendent of schools shall make
9 a written report to the board of education or the trustees of a common
10 school district recommending for appointment on tenure those persons who
11 have been found competent, efficient and satisfactory and, in the case
12 of a classroom teacher or building principal, who have received compos-
13 ite annual professional performance review ratings pursuant to section
14 three thousand twelve-c or section three thousand twelve-d of this arti-
15 cle, of either effective or highly effective in at least three of the
16 four preceding years, exclusive of any breaks in service; provided that
17 in the case of a classroom teacher or building principal appointed
18 during the two thousand seventeen--two thousand eighteen, two thousand
19 eighteen--two thousand nineteen or two thousand nineteen--two thousand
20 twenty 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 one of the four preceding years, exclu-
24 sive of any breaks in service, and did not receive an ineffective rating
25 in the final year of his or her probationary period, or during the most
26 recent school year where a rating was received, and would have been in

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

LBD09855-19-1

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

§ 2. Subdivision 17 of section 3012-d of the education law, as added by a chapter of the laws of 2021 amending the education law relating to the granting of tenure, as proposed in legislative bills numbers S.5576-C and A.6750-B, is amended 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 be required to 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.

§ 3. Paragraph (b) of subdivision 2 of section 3014 of the education law, as amended by a chapter of the laws of 2021 amending the education law relating to the granting of tenure, as proposed in legislative bills numbers S.5576-C and A.6750-B, 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 the board of cooperative educational services recommending for appointment on tenure 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 in the most recent school year where a rating was received, and would have been in the district superintendent of schools' discretion qualified for appointment on tenure based upon performance, notwithstanding that his or her annual professional performance review had not been completed and he or she had not received an annual professional performance rating for the two thousand nineteen--two thousand twenty and two thousand twenty--two thousand twenty-one school years; 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, and would have been in the district superintendent of schools' discretion qualified for appointment on tenure based upon performance, notwithstanding that his or her annual professional performance review had not been completed and he or she had not received an annual professional performance rating for the two thousand twenty--two thousand twenty-one school year; provided further that, notwithstanding any other provision of this section to the contrary,

1 when a teacher or principal receives an effective or highly effective
2 rating in each year of his or her probationary service except he or she
3 receives an ineffective rating in the final year of his or her proba-
4 tionary period, such teacher shall not be eligible for tenure but the
5 board of education in its discretion, may extend the teacher's proba-
6 tionary period for an additional year; provided, however that if such
7 teacher or principal successfully appealed such ineffective rating, such
8 teacher or principal shall immediately be eligible for tenure if the
9 rating resulting from the appeal established that such individual has
10 been effective or highly effective in at least three of the preceding
11 four years and was not ineffective in the final year. At the expiration
12 of the probationary period, the classroom teacher or building principal
13 shall remain in probationary status until the end of the school year in
14 which such teacher or principal has received such ratings of effective
15 or highly effective for at least three of the four preceding school
16 years, exclusive of any breaks in service, during which time a board of
17 cooperative educational services shall consider whether to grant tenure
18 for those classroom teachers or building principals who otherwise have
19 been found competent, efficient and satisfactory. Provided, however,
20 that the board of cooperative educational services may grant tenure
21 contingent upon a classroom teacher's or building principal's receipt of
22 a minimum rating in the final year of the probationary period, pursuant
23 to the requirements of this section, and if such contingency is not met
24 after all appeals have been exhausted, the grant of tenure shall be void
25 and unenforceable and the teacher's or principal's probationary period
26 may be extended in accordance with this subdivision. Such persons shall
27 hold their respective positions during good behavior and competent and
28 efficient service and shall not be removed except for any of the follow-
29 ing causes, after a hearing, as provided by section three thousand twen-
30 ty-a or section three thousand twenty-b of this article: (i) Insubordi-
31 nation, immoral character or conduct unbecoming a teacher; (ii)
32 Inefficiency, incompetency, or neglect of duty; (iii) Failure to main-
33 tain certification as required by this chapter and by the regulations of
34 the commissioner. Each person who is not to be so recommended for
35 appointment on tenure shall be so notified in writing by the district
36 superintendent not later than sixty days immediately preceding the expi-
37 ration of his or her probationary period.

38 § 4. Paragraph (b) of subdivision 1 of section 3014 of the education
39 law, as amended by a chapter of the laws of 2021 amending the education
40 law relating to the granting of tenure, as proposed in legislative bills
41 numbers S.5576-C and A.6750-B, is amended to read as follows:

42 (b) Administrative assistants, supervisors, teachers and all other
43 members of the teaching and supervising staff of the board of cooper-
44 ative educational services appointed on or after July first, two thou-
45 sand fifteen, shall be appointed by a majority vote of the board of
46 cooperative educational services upon the recommendation of the district
47 superintendent of schools for a probationary period of not to exceed
48 four years; provided, however, that in the case of a teacher who has
49 been appointed on tenure in a school district within the state, the
50 board of cooperative educational services where currently employed, or
51 another board of cooperative educational services, and who was not
52 dismissed from such district or board as a result of charges brought
53 pursuant to section three thousand twenty-a or section three thousand
54 twenty-b of this article, the teacher shall be appointed for a proba-
55 tionary period of three years; provided that, in the case of a classroom
56 teacher, the teacher demonstrates that he or she received a composite

1 annual professional performance review rating pursuant to section three
2 thousand twelve-c or three thousand twelve-d of this article of either
3 effective or highly effective in his or her final year of service in
4 such other school district or board of cooperative educational services;
5 and provided further that in the case of a principal, administrator,
6 supervisor, or other member of the supervising staff who has been
7 appointed on tenure pursuant to this chapter as an administrator within
8 an authorized administrative tenure area in another school district
9 within the state, the school district where currently employed, or a
10 board of cooperative educational services, and who was not dismissed
11 from such district or board as a result of charges brought pursuant to
12 subdivision one of section three thousand twenty-a or section three
13 thousand twenty-b of this article, the principal, administrator, super-
14 visor, or other member of the supervising staff shall be appointed for a
15 probationary period of three years. Provided further, however, that in
16 the case of a classroom teacher who has been appointed for a probation-
17 ary period during the two thousand twenty--two thousand twenty-one
18 school year and who has been appointed on tenure in a school district
19 within the state, state school for the blind or deaf, the board of coop-
20 erative educational services where currently employed, or another board
21 of cooperative educational services, and who was not dismissed from such
22 district, board or state school for the blind or deaf as a result of
23 charges brought pursuant to section three thousand twenty-a or section
24 three thousand twenty-b of this article, such teacher shall be appointed
25 for a probationary period of three years; provided that, in the case of
26 a classroom teacher, such teacher demonstrates that he or she received
27 an annual professional performance review rating pursuant to section
28 three thousand twelve-c or section three thousand twelve-d of this arti-
29 cle of either effective or highly effective in the two thousand seven-
30 teen--two thousand eighteen or two thousand eighteen--two thousand nine-
31 teen school year in such other school district, state school for the
32 blind or deaf or board of cooperative educational services. Services of
33 a person so appointed to any such positions to which this paragraph
34 applies may be discontinued at any time during the probationary period,
35 upon the recommendation of the district superintendent, by a majority
36 vote of the board of cooperative educational services.

37 § 5. Paragraph b of subdivision 2 of section 2509 of the education
38 law, as amended by a chapter of the laws of 2021 amending the education
39 law relating to the granting of tenure, as proposed in legislative bills
40 numbers S.5576-C and A.6750-B, is amended to read as follows:

41 b. For persons appointed on or after July first, two thousand fifteen,
42 at the expiration of the probationary term of any persons appointed for
43 such term, or within six months prior thereto, the superintendent of
44 schools shall make a written report to the board of education recommend-
45 ing for appointment on tenure those persons who have been found compe-
46 tent, efficient and satisfactory and in the case of a classroom teacher
47 or building principal, who have received annual professional performance
48 review ratings pursuant to section three thousand twelve-c or section
49 three thousand twelve-d of this chapter, of either effective or highly
50 effective in at least three of the four preceding years, exclusive of
51 any breaks in service; provided that, in the case of a classroom teacher
52 or building principal appointed during the two thousand seventeen--two
53 thousand eighteen, two thousand eighteen--two thousand nineteen or two
54 thousand nineteen--two thousand twenty school year, who have received
55 composite annual professional performance review ratings pursuant to
56 section three thousand twelve-c or section three thousand twelve-d of

1 this chapter, of either effective or highly effective in at least one of
2 the four preceding years, exclusive of any breaks in service, and did
3 not receive an ineffective rating in the final year of his or her proba-
4 tionary period, or during the most recent school year where a rating was
5 received, and would have been in the superintendent of schools'
6 discretion qualified for appointment on tenure based upon performance,
7 notwithstanding that his or her annual professional performance review
8 had not been completed and he or she had not received an annual profes-
9 sional performance rating for the two thousand nineteen--two thousand
10 twenty and two thousand twenty--two thousand twenty-one school years;
11 provided that, in the case of a classroom teacher or building principal
12 appointed during the two thousand twenty--two thousand twenty-one school
13 year who have received composite annual professional performance review
14 ratings pursuant to section three thousand twelve-c or section three
15 thousand twelve-d of this chapter of either effective or highly effec-
16 tive in at least two of the four preceding years, exclusive of any
17 breaks in service, and did not receive an ineffective rating in the
18 final year of his or her probationary period, or during the most recent
19 school year where a rating was received, and would have been in the
20 superintendent of schools' discretion qualified for appointment on
21 tenure based upon performance, notwithstanding that his or her annual
22 professional performance review had not been completed and he or she had
23 not received an annual professional performance rating for the two thou-
24 sand twenty--two thousand twenty-one school year; provided further that,
25 notwithstanding any other provision of this section to the contrary,
26 when a teacher or principal receives an effective or highly effective
27 rating in each year of his or her probationary service except he or she
28 receives an ineffective rating in the final year of his or her proba-
29 tionary period, such teacher or principal shall not be eligible for
30 tenure but the board of education in its discretion, may extend the
31 teacher's probationary period for an additional year; provided, however,
32 that if such teacher or principal successfully appealed such ineffective
33 rating, such teacher or principal shall immediately be eligible for
34 tenure if the rating resulting from the appeal established that such
35 individual has been effective or highly effective in at least three of
36 the preceding four years and was not ineffective in the final year. By a
37 majority vote, the board of education may then appoint on tenure any or
38 all of the persons recommended by the superintendent of schools. At the
39 expiration of the probationary period, the classroom teacher or building
40 principal shall remain in probationary status until the end of the
41 school year in which such teacher or principal has received such ratings
42 of effective or highly effective for at least three of the four preced-
43 ing school years exclusive of any breaks in service and subject to the
44 terms hereof, during which time a board of education shall consider
45 whether to grant tenure for those classroom teachers or building princi-
46 pals who otherwise have been found competent, efficient and satisfac-
47 tory. Provided, however, that the board of education may grant tenure
48 contingent upon a classroom teacher's or building principal's receipt of
49 a minimum rating in the final year of the probationary period, pursuant
50 to the requirements of this section, and if such contingency is not met
51 after all appeals have been exhausted, the grant of tenure shall be void
52 and unenforceable and the teacher's or principal's probationary period
53 may be extended in accordance with this subdivision. Such persons who
54 have been recommended for tenure and all others employed in the teaching
55 service of the schools of such school district who have served the full
56 probationary period as extended pursuant to this subdivision shall hold

1 their respective positions during good behavior and efficient and compe-
2 tent service, and shall not be removable except for cause after a hear-
3 ing as provided by section three thousand twenty-a or section three
4 thousand twenty-b of this chapter. Failure to maintain certification as
5 required by this chapter and the regulations of the commissioner shall
6 constitute cause for removal.

7 § 6. Paragraph (b) of subdivision 5 of section 2573 of the education
8 law, as amended by a chapter of the laws of 2021 amending the education
9 law relating to the granting of tenure, as proposed in legislative bills
10 numbers S.5576-C and A.6750-B, is amended to read as follows:

11 (b) At the expiration of the probationary term of any persons
12 appointed for such term on or after July first, two thousand fifteen,
13 the superintendent of schools shall make a written report to the board
14 of education recommending for permanent appointment those persons who
15 have been found competent, efficient and satisfactory and, in the case
16 of a classroom teacher or building principal, who have received compos-
17 ite annual professional performance review ratings pursuant to section
18 three thousand twelve-c or section three thousand twelve-d of this chap-
19 ter, of either effective or highly effective in at least three of the
20 four preceding years, exclusive of any breaks in service; provided that,
21 in the case of a classroom teacher or building principal appointed
22 during the two thousand seventeen--two thousand eighteen, two thousand
23 eighteen--two thousand nineteen or two thousand nineteen--two thousand
24 twenty school year, who have received composite annual professional
25 performance review ratings pursuant to section three thousand twelve-c
26 or section three thousand twelve-d of this chapter of either effective
27 or highly effective in at least one of the four preceding years, exclu-
28 sive of any breaks in service, and did not receive an ineffective rating
29 in the final year of his or her probationary period or during the most
30 recent school year where a rating was received, and would have been in
31 the superintendent of schools' discretion qualified for appointment on
32 tenure based upon performance, notwithstanding that his or her annual
33 professional performance review had not been completed and he or she had
34 not received an annual professional performance rating for the two thou-
35 sand nineteen--two thousand twenty and two thousand twenty--two thousand
36 twenty-one school years; provided that, in the case of a classroom
37 teacher or building principal appointed during the two thousand twenty-
38 two thousand twenty-one school year who have received composite annual
39 professional performance review ratings pursuant to section three thou-
40 sand twelve-c or section three thousand twelve-d of this chapter of
41 either effective or highly effective in at least two of the four preced-
42 ing years, exclusive of any breaks in service, and did not receive an
43 ineffective rating in the final year of his or her probationary period
44 or during the most recent school year where a rating was received, and
45 would have been in the superintendent of schools' discretion qualified
46 for appointment on tenure based upon performance, notwithstanding that
47 his or her annual professional performance review had not been completed
48 and he or she had not received an annual professional performance rating
49 for the two thousand twenty--two thousand twenty-one school year;
50 provided further that, notwithstanding any other provision of this
51 section to the contrary, when a teacher or principal receives an effec-
52 tive and/or highly effective rating in each year of his or her proba-
53 tionary service except he or she receives an ineffective rating in the
54 final year of his or her probationary period, such teacher or principal
55 shall not be eligible for tenure but the board of education in its
56 discretion, may extend the teacher's probationary period for an addi-

1 tional year; provided, however, that if such teacher or principal
2 successfully appealed such ineffective rating, such teacher or principal
3 shall immediately be eligible for tenure if the rating resulting from
4 the appeal established that such individual has been effective or highly
5 effective in at least three of the preceding four years. At the expira-
6 tion of the probationary period, the classroom teacher or building prin-
7 cipal shall remain in probationary status until the end of the school
8 year in which such teacher or principal has received such ratings of
9 effective or highly effective for at least three of the four preceding
10 school years, exclusive of any breaks in service and subject to the
11 terms hereof, during which time a board of education shall consider
12 whether to grant tenure for those classroom teachers or building princi-
13 pals who otherwise have been found competent, efficient and satisfac-
14 tory. Provided, however, that the board of education may grant tenure
15 contingent upon a classroom teacher's or building principal's receipt of
16 a minimum rating in the final year of the probationary period, pursuant
17 to the requirements of this section, and if such contingency is not met
18 after all appeals have been exhausted, the grant of tenure shall be void
19 and unenforceable and the teacher's or principal's probationary period
20 may be extended in accordance with this subdivision. Such persons who
21 have been recommended for tenure and all others employed in the teaching
22 service of the schools of such school district who have served the full
23 probationary period as extended pursuant to this subdivision shall hold
24 their respective positions during good behavior and efficient and compe-
25 tent service, and shall not be removable except for cause after a hear-
26 ing as provided by section three thousand twenty-a or section three
27 thousand twenty-b of this chapter. Failure to maintain certification as
28 required by this chapter and the regulations of the commissioner shall
29 constitute cause for removal.

30 § 7. Paragraph (b) of subdivision 6 of section 2573 of the education
31 law, as amended by a chapter of the laws of 2021 amending the education
32 law relating to the granting of tenure, as proposed in legislative bills
33 numbers S.5576-C and A.6750-B, is amended to read as follows:

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

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

53 § 8. This act shall take effect on the same date and in the same
54 manner as a chapter of the laws of 2021 amending the education law
55 relating to the granting of tenure, as proposed in legislative bills
56 numbers S.5576-C and A.6750-B, takes effect.