

# STATE OF NEW YORK

6750

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

Introduced by M. of A. BENEDETTO -- read once and referred to the  
Committee on Education

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

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

1 Section 1. Section 3012 of the education law is amended by adding a  
2 new subdivision 4 to read as follows:

3 4. Notwithstanding any other provision of this section, at the expira-  
4 tion of the probationary term of a classroom teacher or building princi-  
5 pal described herein who was appointed during the two thousand seven-  
6 teen--two thousand eighteen, two thousand eighteen--two thousand  
7 nineteen and two thousand nineteen--two thousand twenty school years,  
8 such individual shall be eligible for tenure if he or she received  
9 composite annual professional performance review ratings pursuant to  
10 section three thousand twelve-c or section three thousand twelve-d of  
11 this article, of either effective or highly effective in at least one of  
12 the four preceding years and did not receive an ineffective rating in  
13 the final year of his or her probationary period, or during the most  
14 recent school year where a rating was received. Any probationary class-  
15 room teacher hired during the two thousand twenty--two thousand twenty-  
16 one school year who was appointed on tenure in another school district  
17 within the state, the school district where currently employed, board of  
18 cooperative educational services or state school for the blind or deaf  
19 and who was not dismissed from such district, board or state school for  
20 the blind or deaf as a result of charges brought pursuant to subdivision  
21 one of section three thousand twenty-a or section three thousand twen-  
22 ty-b of this article, shall be appointed for a probationary period of  
23 three years; provided that, in the case of a classroom teacher such  
24 individual demonstrates that he or she received an annual professional  
25 performance review rating pursuant to section three thousand twelve-c or  
26 section three thousand twelve-d of this article in the two thousand

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

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seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year. Any probationary classroom teachers or building principals described herein who were appointed during the two thousand twenty--two thousand twenty-one school year shall be eligible for tenure at the expiration of his or her probationary period if he or she 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 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.

§ 2. 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 professional performance review required by this section for any classroom teacher or building principal and state funding shall not be withheld from any school district for not completing the annual professional performance review.

§ 3. Section 3014 of the education law is amended by adding a new subdivision 3 to read as follows:

3. Notwithstanding any other provision of this section, at the expiration of the probationary term of a classroom teacher or building principal described herein who was appointed during the two thousand seventeen--two thousand eighteen, two thousand eighteen--two thousand nineteen and two thousand nineteen--two thousand twenty school years, such individual shall be eligible for tenure if he or she 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 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. Any probationary classroom teacher, hired during the two thousand twenty--two thousand twenty-one school year who was 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 individual 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. Any probationary classroom teachers or building principals described herein who were appointed during the two thousand twenty--two thousand twenty-one school year shall be eligible for tenure at the expiration of his or her probationary period if he or she 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 and did not receive an ineffective rating in the final year of his or her probation-

1 ary period, or during the most recent school year where a rating was  
2 received.

3 § 4. Section 2509 of the education law is amended by adding a new  
4 subdivision 2-a to read as follows:

5 2-a. Notwithstanding any other provision of this section, at the expi-  
6 ration of the probationary term of a classroom teacher or building prin-  
7 cipal described herein who was appointed during the two thousand seven-  
8 teen--two thousand eighteen, two thousand eighteen--two thousand  
9 nineteen and two thousand nineteen--two thousand twenty school years,  
10 such individual shall be eligible for tenure if he or she received  
11 composite annual professional performance review ratings pursuant to  
12 section three thousand twelve-c or section three thousand twelve-d of  
13 this chapter of either effective or highly effective in at least one of  
14 the four preceding years and did not receive an ineffective rating in  
15 the final year of his or her probationary period or during the most  
16 recent school year where a rating was received. Any probationary class-  
17 room teacher hired during the two thousand twenty--two thousand twenty-  
18 one school year who was appointed on tenure in another school district  
19 within the state, the school district where currently employed, board of  
20 cooperative educational services or state school for the blind or deaf  
21 and who was not dismissed from such district, board or state school for  
22 the blind or deaf as a result of charges brought pursuant to subdivision  
23 one of section three thousand twenty-a or section three thousand twen-  
24 ty-b of this chapter, such teacher, shall be appointed for a probation-  
25 ary period of three years; provided that, in the case of a classroom  
26 teacher such individual demonstrates that he or she received an annual  
27 professional performance review rating pursuant to section three thou-  
28 sand twelve-c or section three thousand twelve-d of this chapter in the  
29 two thousand seventeen--two thousand eighteen or two thousand eighteen-  
30 --two thousand nineteen school year. Any probationary classroom teachers  
31 or building principals described herein who were appointed during the  
32 two thousand twenty--two thousand twenty-one school year shall be eligi-  
33 ble for tenure at the expiration of his or her probationary period if  
34 they have received composite annual professional performance review  
35 ratings pursuant to section three thousand twelve-c or section three  
36 thousand twelve-d of this chapter of either effective or highly effec-  
37 tive in at least two of the four preceding years and did not receive an  
38 ineffective rating in the final year of his or her probationary period,  
39 or during the most recent school year where a rating was received.

40 § 5. Section 2573 of the education law is amended by adding a new  
41 subdivision 1-a to read as follows:

42 1-a. Notwithstanding any other provision of this section, at the expi-  
43 ration of the probationary term of a classroom teacher or building prin-  
44 cipal described herein who was appointed during the two thousand seven-  
45 teen--two thousand eighteen, two thousand eighteen--two thousand  
46 nineteen and two thousand nineteen--two thousand twenty school years,  
47 such individual shall be eligible for tenure if he or she received  
48 composite annual professional performance review ratings pursuant to  
49 section three thousand twelve-c or section three thousand twelve-d of  
50 this chapter of either effective or highly effective in at least one of  
51 the four preceding years and did not receive an ineffective rating in  
52 the final year of his or her probationary period or during the most  
53 recent school year where a rating was received. Any probationary class-  
54 room teacher or building principal hired during the two thousand twen-  
55 ty--two thousand twenty-one school year who was appointed on tenure in  
56 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 chapter, such teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher such individual 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 the two thousand seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year. Any probationary classroom teachers or building principals described herein who were appointed during the two thousand twenty--two thousand twenty-one school year shall be eligible for tenure at the expiration of his or her probationary period if they 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 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.

§ 6. This act shall take effect immediately.