

# STATE OF NEW YORK

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## IN SENATE

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Introduced by Sens. MAYER, HINCHEY, JORDAN, MARTUCCI, REICHLIN-MELNICK, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to the 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

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

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

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

37 (b) At the expiration of the probationary term of a person appointed  
38 for such term on or after July first, two thousand fifteen, subject to  
39 the conditions of this section, the superintendent of schools shall make  
40 a written report to the board of education or the trustees of a common  
41 school district recommending for appointment on tenure 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 arti-  
46 cle, 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 article, 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 article 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 or prin-  
12 cipal receives an effective or highly effective rating in each year of  
13 his or her probationary service except he or she receives an ineffective  
14 rating in the final year of his or her probationary period, such teacher  
15 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 the trustees or board of education shall consider whether to  
29 grant tenure for those classroom teachers or building principals who  
30 otherwise have been found competent, efficient and satisfactory.  
31 Provided, however, that the trustees or board of education may grant  
32 tenure contingent upon a classroom teacher's or building principal's  
33 receipt of a minimum rating in the final year of the probationary peri-  
34 od, pursuant to the requirements of this section, and if such contingen-  
35 cy is not met after all appeals have been exhausted, the grant of tenure  
36 shall be void and unenforceable and the teacher's or principal's proba-  
37 tionary period may be extended in accordance with this subdivision. Such  
38 persons who have been recommended for tenure and all others employed in  
39 the teaching service of the schools of such school district who have  
40 served the full probationary period as extended pursuant to this subdi-  
41 vision shall hold their respective positions during good behavior and  
42 efficient and competent service, and shall not be removable except for  
43 cause after a hearing as provided by section three thousand twenty-a or  
44 section three thousand twenty-b of this article. Failure to maintain  
45 certification as required by this chapter and the regulations of the  
46 commissioner shall constitute cause for removal.

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

49 17. Notwithstanding any other provision of this section, for the two  
50 thousand twenty--two thousand twenty-one school year, no school district  
51 or board of cooperative educational services shall complete an annual  
52 teacher and principal evaluation required by this section for any class-  
53 room teacher or building principal and state funding shall not be with-  
54 held from any school district for not complying with the requirements of  
55 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 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; 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, during which time a board of cooperative educational services 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 cooperative educational services 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

1 contingency is not met after all appeals have been exhausted, the grant  
2 of tenure shall be void and unenforceable and the teacher's or principal's  
3 probationary period may be extended in accordance with this subdivision.  
4 Such persons shall hold their respective positions during good  
5 behavior and competent and efficient service and shall not be removed  
6 except for any of the following causes, after a hearing, as provided by  
7 section three thousand twenty-a or section three thousand twenty-b of  
8 this article: (i) Insubordination, immoral character or conduct unbecom-  
9 ing a teacher; (ii) Inefficiency, incompetency, or neglect of duty;  
10 (iii) Failure to maintain certification as required by this chapter and  
11 by the regulations of the commissioner. Each person who is not to be so  
12 recommended for appointment on tenure shall be so notified in writing by  
13 the district superintendent not later than sixty days immediately  
14 preceding the expiration of his or her probationary period.

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

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

1 for a probationary period of three years; provided that, in the case of  
2 a classroom teacher, such teacher demonstrates that he or she received  
3 an annual professional performance review rating pursuant to section  
4 three thousand twelve-c or section three thousand twelve-d of this arti-  
5 cle in the two thousand seventeen--two thousand eighteen or two thousand  
6 eighteen--two thousand nineteen school year in such other school  
7 district, state school for the blind or deaf or board of cooperative  
8 educational services. Services of a person so appointed to any such  
9 positions to which this paragraph applies may be discontinued at any  
10 time during the probationary period, upon the recommendation of the  
11 district superintendent, by a majority vote of the board of cooperative  
12 educational services.

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

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

1 educational services or state school for the blind or deaf. The service  
2 of a person appointed to any of such positions may be discontinued at  
3 any time during such probationary period, on the recommendation of the  
4 superintendent of schools, by a majority vote of the board of education.  
5 Each person who is not to be recommended for appointment on tenure shall  
6 be so notified by the superintendent of schools in writing not later  
7 than sixty days immediately preceding the expiration of his/her proba-  
8 tionary period.

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

12 b. For persons appointed on or after July first, two thousand fifteen,  
13 at the expiration of the probationary term of any persons appointed for  
14 such term, or within six months prior thereto, the superintendent of  
15 schools shall make a written report to the board of education recommend-  
16 ing for appointment on tenure those persons who have been found compe-  
17 tent, efficient and satisfactory and in the case of a classroom teacher  
18 or building principal, who have received annual professional performance  
19 review ratings pursuant to section three thousand twelve-c or section  
20 three thousand twelve-d of this chapter, of either effective or highly  
21 effective in at least three of the four preceding years, exclusive of  
22 any breaks in service; provided that, in the case of a classroom teacher  
23 or building principal appointed during the two thousand seventeen--two  
24 thousand eighteen, two thousand eighteen--two thousand nineteen or two  
25 thousand nineteen--two thousand twenty school year, who have received  
26 composite annual professional performance review ratings pursuant to  
27 section three thousand twelve-c or section three thousand twelve-d of  
28 this chapter, of either effective or highly effective in at least one of  
29 the four preceding years, exclusive of any breaks in service, and did  
30 not receive an ineffective rating in the final year of his or her proba-  
31 tionary period, or during the most recent school year where a rating was  
32 received; provided that, in the case of a classroom teacher or building  
33 principal appointed during the two thousand twenty--two thousand twen-  
34 ty-one school year who have received composite annual professional  
35 performance review ratings pursuant to section three thousand twelve-c  
36 or section three thousand twelve-d of this chapter of either effective  
37 or highly effective in at least two of the four preceding years, exclu-  
38 sive of any breaks in service, and did not receive an ineffective  
39 rating in the final year of his or her probationary period, or during  
40 the most recent school year where a rating was received; provided  
41 further that, notwithstanding any other provision of this section to the  
42 contrary, when a teacher or principal receives an effective or highly  
43 effective rating in each year of his or her probationary service except  
44 he or she receives an ineffective rating in the final year of his or her  
45 probationary period, such teacher or principal shall not be eligible for  
46 tenure but the board of education in its discretion, may extend the  
47 teacher's probationary period for an additional year; provided, however,  
48 that if such teacher or principal successfully appealed such ineffective  
49 rating, such teacher or principal shall immediately be eligible for  
50 tenure if the rating resulting from the appeal established that such  
51 individual has been effective or highly effective in at least three of  
52 the preceding four years and was not ineffective in the final year. By a  
53 majority vote, the board of education may then appoint on tenure any or  
54 all of the persons recommended by the superintendent of schools. At the  
55 expiration of the probationary period, the classroom teacher or building  
56 principal shall remain in probationary status until the end of the

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

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

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

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

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

33 (b) At the expiration of the probationary term of any persons  
34 appointed for such term on or after July first, two thousand fifteen,  
35 the superintendent of schools shall make a written report to the board  
36 of education recommending for permanent appointment 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 chap-  
41 ter, 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 chapter 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

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 or principal 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. 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.

§ 10. Paragraph (b) of subdivision 6 of section 2573 of the education law, as added by section 3 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 any persons appointed for such term on or after July first, two thousand fifteen, the superintendent of schools shall make a written report to the board of education recommending for permanent appointment 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 chapter, 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 chapter 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 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.