

# STATE OF NEW YORK

9965

## IN SENATE

April 20, 2026

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

AN ACT to amend the education law, in relation to the removal and discipline of part-time teaching assistants

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

1 Section 1. The education law is amended by adding a new section 3020-b  
2 to read as follows:

3 § 3020-b. Removal and other disciplinary action of part-time teaching  
4 assistants. 1. A teaching assistant employed by a public school district  
5 or a board of cooperative educational services less than full-time in  
6 the unclassified civil service who since their last entry into service  
7 has completed at least five years of continuous service in the unclassi-  
8 fied civil service shall not be removed or otherwise subjected to any  
9 disciplinary penalty provided in this section except for incompetency or  
10 misconduct shown after a hearing upon stated charges pursuant to this  
11 section. For purposes of this section, "less than full-time" shall have  
12 the same meaning as in the applicable collective bargaining agreement  
13 negotiated pursuant to article fourteen of the civil service law.

14 2. An employee who at the time of questioning appears to be a poten-  
15 tial subject of disciplinary action shall have a right to representation  
16 by their certified or recognized employee organization under article  
17 fourteen of the civil service law and shall be notified in advance, in  
18 writing, of such right. If representation is requested a reasonable  
19 period of time shall be afforded to obtain such representation. If the  
20 employee is unable to obtain representation within a reasonable period  
21 of time the employer has the right to then question the employee. A  
22 hearing officer under this section shall have the power to find that a  
23 reasonable period of time was or was not afforded. In the event the  
24 hearing officer finds that a reasonable period of time was not afforded  
25 then any and all statements obtained from said questioning as well as  
26 any evidence or information obtained as a result of said questioning  
27 shall be excluded, provided, however, that this subdivision shall not  
28 modify or replace any written collective agreement between a public

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

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1 employer and employee organization negotiated pursuant to article four-  
2 teen of the civil service law. A person against whom removal or other  
3 disciplinary action is proposed shall have written notice thereof and of  
4 the reasons therefor, shall be furnished a copy of the charges preferred  
5 against them and shall be allowed at least eight days for answering the  
6 same in writing. The hearing upon such charges shall be held by the  
7 officer or body having the power to remove the person against whom such  
8 charges are preferred, or by a deputy or other person designated by such  
9 officer or body in writing for that purpose. In case a deputy or other  
10 person is so designated, they shall, for the purpose of such hearing, be  
11 vested with all the powers of such officer or body and shall make a  
12 record of such hearing which shall, with their recommendations, be  
13 referred to such officer or body for review and decision. The person or  
14 persons holding such hearing shall, upon the request of the person  
15 against whom charges are preferred, permit them to be represented by  
16 counsel, or by a representative of a recognized or certified employee  
17 organization, and shall allow such person to summon witnesses in their  
18 behalf. The burden of proving incompetency or misconduct shall be upon  
19 the person alleging the same. Compliance with technical rules of  
20 evidence shall not be required.

21 3. Pending the hearing and determination of charges of incompetency or  
22 misconduct, the employee against whom such charges have been preferred  
23 may be suspended without pay for a period not exceeding thirty days. If  
24 such employee is found guilty of the charges, the penalty or punishment  
25 may consist of a reprimand, a fine not to exceed one hundred dollars to  
26 be deducted from the salary or wages of such officer or employee,  
27 suspension without pay for a period not exceeding two months, demotion  
28 in grade and title, or dismissal from the service; provided, however,  
29 that the time during which an employee is suspended without pay may be  
30 considered as part of the penalty. If such employee is acquitted, they  
31 shall be restored to their position with full pay for the period of  
32 suspension less the amount of any unemployment insurance benefits they  
33 may have received during such period. If such employee is found guilty,  
34 a copy of the charges, their written answer thereto, a transcript of the  
35 hearing, and the determination shall be filed in the office of the  
36 department or agency in which they have been employed, and a copy there-  
37 of shall be filed with the civil service commission having jurisdiction  
38 over such position. A copy of the transcript of the hearing shall, upon  
39 request of the officer or employee affected, be furnished to them with-  
40 out charge.

41 4. Notwithstanding any other provision of law, no removal or discipli-  
42 nary proceeding shall be commenced more than eighteen months after the  
43 occurrence of the alleged incompetency or misconduct complained of and  
44 described in the charges provided, however, that such limitations shall  
45 not apply where the incompetency or misconduct complained of and  
46 described in the charges would, if proved in a court of appropriate  
47 jurisdiction, constitute a crime.

48 5. Nothing contained in this section shall modify, replace or super-  
49 seede any provision of a collective bargaining agreement that provides  
50 for greater rights than required by this section.

51 § 2. This act shall take effect immediately.