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SCHOOL LAW INFORMATION MEMO

JUNE 8, 2021

Governor Signs Law Waiving Evaluation Requirements for 2020-21 School Year

On June 7, 2021, Governor Cuomo signed into law a bill that amends the tenure process for probationary teachers and principals to account for changes necessary to the normal procedure due to the COVID-19 pandemic with regard to annual professional performance reviews (APPRs) for the 2020-21 school year. This bill would allow teachers and principals who were appointed during the 2017-18, 2018-19, or 2019-20 school years to be eligible for tenure if they received an effective or highly effective composite APPR rating in at least one of the past four years. However, these individuals would not be eligible for tenure if they received an ineffective rating in the last year of their probationary period or the most recent year that a rating was given. This bill also allows tenured teachers who move to a different school district in the 2020-21 school year to be appointed for the probationary period of three years, provided that they had received an APPR rating during either the 2017-18 or 2018-19 school years.

This bill also waives school districts' responsibility to conduct the evaluation process for the 2020-21 school year, stating that "no school district or board of cooperative educational services shall complete an annual teacher and principal evaluation required ... for any classroom teacher or building principal." The amended language further ensures that state funding would not be withheld accordingly.

There is also a chapter amendment to this legislation currently making its way through the chambers. This amendment would add language to clarify some of the details of the tenure process, including changing the prohibitive language regarding APPRs from "no school district ... shall complete" to "no school district ... shall be required to," thereby giving districts the option to conduct evaluations should they so choose. This chapter amendment would also retain a superintendent's discretion to recommend or not recommend an individual for tenure.

If you have questions about the topics referenced in this memo, please contact [Kate Reid](#), [Kristin Warner](#), any [attorney](#) in Bond's [School Law practice](#) or the attorney at the firm with whom you are regularly in contact.



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