



School Administrators Association of New York State

**SAANYS**  
LEGAL DEPARTMENT

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## Know Your Tenure Areas

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For most administrators, one of the most important aspects of employment is obtaining tenure. Despite the importance of this achievement, the SAANYS Legal Department receives dozens of calls every year from members who cannot answer the question “What is your tenure area?” Perhaps even more surprising are the number of situations where the employing school districts either do not know what the tenure areas are for their administrators or never assigned tenure areas in the first place.

At the outset, tenure areas are the “subdivisions within the organizational structure of a school district in which a professional educator is deemed to serve.” 8 NYCRR §30-1.1(h). At the start of your employment, the controlling school board must appoint you to a probationary period within a tenure area. Upon the completion of your probationary appointment (four years for anyone appointed after July 1, 2015), you must then be granted the status of being tenured within the same tenure area by the board of education upon the superintendent’s recommendation.

Unlike teachers, the state does not regulate administrator tenure areas. This means that tenure area structures are inconsistent from one district to the next. A district could have a single administrative tenure area for all administrators, regardless of title, could be position specific, or could be somewhere in between (ie. principals, assistant principals, directors). There are pros and cons to each variation. For example, a single tenure area would allow for internal promotions as administrators without having to start a new probationary period. However, it also allows for the district to involuntarily transfer employees into other administrative positions, sometimes even resulting in a demotion (although, not a loss in salary). Perhaps more importantly, it would be the person with the least seniority in the tenure area and not necessarily the person in the position being eliminated who will be let go and placed on the preferred eligibility list. Conversely, in districts with narrower tenure areas, it is entirely possible that when a position is abolished, the most senior administrator in the bargaining unit is then gone.

Tenure areas are not only important for purposes of layoffs, but also for recall. A certificated educator who has been laid off due to a position abolishment will be placed on a Preferred Eligibility List (PEL) for a period of seven years. Every time there is an opening in the tenure area, the employer must offer it to the most senior individual on the PEL, even if they previously declined recall. In districts where the tenure areas are broader, recall does not have to be for the exact position that was abolished, but can be for any position within the tenure area, so long as the person seeking recall has the appropriate certifications. For example, an elementary principal who was placed on the PEL within the tenure area of principal is entitled to recall as the high school principal.

As you can see, knowing your appointed tenure area and those used for other administrators is important for your individual rights. It is also important for your bargaining unit as a whole. School districts have the initial ability to set tenure areas. However, any deviation from the previously established tenure areas is a mandatory topic of bargaining and must be negotiated with the unit. This typically occurs either when a new superintendent is looking for greater control or flexibility in assignments or when a district’s practice has been so inconsistent that it wants to reset. It is of vital importance that you contact SAANYS should this topic be broached by the district, as it could have negative consequences on existing unit members or prospective ones. As part of negotiations, it is possible to retroactively change the tenure areas of existing administrators. However, there

are due process property interests involved and anyone who could possibly be negatively impacted must personally agree to the change. For example, if a district has title specific tenure areas and wishes to change to a single tenure area for all administrators, it will require the signatures of every person because the least senior person within an assistant principal tenure area could possibly have more seniority than the most senior within a principal tenure area, possibly creating inequities should an assistant principal position be cut. Thus, a single person who could be impacted by a change in tenure area refusing to agree will kill the entire potential agreement.

This article only gives the briefest of glances at a complicated and important issue. It is very important that any issues relating to tenure areas, potentially including promotions, be brought to the attention of the SAANYS Legal Department promptly, as some potential actions have very narrow statutes of limitations.

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