
EMPLOYMENT - NEW YORK

Chisholm v. Hochman

Supreme Court, Appellate Division, Second Department, New York - September 11, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 05818

Teacher commenced proceeding under Article 78, seeking review of school district's determination terminating his employment.

The Supreme Court, Appellate Division, held that teacher did not acquire a tenured position by estoppel.

Tenure may be acquired by estoppel when a school board accepts the continued services of a teacher or administrator, but fails to take the action required by law to either grant or deny tenure prior to the expiration of the teacher's probationary term. In this case, teacher did not acquire a tenured position by estoppel, where he had agreed to extend his probationary period for an additional year and that additional probationary period had not expired when school district terminated his employment.

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