

2543

2009-2010 Regular Sessions

I N   S E N A T E

February 23, 2009

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Introduced by Sens. PARKER, ONORATO, SAVINO, SERRANO -- 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 establishing the bilingual teachers of tomorrow teacher recruitment and retention program

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 3613  
2     to read as follows:  
3     S 3613. BILINGUAL TEACHERS OF TOMORROW TEACHER RECRUITMENT AND  
4     RETENTION PROGRAM. 1. DEFINITIONS. A. THE TERM "BILINGUAL TEACHER SHORT-  
5     AGE AREA" MEANS A PUBLIC SCHOOL OR SUBJECT AREA IN WHICH THERE WAS A  
6     SHORTAGE OF BILINGUAL, CERTIFIED TEACHERS IN THE PREVIOUS SCHOOL YEAR  
7     AND THERE IS A PROJECTED SHORTAGE IN THE CURRENT SCHOOL YEAR AS DETER-  
8     MINED BY THE COMMISSIONER.  
9     B. THE TERM "BILINGUAL, CERTIFIED TEACHER" MEANS A TEACHER WHO HOLDS A  
10    PERMANENT OR PROFESSIONAL STATE TEACHING CERTIFICATE APPROPRIATE TO THE  
11    TEACHING POSITION, INCLUDING THE SUBJECT AREA IF APPLICABLE, IN WHICH HE  
12    OR SHE IS TO BE EMPLOYED AND WHO IS FULLY QUALIFIED TO TEACH IN A BILIN-  
13    GUAL EDUCATION PROGRAM.  
14    C. THE TERM "SCHOOL DISTRICT" SHALL MEAN A COMMON, UNION FREE,  
15    CENTRAL, CENTRAL HIGH SCHOOL, OR CITY SCHOOL DISTRICT.  
16    D. THE TERM "BOARD OF EDUCATION" SHALL MEAN THE GOVERNING BOARD OF ANY  
17    PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT DEFINED IN PARAGRAPH C OF THIS  
18    SUBDIVISION.  
19    E. THE TERM "LOW-PERFORMING, LIMITED ENGLISH PROFICIENCY SCHOOL" SHALL  
20    MEAN A SCHOOL BUILDING WHICH IS UNDER REGISTRATION REVIEW OR A SCHOOL  
21    BUILDING PERFORMING SIGNIFICANTLY BELOW STATE STANDARDS AS DEFINED BY  
22    THE COMMISSIONER AND WHICH HAS A SUBSTANTIAL PROPORTION OF LIMITED  
23    ENGLISH PROFICIENCY PUPILS, AS DETERMINED BY THE COMMISSIONER.

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

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1 F. THE TERM "YEAR OF SERVICE" SHALL MEAN TEN MONTHS OF CONTINUOUS  
2 FULL-TIME SERVICE AS A TEACHER DURING A SCHOOL YEAR, GENERALLY OCCURRING  
3 BETWEEN SEPTEMBER FIRST AND JUNE THIRTIETH.

4 2. APPLICATION AND FUNDING. A. GRANTS SHALL BE MADE TO SCHOOL  
5 DISTRICTS FOR BILINGUAL, CERTIFIED TEACHER RECRUITMENT AND RETENTION  
6 ACTIVITIES NECESSARY TO INCREASE THE SUPPLY OF BILINGUAL, CERTIFIED  
7 TEACHERS IN SCHOOL DISTRICTS EXPERIENCING A BILINGUAL, CERTIFIED TEACHER  
8 SHORTAGE IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION AND IN  
9 SCHOOL DISTRICTS CONTAINING A LOW-PERFORMING, LIMITED ENGLISH PROFICIEN-  
10 CY SCHOOL.

11 B. SUCH GRANTS SHALL BE AWARDED TO SCHOOL DISTRICTS, WITHIN THE LIMITS  
12 OF FUNDS APPROPRIATED THEREFOR, THROUGH A COMPETITIVE PROCESS THAT TAKES  
13 INTO CONSIDERATION THE MAGNITUDE OF ANY SHORTAGE OF BILINGUAL, CERTIFIED  
14 TEACHERS IN THE SCHOOL DISTRICT, THE FISCAL CAPACITY AND GEOGRAPHIC  
15 SPARSITY OF THE DISTRICT, AND THE NUMBER OF NEW BILINGUAL, CERTIFIED  
16 TEACHERS THE SCHOOL DISTRICT INTENDS TO HIRE IN THE COMING SCHOOL YEAR.  
17 GRANTS PROVIDED PURSUANT TO THIS SECTION SHALL BE USED ONLY FOR THE  
18 PURPOSES ENUMERATED IN THIS SECTION.

19 C. NOT MORE THAN SIXTY PERCENT OF THE FUNDS ALLOCATED PURSUANT TO THIS  
20 SECTION SHALL BE MADE AVAILABLE TO ANY ONE SCHOOL DISTRICT AND PROVIDED  
21 FURTHER THAT A CITY SCHOOL DISTRICT IN A CITY WITH POPULATIONS IN EXCESS  
22 OF ONE MILLION INHABITANTS MAY, NOTWITHSTANDING ANY OTHER PROVISION OF  
23 THIS SECTION, ALLOCATE A PORTION OF THE GRANT RECEIVED PURSUANT TO THIS  
24 SECTION FOR BILINGUAL, CERTIFIED TEACHER RECRUITMENT AND OUTREACH ACTIV-  
25 ITIES PROVIDED THAT ANY ALLOCATION FOR BILINGUAL, CERTIFIED TEACHER  
26 RECRUITMENT AND OUTREACH ACTIVITIES SHALL NOT EXCEED TWO HUNDRED TWEN-  
27 TY-FIVE THOUSAND DOLLARS.

28 D. IN ALLOCATING GRANTS PURSUANT TO THIS SECTION, A SCHOOL DISTRICT  
29 SHALL GIVE PRIORITY IN THE FOLLOWING ORDER:

30 (1) FIRST, TO A SCHOOL UNDER REGISTRATION REVIEW THAT IS DESIGNATED AS  
31 A BILINGUAL TEACHER SHORTAGE AREA;

32 (2) SECOND, TO ANY LOW-PERFORMING, LIMITED ENGLISH PROFICIENCY SCHOOL;  
33 AND

34 (3) THIRD, TO ANY SCHOOL THAT IS DESIGNATED AS A BILINGUAL TEACHER  
35 SHORTAGE AREA.

36 E. ANY SCHOOL DISTRICT RECEIVING FUNDS UNDER THIS SECTION SHALL MAIN-  
37 TAIN ANY LOCAL EFFORT IN THE CURRENT YEAR EQUIVALENT TO SUCH EFFORT IN  
38 THE BASE YEAR FOR ANY LOCAL PROGRAM RELATED TO THE RECRUITMENT OR  
39 RETENTION OF TEACHERS OR ANY PROGRAM THAT HAS PURPOSES THAT ARE SIMILAR  
40 TO ANY PURPOSE OF THIS SECTION OR THE DISTRICT SHALL PROVIDE A LOCAL  
41 MATCH TO STATE FUNDS RECEIVED PURSUANT TO THIS SECTION. STATE FUNDS  
42 PROVIDED PURSUANT TO THIS SECTION SHALL NOT SUPPLANT LOCAL FUNDS FOR ANY  
43 PURPOSE SIMILAR TO THE PURPOSES OF THIS SECTION.

44 F. APPLICATIONS BY A SCHOOL DISTRICT FOR FUNDING PURSUANT TO THIS  
45 SECTION SHALL BE FILED WITH THE COMMISSIONER, IN A FORM DETERMINED BY  
46 THE COMMISSIONER, BY JUNE FIRST OF THE BASE YEAR AND SCHOOL DISTRICTS  
47 SHALL BE NOTIFIED OF THEIR GRANT AWARD BY JUNE THIRTIETH OF THE BASE  
48 YEAR, PROVIDED THAT IN ANY YEAR SUCH APPLICATION AND AWARD DATES MAY BE  
49 MODIFIED BY THE COMMISSIONER FOR THE REASONABLE ADMINISTRATION OF THE  
50 PROGRAM. SUCH APPLICATION SHALL INCLUDE A PLAN BY THE SCHOOL DISTRICT  
51 FOR THE EXPENDITURE OF THE FUNDS IN EACH CATEGORY OF ALLOWABLE EXPENSES  
52 AUTHORIZED BY SUBDIVISION THREE OF THIS SECTION, AND SUCH EXPENDITURES  
53 SHALL BE CONSISTENT WITH SUCH PLAN AND THE PROVISIONS OF THIS SECTION.

54 G. A PERSON RECEIVING AN AWARD PURSUANT TO ANY SUBDIVISION OF THIS  
55 SECTION SHALL NOT BE ELIGIBLE FOR AN AWARD PURSUANT TO ANY OTHER SUBDI-  
56 VISION OF THIS SECTION IN A SCHOOL YEAR.

1 3. BILINGUAL TEACHERS OF TOMORROW TEACHER RECRUITMENT INCENTIVE  
2 PROGRAM. BILINGUAL TEACHERS OF TOMORROW TEACHER RECRUITMENT INCENTIVE  
3 AWARDS MAY BE AVAILABLE TO TEACHERS PURSUANT TO THE PROVISIONS OF THIS  
4 SUBDIVISION TO ATTRACT TEACHERS TO EMPLOYMENT IN BILINGUAL TEACHER SHOR-  
5 TAGE AREAS.

6 A. ELIGIBILITY. TO BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVI-  
7 SION, AN APPLICANT SHALL:

8 (1) BE A BILINGUAL, CERTIFIED TEACHER;

9 (2) AGREE TO A SERVICE OBLIGATION OF ONE YEAR OF SERVICE IN A BILIN-  
10 GUAL TEACHER SHORTAGE AREA AS A CONDITION OF RECEIVING AN AWARD PURSUANT  
11 TO THIS SUBDIVISION; AND

12 (3) BE EMPLOYED FOR THE FIRST TIME AS A BILINGUAL, CERTIFIED TEACHER  
13 IN THE SCHOOL DISTRICT.

14 B. APPLICATION AND SELECTION. (1) THE BOARD OF EDUCATION SHALL DETER-  
15 MINE THE FORM OF THE APPLICATION AND THE APPLICATION PROCESS FOR TEACH-  
16 ERS DEEMED ELIGIBLE FOR THE AWARD, AND SHALL IN ITS DISCRETION SELECT  
17 THE NUMBER OF ELIGIBLE APPLICANTS WHO WILL RECEIVE AN AWARD PURSUANT TO  
18 THIS SUBDIVISION.

19 (2) IF THE NUMBER OF ELIGIBLE APPLICANTS EXCEEDS THE NUMBER OF AWARDS  
20 DETERMINED BY THE BOARD PURSUANT TO THIS SUBDIVISION, THEN THE BOARD  
21 SHALL USE AN OBJECTIVE COMPETITIVE PROCESS BASED ON EDUCATIONAL QUALI-  
22 FICATIONS TO DETERMINE WHICH ELIGIBLE APPLICANTS SHALL RECEIVE AWARDS.

23 C. PAYMENT OF AWARDS. (1) ANNUAL AWARDS FROM STATE AND LOCAL FUNDS  
24 PROVIDED FOR THIS PURPOSE SHALL BE PAID BY THE BOARD OF EDUCATION TO THE  
25 AWARD RECIPIENT. AWARD RECIPIENTS SHALL BE ENTITLED TO RECEIVE AWARDS  
26 PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION AND SUCH AWARDS SHALL BE  
27 IN ADDITION TO AND NOT PART OF ANY AWARD RECIPIENT'S BASE SALARY.

28 (2) THE INITIAL ANNUAL AWARD SHALL BE TEN THOUSAND DOLLARS, AND SUCH  
29 INITIAL AWARD MAY BE RENEWABLE EACH YEAR, FOR UP TO THREE ADDITIONAL  
30 YEARS, PROVIDED THAT THE RECIPIENT AGREES TO ONE YEAR OF SERVICE AS A  
31 FULL-TIME BILINGUAL, CERTIFIED TEACHER IN A BILINGUAL TEACHER SHORTAGE  
32 AREA FOR EACH YEAR OF A RENEWED AWARD AND HAS PROVIDED SATISFACTORY  
33 SERVICE IN ANY PRIOR YEAR IN WHICH AN INITIAL OR RENEWED AWARD WAS  
34 GRANTED TO THE RECIPIENT. NO AWARDS SHALL BE MADE FOR LESS THAN ONE  
35 SCHOOL YEAR OF SERVICE AND THE SUM OF ANY INITIAL AND RENEWED AWARDS  
36 SHALL NOT EXCEED FORTY THOUSAND DOLLARS.

37 AWARDS MADE PURSUANT TO THIS SUBDIVISION SHALL BE USED TO REIMBURSE  
38 ANY EDUCATIONAL COSTS, INCLUDING THOSE FOR WHICH STUDENT LOANS MAY HAVE  
39 BEEN TAKEN, INCURRED BY THE RECIPIENT PRIOR TO RECEIPT OF THE AWARD FOR  
40 CERTIFICATION AS A TEACHER IN THE PUBLIC SCHOOLS OF THE STATE.

41 (3) THE BOARD OF EDUCATION SHALL DEVELOP AND SECURE FROM THE AWARD  
42 RECIPIENT A WRITTEN AGREEMENT OUTLINING THE SERVICE OBLIGATION. SUCH  
43 AGREEMENT SHALL INCLUDE PROVISIONS FOR THE RECIPIENT TO REPAY THE AMOUNT  
44 OF THE AWARD TO THE SCHOOL DISTRICT IF THE RECIPIENT FAILS TO COMPLETE  
45 HIS OR HER SERVICE OBLIGATION IN ANY YEAR WHERE AN INITIAL OR RENEWED  
46 AWARD IS GRANTED, AND SUCH REPAID AMOUNTS SHALL BE DEDUCTED FROM ANY  
47 GRANT AMOUNTS DUE TO THE DISTRICT FROM THE STATE PURSUANT TO THIS  
48 SECTION. UPON A WRITTEN APPEAL BY AN AWARD RECIPIENT, THE BOARD OF  
49 EDUCATION, IN ITS DISCRETION, MAY PROVIDE A WAIVER OF REPAYMENT  
50 PROVISIONS FOR AN AWARD RECIPIENT WHO FAILS TO COMPLETE HIS OR HER  
51 SERVICE REQUIREMENT FOR DOCUMENTED REASONS OF HEALTH OR OTHER SEVERE  
52 HARDSHIP, AS DETERMINED BY THE COMMISSIONER.

53 D. NOTIFICATION. THE BOARD OF EDUCATION SHALL NOTIFY BOTH SUCCESSFUL  
54 AND UNSUCCESSFUL APPLICANTS BY SEPTEMBER FIRST OF ANY SCHOOL YEAR FOR  
55 WHICH AN INITIAL OR RENEWED AWARD IS PROVIDED TO TEACHERS PURSUANT TO  
56 THIS SUBDIVISION.

1       4. REPORTING. BY NOVEMBER FIRST FOLLOWING THE COMPLETION OF EACH  
2 SCHOOL YEAR, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND THE  
3 LEGISLATURE REGARDING THE BILINGUAL TEACHERS OF TOMORROW TEACHER  
4 RECRUITMENT AND RETENTION PROGRAM. SUCH REPORT SHALL LIST THE AMOUNT OF  
5 EACH SCHOOL DISTRICT'S TOTAL GRANT PURSUANT TO THIS SECTION, THE USES OF  
6 THE GRANT BY EACH ELIGIBLE CATEGORY OF EXPENSE, AND THE NUMBER OF AWARDS  
7 GRANTED BY TYPE PURSUANT TO THIS SECTION, AS WELL AS AN ANALYSIS OF THE  
8 EFFECTIVENESS OF THE PROGRAM IN RECRUITING AND RETAINING BILINGUAL,  
9 CERTIFIED TEACHERS IN THE PUBLIC SCHOOLS OF THE STATE DESIGNATED AS  
10 BILINGUAL TEACHER SHORTAGE AREAS.  
11       S 2. This act shall take effect immediately.