S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CLARK, ENGLEBRIGHT, ROBINSON -- Multi-Sponsored by -- M. of A. COOK, ORTIZ, PERRY, TOWNS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to providing for the enhancement of the quality of teaching in the public schools in New York city

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 125-C to read as follows:

ARTICLE 125-C

CITY UNIVERSITY OF NEW YORK

CENTER FOR EXCELLENCE

IN URBAN EDUCATION

SECTION 6283. CITY UNIVERSITY OF NEW YORK CENTER FOR EXCELLENCE IN URBAN EDUCATION.

S 6283. CITY UNIVERSITY OF NEW YORK CENTER FOR EXCELLENCE IN URBAN EDUCATION. 1. THE LEGISLATURE HEREBY FINDS AND DETERMINES THAT THERE IS A LOOMING SHORTAGE OF QUALIFIED TEACHERS WILLING TO CONSIDER TEACHING POSITIONS IN URBAN SCHOOLS. THIS SHORTAGE IS EVIDENT IN THE STATE'S FIVE LARGEST CITY SCHOOL DISTRICTS AND HAS REACHED CRITICAL PROPORTIONS IN NEW YORK CITY.

2. THERE IS HEREBY ESTABLISHED THE CITY UNIVERSITY OF NEW YORK CENTER FOR EXCELLENCE IN URBAN EDUCATION. THE CENTER SHALL BE LOCATED AT A CITY UNIVERSITY OF NEW YORK COLLEGE ACCREDITED BY THE NATIONAL COUNCIL FOR ACCREDITATION OF TEACHER EDUCATION.

3. THE CENTER SHALL:

A. COLLABORATE WITH TEACHERS FROM THE CITY'S URBAN CENTERS TO DEVELOP AND DELIVER PROGRAMS TO ADDRESS THE PARTICULAR NEEDS OF URBAN EDUCATION, INCLUDING, BUT NOT LIMITED TO, DEALING WITH SEVERE CLASSROOM MANAGEMENT

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

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PROBLEMS; ISSUES OF CONFLICT AND RACIAL SENSITIVITIES; UNDERSTANDING THE CENTRAL ROLE SCHOOLS PLAY IN COMMUNITY DEVELOPMENT; AND COPING WITH AND COMPENSATING FOR A MYRIAD OF FAMILY AND SOCIAL ISSUES THAT IMPACT SCHOOL PERFORMANCE.

B. PARTNER WITH URBAN SCHOOL DISTRICTS TO (I) ENSURE HIGH QUALITY CLINICAL EDUCATION FOR PRESERVICE TEACHER EDUCATION STUDENTS IN URBAN LOCATIONS; (II) DESIGN AND IMPLEMENT PROGRAMS TO RECRUIT CHILDREN INTO CAREERS OF TEACHING; (III) INCREASE THE NUMBER OF MINORITY CANDIDATES IN TEACHER PREPARATION PROGRAMS AND INCREASE PRODUCTIVITY IN TEACHING FIELDS OF CRITICAL NEED INCLUDING, BUT NOT LIMITED TO, CHILDHOOD EDUCATION WITH EMPHASIS IN SCIENCE, MATHEMATICS, AND READING; EARLY ADOLESCENCE EDUCATION WITH EMPHASIS IN INTEGRATED SCIENCE-MATHEMATICS-TECHNOLOGY; ADOLESCENT EDUCATION IN SCIENCE AND MATHEMATICS; SPECIAL EDUCATION; BILINGUAL SPECIAL EDUCATION; AND BILINGUAL SPEECH PATHOLOGY; (IV) ATTRACT TEACHER EDUCATION STUDENTS TO JOBS IN URBAN LOCATIONS OF CRITICAL NEED; AND (V) SYSTEMATICALLY RENEW BOTH THE SCHOOL AND COLLEGIATE ENVIRONMENTS THROUGH JOINT PROFESSIONAL DEVELOPMENT AND SCHOLARLY ACTIVITIES.

C. PROVIDE SPECIAL CAPSTONE PROGRAMS FOR STUDENTS FROM OTHER COLLEGES/UNIVERSITIES IN THE STATE TO RECRUIT AND QUALIFY PRESERVICE EDUCATORS FOR SERVICE IN URBAN SETTINGS.

S 2. Section 605 of the education law is amended by adding a new subdivision 13 to read as follows:

13. REGENTS TEACHER LOAN FORGIVENESS PROGRAM. REGENTS TEACHER LOAN FORGIVENESS AWARDS SHALL BE AWARDED ANNUALLY TO TEACHERS WHO AGREE TO TEACH PUBLIC SCHOOL IN AN AREA OF NEW YORK STATE DESIGNATED BY THE REGENTS AS HAVING A SHORTAGE OF PUBLIC SCHOOL TEACHERS. SUCH AWARDS SHALL BE CLASSIFIED AND ALLOCATED IN ACCORDANCE WITH REGENTS RULES.

A. ELIGIBILITY. (1) THE APPLICANT MUST BE A RESIDENT OF NEW YORK STATE AND CERTIFIED.

(2) THE APPLICANT MUST AGREE TO TEACH PUBLIC SCHOOL IN AN AREA IN NEW YORK STATE DESIGNATED AS HAVING A SHORTAGE OF PUBLIC SCHOOL TEACHERS.

B. SELECTION. THE COMMISSIONER SHALL ESTABLISH CRITERIA FOR THE SELECTION OF PARTICIPANTS IN THE PROGRAM. AN APPLICANT MUST SATISFY AT LEAST ONE OF THE CRITERIA ESTABLISHED. A PRIORITY SHALL BE ACCORDED TO ANY APPLICANT WHO IS COMPLETING THE SECOND YEAR OF THE SERVICE REQUIREMENT AND IS REAPPLYING FOR A NEW AWARD. THE CRITERIA SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

(1) REAPPLICATION FOR A NEW AWARD BY A PERSON WHO IS COMPLETING THE SECOND YEAR OF A SERVICE REQUIREMENT;

(2) RECEIPT OF SPECIFIC TRAINING IN AN AREA OF CERTIFICATION DETERMINED BY THE REGENTS TO BE IN SHORT SUPPLY;

(3) RECEIPT OF SPECIFIC TRAINING OR EXPERIENCE IN SERVING A SHORTAGE AREA;

(4) RECEIPT OF SPECIFIC TRAINING OR EXPERIENCE MATCHING A SPECIFIC EDUCATIONAL NEED EXISTING IN A SHORTAGE AREA; AND

(5) AGREEMENT PURSUANT TO SUBDIVISION D OF THIS SECTION TO TEACH PUBLIC SCHOOL IN AN AREA DETERMINED BY THE REGENTS TO HAVE A SEVERE SHORTAGE OF PUBLIC SCHOOL TEACHERS.

C. NOTIFICATION. (1) THE COMMISSIONER SHALL THEN FORWARD APPROVED APPLICATIONS TO THE PRESIDENT AND SHALL NOTIFY UNSUCCESSFUL APPLICANTS;

(2) THE PRESIDENT SHALL VERIFY THE APPROVED APPLICANTS':

(I) ELIGIBILITY; AND

(II) TOTAL UNDERGRADUATE AND GRADUATE SCHOOL STUDENT EXPENSE;

(3) THE PRESIDENT SHALL NOTIFY APPLICANTS OF THEIR AWARD ENTITLEMENT.

D. SERVICE REQUIREMENT. WITHIN SUCH TIME AS THE COMMISSIONER SHALL BY REGULATION PROVIDE, A RECIPIENT OF AN AWARD SHALL HAVE AGREED TO TEACH PUBLIC SCHOOL IN A SPECIFIC AREA DESIGNATED AS HAVING A SHORTAGE OF PUBLIC SCHOOL TEACHERS FOR A PERIOD OF TEN MONTHS FOR EACH ANNUAL PAYMENT TO BE RECEIVED BY THE RECIPIENT. TEACHERS IN TRAINING WHO RECEIVE AN AWARD SHALL NOT RECEIVE CREDIT TOWARD THEIR REQUIRED SERVICE FOR TIME SPENT IN A TRAINING PROGRAM. IN NO CASE SHALL THE TOTAL NUMBER OF MONTHS OF SERVICE REQUIRED BE LESS THAN TWENTY-FOUR. THE PRESIDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER, DEVELOP AND SECURE FROM EACH AWARD RECIPIENT, A WRITTEN AGREEMENT TO:

(1) TEACH PUBLIC SCHOOL IN THE DESIGNATED SHORTAGE AREA; AND

(2) TEACH FULL-TIME AND SERVE AS AN EXTRA-CURRICULAR ACTIVITY ADVISOR OR COACH.

IF A RECIPIENT FAILS TO COMPLY FULLY WITH SUCH CONDITIONS, THE PRESIDENT SHALL BE ENTITLED TO RECEIVE FROM SUCH RECIPIENT AN AMOUNT TO BE DETERMINED BY THE FORMULA:

$$A = 2B\ \frac{(T-S)}{T}$$

IN WHICH "A" IS THE AMOUNT THE PRESIDENT IS ENTITLED TO RECOVER; "B" IS THE SUM OF ALL PAYMENTS MADE TO THE RECIPIENT AND THE INTEREST ON SUCH AMOUNT WHICH WOULD BE PAYABLE IF AT THE TIMES SUCH AWARDS WERE PAID THEY WERE LOANS BEARING INTEREST AT THE MAXIMUM PREVAILING RATE; "T" IS THE TOTAL NUMBER OF MONTHS IN THE RECIPIENT'S PERIOD OF OBLIGATED SERVICES; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE RECIPIENT. ANY AMOUNT WHICH THE PRESIDENT IS ENTITLED TO RECOVER UNDER THIS PARAGRAPH SHALL BE PAID WITHIN THE FIVE-YEAR PERIOD BEGINNING ON THE DATE THAT THE RECIPIENT FAILED TO COMPLY WITH THIS SERVICE CONDITION. NOTHING IN THE WRITTEN AGREEMENT SHALL AFFECT THE TERMS OF EMPLOYMENT OF THE INDIVIDUAL WHO SHALL NEGOTIATE, SEPARATE AND APART FROM THE PROGRAM, HIS OR HER SALARY AND OTHER FORMS OF EMPLOYMENT WITH AN AGENCY, INSTITUTION OR A PROGRAM IN WHICH HE OR SHE SHALL BE EMPLOYED.

ANY OBLIGATION TO COMPLY WITH SUCH PROVISIONS AS OUTLINED IN THIS SECTION SHALL BE CANCELLED UPON THE DEATH OF THE RECIPIENT. THE COMMISSIONER SHALL MAKE REGULATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

E. REPORTING. A RECIPIENT OF AN AWARD SHALL REPORT ANNUALLY TO THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, AND THE DEPARTMENT ON FORMS PRESCRIBED BY THE PRESIDENT, AS TO THE PERFORMANCE OF THE REQUIRED SERVICES, COMMENCING WITH THE CALENDAR YEAR IN WHICH THE RECIPIENT BEGINS TO TEACH PUBLIC SCHOOL IN A SHORTAGE AREA AND CONTINUING UNTIL THE RECIPIENT SHALL HAVE COMPLETED, OR IT IS DETERMINED THAT HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, THE REQUIRED SERVICES. IF THE RECIPIENT SHALL FAIL TO FILE ANY REPORT REQUIRED HEREUNDER WITHIN THIRTY DAYS OF WRITTEN NOTICE TO THE RECIPIENT, MAILED TO THE ADDRESS SHOWN ON THE LAST APPLICATION FOR AN AWARD OR LAST REPORT FILED, WHICHEVER IS LATER, THE PRESIDENT OF THE CORPORATION MAY IMPOSE A FINE OF UP TO ONE THOUSAND DOLLARS. THE PRESIDENT SHALL HAVE THE DISCRETION TO WAIVE THE FILING OF A REPORT, EXCUSE A DELAY IN FILING OR A FAILURE TO FILE A REPORT, OR WAIVE OR REDUCE ANY FINE IMPOSED FOR GOOD CAUSE SHOWN.

F. OTHER AWARDS. AWARD RECIPIENTS SHALL BE ELIGIBLE TO APPLY FOR ONE ADDITIONAL AWARD.

S 3. The education law is amended by adding a new section 677-b to read as follows:

S 677-B. REGENTS PUBLIC SCHOOL TEACHER LOAN FORGIVENESS PROGRAM. 1. NUMBER AND CERTIFICATION. EIGHTY REGENTS PUBLIC SCHOOL TEACHER LOAN

FORGIVENESS AWARDS SHALL BE AWARDED EACH YEAR. SUCH AWARDS SHALL BE ALLOCATED AS PROVIDED IN ARTICLE THIRTEEN OF THIS CHAPTER TO ELIGIBLE PUBLIC SCHOOL TEACHERS AS CERTIFIED TO THE PRESIDENT BY THE COMMISSIONER.

2. CALCULATION OF AWARD AMOUNTS. EACH AWARD SHALL CONSIST OF TWO CONSECUTIVE ANNUAL LOAN FORGIVENESS PAYMENTS. EACH OF THE ANNUAL PAYMENTS SHALL BE FOR AN AMOUNT EQUAL TO THE TOTAL OF UNDERGRADUATE AND GRADUATE SCHOOL STUDENT LOAN EXPENSE OR TEN THOUSAND DOLLARS WHICHEVER IS LESS. THE PRESIDENT SHALL BE RESPONSIBLE FOR CALCULATING THE DOLLAR AMOUNT OF EACH AWARD THAT ELIGIBLE CANDIDATES MAY RECEIVE FROM THIS PROGRAM. FOR THE PURPOSES OF THIS SECTION, STUDENT LOAN EXPENSE SHALL MEAN THE CUMULATIVE TOTAL OF THE ANNUAL STUDENT LOANS COVERING THE COST OF ATTENDANCE AT AN UNDERGRADUATE INSTITUTION AND/OR GRADUATE SCHOOL. INTEREST PAID OR DUE ON STUDENT LOANS THAT AN APPLICANT HAS TAKEN OUT FOR USE IN PAYING FOR SUCH UNDERGRADUATE AND/OR GRADUATE EDUCATION SHALL BE CONSIDERED ELIGIBLE FOR REIMBURSEMENT UNDER THIS PROGRAM.

3. AWARD DISBURSEMENT. A. ANNUAL AWARD DISBURSEMENTS SHALL BE THE RESPONSIBILITY OF THE PRESIDENT AND SHALL OCCUR PRIOR TO THE BEGINNING OF EACH OF THE REQUIRED TERMS OF SERVICE AS SPECIFIED IN THE SERVICE CONTRACT. THE BOARD OF TRUSTEES OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL ADOPT RULES AND REGULATIONS REGARDING CRITERIA FOR DETERMINING SUCCESSFUL COMPLETION OF THE SERVICE CONTRACT AND ANY APPEAL PROCESS THAT MAY BE REQUIRED TO IMPLEMENT THIS PARAGRAPH UPON RECOMMENDATION OF THE PRESIDENT IN CONSULTATION WITH THE COMMISSIONER.

B. THE DISBURSEMENT OF THE SECOND ANNUAL AWARD SHALL BE DEPENDENT UPON SUCCESSFUL COMPLETION OF THE FIRST YEAR REQUIREMENT OF THE SERVICE CONTRACT AS DEFINED BY THE PRESIDENT, AS WELL AS OTHER CRITERIA SET FORTH IN THIS SECTION.

S 4. This act shall take effect immediately.