

# STATE OF NEW YORK

342

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. PERSAUD -- 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 underrepresented 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 3612-a  
2 to read as follows:

3 § 3612-a. Underrepresented teachers of tomorrow teacher recruitment  
4 and retention program. 1. Definitions. a. The term "underrepresented  
5 certified teacher" means a teacher who holds a permanent or professional  
6 state teaching certificate appropriate to the teaching position, includ-  
7 ing the subject area if applicable, in which he or she is to be  
8 employed, who is fully qualified to teach in an education program and  
9 participated in a school district/post-secondary partnership "grow your  
10 own" initiative, My Brother's Keeper, Teacher Opportunity Corps program,  
11 higher education opportunity program, education opportunity program, or  
12 other similar program.

13 b. The term "school district" shall mean a common, union free,  
14 central, central high school, or city school district.

15 c. The term "board of education" shall mean the governing board of any  
16 public school or public school district defined in paragraph b of this  
17 subdivision.

18 d. The term "underrepresented school" shall mean a school building  
19 which has an underrepresentation of certified teachers who participated  
20 in a school district/post-secondary partnership "grow your own" initi-  
21 ative, My Brother's Keeper, Teacher Opportunity Corps program, higher  
22 education opportunity program, education opportunity program, or other  
23 similar programs, as determined by the commissioner.

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

LBD03320-01-1

1 e. 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 underrepresented certified teacher recruitment and  
6 retention activities necessary to increase the number of underrepre-  
7 ented certified teachers in underrepresented schools.

8 b. Such grants shall be awarded to school districts, within the limits  
9 of funds appropriated therefor, through a competitive process that takes  
10 into consideration the magnitude of any shortage of underrepresented  
11 certified teachers in the school district, the fiscal capacity of the  
12 district, and the number of new certified teachers the school district  
13 intends to hire in the coming school year. Grants provided pursuant to  
14 this section shall be used only for the purposes enumerated in this  
15 section.

16 c. Not more than sixty percent of the funds allocated pursuant to this  
17 section shall be made available to any one school district.

18 d. Any school district receiving funds under this section shall main-  
19 tain any local effort in the current year equivalent to such effort in  
20 the base year for any local program related to the recruitment or  
21 retention of teachers or any program that has purposes that are similar  
22 to any purpose of this section or the district shall provide a local  
23 match to state funds received pursuant to this section. State funds  
24 provided pursuant to this section shall not supplant local funds for any  
25 purpose similar to the purposes of this section.

26 e. Applications by a school district for funding pursuant to this  
27 section shall be filed with the commissioner, in a form determined by  
28 the commissioner, by June first of the base year and school districts  
29 shall be notified of their grant award by June thirtieth of the base  
30 year, provided that in any year such application and award dates may be  
31 modified by the commissioner for the reasonable administration of the  
32 program. Such application shall include a plan by the school district  
33 for the expenditure of the funds in each category of allowable expenses  
34 authorized by subdivision three of this section, and such expenditures  
35 shall be consistent with such plan and the provisions of this section.

36 f. A person receiving an award pursuant to any subdivision of this  
37 section shall not be eligible for an award pursuant to any other subdivi-  
38 vision of this section in a school year.

39 3. Underrepresented teachers of tomorrow teacher recruitment incentive  
40 program. Underrepresented teachers of tomorrow teacher recruitment  
41 incentive awards may be available to teachers pursuant to the provisions  
42 of this subdivision to attract underrepresented certified teachers to  
43 employment in underrepresented schools.

44 a. Eligibility. To be eligible for an award pursuant to this subdivi-  
45 sion, an applicant shall:

46 (1) be an underrepresented certified teacher;

47 (2) agree to a service obligation of one year of service in an under-  
48 represented school as a condition of receiving an award pursuant to this  
49 subdivision; and

50 (3) be employed for the first time as a certified teacher in the  
51 school district.

52 b. Application and selection. (1) The board of education shall deter-  
53 mine the form of the application and the application process for teach-  
54 ers deemed eligible for the award, and shall in its discretion select  
55 the number of eligible applicants who will receive an award pursuant to  
56 this subdivision.

1 (2) If the number of eligible applicants exceeds the number of awards  
2 determined by the board pursuant to this subdivision, then the board  
3 shall use an objective competitive process based on educational quali-  
4 fications to determine which eligible applicants shall receive awards.

5 c. Payment of awards. (1) Annual awards from state and local funds  
6 provided for this purpose shall be paid by the board of education to the  
7 award recipient. Award recipients shall be entitled to receive awards  
8 pursuant to the provisions of this subdivision and such awards shall be  
9 in addition to and not part of any award recipient's base salary.

10 (2) The initial annual award shall be ten thousand dollars, and such  
11 initial award may be renewable each year, for up to three additional  
12 years, provided that the recipient agrees to one year of service as a  
13 full-time certified teacher in an underrepresented school for each year  
14 of a renewed award and has provided satisfactory service in any prior  
15 year in which an initial or renewed award was granted to the recipient.  
16 No awards shall be made for less than one school year of service and the  
17 sum of any initial and renewed awards shall not exceed forty thousand  
18 dollars.

19 Awards made pursuant to this subdivision shall be used to reimburse  
20 any educational costs, including those for which student loans may have  
21 been taken, incurred by the recipient prior to receipt of the award for  
22 certification as a teacher in the public schools of the state.

23 (3) The board of education shall develop and secure from the award  
24 recipient a written agreement outlining the service obligation. Such  
25 agreement shall include provisions for the recipient to repay the amount  
26 of the award to the school district if the recipient fails to complete  
27 his or her service obligation in any year where an initial or renewed  
28 award is granted, and such repaid amounts shall be deducted from any  
29 grant amounts due to the district from the state pursuant to this  
30 section. Upon a written appeal by an award recipient, the board of  
31 education, in its discretion, may provide a waiver of repayment  
32 provisions for an award recipient who fails to complete his or her  
33 service requirement for documented reasons of health or other severe  
34 hardship, as determined by the commissioner.

35 d. Notification. The board of education shall notify both successful  
36 and unsuccessful applicants by September first of any school year for  
37 which an initial or renewed award is provided to teachers pursuant to  
38 this subdivision.

39 4. Reporting. By November first following the completion of each  
40 school year, the commissioner shall report to the governor and the  
41 legislature regarding the underrepresented teachers of tomorrow teacher  
42 recruitment and retention program. Such report shall list the amount of  
43 each school district's total grant pursuant to this section, the uses of  
44 the grant, and the number of awards granted by type pursuant to this  
45 section, as well as an analysis of the effectiveness of the program in  
46 recruiting and retaining underrepresented certified teachers in under-  
47 represented schools of the state.

48 § 2. This act shall take effect immediately.