

STATE OF NEW YORK

364--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 6, 2023

Introduced by M. of A. CRUZ, CUNNINGHAM, AUBRY, SAYEGH, RAGA, GUNTHER, DAVILA, SIMON, ZINERMAN, LEVENBERG, GONZALEZ-ROJAS, RAMOS -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 3615
2 to read as follows:

3 § 3615. Bilingual teachers of tomorrow teacher recruitment and
4 retention program. 1. Definitions. a. The term "school with a bilingual
5 teacher shortage" means a public school in which there was a shortage of
6 bilingual, certified teachers in the previous school year and there is a
7 projected shortage in the current school year as determined by the
8 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 qual 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.

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

LBD02342-05-3

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 bilingual, certified teacher recruitment and retention
6 activities necessary to increase the number of bilingual, certified
7 teachers in schools with a bilingual teacher shortage.

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 bilingual, certified
11 teachers in the school district, the fiscal capacity of the district,
12 and the number of new bilingual, 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 subdi-
38 vision of this section in a school year.

39 3. Bilingual teachers of tomorrow teacher recruitment incentive
40 program. Bilingual teachers of tomorrow teacher recruitment incentive
41 awards may be available to teachers pursuant to the provisions of this
42 subdivision to attract teachers to employment in schools with a bilin-
43 qual teacher shortage.

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

46 (1) be a bilingual, certified teacher;

47 (2) agree to a service obligation of one year of service in a school
48 with a bilingual teacher shortage as a condition of receiving an award
49 pursuant to this subdivision; and

50 (3) be employed for the first time as a bilingual, certified teacher
51 in the 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 bilingual, certified teacher in schools with a bilingual
14 teacher shortage for each year of a renewed award and has provided
15 satisfactory service in any prior year in which an initial or renewed
16 award was granted to the recipient. No awards shall be made for less
17 than one school year of service and the sum of any initial and renewed
18 awards shall not exceed forty thousand 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 bilingual 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 bilingual, certified teachers in schools with a
47 bilingual teacher shortage in the state.

48 § 2. This act shall take effect immediately.