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:

Section 1. The education law is amended by adding a new section 3615 to read as follows:

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

b. The term "bilingual, certified teacher" means a teacher who holds a permanent or professional state teaching certificate appropriate to the teaching position, including the subject area if applicable, in which he or she is to be employed and who is fully qualified to teach in a bilingual education program.

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

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

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

LBD02342-05-3

e. The term "year of service" shall mean ten months of continuous full-time service as a teacher during a school year, generally occurring between September first and June thirtieth.

2. Application and funding. a. Grants shall be made to school districts for bilingual, certified teacher recruitment and retention activities necessary to increase the number of bilingual, certified teachers in schools with a bilingual teacher shortage.

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

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

d. Any school district receiving funds under this section shall maintain any local effort in the current year equivalent to such effort in the base year for any local program related to the recruitment or retention of teachers or any program that has purposes that are similar to any purpose of this section or the district shall provide a local match to state funds received pursuant to this section. State funds provided pursuant to this section shall not supplant local funds for any purpose similar to the purposes of this section.

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

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

3. Bilingual teachers of tomorrow teacher recruitment incentive program. Bilingual teachers of tomorrow teacher recruitment incentive awards may be available to teachers pursuant to the provisions of this subdivision to attract teachers to employment in schools with a bilingual teacher shortage.

a. Eligibility. To be eligible for an award pursuant to this subdivision, an applicant shall:

(1) be a bilingual, certified teacher;

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

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

b. Application and selection. (1) The board of education shall determine the form of the application and the application process for teachers deemed eligible for the award, and shall in its discretion select the number of eligible applicants who will receive an award pursuant to this subdivision.

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

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

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

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

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

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

4. Reporting. By November first following the completion of each school year, the commissioner shall report to the governor and the legislature regarding the bilingual teachers of tomorrow teacher recruitment and retention program. Such report shall list the amount of each school district's total grant pursuant to this section, the uses of the grant, and the number of awards granted by type pursuant to this section, as well as an analysis of the effectiveness of the program in recruiting and retaining bilingual, certified teachers in schools with a bilingual teacher shortage in the state.

§ 2. This act shall take effect immediately.