STATE OF NEW YORK

4105

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

Introduced by M. of A. DICKENS -- read once and referred to the Committee on Education

AN ACT to amend the education law and the tax law, in relation to enacting the public education racial equity and diversity act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "public education racial equity and diversity act".

§ 2. Subdivision 6, paragraph (a) of subdivision 7, the opening paragraph and paragraph (a) of subdivision 9, paragraph (a), the opening paragraph of paragraph (b) and subparagraph (viii) of paragraph (c) of subdivision 9-a of section 2852 of the education law, subdivision 6 as added by chapter 4 of the laws of 1998, paragraph (a) of subdivision 7 as amended by section 2 of part D2 of chapter 57 of the laws of 2007, the opening paragraph and paragraph (a) of subdivision 9 and paragraph (a), the opening paragraph of paragraph (b) and subparagraph (viii) of paragraph (c) of subdivision 9-a as amended by section 2 of subpart A of part B of chapter 20 of the laws of 2015, are amended and a new subdivision 11 is added to read as follows:

6. The denial of an application**, or the denial of a request for revision to an application,** for a charter school by a charter entity shall be in writing and shall state the reasons for the denial. Notwithstanding any provision of law to the contrary, such denial is final and shall not be reviewable in any court or by any administrative body **with the exception of the New York state charter school commission established pursuant to the provisions of subdivision eleven of this section**.

(a) A revision of a charter shall be made only upon the approval of the charter entity and the board of regents in accordance with the provisions of subdivisions five-a and five-b of this section**, or as authorized under subdivision eleven of this section**.

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

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The total number of charters issued pursuant to this article statewide shall not exceed [~~four~~] **seven** hundred [~~sixty~~] **ninety-six**. (a) All charters issued on or after July first, two thousand fifteen and counted toward the numerical limits established by this subdivision shall be issued by the board of regents upon application directly to the board of regents or on the recommendation of the board of trustees of the state university of New York pursuant to a competitive process in accordance with subdivision nine-a of this section. Fifty of such charters issued [~~on or after~~] **between** July first, two thousand fifteen **and July first, two thousand twenty-three**, and no more, shall be granted to a charter for a school to be located in a city having a population of one million or more. **To promote equity and diversity in educational leadership and prioritize the issuance of new charters to community-based organizations run by individuals from historically underrepresented communities, three hundred thirty-six of such charters issued on or after July first, two thousand twenty-three, and no more, shall be granted to a charter for a school to be managed by a board of trustees and school-based management or leadership team, where both of which will be comprised of at least fifty-one percent of members who meet the ethnic definition of minority group member set forth in article fifteen-A of the executive law.** The failure of any body to issue the regulations authorized pursuant to this article shall not affect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school, or the renewal or extension of a charter approved by any charter entity, shall not be counted toward the numerical limits established by this subdivision.

(a) The board of regents is hereby authorized and directed to issue [~~four~~] **seven** hundred [~~sixty~~] **ninety-six** charters statewide upon either applications submitted directly to the board of regents or upon the recommendation of the board of trustees of the state university of New York pursuant to a competitive request for proposals process.

The board of regents shall make a determination to issue a charter pursuant to a request for proposals no later than December thirty-first of each year.

The board of regents and the board of trustees of the state university of New York shall each develop such request for proposals in a manner that facilitates a thoughtful review of charter school applications, considers the demand for charter schools by the community, **promotes equity and diversity in educational leadership,** and seeks to locate charter schools in a region or regions where there may be a lack of alternatives and access to charter schools would provide new alternatives within the local public education system that would offer the greatest educational benefit to students. Applications shall be evaluated in accordance with the criteria and objectives contained within a request for proposals. The board of regents and the board of trustees of the state university of New York shall not consider any applications which do not rigorously demonstrate that they have met the following criteria:

(viii) **promoting diversity in educational leadership and increasing the number of education leaders from historically underrepresented communities by establishing a board of trustees and school-based management or leadership team of at least fifty-one percent of members who meet the ethnic definition of minority group member set forth in article fifteen-A of the executive law;**

(ix) demonstrating the support of the school district in which the proposed charter school will be located and the intent to establish an ongoing relationship with such school district.

11. (a) For the purposes of this subdivision the term "commission" shall mean the New York state charter school commission established pursuant to this subdivision. A New York state charter school commission is established as an independent commission with statewide chartering jurisdiction and authority. The commission shall only be under the authority of the board of regents for administrative purposes. The board of regents shall provide administrative support to the commission as needed and requested by the commission.

(b) The commission shall be responsible for approving charter schools statewide with a focus on approving charters to community-based organizations run by individuals from historically underrepresented communities.

(c) The commission shall consist of nine members to be comprised of three members proposed by the board of regents, three members proposed by the board of trustees of the state university of New York, and three members proposed by the governor. The board of regents shall approve these appointments subject to a majority vote of approval for each proposed appointee by the education committee for the Black, Puerto Rican and Asian legislative caucus of the New York state assembly, within sixty days after the effective date of this subdivision and sixty days prior to the expiration of the term of a member thereafter. If the board of regents, the board of trustees of the state university of New York, or the governor fails to timely propose a slate of candidates according to the provisions of this subdivision, then the education committee for Black, Puerto Rican and Asian legislative caucus of the New York state assembly shall appoint the member or members of the commission.

(d) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, higher education, assessments, curriculum and instruction, and public education law. All members of the commission shall have demonstrated understanding of and a commitment to public education, including without limitation charter schooling. At least six members shall have past experience with urban charter schools, and at least six members shall meet the ethnic definition of minority group member as defined in article fifteen-A of the executive law.

(e) To establish staggered terms of office, the initial term of office for three commission members shall be four years and thereafter shall be four years; the initial term of office for another three members shall be three years and thereafter shall be four years; and the initial term of office for the remaining three members shall be two years and thereafter shall be four years. The initial appointments shall be made no later than October first, two thousand twenty-three.

(f) Whenever a vacancy on the commission exists, the education committee for the Black, Puerto Rican and Asian legislative caucus of the New York state assembly shall appoint a member for the remaining portion of the term.

(g) The commission shall have the responsibility to review denials of applications as well as denials of requests for revisions to applications issued pursuant to subdivision six of this section upon receipt of written appeal from the denied applicant. Such responsibility takes effect immediately upon appointment of the initial members of the

commission pursuant to paragraph (e) of this subdivision. Appeals pending at the time of initial appointment shall be determined by the commission. The commission may extend the time for review as necessary for thorough review, but in no case shall the extension exceed the time that would have been available had the appeal been submitted to the commission on the date of appointment of its initial members. In any appeal filed with the commission under this article, both the applicant and the charter entity that issued the denial shall have the right to request a hearing before the commission. If more than one entity requests a hearing, then the commission shall hold only one hearing, wherein the applicant and the charter entity shall have an equal opportunity to present their respective positions.

(h) Any charter school authorized by the commission shall have its authorization transferred to the commission, which shall then become the school's authorizer for all purposes under this article. Any charter school authorized by charter entities other than the commission may seek transfer of authorization to the commission during its current term with the approval of a majority of the trustees or members of the board of education for the school district in which the school is located. Notice of a charter entity's decision to deny, revoke, or not renew a charter shall be provided to the commission, as shall a charter entity's decision to deny a request for revision to an application for a charter school. Upon receipt of written appeal from the denied applicant and in accordance with paragraph (g) of this subdivision, the commission may reverse a charter entity's decision if the commission finds that the charter school, the charter school proposal, or the charter school's request for a revision to its application is (i) in compliance with this article; and (ii) in the best interests of the students it is designed to serve.

(i) Notwithstanding other provisions of this article, if the commission on appeal reverses a charter entity's decision to deny, revoke, or not renew a charter or a charter's request for revision to its application, or if a charter school successfully seeks transfer of authorization to the commission pursuant to paragraph (h) of this subdivision, the commission shall act as the authorized chartering entity for the charter school. The commission shall approve the charter or the request for revision to the charter's application and shall perform all charter entity functions set forth in this article.

§ 3. Section 679-j of the education law, as added by section 1 of part AA of chapter 56 of the laws of 2018, is amended to read as follows:

§ 679-j. The New York state teacher loan forgiveness program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of teachers serving in the state, generally, and the number of teachers serving in the state who meet the ethnic definition of minority group member, specifically.

2. Eligibility. To be eligible for an award pursuant to this subdivision, applicants shall (a) be certified as a teacher; (b) be employed full time in this state in an elementary or secondary school; (c) comply with subdivisions three and five of section six hundred sixty-one of this part; (d) have an outstanding student loan debt; and (e) meet one of the following criteria:

(i) teach in a shortage subject area;

(ii) teach in a hard to staff district; [~~or~~]

(iii) the applicant is economically disadvantaged, as defined by the corporation[~~.~~]; or

(iv) the applicant meets the ethnic definition of minority group member as defined in article fifteen-A of the executive law.

3. Definitions. For the purposes of this section[~~,~~]:

(a) the term "shortage subject area" shall mean a curriculum subject matter or practice of teaching where there is a shortage of teachers in New York state, as designated by the department[~~, and~~];

(b) the term "hard to staff school districts" shall mean school districts that have a shortage of teachers, as designated by the department[~~,~~]; and

(c) the term "minority group member" shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:

(i) Black persons having origins in any of the Black African racial groups;

(ii) Hispanic/Latino persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;

(iii) Native American or Alaskan native persons having origins in any of the original peoples of North America;

(iv) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

4. Priority. Such awards shall be made annually to applicants in the following priority:

(a) First priority shall be given to applicants who have received payment of an award pursuant to this section in a prior year and who, in the year prior to application, are teachers [~~in~~] (i) in a subject shortage area, [~~or~~] (ii) in a hard to staff school district, or (iii) who meet the ethnic definition of minority group member;

(b) Second priority shall be given to applicants who have not received payment of an award pursuant to this section in a prior year and who are teachers [~~in~~] (i) in a subject shortage area, [~~or~~] (ii) in hard to staff school district, or (iii) who meet the ethnic definition of minority group member in the year prior to such application; and

(c) Third priority shall be given to applicants who are economically disadvantaged as defined by the corporation.

5. Awards. The corporation shall grant awards pursuant to the amount appropriated for such purpose and based on availability of funds in an amount up to [~~five~~] ten thousand dollars to individuals who are employed full-time as teachers for the school year prior to such application, provided that no recipient shall receive an award that exceeds the total remaining balance of the student loan debt pursuant to this section[~~, in excess of twenty thousand dollars~~].

6. Rules and regulations. The corporation is authorized to promulgate rules and regulations and may promulgate emergency regulations necessary for the implementation of the provisions of this section. In the event that there are more applicants who have the same priority, as provided in subdivision four of this section, than there are remaining awards, the corporation shall provide in regulation the method of distributing the remaining number of such awards, which may include a lottery or other form of random selection.

§ 4. The education law is amended by adding three new sections 3004-d, 3004-e and 3004-f to read as follows:

§ 3004-d. Alternative teacher certification requirements. 1. Teacher certification compliance. An education corporation may submit to their charter authorizer and a district school may submit to its local educa-

tion agency as defined in section three thousand thirty-two of this article, for approval of an instructional program as defined in subdivision two of this section for teachers who meet the ethnic definition of minority group member set forth in article fifteen-A of the executive law as well as the requirements set forth in this section. The requirements of an approved instructional program under this section shall be considered equivalent to the certification requirements applicable to other public schools of the state for the purposes of paragraph (a-1) of subdivision three of section twenty-eight hundred fifty-four of this chapter. For the purposes of this section the term "applicant" shall refer to any education corporation or district school who submits for approval of an instructional program pursuant to this section.

2. Instructional program. An applicant may at any time submit a proposed instructional program to its charter authorizer or local education agency for approval. If a charter authorizer has denied an application or revoked or closed an instructional program, the applicant may submit a revised proposed instructional program to its charter authorizer or appeal the denial to the New York state charter school commission established pursuant to subdivision eleven of section twenty-eight hundred fifty-two of this chapter. In order to be eligible to apply, an applicant shall be approved to operate at least one school. An instructional program shall not be eligible for approval unless it meets the minimum requirements set forth in this section.

3. Academic success requirements. a. The applicant shall have a demonstrated record of academic success as follows:

(i) For an education corporation, fifty percent of applicant's charter schools with students participating in grades three through eight state administered standardized English language arts and mathematic assessments examinations shall have performed better on such examinations than the district schools in the school districts in which the charter schools are located;

(ii) For an education corporation that offers instruction in the high school grades, such charter schools shall have met sixty percent of their accountability plan pursuant to the performance agreement with their charter authorizer; or

(iii) For an education corporation that offers instruction in grades three through eight and the high school grades, the applicant's charter authorizer shall weigh the grades accordingly; or

(iv) For district schools that primarily offers education to a special population, including a student with disabilities or a student who is an English language learner, such schools shall have performed better than the students of the applicable special population in the school districts in which the charter school is located and at least one of the applicant's schools shall have received a renewal within the last five years and if two or more education corporations are applying together, at least one school from each education corporation shall meet the standard set forth in this subparagraph. For purposes of this subparagraph, the school district in which a charter school is located shall mean, for the city school district of the city of New York, the community district in which a charter school is located.

b. An education corporation shall be authorized to contract with an institution of higher education to provide an instructional program pursuant to this section, provided however, that the institution of higher education shall not have had a graduate-level teacher and leader education program suspended or deregistered by the department at any time.

c. The applicant shall maintain high standards for candidates including completion of a master's degree in education or bachelor's degree or higher in any subject area from an accredited institution with a cumulative grade point average of 3.0 or higher, or its equivalent, or shall have been found to have the necessary knowledge and skills to successfully complete the program as determined by its authorizer.

4. Certificate titles requirements. a. Certificate titles offered by an instructional program may include, but are not limited to:

(i) Childhood education (pre-kindergarten through sixth grade);

(ii) Secondary education (fifth grade through twelfth grade) with specialization in primary subject areas which may include, but are not limited to:

(A) Humanities;

(B) Mathematics; and

(C) Science;

(iii) Childhood students with disabilities (pre-kindergarten through sixth grade);

(iv) Secondary students with disabilities (fifth grade through twelfth grade);

(v) Childhood English for speakers of other languages (pre-kindergarten through sixth grade); and

(vi) Secondary English for speakers of other languages (fifth grade through twelfth grade).

b. The instructional program shall include:

(i) One hundred sixty clock hours of classroom instruction content, including content core study and pedagogical core study, which shall provide the necessary knowledge base, understanding, and skills for teaching students in the respective grade levels, and in the respective subject areas, for the certification being sought. The one hundred sixty clock hours are in addition to any credit hours earned by candidates as part of the required bachelor's degree referenced in paragraph c of subdivision three of this section. For the purposes of this subparagraph "classroom instruction content" shall include curriculum and content specific to the certification being sought, instructional strategies and planning, classroom and behavioral management, and shall be designed to prepare candidates to instruct students with a range of abilities and differentiate instruction to enhance the learning of all students in the content areas of the certificate. A candidate may seek dual certification in two different titles, for which the one hundred sixty total clock hours shall be appropriate for the dual titles being sought. If one of the titles sought is students with disabilities, at least twenty of the one hundred sixty clock hours shall include the additional students with disabilities training required pursuant to paragraph e of this section.

(ii) Forty clock hours of field experience appropriate to the certification being sought, with at least six of the forty hours focused on meeting the needs of students with disabilities, with the candidate primarily responsible for classroom instruction, and under supervision of an experienced teacher with the following qualifications:

(A) certified in the subject, area or grade range of instruction, as applicable; or

(B) uncertified teachers who:

(1) have at least three years of satisfactory elementary, middle or secondary classroom experience; or

(2) are tenured, tenure track or adjunct college faculty; or

(3) have two years of satisfactory experience through the Teach for America program or similar programs as determined by the applicant's authorizer.

c. A candidate may seek a dual certification in two different titles, for which the candidate shall complete forty total field hours, with approximately one-half of such field hours focused on each certification title sought.

d. Candidates teaching within the initial three-year period of certification shall receive periodic mentoring by a principal, assistant principal, a teacher qualified to oversee field experience pursuant to subparagraph (ii) of paragraph b of this subdivision, or a qualified instructional program instructor pursuant to paragraph e of this subdivision which shall be designed to meet the individual learning needs of the candidate.

e. The following additional coursework shall also be included in the instructional program if such coursework is necessary for the titles sought:

(i) Completion of a workshop approved by the department on the proper process to report child abuse and neglect in accordance with subdivision two of section three thousand four of this article;

(ii) Completion of a workshop approved by the department on school violence intervention and prevention in accordance with subdivision three of section three thousand four of this article;

(iii) Six clock hours of coursework or training on harassment, bullying and discrimination prevention and intervention, as such terms are defined in section eleven of this chapter in accordance with the purposes of subdivision five of section fourteen of this chapter; and/or

(iv) For candidates seeking certification in students with disabilities or English for speakers of other languages, classroom instruction shall focus on developing knowledge, understanding, and skills for teaching students with disabilities or students who are English language learners, respectively, including enhanced coursework or training. Field experience shall be completed under the supervision of a teacher certified in students with disabilities or English for speakers of other languages, respectively, and the candidate seeking certification shall spend:

(A) For students with disabilities, a majority of a candidate's experience hours shall be in an integrated co-teaching classroom or a classroom otherwise providing special services or programs as such term is defined in section forty-four hundred one of this chapter;

(B) For English for speakers of other languages, a majority of candidate's required forty clock hours of field experience in a bilingual education, English as a new language or integrated English as a new language classroom as such terms are defined in part one hundred fifty-four of title eight of the New York codes, rules and regulations or an equivalent classroom providing services to students who are English language learners;

(C) For students with disabilities, in addition to the forty hours of required field experience, an additional forty hours observing and working with students with an individualized education program;

(D) For English for speakers of other languages, in addition to the forty clock hours of required field experience, an additional forty clock hours observing and working with students who are English language learners as such term is defined in section 154-2.2 of title eight of the New York codes, rules and regulations; and

(E) For students with disabilities, at least ten clock hours of coursework or training in the law, regulations and appropriate techniques to address discipline of students with disabilities in accordance with the individuals with disabilities education act and any regulations promulgated thereunder.

f. An instructional program instructor shall:

(i) be a classroom teacher who has earned at least a bachelor's degree from an accredited institution and has two years teaching experience;

(ii) be an administrator of the applicant who either:

(A) previously worked as a classroom teacher who would have qualified as instructors under subparagraph (i) of this paragraph; or

(B) is a school administrator; or

(iii) has the expertise, advanced study, or licensure appropriate to the field to teach effectively the course to which they are assigned in the appropriate depth and breadth as determined by the department. Individuals qualified under this subparagraph shall be eligible only to teach a portion of the instructional program limited to the course in which they hold such expertise, advanced study, or licensure. Eligibility of an individual to teach such course shall be subject to prior approval by the applicant's authorizer.

g. Candidates enrolled in an instructional program shall be regularly assessed on all aspects of the proposed course of study. Assessment methods may include, but need not be limited to, testing, portfolio reviews, or demonstration of pedagogical knowledge and skills, and shall include a final assessment utilizing one or more such method to determine whether the candidate has satisfactorily demonstrated the competencies included in the instructional program. Such final assessment may be either the state teacher certification examination, the educating all students test, or an examination which measures, at a minimum, all required elements of the educating all students test, and is approved by the department. For a candidate seeking certification in students with disabilities, such candidate shall be additionally assessed with the New York state content specialty test in students with disabilities or an examination which measures, at a minimum, all required elements of the content specialty test, and is approved by the applicant's authorizer.

5. Approval of instructional program. a. Applicants may submit proposed instructional programs to their authorizers. Such proposals shall include information explaining the need for the instructional program and shall specify how the proposed instructional program will meet the requirements of this section including by providing:

(i) Proof that the applicant has a demonstrated record of success;

(ii) A list of the certificates that will be offered by the applicant's instructional program;

(iii) The required candidate qualifications;

(iv) The qualifications of instructional program instructors;

(v) The requirements for certification as a "certified intern teacher";

(vi) The competencies required for each certificate offered;

(vii) An overview of the classroom instruction to be offered as part of the instructional program including how program instructors will train candidates on how to teach students critical thinking skills; and

(viii) The assessment methods to be used including the final assessment.

b. A proposed instructional program shall be approved or denied within ninety days of submission to the applicant's authorizer. If the applicant's authorizer does not approve an instructional program within the

timeframe set forth in this paragraph, the application shall be automatically approved. The authorizer may, but is not required to, permit the applicant to amend the application during or after the review period. The authorizer shall state the general reasons for a denial of an application in writing. There shall be no review of a denial by the committee or the board of trustees except as consistent with subdivision eleven of section twenty-eight hundred fifty-two of this chapter.

c. Once the authorizer approves an applicant's instructional program, the applicant shall commence instruction of candidates in accordance with the application and the requirements of this section.

d. The requirements of an approved instructional program shall be considered equivalent to the certification requirements applicable to other public schools of the state for purposes of paragraph (a-1) of subdivision three of section twenty-eight hundred fifty-four of this chapter.

6. Teacher certifications. a. A teacher enrolled in an approved instructional program shall be granted certification in the following manner and subject to the following conditions:

(i) If a candidate teacher is making adequate progress toward meeting the requirements of an approved instructional program, the candidate shall be eligible to receive a certificate as a "certified intern teacher" so long as the candidate stays enrolled in the instructional program and the applicant has specified in its application what constitutes "adequate progress" as defined by the department for purposes of this subparagraph. A certified intern teacher's certificate shall be valid for no longer than six months from the date it is granted, provided that such certificate may be renewed if the candidate teacher is still enrolled in the instructional program. To receive such certificate, an approved applicant shall submit the names of candidate teachers who qualify to the authorizer, whereupon such candidate teachers shall be issued such certificate. The applicant shall certify as to the truthfulness of such submission and shall retain all responsibility and liability resulting from such approval; or

(ii) If a candidate teacher has met the requirements of an approved instructional program in one or more of the titles designated in subdivision four of this section shall be eligible to receive a teacher's certificate for such title or titles. To receive such certificate, the candidate teacher shall submit documentation thereof to an approved applicant, which shall approve or deny the teacher candidate for certification within sixty days of submission. Such determination will be based on:

(A) A review of submitted documentation demonstrating that the candidate teacher has completed an approved instructional program for the title or titles sought;

(B) A review of the results of a criminal history record search of the candidate teacher performed by the department at the direction of an education corporation as required under paragraph (a-2) of subdivision three of section twenty-eight hundred fifty-four of this chapter. For purposes of this section, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the division of criminal justice services and the federal bureau of investigation; and

(C) A recommendation from the approved instructional program certifying that the candidate teacher has satisfactorily demonstrated the competencies required by the instructional program. For candidate teachers seeking certification as a students with disabilities teacher or an

English for speakers of other languages teacher, such recommendation will specifically certify that the candidate teacher has satisfactorily demonstrated the competencies required by the instructional program to teach students with disabilities or students who are English language learners, respectively.

b. The approved applicant shall submit the names and supporting documentation of all candidate teachers approved to the applicant's charter authorizer, whereupon such candidate teachers will be issued such certificate. The applicant shall certify as to the validity of such approval for certification under this subdivision and shall retain all responsibility and liability resulting from such approval.

c. Notwithstanding subdivision one of this section, a teacher holding a valid teaching certificate in good standing issued by another state that substantially complies with all other requirements of this section shall be eligible to receive a teacher's certificate pursuant to this section without participation in an approved instructional program.

d. The certification created by this section shall be transferrable to another education corporation or district school even if the transferee school does not have an approved instructional program.

e. A teacher's certificate issued pursuant to this section shall expire three years from the date it is granted. In the case of a teacher who obtains an intern teacher's certificate prior to obtaining a teacher's certificate, the period of time teaching under the intern teacher's certificate prior to obtaining a full teacher's certificate shall be included for purposes of calculating the three-year period. Such certification may be renewed and remain valid provided that:

(i) The teacher is employed by a charter school issued pursuant to article fifty-six of this chapter or a district school; and

(ii) The employing education corporation submits to its authorizer, or in the case of a district school its local education agency, a recommendation for certification renewal based on its review of the teacher's performance over the course of his or her employment at the education corporation or district school.

f. An applicant shall obtain a signed affirmation from each candidate acknowledging that the candidate has been informed by the applicant and is aware that the certification the candidate will receive pursuant to this section is not transferrable to any education corporation or charter school not authorized by an authorized New York charter entity or in the case of a district school approved for transfer by its local education agency. Such executed affirmation shall be obtained upon enrollment in an approved instructional program and shall be retained by the applicant for a period of not less than ten years from the date of the latest certificate issuance.

7. Accounting. Each applicant with an approved instructional program shall reflect the budgeted costs for the instructional program separately in its annual budget, and specifically account for the costs thereof in its financial statements. Applicants shall not charge employees or others for access to their instructional programs.

8. Accountability and revocation. a. Each applicant shall be accountable for the quality of its instructional programs leading to exemption from certification. Charter entities and local education agencies reserve the right to independently assess and monitor all approved instructional programs and may revoke approval at any time. Failure to comply with any provision of this section may result in revocation of the approval.

b. Notice of intent to revoke approval shall be provided to the applicant at least thirty days prior to the effective date of the proposed revocation. Such notice shall include a statement of reasons for the proposed revocation. A school closure for academic reasons shall be deemed notice of intent to review and possibly revoke the approval of an instructional program.

c. If applicable, the applicant shall be allowed at least thirty days to correct the problems associated with the proposed revocation. Non-curable causes of revocation include, but are not limited to, fraud, creation of false business records and obstruction of investigation or monitoring by the applicant's authorizer. Prior to revocation of the approval, an applicant shall be provided an opportunity to be heard by the applicant's authorizer, consistent with the requirements of due process. There shall be no appeal of such determination to the committee or the board of trustees except in accordance with subdivision eleven of section twenty-eight hundred fifty-two of this chapter.

§ 3004-e. Record keeping requirements. 1. Records and information regarding an applicant's instructional program pursuant to section three thousand four-d of this article shall be maintained by the applicant. Upon request by the applicant's authorizer, such records and information shall be available for inspection, or for delivery of copies to the applicant's authorizer. The applicant shall also grant its authorizer access to any electronic databases where records or information are stored regardless of whether the applicant is the custodian of such information.

2. Such records shall include, but not be limited to:

a. Candidate records including, but not limited to:

(i) clock hour attendance;

(ii) clock hour instructors;

(iii) student teaching dates and classes;

(iv) student teaching clock hour accumulation;

(v) student teaching instructors;

(vi) workshop attendance records;

(vii) records reflecting the number of years of teaching experience;

(viii) college transcripts;

(ix) records reflecting whether a candidate is making adequate progress in the instructional program pursuant to section three thousand four-d of this article; and

(x) the date of completion of the instructional program and the title of certification earned;

b. Instructor qualification records including, but not limited to:

(i) college transcripts;

(ii) records reflecting the number of years of teaching experience;

(iii) teacher certification records; and

(iv) certification records; and

c. Records regarding institutions of higher education and outside vendors used as part of the instructional program pursuant to section three thousand four-d of this article including, but not limited to, contracts and financial records.

3. Each applicant shall provide teachers and former teachers with copies of any certification records pursuant to this section, and at no more than the cost set forth in the state freedom of information law.

4. An applicant shall store certification records for a minimum of ten years.

§ 3004-f. Additional provisions regarding instructional programs. 1. Limitations and conditions. Sections three thousand four-d and three

thousand four-e of this article shall not affect any certification approved by the department nor shall it waive any conditions imposed on holders of such teacher certifications. All teachers in education corporations shall continue to comply with the conditions in an education corporation's charter agreement and any conditions imposed by sections three thousand four-d and three thousand four-e of this article, including but not limited to the criminal background check requirements.

2. Teachers of record. Whether or not an education corporation operates an instructional program, when the applicant's authorizer reviews teacher certification, the authorizer will continue to use the concept of a teacher of record for a classroom of students. By whatever name, if one instructional leader of a classroom is properly certified or exempt from certification under section three thousand four-d of this article, the other teachers or adults in the classroom, however designated, are not also required to be certified or exempt from certification for the same group of students.

3. Non-material revision. The approval, revocation or voluntary cessation of an instructional program shall not be a material revision to the charter of the applicant requiring formal revision under subdivision seven of section twenty-eight hundred fifty-two of this chapter.

§ 5. Subsection (i) of section 601 of the tax law is relettered subsection (j) and a new subsection (i) is added to read as follows:

(i) To increase the number of minority teachers serving the state's significantly high-need schools, qualifying individuals shall be eligible for income tax exemption in accordance with the following:

(1) Notwithstanding the provisions of subsections (a), (b), (c) and (d) of this section and any other provision of this article, for taxable years beginning after January first, two thousand twenty-four, one hundred percent of the gross income shall be exempt from tax under this article as well as all other local taxes regardless of whether such income is subject to federal income taxation to each resident of the state who has qualifying service in the taxable year for which the exemption is claimed.

(2) For the purposes of this subsection, "qualifying service" shall mean a service provided by a person who:

(A) is certified as a teacher;

(B) is employed full time in this state in an elementary or secondary school that has been designated as a "significantly high-need school", as defined in section thirty-six hundred fourteen of the education law;

(C) complied with subdivision five of section six hundred sixty-one of the education law; and

(D) meets the ethnic definition of minority group member as defined in article fifteen-A of the executive law.

§ 6. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 7. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.