

# STATE OF NEW YORK

10040--A

## IN ASSEMBLY

January 30, 2026

Introduced by M. of A. TAPIA, OTIS -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to access to statewide teacher support and retention programs

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 4411  
2 to read as follows:

3 § 4411. Access to statewide teacher support and retention programs. 1.  
4 For the purposes of this section, the following terms shall have the  
5 following meanings:

6 (a) "Covered school" means a school or preschool receiving funding  
7 under this article for the provision of special education.

8 (b) "Teacher support and retention program" means any statewide initi-  
9 ative, policy, funding stream, or award program administered, author-  
10 ized, or overseen by the department, the regents, the university of the  
11 state of New York, or any other state-affiliated educational entity:

12 (i) that is designed to:

13 (1) recruit individuals into the teaching profession;

14 (2) support teacher preparation, certification, or licensure;

15 (3) provide professional development, mentorship, or continuing educa-  
16 tion;

17 (4) recognize teaching excellence or support teacher leadership;

18 (5) retain teachers in high-need, underserved, or hard-to-staff  
19 schools or subject areas;

20 (6) promote teacher diversity, equity, inclusion, and cultural respon-  
21 siveness; or

22 (7) offer financial or career-based incentives to enhance recruitment  
23 and retention, including but not limited to scholarships, stipends,  
24 housing assistance, loan forgiveness, tuition reimbursement, or wage  
25 supplements; and

26 (ii) including, but not limited to:

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

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1 (1) the teacher opportunity corps (TOC) under section 55.2 of title  
2 eight of the New York codes, rules and regulations;

3 (2) the empire state excellence in teaching awards funded annually  
4 under New York state's aid to localities budget;

5 (3) the New York state master teacher program;

6 (4) the teachers of tomorrow teacher recruitment and retention program  
7 under section thirty-six hundred twelve of this chapter;

8 (5) the Albert Shanker national board for professional teaching stand-  
9 ards certification grant program under section three thousand four-a of  
10 this chapter;

11 (6) the New York state mentor teacher-internship program under section  
12 three thousand thirty-three of this chapter;

13 (7) the New York state masters-in-education teacher incentive scholar-  
14 ship program under section six hundred sixty-nine-f of this chapter; and

15 (8) any successor or future initiative designed to support or retain  
16 qualified teachers within the state of New York.

17 2. All teachers employed by a covered school shall be deemed to be  
18 eligible participants in all teacher support and retention programs.  
19 Such eligibility shall not be denied, limited, or conditioned solely on  
20 the basis that such teacher is employed by a non-district school, a  
21 non-public school, or a program that contracts with a public agency  
22 pursuant to this article.

23 3. The commissioner shall, no later than one hundred twenty days after  
24 the effective date of this section:

25 (a) update all relevant rules, regulations, administrative procedures,  
26 and program eligibility requirements for teacher support and retention  
27 programs to reflect inclusion of teachers employed by covered schools;

28 (b) ensure application materials, outreach efforts, and guidance docu-  
29 ments for teacher support and retention programs explicitly include such  
30 teachers employed by covered schools;

31 (c) provide technical assistance and outreach to approved covered  
32 schools to promote awareness and access to teacher support and retention  
33 programs; and

34 (d) include representatives of covered schools in teacher support and  
35 retention program advisory, design, or evaluation activities, where such  
36 covered school input is solicited.

37 4. (a) Notwithstanding subdivision two of this section, a teacher  
38 support or retention program may limit eligibility to teachers employed  
39 by public school districts only if:

40 (i) the department or the administering agency has conducted and docu-  
41 mented a good faith due diligence review to assess whether such  
42 program's legal authority, funding source, or operational design permits  
43 inclusion of educators employed by covered schools; and

44 (ii) the department determines, in writing, that such inclusion under  
45 subparagraph (i) of this paragraph is not legally or operationally  
46 feasible due to one or more of the following:

47 (1) state or federal statutory restrictions;

48 (2) contractual obligations limiting participation to district employ-  
49 ees; or

50 (3) programmatic design features that are inherently exclusive to  
51 public district-based employment.

52 (b) A summary of any determination made under subparagraph (ii) of  
53 paragraph (a) of this subdivision, including a statement of reasons,  
54 shall be:

55 (i) made publicly available on the department's website; and

1 (ii) submitted in writing to the chairs of the senate and assembly  
2 education committees within thirty days of such determination.

3 § 2. Section 3612 of the education law is amended by adding a new  
4 subdivision 11 to read as follows:

5 11. Statewide teacher support and retention program status. Any teach-  
6 er receiving funds under this section shall be deemed to be a part of a  
7 teacher support and retention program for the purposes of section  
8 forty-four hundred eleven of this chapter.

9 § 3. Section 3004-a of the education law is amended by adding a new  
10 subdivision 7 to read as follows:

11 7. Any eligible teacher receiving a grant under this section shall be  
12 deemed to be a part of a teacher support and retention program for the  
13 purposes of section forty-four hundred eleven of this chapter.

14 § 4. Section 3033 of the education law is amended by adding a new  
15 subdivision 7 to read as follows:

16 7. Any teacher intern participating in the program under this section  
17 shall be deemed to be a part of a teacher support and retention program  
18 for the purposes of section forty-four hundred eleven of this chapter.

19 § 5. Section 669-f of the education law is amended by adding a new  
20 subdivision 7 to read as follows:

21 7. Any eligible student who receives an award under this section shall  
22 be deemed to be a part of a teacher support and retention program for  
23 the purposes of section forty-four hundred eleven of this chapter.

24 § 6. This act shall take effect immediately.