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:

Section 1. The education law is amended by adding a new section 4411 to read as follows:

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

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

(b) "Teacher support and retention program" means any statewide initiative, policy, funding stream, or award program administered, authorized, or overseen by the department, the regents, the university of the state of New York, or any other state-affiliated educational entity:

(i) that is designed to:

(1) recruit individuals into the teaching profession;

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

(3) provide professional development, mentorship, or continuing education;

(4) recognize teaching excellence or support teacher leadership;

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

(6) promote teacher diversity, equity, inclusion, and cultural responsiveness; or

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

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

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

(3) the New York state master teacher program;

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

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

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

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

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

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

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

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

(b) ensure application materials, outreach efforts, and guidance documents for teacher support and retention programs explicitly include such teachers employed by covered schools;

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

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

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

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

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

(1) state or federal statutory restrictions;

(2) contractual obligations limiting participation to district employees; or

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

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

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect immediately.