S T A T E O F N E W Y O R K

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I N A S S E M B L Y

June 9, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Arroyo, Jaffee, D. Weprin, Titus, Castro, Ortiz, Reilly, Gibson, N. Rivera, Espaillat, Crespo, Heastie, Koon, Ramos, Titone) -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing fair, equitable and appropriate English language testing requirements for certain students

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE COMMISSIONER, IN CONSULTATION WITH THE BOARD OF REGENTS, SHALL DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES WHICH WILL PERMIT PUPILS OF LIMITED ENGLISH PROFICIENCY WHO FIRST ENROLL IN A NEW YORK STATE SCHOOL AFTER GRADE EIGHT, AND WHO MEET ALL OTHER REQUIREMENTS FOR GRADUATION, TO BE ALLOWED TO MEET THE ENGLISH REGENTS EXAMINATION REQUIREMENT BY:

(A) PASSING A NATIVE LANGUAGE ARTS TEST; AND

(B) DEMONSTRATING ENGLISH LANGUAGE ACQUISITION AT A LEVEL COMMENSURATE WITH THE NUMBER OF YEARS OF ENGLISH LANGUAGE INSTRUCTION AS MEASURED BY AN ENGLISH LANGUAGE PROFICIENCY ASSESSMENT INSTRUMENT APPROVED BY THE COMMISSIONER.

S 2. This act shall take effect immediately and shall apply beginning in the 2010-2011 school year.

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