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

January 12, 2009

Introduced by M. of A. NOLAN, BRADLEY, CAHILL, COLTON, GOTTFRIED, JAFFEE, MILLMAN, PERALTA, O'DONNELL -- Multi-Sponsored by -- M. of A. COOK, DelMONTE, DESTITO, GLICK, GREENE, McENENY, PEOPLES, PHEFFER, SWEENEY, WEISENBERG, WRIGHT -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring review of foreign language learning standards; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Section 211 of the education law, as added by section 1 of part A of chapter 57 of the laws of 2007, is amended to read as follows:

S 211. Review of regents learning standards. 1. The regents shall periodically review and evaluate the existing regents learning standards to determine if they should be strengthened, modified or combined so as to provide adequate opportunity for students to acquire the skills and knowledge they need to succeed in employment or postsecondary education and to function productively as civic participants upon graduation from high school. Such review and evaluation shall be conducted upon a schedule adopted by the regents, provided that a review and evaluation of the English language arts standards shall be completed as soon as possible, but no later than the end of the two thousand seven--two thousand eight school year AND FURTHER THAT A REVIEW AND EVALUATION OF STANDARDS FOR LANGUAGES OTHER THAN ENGLISH SHALL BE COMPLETED AS SOON AS POSSIBLE BUT NO LATER THAN THE END OF THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR.

2. In conducting such reviews, the regents shall seek the recommendations of teachers, school administrators, teacher educators and others with educational expertise on improvements to the standards so that they ensure that students are prepared, in appropriate progression, for postsecondary education or employment. THE REGENTS REVIEW AND EVALUATION OF

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

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LEARNING STANDARDS FOR LANGUAGES OTHER THAN ENGLISH SHALL INCLUDE DEFINING AN APPROACH TO THE STUDY OF LANGUAGES OTHER THAN ENGLISH WHICH INCLUDES LANGUAGE PROFICIENCY AS A BASIS FOR PLACEMENT, ASSESSMENT, ACADEMIC CREDIT AND INSTRUCTION IN PRE-KINDERGARTEN, KINDERGARTEN AND GRADES ONE THROUGH TWELVE.

3. A. THE COMMISSIONER SHALL ESTABLISH A PILOT PROGRAM TO BE ADMINISTERED BY THE OFFICE OF BILINGUAL EDUCATION AND FOREIGN LANGUAGE STUDIES OF THE DEPARTMENT AT PUBLIC ELEMENTARY AND SECONDARY SCHOOLS TO SUPPORT THE REGENTS REVIEW AND EVALUATION OF LEARNING STANDARDS FOR LANGUAGES OTHER THAN ENGLISH. THE OFFICE OF BILINGUAL EDUCATION AND FOREIGN LANGUAGE STUDIES SHALL IMPLEMENT SUCH PROGRAM WITHIN THE AMOUNT OF ANY MONEYS MADE AVAILABLE THEREFOR BY APPROPRIATION. SUCH PROGRAM SHALL REVIEW AND EVALUATE THE DEVELOPMENT OF A CURRICULUM WHICH GIVES ALL STUDENTS THE OPPORTUNITY TO LEARN A LANGUAGE OTHER THAN ENGLISH THROUGH PROGRAMS WITH APPROPRIATE TIME ALLOCATIONS, PROFICIENCY-BASED INSTRUCTION AND ASSESSMENTS AND QUALITY INSTRUCTION IN PRE-KINDERGARTEN, KINDERGARTEN AND GRADES ONE THROUGH TWELVE. THE PROGRAM EVALUATION SHALL INCLUDE:

(I) THE COLLECTION OF DATA ABOUT SCHOOL DISTRICT INSTRUCTION IN LANGUAGES OTHER THAN ENGLISH IN PRE-KINDERGARTEN, KINDERGARTEN AND GRADES ONE THROUGH TWELVE;

(II) THE IDENTIFICATION OF THE BEST PRACTICES AND MODELS OF INSTRUCTION FOR THE STUDY OF LANGUAGES OTHER THAN ENGLISH IN ELEMENTARY AND SECONDARY SCHOOLS;

(III) RECOMMENDATIONS ABOUT PROFICIENCY-BASED INSTRUCTIONAL METHODOLOGIES AND ASSESSMENT TOOLS FOR THE STUDY OF LANGUAGES OTHER THAN ENGLISH;

(IV) A PROFICIENCY-BASED APPROACH TO PLACEMENT, ASSESSMENT AND PROVIDING CREDIT TO NON-NATIVE ENGLISH SPEAKERS IN THEIR NATIVE LANGUAGES;

(V) REVIEW OF AND RECOMMENDATIONS ABOUT MULTIPLE COURSE DELIVERY MODELS SUCH AS DISTANCE LEARNING, ON-LINE LEARNING AND WEB-BASED PROGRAMS; AND

(VI) OTHER FIELD RESEARCH WHICH SUPPORTS HIGH QUALITY, ONGOING, SYSTEMATIC INSTRUCTION IN LANGUAGES OTHER THAN ENGLISH IN ELEMENTARY AND SECONDARY SCHOOLS.

B. SCHOOLS PARTICIPATING IN THE PILOT PROGRAM SHALL REPRESENT THE GEOGRAPHICAL DIVERSITY OF THE STATE INCLUDING, BUT NOT LIMITED TO, THE VARIOUS GEOGRAPHIC AREAS, POPULATION DENSITIES AND COMMUNITY DIVERSITY THROUGHOUT THE STATE. PARTICIPATION IN THE PILOT PROGRAM ESTABLISHED UNDER PARAGRAPH A OF THIS SUBDIVISION SHALL BE VOLUNTARY.

C. THE OFFICE OF BILINGUAL EDUCATION AND FOREIGN LANGUAGE STUDIES IN THE DEPARTMENT SHALL SUBMIT A WRITTEN REPORT STATING THE FINDINGS OF THE PILOT PROGRAM TO THE REGENTS, THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS OF THE ASSEMBLY AND SENATE COMMITTEES ON EDUCATION PRIOR TO EITHER THE REGENTS REVIEW OF LEARNING STANDARDS FOR LANGUAGES OTHER THAN ENGLISH, AS REQUIRED BY SUBDIVISION ONE OF THIS SECTION, OR PRIOR TO THE END OF THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, WHICHEVER OCCURS FIRST.

S 2. This act shall take effect July 1, 2009. Provided, however, that the pilot program established under subdivision 3 of section 211 of the education law added by section one of this act shall expire December 31, 2014 when upon such date the provisions of such subdivision shall be deemed repealed.