

474

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the education law, in relation to requiring public
school districts to provide language assistance to limited English
proficient parents of students

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

1 Section 1. Section 305 of the education law is amended by adding a new
2 subdivision 42 to read as follows:
3 42. A. ALL SCHOOL DISTRICTS SHALL ESTABLISH A LANGUAGE ASSISTANCE
4 PROGRAM WHERE LIMITED ENGLISH PROFICIENT PARENTS WOULD HAVE EFFECTIVE
5 ACCESS TO COMMUNICATE WITH TEACHERS AND SCHOOL PERSONNEL. THIS COMPRE-
6 HENSIVE PROGRAM SHALL INCLUDE, BUT IS NOT LIMITED TO:
7 (1) PROVIDING THAT ALL FREQUENTLY USED FORMS AND OTHER WRITTEN MATERI-
8 ALS THAT ARE SENT HOME TO LIMITED ENGLISH PROFICIENT PARENTS IN THEIR
9 PRIMARY LANGUAGE;
10 (2) PROVIDING LANGUAGE ASSISTANCE TO LIMITED ENGLISH PROFICIENT
11 PARENTS IN THEIR PRIMARY LANGUAGE WHO CALL OR COME INTO SCHOOL WITH
12 CONCERNS RELATED TO THEIR CHILD'S SCHOOLING;
13 (3) PROVIDING LANGUAGE ASSISTANCE SERVICES TO LIMITED ENGLISH PROFI-
14 CIENT PARENTS IN THEIR PRIMARY LANGUAGE TO FACILITATE PARENT ATTENDANCE
15 AT SCHOOL-SPONSORED PROGRAMS DESIGNED FOR COMMUNICATION WITH PARENTS
16 INCLUDING, BUT NOT LIMITED TO, PARENT-TEACHER CONFERENCES, WORKSHOPS AND
17 SCHOOL FAIRS.
18 B. A NOTICE OF THE AVAILABILITY OF THE LANGUAGE ASSISTANCE PROGRAMS
19 FOR LIMITED ENGLISH PROFICIENT PARENTS ESTABLISHED PURSUANT TO PARAGRAPH
20 A OF THIS SUBDIVISION SHALL BE MAILED TO THE HOMES OF SUCH LIMITED
21 ENGLISH PROFICIENT PARENTS IN A NOTICE WRITTEN IN THEIR PRIMARY
22 LANGUAGE.

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

LBD01206-01-9

1 C. EACH SCHOOL DISTRICT SHALL KEEP A RECORD DOCUMENTING ITS LANGUAGE
2 ASSISTANCE PROGRAM AND SHALL SUBMIT A SUMMARY REPORT ANNUALLY TO THE
3 COMMISSIONER. SUCH RECORD AND REPORT SHALL INCLUDE, BUT NOT BE LIMITED
4 TO:

5 (1) THE NUMBER OF LIMITED ENGLISH PROFICIENT PARENTS WHO RECEIVE SUCH
6 ASSISTANCE;

7 (2) THE NUMBER OF LIMITED ENGLISH PROFICIENT HOUSEHOLDS WHERE ONE
8 PARENT IS ENGLISH LANGUAGE PROFICIENT; AND

9 (3) THE NUMBER OF COMPLAINTS FILED BY LIMITED ENGLISH PROFICIENT
10 PARENTS; AND

11 (4) THE NUMBER OF BILINGUAL PERSONNEL USED TO ASSIST IN THE LANGUAGE
12 ASSISTANCE AND TRANSLATION SERVICES.

13 D. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY
14 BE NECESSARY AND PROPER TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION,
15 INCLUDING BUT NOT LIMITED TO, THE METHODOLOGY TO BE USED BY EACH SCHOOL
16 DISTRICT TO DETERMINE OR ASSESS THE PRIMARY LANGUAGES, THE NUMBER OF
17 LIMITED ENGLISH PROFICIENT PARENTS, THE PERCENTAGE OF LIMITED ENGLISH
18 PROFICIENT PARENTS TO STUDENTS AND THE NATIVE LANGUAGE OF SUCH LIMITED
19 ENGLISH PROFICIENT PARENTS, AND A COMPLAINT PROCEDURE FOR ANY PARENT WHO
20 ALLEGES A SCHOOL'S NON-COMPLIANCE WITH THE PROVISIONS OF THIS SUBDIVI-
21 SION.

22 E. FOR PURPOSES OF THIS SUBDIVISION:

23 (1) "PRIMARY LANGUAGE" MEANS ONE OF THE FIVE MOST COMMON LANGUAGES IN
24 A SCHOOL DISTRICT, OTHER THAN ENGLISH, (I) SPOKEN AND USED TO COMMUNI-
25 CATE, BY LIMITED ENGLISH PROFICIENT PARENTS AND (II) NON-ENGLISH SPEAK-
26 ING RESIDENTS OR LIMITED ENGLISH PROFICIENT PARENTS CONSTITUTES MORE
27 THAN FIVE PERCENT OF THE RESIDENTS OF A SCHOOL DISTRICT, AS DETERMINED
28 BY DATA FROM THE TWO MOST RECENT FEDERAL DECENNIAL CENSUS.

29 (2) "LIMITED ENGLISH PROFICIENT PARENTS" MEANS PARENTS OR PARENT OF A
30 MINOR CHILD WHO ATTENDS PUBLIC SCHOOL AND SUCH PARENTS OR PARENT IS
31 UNABLE TO COMMUNICATE EFFECTIVELY IN ENGLISH WITH TEACHERS AND SCHOOL
32 PERSONNEL AT THE SCHOOL ATTENDED BY HIS OR HER CHILD.

33 F. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT A SCHOOL DISTRICT FROM
34 ENTERING INTO A COOPERATIVE AGREEMENT WITH OTHER SCHOOL DISTRICTS TO
35 JOINTLY ESTABLISH SUCH A LANGUAGE ASSISTANCE PROGRAM.

36 S 2. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law. Effective immediately, the addition, amend-
38 ment and/or repeal of any rule or regulation necessary for the implemen-
39 tation of this act on its effective date are authorized to be made and
40 completed on or before such effective date.