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

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 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. A. ALL SCHOOL DISTRICTS SHALL ESTABLISH A LANGUAGE ASSISTANCE PROGRAM WHERE LIMITED ENGLISH PROFICIENT PARENTS WOULD HAVE EFFECTIVE ACCESS TO COMMUNICATE WITH TEACHERS AND SCHOOL PERSONNEL. THIS COMPREHENSIVE PROGRAM SHALL INCLUDE, BUT IS NOT LIMITED TO:

(1) PROVIDING THAT ALL FREQUENTLY USED FORMS AND OTHER WRITTEN MATERIALS THAT ARE SENT HOME TO LIMITED ENGLISH PROFICIENT PARENTS IN THEIR PRIMARY LANGUAGE;

(2) PROVIDING LANGUAGE ASSISTANCE TO LIMITED ENGLISH PROFICIENT PARENTS IN THEIR PRIMARY LANGUAGE WHO CALL OR COME INTO SCHOOL WITH CONCERNS RELATED TO THEIR CHILD'S SCHOOLING;

(3) PROVIDING LANGUAGE ASSISTANCE SERVICES TO LIMITED ENGLISH PROFICIENT PARENTS IN THEIR PRIMARY LANGUAGE TO FACILITATE PARENT ATTENDANCE AT SCHOOL-SPONSORED PROGRAMS DESIGNED FOR COMMUNICATION WITH PARENTS INCLUDING, BUT NOT LIMITED TO, PARENT-TEACHER CONFERENCES, WORKSHOPS AND SCHOOL FAIRS.

B. A NOTICE OF THE AVAILABILITY OF THE LANGUAGE ASSISTANCE PROGRAMS FOR LIMITED ENGLISH PROFICIENT PARENTS ESTABLISHED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION SHALL BE MAILED TO THE HOMES OF SUCH LIMITED ENGLISH PROFICIENT PARENTS IN A NOTICE WRITTEN IN THEIR PRIMARY LANGUAGE.

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

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

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

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

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

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

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

E. FOR PURPOSES OF THIS SUBDIVISION:

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

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

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

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.