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

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2011-2012 Regular Sessions

I N A S S E M B L Y

March 10, 2011

Introduced by M. of A. KAVANAGH, PHEFFER -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, BRENNAN, CLARK, COLTON, COOK, ENGLEBRIGHT, GOTTFRIED, MAGNARELLI, McDONOUGH, PERRY, P. RIVERA, SCHROEDER, SWEENEY, TITUS -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to directing the commissioner of education to establish an incentive program for school districts wishing to implement programs of foreign language in the elementary schools and directing the commissioner of education to establish an incentive program for college students wishing to become foreign language teachers; and making an appropriation therefor

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 815 to read as follows:

S 815. FOREIGN LANGUAGE IN THE ELEMENTARY SCHOOL PROGRAM. 1. LEGISLATIVE INTENT. THE STUDENTS OF NEW YORK STATE NEED TO HAVE SKILLS IN AT LEAST ONE LANGUAGE OTHER THAN ENGLISH (LOTE) AND UNDERSTANDING OF ANOTHER CULTURE IN ORDER TO SUCCESSFULLY CONFRONT THE CHALLENGES OF THE WORLD OF TODAY AND TOMORROW. THEY WILL HAVE TO COMPETE IN THE GLOBAL ECONOMY; WORK WITH PEOPLE OF DIVERSE CULTURES ABROAD AND AT HOME, AND ENSURE OUR NATIONAL SECURITY.

ONE GOAL OF THIS SECTION IS TO PROVIDE FUNDING TO START FOREIGN LANGUAGE IN THE ELEMENTARY SCHOOL (FLES) PROGRAMS FOR A LIMITED NUMBER OF SCHOOLS IN HIGH-NEED DISTRICTS. PARTICIPATION IN THIS PROGRAM IS VOLUNTARY. RELATIVELY FEW SCHOOL DISTRICTS OFFER FLES NATION-WIDE, ONLY SIX PERCENT OF STUDENTS STUDY FOREIGN LANGUAGE IN ELEMENTARY SCHOOL. THESE DISTRICTS TEND TO BE AMONG THE MORE AFFLUENT. BY CHOOSING FIVE SCHOOLS IN HIGH-NEED DISTRICTS, WE HOPE TO DEMONSTRATE THAT THOSE SCHOOLS WHO CANNOT OTHERWISE AFFORD TO HAVE FLES PROGRAMS CAN SUCCEED. CHILDREN OF LOW-INCOME DISTRICTS DESERVE TO HAVE THE SKILLS TO SUCCEED IN THE GLOBAL WORLD AS WELL AS THOSE OF MORE AFFLUENT AREAS.

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

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ACCORDING TO RESEARCH AND THE GUIDELINES OF THE AMERICAN COUNCIL ON THE TEACHING OF FOREIGN LANGUAGES (ACTFL), STUDENTS WHO BEGIN STUDY OF LOTE AT AN EARLY AGE AND WHO CONTINUE THAT STUDY FOR A LONG SEQUENCE OF YEARS HAVE THE BEST CHANCES OF ATTAINING INTERMEDIATE PROFICIENCY IN THAT LANGUAGE.

IT IS HOPED THAT THE SUCCESS OF THESE PROGRAMS, WHICH WILL BE CAREFULLY MONITORED BY THE NEW YORK STATE ASSOCIATION OF FOREIGN LANGUAGE TEACHERS (NYSAFLT), WILL NOT ONLY ENCOURAGE THE DISTRICTS TO FIND THE FUNDS TO CONTINUE OFFERING THE FLES PROGRAMS ONCE FUNDING FROM THE BILL HAS ENDED, BUT ALSO WILL GENERATE INTEREST IN THE NEIGHBORING DISTRICTS WHICH WILL INSPIRE THEM TO IMPLEMENT FLES PROGRAMS, THUS CREATING A GRASSROOTS MOVEMENT IN FAVOR OF FLES.

THE SECOND GOAL OF THIS SECTION IS TO PROVIDE FUNDING TO ENCOURAGE COLLEGE STUDENTS WISHING TO BECOME LOTE TEACHERS. THERE IS A CURRENT SEVERE SHORTAGE OF LOTE TEACHERS IN NEW YORK STATE. THIS SHORTAGE CAN PREVENT SCHOOL DISTRICTS FROM OFFERING A VARIETY OF LANGUAGES AS WELL AS FROM ADDING CLASSES WITH THE PURPOSE OF INCREASING LOTE STUDY. THE FUNDING PROVIDED WOULD COVER THE COST OF TUITION FOR EDUCATION COURSES LEADING TO CERTIFICATION FOR TEACHING LOTE IN NEW YORK STATE.

2. FOREIGN LANGUAGE ELEMENTARY SCHOOL (FLES) PILOT PROGRAM. PARTICIPATION IN THIS PROGRAM IS VOLUNTARY. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER, THE COMMISSIONER SHALL ESTABLISH A TWO YEAR FOREIGN LANGUAGE ELEMENTARY SCHOOL (FLES) PILOT PROGRAM IN FIVE ELEMENTARY SCHOOLS LOCATED IN HIGH-NEED DISTRICTS THAT ARE CONSISTENT WITH MODELS PROVIDED BY THE ELEMENTARY FOREIGN LANGUAGE EDUCATION COMMITTEE OF THE NEW YORK STATE ASSOCIATION OF FOREIGN LANGUAGE TEACHERS.

(A) THE LANGUAGE ELEMENTARY SCHOOL PROGRAM SHALL:

(1) CONSIST OF AT LEAST THREE TO FIVE SESSIONS PER WEEK;

(2) BE IN DURATION OF AT LEAST TWENTY MINUTES PER SESSION FOR GRADES KINDERGARTEN THROUGH SECOND AND THIRTY MINUTES IN DURATION FOR GRADES THREE THROUGH SIX; AND

(3) ATTEMPT TO UTILIZE FOREIGN LANGUAGE ELEMENTARY SCHOOL CERTIFIED TEACHERS AND TO REQUIRE ONGOING AND AGE-APPROPRIATE ASSESSMENTS.

(B) THE CURRICULUM SHOULD BE CONTENT COORDINATED WITH OVERALL COORDINATION WITH THE SCHOOL DISTRICT'S FOREIGN LANGUAGE PROGRAM.

(C) FUNDING FOR THIS PROGRAM SHALL BE PROVIDED TO:

(1) HIRE FOREIGN LANGUAGE ELEMENTARY CERTIFIED TEACHERS;

(2) PURCHASE INSTRUCTIONAL MATERIALS; AND

(3) INCORPORATE OTHER FORMS OF SUPPORT TO ENSURE THAT THE PROGRAM IS SUSTAINABLE AND SUCCESSFUL.

3. STUDENT INCENTIVE AWARD FOR CERTIFICATION IN LANGUAGES OTHER THAN ENGLISH (LOTE) TEACHING. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, THE COMMISSIONER SHALL ESTABLISH A STUDENT INCENTIVE AWARD FOR ATTRACTING AND RETAINING COLLEGE STUDENTS WISHING TO BECOME TEACHERS OF LANGUAGES OTHER THAN ENGLISH.

(A) THESE INCENTIVES SHOULD BE USED TO PAY FOR TUITION IN EDUCATION COURSES, UNDERGRADUATE OR GRADUATE, LEADING TO CERTIFICATION IN NEW YORK STATE.

(B) A PROVISION OF SUCH TUITION SCHOLARSHIPS WOULD BE A COMMITMENT ON THE PART OF THE PROSPECTIVE TEACHER TO TEACH FOREIGN LANGUAGES IN NEW YORK STATE FOR A MINIMUM OF THREE YEARS AFTER GRADUATION. SUCH PROGRAM SHALL INCLUDE AN INCENTIVE AWARD OF TEN THOUSAND DOLLARS PER STUDENT UPON THE COMPLETION OF COURSES FULFILLING THE REQUIREMENT FOR CERTIF-

ICATION IN LANGUAGES OTHER THAN ENGLISH (LOTE) TEACHING IN NEW YORK STATE.

S 2. The sum of two million dollars ($2,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law. Such sum shall be distributed as follows:

1. One million dollars ($1,000,000) for the foreign language elementary school (FLES) pilot program, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act.

Five elementary schools will receive one hundred thousand dollars ($100,000) per year, for each year of the two year program.

2. One million dollars ($1,000,000) for student incentives, or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for services and expenses of the department of education for the purposes of carrying out the provisions of this act.

One hundred individual student incentive awards will be issued at ten thousand dollars ($10,000) each. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education, or his or her duly designated representative in the manner provided by law.

3. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chair of the senate finance committee and the chair of the assembly ways and means committee.

4. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.