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

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S. 6381   A. 9181

S E N A T E - A S S E M B L Y

February 2, 2012
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IN SENATE -- Introduced by Sen. DILAN -- read twice and ordered printed,
  and when printed to be committed to the Committee on Education

IN ASSEMBLY -- Introduced by M. of A. ESPINAL -- read once and referred
  to the Committee on Education

AN ACT to amend the education law, in relation to administration of
  language assessment instruments to students receiving a program of
  bilingual education or English as a second language

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

 1   Section 1. Paragraph 3 of subdivision 2-a of section 3204 of the
 2 education law, as added by chapter 827 of the laws of 1982, is amended
 3 to read as follows:
 4   3. Eligibility for such programs shall be based on the following
 5 criteria. A pupil who by reason of foreign birth or ancestry speaks a
 6 language other than English, and either understands and speaks little or
 7 no English, or who has been identified by any English language assess-
 8 ment instrument approved by the commissioner as a pupil of limited
 9 English proficiency, shall receive a program of bilingual education or
10 English as a second language in accordance with standards established by
11 the commissioner. [A] SUCH pupil's proficiency in the English language
12 shall be measured [annually] by [such] A language assessment instrument
13 AFTER THE PUPIL HAS BEEN ENROLLED IN A PROGRAM OF BILINGUAL EDUCATION OR
14 ENGLISH AS A SECOND LANGUAGE FOR A PERIOD OF THREE CONSECUTIVE SCHOOL
15 YEARS AND ANNUALLY THEREAFTER in order to determine further partic-
16 ipation in bilingual education or English as a second language program
17 in accordance with standards established by the commissioner, subject to
18 the provisions of subdivision two of this section. The parent or guardi-
19 an of a pupil designated as limited English proficient shall be informed
20 by the local school authorities of the pupil's placement in an instruc-
21 tional program.
22   S 2. This act shall take effect immediately.