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

S. 6381 A. 9181

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

February 2, 2012

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 3 of subdivision 2-a of section 3204 of the education law, as added by chapter 827 of the laws of 1982, is amended to read as follows:

3. Eligibility for such programs shall be based on the following criteria. A pupil who by reason of foreign birth or ancestry speaks a language other than English, and either understands and speaks little or no English, or who has been identified by any English language assessment instrument approved by the commissioner as a pupil of limited English proficiency, shall receive a program of bilingual education or English as a second language in accordance with standards established by the commissioner. [A] SUCH pupil's proficiency in the English language shall be measured [annually] by [such] A language assessment instrument AFTER THE PUPIL HAS BEEN ENROLLED IN A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE FOR A PERIOD OF THREE CONSECUTIVE SCHOOL YEARS AND ANNUALLY THEREAFTER in order to determine further participation in bilingual education or English as a second language program in accordance with standards established by the commissioner, subject to the provisions of subdivision two of this section. The parent or guardian of a pupil designated as limited English proficient shall be informed by the local school authorities of the pupil's placement in an instructional program.

S 2. This act shall take effect immediately.

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

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