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

9568

I N A S S E M B L Y

May 7, 2014

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

AN ACT to amend the education law, in relation to bilingual education or English as a second language for certain students

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) 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 pupil's proficiency in the English language shall be measured annually by such language assessment instrument 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.

(B) A PUPIL WHO IS IDENTIFIED AS PROFICIENT IN THE ENGLISH LANGUAGE, AS MEASURED BY THE ANNUAL ENGLISH LANGUAGE ASSESSMENT INSTRUMENT, SHALL CONTINUE TO RECEIVE A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE FOR ONE ADDITIONAL YEAR DURING THE FOLLOWING SCHOOL YEAR IF SPECIFICALLY REQUESTED IN WRITING BY THE PARENT OR GUARDIAN OF SUCH PUPIL TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES NO LATER THAN AUGUST FIRST OF THE SCHOOL YEAR. THE PARENT OR GUARDIAN OF THE PUPIL SHALL RECEIVE NOTIFICATION FROM THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF THE RIGHT TO REQUEST THAT SUCH PUPIL CONTINUE TO RECEIVE A PROGRAM OR

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

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BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE AND SUCH NOTIFICATION SHALL BE PREPARED BY THE DEPARTMENT. SUCH REQUEST MAY ONLY BE MADE ONCE. NOTHING IN THIS PARAGRAPH SHALL AFFECT THE RIGHT OF A FORMER LIMITED ENGLISH PROFICIENT PUPIL TO RECEIVE TRANSITIONAL SERVICES IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS ONCE THE PUPIL NO LONGER RECEIVES A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE.

(C) A PUPIL WHO IS IDENTIFIED AS PROFICIENT IN THE ENGLISH LANGUAGE, AS MEASURED BY THE ANNUAL ENGLISH LANGUAGE ASSESSMENT INSTRUMENT, SHALL CONTINUE TO RECEIVE A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE FOR ONE ADDITIONAL YEAR DURING THE FOLLOWING SCHOOL YEAR IF SPECIFICALLY REQUESTED IN WRITING BY THE ENGLISH AS A SECOND LANGUAGE OR BILINGUAL EDUCATION TEACHER OF SUCH PUPIL, AND WITH CONSENT OF THE PARENT OR GUARDIAN, TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES NO LATER THAN AUGUST FIRST OF THE SCHOOL YEAR. SUCH TEACHER MAY ONLY REQUEST A CONTINUATION OF SUCH EDUCATION IF THE TEACHER DETERMINES THAT THE PUPIL IS NOT SUFFICIENTLY PREPARED FOR A GENERAL EDUCATION PROGRAM AND MAINTAINING SUCH PUPIL WITHIN A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE WILL SUBSTANTIALLY INCREASE THE EDUCATIONAL PROSPECTS OF SUCH PUPIL. SUCH REQUEST MAY ONLY BE MADE ONCE. NOTHING IN THIS PARAGRAPH SHALL AFFECT THE RIGHT OF A FORMER LIMITED ENGLISH PROFICIENT PUPIL TO RECEIVE TRANSITIONAL SERVICES IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS ONCE THE PUPIL NO LONGER RECEIVES A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE.

S 2. Paragraph 7 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:

7. After a pupil is enrolled in a regular instructional program, [he] SUCH PUPIL may receive additional instruction in [his] SUCH PUPIL'S native language. (A) EACH SCHOOL DISTRICT SHALL PROVIDE TRANSITIONAL SERVICES FOR ONE ADDITIONAL YEAR IN THE SCHOOL YEAR AFTER TRANSITIONAL SERVICES WOULD END, IN ACCORDANCE WITH FEDERAL LAW AND COMMISSIONER REGULATIONS, IF THE PARENT OR GUARDIAN OF SUCH PUPIL SPECIFICALLY REQUESTS IN WRITING TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES NO LATER THAN AUGUST FIRST OF THE SCHOOL YEAR. THE PARENT OR GUARDIAN OF SUCH PUPIL SHALL RECEIVE NOTIFICATION FROM THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF THE RIGHT TO REQUEST THAT SUCH PUPIL CONTINUE TO RECEIVE TRANSITIONAL SERVICES IN A REGULAR INSTRUCTIONAL PROGRAM AND SUCH NOTIFICATION SHALL BE IN A MANNER AND FORM AS PREPARED BY THE DEPARTMENT. TRANSITIONAL SERVICES SHALL INCLUDE BUT NOT BE LIMITED TO ACADEMIC INTERVENTION SERVICES, CONTENT AREA SUPPORT, ENGLISH AS A SECOND LANGUAGE INSTRUCTION, OR REGULAR CONSULTATION BETWEEN THE ENGLISH AS A SECOND LANGUAGE TEACHER OR BILINGUAL EDUCATIONAL TEACHER AND REGULAR INSTRUCTION TEACHER FOR SUCH PUPIL.

(B) EACH SCHOOL DISTRICT SHALL PROVIDE TRANSITIONAL SERVICES FOR ONE ADDITIONAL YEAR IN THE SCHOOL YEAR AFTER TRANSITIONAL SERVICES WOULD END, IN ACCORDANCE WITH FEDERAL LAW AND COMMISSIONER REGULATIONS, IF THE ENGLISH AS A SECOND LANGUAGE OR BILINGUAL EDUCATIONAL TEACHER OR A REGULAR INSTRUCTIONAL TEACHER OF SUCH PUPIL SPECIFICALLY REQUESTS IN WRITING, WITH CONSENT OF THE PARENT OF GUARDIAN OF THE PUPIL, TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES NO LATER THAN AUGUST FIRST OF THE SCHOOL YEAR. SUCH TEACHER MAY ONLY REQUEST A CONTINUATION OF SUCH SERVICES IF THE TEACHER DETERMINES THAT THE PUPIL IS NOT SUFFICIENTLY PREPARED FOR A GENERAL EDUCATIONAL

PROGRAM AND MAINTAINING TRANSITIONAL SERVICES FOR SUCH PUPIL WILL SUBSTANTIALLY INCREASE THE EDUCATIONAL PROSPECTS OF SUCH PUPIL. TRANSITIONAL SERVICES SHALL INCLUDE BUT NOT BE LIMITED TO ACADEMIC INTERVENTION SERVICES, CONTENT AREA SUPPORT, ENGLISH AS A SECOND LANGUAGE INSTRUCTION, OR REGULAR CONSULTATION BETWEEN THE ENGLISH AS A SECOND LANGUAGE TEACHER OR BILINGUAL EDUCATIONAL TEACHER AND REGULAR INSTRUCTION TEACHER FOR SUCH PUPIL.

S 3. This act shall take effect July 1, 2014.