

6863

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 6, 2015

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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 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) A pupil who by reason of foreign birth or ancestry speaks  
6     a language other than English, and either understands and speaks little  
7     or no English, or who has been identified by any English language  
8     assessment 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 pupil's proficiency in the English language shall be  
12    measured annually by such language assessment instrument in order to  
13    determine further participation in bilingual education or English as a  
14    second language program in accordance with standards established by the  
15    commissioner, subject to the provisions of subdivision two of this  
16    section. The parent or guardian of a pupil designated as limited English  
17    proficient shall be informed by the local school authorities of the  
18    pupil's placement in an instructional program.  
19    (B) A PUPIL WHO IS IDENTIFIED AS PROFICIENT IN THE ENGLISH LANGUAGE,  
20    AS MEASURED BY THE ANNUAL ENGLISH LANGUAGE ASSESSMENT INSTRUMENT, SHALL  
21    CONTINUE TO RECEIVE A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A  
22    SECOND LANGUAGE FOR ONE ADDITIONAL YEAR DURING THE FOLLOWING SCHOOL YEAR  
23    IF SPECIFICALLY REQUESTED IN WRITING BY THE PARENT OR GUARDIAN OF SUCH  
24    PUPIL TO THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OR BOARD OF COOP-  
25    ERATIVE EDUCATIONAL SERVICES NO LATER THAN AUGUST FIRST OF THE SCHOOL

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

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1 YEAR. THE PARENT OR GUARDIAN OF THE PUPIL SHALL RECEIVE NOTIFICATION  
2 FROM THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES OF  
3 THE RIGHT TO REQUEST THAT SUCH PUPIL CONTINUE TO RECEIVE A PROGRAM OR  
4 BILINGUAL EDUCATION OR ENGLISH AS A SECOND LANGUAGE AND SUCH NOTIFICA-  
5 TION SHALL BE PREPARED BY THE DEPARTMENT. SUCH REQUEST MAY ONLY BE MADE  
6 ONCE. NOTHING IN THIS PARAGRAPH SHALL AFFECT THE RIGHT OF A FORMER  
7 LIMITED ENGLISH PROFICIENT PUPIL TO RECEIVE TRANSITIONAL SERVICES IN  
8 ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS ONCE THE PUPIL NO  
9 LONGER RECEIVES A PROGRAM OF BILINGUAL EDUCATION OR ENGLISH AS A SECOND  
10 LANGUAGE.

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

29 S 2. Paragraph 7 of subdivision 2-a of section 3204 of the education  
30 law, as added by chapter 827 of the laws of 1982, is amended to read as  
31 follows:

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

50 (B) EACH SCHOOL DISTRICT SHALL PROVIDE TRANSITIONAL SERVICES FOR ONE  
51 ADDITIONAL YEAR IN THE SCHOOL YEAR AFTER TRANSITIONAL SERVICES WOULD  
52 END, IN ACCORDANCE WITH FEDERAL LAW AND COMMISSIONER REGULATIONS, IF THE  
53 ENGLISH AS A SECOND LANGUAGE OR BILINGUAL EDUCATIONAL TEACHER OR A REGU-  
54 LAR INSTRUCTIONAL TEACHER OF SUCH PUPIL SPECIFICALLY REQUESTS IN WRIT-  
55 ING, WITH CONSENT OF THE PARENT OR GUARDIAN OF THE PUPIL, TO THE BOARD  
56 OF EDUCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL

1 SERVICES NO LATER THAN AUGUST FIRST OF THE SCHOOL YEAR. SUCH TEACHER MAY  
2 ONLY REQUEST A CONTINUATION OF SUCH SERVICES IF THE TEACHER DETERMINES  
3 THAT THE PUPIL IS NOT SUFFICIENTLY PREPARED FOR A GENERAL EDUCATIONAL  
4 PROGRAM AND MAINTAINING TRANSITIONAL SERVICES FOR SUCH PUPIL WILL  
5 SUBSTANTIALLY INCREASE THE EDUCATIONAL PROSPECTS OF SUCH PUPIL. TRANSI-  
6 TIONAL SERVICES SHALL INCLUDE BUT NOT BE LIMITED TO ACADEMIC INTER-  
7 VENTION SERVICES, CONTENT AREA SUPPORT, ENGLISH AS A SECOND LANGUAGE  
8 INSTRUCTION, OR REGULAR CONSULTATION BETWEEN THE ENGLISH AS A SECOND  
9 LANGUAGE TEACHER OR BILINGUAL EDUCATIONAL TEACHER AND REGULAR INSTRUCC-  
10 TION TEACHER FOR SUCH PUPIL.

11 S 3. This act shall take effect July 1, 2015.