

STATE OF NEW YORK

8572

2017-2018 Regular Sessions

IN ASSEMBLY

July 10, 2017

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:

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 § 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 instruc-
10 tion teacher for such pupil.

11 § 3. This act shall take effect July 1, 2017.