STATE OF NEW YORK

4397

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sens. RAMOS, KRUEGER -- read twice and ordered printed, and when printed to be committed 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.

§ 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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