

**New York  
Citywide Council  
On English Language Learners  
Annual Report  
July 1, 2013 to June 30, 2015**

**Mission**

The Citywide Council on English Language Learners (CCELL) promotes English language learning by advocating on behalf of New York City public school students in bilingual, dual language and English as a new language programs. The council also encourages and helps parents be involved in their children's language learning by providing information about school English language programs and services and by providing a forum for parents and other members of the community to air their concerns about these programs and services.

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## **Table of Contents**

<b>Introduction</b>	<b>Page 3</b>
<b>Background</b>	<b>Page 3</b>
<b>The Council's Operations</b>	<b>Page 8</b>
<b>Education Departments: City and State</b>	<b>Page 10</b>
<b>Advocacy</b>	<b>Page 12</b>
<b>Outreach and Website</b>	<b>Page 17</b>
<b>Expectations and Recommendations for the Future</b>	<b>Page 18</b>
<b>Endnotes</b>	<b>Page 19</b>
<b>Attachments</b>	<b>Page 21</b>

## **INTRODUCTION**

This report, issued in fall 2016, covers two academic years: 2013-14 and 2014-15. This period, from July 1, 2013 to June 30, 2015, saw a number of important changes in the education of English Language Learners (ELLs) in New York City and in the council itself.

Most significantly, in January 2014, the city administration changed. The new mayor, Bill de Blasio, appointed as his schools chancellor, Carmen Fariña, a career New York City educator who, although born in Brooklyn, had Spanish-speaking parents and was an English language learner when she started kindergarten.<sup>i</sup> In her first year in office, the city and state reached an agreement, formalized in a Memorandum of Understanding, on the delivery of services to English language learners.<sup>ii</sup> The period covered in this report also saw the CCELL have a full complement of parents for the first time, owing largely to a change in state law increasing the pool of parents eligible to serve on the council.

## **BACKGROUND**

New York State law requires that any student 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 New Language (ENL) in accordance with standards established by the commissioner."<sup>iii</sup>

ELLs accounted for 14.3 percent of the overall New York City public school population, with 139,843 students classified as ELLs in 2013-14, according to the city Department of Education (DOE). In that year, 43.3 percent of all city public school students reported speaking a language other than English at home. There are more than 160 languages represented among ELL students.

Top 10 ELL Languages(as percentage of total ELL population in 2013-14)<sup>iv</sup>

Spanish	61.8%
Chinese (various languages)	14.2%
Bengali	4.2%
Arabic	4.2%
Haitian Creole	2.3%
Russian	2.1%
Urdu	1.9%
French	1.5%
Uzbek	0.8%
Punjabi	0.7%

Because of their limited English proficiency, English language learners have lower graduation rates than the general population. For example, among English language learners who entered high school in 2011, 40.5 percent had graduated high school by August 2015, compared with 70.5 percent for all members of their cohort.<sup>v</sup> On state standardized tests given in spring 2015, 14.6 percent of English language learners in grades 3 through 8 scored high enough to be considered proficient in math, compared to 38.5 for students proficient in English. Former ELLs, though, scored as well as the English proficient students.

Not surprisingly, the ELLs did not do well on the English language arts standardized test in 2015, with only 4.4 percent scoring high enough to be considered proficient -- a level 3 or 4.<sup>vi</sup> Former ELLs did noticeably better with 25 percent of them scoring proficient on the 2015 test. Despite that, they lagged behind English proficient students, 34.5 percent of whom got a proficient score on the test.

The city DOE offers three types of programs to provide services to ELLs. According to the department, parents can select the type of program they believe is best for their child regardless of whether the program is offered in their local zoned school. The models are:

- Transitional Bilingual Programs (TBE) provide students with language arts and subject area instruction in both their native language and in English so they can become proficient in English. As their mastery of English increases,

the students spend less time in classes conducted in their native language.

- Dual Language Programs feature instruction in both English and the target language of the program (Spanish, Mandarin, etc.). These programs often include students whose first language is English as well as those who are fluent in the other language. Both groups of students are expected to master the two languages so they will be bilingual, bi-literate and bicultural.
- English as a New Language (ENL) -- formerly known as English as a Second Language or ESL programs -- are taught in English and designed to develop proficiency in English.

The CCELL was established by New York State Education Law 2590-B, 5. (a) (i) – (iii) to "advise and comment on any educational or instructional policy involving bilingual or English as a second language programs, [and] to issue an annual report on the effectiveness of the city district in providing services to English language learners and making recommendations, as appropriate, on how to improve the efficiency and delivery of such services." The CCELL is to "hold at least one meeting per month open to the public, ... during which the public may discuss issues facing ELLs."<sup>vii</sup>

Under state law, the CCELL is composed of 11 voting members and one non-voting member, as follows:

- Nine voting members who are parents of students currently in a bilingual or ENL program or who were in such a program within the past two years. Parent members serve a two-year term.
- Two voting members appointed by the New York City Public Advocate. These shall be individuals with extensive experience and knowledge in the education of English language learners who can make a significant contribution to improving bilingual and ENL programs in the city. Such members shall serve a two-year term.
- One non-voting member who is a high school senior who is or has been in a bilingual or ENL program, appointed by the administrator designated by the chancellor to supervise such programs. Such members shall serve a one-year term.

If a parent or student member leaves the council before his or her term has expired,

the council shall fill the vacancy, pursuant to a process developed by the chancellor that shall include consultation with parents of students who receive services for English language learners. When a vacancy occurs in a position appointed by the public advocate, the public advocate shall appoint a member to serve the remainder of the unexpired term.

During the years covered by the report the council members were as follows:

### **2013-2014**

- Teresa Arboleda, president (public advocate appointee)
- Awatef Ibrahim, vice president
- Vanessa Leung, recording secretary (Ms. Leung, a public advocate appointee, was a member of the CCELL until the end of January, 2014.)
- Martha Arenas (appointed on Nov. 20, 2013)
- Bintou Fofana (appointed on Nov. 20, 2013)
- Hebatalla Ibrahim (appointed on Nov. 20, 2013)

### **2014-2015**

- Teresa Arboleda, president
- Awatef Ibrahim, vice president
- Mitchel Wu, recording secretary (Mr. Wu, a public advocate appointee, joined the council in April 2014.)
- Bintou Fofana, treasurer
- Martha Arenas
- Hebatalla Ibrahim
- Aisuluu Sartbaeva (appointed on March 2, 2015)

The first parent members of the CCELL were seated on July 1, 2010. In the following years the CCELL did not have a full complement of parent members. The Citywide and District Community Education Council elections held in the spring of 2011 resulted in the election of only one parent of an ELL who was eligible to be seated as a member of the CCELL. The first public advocate appointee, Teresa Arboleda, was seated in October 2010 and the second, Vanessa Leung, in January 2011. Ms. Arboleda still serves on the council, providing some continuity, institutional knowledge and experience. Ms. Leung resigned in January 2014, and the public

July 2013-June 2015

advocate named Mitchel Wu to replace her. The CCELL did not have a student member during the period covered by this report.

With this limited number of members, the CCELL has struggled to have a quorum at its meetings. Because of parents' limited English proficiency and lack of familiarity with the city education system and the options available for parent participation, the pool of eligible parents was limited. The 32 District Community Education Councils (CECs), each of which is required to have one member representing English language learners, also have had difficulty in seating eligible ELL parents. In 2013-14 the state government amended the law to expand the pool of eligible parents. This change resulted in the CCELL seating a full council for the first time in 2015. (For more on the law and the amendments, see page 8.)

## **THE COUNCIL'S OPERATIONS**

Throughout the council's history, the greatest challenge to finding parents to serve on the CCELL has been the narrow eligibility requirement set by the law establishing the council. While intended to promote participation, the law, as written in 2009, actually hindered involvement by requiring that parents could serve only while their children were in programs for ELLs. Most parents who applied to serve were deemed ineligible since their children were no longer classified as ELLs. Sitting CCELL members, whose children were no longer ELLs, were not allowed to continue to serve. This resulted in the departure of knowledgeable parents – a tremendous loss to the CCELL and the population it serves.

Because of this, the CCELL sought to amend the education law governing eligibility for the council. In 2013, New York State Assembly Member Daniel O'Donnell and State Senator Andrew Lanza co-sponsored bill A833/S00283 to allow parents of students who had tested out of ELL programs during the past two years to be eligible to serve on the CCELL. The legislation was passed by the Assembly and Senate and signed by Gov. Andrew Cuomo in July 2013.<sup>viii</sup> (For the law, see Attachment 1.)

This change, making it possible for more parents to participate, resulted in the CCELL seating a full council for the first time in 2015. The elections held in spring 2015 also increased the number of ELL parent members on the 32 Community Education Councils throughout the city. The Division of Family and Community Engagement has worked closely with the CCELL in attempting to expand the participation of parents of ELL students.

From 2011 to 2013, the council developed a strategic plan for the years 2013-15. It set three broad goals: bringing the council to full membership; enhancing communication and outreach through the council's website and providing professional development for new and continuing council members. (For the plan, see Attachment 2.)

The Division of English Language Learners and Student Support (DELLSS) attends every monthly public meeting of the CCELL, coordinating presentations on topics of interest to ELLs. The division has been able to provide information at cooperative



meetings with the Citywide Council on High Schools and the Citywide Council on Special Education.

DELLSS also provides periodic updates on the city DOE's progress in meeting the goals set by the Memorandum of Understanding with the state Education Department. As part of this, the division offered parent workshops in every borough and opened new programs for ELLs throughout New York City, including transitional bilingual, dual language and ENL. Parent members of the CCELL report that the division provides information about available program choices to parents in nine languages. This includes the video that is shown to parents when they register their child for school.

DELLSS organizes an annual conference for parents of ELLs in which thousands of parents participate. At the conference, CCELL members had the opportunity to make a presentation to recruit additional members. The conference afforded an opportunity for council members to do one-to-one networking with parents, to answer questions about the CCELL and to advise parents on how they can advocate for their children.

During its first year the CCELL had no administrative assistant, which made it difficult to function. Since July 2011, the CCELL has been fortunate to have a very capable assistant to help it fulfill its duties and responsibilities. The CCELL wished to give the assistant a raise, but any money for that would have been permanently deducted from the council's annual \$20,000 budget. The CCELL wrote a letter (see attachment 3) protesting this policy, pointing out that it was detrimental to having a fully functioning council. In the following year, the CCELL was able to increase the salary and the DOE agreed to not deduct the money from the budget. (For the resolution on that, see Attachment 4.)

## **EDUCATION DEPARTMENTS: CITY and STATE**

The period covered by this report saw the election in November 2013 of a new mayor, Bill de Blasio, and the appointment of Carmen Fariña, a career educator, as schools chancellor. In late summer 2014 Chancellor Fariña created the post of senior executive director of the Division of English Language Learners and Student Support. To fill the post, she appointed Milady Baez, a former superintendent who had established dual language programs in two schools. In the new position, which reports directly to the chancellor, Ms. Baez was to head up efforts, including training for teachers, meeting the needs of different students and increasing parental involvement, all aimed at decreasing the gap between English language learners and other city public school students. Subsequently, Ms. Baez was appointed deputy chancellor.

In January 2015, the city announced it was expanding the city's dual language program, adding these programs at 25 more schools and expanding them at 15 schools that already had dual language classes. This expansion would bring the number of dual language programs in the city to 177 as of September 2015.<sup>ix</sup> According to DOE, the new programs would be in all five boroughs. Twenty-three would be in elementary schools, 13 in middle schools, three in high schools and one in a K-12 school. The dual language programs would be aimed at students speaking -- or wanting to learn -- Mandarin, French, Haitian Creole, Hebrew, Japanese and Spanish.<sup>x</sup>

Despite the addition of these programs, the council and other advocates have expressed concern about the availability of the programs in various communities, particularly in languages, such as Arabic, where it may be difficult to find qualified staff. The council also has cited the lack of dual language programs for pre-K.

In 2011, the state had found that the city was failing to meet the needs of ELLs. In response to a state directive, the city then issued a plan detailing the shortfalls in services and enumerating steps the city would take to improve these services.<sup>xi</sup> Although it improved services, a state education official has said the city did not do enough in this area between 2011 and 2014.<sup>xii</sup>

In November 2014 the city DOE reached an agreement with the state about education of English language learners in the city. In signing the Memorandum of

July 2013-June 2015

Understanding, the city agreed to increase enrollment in bilingual programs, put more qualified teachers in their classrooms, better match students with language services, and hold principals accountable for meeting the goals in the plan. To accomplish this, the city agreed to a number of specifics, such as reducing the number of students who receive English language services for more than six years and requiring that all students who need services be enrolled in them by 2018-19.<sup>xiii</sup>

In announcing the 2014 agreement, Merryl Tisch, then chancellor of the state Board of Regents said, “This is a great next step toward making sure ELL students have the best possible chance to succeed. The achievement gap is very real and very tragic, but the MOU we’re signing today is a great opportunity to make real progress toward closing that gap.”<sup>xiv</sup> (For the Memorandum of Understanding, see Attachment 5.)

For its part, the state in 2014-15 began compiling data on what it called Ever ELLs, students who at some point were in an ELL program in New York State but may have transitioned out of the program. This is intended to allow the state to track how well former ELLs do in school. (Data cited in this report is city data, not the state data.)

In other state action, the Board of Regents in January 2015 slightly eased the graduation requirement for English language learners. Some English language learners who arrived in the United State as high school students would be eligible to graduate if they received a score of 55 or higher on the English language arts Regents exams. They previously had to score at least 62 on that test. To be eligible for this the students would have to meet a number of requirements, including having a good attendance record and having passed three other Regents tests with scores of at least 65.<sup>xv</sup>

## **ADVOCACY**

During the time covered in this report, the CCELL established and maintained relationships with elected and appointed officials, the Citywide Council on High Schools (CCHS), the Citywide Council on Special Education (CCSE), community education councils and the Chancellor's Parent Advisory Council (CPAC). The CCELL invited the CCHS and CCSE to participate in meetings where presentations were made regarding issues of joint interest, such as ELLs who also receive special education services and college readiness of ELLs. The CCELL was also invited to CPAC and the District 3 CEC to speak about the CCELL. The NYC Public Advocate regularly brings citywide council appointees and staff together for meetings on recent developments in their areas of concern.

In 2013, the citywide and district community education councils composed a letter raising key issues about education in New York City. The CCELL reached consensus on amending the letter to address the concerns of ELLs and to call for steps to improve the participation of parents who do not speak English in their children's education. The council called for free English classes in city public schools for parents who speak a language other than English and for the city to provide "quality resources and support" to all ELLs. The council also said the new school chancellor should be "sensitive to the challenges faced by the immigrant population" and to consider the needs of ELLs when schools are closed, opened or have to share space with another school. (For the text of the CCELL's amendments, see Attachment 6.)

In January 2014, the council issued a statement reiterating its support for English language classes and other supports for parents of ELLs. Such classes in their child's school, the council has said, would encourage parents both to learn English and to be more involved in their child's education. "Facilitating the learning of English for immigrant parents will benefit the entire family in the pursuit of academic excellence for their children," the statement said. (For this statement, see Attachment 7.) The CCELL president discussed the importance of engaging parents of ELLs in their children's education in a meeting with Chancellor Fariña, urging DOE to seek foundation funding for the classes and to work with Community Based Organizations to create and support them.

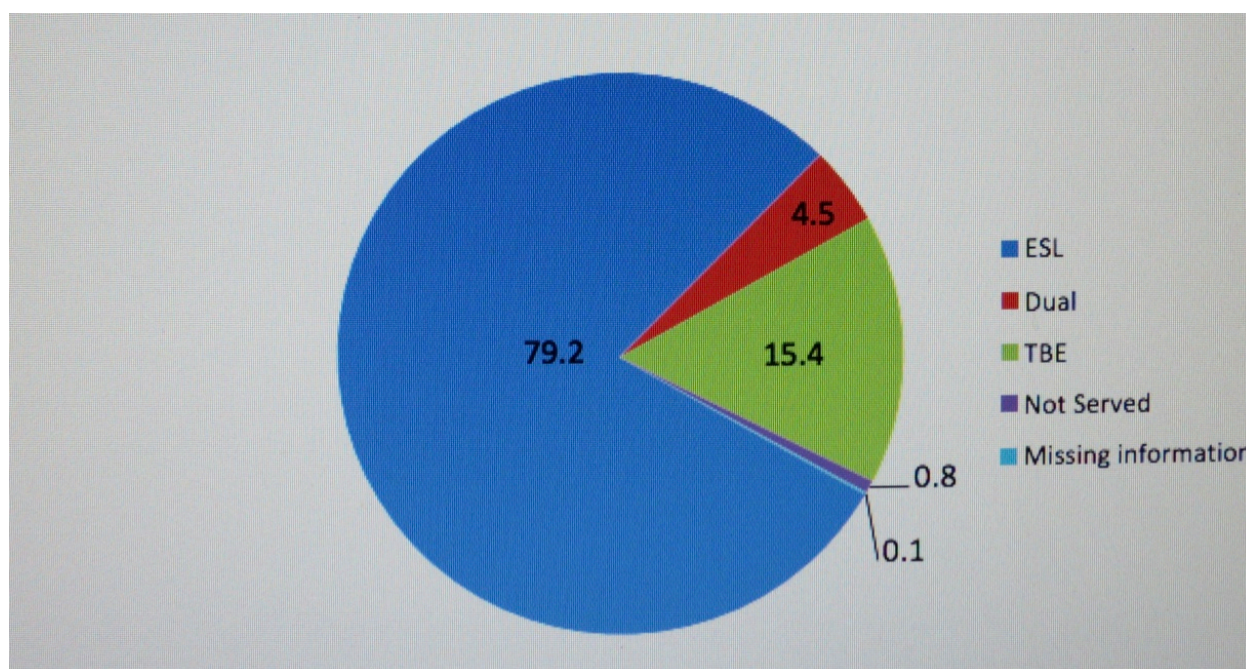
At that meeting, the CCELL also noted that, although all parents of ELLs are allowed

July 2013-June 2015

to select the model of language education they prefer for their child -- bilingual, dual language or ENL -- some programs are not available in some neighborhoods, limiting the options the family has. This is particularly true of dual language programs in certain languages, such as Arabic and Russian. (For a statement on the meeting with Chancellor Fariña, see Attachment 8.)

According to statistics from DOE, the vast majority of ELLs in 2013-14 attend English as a Second Language (now English as a New Language) programs, followed by transitional bilingual programs.<sup>xvi</sup>

#### Distribution of New York City ELLs by Program 2013-14 School Years



Providing free all day pre-kindergarten to all city four-year-olds has been a key initiative of the de Blasio administration. In May 2014, the CCELL passed a resolution supporting this effort, along with expanded after-school programs. (For this resolution, see Attachment 9.)

CCELL members have provided testimony at New York City Council hearings on issues such as:

- The need for free English language classes for parents who do not speak English and other measures to help parents of ELLs become more engaged in their child's education;
- In support of the state Education Department's request to exempt ELLs from taking the state standardized English language arts test for two years (for testimony supporting the classes and the exemption, see Attachment 10);
- In support of a 2013 resolution that called for a one-year moratorium on school closings and co-locations and for requiring the local Community Education Council to approve any school closing or reconfigurations in its area before the proposal goes to the Panel on Education Policy for a final vote. The CCELL also endorsed a resolution that would direct the DOE to set up specific procedures to notify affected parents of any proposed school closing or other change in the use of the school building, such as a co-location (for this testimony, see Attachment 11);
- The need for PTA meetings and important information about school events to be provided in languages that parents speak.

The CCELL has continued to press the state to provide adequate funding for education in New York City. In May 2014, the CCELL joined a lawsuit filed by New Yorkers for Students' Educational Rights (NYSER) and parents from the city and state charging that the state, the governor, the education commissioner and the Board of Regents had failed "to ensure that all students in New York State receive a properly funded, sound basic education as required by the New York State Constitution." The resolution said the lack of funding violates the court decision in the Campaign for Fiscal Equity case on school funding. It accused the state of not identifying the resources needed to provide students with the resources and services they need to meet the state's Learning Standards and to be college and career ready. The suit also charges that the state has not revised its funding formulas for education to ensure that all schools have adequate funding. The NYSER case has not yet been decided.<sup>xvii</sup> (For the resolution on joining the lawsuit, see Attachment 12.)

In 2015, the CCELL joined with other district and citywide education councils to express concern about the governor's proposed education budget for FY 2016. The governor had put key education proposals, such as teacher evaluations, limits on



charter schools and mayoral control of New York City schools, in the budget, rather than presenting them as freestanding pieces of legislation.

In a letter to the leaders of the state legislature, the CCELL said these issues "should be debated separately as policy issues." (For this letter, see Attachment 13.)

Commenting on the substance of the proposals, the CCELL opposed raising the cap on charter schools, saying many of the publicly funded privately run schools "fail to serve the neediest populations," including English language learners. The council also called upon the state to "meet the constitutional obligation for funding schools," calling for money to restore arts classes, after school program, sports and libraries, as well as to reduce class size and provide needed support services, such as social workers.

The charter cap and mayoral control were removed from the budget,<sup>xviii</sup> although the state later increased the number of charter slots for New York City.<sup>xix</sup> The issue of teacher evaluations remained largely unresolved, and mayoral control of New York City schools has been extended on a year-to-year basis.<sup>xx</sup>

In the years covered in this report, controversy increased over New York State's implementation of Common Core Learning Standards (CCLS) and the aligning of its standardized tests with these standards. In May 2014, the CCELL passed a resolution that, while expressing support for higher standards and saying that those "may be achieved with proper implementation of CCLS," faulted the state for the way it had implemented these standards. In particular, the resolution said, the state did not consider the impact the standards would have on struggling students, such as those with disabilities and ELLs. The council also faulted the standards as a "one-size-fits-all approach to education that does not address unique individuality of each child." In light of that, the resolution called on the city and state to increase support to teachers and called on the state to slow its implementation of Common Core. (For the resolution, see Attachment 14.)

In June, 2015, the council sent a letter to the Board of Regents in support of the New York State Association of Bilingual Teachers, which has opposed using test scores of ELLs in teacher evaluations on the grounds that low test scores by ELLs do not reflect teacher failure but are "an affirmation that ELLs are in the process of learning English." The council's letter also urged that teachers of ELLs be evaluated by people with expertise in this area. (For this letter, see Attachment 15.)

July 2013-June 2015

Meanwhile, this issue has been addressed, at least for the time being, with the temporary ban on the use of any standardized test scores in teacher evaluations.

In September 2013, the CCELL compiled comments in response to a ruling by the U.S. Department of Education that blocked charter schools receiving federal money from setting aside a specific number of seats for English language learners. In response at least one New York City charter -- Upper West Side Success Academy -- changed its charter to remove a "lottery preference" for ELLs. The council expressed "deep concern" about the effect of the federal ruling and noticed that there was insufficient time for those concerned about it to study the decision and comment upon it. (For comments the council received on the charter revisions for Harlem Success, see Attachment 16.)

In 2014, the federal education department partially reversed its ruling, saying charters in some states could give preference in their admissions lotteries to ELLs and other students considered disadvantaged, such as low-income or homeless children.<sup>xxi</sup> Despite that, Success, New York City's largest charter network, announced in March 2015 that it would not give preference to ELLs in admissions because it was unable to resolve its dispute with the federal Department of Education about how to do this.<sup>xxii</sup>



## OUTREACH AND WEBSITE (WWW.CCELL.ORG)

In early 2012 the CCELL appropriated funds for developing and maintaining its website so that information about the CCELL could be readily available to the public. The site has an FAQ section and contains information about council members, meetings, events, resolutions, the CCELL Strategic Plan and other documents. The website has helped the council become better known. The council has further raised its profile with a Facebook page (CCELL - Citywide Council on English Language Learners).



The CCELL's monthly meetings included presentations on issues of interest to families of ELLs, as well as teachers and staff. The Division of English Language Learners was present at these meetings to answer questions.

The NYC DOE Division of Family and Community Engagement (FACE) has cooperated and supported the CCELL in its efforts to reach out to parents. The DOE Translation and Interpretation Unit provides translation in Spanish at every CCELL meeting. The unit has also translated documents for the Arabic and French speakers on the CCELL. The unit offers translation in Arabic, Bengali, Chinese, French, Haitian Creole, Korean, Russian, Spanish and Urdu.

## **EXPECTATIONS AND RECOMMENDATIONS FOR THE FUTURE**

In 2014, the New York State Board of Regents adopted a number of amendments to state education law on ELLs.<sup>xxiii</sup> The council anticipates that these changes will improve outcomes for ELLs in New York City.

Since its establishment, the council has been unable to have a committee structure because of its small membership. Now that the council has a full complement of members, it hopes to establish a committee structure, which will improve council operations.

In line with the ultimate goals of maintaining a full membership that is acquainted with their duties and responsibilities and has been properly trained, the CCELL will continue to work with the NYCDOE Division of Family and Community Engagement to assure that all new and ongoing members periodically receive pertinent information

In particular the CCELL recommends that:

- the DOE work to provide a greater range of programs, including dual language programs in a range of languages, in more neighborhoods across the city;
- the city consider introducing dual language pre-K programs;
- the NYC DOE arrange for free English language classes so parents of ELLs can learn English in their child's school. The department could seek foundation funding for these schools and work with community based organizations to create and support them;
- the DOE take steps to insure that PTA meetings and important information about school events and policies be provided in languages spoken by parents of ELLs.
- New York State provide adequate funding to ensure that ELLs and all public school students in the city receive the services they need to meet the state learning standards and be college and career ready.

## ENDNOTES

<sup>i</sup> Anemona Hartocolis, "In School: A Principal with a Will of Steel Makes a Public School as Prestigious as a Private One," *New York Times*, Feb. 24, 1999.

<sup>ii</sup> Eliza Shapiro, "City, State Ed Departments Release Plan for ELL Students," *Politico New York*, Nov. 10, 2014.

<sup>iii</sup> New York State Education Department, "Key Laws and Regulations: Section 3204" (<http://www.p12.nysed.gov/sss/lawsregs/3204.html>).

<sup>iv</sup> New York City Department of Education Division of English Language Learners and Student Support, *School Year 2013-2014 Demographic Report*, Winter 2015 (<http://schools.nyc.gov/NR/ronlyres/FC0B4035-00DF-4318-A1F7-6EF23C15B7F6/0/20132014DemographicReportFinalWINTER2015.pdf>).

<sup>v</sup> New York City Department of Education, "Cohort of 2001 through 2011 Graduation Outcomes" ([http://schools.nyc.gov/NR/ronlyres/B871C8F2-0812-4B34-A5BA-BA67378B875C/0/2015Graduation\\_Rates\\_Public\\_Citywide.xlsx](http://schools.nyc.gov/NR/ronlyres/B871C8F2-0812-4B34-A5BA-BA67378B875C/0/2015Graduation_Rates_Public_Citywide.xlsx)).

<sup>vi</sup> New York City Department of Education, "New York State Common Core English Language Arts and Mathematics Tests" (<http://schools.nyc.gov/NR/ronlyres/C7E210CA-F686-4805-BEA6-EDD91F76E58B/185420/CitywideELAResults20132015.xlsx> and <http://schools.nyc.gov/NR/ronlyres/C7E210CA-F686-4805-BEA6-EDD91F76E58B/185424/CitywideMathResults20132015.xlsx>).

<sup>vii</sup> Justia US Law, "2013 New York Consolidated Laws: Community School District System" (<http://law.justia.com/codes/new-york/2013/edn/title-2/article-52-a/2590-b/>).

<sup>viii</sup> New York State Assembly, "Bill No. A00833" ([http://assembly.state.ny.us/leg/?default\\_fld=&leg\\_video=&bn=A00833&term=2013&Summary=Y&Actions=Y](http://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A00833&term=2013&Summary=Y&Actions=Y))

<sup>ix</sup> Brian Charles, "City to Add or Expand 40 Dual-Language Programs," *Chalkbeat NY*, Jan. 14, 2015.

<sup>x</sup> New York City Department of Education, "Chancellor Fariña to Launch 40 Dual Language Programs in September," Jan. 14, 2015 (<http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2014-2015/Chancellor+Fari%C3%B1a+to+Launch+40+Dual+Language+Programs+in+September.htm>).

July 2013-June 2015

<sup>xi</sup> Sharon Otterman, "State Puts Pressure on City Schools over English Language Learners," *New York Times*, Oct. 13, 2011.

<sup>xii</sup> Eliza Shapiro, op. cit.

<sup>xiii</sup> New York City Department of Education, "Memorandum of Understanding between State Education Departments and NYC Department of Education will Ensure Better Outcomes for English Language Learners," Nov. 10, 2014 (<http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2014-2015/ELL+announcement.htm>).

<sup>xiv</sup> Ibid

<sup>xv</sup> Geoff Decker, "State Eases Graduation Requirement for New Immigrants," *Chalkbeat New York*, Jan. 13, 2015.

<sup>xvi</sup> New York City Department of Education Department of English Language Learners and Student Support, *School Year 2013-2014 Demographic Report*, Winter 2015 (<http://schools.nyc.gov/NR/rdonlyres/FC0B4035-00DF-4318-A1F7-6EF23C15B7F6/0/20132014DemographicReportFinalWINTER2015.pdf>).

<sup>xvii</sup> New Yorkers for Students' Educational Rights, "Lighting a Path to School Finance Reform" (<http://nyser.org/>).

<sup>xviii</sup> Jessica Bakeman and Josefa Velasquez, "Cuomo, Lawmakers Reach 'Framework' of a Budget Deal," *Politico New York*, March 30, 2015.

<sup>xix</sup> Geoff Decker, "A Guide to State Lawmakers' Final Deal in which NYC Charters Emerge as Only Big Winners," *Chalkbeat New York*, June 26, 2015.

<sup>xx</sup> Stephen Sawchuk, "New York Panel Eliminates Tests from Teachers Evaluations, For Now," *Education Week*, Dec. 15, 2015.

<sup>xxi</sup> Katie Ash, "Weighted Admissions Lotteries: Will They Reshape Charter Demographics?" *Education Week*, March 26, 2014.

<sup>xxii</sup> Geoff Decker, "Success Academy Drops Lottery Preference for English Learners," *Chalkbeat New York*, March 9, 2015.

<sup>xxiii</sup> New York State Department of Education, Memo on Proposed Amendments to Commissioner's Regulations, Sept. 11, 2014 (<https://www.regents.nysed.gov/common/regents/files/914p12d7.pdf>)

## **ATTACHMENTS**

Attachment 1: Act to amend the education law, in relation to the composition of community district education councils – January 9, 2013	Page 23
Attachment 2: Citywide Council on English Language Learners 2013-15 Strategic Plan – 2013 and ongoing	Page 24
Attachment 3: Letter to Division of Family and Community Engagement regarding budgeting funds for an increase in salary for council administrative assistants – March 10, 2014	Page 30
Attachment 4: Resolution 19 increasing the salary of the council's administrative assistant – May 6, 2014	Page 31
Attachment 5: Memorandum of Understanding between the New York City Department of Education and the New York State Education Department setting forth the terms and understanding between the two parties to enhance programs and services for English Language Learners – November 10, 2014	Page 32
Attachment 6: Amendments by the CCELL to the Statement of Community District Education Councils and Citywide Councils to Mayor-Elect Bill de Blasio – January 7, 2014	Page 45
Attachment 7: Statement in Support for Funding for Citywide Council on English Language Learners and for English classes for parents – January 14, 2014	Page 46
Attachment 8: Statement by CCELL on meeting with Chancellor Fariña – June 21, 2014	Page 47

July 2013-June 2015

Attachment 9: Resolution 22 in Support of New York City's Plan for Universal Pre-K and Expanded After-school Programs – May 6, 2014	Page 48
Attachment 10: City Council testimony in support of services for ELLs, including English classes for parents, and in favor of a resolution exempting new ELLs from taking the standardized state English language arts exam – February 25, 2015	Page 49
Attachment 11: City Council testimony on DOE Significant School Changes: Closures, Reconfigurations and Community Notification – October 2, 2013	Page 51
Attachment 12: Resolution 20 on lawsuit by New Yorkers For Students Rights (NYSER) – March 6, 2014	Page 52
Attachment 13: Letter to state legislative leaders on the proposed state budget – March 16, 2014	Page 53
Attachment 14: Resolution 21 to Re-evaluate the Common Core State Standards in New York State – May 6, 2014	Page 54
Attachment 15: Letter in support of New York State Association for Bilingual Education (NYSABE) Position Statement on the Annual Professional Performance Review (APPR) and Its Impact on Teachers Serving ELLs/Bilingual Learners – June 16, 2015	Page 56
Attachment 16: Hearing and comments on charter revision for Harlem Success Academy Charter Schools – September 26, 2013	Page 57

July 2013-June 2015

## Attachment 1

A00833 Text:

### STATE OF NEW YORK

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833

2013-2014 Regular Sessions

### IN ASSEMBLY

(Prefiled)

January 9, 2013

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

AN ACT to amend the education law, in relation to the composition of community  
district education councils

**The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:**

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 5 of  
2 section 2590-b of the education law, as added by chapter 345 of the laws 3 of 2009,  
is amended to read as follows:

4 (i) nine voting members who shall be parents of students who are in a 5  
bilingual or English as a second language program conducted pursuant to 6 section  
thirty-two hundred four of this chapter, **some of whom may be 7 parents of**  
**students who have been in such a program within the preceding 8 two years,** to be  
selected by parents of students who receive such 9 services pursuant to a  
representative process developed by the chancel- 10 lor. Such members shall serve a  
two year term;

11 § 2. This act shall take effect immediately, provided, however, that 12 the  
amendments to subparagraph (i) of paragraph (a) of subdivision 5 of 13 section 2590-  
b of the education law made by section one of this act 14 shall not affect  
the repeal of such subdivision and shall be deemed to 15 repeal therewith.

July 2013-June 2015

## **Attachment 2**

### **New York City Department of Education Citywide Council on English Language Learners (CCELL) Strategic Plan, 2013-2015**

#### **Mission**

The CCELL promotes second English Language Learning (ELL) by advocating on behalf of NYC public school students in bilingual, dual language, and ESL programs. The Council also encourages parent engagement in their children's language learning by providing information about public school ELL programs and services and by providing a forum for parent and community concerns about these programs and services.

#### **Strategic Plan**

*The CCELL was established in July 2010 in NYS Education Law. To provide a blueprint for ongoing Council activity, the Council has developed this strategic plan based on the experience and wisdom of former, outgoing, and continuing*

In this Strategic Plan, the CCELL has established three broad goals.

- (1) Reach and maintain full Council membership**
- (2) Enhance communication and outreach through Council website as a resource for parents and the community, and**
- (3) Provide an ongoing program of professional development for new and continuing members.**

Together, these goals will help the Council fulfill its mission by enhancing;

- **Organization and structure,**
- **Communication and outreach, and**
- **Professional development.**



July 2013-June 2015

Goals	Strategies*
<b>I. To enhance CCELL organization and structure.</b>	
<p><b><u>I. Reach and maintain full Council membership.</u></b></p> <p><i>(In accordance with State Education Law Article 52-A. Section 2590-b. 5(b)(ii), the Council is composed of 11 voting members, of which nine (9) are parents of students in a bilingual or ESL programs who are elected by officers of PTA/PA and two (2) members who are appointed by the NYC Public Advocate from the public with expertise in bilingual and ESL program education. One non-voting (1) high school senior is appointed through the DOE who is or has been a bilingual or ESL student.)</i></p>	<p>Solicit support for legislative change to allow parents of former ELLs to serve.</p> <p>Increase awareness of Council service among parents and the community (see further II, below).</p>
<p><b>I.a. Provide information to all new Council members that enhances their ability to carry out Council responsibilities.</b></p>	<p>Orient new members to responsibilities of <u>all</u> NYC Department of Education citywide and district community education councils to advise and comment in accordance with NYS Education Law.</p> <p>Orient new members to specific responsibility of the CCELL in the Law to "advise and comment" in accordance with NYS Education Law Article 52-A. 2590b. 5(b)(i-iii)</p>

July 2013-June 2015

Goals	Strategies*
<p><b>I.b. Establish a committee framework.</b></p>	<p>Create Committees chaired by Council members as needed. In 2013, the Committees shall include but not be limited to a/an:</p> <ol style="list-style-type: none"> <li>1. <b>Professional Development Committee</b> charged by the Council to recommend ways to implement an Orientation program, including an Orientation packet, for new members.</li> <li>2. <b>Outreach Committee</b> charged by the Council with recommending ways to implement some or all of the strategies described in II, below .</li> <li>3. <b>Website Committee</b> charged by the Council with recommending specific changes to the Council Website.</li> <li>4. <b>By-Laws Committee</b>, charged by the Council with updating the present CCELL by-laws.</li> </ol> <p>Expand each Committee's membership to include but not be limited to external volunteers solicited from former members and the parent and professional community.</p> <p>Revise Council by-laws to include guidelines for Committee membership and activity to include but not be limited to Council authority to charge committees, select committee members, define and monitor committee activity, and otherwise provide guidelines for the scope and implementation of committee activities.</p>
<p><b>I.c. Explain the CCELL's role in responding to parent and community concerns.</b></p>	<p>Develop a FAQ website page that uses questions and answers to explain CCELL ability to respond to parent and community concerns.</p>

July 2013-June 2015

Goals	Strategies*
<b>II. To Enhance CCELL Communication and Outreach</b>	
<b><u>II. Enhance communication and outreach through Council website as a resource for parents and the community.</u></b>	<p>Review, evaluate, and revise website homepage layout and design, as needed, for ease of use by parents and the general public..</p> <p>Complete "coming soon" menus.</p> <p>Evaluate need for Directory "Group Pages."</p> <p>Post a profile that showcases each current and former Council member for general information and to stimulate interest in becoming a Council member.</p> <p>Post a brief narrative on Council history to illustrate how it has carried out its mission.</p> <p>Publish a periodic newsletter on the website.</p>
<b>II.a. Create a FAQ page to inform parents and others of the CCELL's mission and ability to respond to parent and community concerns about bilingual, dual language, and ESL programs and services.</b>	Develop a FAQ website page in a question and answer format to explain the CCELL's ability to respond to parent and community concerns.
<b>II.b. Increase awareness of CCELL mission and activities</b>	Publish a print brochure for distribution to all parents and

July 2013-June 2015

Goals	Strategies*
<p>through print and other media to reach a wider community, including parents and others who do not have access to email, website, etc.</p>	<p>others at least once a year.</p> <p>Publish a periodic print newsletter and create a distribution list for its distribution through mailings.</p> <p>Publish information and notices in PTA newsletters.</p> <p>Solicit time <i>pro bono</i> on non-English language radio programs and/or local newspapers for announcements of Council activities.</p> <p>Attend meetings of District Community Education Councils and other advisory Councils, as time permits, with time on their agenda to disseminate information about the CCELL.</p> <p>Collaborate with other DOE parent and community advisory bodies on topics of mutual concern.</p>
<p>II.c. Provide a forum for parents and the community with concerns about bilingual, dual language, and ESL programs and services.</p>	<p>Provide information on website about procedures for communication with the CCELL.</p> <p>Set aside time on each meeting agenda for parent and public input.</p> <p>Explain the Council's ability to refer to appropriate parties concerns brought to the Council by parents and others in accordance with State Education Law.</p>
<p><b>III. To Enhance CCELL Professional Development</b></p>	

July 2013-June 2015

Goals	Strategies*
<p><b><u>III. Provide an ongoing program of professional development for new and continuing members.</u></b></p>	<p>Explore with DOE a program to orient and train new members whenever new members are appointed to the Council.</p> <p>Provide additional CCELL orientation activities for new members planned by the Professional Development Committee to include but not be limited to an orientation packet.</p> <p>Hire outside consultants, as needed, to help plan ongoing professional development activities for Council members such as but not limited to workshops.</p>

**\*The Council will develop specific 2013-2014 CCELL action and timelines implementing these strategies.**

July 2013-June 2015

### Attachment 3



## Citywide Council on English Language Learners (CCELL)

New York City Department of Education

45-18 Court Square, Room 260, LIC, 11101

(718)752-7394 ~ [ccell@schools.nyc.gov](mailto:ccell@schools.nyc.gov) ~ [www.ccell.org](http://www.ccell.org)

**Teresa Arboleda**, *President*

*Council Members:*

**Martha Arenas**

*Project*

**Bintou Fofana**

**Hebatella Ibrahim**

**Awatef Ibrahim**, *1st V.P.*

*Office of English Language Learners:* **Claudia Aguirre**, *Chief Executive Officer*

**Yalitza Johnson**, *Director of Special*

March 10, 2014

Jesse Mojica, Executive Director

Division of Family and Community Engagement (FACE)

49 Chambers Street, Rm. 503

New York, NY 10007

[JMojica@schools.nyc.gov](mailto:JMojica@schools.nyc.gov)

Dear Mr. Mojica,

We want to thank FACE for the February 25 presentation to the education council members and administrative assistants (AA's) on fiscal procedures, including reimbursement policies and budget deadlines. The presentations by the FACE Staff and Senior Grants Officers were most informative and it was a good experience for everyone to meet each other. We look forward to future presentations.

We became aware of certain policies that seem unfair and can be a detriment to parent engagement. If possible, we would like to know the laws and regulations that derive these policies. The presenters could not specify laws and regulations and said they were from various areas that needed to be searched. A search of education laws and chancellor's regulations was unsuccessful in ascertaining any relevant information.

The most surprising revelation was the **permanent** loss of the amount of the Citywide/Community District Education Councils (Citywide/CEC) budget cost that is allocated for a raise for the AA. While we are aware of the loss while the AA is employed by the council most of those present were not aware that this was a permanent loss to the council's budget of \$20,000 per year. We strongly believe that this is grossly unfair and inhibits any education council's ability to advocate for public education and foster parent involvement. While until now it has been grudgingly accepted as part of the process of granting a competent AA a raise, it does seem unfair in the first place to have the Citywide/CEC lose the amount of the raise in their budget.

While the issue of the method of getting reimbursed for telephone/internet communications did not come up at the briefing, it is one that is also disquieting and, whether meant to or not, sends a message of distrust and disrespect for council members. Why does such a minor amount need such a complicated formula? The honesty of council members is called into question and is invasive of privacy. There must be a simpler way.

Please consider these comments and suggestions in the spirit which they are intended. We believe that every effort must be made to encourage parent participation and changing these policies and procedures will go a long way toward that end. We look forward to working with you and DOE staff to accomplish this.

Sincerely,

Teresa Arboleda

President, Citywide Council on English Language Learners

cc: CCELL Members

Paola de Cock, FACE

FACE Staff

Office of School Support

Senior Grant Officers

Citywide/CEC's

July 2013-June 2015

## Attachment 4



### Citywide Council on English Language Learners (CCEL)

Department of Education of the City of New York

**Teresa Arboleda, President**

*Council Members:*

**Martha Arenas**

**Bintou Fofana**

**Hebatella Ibrahim**

**Mitchel Wu**

**Awatef Ibrahim, 1st V.P.**

*Office of English Language Learners: Claudia Aguirre, Chief Executive Officer*

**Yalitza Johnson, Director of Special Project**

### **Citywide Council on English Language Learners (CCELL) Resolution # 19, Hereby Increases the Annual Salary of Viviana Andino, the Council's Administrative Assistant to \$40,000 Using OTPS Funds**

**WHEREAS**, Community and Citywide Education Council members are representatives of the parents and community-at-large and are consulted on many important matters, and in turn, must consult with parents; and

**WHEREAS**, the CCELL believes that it needs competent and efficient support staff to fulfill its mission of promoting achievement of educational standards and objectives of English Language Learners, providing input to the Chancellor, generating an annual report and holding public meetings; and

**WHEREAS**, the CCELL needs a skilled administrative assistant in order to accomplish these goals; and

**WHEREAS**, the CCELL believes that their current administrative assistant, Viviana Andino, is more than qualified for her position and is doing an outstanding job; and

**WHEREAS**, the CCELL has been given authority to appoint, supervise, and evaluate their administrative assistant; and

**WHEREAS**, the CCELL's Administrative Assistant has a current salary of \$38,000; she will be given a \$2,000 raise which amounts to 5.26% of previous salary, now therefore be it

**RESOLVED**, that in accordance with Department of Education procedures, the CCELL hereby increases the annual salary of Viviana Andino, the Administrative Assistant to the CCELL to \$40,000 using Other Than Personal Services (OTPS) budgeted funds, effective May 7, 2014

Approved & voted on May 6, 2014 by: Teresa Arboleda, Martha Arenas, Bintou Fofana, Hebatallah Ibrahim, Awatef Ibrahim, and Michel Wu

CCELL Calendar Meeting of May 6, 2014

July 2013-June 2015

## Attachment 5



### Memorandum of Understanding

between

The New York City Department of Education

and

The New York State Education Department

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the two parties above in order to enhance programs and services for English Language Learners.

#### Background

DOE is committed to working to improve educational opportunities for all English language learners (ELL), to ensure that students have access to rigorous Common Core-aligned instruction and the full range of educational opportunities within the DOE. The DOE serves approximately 160,000 students identified as ELLs who speak over 160 different languages. ELLs face the challenge of learning a second language while simultaneously acquiring content area skills and concepts. School communities serving ELLs must be supported in strengthening the specialized skill sets necessary to effectively address the academic and linguistic needs of NYC's diverse ELL student population.

#### Purpose

In New York City, ELL educational services and programs are guided by New York State Education Department Commissioner's Regulations (CR) Part 154, which provides the basic requirements and procedures for ELL education. CR Part 154, as amended by the Aspira Consent Decree, requires schools to form bilingual education programs in grades K-8 when there are 15 or more ELLs of the same language in two contiguous grades, and in grades 9-12 when there are 20 or more ELLs in any single grade. CR Part 154 also determines the number of English as a New Language (ENL, formerly known as ESL) instructional units which ELLs must receive according to their levels of English proficiency. The school system's goal of aligning ELL programs with CR Part 154 ensures that ELLs acquire and develop English language skills while meeting the standards that are expected at their grade and age levels in core subjects.

The DOE is committed to strengthening all ELL programs, including establishing and expanding existing bilingual programs when thresholds are met, as evidenced by the increase in fiscal and personnel resources that will be utilized to support schools.



July 2013-June 2015

The DOE looks forward to the collaborative efforts with NYS Education Department as it accelerates the achievement for all ELLs and sets the bar high for the State and the rest of the nation. Specifically, this MOU demonstrates the ongoing commitment to enhancing and improving the following areas, which are described within this MOU.

- A. Programs and services for all ELLs
- B. Identification processes and placement of ELLs and parent information
- C. Staffing of ELL programs
- D. Accountability procedures and reporting capabilities

#### Duration

This MOU may be modified by mutual consent of authorized officials from the NYCDOE and the NYSED. This MOU shall become effective upon signature by the authorized officials from the above listed parties and will remain in effect until June 30, 2018. The attached plan with specific, measurable, assignable, results-oriented, and timely goals put forth by NYSED will be implemented by NYCDOE over this period of time, therefore meeting the agreement of the MOU as a testament to our mutual commitment to English Language Learners. Targets and goals have been developed to afford NYCDOE flexibility in implementation.

#### Contact Information

New York City Department of Education  
Carmen Fariña, Chancellor  
Department of English Language Learners and Student Support  
52 Chambers Street, room 320  
New York City, NY 10007

and

New York State Education Department  
Dr. John B. King, Jr., Commissioner of Education  
89 Washington Avenue  
Albany, New York 12234

The two parties below agree to the above Memorandum of Understanding on the 10<sup>th</sup> day of November in the year 2014.

Signatures:

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Carmen Fariña, Chancellor

---

Dr. John B. King, Jr., Commissioner of Education

July 2013-June 2015



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office of Bilingual Education and Foreign Language Studies

89 Washington Avenue  
Room 528 EB  
Albany, NY 12234  
Tel. 518-474-8775  
Fax 518-474-7948

55 Hanson Place  
5<sup>th</sup> Floor, Room 594  
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## NEW YORK CITY DEPARTMENT OF EDUCATION AREAS OF FOCUS FOR ENGLISH LANGUAGE LEARNERS

### OVERVIEW OF FOCUS AREAS:

- A. Programs and Services for English Language Learners (ELLs)
- B. Identification and Placement of ELLs and Parent Information
- C. Certified Teachers and Staffing
- D. Accountability

As of the 2015-2016 school year, the plan should be in alignment with the recently adopted Commissioner's Regulation Part 154.

### A. PROGRAMS AND SERVICES FOR ENGLISH LANGUAGE LEARNERS

NYCDOE develops a plan and monitors it to ensure that:

A.1) High quality Bilingual Education programs (Transitional and Dual Language) geared towards English Language Learners (ELLs) are created in a variety of school models (e.g., themed schools) to meet the needs of all ELL language groups, and expand availability of programs, with priority given to underserved languages and school districts.

- Goal: Increase ELL participation in Bilingual Education programs by 25% each year, such that programs are available for all eligible ELLs by 2018-2019.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.1, Auditor General's Recommendation #8 and #11 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

A.2) Admissions policies for new, small, and specialized schools provide for the full participation of English Language Learners.

- Goal: Demonstrate an overall 5% incremental gain in ELL enrollment each year from 2015-2016 to 2017-2018, in each of the above named types of schools, to ensure ELL representation is comparable to the citywide percentage of ELLs.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.2 and the above mentioned goal.

July 2013-June 2015

A.3) Each high school meets designated ELL enrollment targets, based on a formula which takes into account the number of ELL students in each Community School District or geographic area, such that each school's ELL enrollment is reflective of the number of ELLs in the community school district.

- Goal: Meet the designated enrollment such that 50% of all high schools will meet their designated ELL enrollment targets for the class entering in the 2015-2016 school year. During the 2016-2017 school year, demonstrate that 100% of high schools meet their designated ELL enrollment targets.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.3 and the above mentioned goal.

A.4) CTE, YABC, and D79 programs provide high quality Bilingual and/or ESL instruction to all ELLs.

- Goal: Demonstrate that CTE, YABC, and D79 programs are strategically monitored by the Department of English Language Learners and Student Support (DELLSS) to ensure that 100% of programs provide ESL instruction at a minimum.
- Goal: Demonstrate that CTE, YABC, and D79 programs are strategically monitored by the Department of English Language Learners and Student Support to ensure Bilingual Education programs are provided, such that 25% of programs monitored in 2014-2015 provide Bilingual Education programs if they have the threshold number of ELL students who share a home language, 50% of monitored in 2015-2016 provide Bilingual Education programs if they have the threshold number of ELL students who share a home language, 75% monitored in 2016-2017 provide Bilingual Education programs if they have the threshold number of ELL students who share a home language, and 100% in 2017-2018 provide Bilingual Education programs if they have the threshold number of ELL students who share a home language.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.4 and the above mentioned goal.

A.5) Procedures are in place to improve the continuity of Bilingual Education and ESL programs provided to ELLs across all school districts and grade levels.

- Goal: Reduce by 25% the number of ELLs who did not have access to program continuity in 2015-2016, 2016-2017, and 2017-2018, such that all ELLs will have access to Bilingual Education and ESL program continuity by 2018-2019.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.5 and the above mentioned goal.

A.6) Procedures are in place to improve the quality of Bilingual Education and ESL programs provided to ELLs across all school districts and grade levels in alignment with the Blueprint for ELL Success.

- Goal: Demonstrate that schools are strategically monitored by the Department of English Language Learners and Student Support to ensure they meet established criteria for high quality Bilingual Education and ESL programs aligned to the Blueprint for ELL Success, such that 50% of schools monitored in 2015-2016 provide high quality programs, and 90%-100% of schools monitored in 2016-2017 provide high quality programs.

July 2013-June 2015

- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.6, Auditor General's Recommendation #11 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

A.7) ELLs with Individualized Education Programs (IEPs) are provided Bilingual Education and/or ESL services that address their linguistic, academic, and social-emotional needs and enable these students to acquire proficiency in English while having meaningful access to grade level curriculum.

- Goal: Increase the availability of Bilingual Education programs and ESL services that meet the needs of ELLs with IEPs by 25%, such that by 2018-2019, all ELLs with IEPs receive Bilingual Education / ESL services that address their linguistic, academic, and social-emotional needs to acquire language and academic proficiency.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.7 and the above mentioned goal.

A.8) Increase the number of ELLs exiting from ELL status within 6 years and ensure that Long Term ELLs (LTEs) receive high quality education in Bilingual Education and/or ESL programs.

- Goal: Increase by 5% in 2015-2016 and each subsequent year through 2018-2019 the number of ELLs exiting from ELL status within 6 years, by focusing on schools that generate consistent numbers of developing ELLs. Also, demonstrate that schools are strategically monitored by the Department of English Language Learners and Student Support to ensure they meet established criteria for high quality Bilingual Education and/or ESL programs, such that 50% of schools monitored in 2015-2016 provide programs, and 90%-100% of schools monitored in 2016-2017 provide programs.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.8 and the above mentioned goal.

A.9) Ensure that Students with Interrupted Formal Education (SIFE) receive high quality education in Bilingual Education and/or ESL programs that target their academic, language and socio-emotional needs.

- Goal: Demonstrate that schools are strategically monitored by the Department of English Language Learners and Student Support to ensure they provide appropriate Bilingual Education and /or ESL programs to SIFE, such that 50% of schools monitored in 2015-2016 provide programs and instruction, and 90-100% of schools monitored in 2016-2017 provide programs and instruction.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item A.9 and the above mentioned goal.

## **B. IDENTIFICATION / PLACEMENT OF ELLS AND PARENT INFORMATION**

NYCDOE develops a plan and monitors it to ensure that:

B.1) Centralized locations are established in each borough's Enrollment Office where families of ELL newcomers are provided with accurate, objective, and complete information regarding ELL program options and parental rights in their home languages.

- Goal: Establish a centralized ELL Enrollment Office location in each borough in time for the enrollment process for the 2015-2016 school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.1, Auditor General's Recommendation #1 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

B.2) NYCDOE Department of English Language Learners and Student Support and the Enrollment Office staff collaborate in the provision of comprehensive training about ELL program options, Part 154 regulations, the ELL identification process, and parents' rights, including accessibility to interpretation and translation services. In addition, Enrollment Office staff has access to all current Bilingual Education Program (Transitional and Dual Language) information available in order to timely inform parents.

- Goal: Demonstrate that enrollment center staff is provided with comprehensive Bilingual Education information, program availability, enrollment information, and professional development in the above B.2 topics, such that 50% monitored in 2015-2016, and 90% - 100% of monitored in 2016-2017 meet expectations.
- Goal: Create and implement a series of ongoing professional development sessions each year for Enrollment Office staff on each of the topics outlined in B.2.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.2 and the above mentioned goals.

B.3) Qualified personnel adhere to the ELL identification and placement process, consistent with the regulatory timeframe that identification be completed at time of enrollment and within ten (10) school days of the student's enrollment - regardless of the time of year. The process includes administration of the Home Language Questionnaire to the parent or person in parental relation, interview of the student and the parent conducted in English and the home language, administration of the NYSITELL to the student to determine English language proficiency, and placement of the student in an appropriate Bilingual Education and/or ESL program in which the student receives the required units of study pursuant to CR Part 154. The ELL identification and placement process includes clear and efficient protocols to address situations where students are not enrolled by the first school to which they are assigned.

- Goal: Create and implement a series of ongoing professional development sessions each year for cluster, network, enrollment, and school staff, in order to reinforce the ELL Identification and Placement process.
- Goal: Train/retrain 50% of aforementioned staff in 2015-2016, and the remaining 50% in 2016-2017, such that all staff is trained/retrained by the end of the 2016-2017 school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.3, Auditor General's Recommendation #9 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goals.

July 2013-June 2015

B.4) Parents or other person in parental relation of a student designated as an ELL are provided a high quality orientation session on the state standards, assessments, and school expectations for ELLs, as well as the program goals and requirements for Bilingual Education and English as a Second Language, as prescribed by CR Part 154 and in their home languages.

- Goal: Demonstrate that schools and enrollment centers are strategically monitored by the Department of English Language Learners and Student Support to ensure high quality orientation sessions are provided, such that 50% of schools and enrollment centers monitored in 2015-2016 provide high quality orientation sessions, and 90% - 100% of schools and enrollment centers monitored in 2016-2017 provide high quality orientation sessions.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.4, Auditor General's Recommendations #1, #3 and #5 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

B.5) Parents of ELLs are given the required opportunity to exercise their right to place their child in Bilingual Education programs in schools where the number of ELL students speaking the same home language in the same grade require such a program. NYCDOE implements a process, with appropriate interventions, to ensure that parental notifications, orientations, and ELL specific bi-annual meetings – all in parents' home languages – are implemented as required by CR Part 154.

- Goal: Demonstrate that schools and enrollment centers are strategically monitored by the Department of English Language Learners and Student Support to ensure that parents of ELLs are provided with the opportunity to place their child in a Bilingual Education program in schools where warranted, such that 50% of schools and enrollment centers monitored in 2015-2016, and 90% - 100% monitored in 2016-2017 meet expectations.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.5, Auditor General's Recommendations #2, #3 and #5 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

B.6) In schools where CR Part 154 does not require the establishment of a Bilingual Education program, ELL parents are given the option of transferring their child to a school within the community school district where an appropriate Bilingual Education program exists, or outside the community school district if a Bilingual Education program does not exist within the district.

- Goal: Demonstrate that schools are strategically monitored by the Department of English Language Learners and Student Support to ensure that ELL parents are given the option of transferring their child to a school within the community school district where an appropriate Bilingual Education program exists, or outside the community school district if a Bilingual Education program does not exist within the district, such that 50% of schools monitored in 2015-2016 provide the transfer option, and 90%-100% of monitored in 2016-2017 provide the transfer option.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.6 and the above mentioned goal.

July 2013-June 2015

B.7) Each school maintains records of signed notices of parents and persons in parental relation that indicate program selection. Each school maintains records of orientation session agendas and sign in sheets for such orientations. Signed notices of parents and persons in parental relation that indicate program selection shall be included in the student's cumulative record. Signed notices of parents and persons in parental relation are in their home languages.

- Goal: Demonstrate that schools are strategically monitored by the Department of English Language Learners and Student Support to ensure that all necessary documents pertaining to program selection and orientation are maintained in each ELL student's cumulative record, such that 50% of schools monitored in 2015-2016, and 90% - 100% monitored in 2016-2017 meet expectations.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.7, Auditor General's Recommendations #1, #3 and #7 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

B.8) Schools and each borough Enrollment Office provide parents of ELLs and other persons in parental relation with information about all Bilingual Education and English as a Second Language programs available in the community school district in the language or mode of communication that parents best understand. Schools also provide information and notices regarding program placement and the rights of such parents or persons in parental relation. Forms of mass communication are used to inform parents about programs and services for ELLs. This information includes communications regarding Bilingual Education program closings and openings, placement, parent orientations, bi-annual meetings with parents, and availability of documents in the home language.

- Goal: Demonstrate that schools and enrollment centers are providing ELL parents with translated Bilingual Education and/or ESL program and placement materials, such that 50% monitored in 2015-2016, and 90% - 100% of monitored in 2016-2017 meet goals.
- Goal: Demonstrate that all information contained in B.8 is appropriately and accurately translated at a minimum in the 9 most common languages in NYC. In the event that the 9 most common languages in NYC do not include the 3 most common languages in the borough or community school district of the enrollment center, all information contained in B.8 should also be appropriately and accurately translated into those 3 most common languages of the borough or community school district.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.8, Auditor General's Recommendation #4 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goals.

July 2013-June 2015

B.9) Interpretation to meet the needs of parents and persons in parental relation to ELLs and translation of materials (e.g., enrollment materials, admissions applications, outreach fairs, school meetings and materials, IEP meetings, IEPs, programs available) by qualified translators.

- Goal: Demonstrate that schools and enrollment centers are providing interpretation and translation services to ELL parents, such that 50% monitored in 2015-2016, and 90%-100% of monitored in 2016-2017 meet goals.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.9 and the above mentioned goal.

B.10) Community-based organizations have a meaningful opportunity to participate in the development and creation of effective and sustainable ELL programs and services within the community.

- Goal: Hold quarterly school meetings with community-based organizations during planning time for programs for the 2015-2016 school year. The first meeting should occur in fall 2015. Quarterly meetings continue for the subsequent school years for the duration of this plan.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item B.10 and the above mentioned goal.



### C. CERTIFIED TEACHERS AND STAFFING

NYCDOE develops a plan and monitors it to ensure that:

C.1) Teachers servicing ELLs are appropriately certified pursuant to Part 80 and Part 154 of Commissioner's Regulations.

- Goal: Ensure that the number of teachers providing ESL or Bilingual Education without appropriate certification is reduced by 25% by the end of the 2015-2016 school year, 50% by the end of the 2016-2017 school year, 75% by the end of the 2017-2018 school year and 100% by the end of the 2018-2019 school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item C.1, and the above mentioned goal.

C.2) As prescribed by the IEPs for ELLs, qualified bilingual teachers, speech pathologists, reading specialists, and other support personnel provide high quality Bilingual and Special Education services to students in their home language. In instances when Bilingual Education programs cannot be provided for ELLs with an IEP, a bilingual paraprofessional is provided as a temporary service solution only.

- Goal: Increase the number of ELLs with IEPs being served by qualified bilingual professionals as opposed to bilingual paraprofessionals each year by 25%, such that, by the end of 2018-2019, all ELLs with IEPs are served by qualified bilingual professionals when their IEPs require.
- Goal: Increase the number of ELLs with IEPs being served according to their IEP by 25% each year, such that by the end of 2017-2018 all ELLs with IEPs are served according their IEPs.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item C.2, and the above mentioned goals.

C.3) Reduces the shortage of Bilingual Education / ESL teachers in specific language groups by developing and implementing a recruitment plan for attracting Bilingual Education, ESL, and Bilingual Special Education teachers. The plan creates incentives and pathways to secure appropriately certified candidates to ELL-specific teaching positions and increase the pool of bilingual psychologists and bilingual speech teachers.

- Goal: Reduce the shortage of Bilingual Education / ESL teachers in specific language groups by 25% each school year, based on the shortages in the 2014-2015 school year and thereafter, such that by the end of the 2018-2019 school year there are no shortages of Bilingual Education / ESL teachers.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item C.3, and the above mentioned goal.

C.4) Aligns ELL professional development programs with the NYS Common Core Learning Standards (CCLS), New Language Arts Progressions (NLAP), Home Language Arts Progressions (HLAP), and NYSED's Blueprint for ELL Success. Research-based professional development is targeted to Bilingual, ESL, and content area teachers.

- Goal: Provide ELL-specific research-based professional development opportunities aligned to CCLS, NLAP, HLAP and NYSED's Blueprint for ELL Success to satisfy 50% of each Bilingual / ESL teacher's, and 15% of each content area teacher's professional development.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item C.4 and the above mentioned goal.

July 2013-June 2015

C.5) In schools where ELLs are not served or are partially served, consistent with collective bargaining agreements, Bilingual and ESL teachers in the district are used to provide ELL instruction aligned to NYS Common Core Learning Standards (CCLS), New Language Arts Progressions (NLAP) and NYSED's Blueprint for ELL Success, rather than assigned to non-instructional tasks.

- Goals: Demonstrate that schools are strategically monitored by the Department of English Language Learners and Student Support to ensure that, in schools where ELLs are underserved based on data from the 2014-2015 school year, Bilingual and ESL teachers spend the majority of their time providing instruction to ELL students' services in lieu of other non-instructional tasks. Ensure that 50% of schools monitored in 2015-2016, and 90% - 100% monitored in 2016-2017 meet expectations.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item C.5, and the above mentioned goal.

C.6) Staff in schools who are struggling to meet the instructional and programmatic needs of ELLs, based on, but not limited to, inability to meet Annual Measurable Achievement Objective (i.e., below average ELL graduation rates), attend research-based professional development to meet the needs of the ELLs.

- Goal: Provide ongoing ELL-specific research-based professional development opportunities aligned to the specific needs of identified schools, such that 80% of staff receives training annually.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item C.6, and the above mentioned goal.

#### **D. ACCOUNTABILITY**

NYCDOE develops a plan and monitors it to ensure that:

D.1) Ensures that annual Language Allocation Policy (LAP) Reports are submitted every year prior to the end of the school year and in accordance with the NYSED submission schedule.

- Goal: Submit Language Allocation Policy (LAP) Reports for 100% of schools in all NYCDOE districts and schools prior to each school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.1, Auditor General's Recommendation #10 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goals.

D.2) Ensures that a process and reporting structure is in place to prevent schools from declining to admit potential ELLs during general and over the counter/walk-in enrollment.

- Goal: Demonstrate that schools and enrollment centers are strategically monitored by DELLSS to ensure that schools do not decline to admit ELLs during enrollment and over the counter / walk-in potential ELLs, such that 50% of schools and enrollment centers monitored in 2014-2015, and 90% - 100 % monitored in 2015-2016 meet expectations.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.2, and the above mentioned goal.

D.3) Develops and implements a system, consistent with collective bargaining agreements, to hold teachers, principals, and superintendents accountable for ELL programs and services, including the incorporation of ELL compliance measures in teacher, principal, and superintendent performance reviews.

- Goal: Include ELL-specific criteria in each performance review system to hold principals accountable for ELL programs and services, including the incorporation of ELL compliance measures in teacher, principal, and superintendent performance reviews.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.3, Auditor General's Recommendation #11 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

D.4) Designs and establishes a system to monitor over-referrals of ELLs to the Committee on Special Education (CSE) while ensuring that those referred to CSE for an individual evaluation are provided with evaluations in each student's home language and in English pursuant to section 200.4(b)(6) of the Regulations of the Commissioner of Education.

- Goal: Provide annual ongoing professional development to schools identified as having above average referral rates of ELLs to the CSE to ensure that ELLs are appropriately referred.
- Goal: Ensure that 75% of ELLs referred to the CSE for an individual evaluation are provided with evaluations in a timely manner in each student's home language and in English in 2015-2016, and 100% for each subsequent school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.4, and the above mentioned goals.

D.5) Prior year data is used to provide support to schools that have demonstrated difficulty or a pattern of not being able to conduct timely administration of the NYSITELL.

July 2013-June 2015

- Goal: Increase the number of new ELLs who are timely administered the NYSITELL such that 98% are tested by the end of the 2015-2016 school year, and 99%-100% by the 2016-2017 school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.5, Auditor General's Recommendation #6 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

D.6) Prior year data is used to provide support to schools that have demonstrated difficulty in administering the NYSESLAT to all ELLs.

- Goal: Increase the number of ELLs who are administered the NYSESLAT such that 97% are tested by the end of the 2015-2016 school year, and 99% by the 2016-2017 school year.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.6, and the above mentioned goal.

D.7) Ensures current and future system-wide and district level structures adequately support the implementation of this plan, and secures additional resources as necessary for full implementation.

- Goal: Include a designated ELL point person in charge of ensuring NYCDOE Areas of Focus for English Language Learners is met in all current and future system-wide structures.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.7, and the above mentioned goal.

D.8) Provides ELL program data that is collected during the enrollment process via the initial enrollment screen, and applied to school and Bilingual Education program placement.

- Goal: Demonstrate use of ELL program information collected via the initial enrollment screen to ensure adequate Bilingual program placement in schools, such that 80% of students are appropriately placed in Bilingual Education programs in 2015-2016, 90% in 2016-2017 and 100% in 2017-2018.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.8, Auditor General's Recommendation #7 contained in the ELL Parent Choice Program Compliance Audit Report dated 12/19/2012, and the above mentioned goal.

D.9) Takes conceptual consolidation of funds into account, creates a monitoring system to track program implementation and ELL supports, and ensures that funds from ELL grants are used toward providing programs and instruction to ELLs.

- Goal: Create a system to strategically monitor by the Department of English Language Learners and Student Support to determine how funding is allocated in schools, and if funds are being appropriately utilized to meet the needs of their ELL students.
- NYCDOE will create and submit a plan to be reviewed and approved by NYSED to address item D.9, and the above mentioned goal.

July 2013-June 2015

## Attachment 6



### Citywide Council on English Language Learners (CCELL) Department of Education of the City of New York

**Teresa Arboleda, President**

*Council Members:*

*Officer*

**Martha Arenas**

*Special Project*

**Bintou Fofana**

**Hebatella Ibrahim**

**Awatef Ibrahim, V.P.**

*Office of English Language Learners: Claudia Aguirre, Chief Executive*

**Vanessa Leung, Rec. Secretary**

**Yalitza Johnson, Director of**

#### **Statement of Community District Education Councils, Citywide Council on High Schools, Citywide Council on English Language Learners, Citywide Council on Special Education and Citywide District 75 Council to Mayor-Elect Bill de Blasio**

The Citywide Council on English Language Learners (CCELL) agrees, in principle, with the letter to Mayor-Elect Bill de Blasio, which was put together by representatives of the District Education and Citywide Councils.

After a discussion on the letter at the CCELL meetings of December 3, 2013, and January 7, 2014, there was consensus to amend the letter as follows:

#### **English Language Learners**

Parents who are immigrants and, by virtue of their immigrant status, are usually parents of children who are English Language Learners (ELLs) face challenges to participate in the education of their children. These include limited English proficiency, cultural differences, possibly not being documented and limited available resources. By resolution of June 2012, the CCELL recommended free English classes be provided in NYC Public Schools for parents who are speakers of languages other than English. The resolution recommended that resources, such as funding, staff, space and materials, be provided for these classes by the NYC Department of Education. The CCELL recommends that the Chancellor appointed by Mayor de Blasio be sensitive to the challenges faced by the immigrant population and that he/she take appropriate actions to encourage the participation of immigrant parents in their children's education. This will include support for a further amendment to Education Law 2590 to also allow a parent of a former ELL student to sit on the 32 Community District Education Councils, as is now the case on the CCELL as per Chancellor's Regulation D170.

Given the high dropout rates amongst our English Language Learners, it is imperative that our new Chancellor ensures quality resources and support are made available to each and every English Language Learner student and his/her family.

A high number of ELLs are affected, and adversely impacted, by the closings/openings/ co-locations of schools and it is challenging to establish a process to secure the continuation of needed services. The CCELL, by resolution In May 2011, recommended that a procedure be established that is transparent and sensitive to the needs of ELLs. Families of ELLs must be assisted and informed of school closures and co-locations, as well as what bilingual programs are being offered in new and other nearby schools. The newly appointed Chancellor should also assure that a procedure to assure the provision of services needed for ELLs is in place in every school that is closed and/or co-located.

July 2013-June 2015

## Attachment 7



### Citywide Council on English Language Learners (CCELL) Department of Education of the City of New York

**Teresa Arboleda**, *President*  
*Council Members:*  
**Martha Arenas**  
**Bintou Fofana**  
**Hebatella Ibrahim**

**Awatef Ibrahim**, *V.P.*  
*Office of English Language Learners:* **Claudia Aguirre**, *Chief Executive Officer*  
**Yalitza Johnson**, *Director of Special Project*

**Vanessa Leung**, *Rec. Secretary*

#### Statement in Support for Funding for

#### Citywide Council on English Language Learners (CCELL)

January 14, 2014

The Citywide Council on English Language Learners (CCELL) has held discussions regarding English language classes for immigrant parents who are English Language Learners (ELLs) as well as the need for parent training on governance of the Citywide and Community Education Councils. The CCELL passed a resolution recommending the NYC Department of Education provide support and resources for English classes for immigrant parents. The CCELL also developed a strategic action plan to be used as a guide for candidates and new members to be aware of what responsibilities are required in accordance with NY State Law 2590.

Funding to support the English classes is required for staff, materials, outreach, etc. Facilitating the learning of English for immigrant parents will benefit the entire family in the pursuit of academic excellence for their children. It is also important for parents to know how their schools are governed so they may advocate for their children. Funding is required for training parents.

July 2013-June 2015

## **Attachment 8**

### **STATEMENT ON ENGLISH LANGUAGE LEARNERS (ELLs)**

Meeting with Chancellor Fariña

Saturday, June 21, 2014 at Tweed

Teresa Arboleda, President, Citywide Council on English Language Learners (CCELL)

The greatest challenge facing the Citywide Council on English Language Learners as well as the District Community Education Councils is the difficulty in engaging parents of students who are ELLs. Parents of children who are English Language Learners (ELLs) are usually immigrants and the challenges they face include limited English proficiency, cultural differences, possibly not being documented and limited available resources.

Laws have been and are being passed by the New York State Legislature that will allow parents of ELLs who have passed the test within the past two years to run For Citywide and Community Education Councils. Hopefully these changes will encourage parents of ELLs to become more engaged in school governance.

As has previously been proposed, having classes in English available for free in the public schools where the children of immigrant parents attend, or at a nearby location, will go far in encouraging parents to learn English and to participate more fully in their children's education. While scarcity of space and resources present challenges, it can be possible to connect with Community Based Organizations and seek foundation funding. The public libraries in some areas already provide English classes.

Assistance to families of ELLs is needed regarding the availability of what models of bilingual programs (ESL, Transitional Bilingual and Dual Language) are being offered in schools upon registration. Often the program desired by the parent is not available at the school or nearby. This is especially true for Dual Language Programs. We know there is much interest in forming more programs in languages such as Arabic and Russian but there are obstacles, such as the lack of certified teachers and locations convenient to parents.

We look forward to working with you so all our children receive the best education.

July 2013-June 2015

## Attachment 9



### Citywide Council on English Language Learners (CCELL) Department of Education of the City of New York

*Teresa Arboleda, President*     *Awatef Ibrahim, 1st V.P.*  
*Council Members:*  
Martha Arenas  
 Bintou Fofana  
 Hebatalla Ibrahim

*Office of English Language Learners: Claudia Aguirre, Chief Executive Officer*  
Yalitza Johnson, Director of Special Project

#### Citywide Council on English Language Learners (CCELL) Resolution #22- In Support of NYC's Plan for UPK and Expanded After-school Programs Approved May 6, 2014

**WHEREAS**, a wealth of research shows pre-kindergarten ("PK") and after-school programs are key to improving graduation rates and reducing the achievement gap; and

**WHEREAS**, these high-quality programs are proven to increase cognition, improve overall school performance and build fundamental skills that put children on an upward educational path; and

**WHEREAS**, children who receive early education are 20% more likely to graduate from high school and 20% more likely to rise out of poverty; and

**WHEREAS**, PK can reduce the achievement gap by up to 40%, according to the National Bureau of Economic Research; and

**WHEREAS**, without a high-quality early childhood intervention, an at-risk child is: 25% more likely to drop out of school, 50% more likely to be placed in special education and 70% more likely to be arrested for a violent crime, according to the Ounce of Prevention Fund; and

**WHEREAS**, according to the Afterschool Alliance, one in four New York City ("NYC") school children is left alone and unsupervised during after-school hours, the peak window for juvenile crime and violence; and

**WHEREAS**, research on high quality after-school programs has found that children who participate have improved attendance, behavior, coursework, and test scores; and

**WHEREAS**, under NYC's plan, all four-year olds would have access to universal PK ("UPK") for the first time in NYC's history; and

**WHEREAS**, implementation of this UPK plan would close a gap of 53,767 children, including English Language Learners, who currently receive inadequate part-time Pre-K, or no Pre-K at all and would serve more than 73,000 4-year olds at full implementation; and

**WHEREAS**, NYC's plan would also aggressively expand after-school learning opportunities for nearly 120,000 middle school students, including English Language Learners, by adding new programs between 3pm and 6pm in academics, culture, foreign languages and athletics; and

**WHEREAS**, middle school is a critical period when parents' involvement in education declines and kids need to be kept off the streets and out of harm's way; and

**WHEREAS**, after school can present an opportunity to provide classes for immigrant parents to learn English; and

**WHEREAS**, Albany has promised UPK since 1997, but funding commitments have not materialized and tens of thousands of NYC school children have been left behind; and

**WHEREAS**, NYC needs this plan fully funded with long-term dedicated funding that guarantees program stability; now, therefore be it

**RESOLVED**, that the Citywide Council on English Language Learners (CCELL) supports NYC's plan for UPK and expanded after-school programs and strongly urges the NYS Legislature to approve full, dedicated, and stable funding for all eligible New York State children.



July 2013-June 2015

## **Attachment 10**

**Hearing on Ensuring English Language Learners (ELLs)  
Receive Appropriate Educational Services and Res. 388  
New York City Council Education Committee,  
Chaired by Council Member Daniel Dromm, Council Chambers – City Hall  
Wednesday, February 25, 2015**

**Testimony by:** Teresa Arboleda

President, Citywide Council on English Language Learners (CCELL) ([ccell@schools.nyc.gov](mailto:ccell@schools.nyc.gov)  
or [arboledat@yahoo.com](mailto:arboledat@yahoo.com))

Thank you for the opportunity to testify. The CCELL was established by NYS Education Law 2590-B, 5., with the power to advise and consent on any educational or instructional policy involving bilingual or English as a Second Language Programs. The CCELL promotes second English Language Learning (ELL) by advocating on behalf of NYC public school students in bilingual, dual language, and ESL programs. The Council also encourages parent engagement in their children's language learning by providing information about public school ELL programs and services and by providing a forum for parent and community concerns about these programs and services

Bilingual education in New York City has often been met with lack of support from school administrators. Programs that were flourishing could be dismantled when a new principal, who did not support bilingual programs, came on board. The Memorandum of Understanding (MOU) announced in November between the NY State Education Department and the NY City Department of Education should lead to better outcomes for English Language Learners and provides hope for support of bilingual education that did not always exist in New York State. The 40 Dual Language Programs added or expanded in New York City were offered to principals who applied for them, assuring support by administration in a school. Supports and services planned include staff development, and bilingual teacher certification. There is a call for dual language programs in the future in languages such as Arabic and Russian.

Meaningful parent engagement leads to successful students and to succeed it is necessary to engage families and school communities. Toward that effort parents must be provided with the opportunity to attend free English classes in their children's school or nearby. Resources for these classes, including funding for staff, supplies, and learning materials, must be made available to the schools. There are also concerns in schools about assuring that there is appropriate translation and interpretation in the languages that parents speak. PTA meetings as well as Information about school events should be translated. While at present there is someone assigned in each school to assure there are proper translations provided to families, parents are often afraid to express their concerns. Staff should be trained to be sensitive to the concerns of different cultures.

Hearing on Ensuring English Language Learners (ELLs)  
Receive Appropriate Educational Services and Res. 388  
Chambers – City Hall  
Wednesday, February 25, 2015  
[ccell@schools.nyc.gov](mailto:ccell@schools.nyc.gov)

July 2013-June 2015

**Res No. 388** - We fully support the New York State Education Department's Elementary and Secondary Education Act Waiver Renewal request that newly arrived English Language Learners (ELLs) be exempted from participating in the English language arts assessments for two years. In light of the new Common Core Learning Standards, not exempting ELLs is counter-productive. There is some concern about ELL students losing their proficiency in math with the implementation of the new common core standards. The possibility of the loss of confidence faced by these ELL students poses a challenge.

Research studies (Toronto Board of Education, Jim Cumins, 1979, 1981) show that while students may quickly acquire conversational fluency, it generally takes a minimum of five to seven years to acquire academic aspects of a language. Students who stay longer in a bilingual program acquire math and reading skills as fast as or faster than those in English-immersion or those who exit bilingual programs early. Data shows that students who began English-only schooling, with little formal study of their native language, scored lower on a standardized achievement test than students who had earlier been exposed to formal native-language education. Thus first-language proficiency may positively influence achievement in the second language. (Collier and Thomas 1987). Testing after only one year does not present an accurate demonstration of a student's progress.

July 2013-June 2015

## Attachment 11

### **“DOE Significant School Changes: Closures, Reconfigurations and Community Notification and Res. No. 1263, Proposed Res. No. 1395-A and Res. No. 1906”**

Hearing Date: Wednesday, October 2, 2013

250 Broadway, 14th Floor, New York, NY

Robert Jackson, Chair, Council Education Committee

**Testimony by:** Teresa Arboleda (arboledat@yahoo.com)  
Chairperson, Citywide Council on English Language Learners (CCELL)  
(for ID purposes only)

Jan Atwell, Legislative Policy Analyst, Education Committee, New York City Council  
[jatwell@council.nyc.gov](mailto:jatwell@council.nyc.gov)

Thank you for giving us an opportunity to comment on NYC DOE significant School Changes: Closures, Reconfigurations and Community Notification and Res. No. 1263, Proposed Res. No. 1395-A and Res. No. 1906. As a former Community Education Council Member, and now as Chair of the CCELL, I experienced the too often futile process of attending hearings where there is almost unanimous parent and community opposition to a school closure and/or reconfiguration, and the DOE still goes forward with its plans. It is because of this experience that I strongly support **NYC Council Res. 1263** which would require the NYS legislature to amend the Mayoral Control Law by requiring that the respective CEC approve a school proposal before presentation for a vote by the PEP.

I also strongly support the proposed **NYC Council Res. No. 1395-A**, which calls upon the NYDOE to institute a moratorium on school closings and co-locations for a period of at least one year, as of July 1, 2013. It is unfortunate that the NYCDOE is not listening to the majority of parents and the community and is going full speed ahead with its plans for significant school changes before the new mayor takes over.

I also strongly support the proposed **NYC Council Res. No. 1906**, which calls for the NYCDOE to amend Chancellor’s Regulation A-190 to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization. Too often notifications of school closures and/or significant changes, and connected hearings are cut too closely to the date, not giving parents and the community an opportunity to appropriately prepare and plan.

Changes to Education Law and Chancellor’s Regulations must reflect the urgent need for meaningful parent and community input, through the District Community Education Council, when there is a proposed closure or significant change to a school. This is necessary to assure that all the children, including Special Education and English Language Learners, receive the best education.

July 2013-June 2015

## Attachment 12



### Citywide Council on English Language Learners (CCEL) Department of Education of the City of New York

*Teresa Arboleda, President*  
*Council Members:*  
**Martha Arenas**  
**Bintou Fofana**  
**Hebatella Ibrahim**  
**Mitchel Wu**

*Awatef Ibrahim, 1st V.P.*  
*Office of English Language Learners: Claudia Aguirre, Chief Executive Officer*  
*Yalitza Johnson, Director of Special Project*

#### Citywide Council on English Language Learners (CCEL) Resolution on Lawsuit - NEW YORKERS FOR STUDENTS RIGHTS (NYSER)

**Whereas**, New Yorker for Students Educational Rights (“NYSER”), together with a number of individual parent Plaintiffs from New York City and other parts of New York State, have filed a law suit against The State of New York, Governor Cuomo, The Education Commissioner, and the Regents to ensure that all students in New York State receive a properly funded, sound basic education as required by the NY State Constitution; and

**Whereas**, The Court of Appeals, New York’s highest court, decisively held in CFE v. State of New York in 2003 and again in 2006 that every child in the State of New York has a constitutional right to the opportunity for a sound basic education pursuant to Article XI, section 1 of the New York State Constitution; and

**Whereas**, the State of New York has failed to provide students in the New York City School District with adequate funding, as required by the Court of Appeals in CFE v. State of New York, and

**Whereas**, the State of New York has failed to identifying the essential resources, services, and supports that must be available in all school and to all students to meet the New York State Learning Standards and to prepare them to be “college and career ready” and to provide appropriate guidance to school districts regarding these requirements; and

**Whereas**, the State of New York has failed to assess the scope of current resource deficiencies and current violations of students’ rights to the opportunity for a sound basic education; and

**Whereas**, the State of New York has failed to maximize school and district cost effectiveness by reducing barriers to effective spending by eliminating or revamping unnecessary mandates and providing school districts clear guidance on how to improve cost effectiveness while safeguarding constitutional educational services; and

**Whereas**, the State of New York has failed to develop and implement a new methodology to determine the costs of efficiently providing all students with the essential resources for a sound basic education; and

**Whereas**, the State of New York has failed to revise the state funding formulas to ensure that all schools receive sufficient resources; and

**Whereas**, the State of New York has failed to create state and local accountability mechanisms to ensure that, on an on-going basis, schools have sufficient resources and are, in fact, providing all students the opportunity for a sound basic education; and

**Whereas**, the Citywide Council for English Language Learners (CCEL) supports the NYSER litigation; and

**Whereas**, it is understood, that joining NYSER requires no financial obligation from the Citywide Council for English Language Learners (CCEL); therefore be it

**RESOLVED**, that the Citywide Council for English Language Learners (CCEL) hereby agrees to join NYSER and to support the lawsuit, NYSER v. State of New York.

#### Certification

I, the undersigned, as the President of the Citywide Council for English Language Learners (CCEL), do hereby certify that the members of the CCEL, at a Calendar Public Meeting held on May 6, 2014, voted to adopt this resolution.

Teresa Arboleda,  
President, Citywide Council for English Language Learners

**RESOLUTION APPROVED AND ADOPTED BY the Citywide Council for English Language Learners (CCEL)**

July 2013-June 2015

## Attachment 13



### Citywide Council on English Language Learners (CCELL)

Department of Education of the City of New York

45-18 Court Sq. Rm 260, LIC, NY, 11101

718-752-7394 ~ [ccell@schools.nyc.gov](mailto:ccell@schools.nyc.gov) ~ [ccell.org](http://ccell.org)

**Teresa Arboleda, President**

*Council Members:*

**Martha Arenas**

**Hebatalla Ibrahim**

**Aisuloo Sartbaeva**

**Awatef Ibrahim, 1st V.P.**

**Mitchel Wu, Rec. Secretary**

*Department of English Language Learners:* **Milady Baez, Deputy Chancellor**

**Yalitza Johnson, Chief of Staff**

March 16, 2015

Dean G. Skelos

Temporary NYS Senate President & Majority Leader

[skelos@nysenate.gov](mailto:skelos@nysenate.gov)

Carl E. Heastie

NYS Assembly Speaker

[Speaker@assembly.state.ny.us](mailto:Speaker@assembly.state.ny.us)

#### Re: Governor's Education Budget proposals

The Citywide Council on English Language Learners (CCELL) stands with our fellow Citywide and District Community Education Councils across New York City as they stand against the Governor's budget as it deals with public education.

Governor Andrew Cuomo's budget includes education plans which should be debated separately as policy issues and should not be a part of the budget. These include extending mayoral control for three years, lifting the statewide charter cap, and the evaluation of teachers. Not debating these issues subverts a true democratic process that silences the voices of parents, teachers, administrators, students and local school communities.

Amendments, to provide further checks and balances, must be made to the parts of law 2590 that gave the Mayor of New York City control of public schools and sunsets on June 30, 2015.

Many charter schools in New York City have been co-located with other public schools and this has led to a separate and unequal system where most charters fail to serve the neediest populations, such as English Language Learners and children in need of Special Education Services, in violation of state law. The charter cap must not be raised, NYC must not be forced to pay charters' rent, and there must be more support for the traditional public schools so they can educate all children.

Research demonstrates that a system that uses test scores as a primary basis for teacher evaluation does not lead to academic success. High stakes testing leads to teaching to the test, wastes school funds and cuts into meaningful learning in the classroom.

The Governor must meet the constitutional obligation for funding schools, and cannot continue to withhold more than \$2 Billion owed to New York City schools under the Campaign for Fiscal Equity case. New York City schools desperately need their fair share of state aid to restore lost art, music, sports teams, afterschool programs, and libraries. Funds are needed to reduce class size and school overcrowding and to include an adequate number of guidance counselors, psychologist and social workers in schools.

The CCELL strongly opposes the Governor's educational plan, as announced in the State of the State address, and in the budget. The CCELL joins in coalition with parents, educators, clergy, civil rights organizations and community activists to make our voices heard and to move our city's schools forward.

Sincerely,

Citywide Council on English Language Learners

cc: Governor Andrew Cuomo;

Chair, Assembly Education Committee Catherine Nolan;

Chair, NY Senate Education Committee John J. Flanagan

July 2013-June 2015

## Attachment 14



### Citywide Council on English Language Learners (CCELL) Department of Education of the City of New York

Teresa Arboleda, *President*    Awatef Ibrahim, *1st V.P.*  
*Council Members:*  
Martha Arenas  
Bintou Fofana  
Hebatella Ibrahim  
Mitchell Wu

*Office of English Language Learners:* Claudia Aguirre, *Chief Executive Officer*  
Yalitza Johnson, *Director of Special Project*

#### Citywide Council on English Language Learners (CCELL) RESOLUTION #21 TO RE-EVALUATE THE COMMON CORE STATE STANDARDS IN NEW YORK STATE Approved May 6, 2014

**WHEREAS**, the New York State Common Core Learning Standards (CCLS) have been unsatisfactorily implemented in public schools; and

**WHEREAS**, the CCELL is in support of the higher education standards and quality of education, but not at the expense of students, parents and teachers; and

**WHEREAS**, the CCELL suggests that the higher education standards and quality of education may be achieved with the proper implementation of CCLS; and

**WHEREAS**, CCLS are internationally-benchmarked and evidence-based standards that serve as a consistent set of expectations for what students should learn and be able to do to be college and career ready; and

**WHEREAS**, CCLS were implemented prior to providing the necessary tools and training support for successful implementation; and

**WHEREAS**, while CCLS correctly allow for teacher flexibility on *how* to help students meet standards, the state and city have incorrectly failed to provide teachers with materials about *what* to teach – in other words, teachers have not been provided with the full curricula; and

**WHEREAS**, CCLS were introduced into our schools with virtually no thought about the impact these standards would have on students who were already struggling at levels below proficiency *even before* the CCLS, and above all, introduced without consideration of the impact they would have on students with an individualized educational program (IEP) and English language learners (ELL); and

**WHEREAS**, CCLS testing as it relates to word problems in math falsely assumes English reading comprehension readiness. CCLS do not take into consideration that English Language Learners and/or children with IEP's scores will most likely suffer even if students are excellent at the numerical problems; and

**WHEREAS**, schools and teachers have not had sufficient time, training, and support to insure that students' needs are met; and

**WHEREAS**, CCLS includes materials that are not age and developmentally appropriate materials; and

**WHEREAS**, CCLS is a one-size-fits-all approach to education that does not address unique individuality of each child, teaches children all the same thing at the same time regardless of developmental or language differences; and

**WHEREAS**, CCLS' current assessments actually test students on topics not included in curriculum; and

**WHEREAS**, CCLS that are not properly implemented and supported take away creativity and innovation; and

July 2013-June 2015

**WHEREAS**, that state and city seem more interested in issuing standardized tests on the standards, rather than in teaching them; and

**WHEREAS**, all of the problems with the implementation of CCLS have been aggravated greatly by their use in high stakes tests and high stakes decisions; and

**WHEREAS**, the fact that CCLS allow an access to the personal information provided to a data cloud (inBloom) without proper controls in place and parents' ability to opt-out is disturbing to parents and educators. This will create an opportunity for inBloom to sell to and/or share the data with unspecified vendors. Such dissemination of students and families' personal information will lead to a total control and total tracking of the children and invasion of their privacy. Therefore, be it

**RESOLVED** that the Citywide Council on English Language Learners proposes to the New York State Department of Education and New York City Department of Education to provide teachers time and the proper support, materials and tools they need to effectively educate our students; and be it further

**RESOLVED** that Citywide Council on English Language Learners hereby calls upon the New York State Governor and elected state officials, to urge the New York State Board of Regents to re-evaluate and slow the implementation of the CCLS so they can restructure the curriculum and properly roll out CCLS in a coherent, professional manner with proper professional development for both parents and educators.

July 2013-June 2015

## Attachment 15



### Citywide Council on English Language Learners (CCELL)

Department of Education of the City of New York

*Teresa Arboleda, President*

*Awatef Ibrahim, 1st V.P.*

*Mitchel Wu, Rec. Secretary*

*Bintou Fofana, Treasurer*

*Council Members:*

*Department of English Language Learners: Milady Baez, Deputy Chancellor*

*Yalitza Johnson, Chief of Staff*

*Martha Arenas*

*Hebatalla Ibrahim*

*Aisuluu Sarbaeva*

June 16, 2015

New York State Education Department

Board of Regents

[RegentsOffice@nysed.gov](mailto:RegentsOffice@nysed.gov)

**Re:** Citywide Council on English Language Learners (CCELL) Support of New York State Association for Bilingual Education (NYSABE) Position Statement on the Annual Professional Performance Review (APPR) and its Impact on Teachers Serving ELLs/Bilingual Learners, June 2015

The Citywide Council on English Language Learners (CCELL) was established by NYS Education Law 2590-B, 5. (a) (i) – (iii) with the power to advise and consent on any educational or instructional policy involving bilingual or English as a Second Language Programs (ESL) . . . and making recommendations, as appropriate, on how to improve the efficiency and delivery of services for English Language Learners (ELLs).

The CCELL supports the NYSABE rationale opposing the practice of using ELLs students test scores for the purpose of teacher evaluations. The lower test scores of ELLs do not mean that teachers are failing to educate these students, but rather it is an affirmation that ELLs are in the process of learning English. We agree that the evaluation of teachers of ELLs must be done by evaluators with the expertise necessary to do so.

The CCELL also supports the NYSABE recommendations to address concerns about the reliability and validity of standardized tests to measure student performance and student growth as part of the teacher evaluation. These include the dedication of available resources, energy, time, and a clear focus to building capacity among current and future school leaders.

Please contact us if you have any questions about our support for the NYSABE position statement regarding the APPR.

Sincerely,

Teresa Arboleda

President, Citywide Council on English Language Learners



July 2013-June 2015

## Attachment 16



### Citywide Council on English Language Learners (CCELL)

Department of Education of the City of New York

Teresa Arboleda, *President*

Awatef Ibrahim, *1st V.P.*

Vanessa Leung, *Rec. Secretary*

*Office of English Language Learners:* Claudia Aguirre, *Executive Director*

Yalitza Vasquez-Johnson, *Director of Special Projects*

#### CITYWIDE COUNCIL ON ENGLISH LANGUAGE LEARNERS (CCELL)

Teresa Arboleda, President, CCELL

Hearing about charter revision for Harlem Success Academy Charter Schools,  
located in Community School Districts 2, 3, 4 and 5 in Manhattan,  
held on Thursday, September 12, 2013 at 333 7<sup>th</sup> Avenue, New York, NY 10001

**Comments submitted here have been solicited by the CCELL and are submitted after the due date. There was very little time before the hearing to properly plan for the solicitation of comments since notice of the hearing was received only a couple days before the hearing date.**

**Re:** Proposed Charter Revision: As directed by the United States Department of Education, all schools listed have proposed to revise their Admissions Policies to remove a lottery preference for a set-aside percentage of ELL students.

The CCELL's mission, based on New York State Education Law 2590, is to promote second English Language Learning (ELL) by advocating on behalf of NYC public school students in bilingual, dual language, and ESL programs. The Council also encourages parent engagement in their children's language learning by providing information about public school ELL programs and services and by providing a forum for parent and community concerns about these programs and services.

It is unfortunate that the CCELL was unable to provide comments at the hearing since it was held on the same date and time as its monthly meeting. There is deep concern as to what effect this directive from the US Department of education may have on the mandated services to English Language Learners (ELLs) throughout the city, state and country. Therefore, it is important that this revision, and the directive that precipitated it, be carefully and thoroughly discussed and commented upon by affected stakeholders before implementation.

When it was approved, one of the key design elements of the Upper West Success Academy academic program was strong support for students with disabilities and English language learners. Charter schools need to reserve spaces for students with disabilities and ELL students so that the schools can mirror the student population of nearby public schools.

Clarification is needed regarding this directive. What does it mean? Will students with disabilities and ELL students not be provided with information about programs they need? Does this only apply to funding for Charter start-ups? It is apparent from the comments submitted that there is more confusion than clarity.

It is hoped that, because of the short hearing notice, there will be understanding regarding the late submission of comments. Copies of these comments are being sent to the U.S., New York State and New York City Departments of Education.

Enclosed are some comments received regarding this directive. Some comments have been edited for clarity and brevity. If there are any questions, the CCELL can be contacted at [ccell@schools.nyc.gov](mailto:ccell@schools.nyc.gov).

July 2013-June 2015

Encl: Comments

**Re:** Proposed Charter Revision: As directed by the United States Department of Education, all schools listed have proposed to revise their Admissions Policies to remove a lottery preference for a set-aside percentage of ELL students.

Following are some comments received regarding this directive. *Some comments have been edited for clarity and brevity:*

I am a concerned parent of a bilingual student who studies at PS 163 in the dual language program. Daily, I see just how difficult it is for ELL students and families to be able to get the services and placement that they need. I understand that the Upper West Success Academy has been compelled by a federal decision to remove its lottery preference for English Language Learner students. As a concerned parent, I have several questions to ask:

1. ELLs already have problems getting the placement that they need, often because they need more help navigating the process. NYC needs to advocate for them, particularly because we are talking about a group of students and families who are not skilled in navigating the system or do not have the language skills required to navigate the system.

2. If one of the objectives of Success Academy, and one of the reasons why, in my understanding, they were getting funds, was to be able to assist at risk students, specifically in this case ELLs, then the mandate, in my view, seems to deny the rights of these students.

3. Why exactly is the federal system meddling with the NYS laws? In what ways exactly is it illegal? What is the basis for this new policy that so badly affects ELLs and other at risk families?

4. Who is authorizing all these changes? What is the charter schools position? The DOE also needs to take a stand, as charter schools cannot on their own, or as a result of a federal regulation, effect a change that goes against the policy of the rest of the public school system in the state and in the city.

5. Transparency and accountability are key in a system that depends on public funds. As a concerned parent, I would like full disclosure and the opportunity to give my opinion about this measure.

Lourdes Dávila

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Why is US DOE insisting on the change?

What law or rule was being violated by the preferences?

Why does the federal government feel the need to issue a directive, purportedly to force compliance with state law when no one in NYS appears to have complained about it in the first place?

Actually, it's worse than that-- as I read the reports, the current practice does not violate state law since NYS law doesn't actually prohibit the preferences --it merely "doesn't clearly authorize them" So why is US DOE jumping all over this? Isn't this a case of a tiny tail wagging a very large dog? And why the rush? I'm stumped

Paola de Kock

Chair, Citywide Council on High Schools

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July 2013-June 2015

It is complicated to interpret laws and jurisprudence, especially when they seem to contradict and undo each other in spots. Affirmative action, quotas, set asides, weighted lotteries, etc are complex terms and frameworks and I would say perhaps should be best left to specially trained lawyers, which most of us . . . are not. I have seen many readings of both affirmative action and K-12 legal precedents that would indicate that RACIAL quotas are indeed illegal (since the Bakke case in the 1970s as the CEC parent lawyers indicated), but that it is not accurate for various non-racial set asides (ie: free/reduced price lunch), . . . . Indeed, a number of later such cases (including Grutter, Gratz, PICS and Fisher) likewise address use of RACE, but not any other factors. Given that groups like ELLs are actually legally entitled to equal access, it can be argued that some set asides are allowable and even warranted. Besides, it is not at all clear to me that US DOE has actually asserted that set-asides (or even weighted lotteries) are generally "discriminatory", whether under Title VI or any other federal laws. I understand that their position is based instead on a prohibition against weighted lotteries in the Federal charter school definition. I have heard from folks in the know that the US DOE does not seem to feel the weighted lotteries or set asides are harmful per se, but are simply concerned about running afoul of that Federal charter school definition. Too, one can conceive of weighted lotteries (for example, based on zip code) that could possibly be misused to exclude and segregate, rather than include, and these must be guarded against. . . . .

Lisa Donlan, District 1 Community Education Council

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With regard to the OP's question it seems to me that Success Academy is abolishing these set asides, not to comply with any law, but because they want federal grant money. Whey federal grant money requires it is above my pay grade. But the bottom line is that SA would rather do away with set asides for ELL's than give up the federal money. Given that the driving force behind their high test scores is very likely the fact that they serve very few ELL's (not to mention few special education students), this allows SA to get rid of these set asides and claim to be doing it at the behest of the federal government. This is basically a way for SA to jettison all of its ELL students, increase test scores, and claim to be doing a better job than other (non-similarly comprised) neighborhood schools.

. . . I question whether setting aside spots for ELLs is the same as a racial preference. Supreme Court law protects people in certain protected classes but I cannot say with any certainty that "non-native speaker of English" has ever been determined to be a protected class by the Supreme Court. Anybody know? Likewise, being a recipient of free lunch does not make you a member of a protected class. The Supreme Court has yet to find that law or regulation based on economic class are deserving of any kind of scrutiny (unless they are a clear proxy for race). That day, unfortunately, is far away.

Rachel Paster

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July 2013-June 2015

**The SUNY CSI memo:**

<http://www.newyorkcharters.org/documents/memotofinalsept2013applicants.pdf>

- Due to a change in U.S. Department of Education interpretation of federal non-regulatory guidance, **applicants may no longer offer admissions “preferences” to at-risk students while receiving funds from the federal Charter School Program (CSP) grant.** This change will have no impact on applicants who do not intend to offer an admissions preference or set-aside to at-risk students.

**Applicants who wish to receive CSP funds and to offer at-risk preferences after the school is no longer accepting CSP funds should do the following:**

- Indicate in Responses 15(b) and 15(d) that the school will institute admissions preferences only in the years following the final receipt of all CSP grant funds and provide a sound recruitment and retention policy for students at-risk of academic failure that does not include the use of preferences during the years that the school would receive CSP funds.

**Applicants who wish to offer at-risk preferences should do the following:**

- **Submit a fiscally sound budget that does not include CSP funds.**

. . . it is about **charter start up funding grants** and not the law.

Lisa Donlan, District 1 Community Education Council

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Setting aside spots for ELLs is definitely NOT the same as a racial set aside. In fact, Title VI and long standing case law (such as Lau v. Nichols) requires equal programmatic access for ELLs, which can be argued as supporting or even requiring something like ELLs set-asides in certain circumstances. I do not believe non-native speakers are a protected class per se, but discrimination by national origin is prohibited by laws like Title VI, and such laws have been used to extend protections for non-native speakers. But as described above, to the contrary of prohibiting the set-asides, they require equal programmatic access to ELLs compared to non-ELLs and would weigh in favor of (not against) protections like the set-asides.

. . . students eligible for free and reduced price lunch are not a protected class.

Khin Mai Aung, the Director of Educational Equity Programs for AALDF

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. . . charter targets law in NYS Education law passed in 2010:

**Proposed Charter School Enrollment and Retention Targets as Required by the NYS Charter Schools Act**

<http://www.p12.nysed.gov/psc/enrollment-retention-targets.html>

To know more about how the goals . . . described can be achieved legally . . . see . . . Federal guidance from the US DOE and US DOJ:

<http://www.ed.gov/news/press-releases/new-guidance-supports-voluntary-efforts-promote-diversity-and-reduce-racial-isol>