



# Citywide Council on English Language Learners (CCELL)

Department of Education of the City of New York

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## Citywide Council for English Language Learners (CCELL) Resolution # 07

Proposed Change NYS Education Law and Chancellor's Regulations regarding Eligibility to serve on the CCELL

**Whereas**, the CCELL, established by NYS Education Law 2590-B, 5. (a) (i) – (iii) (the Law) with the power to advise and consent on any educational or instructional policy involving bilingual or English as a Second Language Programs, and make recommendations, as appropriate, on how to improve the efficiency and delivery of such services; and

**Whereas**, Chancellor's Regulation A-660 states: "the Chancellor's Parent Advisory Council (CPAC) is a citywide organization that advises the Chancellor on issues of importance to parents that affect New York City public school students; and

**Whereas**, regarding English Language Learners (ELLs) on District Community Education Councils (CDECs), Citywide Council on High Schools (CCHS), Citywide Council on Special Education (CCSE) and District 75, the Law and Chancellor's Regulations state: ". . . at least one position must be filled by a parent of an ELL"; and

**Whereas**, the Law and Chancellor's Regulation D-170, I.A.1. state: "Only parents of students now in a bilingual program or ESL program ("ELL students") are eligible to self-nominate for the CCELL."; and

**Whereas**, pursuant to Section 41 of the General Construction Law, the CCELL must have six members in order to constitute a quorum; and

**Whereas**, at the start of the 2011-2013 term in July 2011, with only three elected members and two PA appointees, the CCELL was unable to function since it did not have the six members required for a quorum to convene the meetings necessary to fill its vacancies; and

**Whereas**, to date, after taking the necessary steps to fill the remaining five parent vacancies that existed after an NYCDOE trustee assisted the CCELL to appoint a sixth member, the CCELL has only been able to seat one parent member as a result of applications submitted by parents that were deemed not eligible to serve, including two members who had served during the previous 2010-2011 term; and

**Whereas**, by virtue of the parent population's assumed limited English proficiency and limited understanding and knowledge of options available for parent participation, experience has shown that the pool of eligible parents is limited; and

**Whereas**, Power to the Parents Community and Citywide Education Councils 2011-2013 Election Results show that Parents of ELLs were only selected for Districts 4, 10, 17, 20 and 30; and

**Whereas**, according to an informal survey of district and citywide education councils, conducted by the CCELL Administrative Assistant, as of May 21, 2012 only Districts 3, 4, 7, 8, 10, 12, 17, 20, 25 and 30 have a parent of an ELL student on their council; and

**Whereas**, the CCELL through letter of September 13, 2011 to Chancellor Walcott from the CCELL Public Advocate Appointees asked for the law and chancellor's regulation to be interpreted to mean that parents of students in bilingual/dual language programs who are former ELLs should be eligible to serve, thereby expanding the pool of qualified and informed parents; and

**Whereas**, at its meeting of January 12, 2012, CPAC passed a resolution in support of interpreting the law and chancellor's regulation to mean that parents of students in bilingual/dual language programs who are former ELLs should be eligible to serve on the CCELL, thereby encouraging more parent participation; and

**Whereas**, the CCELL, through passage of its resolution of February 7, 2012, *Interpretation of NYS Education Law and Chancellor's Regulations Regarding Eligibility to Serve on the CCELL*, supported interpreting the law and chancellor's regulation to mean that parents of students in bilingual/dual language programs who are former ELLs should be eligible to be CCELL members, thereby expanding the pool of qualified and informed parents; and

**Whereas**, the NYCDOE Division of Family and Community Engagement (FACE), by letter of April 17, 2012, in response to CCELL Resolution of February 7 titled *Interpretation of NYS Education Law and Chancellor's Regulations Regarding Eligibility to Serve on the CCELL*, referred to 2009 amendment to New York State Education Law, Section 2590-B, which sets forth the composition of the CCELL as: nine voting members who shall be parents of students who are in a bilingual or English as a Second Language program conducted pursuant to section thirty-two hundred four of this chapter. . .; and

**Whereas**, also referred to in response by FACE on April 17, 2012: Section 3204(3) defines eligibility for a qualifying ELL program as follows: "A pupil who by reason of foreign birth or ancestry speaks a language other than English, and either understands and speaks little or no English, or who has been identified by any English language assessment instrument approved by the commissioner as a pupil of limited English proficiency, shall receive a program of bilingual education or English as a second language in accordance with standards established by the commissioner."; and

**Whereas**, also stated in FACE response of April 17, 2012: "If a parent has a child who ceases to satisfy the eligibility criteria above, they are no longer the parent of an ELL child as contemplated by Section 2590-b(5)(a)(i). As a result, absent a change in State law, the Department of Education is unable to amend Chancellor's Regulation D-170 to allow parents of former English language learners to run for a seat on CCELL"; and now therefore be it

**Resolved**, that the CCELL fully supports a change in State Law, that would allow parents of former ELLs to run for a seat on the CCELL; and be it further

**Resolved**, that CCELL also fully supports a change in State Law that would allow parents of former ELLs to run for a seat on the Community Education Councils in all 32 districts, and the District 75 Citywide Council, Citywide Council on High Schools, and the Citywide Council on Special Education, and be it further

**Resolved**, that the CCELL looks forward to working closely and cooperatively with the NYCDOE, CPAC, and Citywide and District Education Councils to reach out to education stakeholders and appropriate legislators to help in passing an amendment to State Law that will allow parents of former ELLs to run and be seated as representatives of ELLs in District and Citywide Councils; and be it further

**Resolved**, that the CCELL expects that, pending an amendment to the law, the NYCDOE will provide appropriate and adequate support, resources and assistance to reach out to the ELL communities, including funding, administration and staff, in all the languages translated by the DOE, to assure that parents exercise all their options to participate in the education of all our children.

Adopted by the Citywide Council on English Language Learners on June 27, 2012

References:

1. NYS Education Law 2590-B
2. Chancellor's Regulations A660, D140 and D170
3. Ltr of September 30, 2011 from Chancellor Walcott
4. CPAC Resolution of January 12, 2012
5. CCELL Resolution of February 7, 2012
6. Power to the Parents District Education and Citywide Councils 2011-2013 Election Results
7. FACE letter of April 17, 2012