



Date: March 22, 2010

Topic: Proposed Chancellor's Regulation D-170

Date of Panel Vote: March 23, 2010

Summary of Proposal

In July 2009, the New York Education Law was amended to provide for the creation of a citywide council on English language learners. Proposed Chancellor's Regulation D-170 details the eligibility requirements and the nomination and selection procedures for members of the new Citywide Council on English Language Learners ("CCELL"). The proposed regulation also provides a process for filling vacancies on the councils.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

The public comments received are summarized as follows: (1) the regulation limits participation on the CCELL to parents of students in a bilingual or English as a Second Language ("ESL") program and students who are or have been in a bilingual or ESL program, thereby excluding students and parents of ELL students who may be enrolled in dual language programs; (2) an ELL student should be defined the same way it is defined in Chancellor's Regulation D-140, "a student who speaks a language other than English at home and scored below proficient on English assessments when they entered the school system"; (3) a large number of ELL parents will be disenfranchised if the process for nominations, advisory votes, and candidate applications is only available on-line; (4) the nomination, advisory vote, and application process should be done on paper and available at all schools, or all schools should provide parents with on-line access; (5) the DOE must ensure that any and all translation and interpretation services are provided so that all parents can fully participate; (6) the CCELL should be comprised of 13 parents with two from each borough plus additional representation; (7) the selectors for the CCELL should be the same selectors as those required by Chancellor's Regulation D-140 for the Community Education Councils; and (8) the CCELL could have difficulties functioning given the many different language that its members may speak.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposal

With respect to the comments regarding the way in which the proposed regulation defines the term “ELL student,” it does not exclude parents of students enrolled in dual language programs or students enrolled in dual language programs from participating on the CCELL because dual language programs are considered bilingual programs. The definition encompasses all ELL students and, therefore, no amendment to the definition is necessary. To ensure consistency among the Chancellor’s Regulations, however, the definition of the term “ELL student” has been changed in Chancellor’s Regulation D-140. In that regulation, the term “ELL student” is now defined as a student enrolled in a bilingual or English as a Second Language program.

In setting up the selection processes, the DOE has taken care to ensure that no ELL parent will be disenfranchised. All correspondence that the Office for Family Engagement and Advocacy (“OFEA”) has distributed on the upcoming CCELL election has been translated into the nine covered languages indicated in Chancellor’s Regulation A-663. For those parents who may not have access to the internet, paper ballots and applications are readily available from OFEA. Moreover, powertotheparents.org, the website used for all council elections, is available in the nine covered languages. At all stages of the selection process and after the council is formed, the DOE will provide all necessary supports, including translation services, to ensure the full participation of parents and the smooth functioning of the council.

As for the CCELL composition, the law specifically requires that the council be made up of nine parents of students enrolled in a bilingual or English as a Second Language program, two individuals appointed by the New York City Public Advocate, an one non-voting student member. The DOE, therefore, rejected the suggestion posed by one commenter that the council be comprised of 13 members, with two parents from each borough plus additional representation. Similarly, because the law mandates that the members of the CCELL be selected by parents of students enrolled in a bilingual or English as a Second Language program, the DOE could not accept the recommendation that the selectors of the CCELL be the same selectors as required in Chancellor’s Regulation D-140. Selectors of the community education councils as mandated by the New York Education Law and Chancellor’s Regulation D-140 may or may not be parents of students enrolled in a bilingual or English as a Second Language program.

The DOE has made no changes to the proposed regulation. The regulation will be presented to the Panel for Educational Policy as posted.

A copy of the regulation can be obtained at
<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/Regulations>