



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

The New York City Department of Education (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 another 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. Through a number of resources, including a \$13 million investment provided by the Office of the Mayor, the DOE will

- Increase the number of staff members in the Department of English Language Learners and Student Support (DELLSS)
- Advance program planning for ELLs
- Increase the number of bilingual programs in order to leverage native language instruction to support ELLs in acquiring high levels of language proficiency in English and their native languages
- Enhance specialized instructional programs that address the specific instructional needs of ELL subgroups that recognize the strengths that ELLs bring to the classroom while providing effective support to accelerate ELLs' learning
- Establish and augment commitments to building teacher and principal quality
- Refine family and community engagement
- Upgrade data collection and reporting systems

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

Section A: Programs and Services for All ELLs

DOE is committed to working collaboratively with parents, educators, school communities, and external stakeholders to improve student achievement and to ensure that every child graduates from high school prepared for college, a career, and a future as a productive, critically-thinking adult. In order to accomplish this, the New York City school's Chancellor, Carmen Fariña, has established four pillars that support this mission. The first pillar highlights the need to improve student achievement by providing high-quality instruction aligned to the Common Core Learning Standards. To this end, Chancellor Fariña is committed to closing the achievement gap by expanding dual language and transitional bilingual education programs for English language learners.

This is also aligned with the *Blueprint for English Language Learners Success* presented by the New York State Education Department on April 16, 2014:

- Principle #2: All school boards and district/school leaders are responsible for ensuring that the academic, linguistic, social, and emotional needs of ELLs are addressed.
- Principle # 3: Districts and schools engage all English language learners in instruction that is grade-appropriate, academically rigorous, and aligned with the New York State Prekindergarten Foundation for the Common Core and P-12 Common Core Learning Standards.

As part of the efforts to advance the mission of providing high quality programs and improving the choices for ELLs, the NYCDOE has put into place the following structures:

- Planning grants of up to \$25,000 to schools that commit to opening a bilingual program

- Subsidized Bilingual Extension Program, which allows content area teachers to obtain bilingual extensions at no cost, begin teaching in a bilingual program immediately, and accrue college credits that allow for an increase in annual salary.
- Common Core-aligned professional development series covering a wide range of topics for school leaders and teachers of ELLs, including bilingual education, English language arts, native language arts, science, math, and using data to make informed decisions.
- Annual bilingual symposiums which feature keynote speakers who are nationally renowned as experts and researchers in the fields of English language learners and education.
- Online resources available to all educators in New York City, including a video library, sample lesson units, and research briefs written by leading researchers that were commissioned by the DOE.

In order to continue with the improvements of these structures and to make this alignment possible the NYCDOE along with the NYSED agree to the following scope of work:

1. High-quality bilingual education programs (dual language and transitional) geared toward English language learners are created in a variety of school models (e.g., themed schools) to meet the needs of ELL language groups and expand school choice, with priority given to underserved languages and school districts. Through planning grants and other high impact initiatives, the DOE will increase ELL participation in bilingual education programs.
2. Increase ELL access to a range of high schools, including limited, unscreened schools. The DOE is committed to expanding and providing a range of high school opportunities for English language learners.
3. The DOE will review demographics of the populations that have attended bilingual education/ESL programs in past years and in 2014-15 to determine trends that can support and establish bilingual education/ESL programs based on the schools attended by these students before enrolling in CTE, YABC, and D79 programs.
4. 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*.
 - The DOE's DELLSS will strategically monitor bilingual and ESL programs to ensure schools meet established criteria for high-quality bilingual education and ESL programs aligned to the *Blueprint for ELL Success*.

Section B: Identification Processes and Placement of ELLs and Parent Information

The NYCDOE believes that engaging parents and families in every aspect of school life is imperative to ensuring that every child graduates from high school prepared for college, a career, and a future as a productive, critically-thinking adult. This sentiment is shared by the NYSED as it is aligned with NYSED's *Blueprint for English Language Learners Success* which emphasizes that districts and schools value all parents and families of ELLs as partners in education and effectively involve them in the education of their children as well as leverage their home languages, cultural assets, and prior knowledge. The DOE is committed to providing ELLs and their families with accurate and comprehensive information regarding ELL program options and parental rights. As illustrated in the Chancellor's Capacity Framework, the DOE

will create welcoming environments for families that foster inclusive schools and classrooms. The DOE proposes to expand on the supports and resources provided at Borough Enrollment Offices. In addition, the DOE will have assigned DELLSS staff members at the Borough Enrollment Offices during peak enrollment that will provide families with information about ELL program options and parental rights. Furthermore, the DOE will designate a liaison for each borough enrollment center that will provide on-going support during non-peak enrollment periods. Also, the assigned DELLSS staff members will provide enhanced training and technical support to Borough Enrollment Offices around ELL parent choice program requirements.

To ensure that parents continue to be our partners, the NYCDOE along with NYSED agree to the following scope of work:

1. Staff will be placed in each borough's Enrollment Office to assist families of ELL newcomers and provide them with accurate, objective, and complete information regarding ELL program options and parental rights in their home languages.
2. 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 Identification Survey (HLIS) to the parent or person in parental relation, interview of the student and parent conducted in English and the home language, administration of the NYSITELL to the student to determine English language proficiency, and consistent with parent choice placement of the student in an appropriate bilingual education/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 assigned.
3. Community-based organizations have meaningful opportunities to participate in the development and creation of effective and sustainable ELL programs and services within the community.

Section C: Staffing of ELL Programs

The NYCDOE strongly believes that school leadership, teachers, and support staff are some of the most important change agents for student achievement. Educators need to be provided with opportunities to share and replicate strong practices and learn from one another in order to ensure that ELLs make the progress they need to narrow the achievement gap. The NYC Chancellor, Carmen Fariña, has pointed out as part of her mission, that one of the pillars that drives the success of our students is restoring dignity and respect to the craft of teaching and to school leadership. NYSED has also made it clear in the *Blueprint for English Language Learners Success* the need to acknowledge that all teachers are teachers of English language learners and that districts and school communities must leverage the expertise of bilingual, ESL, and languages-other-than-English (LOTE) teachers and support personnel while increasing their professional capacities.

NYCDOE has made these efforts a priority as we increase the pool of teachers and support staff as well as expand the opportunities to transfer knowledge among our educators.

In order to continue extending learning opportunities and ensuring the growth of high-qualified teachers and support staff the NYCDOE along with the NYSED agree to the following scope of work:

1. Teachers servicing ELLs are appropriately certified pursuant to Part 80 and Part 154 of Commissioner's Regulations.
 - The DOE will ensure that the number of teachers providing ESL or bilingual education without appropriate certification is reduced.
2. As prescribed by the IEPs of ELLs, qualified bilingual teachers, speech pathologists, and other support personnel provide high-quality bilingual and special education services to students in their home languages. In instances when bilingual education programs cannot be provided for ELLs with an IEP, a bilingual paraprofessional is provided as a temporary service solution.
3. ELL professional development is aligned 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.
 - The DOE will offer annual ELL-specific research-based professional development 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 requirements pursuant to Commissioner's Regulations.
 - The DOE's DELLSS will collaborate with external stakeholders, such as the United Federation of Teachers (UFT) and the Council of School Administrators (CSA), to provide high quality, ongoing professional development and training sessions to teachers and school leaders on closing the achievement gap.

Section D: Accountability Procedures and Reporting Capabilities

The NYCDOE recognizes that in order to move our students forward and ensure that they become critically-thinking adults, prepared for college and a career, it is essential that structures are in place to continuously monitor the progress of the efforts that lead to this fulfillment.

The NYCDOE, in agreement with the NYSED, agree to the following scope of work in order to strengthen the structures in place:

1. The DOE will enhance and reiterate its accountability 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.
2. The DOE will design and establish a system to monitor over-referrals of ELLs to the Committee on Special Education (CSE).

3. The DOE will use prior year data to provide support to schools that have demonstrated difficulty or a pattern of not being able to conduct timely administration of the NYSITELL or completion of all four sections of the NYSESLAT.
4. The DOE will continue to enhance its data-collection and reporting systems to inform DOE leadership as well as external stakeholders at all levels in order to strengthen high quality ELL programs.

Duration

This MOU shall become effective upon signatures by the authorized officials from the below listed parties. A detailed plan of work shall follow. This MOU shall end on June 30, 2018.

Contact Information

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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 10th day of November in the year 2014.

Signatures:



Carmen Fariña, Chancellor



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