



AUDIT AT A GLANCE

DOE's Compliance with English Language Learning Regulations

What questions did the audit look at?

- ▶ Did the New York City Department of Education (DOE) comply with state law and its own policies when identifying and providing instruction to English Language Learners (ELL)?

Why does it matter for New Yorkers?

New York City's public schools serve a growing population of ELLs, or students whose home language is not English. It is essential that these students are identified promptly, placed in the right instructional program, taught by qualified educators, and given mandated instructional time and courses.

State law, the New York State Education Department's Commissioner's Regulations Part 154 (CR Part 154), and the Aspira Consent Decree govern this process, but the audit found that DOE was not in compliance. DOE failed to provide required ELL courses or the minimum number of instructional minutes for 48.2% of sampled ELL students and placed 9.7% of sampled students in the incorrect program. Moreover, approximately 40% of sampled students had one or more teachers who were not properly certified for ELL instruction. Other issues included DOE's failure to implement bilingual education programs, provide parents/guardians with ELL program information, and consistently administer the ELL identification process as required.

Because DOE failed to identify or promptly identify ELLs, create bilingual education programs, and provide qualified instruction and mandated services, ELL students may not have received the support they needed to become proficient in English. Delays and inadequate instruction may also undermine equal access to education and widen achievement gaps.

What changes did the agency commit to make following the audit?

- ▶ DOE agreed to improve tracking systems to ensure ELL students receive the required instructional time, are properly placed in programs, and are taught by appropriately certified teachers.
- ▶ DOE agreed to increase the availability of bilingual and dual-language programs in high-demand areas and ensure parents are fully informed of their rights and options.
- ▶ DOE agreed to monitor the ELL identification process, audit schools to ensure that they maintain ELL records, and enhance data monitoring and compliance citywide.

AUDIT FINDINGS



DOE did not provide required instruction to 48.2% of sampled ELL students.



Approximately 40% of sampled ELL students were not taught by certified ELL teachers.



DOE placed 9.7% of sampled ELL students in incorrect programs.



DOE did not maintain required documentation for 31.5% of sampled ELL students.



DOE often failed to administer standardized tests to students, or administered them late.



Audit Recommendations		Agency Response
1	Finalize rules for implementing a tracking and monitoring system for Bilingual Education and English as a New Language Programs to ensure students are being adequately served.	AGREED
2	Implement and further develop a system to monitor ENL units of study to ensure that students are receiving all required ENL minutes by a certified ENL teacher, in compliance with CR-Part 154.	AGREED
3	Continue their efforts to recruit more qualified teachers for English Language Learners program classes and encourage current DOE personnel to obtain the required certifications to become ELL certified educators.	AGREED
4	Develop a centralized system for tracking teachers Continuing Teacher and Leader Education (CTLE) hours, to ensure that they are receiving the minimum 50% of required professional development hours, as outlined in CR Part 154. Additionally, DOE should designate a team to monitor CTLE compliance and provide periodic status reports.	DISAGREED
5	Continue to conduct regular audits and inspections during ML/ELL School Support Survey visits to ensure that all required school level ELL-critical documentation is completed, retained in students' cumulative records, and accurately entered in ATS.	AGREED
6	Improve oversight of waiver requests, evaluate recruitment efforts, and expand bilingual programs in high-demand districts to reduce reliance on waivers and ensure ELL students receive appropriate language services.	AGREED
7	Implement standardized procedures to ensure that all schools provide complete and accurate ELL program information to parents/guardians in Parent Survey and Program Agreement Forms.	AGREED
8	Establish a centralized process to collect, analyze, and act on data from the Parent Survey and Program Agreement Forms across all schools.	AGREED
9	Develop and implement a centralized tracking system for waitlist and transfer requests in ATS and enhance oversight to ensure all bilingual program preferences are honored timely.	AGREED
10	Implement a school level monitoring system to ensure that the ELL identification process is being completed in accordance with their Policy and Reference Guide and CR Part 154.	AGREED

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