

**ADVOCATES FOR CHILDREN OF NEW YORK**

**POLICY BRIEF**

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**AN IN-DEPTH LOOK AT FREE  
TUTORING SERVICES UNDER THE NO CHILD LEFT BEHIND ACT IN  
NEW YORK CITY: A FOCUS ON ENGLISH LANGUAGE LEARNERS**

**June 2006**

This report would not have been possible without the generous support of the Donors' Education Collaborative and the Rockefeller Foundation.

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## **EXECUTIVE SUMMARY**

Under the federal No Child Left Behind Act (NCLB), students attending schools that have failed to make progress in student performance under NCLB and who meet a certain income criteria are eligible for free tutoring services called “Supplemental Education Services” or “SES.” Only schools that have failed to make progress for more than one year must offer students the opportunity for tutoring.

A few months ago, the media reported that less than half of students in New York City (NYC) eligible for free tutoring under NCLB were enrolling in the services and citywide and many did not complete their tutoring programs. AFC took an in-depth look at the data to see how well students were accessing tutoring services in different Regions and Community School Districts (CSDs), with a focus on how well English Language Learners (ELLs) are fairing in terms of eligibility and accessing tutoring services. AFC also conducted surveys of tutoring providers on the NYC DOE’s approved list.

The data showed that although less than half of eligible students in the City enrolled in tutoring programs in 2004-2005, the number of students enrolled grew from 12% in the first year of the program (2002-2003) to 45% in 2004-2005. Enrollment and rates of children dropping out of tutoring varied significantly among Regions and CSDs, suggesting that the NYC DOE needs to take a closer look at the SES program in particular areas. AFC has provided a chart of the school Districts, with corresponding neighborhoods at the back of the Executive Summary.

There was a significant increase in the number and percent of ELLs eligible for and enrolled in SES, compared to 2002-2003. However, the data also reveals disturbing trends—in many Regions and Districts, ELLs are significantly over-represented in schools failing under NCLB and therefore offering free tutoring. Thus, ELLs appear to be clustered in failing schools throughout Regions and within CSDs.

The data also showed a wide disparity in use of tutoring by ELLs within Regions and Districts, suggesting that some Regions and Districts may need to improve their administration of the SES program as well as outreach efforts to engage and assist parents in seeking these services. There was no way to track completion rates for ELLs due to a lack of data, which would have been helpful in evaluating the success or failure of the tutoring program for ELLs.

Finally, the results of our survey of all of the 2004-2005 approved tutoring providers showed that SES providers need significantly greater capacity to provide services to ELL students. Most providers only offered SES in English, even where they claimed to offer services to ELLs. Providers had very little language capacity other than Spanish, and at least one third of providers claiming to serve ELLs did not have translated materials. Almost half of providers were unresponsive to AFC’s inquiries or refused to return messages requesting information, suggesting that providers do not have adequate mechanisms for communicating and providing information to parents.

## **A. Findings on Citywide SES Services**

- During the 2004-2005 school year, 269 out of 1311 public schools were required to offer SES to a total of 218,174 eligible students.<sup>1</sup> This is significantly less than 2002-2003, when 312 schools were required to offer SES to a total of 243,249 students.
- In 2004-2005, approximately 23% of all students in schools in the ten Regions<sup>2</sup> were eligible for SES. The percentage of students eligible for SES varied significantly among Regions. For example, in Region 1, 59% of all students were eligible for SES, compared to Region 3, in which only 8% of students were eligible.
- On average, 19% of schools in each District were failing for at least one year and required to offer tutoring to its eligible students. In Region 1, slightly more than one third of schools were required to offer SES, which was the highest rate in NYC. District 6 had the largest percentage of its schools offering SES, with almost half of all schools (43%) required to provide SES. Districts 9 and 19 had 38% of schools required to offer SES and 12 had 33% of schools failing. Districts 22, 28, 29, 31, 33 and 3 all had less than 10% of their schools required to offer SES.
- Of the 218,174 students eligible to receive SES in 2004-2005, 44.7% (97,596) actually enrolled in the services, which is a significant increase from what appeared to be a 12% rate of enrollment of eligible students in 2002-2003. This is higher than the national rate of 17% of students who are enrolling in services. Again there was a significant disparity between Regions.
  - Region 9 in Manhattan only enrolled 33% of its eligible students, while Region 10, spanning Manhattan and the Bronx, enrolled almost twice that amount, with 58% of students enrolled.
- In 2004-2005, 35% of students who enrolled in SES did not complete their SES programs. More than four Regions had drop-out rates of more than 40%. Region 5, spanning Queens and Brooklyn had the highest rate (49%) of non-completers, and Region 3, next to Region 5 in Queens had the lowest rate of non-completers (27%).
- Eleven out of thirty-two Districts (2, 3, 4, 8, 10, 11, 15, 19, 21, 22, and 27) had rates of non-completion of 39% or more. In fact, Districts 2, 3 and 15, typically high performing Districts, had some of the lowest rates of completion in the City.
  - **District 2:** 46% of enrolled students failed to complete their tutoring program, and only 10% of students eligible for tutoring in the District successfully completed tutoring programs.

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<sup>1</sup> The data cited in this report come from a Freedom of Information of Law (FOIL) request sent to the NYC DOE. District and Regional total numbers and percentages in the 2004-2005 analysis represent Districts 1-32, with the exception of Districts 25 and 26 in Queens (Region 3) because information regarding these two Districts was not provided by the DOE. Additionally, Regional totals and percentages do not include Districts 75 and 79 because they are not considered part of any of the ten Regions in NYC.

<sup>2</sup> See *supra* note 1.

- **District 3:** 63% of enrolled students failed to complete their tutoring program, and only 3% of students eligible for tutoring in the District successfully completed tutoring programs.
- **District 15:** 49% of enrolled students failed to complete their tutoring program, and only 16% of students eligible for tutoring in the District successfully completed tutoring programs.

## **B. English Language Learners (ELLs)**

In 2004-2005:

- Citywide, approximately 33% of all ELLs were eligible for SES, compared to 23% of all students eligible for SES Citywide.<sup>3</sup>
- ELLs constituted 18% of all students who were eligible for SES in NYC in 2004-2005. Fifty-two percent of eligible ELLs enrolled in SES.
- ELLs constituted 21% of all students who were enrolled in SES in 2004-2005.

## **C. ELLs Appear to be Over-Represented in Schools Failing for More than One Year**

As stated above, only schools on the NCLB list for more than one year are required to offer SES. In several NYC Regions, ELLs appear to be over-represented in schools that are labeled as failing and in need of improvement under NCLB for more than one year (which means they are required to offer SES). For example:

- **Region 1:** Thirty-two percent (46 out of 144) of schools are offering SES; these schools are serving 57% (11,890 out of 20,925) of all ELLs in the Region.
- **Region 2:** Twenty-five percent (36 out of 142) of schools are offering SES; these schools are serving 35% (3,999 out of 11,356) of all ELLs in the Region.
- **Region 5:** Twenty-six percent (30 out of 115) of schools are offering SES; these schools are serving 36% (2,931 out of 8,072) of all ELLs in the Region.
- **Region 10:** Twenty-four percent (27 out of 112) of schools are offering SES; these schools are serving 56% (8270 out of 14,797) of all ELLs in the Region.

There is even greater over-representation of ELLs in schools on the failing list for more than one year in particular community school Districts. For example:

- **District 2:** Nine percent (8 out of 88) of schools are offering SES; these schools are serving 27% (1,900 out of 7,063) of all ELLs in the District.
- **District 3:** Seven percent (3 out of 44) of schools are offering SES; these schools are serving 25% (550 out of 2,219) of all ELLs in the District.
- **District 6:** Forty-three percent (17 out of 40) of schools are offering SES; these schools are serving 66% (7,314 out of 11,087) of all ELLs in the District.
- **District 9:** Thirty-eight percent (23 out of 60) of schools are offering SES; these schools are serving 61% (4433 out of 7315) of all ELLs in the District.

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<sup>3</sup> Id.

- **District 10:** Twenty-seven percent (23 out of 84) of schools are offering SES; these schools are serving 55% (7457 out of 13,610) of all ELLs in the District.
- **District 19:** Thirty-eight percent (15 out of 40) of schools are offering SES; these schools are serving 64% (2,247 out of 3,514) of ELLs in the District.

**D. Most Regions Had Much Higher Percentages of ELL Students Eligible for SES Compared to the Percentage of Total Students Eligible for SES in the Region**

Every Region, except for Region 4, which spans Brooklyn and Queens, had a very high percentage of ELL students eligible for SES compared to the percentage of all students eligible for SES in the Region. For example:

- In Region 9, 18% of all students were eligible for SES, but 43% of all ELLs were eligible.
- Almost twice as many ELL students were eligible for SES in Region 7 compared to all students: 19% of ELLs were eligible for SES compared to 10% of students Region-wide.

**E. The Percentage of Eligible ELLs Who Enrolled in SES Increased Since 2002-2003**

- In absolute terms, the number of eligible ELL students who were actually enrolled in SES programs grew significantly. In 2004-2005, 20,894 ELLs enrolled in SES, compared to 3,654 ELLs enrolled in 2002-2003.
- In 2004-2005, 52% of eligible ELLs enrolled in SES programs. The rate of enrollment of eligible ELL students is therefore higher than the NYC DOE's enrollment rates for all children, since only 44% of eligible students enrolled in services across the ten Regions.
- ELL students also grew as a percentage of students enrolled in SES citywide. In 2002-2003, ELLs only accounted for 12% of all enrolled students. In 2004-2005, ELLs accounted for 21% of all enrolled students.

**F. Rates of ELLs Enrolled in SES Varied Across Regions in 2004-2005**

- There were significant disparities in the rates of eligible ELL students enrolled in SES among the Regions. Enrollment rates ranged from a high of 66% of eligible ELLs enrolled in Region 10, spanning Manhattan and the Bronx, to a low of 26% of eligible ELLs enrolled in Region 5 in Queens.

**G. There Appears to be a Need for the Increased Capacity of SES Providers to Serve ELL Students**

The results of AFC's telephone survey of the 80 SES providers in NYC (who are on a list provided to parents by the NYC DOE) suggests that there is a need for greater capacity to serve ELL students. The results of our survey showed that SES providers did not appear to have meaningful capacity to serve ELL students.

- Thirteen percent of the SES providers on the list either had the wrong phone number listed or were not offering SES (1 of the 11 had not started their SES program).
- Repeated efforts at contact were made by AFC staff and messages were left for 45% of the SES providers, but no information was eventually obtained. Many SES providers never returned the phone calls.
- Of the 42% of SES providers who responded:
  - Fifteen percent of the 34 respondents reported that they definitively did not have services for ELLs; of these, four of those five providers were designated as being able to serve ELLs on the NYC DOE SES Provider Directory.
  - Twenty-one percent reported that they had ESL-only services and no bilingual capacity.
  - Two respondents were unsure whether they had services for ELLs.
  - Only 15% had language capacity other than Spanish and English. One provider stated that they had capacity to provide services in 20 languages, but would not elaborate. One provider offered Mandarin, Cantonese, Hindi, and Urdu. Another provider offered Creole, Russian, and Nigerian, and one offered services in Korean.
  - Thirty percent of the respondents who claimed to serve ELLs did not have any translated materials available.
- Combining our survey results, with the information on the list, at a minimum, 34% of providers citywide (excluding those who do not have current phone numbers and who do not provide services) do not have services for ELLs.



## **INTRODUCTION**

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Signed into law by President Bush on January 8, 2002, the No Child Left Behind (NCLB) Act of 2001 has been touted as a way to increase the academic achievement of socially and economically disadvantaged students. The legislative authors stated that the new law, through stronger accountability for Districts and states, increased options for parents, allowed more flexibility and local control, and placed an emphasis on research based teaching methodologies. The goal of these strategies was to bridge the achievement gap between disadvantaged and minority students and their peers. It is the most extensive reform of the Elementary and Secondary Education Act (ESEA) since ESEA was signed into law in 1965.

NCLB is currently in its fourth year of implementation. As the time for potential reauthorization of NCLB approaches, it is imperative to assess its implementation with regard to the most at-risk populations whose educational outcomes NCLB was meant to improve.

The legislative mandate upon school Districts to provide Supplemental Educational Services (SES) to eligible students is an integral part of NCLB's ability to impact the experiences of individual students in the school system. SES are extra academic services offered during off-school hours to low-income students that are attending schools that have failed to make progress in the performance of their students under the NCLB. Services, which are provided free of cost to those who are eligible, include tutoring, remediation, and academic intervention.

The New York City Department of Education (NYC DOE) provided SES for the first time in the 2002-2003 school year. In October 2003, Advocates for Children of New York (AFC) issued a report entitled "Serving those Most in Need or Not: A Report on the Implementation of the NCLB's Supplemental Education Services in New York City," which analyzed data collected by the NYC DOE and provided results of surveys of SES providers conducted by AFC. That report focused on implementation of SES and whether SES were available for students who were English Language Learners (ELLs) and students who were receiving special education services.

This policy brief examines the status of SES in NYC as of the 2004-2005 school year (the most recent year for which data is available) and compares, where possible, results from the first year of implementation. This report also analyzes the extent to which ELLs are eligible based on their attendance in designated schools, their enrollment in SES, and SES providers' capacity to serve these students. In addition to an in-depth analysis of data from NYC DOE reporting

systems, an attempt was made to conduct surveys and collect data from all of the SES providers to determine the extent to which those providers have the capacity to meet the needs of ELL students.

### **A. Overview of the Right to SES under the No Child Left Behind Act**

Under NCLB, schools must meet annual performance goals in order to avoid a range of state imposed interventions. Each state must establish its own definition of “Adequate Yearly Progress” (AYP), which is used to measure school and District achievement. This accountability system is also purportedly designed to incorporate outcomes for children in sub-groups of the student population, such as ELLs and students with disabilities, into the calculation of outcomes for all students.

Students who meet the low-income criteria (i.e. qualify for the federal free lunch program)<sup>4</sup> are eligible for SES under the following circumstances:

- Schools that are receiving funds under Title I of NCLB and are designated as “in need of improvement” (also referred to as “failing”) for a second year in a row must offer SES.
- Schools that are designated as in need of improvement that do not make progress after their second year of receiving Title I funding are designated as needing “corrective action” and must continue to offer SES to students in addition to taking other actions to remedy their status.
- If enough progress is still not made after the first year of being designated as needing corrective action, the school must plan for restructuring. Schools that are either in the planning for restructuring phase or in the restructuring phase must continue to provide SES.

If the request for SES exceeds the available funds designated for the program, then priority is given to the lowest achieving students from low-income families.<sup>5</sup>

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<sup>4</sup> See The NCLB Act of 2001, Section (1116) (e) (12) (A) <http://www.ed.gov/legislation/ESEA02/pg2.html#sec1116>.

<sup>5</sup> Id., Section 1116(e) (2) (C).

## **B. SES Must Meet the Needs of ELLs**

The federal government's guidance on NCLB states that a school District cannot discriminate against a student who is eligible for SES by failing to provide SES in connection with language assistance or an accommodation for a disability.<sup>6</sup> Moreover, the guidance provides that if no SES provider can offer the language assistance or accommodation, then the school District must provide the services.<sup>7</sup>

## **STATUS OF PROVISION OF SUPPLEMENTAL EDUCATION SERVICES**

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AFC obtained data from the NYC DOE through Freedom of Information Law (FOIL) requests. The data that was provided to AFC in response to these FOIL requests was the "NYC DOE Annual Report by SES Providers," which is completed by individual providers and sent to the New York State Education Department (NYSED) as a comprehensive document by the NYC DOE. Data was also obtained on numbers of ELLs in each Region and District from the NYC DOE's website.<sup>8</sup>

### **A. SES in the 2004-2005 School Year**

During the 2004-2005 school year, 269 out of 1311 public schools were required to offer SES to a total of 218,174 eligible students.<sup>9</sup> In comparison, during 2002-2003, 312 schools were required to offer SES to a total of 243,249 eligible students. In 2004-2005, approximately 23% of all students in schools in the ten Regions were eligible for SES. The percentage of students eligible for SES varied significantly between Regions. Region 1 had the largest percent of students eligible for SES, with 45% of students eligible. Regions 2 and 10 came in second, with 35% of their entire student register eligible for SES. Regions 3 and 7 had the smallest rate of students eligible for SES, with 8% of students in Region 3 and 11% of students in Region 7 listed as eligible. Table A below provides a breakdown of eligibility for each of the ten Regions.

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<sup>6</sup> See Supplemental Educational Services Non-Regulatory Guidance, August 22 2003, p. 15-16, Section E-2. <http://www.ed.gov/offices/OESE/SASA/suppsvcsguid.doc>.

<sup>7</sup> Id.

<sup>8</sup> We had originally tried to use the data contained in the NYC District Comprehensive Educational Plans (DCEP) prepared by each Region and which are filed with the New York State Education Department. However, those reports showed more than 20,000 less ELLs than other data sources.

<sup>9</sup> See *supra* note 1.

**TABLE A: NUMBER AND PERCENT OF STUDENTS ELIGIBLE FOR SES BY REGION**

<b>Region</b>	<b>Total Schools 04-05</b>	<b># of Schools Offering SES</b>	<b>% Schools offering SES</b>	<b>Total # of Students</b>	<b>Total # of Students Eligible for SES</b>	<b>% of Students Eligible for SES</b>
1 (Districts 9, 10 )	144	46	32%	98,457	43,902	45%
2 (Districts 8, 11, 12)	142	36	25%	100,377	35,227	35%
3 (Districts 25, 26, 28, 29)	76	4	5%	132,101	4,996	4%
4 (Districts 24, 30, 32)	108	23	21%	100,399	26,558	26%
5 (Districts 19, 23, 27)	115	30	26%	97,071	23,508	24%
6 (Districts 17, 18, 22)	110	16	15%	101,645	11,264	11%
7 (Districts 20, 21, 31)	135	15	11%	139,598	13,968	10%
8 (Districts 13, 14, 15, 16)	143	28	20%	82,293	14,737	18%
9 (Districts 1, 2, 4, 7)	186	28	15%	107,338	19,561	18%
10 (Districts 3 ,5 ,6)	112	27	24%	70,521	24,342	35%
<b>Totals</b>	<b>1271</b>	<b>253</b>	<b>19%</b>	<b>1,029,800</b>	<b>218,063</b>	<b>21%</b>

On average, 19% of schools in each District were failing for at least one year and required to offer tutoring to its eligible students. Region 1 had the highest percentage of its schools failing for at least one year, with slightly more than one-third of schools offering SES. District 6 had the largest percentage of its schools failing under NCLB and required to offer tutoring, with almost half of all schools (43%) required to provide SES. Districts 9 and 19 had 38% of schools failing for more than one year, and 12 had 33% of schools failing. Districts 22, 28, 29, 31, 33 and 3 all had less than 10% of their schools required to offer SES. Table B in Appendix A provides information about percentage of schools failing and required to offer tutoring by all Districts.

**B. Enrollment in SES Grew Between 2002-2003 and 2004-2005**

Of the 218,174 students eligible to receive SES in 2004-2005, 97,596 (45%) actually enrolled in the services. Although the DOE did not report the total number of students who “received” SES during the 2002-2003 school year, they did report that there were no parent requests for SES that could not be met, which indicates that the 30,333 out of the 243,249 eligible (13%) who requested SES that year received services. If this is indeed true, the data shows a significant improvement in the number of students enrolled in SES since the first year of NCLB implementation. Table C below shows the enrollment data for SES in the Regions.

**TABLE C: ELIGIBLE STUDENTS WHO ENROLLED IN SES IN 2004 - 2005**

<b>Regions</b>	<b>Total # students eligible for SES</b>	<b>Total # students who enrolled with SES providers</b>	<b>Percent of eligible students enrolled in SES</b>
1 (Districts 9, 10 )	43,902	20,223	46%
2 (Districts 8, 11, 12)	35,227	15,992	45%
3 (Districts 25, 26, 28, 29)	4,996	2,188	44%
4 (Districts 24, 30, 32)	26,558	12,406	47%
5 (Districts 19, 23, 27)	23,508	8,629	37%
6 (Districts 17, 18, 22)	11,264	5,123	46%
7 (Districts 20, 21, 31)	13,968	5,809	42%
8 (Districts 13, 14, 15, 16)	14,737	6,630	45%
9 (Districts 1, 2, 4, 7)	19,561	6,423	33%
10 (Districts 3, 5 ,6)	24,342	14,171	58%
<b>Totals</b>	<b>218,063</b>	<b>97,594</b>	<b>45%</b>

**C. Only 65% of Students Enrolled in SES Citywide Completed the Program**

In 2004-2005, only 65% of students who enrolled in SES successfully completed their SES programs for the year. Thus, over one third (35%) did not successfully complete SES. There was a significant disparity within Regions in terms of rate of students “dropping out” or terminating their SES early. Comparing the number of students completing services with the number of students eligible, only one third of all eligible students are completing tutoring services. There is no comparison data available for the 2002-2003 school year.<sup>10</sup>

**TABLE D: NUMBER AND PERCENT OF STUDENTS COMPLETING SES IN 2004 - 2005**

<b>Regions</b>	<b>Total # of Students Enrolled in SES</b>	<b>Total # of Students Completing SES</b>	<b>% of Students Completing</b>	<b>Total Non-Completers</b>	<b>% of Enrolled Students Non-Completing</b>	<b>% of All Eligible Students Completing</b>
1 (Districts 9, 10 )	20,223	11,764	58%	8,459	42%	27%
2 (Districts 8, 11, 12)	15,992	8,987	56%	7,005	44%	26%
3 (Districts 25, 26, 28, 29)	2,188	1,623	74%	565	26%	32%
4 (Districts 24, 30, 32)	12,406	9,029	73%	3,377	27%	34%
5 (Districts 19, 23, 27)	8,629	4,375	51%	4,254	49%	19%
6 (Districts 17, 18, 22)	5,123	3,661	71%	1,462	29%	33%
7 (Districts 20, 21, 31)	5,809	4,166	72%	1,643	28%	20%
8 (Districts 13, 14, 15, 16)	6,630	4,697	71%	1,933	29%	32%
9 (Districts 1, 2, 4, 7)	6,423	3,733	58%	2,690	42%	19%
10 (Districts 3, 5 ,6)	14,171	11,504	81%	2,667	19%	47%
<b>Totals</b>	<b>97,594</b>	<b>63,539</b>	<b>65%</b>	<b>34,055</b>	<b>35%</b>	<b>29%</b>

<sup>10</sup> See *supra* note 1.

The numbers of enrolled children not completing tutoring services varied widely between CSDs, as did the rates of children who were potentially eligible for tutoring who successfully completed their tutoring programs. Eleven out of thirty-two Districts (2, 3, 4, 8, 10, 11, 15, 19, 21, 22, and 27) had rates of non-completion of 39% or more. In fact, Districts 2, 3 and 15, typically high performing Districts had some of the lowest rates of completion in the City.

- **District 2:** 46% of enrolled students failed to complete their tutoring program, and only 10% of students eligible for tutoring in the District successfully completed tutoring programs.
- **District 3:** 63% of enrolled students failed to complete their tutoring program, and only 3% of students eligible for tutoring in the District successfully completed tutoring programs.
- **District 15:** 49% of enrolled students failed to complete their tutoring program, and only 16% of students eligible for tutoring in the District successfully completed tutoring programs.

Table B in Appendix A contains rates of non-completion of enrolled students and completion rates of eligible students for all Districts.

#### **D. English Language Learners**

AFC examined data on the numbers of ELLs who attend schools which offer SES and are therefore considered to be failing, as well as the numbers of ELLs who are eligible for and enrolled in SES. The NYC DOE did not publish data on completion rates for ELLs.

According to the Mayor's Management Report, as of June 2005, there were approximately 143,500 students classified as ELLs, which is approximately 13% of the nearly 1.1 million NYC public school students. ELLs constituted at least 18% (39,979 of 218,174) of all students who were eligible for SES in NYC in 2004-2005. Of the total ELLs who were eligible for SES, 52% (20,894 of 39,987) were enrolled in SES, which accounted for 21% of all students (20,894 of 97,596) who were enrolled in SES in 2004-2005.

**TABLE E: SCHOOLS REQUIRED TO OFFER SES AND ELL ENROLLMENT BY REGION**

<b>Regions</b>	<b>Total # of Students Eligible for SES</b>	<b>Total # of ELLs Eligible for SES</b>	<b>% of Eligible Students who are ELLs</b>
1 (Districts 9, 10)	43,902	10,612	24%
2 (Districts 8, 11, 12)	35,227	4,563	13%
3 (Districts 25, 26, 28, 29)	4,996	475	10%
4 (Districts 24, 30, 32)	26,558	5,595	21%
5 (Districts 19, 23, 27)	23,508	2,519	11%
6 (Districts 17, 18, 22)	11,264	921	8%
7 (Districts 20, 21, 31)	13,968	2,539	18%
8 (Districts 13, 14, 15, 16)	14,737	1,653	11%
9 (Districts 1, 2, 4, 7)	19,561	3,411	17%
10 (Districts 3, 5, 6)	24,342	7,553	31%
<b>Totals</b>	<b>218,063</b>	<b>39,841</b>	<b>18%</b>

**E. How Many English Language Learners are in Schools Offering SES?**

Approximately 33% of all ELLs were eligible for SES, signifying that at least one third of all ELLs are low-income and attend schools that are considered to be failing for more than one year under NCLB.<sup>11</sup> Although the report was not originally designed to examine the rates of ELLs in failing schools, the findings on SES eligibility led AFC to analyze the total number of ELLs (including those eligible for SES and those who are not eligible) who are attending the schools offering SES (i.e. schools failing for more than one year).

ELLs appear to be over-represented in schools that are labeled as failing and in need of improvement under NCLB for more than one year and offering SES in several Regions. For example:

- **Region 1:** Thirty-two percent (46 out of 144) of schools are failing; these schools are serving 57% (11,890 out of 20,925) of all ELLs in the Region.
- **Region 2:** Twenty-five percent (36 out of 142) of schools are failing; these schools are serving 35% (3,999 of 11,356) of all ELLs in the Region.
- **Region 10:** Twenty-four percent (27 out of 112) of schools are failing; these schools are serving 56% (8270 out of 14,797) of all ELLs in the Region.

<sup>11</sup> See *supra* note 1.

**TABLE F: SCHOOLS REQUIRED TO OFFER SES AND ELL ENROLLMENT BY REGION**

<b>Region</b>	<b>Total Schools</b>	<b># of Schools Required to Offer SES</b>	<b>% of Schools Required to Offer SES</b>	<b>Total # of ELLs in Region</b>	<b>Total # of Eligible ELLs</b>	<b>% of Eligible ELLs in Region</b>
Region 1 (Districts 9, 10 )	144	46	32%	20,925	10,612	51%
Region 2 (Districts 8, 11, 12)	142	36	25%	11,356	4,563	40%
Region 3 <sup>12</sup> (Districts 25, 26, 28, 29)	76	4	5%	5,665	475	8%
Region 4 (Districts 24, 30, 32)	108	23	21%	23,763	5,595	24%
Region 5 (Districts 19, 23, 27)	115	30	26%	8,072	2,519	31%
Region 6 (Districts 17, 18, 22)	110	16	15%	7,203	921	13%
Region 7 (Districts 20, 21, 31)	135	15	11%	17,350	2,539	15%
Region 8 (Districts 13, 14, 15, 16)	143	28	20%	7,468	1,653	22%
Region 9 (Districts 1, 2, 4, 7)	186	28	15%	13,874	3,411	25%
Region 10 (Districts 3 ,5 ,6)	112	27	24%	14,794	7,553	51%

The majority (at least 85%) of ELLs in the schools offering SES were eligible for SES. Within the Community School Districts, disparities are extreme. The following are some examples of Districts in which ELLs appear to be significantly concentrated in schools offering SES (those in need of improvement for more than one year).

- **District 2:** Nine percent (8 out of 88) of schools are failing; these schools are serving 27% (1,900 out of 7,063) of all ELLs in the District
- **District 3:** Seven percent (3 out of 44) of schools are failing; these schools are serving 25% (550 out of 2,219) of all ELLs in the District.
- **District 6:** Forty-three percent (17 out of 40) of schools are failing; these schools are serving 66% (7,314 out of 11,087) of all ELLs in the District.
- **District 9:** Thirty-eight percent (23 out of 60) of schools are failing; these schools are serving 61% (4433 out of 7315) of all ELLs in the District
- **District 10:** Twenty-seven percent (23 out of 84) of schools are failing; these schools are serving 55% (7457 out of 13,610) of all ELLs in the District
- **District 19:** Thirty-eight percent (15 out of 40) of schools are failing; these schools are serving 64% (2,247 out of 3,514) of ELLs in the District

Table G in Appendix A provides an overview, by Community School District, of the number and percent of ELLs enrolled in failing schools in each District, of the number and percent of ELLs eligible to receive SES in each District (i.e. also meeting the low-income guidelines), as well as a copy of the NYC DOE map of Districts and Regions.

<sup>12</sup> See *supra* note 1.



**F. ELLs were Eligible for SES at Rates that Were Usually Consistent with the Percent of ELLs in the Regional Student Population**

The rate of ELL eligibility within each Region was generally consistent with the percentage of ELLs in the Regions generally. However, two Regions had significantly more ELLs eligible for SES compared to the percentage of ELLs on register in each Region. In these Regions, therefore, ELLs were more likely to attend a failing school than their English-speaking counterparts.

- **Region 7:** ELLs account for only 12% of total students in the Region, but 19% of all students eligible for SES.
- **Region 10:** ELLs account for only 21% of total students in the Region, but 31% of all students eligible for SES.

See Table H below.

**TABLE H: COMPARISON OF ELLS ON REGISTER WITH ELLS ELIGIBLE FOR SES**

<b>Region</b>	<b>% of students in Region that are ELLs</b>	<b>% of Eligible Students who were ELLs</b>
Region 1 (Districts 9, 10)	21%	24%
Region 2 (Districts 8, 11, 12)	11%	13%
Region 3 (Districts 25, 26, 28, 29)	10%	10%
Region 4 (Districts 24, 30, 32)	24%	21%
Region 5 (Districts 19, 23, 27)	8%	11%
Region 6 (Districts 17, 18, 22)	7%	8%
Region 7 (Districts 20, 21, 31)	12%	19%
Region 8 (Districts 13, 14, 15, 16)	9%	11%
Region 9 (Districts 1, 2, 4, 7)	13%	17%
Region 10 (Districts 3, 5, 6)	21%	31%

**G. ELLs were Eligible for SES at Higher Rates Compared to All Students in the Regions**

All Regions, except for Region 4, had very high percentages of ELL students eligible for SES compared to the percentage of students eligible for SES across the Region. For example, in Region 9, 18% of all students were eligible for SES, but 43% of all ELLs were eligible. Almost twice as many ELL students were eligible for SES in Region 7, compared to all students: 19% of

ELLs were eligible for SES compared to 10% of students Region-wide. See Table I below for other comparisons.

**TABLE I: COMPARISON OF STUDENTS ELIGIBLE FOR SES WITH ELLS ELIGIBLE FOR SES**

<b>Region</b>	<b>% of Students Eligible for SES</b>	<b>% of ELLs Eligible for SES</b>
1 (Districts 9, 10 )	45%	64%
2 (Districts 8, 11, 12)	35%	42%
3 (Districts 25, 26, 28, 29)	4%	8%
4 (Districts 24, 30, 32)	26%	24%
5 (Districts 19, 23, 27)	24%	38%
6 (Districts 17, 18, 22)	11%	n/a
7 (Districts 20, 21, 31)	10%	19%
8 (Districts 13, 14, 15, 16)	18%	26%
9 (Districts 1, 2, 4, 7)	18%	43%
10 (Districts 3 ,5 ,6)	35%	55%

**H. The Percentage of Eligible ELLs Who Enrolled in SES Increased Since 2002-2003**

In 2004-2005, as noted above, approximately 39,979 ELL students were eligible to receive SES, accounting for 18% of all students eligible to receive SES. Of these eligible ELL students, 20,894 (52%) enrolled in SES programs. Thus, the rate of enrollment of eligible ELL students is higher than the NYC DOE's enrollment rates for all children, since only 44% of eligible students enrolled in services across the ten Regions.

In absolute terms, the number of eligible ELL students who were actually enrolled in SES programs grew significantly compared to the first year of the implementation of the SES program. In 2004-2005, 20,894 ELLs enrolled in SES, compared to 3,654 ELLs enrolled in 2002-2003. ELL students also grew as a percentage of students enrolled citywide. In 2002-2003, ELLs only accounted for 12% of the enrolled students. In 2004-2005, ELLs accounted for 21% of all enrolled students.

**I. Significant Disparities Exist Among the Regions in the Percentage of ELLs Enrolled in SES**

There were significant disparities in the rates of eligible ELL students enrolled in SES among the Regions. Enrollment rates ranged from a high of 66% of eligible ELLs enrolled in Region 10, to a low of 26% of eligible ELLs enrolled in Region 5. Table J below provides a breakdown of ELL enrollment rates by Region.

**TABLE J RATES OF ELLS ENROLLED IN SES BY REGION**

<b>Region</b>	<b># of ELLs eligible</b>	<b># of ELLs enrolled in SES</b>	<b>% of eligible ELLs enrolled in SES</b>
1 (Districts 9, 10 )	10,649	5,546	52%
2 (Districts 8, 11, 12)	4,563	2,129	47%
3 (Districts 25, 26, 28, 29)	475	285	60%
4 (Districts 24, 30, 32)	5,595	3,242	58%
5 (Districts 19, 23, 27)	2,519	661	26%
6 (Districts 17, 18, 22)	921	357	39%
7 (Districts 20, 21, 31)	2,639	1,483	56%
8 (Districts 13, 14, 15, 16)	1,653	923	56%
9 (Districts 1, 2, 4, 7)	3,411	1,259	37%
10 (Districts 3 ,5 ,6)	7,553	5,009	66%
<b>Total</b>	<b>39,978</b>	<b>20,894</b>	<b>52%</b>

This suggests significant disparities in the Regional outreach to parents, as well as the manner in which the programs are administered and implemented.

**SURVEY OF SES PROVIDERS**

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**A. Survey Methodology**

AFC conducted telephone surveys during March, April, and May of 2006 of all of the 80 SES providers listed on the NCLB – Supplemental Education Services section of the NYC DOE website.<sup>13</sup> These providers are also listed in a guide called *No Child Left Behind: Supplemental Education Services – Directory of Approved SES Providers 2005-06*. AFC first attempted to survey the

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<sup>13</sup> NYC DOE Supplemental Education Services. <http://www.nycenet.edu/Administration/NCLB/SES/default.htm>.

same providers that were surveyed for AFC's 2003 report, but many of the providers were no longer on the approved list.

The survey attempted to assess the capacity of the SES providers to serve ELLs, among other students. A copy of the survey is attached in Appendix B. In contrast to the 2002-2003 survey, the current survey focused exclusively on services available for ELL students and students receiving special education services. Initially, AFC planned to use the information from the calls to create a guide for parents, so that they could locate specific SES providers that met the needs of their ELL children and children with disabilities. However, the non-responsive providers and evasive responses by many of the providers made this plan unfeasible.

## **B. Survey Findings**

Despite numerous phone calls and messages by AFC staff, many SES providers did not return phone calls or have information available. Out of the 80 providers listed on the NYC DOE website:

- A total of 34 (or 42%) of SES providers responded to the survey.
- Thirteen percent (11) of the SES providers on the list either had the wrong number listed or were not offering SES (1 of the 11 had not started their SES program).
- Repeated efforts at contact were made and messages were left for the remaining 45% (35) of the SES providers, but no information was eventually obtained. Many never returned the phone calls. One provider rudely hung up. Another provider refused to give the AFC staff member the contact name and number for his supervisor who was allegedly the sole person who could answer the questions. A third provider stated that all of their sites were different and refused to provide contact information for their individual sites or reveal information about the services offered.
- However, most of the providers who responded to the survey were quite helpful and able to answer the questions. Many providers who responded noted that they were either new providers or new to the SES program and had yet to fully develop their SES programs.

### **C. SES Providers Need Greater Capacity to Serve ELL Students**

The NYC DOE offers a guide to SES providers on its website. The Directory of Approved SES Providers offers information about the types of services offered by each provider, but does not offer language instructional capacity and other details. The results of our survey showed that SES providers did not appear to have meaningful capacity to serve ELL students. Out of the 42% who responded,

- Fifteen percent (5 of 34) reported that they definitively did not have services for ELLs; of these five, four were listed in the Provider Directory as being able to serve ELLs.
- Twenty-one percent (7 of 34) reported that they had ESL-only services and no bilingual instructional capacity.
- Two respondents were unsure whether they had services for ELLs.
- Only 15% (5 of 34) had language capacity other than Spanish and English. One provider stated that it had capacity to provide services in 20 languages, but would not elaborate. One provider offered services in Mandarin, Cantonese, Hindi, and Urdu. Another provider offered services in Creole, Russian, and Nigerian, and one offered services in Korean.
- Thirty percent (8 out of 27) of the respondents who claimed to have served ELLs did not have any translated materials available for parents so that parents could understand the nature of the programs and services offered prior to enrolling their child.

### **CONCLUSION**

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During the first year the NYC DOE offered SES, over 200,000 students were eligible, but only 12% requested services. The data from 2004-2005 shows a significant improvement in the numbers of students who enrolled and who were able to take advantage of SES. However, despite this improvement, three years after the SES program started, less than half of eligible students are enrolling in SES. Moreover, the high numbers of non-completers is troubling and justifies a review by the NYC DOE as to why non-completion rates are so high in particular Regions and Districts.

The data also shows that large numbers of ELLs are eligible for and enrolling in SES, and those rates have increased significantly since the first year of the SES program. However, approximately half of eligible ELLs are still not enrolling, and enrollment rates vary by Region and District, justifying an investigation into those Districts and Regions with lower rates of enrollment.

The data also suggests a very troubling trend: ELLs are over-represented in schools failing for more than one-year throughout NYC. Furthermore, the overrepresentation of ELLs in eligibility for SES as compared to other students in various Regions makes it imperative that the DOE actively monitor the availability of SES for ELL students and assure that ELLs are provided with meaningful SES that take into account their language, language ability, and need for bilingual supplemental services. Increased funding to help ELLs progress is also necessary, as they are at extremely high risk of not successfully completing high school.

Finally, the data obtained through the surveys to SES providers is not encouraging, due to both the lack of responsiveness to parents and the capacity to serve ELLs. First, almost half of the providers were totally unresponsive to our simple requests for information, which we had hoped to provide for parents. This does not bode well for the manner in which these providers are able to give accurate information to parents, particularly parents of ELLs whose first language is not English. Moreover, there appeared to be a very limited capacity to serve ELLs and provide bilingual instructional services and translated materials. Thus, while larger numbers of ELLs may be using SES, it is not clear that they are receiving appropriate services and translated materials. It is also difficult to ascertain the results of the SES, since the NYC DOE did not disaggregate completion data. We urge the DOE to undertake this analysis, as well as a further analysis of the points raised herein, to assure that the mandates of NCLB are realized and that students are able to succeed.

**Appendix A.**

**TABLE B: SCHOOLS REQUIRED TO OFFER SES, ENROLLMENT AND COMPLETION RATES**

<b>District</b>	<b>Total Schools 04-05</b>	<b>Schools Required to Offer Tutoring</b>	<b>% Schools Failing for More than One Year</b>	<b>Total # Students Eligible for Tutoring</b>	<b>Total # Students Enrolled</b>	<b># Students Completed Tutoring</b>	<b># Students Who Did Not Complete</b>	<b>% of Students Who Enrolled who did not Complete</b>	<b>% of Eligible Students who Successfully Completed Tutoring</b>
1	26	3	12%	1347	681	440	241	35%	33%
2	88	8	9%	8585	1661	890	771	46%	10%
3	44	3	7%	3112	546	201	345	63%	6%
4	36	8	22%	2501	1041	500	541	52%	20%
5	28	7	25%	3711	1852	1335	517	28%	36%
6	40	17	43%	17519	11773	9968	1805	15%	57%
7	36	9	25%	7128	3040	1903	1137	37%	27%
8	50	11	22%	10775	4926	3028	1898	39%	28%
9	60	23	38%	15704	11545	9578	1967	17%	61%
10	84	23	27%	28198	8678	2186	6492	75%	8%
11	53	12	23%	16652	5939	2140	3799	64%	13%
12	39	13	33%	7800	5127	3819	1308	26%	49%
13	39	6	15%	3575	1400	950	450	32%	27%
14	36	10	28%	6153	3157	2389	768	24%	39%
15	47	7	15%	3519	1077	547	530	49%	16%
16	21	5	24%	1490	996	811	185	19%	54%
17	49	9	18%	5619	2564	1757	807	31%	31%
18	23	5	22%	3365	1895	1542	353	19%	46%
19	40	15	38%	13396	3721	1107	2614	70%	8%
20	38	6	16%	6710	3156	2495	661	21%	37%
21	35	5	14%	4430	1568	951	617	39%	21%
22	38	2	5%	2280	664	362	302	45%	16%
23	26	6	23%	2295	1613	1390	223	14%	61%
24	42	9	21%	13400	6914	5494	1420	21%	41%
27	49	9	18%	7817	3295	1878	1417	43%	24%
28	38	2	5%	2265	1078	806	272	25%	36%
29	38	2	5%	2731	1110	817	293	26%	30%
30	39	9	23%	9326	3635	2336	1299	36%	25%
31	62	4	6%	2828	1085	720	365	34%	25%
32	27	5	19%	3832	1857	1199	658	35%	31%

**TABLE G: SCHOOLS REQUIRED TO OFFER SES AND ELLS ELIGIBLE FOR SES BY DISTRICT<sup>14</sup>**

<b>District</b>	<b>Total Schools</b>	<b># of schools required to offer SES</b>	<b>% of schools required to offer SES</b>	<b># of ELLs by District</b>	<b># of ELLs in Failing Schools</b>	<b>% ELLs in Failing Schools</b>	<b># of ELLs Eligible for SES</b>	<b>% Eligible of all ELLs in District</b>
1	26	3	12%	1,535	215	14%	202	13%
2	88	8	9%	7,063	1,900	27%	1,747	25%
3	44	3	7%	2,219	550	25%	541	24%
4	36	8	22%	1,876	328	17%	247	13%
5	28	7	25%	1,488	406	27%	381	26%
6	40	17	43%	11,087	7,314	66%	6,631	60%
7	36	9	25%	3,400	1,371	40%	1,215	36%
8	50	11	22%	3,741	933	25%	1,336	36%
9	60	23	38%	7,315	4,433	61%	3,908	53%
10	84	23	27%	13,610	7,457	55%	6,741	50%
11	53	12	23%	3,539	1,350	38%	1,636	46%
12	39	13	33%	4,076	1,716	42%	1,591	39%
13	39	6	15%	926	140	15%	147	16%
14	36	10	28%	2,759	1,012	37%	926	34%
15	47	7	15%	3,444	531	15%	521	15%
16	21	5	24%	339	53	16%	59	17%
17	49	9	18%	2,488	517	21%	395	16%
18	23	5	22%	1,048	174	17%	136	13%
19	40	15	38%	3,514	2,247	64%	1,919	55%
20	38	6	16%	9,064	1,895	21%	1,746	18%
21	35	5	14%	5,380	523	10%	481	9%
22	38	2	5%	3,667	398	11%	390	11%
23	26	6	23%	511	131	26%	119	23%
24	42	9	21%	11,569	3,446	30%	3,246	28%
25	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
26	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
27	49	9	18%	4,047	553	14%	481	12%
28	38	2	5%	3,826	241	6%	256	7%
29	38	2	5%	1,839	223	12%	219	12%
30	39	9	23%	8,934	1,916	21%	1,635	18%
31	62	4	6%	2,906	518	18%	412	14%
32	27	5	19%	3,260	865	27%	714	22%
79	n/a	1	n/a	2,851	1	0%	1	0%

<sup>14</sup> Where the chart refers to “N/A” no data from the NYC DOE was available. See *supra* note 1.



# NYC MAP OF COMMUNITY SCHOOL DISTRICTS, REGIONS AND NEIGHBORHOODS

1	Lower East Side, Manhattan Greenwich Village, Chelsea, Hell's Kitchen, Upper East Side
2	Upper West Side
3	East Harlem
4	Harlem
5	Washington Heights, Harlem, Inwood
6	South Bronx, Melrose
7	Classon Point, Soundview, Bruckner, Throgs Neck Highbridge, Crotona Park, Motthaven, Morrisania
8	Bellmont/Grand Concourse, Morris Heights, Norwood
9	Baychester, Co-op City, Parkchester, Wakesfield, West Farms, Woodlawn
10	Morrisania, Bronx River, West Farms, Parkchester
11	Prospect Heights, Ft. Green, Brooklyn Heights
12	Williamsburg
13	Park Slope, Sunset Park, Windsor Terrace, Kensington, Carol Gardens
14	



16	Bedford Stuyvesant
17	Crown Heights
18	Canarsie
19	East New York
20	Bensonhurst, Fort Hamilton, Sheepshead Bay, Coney Island,
21	Borough Park
22	Midwood, Flatlands, Flatbush
23	Brownsville
24	Woodside, Sunnyside, Corona, Maspeth, Middle Village, Ridgewood
25	Whitestone, Bayside, Flushing
26	Floral Park, Fresh Meadows, Little Neck, Queens Village
27	Woodhaven, Far Rockaway, Howard Beach, Ozone Park, Rockaway, S. Ozone Park
28	Forest Hills, Jamaica, Rego Park, Richmond Hill
29	Bellerose, Cambria Heights, Rosedale, Springfield Gardens, St. Albans
30	Astoria, LIC, Jackson Heights
31	Staten Island
32	Bushwick

NYC MAP OF COMMUNITY SCHOOL DISTRICTS AND REGIONS [ENLARGED]



## Appendix B.

### Telephone Survey of Supplemental Education Services Providers

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Organization:

Contact:

Phone Number:

Date:

1. What services do you have for ELLs as part of the SES services?
  - a. Particular programs?
    - i. ESL/bilingual?
    - ii. Tutoring? What subjects?
    - iii. How often are they available?
  - b. Bilingual staff?
    - i. How many actually provide the services?
    - ii. How many generally available staff?
    - iii. What languages?
2. How can non-English speaking students/parents to contact you about receiving supplemental services?
  - a. Bilingual staff?
  - b. Translated materials?
  - c. How often have parents of eligible ELL students have contacted your organization?
    - i. Why do you think this is so?

#### Supplemental Service Provider Survey – Disability Questions

3. Do you have any services for students with disabilities/students that receive special education services? What strategies do you use? (i.e. do they have special ed certified teachers? Use research-based instruction?)
4. Can you accommodate students with physical disabilities—are you in a barrier-free site?