



By First Class Mail and Electronic Mail

Dennis.Walcott@NYSED.gov; Monica.George-Fields@NYSED.gov;

John.Sipple@NYSED.gov

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Mary Ellen Elia, Commissioner of Education
Cosimo Tangorra, Jr., Deputy Commissioner for P-12 Education
New York State Department of Education
89 Washington Avenue
Albany, New York 12234

Attn:

Dennis M. Walcott, Lead Monitor, Monitor Team

Monica George Fields, Member, Monitor Team

Dr. John W. Sipple, Member, Monitor Team

Regarding the Issues in East Ramapo Central School District

Dear Chancellor and Monitor Team members:

LatinoJustice PRLDEF is a national non-partisan not-for-profit legal defense fund that promotes the civil and constitutional rights of Latinos. We were apprised by a local community coalition of residents and parents of the ongoing investigations into the severe educational problems and governance problems arising in the East Ramapo Central School District (“the District”) of Rockland County, New York.

As a civil rights legal organization, LatinoJustice (*formerly*, Puerto Rican Legal Defense & Education Fund) had secured precedent-setting bilingual education rights in the 1970s under the *Aspira* consent decree against the New York City Board of Education. We are deeply concerned about the East Ramapo Central School District’s likely non-compliance with, and violations of, its legal obligations under the federal Equal Educational Opportunities Act, Title VI of the Civil Rights Act, and New York State Education Department’s Chancellor’s Regulation Part 154.¹

¹ The District received about \$55,924,814 from federal and state grants for FY 2015. *See*, East Ramapo Schools - Grants Finance - 500402060000 9 14 15.

According to the New York State Education Department’s report using comprehensive fact-finding, site interviews and observations, one can only conclude that the educational rights of ELL (English-language learner) pupils who lack the English-language ability needed to participate fully in school, have been inexcusably compromised over an extensive period of time. This dire situation continues and is seemingly irresolvable. We find the District’s underperformance and poor commitment to educational access for its ELL pupils troubling, and demonstrate a persistent egregious lack of compliance under federal and state regulations, among other problems. The District’s curricular and programmatic implementation policies, or lack thereof, are now fully documented.

The June 2015 report prepared by the New York State Education Department indicates that the District was *consistently* at the lowest rank and needing affirmative corrective action. Essentially, the State’s evaluation reflects the vast need for improvement in each of the educational planning and performance categories set out in its standardized assessment.

According to the State’s report, about 8,485 pupils attend the District’s 14 public schools. The racial-ethnic makeup is 50.4% Hispanic or Latino, 39.2% Black or African-American, 4.8% White, and, 0.9% Multiracial. Over 73% receive or are eligible to receive free lunch. Furthermore, Latinos have not satisfied the Adequate Yearly Progress ratings for English Language Arts, Mathematics, nor Science, according to data under the District Accountability Status section.²

We focus particularly on the District’s nearly 2,500 ELL pupils, representing 29.3% of the students in the District, who have been continuously and severely neglected.³ East Ramapo Central School District was evaluated as having performed at the lowest possible levels of compliance and performance—“Stage One” (out of Four) for each and every performance criterion or “tenet” used in the State’s DTSDE diagnostic review. It is of great concern that ELLs suffer to an even greater extent and have not had their concerns adequately addressed.⁴

² *District Final Report East Ramapo Central School District*, New York State Education Department, 2 (2015)[hereinafter “DTSDE Report”]

³ “DTSDE Report” at 2.]

⁴ Initiated in Fall 2012, the Diagnostic Tool for School and District Effectiveness (DTSDE) was launched as a “new tool” to create a protocol “[to] measure how close or far away a particular school is to the optimal conditions identified. Once reviewed, the school and district will create a strategic plan to address the areas in need of improvement.” <http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/documents/DTSDEHandbook-Introduction.pdf> At 4. Moreover, “[t]he DTSDE uses multiple means such as interviews, classroom observations and surveys to gather evidence. The protocol includes a rubric, which identifies clear and cogent expectations of the optimal conditions of an effective school and school district across six tenets. These tenets include: District Leadership and Capacity, School Leader Practices and Decisions, Curriculum Development and Support, Teacher Practices and Decisions, Student Social and Emotional Developmental Health, and Family and Community Engagement. The instruments comprising the protocol were created *to measure how close or far away a particular school or school district is to the optimal conditions...*” At 10-11.

Among the State Education Department’s recent findings are the following:

- “The district does not have a theory of action aligned to targeted strategies that address the needs of all students,” specifically, “while...the proportion of English language learners (ELLs) is increasing, district staff stated during the focus group meeting that the district’s goals have remained unchanged since 2009,” concluding that “the district has failed to create a coordinated strategy to address the needs of ELLs.”⁵
- “The district is not having an impact promoting students’ language acquisition because it is not holding all staff accountable for developing an equitable approach to effective instruction for *all* student subgroups.” [emphasis added]⁶
- “[School] leaders state that the district does not support schools in meeting the needs of ELLs.”⁷
- “[The] district does not build positive relationships with the families from subgroups, *particularly the ELL population.*” [emphasis added]⁸

The New York State Education Department diagnostic report, dated June 2015, for East Ramapo Central School District’s secondary public school— Spring Valley High School— also presented specific findings that similarly demonstrate systematic flaws in their educational provisions for secondary school level ELLs students; these shortcomings cannot be explained by mere negligence.

One could make a case that there is a tacit policy of denying services and proper academic programming for these disenfranchised ELL students:⁹

- “Although there are over 300 English language learners (ELLs) and ***only an 11 percent graduation rate*** for this sub-group in 2014, there is little evidence of an overall plan to address the needs of ELLs. Despite a large number of Spanish speaking ELLs, there is only one bilingual (BL) class made up of students who are beginning English speakers with varying proficiency, and this program is not organized to address the needs of all students in this class.”¹⁰
- “The school leader and support staff shared that the district screens incoming ELLs, but the school does not have a system for ascertaining the level of language and

⁵ DTSDE Report at 7-8; *See also*, DTSDE Report at 12 (“available data on the district report card indicates that ELLs perform poorly in math, but the district has not established a system to determine the cause of their difficulties and there is no strategy in place to address this need.”)

⁶ DTSDE Report at 11

⁷ DTSDE Report at 15

⁸ DTSDE Report at 17.

⁹ Note, also, as the DTSDE Report did, “district leaders state that there is some resistance from school staff in implementing ELL supports.”

¹⁰ *School Final Report Spring Valley High School*, New York State Education Department, 6 (2015) [hereinafter “Spring Valley Report”]

content proficiency to ensure appropriate scheduling. Additionally, neither school leaders nor staff reviewed student data for the first semester at the time of the review in order to track student progress. Therefore, there are few functioning systems for making informed decisions to improve student achievement.¹¹

- “In classroom observations, there was little evidence that teachers adapt lessons based on data or include specific strategies for individuals or groups of students, especially ELLs. As a result, most instruction observed was not reflective of student needs and learning styles to lead to increased achievement.¹²
- “Limited student data is collected, such as attendance, lateness, behavior incidents, report cards, and course grades; however this data is rarely analyzed for trends or to identify and meet the social and emotional developmental health needs of all students. Data collected by support staff and agencies is not shared to identify social and emotional developmental health needs or to assess the impact of the services provided and adjust practices. Additionally, there is little evidence of a strategic plan to identify students and involve families in meeting student needs.

These dire circumstances cited in the State’s diagnostic report should also raise questions about the disproportionate numbers of ELLs who drop out, become discouraged, and age out thus discontinuing their valuable secondary education. It is not known whether and how the District has taken serious remedial steps to dramatically stem the tide of injury affecting these ELLs.

LatinoJustice and several local groups hold no confidence that the District, left to its own devices, can or will take robust measures to implement robust remedial plans to ensure that necessary activities are undertaken, such as, using budgeting and funding allocations that are designed to guarantee appropriate, consistent and timely School Board policies and decisions.

Therefore, we urge the Office of the Chancellor and the State’s Monitors, acting in an interim capacity since Summer 2015, to incorporate our concerns and set forth findings and recommendations in their expected report that will:

- 1) secure creation of an *ongoing* monitor program with comprehensive oversight duties and authority to inspect and review data, in order to demand accountability from the District and its board, over the next three (3) years, echoing the calls made by the previous fiscal monitor, Henry Greenberg, in 2014;¹³

¹¹ Spring Valley Report at 6-7

¹² Spring Valley Report at 8

¹³ Henry Greenberg, *East Ramapo: A School District in Crisis* (November 17, 2014) available at <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf> (“Recommendation 1: Reform District’s Governance Structure to Provide Necessary Check and Balance to the Board and Superintendent that Protects Public School Students” (proposing Lakewood, New Jersey [School District] Model which uses a state

2) require production of credible proof of progress based upon independent data and reporting from periodic performance reviews of the school district's policies and performance in providing equal educational opportunities for English Language Learners (ELLs), and;

3) require that the school district set forth specific educational programs and activities facilitated by structural reforms to redress particularized problems adversely impacting the district's ELLs, many of whom are children of immigrant Latino and African-Caribbean households.

In closing, LatinoJustice urges that the State Education Department implement a comprehensive and rational plan of action that sets forth substantial structural reform, sustained independent oversight, and an injection of educational resources and assets which can immediately reverse the extensive harm impacting ELLs within the District's school student body.

We look forward to your cooperation and receiving a timely response.

Sincerely,


Juan Cartagena
President and General Counsel


Jackson Chin,
Senior Counsel

LatinoJustice PRLDEF
99 Hudson Street, 14th floor
New York, NY 10013-2815
Tel: 212.219.3360
Fax: 212.431.4276
800.328.2322

fiscal monitor empowered to oversee fiscal management of funds, operation and fiscal management of facilities, staffing, and power to override decisions of the local school board and superintendent), "Recommendation 5: District should undergo SED monitoring review to ensure appropriate services for ELLs and immigrant students").