



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12

Elisa Alvarez, Associate Commissioner
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April 28, 2020

Mr. Terry Dade, Superintendent
Rochester City School District
131 West Broad Street
Rochester, New York 14614

Dear Superintendent Dade:

I am writing to follow up on meetings between the Rochester City School District (RCSD, or the District) and the New York State Education Department (NYSED) on Friday, April 17th and Monday, April 27th, 2020 to discuss concerns that have come to NYSED's attention regarding the Rochester International Academy (RIA). NYSED values the District's partnership to advance the educational equity of all its English Language Learners (ELLs), including but not limited to those enrolled at RIA.

Thank you for submitting the initial data we requested regarding RIA's master schedule, teacher certification, and data points regarding student achievement and English proficiency rates, grade level and years of enrollment at RIA. We look forward to receiving the follow up information we requested regarding individual student and teacher schedules, individual student proficiency and other supporting information – this data will allow us to determine if RIA is providing mandated units of English as a New Language (ENL) pursuant to Section 154-2.3(h), using appropriately qualified teachers, and whether parents are being provided appropriate information regarding program options across the District.

Based on the data received so far, NYSED has concerns in the following areas with respect to RIA:

- Students remain enrolled at RIA for several years longer than is appropriate for a transitional newcomer program – some students are remaining at RIA for six or more years;
- Several ENL classes appear to violate the requirement in Section 154-2.3(k) that such classes be limited to a grade span of two contiguous grades – some classes at the high school level span three or four grade levels;
- RIA has not maintained adequate records regarding its Students with Inconsistent or Interrupted Formal Education (SIFE) – the district's submission reflects that no data about SIFE at RIA is available from 2017 to 2019;
- A number of students at RIA do not appear to have taken the grades 3-8 Math assessment – we would like to identify if these students affirmatively opted out of the assessment or if RIA is otherwise not administering it to these students.

The fact that students are typically staying at RIA for several years is of particular concern. As discussed in my February 19th, 2020 letter to Abel Perez-Pherett, the District's Executive Director of Multilingual Education, federal laws and regulations require that newcomer programs like RIA – among other requirements – be transitional (and limited to one year of enrollment, where possible), have clear entry, placement and exit criteria, and provide transitional supports after students exit such programs. With this in mind, it is alarming that the vast majority of RIA;s students have been in the program for multiple years. In 2018-19, 81 students at RIA were in their first year, 77 students were in the second year, 128 students were in their third year, 58 students were in their fourth year, 19 students were in their fifth year, and five students had been at the school for six or more years.

RIA's retention of students for multiple years raises significant concerns, both for those who remain at RIA too long (and hence are denied equal opportunity to attend other District schools), as well as for newcomers who might benefit from RIA's transitional program but cannot get a seat (because existing students are not transferring out). In particular, NYSED has concerns about whether Spanish speaking newcomers, including SIFE, are able to enroll in RIA. As you know, the District entered a three year ELL Corrective Action Plan (CAP) with NYSED in 2019-20 due to failures to appropriately enroll, identify, and place ELLs and SIFE (and in particular SIFE who speak Spanish as a home language). Therefore, RIA's failure to promptly transition its students to their home schools is intertwined with and impacts the District's ability to address core violations identified in its ELL CAP.

We look forward to receiving the follow up student and teacher level data we requested. After reviewing that data, we will determine if it is necessary to expand the District's ELL CAP to include these additional equity and access issues and regulatory violations regarding RIA. Again, we value the District's partnership to advance the achievement of all ELLs in RCSD, and to resolve the concerns identified above regarding RIA.

Respectfully yours,



Elisa Alvarez
Associate Commissioner

Cc:

Shannon Tahoe, Interim Commissioner
Kimberly Young Wilkins, Deputy Commissioner
Lesli Myers-Small, Assistant Commissioner