

**WHY AREN'T NEW YORK CITY YESHIVAS RECEIVING THEIR FAIR SHARE
OF FEDERAL (NCLB) FUNDS & SERVICES?
WHAT CAN BE DONE TO REMEDY THIS INEQUITY?**

**Summary of Report Prepared & Presented in February 2007 by the
Sephardic Community Federation
to
NYC Deputy Mayor for Education Dennis Walcott**

Authored by
David Rubel
Consultant, Sephardic Community Federation

Reviewed by
N. Aaron Troodler, Esq.
Legislative Director, Sephardic Community Federation

Approved by
David G. Greenfield, Esq.
Executive Director, Sephardic Community Federation
&
Rabbi David Niederman
President, UJO of Williamsburg

Updated August 2007

In 2001, Congress passed and the President signed into law the No Child Left Behind (“NCLB”) Act. Included in the NCLB Act was a requirement for an increase in the participation of private and parochial schools in the disbursement of federal NCLB funds. The NCLB Act requires that local education agencies, such as the New York City Department of Education (“NYC-DOE”), conduct meaningful consultations with all private schools to ensure their participation in the allocation of funds and benefits to their students. Over the past several years, the Sephardic Community Federation (“SCF”) has inquired with local yeshiva principals about their use of the Title I funds and other NCLB programs and services. In almost every case, the principal stated that they were unable to participate in the NYC-DOE Title I program that provided for comprehensive tutorial and counseling services for disadvantaged children. Additionally, schools were unable to participate in Title II Part A that provides federal funding for professional teacher development.

SCF decided to undertake a systematic six-month investigation into the NCLB program and how it is administered in New York City. The investigation focused on the following:

- **How many Yeshivas and students are currently receiving and benefiting from NCLB Title I funds and other NCLB programs?**
- **Are Yeshivas receiving NCLB funds in an equitable proportion (dollar per student) to the number of eligible students enrolled in their schools?**
- **What factors are preventing NCLB eligible Yeshiva students from receiving NCLB services?**
- **What are the student eligibility formulas used to allocate funds through the NCLB Act of 2001 to states and local school districts?**
- **How much does the NYC-DOE receive annually in NCLB funds? How many of the NCLB Federal dollars are generated by the Yeshiva population?**
- **What are the formulas used by the NYC-DOE to allocate NCLB funds to public and private schools?**
- **How many New York City Yeshiva students generate Title I dollars and meet the NCLB eligibility requirements for participation in Title I?**
- **How are other states and cities working with private and parochial schools to ensure maximum participation in the NCLB program?**
- **Are there worthwhile programs in other parts of the country that should be looked at for replication by the NYC-DOE?**

Main Findings

- 1. Overall Finding:** According to New York State Education Department (“NYSED”) data, there were 79,486 students enrolled in 250 Yeshivas in New York City for academic year 2005-2006. In Brooklyn alone there are at least 30,000 yeshiva students that meet the poverty and residence criteria that generates Title I funds. The NCLB Act of 2001 requires that all funds get distributed in an equitable dollar per pupil eligibility formula for public and private schools. Yet according to the NYC-DOE for the same year only 3,696 yeshiva students were determined *eligible* for Title I services. We are waiting for the NYC-DOE to tell us how many students of that number actually received Title I services. We believe that the actual amount of students that *received* the services is significantly less than 3,696.
- 2. Brooklyn Yeshiva students are generating at least \$44,500,000 in Title I funded services but are receiving a fraction of that.** The NYC-DOE spent \$1,484 per Title I eligible student in the borough of Brooklyn in 2005-06 (as per federal law the same rate was used for public and private school students). If the conservative estimate of 30,000 Brooklyn Yeshiva students that meet the poverty and residence criteria for Title I eligibility received the dollar per student rate of \$1,484, there would be a total of \$44,520,000 available per year for Brooklyn Yeshivas to use for Title I services. Yet in all of Brooklyn only \$19,526,000 is spent on Title I services for all nonpublic school students (the majority is spent on nonpublic schools other than yeshivas, such as Catholic schools).
- 3. Yeshiva poverty level children generate tens of millions NCLB Title I dollars for New York City.** Every poverty level child attending a New York City Yeshiva is generating \$1,992 for the New York City Title I program (whether the funds by are used by Yeshivas or not) on an annual basis. In the South Williamsburg Chassidic community alone, 56% of all people live in households with incomes below the Federal Poverty Level. Brooklyn Community District 12 (which covers Boro Park) had the third highest number of children living below the Federal Poverty Level (2000 Census) for the 18 Brooklyn Community Districts (CD #1 which covers south Williamsburg, was the second highest).
- 4. The Federal NCLB Legislation requires that the NYC-DOE work closely with all private schools to ensure that Title I and the other NCLB programs are well utilized by all eligible private school students and their parents.** The U.S. Department of Education has prepared very specific instructions for local education agencies to follow regarding implementing this provision. The clear legislative intent

was to give all private schools an opportunity to engage in an ongoing consultative process with local educational agencies so that all eligible private school students receive and fully benefit from NCLB services. This mandatory consultation with private schools hasn't been happening.

5. **Very few Brooklyn Yeshiva students currently benefit from NCLB Title I Programs.** Based on a phone survey with local school administrators, only a handful of Yeshivas were using any sort of Title I funded NYC-DOE teachers for their remedial help with their Title I eligible students. Many had tried but found the process too cumbersome. Even for the upcoming 2007-2008 school year, only 29 yeshivas in Brooklyn will have a choice of participating in the Title I program. There are 197 yeshivas in Brooklyn registered with the NYSED. This very low number of participating Yeshivas (less than 15%) means that most Yeshivas are either not interested or were not successful in entering their student data in the NYC-DOE online NPSIS system. A new year will begin next week, and as in past years, most Yeshiva Title I eligible students will not receive any Title I funded help.
6. **Five years without meaningful outreach.** Despite strongly worded Federal regulatory guidance that instructs school districts to engage in meaningful outreach to private and parochial schools regarding participation in Title I services, some of the largest yeshivas in Brooklyn have told us that they never received even a phone call from the NYC-DOE. For example, the United Talmudical Academy (“UTA”) with a total enrollment of over 6,000 students (mostly poverty level) was never contacted by the NYC-DOE Title I staff in the five years since NCLB was passed. The NYC-DOE’s only method of communication is sending out form letters.
7. **Despite having the largest private and parochial school system in the country, there isn’t a single word on the NYC-DOE website that explains how the NCLB law can benefit principals, administrators, teachers or parents of private and parochial school students.** Almost every other large American city has extensive literature available on their public school website to explain how principals, administrators, teachers or parents of parochial school students can access and benefit from NCLB Act of 2001 and especially the Title I program.
8. **Since 2001, there has been a 45% increase in total amount of Title I funds for the whole country.** For FY ‘07, the national NCLB Title I Program allocated \$12.7 billion for students in high-poverty schools. In New York City, there was an increase of 40%

(\$13,245,233) to the nonpublic schools since NCLB was passed in 2001. While the Title I program has been greatly expanded, Yeshiva students have not benefited.

9. **Title I services do not have to be provided by teachers employed by the NYC-DOE.** NCLB regulations encourage local education agencies to contract out the provision of Title I services for students attending private schools to third party vendors. These third-party vendors can be individuals, for profit and not for profit organizations. Other cities including Chicago, Milwaukee, Dallas, Miami (Dade County), Memphis and Baltimore contract out their Title I services through a competitive RFP system to organizations specializing in remedial education. In most of these cities, each private and parochial school is given a list of approved third party vendors and the school then checks the vendor that they want to have to provide services in their school. New Jersey has a statewide system that allows local school districts to contract out Title I services to private and parochial schools.

10. **To ensure that all private school students in need receive Title I services, private schools are encouraged to collaborate.** The NCLB program offers private schools several options for ensuring that their students benefit from the funds. If several schools want to pool their Title I funds together, they can make one program and use multiple sites.

11. **Title II Part A Teaching Training and Recruitment.** Title II Part A funds the cost of teacher training and professional development. Similar to the public school system, the Title II Part A funds can be used to increase the quality of classroom instruction and improve student learning outcomes in Yeshivas. The NYC-DOE received \$127,878,000 in 2005-06 in Title II Part A funds. Based on the NCLB funding formula for Title II Part A, using a conservative estimate, if the NYC-DOE is spending all of its funds on professional development, then \$7,077,000 should be available to New York City Yeshivas for these same services.. We have asked the NYC-DOE to provide us with the formula they use to allocate Title II Part A funds. Also, the current allocation to the Yeshivas needs to be changed since in its present form half of all funds can only be used by teachers with a four year college degree.

12. **Title III Language Instruction for Limited English Proficiency (“LEP”) Students.** Students with limited English proficiency (defined as a student whose native language is not English) are the intended beneficiaries of Title III. According to Federal Law, while the goal of the program is to master English language skills, some of the funds (no formula has been established) can be used to help students master their native

language skills. Our preliminary research shows that Yeshiva students should be receiving \$190 per LEP eligible child. Instead LEP eligible Yeshiva students are receiving less than half that per child (\$90). Title III also requires a consultation period.

Postscript

SCF and UJO met with Deputy Mayor Dennis Walcott and other top-level members of the Bloomberg administration about the NCLB Act in February 2007 at which time they presented the city officials with copies of the report; discussed the Title I program as it relates to Brooklyn Yeshivas; and set forth the details of the report's findings. SCF and UJO, who also met with officials at the NYC-DOE's Bureau of Nonpublic School Reimbursable Services, have maintained an ongoing dialogue with the city regarding the NCLB Act for the past six months.

Based on the findings of their investigation into the NYC-DOE's administration of Title I services, SCF and UJO made a number of requests in order to facilitate the receipt of federal funds under the NCLB Act, including enhanced consultation and improved communication between the NYC-DOE and Yeshivas; flexibility in usage of Title I services for yeshivas and their students; adequate representation of all Jewish communities on the New York City Department of Education Non-Public School Standing Committee; **and most importantly: the establishment and implementation of a third-party vendor system in New York City.**

In response to these requests, the NYC-DOE agreed to take several steps. First, they pledged to improve communication with the non-public school community through an updated and enhanced website that would serve as a valuable informational resource for Yeshivas and parents with children in Yeshiva. They also agreed to send schools more information on Title I services.

In addition, David G. Greenfield, Esq., the Executive Director of the Sephardic Community Federation, and Rabbi David Niederman, the President of the United Jewish Organizations of Williamsburg, were recently appointed by Mayor Michael Bloomberg's office to the New York City Department of Education Non-Public School Standing Committee. The committee, which is comprised of individuals from the non-public school community who are experts in the field of education, serves as the liaison between New York government and the non-public school community and plays a critical role in addressing issues affecting New York's private and parochial schools.

Finally, the NYC-DOE invited SCF and UJO to prepare and submit a proposal for a third-party vendor system for consideration. SCF and UJO prepared a comprehensive and sensible proposal and submitted it to the Mayor's office and the NYC-DOE in July 2007 and are awaiting a response. The creation and implementation of a third-party vendor system is critical in the context of yeshivas and Title I which is why one of the primary components of the SCF report focused on the fact that Title I services do not have to be provided by teachers employed by the NYC-DOE. We intend to do everything we can to make the third party vendor system a reality.

Remember:

We are not asking the NYC- DOE to change the law.

We're simply asking them to follow the law.