

To: Dr. Tommy Chang, Superintendent

From: Priya Tahiliani, Interim Assistant Superintendent, Office of English Language Learners

Cc: Karla Estrada, Ed.D, BCBA, Deputy Superintendent; Eleanor Laurens, Chief Financial Officer; Alissa Ocasio, Legal Advisor

Re: Update on Title I for ELs

Date: February 1, 2018

The District has been under a Consent Decree with Multicultural Education Training and Advocacy (META) for more than 20 years. Specifically, this Consent Decree requires that Title I funding must be used to supplement, and not supplant, local, state or federal resources and to provide services under Title I that are tailored to meet the specific linguistic, cultural, socioemotional, and academic needs of English Learners (ELs). The percentage of Title I funds spent for these supplemental services solely benefiting ELs must correspond with the percentage of ELs in the school population. Some additional requirements as to how the money must be spent include conducting a needs assessment to determine the services EL students require most in order to supplement their instruction at each school and ensuring that the supplemental services are tailored to and solely benefit ELs.

As part of their monitoring obligations under the Consent Decree, attorneys from META visit schools and review budget documents to assess how funds are spent by schools. As a result of this year's monitoring, META has alleged that BPS has not demonstrated that Title I funds are addressing the particular needs of ELs at each school and that between \$1M and \$4.3 million are instead being used to underwrite core expenses otherwise required under state or federal law. In order to remedy this concern, they are requesting that a significant new EL initiative be funded under general funds.

We are in the process of determining whether it is best to engage in a formal audit to confirm META's concerns or to present META with the following options to address their request for a new EL initiative. To that end, we are presenting the following options to address META's request:

Options for Next Steps		Legal/Budget Implications	
Option 1	Proceed as-is without fulfilling META's request to locate funds to support an EL initiative.	Legal	META will commence legal action against BPS alleging failure to comply with the Consent Decree and Title I. META will also seek compensatory services be provided to all ELs for such failure. In addition, such action will likely trigger further investigation from the DOJ currently monitoring BPS's provision of services to ELs
		Budget	No immediate impact but legal risk
Option 2	Identify general funds internally up to \$1 million.	Legal	Action will likely avert any legal action by META.
		Budget	Need to identify activities or investments in FY18 or FY19 to repurpose for one-time ELL investment
Option 3	Request funds in the amount of \$1million	Legal	Action will likely avert any legal action by META.

	from City Hall.	Budget	One-time investments fully funded
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If Option 2 or 3 Is Chosen	
<i>The following are proposed initiatives to support ELs in the event that Option 2 or 3 is chosen and general funds are allocated.</i>	
Increase access to advanced learning opportunities.	Provide teacher stipends to professional learning opportunities
Generate an enhanced ESL curriculum.	Procure native language support resources, including those for dual language, SLIFE, etc.

We remain committed to ensuring equitable funding for ELs and have implemented various safeguards to ensure that ELs receive equitable Title I expenditures. Some examples of the accountability measures that we have taken include:

- Schools completed a FY18 Title I for EL Budget Plan at the beginning of the school year, which is a newly process implemented just this school year.
- OELL provided feedback to schools on their FY17 Title I expenditures and FY18 Title I EL Budget Plan so that school may be aware of whether their expenditures comply with the requirements in the consent decree.
- Schools are submitting FY19 Title I for ELs Budget Plans at Budget Collaboratives and will be required to receive approval from OEL on their FY19 Title I EL Budget Plans for the upcoming school year prior to having OEL staff sign off on a school’s budget.
- Beginning in Spring, OELL, in collaboration with the Budget Office, will conduct periodic, comprehensive audits of current Title I spending from a sample of schools.
- As required under the consent decree, OELL will be asking schools to submit their FY18 Title I checklists in the Spring, whereby schools detail how expenditures are solely benefitting ELs and tailored to meet their needs. This information is required to be submitted to META for their review.
- If it is determined that Title I funds at a school are not being properly spent, Title I EL funds at the school may be frozen until the issue is resolved. OELL will work with the school and the Budget Office to correct these issues expediently.

Please let us know if further information is needed.