



August 15, 2018

Commissioner MaryEllen Elia
New York State Commissioner of Education
New York State Education Department
89 Washington Avenue
Albany, New York 12234

RE: Substantial Equivalence Inquiry

Dear Commissioner Elia:

In July 2015, the New York City Department of Education (“DOE”) received a letter concerning the issue of substantial equivalence of education in 39 yeshivas located in New York City. This letter serves to update you on this matter and to request guidance from the New York State Education Department (“NYSED” or “SED”) regarding next steps.

Throughout this process, our goal has been, and continues to be, to collaborate with the affected individuals and organizations to improve the quality of education provided in nonpublic schools. We firmly believe that there is room for improvement in every school, public or private, and that the most productive path to meaningful, sustained improvement is through collaboration. We have sought to balance the rights of parents and private organizations while upholding the legal requirement that nonpublic schools provide an education substantially equivalent to that provided in the public schools.

This letter contains four main sections: a summary of the law and guidance; a review of the complaint; an overview of the interactions between the DOE and the schools named in the complaint; and a request for guidance on how to move forward.

1. Substantial Equivalence Law and Guidance

New York State Law requires that nonpublic schools provide instruction substantially equivalent to that provided in public schools. SED issued guidance to help school districts understand their role in upholding this law. In April 2018, the substantial equivalence law was amended. SED has not issued new guidance since the amendments were enacted. Since this inquiry spans both the prior statute and recent amendment, both are discussed in detail below.

A. Law

Prior to April 2018, Education Law Section 3204(2)—the section of law requiring that nonpublic schools provide a substantially equivalent education—applied to all nonpublic schools in New York State and required that “instruction given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.” It also required that, with limited exception, instruction must be in English and textbooks must be written in English. Id. Relevant to the question of substantial equivalency, Section 3204(3)(a) sets forth the course of study for public schools. This course

of study requires, for the first eight years of full-time public day schools, “instruction in at least the twelve common branches of arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training, the history of New York state and science.” Beyond the first eight years, the course of study “shall provide for instruction in at least the English language and its use, in civics, hygiene, physical training, and American history, including the principles of government proclaimed in the Declaration of Independence and established by the constitution of the United States.” See also, New York State Education Department Guidelines for Determining Equivalency of Instruction in Nonpublic Schools (“SED Guidelines”), Question 24. The SED Guidelines also list other requirements, *e.g.*, that nonpublic schools maintain attendance records (see also New York State Education Law Section 3211 and 8 NYCRR 104.1), and that grades 7 – 12 have a guidance program (see also 8 NYCRR 100.2(j)). These statutes, regulations and guidelines defined what constituted a substantially equivalent education at the time of the school visits.

In April 2018, as you are aware, Education Law Section 3204(2) was amended. In addition to including skill-based factors (such as writing, arithmetic, text-analysis and critical thinking skills) to be considered in determining equivalency of instruction for nonpublic schools that meet certain criteria (including that each is a non-profit corporation; has a bilingual program; and has an extended school day for specified hours and days), see Education Law Section 3204(2)(ii) and (iii), these amendments further provide that, with respect to schools that satisfy these criteria, it is the Commissioner who shall determine whether these schools are providing an education that is substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor attending a nonpublic school resides (see Education Law Section 3204(2)(i) and (v)).

B. Guidance

Current SED Guidelines for Determining Equivalency of Instruction in Nonpublic Schools (“SED Guidelines”) are based on the statute as it existed prior to the 2018 amendment. Those guidelines require that when “a serious concern arises about equivalency of instruction in an established [nonpublic] school, the superintendent ... should inform the officials of the nonpublic school that a question has been raised about equivalency of instruction in the school.” If the concern is not resolved after this discussion, the superintendent “should provide to the nonpublic school officials the basis of the question in writing [and] ... should ... ask to visit the nonpublic school at a mutually convenient time in order to check on the information which led to the assertion of lack of equivalency.” In addition, the “superintendent should review materials and data which respond to the assertion and discuss with the officials of the nonpublic school plans for overcoming any deficiency.” SED Guidelines also provide that “[i]f the problem can be remedied within a reasonable amount of time, the superintendent and the administrator should agree on a plan and schedule for arriving at a satisfactory solution.”

In summary, SED guidelines explicating school district obligations under the statute prior to the recent amendments required collaboration with the affected school(s), following these key steps:

1. Assess whether there is a serious concern.
2. Inform nonpublic school officials of the concern.
3. Seek permission to visit the school and obtain permission.
4. Review materials and discuss with the school.

5. Agree on a plan with the school.

This guidance has formed the basis for the DOE's actions in this matter thus far.

2. The Complaint Letter

During the summer of 2015, the DOE received a letter dated July 27, 2015, signed by 52 people describing themselves as “parents of current students, former students and former teachers” (“complainants”), of one or more of the 39 yeshivas listed in the letter (the “Complaint Letter”). The Complaint Letter was addressed to the community district superintendents of community school districts 13, 14, 15, 17, 20, 21, and 24, with the Chancellor copied. It alleged that the named yeshivas “are not providing an education that meets the requirement of substantial equivalence” and “at the listed yeshivas, English and mathematics are taught from around age 7 to age 13, for an average combined time of only 90 minutes and on only four days a week. Other secular subjects are not taught at all, let alone in English. At these yeshivas, English instruction for boys stops at age 13. Girls generally receive a better secular education than boys but, we are still concerned that it is not sufficient to prepare them for their futures.” The Complaint Letter requested that the DOE “look into substantial equivalence of the education offered at yeshivas on the attached list.”

A. Notice to Named Schools

Shortly after receiving the Complaint Letter, the DOE commenced an inquiry into the allegations.

In accordance with SED Guidelines, the DOE began communicating with nonpublic school officials about, and inquiring into, the allegations.

As an initial step, the Senior Deputy Chancellor had internal meetings with the superintendents of the districts where the listed yeshivas were located (“the impacted districts”). In addition, the Deputy Chancellor for Operations met with members of the Non-Public Schools Standing Committee (“Standing Committee”) to inform them of the complaint.

On August 27, 2015, the superintendents of the impacted districts met with leaders of the yeshivas named in the Complaint Letter to discuss the allegations in the letter, the process for DOE's equivalency review, and the New York State Commissioner of Education's requirements for substantial equivalency of instruction. The presiding superintendent requested that each yeshiva school leader invited to attend the meeting submit to the DOE materials describing the secular curricula taught in their schools and the qualifications of the teachers providing secular instruction, and distributed materials to aid them in the process (“August 27th Meeting Materials”). On August 31st, the Office of the Deputy Chancellor for Operations sent letters to yeshiva school leaders who were not able to attend the meeting, enclosing copies of the August 27th Meeting Materials and requesting that the school leaders submit the curricular materials for their secular studies courses and the qualifications of the teachers who taught those courses.

On October 16, 2015, the Deputy Chancellor for Operations received a letter on behalf of the yeshivas that received the August 27th Meeting Materials. The letter expressed that it was written in the spirit of collaboration and cooperation, requested a copy of the Complaint Letter, discussed the process that

should be followed in investigating the substantial equivalency concern raised in the letter, and noted the constitutional basis for the parental right to guide the education of their children.

B. Interviews with Complainants

Commencing in the fall semester of 2015, and continuing until the summer of 2016, the DOE met with complainants to determine whether the allegations in the Complaint Letter constituted a “serious concern” under the SED guidance. The DOE conducted both a small group meeting in December 2015 and individual interviews during the spring semester of 2016 with complainants who either had attended or whose children attend(ed) yeshivas listed in the Complaint Letter. At the small-group meeting, former students and parents of current students described the secular education they or their children received in yeshivas they or their children attended. Most said that the boys’ schools provide secular instruction in English and math for at most 90 minutes a day (except for Fridays) until the boys reach the age of 13 and, after that, no secular instruction is provided—only religious instruction. Below is a summary of the information provided by individual complainants interviewed during the spring semester of 2016 who were also signatories of the Complaint Letter. In total, individuals who were interviewed—either at the small-group meeting or individually—provided information about 11 of the schools named in the Complaint Letter.

Secular Instruction For Grades Pre-K through 7: All of the interviewed complainants stated that, at the yeshivas serving male students, classes typically began at 8:00 a.m. and often did not end before 5:00 p.m. for the lower grades and 6:00 p.m. or later for the middle and upper grades. During that time, they received approximately 1-2 hours (usually 90 minutes) of secular instruction each day (except Fridays) until the students reached the age of 13, at which time secular instruction ceased. They further stated that secular instruction typically was the last subject of the day. Some interviewed complainants reported that attendance at the secular instruction periods was treated as voluntary rather than mandatory, since the school administrators did not compel attendance.

Mathematics: All of the interviewed complainants stated that students learned basic arithmetic, such as addition, subtraction, and multiplication. For many of these complainants, the last content topic taught was fractions. For some, division was the last subject taught. Many stated that topics were presented in an introductory way, with little development or follow-up.

English Language Arts: All of the interviewed complainants stated that, because instruction begins with the Hebrew alphabet in the very early grades (e.g., Pre-K and kindergarten), instruction in English was delayed until first, second, or third grade. Some of these complainants said that they did not learn to read until the third grade. One said that, in kindergarten and first grade, students learned the English alphabet and started learning to spell words. They further stated that students typically learned how to read in English at around age seven or eight (i.e., second or third grade). Some of these complainants reported that they learned cursive writing, but did not receive formal instruction in grammar or essay writing. Many of them said that they now have difficulty writing prose.

Science: All of the interviewed complainants reported that students did not receive instruction through a science curriculum. One of them said that there were sporadic science experiments done in class, but these were not part of any organized curriculum.

History: All but two of the interviewed complainants reported that little to no instruction was provided to them in U.S. history and New York history. Some of them reported that there was some instruction in geography, such as the names of states and state capitals.

Language of Instruction: Interviewed complainants reported that the language used for instruction in secular classes was English or Yiddish, or a mixture of both. Textbooks in the secular subjects were written in English. One interviewed complainant stated that, in the early grades, secular books had mostly pictures with no more than three words on a page. He further stated that as the books got more complex—through the sixth grade—pictures and text were abridged to make the books consistent with the cultural or religious values of the school. Another interviewed complainant stated that he never used a reading book.

3. DOE Interactions with the Relevant Yeshivas

Upon the conclusion of the interviews with the complainants in early summer 2016, and consistent with SED guidelines, the DOE resumed and expanded dialogue with the yeshivas named in the letter. As previously stated, the DOE believes firmly that the fastest, most sustainable path to school improvement, as well as the path to the deepest change, is via collaboration and community engagement. This has been true of the DOE’s approach to school improvement in district schools, in its approach to collaboration with charter schools, and is equally true in its approach to working with nonpublic schools.

A. Response by Yeshiva Leaders and Representatives

In the spring of 2016, DOE met with leaders of the yeshiva community to discuss the education provided at yeshivas. At these meetings, religious leaders and curriculum experts discussed the content of the curricula taught in yeshivas and reforms that were being planned.

At a meeting held on May 12, 2016, at DOE headquarters, representatives from the yeshiva community, including a Jewish education expert, an Applied Psychology professor, and a law professor, met with DOE superintendents and high-level administrators, as well as attorneys for both groups, to describe the mission of yeshiva education, its place in the Hasidic community, and the secular curricula provided at these schools. The yeshiva representatives stated that they were creating new secular curricula in English Language Arts (“ELA”) for grades 4-6 and in mathematics for grades 1-3. They were working with two well-known publishers, Sadlier Oxford and Houghton Mifflin, to create textbooks for the mathematics curricula and culturally appropriate readers for the ELA curricula. In addition, the Applied Psychology professor explained that portions of the Judaic studies curriculum satisfied Common Core Learning standards (CCLS), as they teach such skills as reading comprehension, making inferences, and logical reasoning. The professor further explained that a crosswalk could be created mapping the Judaic studies curriculum to CCLS. She added that some secular subjects, such as science and mathematics, are covered within the Judaic studies curriculum.

On June 30, 2016, leaders from the yeshiva community, including school leaders, came to DOE headquarters to meet with a DOE team of superintendents, senior level administrators, as well as attorneys from both groups. At this meeting, the Jewish education expert, the Applied Psychology

professor and the law professor made presentations. These topics are described in further detail below, beginning with the work schools have done developing new secular studies curricula.

i. Creation of New, More Rigorous Secular Studies Curriculum

At the June 2016 meeting, the DOE was informed that the yeshivas were collaborating to develop and adopt new curricula in English Language Arts (“ELA”) for grades 4-6 and in mathematics for grades 1-3. This effort was organized by the nonprofit organization Parents for Educational and Religious Liberty in Schools (“PEARLS”). Created in 2016, PEARLS is a non-profit organization with the stated goal of stressing the importance and value of the yeshiva educational system, and advocating for the right of parents to choose a religious Jewish education for their children this work was accompanied by a verbal commitment that the curricula would be adopted by most or all of the yeshivas and would continue to be expanded upon each year.¹ As described by the representatives of the yeshivas, the ELA curriculum uses leveled readers that teach ELA through a comprehensive approach (spelling, vocabulary and grammar linked to the text), and the mathematics curriculum uses a problem-solving and critical thinking approach. According to PEARLS representatives, the new ELA and mathematics curricula align with Common Core Learning Standards (“CCLS”) and use materials that are culturally sensitive to the values of the yeshivas. Nine of the fifteen yeshivas that the DOE visited (to be described below) were observed to be using these new curricula in ELA and/or math classes.

The yeshivas recognized that transitioning to the new curricula would require professional development for their school leaders and staff. PEARLS hired Generation Ready, a nationally known provider of professional development services.² On August 10, 2016, a community district superintendent attended a professional development session attended by approximately 75-80 yeshiva leaders on the newly devised math and English curricula. They received information and training in CCLS, instructional shifts, and the alignment of the College and Career Readiness Standards, as well as information on interdisciplinary approaches to integrating literacy across content areas. In January 2017, two senior central DOE representatives attended a professional development session conducted by Generation Ready for yeshiva secular education teachers on ELA. It should be also noted that, during the school visits, the DOE observed that some of the yeshivas had individually contracted for the services of Generation Ready coaches to provide ongoing professional development to their teachers. In response to a DOE request for information (described in detail in the next section), on January 6, 2017, a coalition of senior leaders of the PEARLS committee, most of whom were yeshiva leaders, sent a letter to the DOE Senior Supervising Superintendent, detailing the work that PEARLS had undertaken in 2016 and its accomplishments in curriculum development, textbook publishing, preparation of classroom materials and teacher training. The summary provided in the letter stated:

PEARLS has retained a five-member curriculum development team that has worked with our schools [*i.e.*, the yeshivas] to devise an enhanced curriculum and develop teaching

¹ PEARLS has informed the DOE that the mathematics curriculum has been expanded to grades 4-6 and the ELA curriculum to grade 3, for a total coverage of grades 1-6 for mathematics and grades 3-6 for ELA.

² According to its website, Generation Ready is one of the nation’s largest providers of teacher and school leader professional development services, through partnerships with districts, schools and state departments of education.
<http://www.generationready.com/leading-partners-for-educators-become-generation-ready/>

materials for both math and English Language Arts; has partnered with Sadlier Oxford on the publication of a culturally-sensitive and Common-Core-compliant math textbook and with Houghton Mifflin to prepare appropriate readers for our schools' ELA programs; has prepared curriculum guides and full lesson plans for these textbooks; and has conducted a half-dozen teacher training events that have been attended by hundreds of teachers.

In addition to summarizing the accomplishments of the PEARLS curriculum team during this year, the letter spoke of future plans to further enhance the secular curriculum. Specifically, the Committee's "future goal is for Sadlier Oxford to produce PEARLS math textbooks for grades one through six." The letter stated that PEARLS is currently working on "an ELA curriculum outline for third grade and further enhancements for grades four and five" and is engaged in a "joint project with Sadlier Oxford to develop English and grammar curriculum and materials for grades 5-6." Looking toward future years, the letter stated, "As the schools comfortably digest and implement these programs, we will proceed with the development of additional components of the curriculum and teaching materials."

Finally, the letter described the teacher trainings that had been provided to ensure that schools and their teachers were prepared to effectively use the new curricular materials. According to the letter, the first training was held on August 10, 2016 as a full-day principal professional development event that approximately 75 principals, department heads and lead teachers attended. The letter further stated that additional trainings were held on September 12 and 13 in Borough Park, Crown Heights and Williamsburg, which were attended by more than 265 teachers, and in Williamsburg on October 27 and 30.

The schools have clearly made progress by creating culturally appropriate secular curricula and enlisting the supports necessary to implement them, including hiring qualified external trainers, as described above. Although the DOE did receive an outline and several samples of the curricula, the schools have not provided DOE with a full set of materials and therefore, DOE cannot currently assess the quality of the curricula.

ii. Value of Judaic Studies Curriculum in Fostering Critical thinking and Text Analysis Skills

At the June 2016 meeting at DOE, a law professor and a professor of Applied Psychology made presentations on the value of Judaic Studies as a method of developing critical thinking skills.

The law professor, who grew up in the Hasidic community and attended yeshivas, discussed the purpose of a yeshiva education, the role it plays in the Hasidic community, and the parallels between the critical thinking required in textual analysis as taught in yeshivas with the legal analysis required in law school.

The Applied Psychology professor discussed meeting Common Core Learning Standards through the Judaic Studies curriculum. She explained that the study of Talmud,³ a compilation of debate and

³ Talmud is the record of rabbinic teachings that spans a period of about six hundred years, beginning in the first century C.E. and continuing through the sixth and seventh centuries C.E.

commentaries on the Mishna,⁴ examines social customs, human nature, ethics and philosophical questions. She further explained that Common Core Learning Standards may be covered through this body of work, including standards such as reading for information; providing textual evidence to support analysis; making inferences and logical reasoning. She also explained the role that oral tradition can play in teaching concepts and culture to children, particularly English Language Learners. The professor created sample curriculum crosswalks to illustrate her analysis, which she submitted to the DOE in the summer of 2017. A strong argument has been made that Judaic Studies can be a powerful context in which to cultivate critical thinking and textual analysis skills.

B. DOE Requests and Offers of Support

Throughout this process, the DOE has made repeated offers to share access to professional development; has made repeated requests for information; and has made repeated requests to visit schools. A timeline of these requests for information and offers of assistance, as well as a review of the DOE's dialogue with complainants (described in more detail above) follows below.

August 27, 2015: The superintendents of the impacted districts met with leaders of the yeshivas named in the complaint and requested documentation of their secular curricula and teacher qualifications (see p. 3 above).

Fall 2015: DOE met with complainants to discuss the allegations (see p. 4 above).

December 2015: The DOE conducted both a small group meeting and individual interviews with complainants (see p. 4 above).

May 12, 2016: Representatives from the yeshiva community and other experts met with DOE superintendents and high-level administrators (see p. 5 above).

June 2016: A meeting was held with DOE representatives, educational experts, and yeshiva leaders (this meeting is described in detail above).

July 21, 2016: DOE representatives met with yeshiva community leaders to discuss the planned curriculum changes at the yeshivas.

August 3, 2016: A Senior Advisor to the Chancellor and the Senior Supervising Superintendent met with community leaders to discuss curricular changes at and school visits to the yeshivas. They discussed, among other things, the possibility of having community district superintendents conduct announced school visits to observe implementation of the new secular curricula. They also discussed expansion of the new secular curricula to the higher grades.

August 10, 2016: At the invitation of the yeshivas, a community district superintendent attended professional development for yeshiva school leaders on the newly devised math and English curricula. (See above for a description of the session.)

⁴ Mishna or Mishnah is the first major written collection of the Jewish oral traditions known as the "Oral Torah". It is also the first major work of rabbinic literature.

Fall 2016: DOE representatives reached out to yeshiva community leaders to obtain information about the implementation of the new secular curricula and to offer support, including the possibility of professional development.

December 5, 2016: The DOE sent a form letter to the yeshivas requesting information about curriculum implementation and providing notice of intent to visit the schools.

The DOE asked that each school leader use the form to provide information concerning implementation of the new secular curricula. Using the form, each school leader would certify that the following curricula had been or would be implemented at their school commencing on the dates listed below:

Mathematics, in grades 1-3, using the Sadlier Oxford Progress in Mathematics textbook. Implementation of this curriculum began or will begin on [insert date] and will continue throughout the 2016-17 school year.

English Language Arts, in grades 4-6, using leveled readers from Houghton Mifflin, and including writing instruction. Implementation of this curriculum began or will begin on [insert date] and will continue throughout the 2016-17 school year.

The form also sought confirmation from the school leaders that they plan to continue using these curricula in future years, and that they plan to implement additional new secular curricula. The form concluded with an expression by school leaders of their understanding that the NYC Department of Education may conduct site visits in order to observe instruction of the new curricula, which site visits would be arranged in advance and scheduled at mutually convenient times.

January 23, 2017: a Senior Advisor to the Chancellor and a Senior Advisor to the Office of Superintendents attended a professional development session on teaching ELA, conducted by Generation Ready, for teachers of secular studies. It was attended by approximately 80 teachers who demonstrated active participation during a lesson on automaticity.

March 2017: Visits to schools commenced and continued through the end of the school year.

October 2017: Visits to schools resumed and continued through December 2017.

C. Analysis of the 39 Schools Listed in the Complaint

The July 2015 letter listed 39 schools with addresses for each. This section describes the status of each of the school locations listed in the complaint.

i. Nine of the locations are outside the scope of the inquiry.

While the Complaint Letter included 39 schools, not all 39 schools listed in the letter were within the scope of the inquiry. The DOE independently researched and verified this information from information within the DOE's Office of Non-Public Schools, by visiting sites, and by accessing data on the NYSED SEDREF portal. The DOE concluded that nine schools were outside of the scope of its inquiry, most of them because the school located at a site was one to which the substantial equivalency requirement did

not apply (e.g., because it provided only post-secondary education or was closed). The nine sites outside the scope of the investigation that were listed in the Complaint Letter are:

- Yeshiva Toras Chesed
- Yeshiva Moushulo
- Yeshiva Minchas Elazar
- United Talmudic Academy, District 14 (Lee Avenue)
- Yeshiva Ketaneh
- Mesivta Eitz Chaim
- United Talmudic Academy, District 24
- Yeshiva and Beth Hamedrash Shaarei
- Yeshiva Torah V'Yirah (UTA), District 14 (Marcy Avenue)

One location (United Talmudic Academy, District 14-Lee Avenue) was visited and was determined to be a butcher shop, not a school.

Three locations (United Talmudic Academy-(District 24), Yeshiva and Beth Hamedrash Shaarei and Mesivta Eitz Chaim) were providing instruction to students who are beyond high school. The substantial equivalence statute (prior or recently amended) does not apply to schools outside the K-12 context.

Four locations (Yeshiva Toras Chesed, Yeshiva Moushulo, Yeshiva Ketaneh, and Yeshiva Minchas Elazar) were no longer operating.

One location (Yeshiva Torah V'Yirah (UTA), District 14-Marcy Avenue) is not a school but rather a nutrition location.

ii. Fifteen of the schools were visited by DOE.

The DOE visited 15 schools, all of which were elementary schools (and some of which contained particular grades of multi-site schools).

Pursuant to the SED Guidelines, if a serious equivalency concern has been raised, “the superintendent of schools should, if necessary, ask to visit the nonpublic school at a mutually convenient time in order to check on the information which led to the assertion of lack of equivalency.” The superintendent should also “review materials and data which respond to the assertion and discuss with the officials of the non-public school plans for overcoming any deficiency” within a reasonable amount of time.

Between March and December 2017, the DOE visited the following schools:

- Yeshiva Bnei Zion, District 20 (48th Street)
- Yeshiva Talmud Torah Toldos Hillel
- Yeshiva Chasan Sofer
- Yeshiva Kehilath Yakov, District 14
- Yeshiva Machzikei Hadas
- Yeshiva Karlin Stolin
- Yeshiva Bnos Malka

Bais Ruchel D'Satmar, Elementary
Yeshiva Torah V'Yirah
United Lubavitcher Yeshivoth
Yeshiva Bais Hillel
Yeshiva Boyan
Yeshiva Yesode Hatorah
Yeshiva Ahavas Israel
Yeshiva Mosdos Chasidei Skver, District 20

During these visits, DOE superintendents, high-level administrators and attorneys met with school leaders to learn about the history and mission of each school and visited classrooms where Jewish Studies and secular subjects were being taught. DOE staff first met yeshiva school leadership for a presentation that typically included the origin of the sect associated with the yeshiva, the history of the yeshiva, the mission statement of the yeshiva and an overview of its instructional program. Following this presentation, DOE representatives visited four to eight classrooms. Classroom visits included secular as well as Judaic Studies classes, and were taught in English, Yiddish, Hebrew, or Aramaic, or a combination thereof. A summary of general observations follows:

Secular Instruction for Grades Pre-K through 8: At each yeshiva, school leaders expressed a commitment to expanding students' exposure to secular instruction and to improving the instruction itself. Some of the schools gave examples of successful adults who had attended their schools. Some of the schools spoke specifically about the importance of a secular education. Five schools had adopted the PEARLS ELA curriculum and six schools had adopted the PEARLS math curriculum. Some schools stated that their lessons were guided by a curriculum map and a scope and sequence that incorporated formative assessments to guide student progress and keep families informed. Two schools showed student assessments. Many of the schools stated that they conducted their secular instruction towards the end of the day, however, some stated that they incorporated secular instruction throughout the day. In the case of one school, all instruction, including Judaic Studies, was conducted in English. Of the 15 schools visited, ten schools stated that they provide ongoing professional development and, in at least two schools, DOE observed Generation Ready coaches in the classroom. Two of the schools stated that they were working with Lucy Calkins, creator of the *Writing Project*, at Teachers College. Several schools had an in-house curriculum staff member who provided ongoing staff development.

Mathematics: DOE representatives visited mathematics classes in 11 of the 15 yeshivas. In total, 14 math classes were visited; six were using the PEARLS curriculum. The math lessons that were observed covered grades three to six and a range of topics including: place value, multiplication and division, exponents and scientific notation, decimals and fractions, and prime numbers.

English Language Arts: DOE representatives visited ELA classes in 13 of the 15 yeshivas. In total, 27 ELA classes were visited; five were using the PEARLS curriculum. In addition, several of the Judaic Studies lessons included academic vocabulary in English. The ELA lessons that were observed covered first through eighth grades and a range of topics, including: phonemic awareness, word recognition, use of plurals, sequencing of ideas in preparation for essay writing, use of transitions, and grammar.

Science: DOE representatives visited science classes in three of the 15 yeshivas, two of which were in yeshivas for female students. In total, five science classes were visited (two of them in the same school).

The science lessons observed were in grades four to seven and covered a range of topics, including density and weight, transmission of sound waves, the human skeletal system, and the circulatory system. Some of the lessons included experiments.

History/Social Studies/Geography: DOE representatives visited three history classes in two of the 15 yeshivas, one of which was a male yeshiva and the other a female yeshiva. One of these classes, taught in Yiddish, was a world history class focusing on biblical history and the other, taught in English, was an American history class focusing on the Revolutionary War. The third class, taught in English, focused on the Lewis and Clark expedition and the Louisiana Purchase.

Health and physical education: DOE representatives observed one physical education class at one yeshiva for male students where students were stretching and doing calisthenics.

Teacher Competency and Professional Development: DOE representatives were told by school leaders at some of the yeshivas that they tended to hire teachers with less experience, and therefore they particularly needed to invest in professional development. Several schools had in-house curriculum leaders and several had contracted with coaches (e.g., Generation Ready and the Lucy Calkins Writing Project at Teachers College). One school leader stated that the educational philosophy of the school was shaped by the work of education experts such as Carol Dweck, a renowned Stanford University psychologist known for her work in social-emotional learning. Another school leader, spoke of the importance of applying proven techniques to classroom practice that have been developed for English as a New Language students, as the majority of their student population enter school speaking only Yiddish.

Language of Instruction: Of all the classes visited by the DOE, just over a third of them (37%) were Judaic Studies classes conducted in Yiddish, Hebrew or Aramaic. The lessons in these classes were focused on excerpts from biblical text including the Torah and Talmud. Some of these classes also embedded secular academic subjects into the lesson.

We appreciate the schools that did allow visits and the clear spirit of collaboration and interest in continuous improvement this shows. We request further guidance from SED to allow us to continue to work collaboratively and productively with these schools to develop plans for further collaboration and improvement, where warranted.

iii. DOE was unable to visit the remaining 15 schools.

Of the remaining 15 schools, nine appear to be elementary schools and six appear to be high schools. Since August 3, 2016, the DOE has made repeated attempts to gain access to the schools. While at one point it received a commitment that access would be provided for the nine remaining elementary schools, it never received such a commitment for the six high schools, and, in any event, the simple fact is that the DOE has not been provided access to any of them. The long delay in scheduling visits to this group of 15 schools is a serious concern. These 15 schools to which the DOE has been unable to gain access are the following:

United Talmudic Academy, District 13
Bais Ruchel D'Satmar, High School

Talmud Torah Bnei Shimon
Mosdos Chasidei Skver, District 14
Talmud Torah of Kasho
Yeshiva Bnei Shimon Yisrael
Yeshiva Chemdas Yisroel Kerem Shlomo
Congregation Ohr Menachem
Lubavitch Oholei Torah
Lubavitcher High School, District 17
Yeshiva/Mesivta Bais Yisroel
Yeshiva Kehilath Yakov, District 20
Talmud Torah Tiferes Bunim
United Talmudic Academy, District 20
Yeshiva Bnei Zion, District 20 (15th Avenue)

Today, the yeshiva representative of 8 of these schools notified us that they were willing to schedule visits. We requested that they submit a time and date for those visits by the close of business today.

With respect to all 15 schools that have not been visited, DOE requests guidance from SED on how to proceed.

4. Request for Guidance with Respect to Next Steps

DOE has sought to engage in productive dialogue with all involved stakeholders on this issue.

The DOE wishes to emphasize its belief that, through the collaborative efforts of all interested parties, gains have already been made. Moreover, in visiting 15 schools, the DOE observed examples of good practices—including the pairing of students for independent study, grouping students for differentiated instruction, in-classroom coaching provided by contracted literacy experts, the use of kinesthetic modalities as an English as a new language (ENL) strategy, conducting science experiments to deepen understanding of subject matter, and the use of audio-visual aids to provide context and illustrate subject matter with real world examples—that can be shared throughout the yeshiva community, respecting the culture and tradition of the community. The DOE is poised to work with the schools it visited in order to build on these practices. In light of the recent amendments to Education Law Section 3204, however, which include skill-based factors to be considered in determining equivalency of instruction for schools that meet specific criteria, and vest in the Commissioner the authority to determine whether those schools are providing a substantially equivalent education, the DOE believes the most prudent step at this point is to seek further guidance.

Specifically, DOE requests guidance in the following areas:

- How to engage with the schools that have not yet granted access for DOE educators to visit, and/or what time period constitutes an acceptable time period to wait for such access to be granted;

- How to engage in a collaborative planning process with schools that have demonstrated interest in and willingness to share and build on current practices, in cases where further efforts are recommended;
- How to engage with schools where statutory responsibility has shifted from DOE to SED, as well as SED's determination of which schools are in this category.

Conclusion

As we have discussed many times in the context of district schools, the work of school improvement is challenging, requires sustained effort over time by all stakeholders in a school community, and is of the utmost importance for the future of the children of New York City. I am gratified that some of the schools described in this letter are committed to that path, and look forward to your support in charting a clear path forward for all.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Carranza". The signature is fluid and cursive, with a large initial "R" and "C".

Richard A. Carranza

Chancellor