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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

November 6, 2015

Chancellor Carmen Fariña
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Re: Compliance With State Arts Education
Requirements
Report 2015-F-11

Dear Chancellor Fariña:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III, Section 33 of the General Municipal Law, we have followed up on the actions taken by New York City Department of Education officials to implement the recommendations contained in our audit report, *Compliance with State Arts Education Requirements* (Report 2011-N-4).

Background, Scope, and Objective

The State Education Department (SED) requires high school students to earn at least one unit of Arts Education (i.e., visual arts, music, dance) during their high school stay to qualify for a high school diploma. SED Regulation 100 states that qualifying courses must:

- Be taught by individuals who are certified Arts teachers;
- Provide 180 minutes per week (or 108 hours during the year) of instruction; and
- Have an SED-approved Arts syllabus or a syllabus that aligns with SED's requirements.

The New York City Department of Education (DoE) is responsible for ensuring that its public high schools comply with SED Regulations. For example, DoE requires that high school students must earn two credits in Arts Education (one credit per semester) to satisfy the SED requirements. DoE's two credit hour requirement is the equivalent of SED's one unit requirement.

Our initial audit report, which was issued February 28, 2014, examined whether DoE students (in the 2011 graduating class) completed an Arts Education curriculum that complied with SED Regulations. We found that between 142 and 197 of our 310 sampled students (46 to 64 percent) did not meet one or more of the SED Arts Education requirements. Consequently,

students who did not receive Arts Education in compliance with SED Regulations might not readily develop the creativity, leadership, and communication skills that research attributes to Arts Education. In addition, the high exception rate we found suggested that there was a material risk that students throughout the NYC public high school system might not have obtained a sufficient Arts Education, as otherwise required by SED.

The objective of our follow-up was to assess the extent of implementation, as of September 15, 2015, of the two recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

We found DoE officials made significant progress in addressing the issues identified in our initial report. Both of the prior audit's two recommendations were implemented.

Follow-Up Observations

Recommendation 1

Ensure that NYC high school students receive an Arts Education that complies with SED Regulations.

Status - Implemented

Agency Action - In 2013, DoE officials performed an internal audit in which they examined a sample of 335 students who graduated with Regents diplomas in June 2013. The audit tested whether students completed the required course credits and exams to fulfill the New York State graduation requirements, including the Arts Education requirements. The results were summarized in a "Pass / Fail Count." For 2013, the audit found that 320 (95.5 percent) of 335 sampled students met the overall course and exam requirements, and for 2014, 304 (95.3 percent) of 319 sampled students met the requirements. Further, none of the students who did not meet the overall requirements lacked sufficient Arts Education credits. Consequently, DoE officials were confident that graduating students fulfilled SED's prescribed Arts Education requirements. DoE officials intend to continue these audits annually, with the next audit expected to begin by the end of 2015.

In addition, DoE's Annual Arts Education Survey provides baseline data regarding Arts instruction in New York City schools. The Survey assesses the Arts Education opportunities offered by DoE schools, and the results are published on school portals under the "Annual Arts in Schools Report." DoE officials held technical assistance workshops to provide schools with guidance on completing the 2014-15 surveys and strategies for meeting New York State Arts requirements. They also posted a technical support webinar to DoE's website.

Further, DoE officials issued frameworks for high school Arts instructions in dance, music, theatre, and the visual arts. These frameworks are aimed to align New York State Arts standards with New York City DoE for teaching and learning of the Arts. In addition, through memos issued to schools and meetings with school officials, Arts Education improvements

and teacher certification were featured, thus increasing the focus on Arts Education.

Recommendation 2

Work with high school officials to ensure that they are aware of and maintain documentation to support compliance with SED Regulations.

Status - Implemented

Agency Action – The DoE strengthened its communications with high school officials to ensure that they are aware of and maintain documentation to support compliance with SED Regulations for Arts Education. To help set clear expectations for students and teachers, DoE has communicated with its high schools since the fall of 2014 through weekly newsletters. In several of the newsletters, DoE officials emphasized SED requirements regarding course syllabi and student record retention.

In addition, DoE created a website dedicated to Arts Education that states, in part: “In conjunction with an audit by the New York State Comptroller’s office, all high school officials are reminded to maintain documentation of high school arts instructional syllabi. Each school is responsible for the collection and recording of arts instructional syllabi and may be subject to an audit by the DOE or New York State Education Department.” The site also provides pertinent syllabi guidance for school officials.

Further, as previously detailed, the DoE has performed audits to determine if students completed the required course credits and exams to fulfill New York State graduation requirements, including the requirement for Arts Education. The audits reinforce with schools the need to prepare and maintain pertinent records to support student’s successful completion of required Arts Education coursework.

Major contributors to this report were Keith Dickter, Kamal Elsayed, and Mario Uriarte.

We thank the management and staff of the Department of Education for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Michael Solomon
Audit Manager

cc: Danya Labban, DoE
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George Davis, Mayor’s Office