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**New York State Office of the State Comptroller**  
Thomas P. DiNapoli

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Division of State Government Accountability

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# **Compliance With State Arts Education Requirements**

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**New York City  
Department of Education**

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Report 2011-N-4

February 2014

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# Executive Summary

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## Purpose

To determine whether New York City (NYC) Department of Education (DoE) students completed an Arts education curriculum that complied with State Education Department Regulations.

## Background

Arts education-related studies conclude that an Arts education reduces the risk of students dropping out of school and helps them develop their creativity, motivation, communication skills and leadership capability. According to New York State Education Department (SED) Regulations, each high school student must earn at least one unit of Arts education (i.e., visual arts, music, dance, or theater) during their stay to receive a high school diploma. SED Regulation 100 states that qualifying Arts courses must:

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

We examined the Arts education received by a random sample of 310 New York City students who attended 166 New York City public high schools. These 310 students were from the cohort of 51,874 students who entered high school in 2007 and graduated with high school diplomas in 2011. These students were the most recently certified cohort at the time of our audit.

## Key Findings

- The Arts education provided to anywhere from 142 to 197 of our sampled students (46 to 64 percent) did not meet one or more of the SED requirements. This high error rate indicates a notable risk that the affected NYC DoE high school students are not obtaining an Arts education that complies with regulations. Therefore, those students may not be obtaining the benefits that research attributes to Arts education.
- For 87 of the students in our sample, the Arts education that they received was provided by 99 teachers who lacked the required Arts education certification.
- For 126 students in our sample, documentation supporting the achievement of the required units of Arts education was missing.
- For Arts courses taken by 90 students in our sample, there were no syllabi available for one or more of the Arts courses taken.
- The syllabi for Arts education that were available for review were not approved by SED as required, but they did appear to be consistent with SED guidelines.

## Key Recommendations

- Ensure that NYC high school students receive an Arts education that complies with SED Regulations.
- Work with high school officials to ensure that they are aware of and maintain documentation to support compliance with SED Regulations.

## **Other Related Audit/Report of Interest**

[New York City Department of Education: Accuracy of Reported Discharge Data \(2009-N-9\)](#)

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**State of New York  
Office of the State Comptroller**

**Division of State Government Accountability**

February 28, 2014

Ms. Carmen Fariña  
Chancellor  
New York City Department of Education  
52 Chambers Street  
New York, NY 10007

Dear Chancellor Fariña :

The Office of the State Comptroller is committed to helping State agencies, public authorities and local government agencies manage government resources efficiently and effectively and, by so doing, providing accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit of the New York City Department of Education entitled *Compliance With State Arts Education Requirements*. The audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article III, Section 33 of the General Municipal Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller  
Division of State Government Accountability*

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This report is also available on our website at: [www.osc.state.ny.us](http://www.osc.state.ny.us)

## Background

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Arts educational-related studies, such as those published by the National Standards for Arts Education and the Center for Arts Education, conclude that an Arts education helps students to develop their creativity, motivation, communication skills and leadership capability. These studies also conclude that Arts education reduces the risk of students dropping out of school.

The State Education Department (SED) requires New York State high school students to earn at least one unit of Arts education during their high school stay, usually during one year, to qualify for a high school diploma. Courses such as visual arts, music, and dance etc., qualify for Arts education. According to SED Regulation 100, qualifying Arts education 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 syllabus or a syllabus that aligns with SED requirements.

The New York City (NYC) 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.

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## Audit Findings and Recommendations

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As illustrated in Exhibit A, depending on whether the students whose required hours were not documented actually had the required hours or not, anywhere between 142 and 197 of the 310 sampled students (46 to 64 percent) may not have obtained a high school Arts education in compliance with SED Regulations. As a result, the students that did not receive Arts education in compliance with SED Regulations may not readily develop the creativity, leadership and communication skills that research attributes to Arts education. In addition, the high error rate that we found indicates a notable risk that students throughout the NYC public high school system may not be obtaining Arts education as required by SED.

### Instructor Certifications

Instructors teaching Arts education in NYC high schools are required by SED to be certified in the respective discipline that they are teaching. Such certification provides a level of assurance that the instructor is well versed in the subject being taught, can gauge how well a student is learning, and is able to communicate to parents or guardians about student learning abilities.

Certification for Arts education was lacking for 99 of the 205 instructors (48 percent) who taught 87 of the 310 students in our sample at 68 of the visited schools. For example, one of the students in our sample was awarded credits for a theater course taught by an instructor who was certified in Construction and Carpentry, but lacked certification for teaching theater. Other students were being taught Arts education by instructors whose certifications pertained to such areas as Social Studies, English and Aviation.

In response to our findings, certain school officials pointed out that their budgets did not afford the opportunity to hire teachers certified in the Arts and that the number of students in their school did not justify a full time Arts instructor. Other officials explained that the NYC teachers' contract allows each instructor to teach a course outside of their certification area for one period per day. As such, school officials utilize certain teachers who are not certified in Arts education to teach Arts courses when they cannot obtain a certified Arts instructor. Nevertheless, school officials are supposed to demonstrate that they searched for, but could not obtain, a certified Arts instructor in these instances, and they are supposed to seek SED approval when using a non Arts certified instructor to teach a credit qualifying Arts course. School officials were not able to document that they adhered to these provisions.

### Required Hours

High schools must provide each student with 180 minutes of Arts instruction each week for two semesters (or 108 hours during a school year) in order for students to qualify for a high school diploma. In general, student records are to be maintained by the Department for at least six years after their respective dates of graduation. Instructors are also required to maintain student-related records but only for a period of two years after their respective dates of graduation. Neither of these requirements specifically include "hours of instruction" as data that must be

retained for each student.

Officials at 111 of the visited schools were able to provide documentation supporting compliance with the required hours of Arts education for 184 of the 310 students we sampled. Of the remaining 55 sampled schools, the records for seven of the sampled students indicated that the minimum hours of Arts education had not been provided as required for obtaining a high school diploma. We were told that supporting documentation for the remaining 119 students was not maintained. Thus, we could not determine whether they received the required hours necessary to earn their Arts credits.

When discussing this issue with Department officials, they said that they do see the need to establish clearer documentation and records retention requirements, and believe that the Department's Student Transcript and Academic Reporting System (STARS) should help in this endeavor. However, they also believe the necessary Arts hours were in fact provided to all graduated students, albeit not documented.

## **Unapproved Syllabus**

The syllabus for an Arts course must be approved by SED or be in alignment with an SED approved syllabus in order for credit for the course to count towards a high school diploma. Schools are required to retain an approved syllabus as part of their permanent records.

For the syllabi maintained by 109 of the schools, relating to 220 students in our sample, there was no SED approval, but these syllabi did appear to be consistent with SED guidelines for Arts education. For example, the syllabi included detailed course objectives, associated concepts, skills and understandings for the associated courses. For the Arts courses taken by the remaining 90 students attending 57 of the sampled high schools, the related syllabi for one or more of the Arts courses taken were not available.

In response to our findings, some school officials acknowledged that they did not use a syllabus at all and certain other school officials noted that syllabi were used but were not retained.

## **Recommendations**

1. Ensure that NYC high school students receive an Arts education that complies with SED Regulations.
2. Work with high school officials to ensure that they are aware of and maintain documentation to support compliance with SED Regulations.

## **Audit Scope and Methodology**

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We audited the DoE to determine whether officials have been providing NYC public school students with an Arts curriculum in compliance with SED's Regulation 100. Our audit covered the



most recently certified population (cohort) of students who entered the system as freshmen in 2007 and graduated in 2011.

To accomplish this objective, we interviewed relevant SED and DoE officials, as well as certain administrators and staff at 166 public high schools. We also reviewed relevant SED regulations and DoE policies, procedures and guidelines for Arts education.

Our population cohort consisted of 79,308 students, of whom 51,874 graduated and received high school diplomas. We selected a random sample of 310 students out of the 51,874 graduates, visited their respective high schools and reviewed available documentation (transcripts, student programs, etc.) for the Arts credits each received. We also verified whether the Arts courses taken were provided by instructors certified to do so.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained during the audit provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

## Authority

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The audit was performed 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.

## Reporting Requirements

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We provided a draft copy of this report to Department officials for their review and comments. Their comments were considered in preparing this final report, and are included in their entirety at the end of the report.

In general, Department officials agree with our report recommendations and note that they have already begun to implement them. However, as noted in their attached response, they believe our report overstates the number of students which did not meet all three Arts education criteria established by SED.

Within 90 days of final release of this report, we request that the Chancellor of the New York City Department of Education report to the State Comptroller, advising what steps were taken to implement the recommendations herein, and where recommendations were not implemented, the reasons why.

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## Contributors to This Report

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### Vision

A team of accountability experts respected for providing information that decision makers value.

### Mission

To improve government operations by conducting independent audits, reviews and evaluations of New York State and New York City taxpayer financed programs.

# Exhibit A

Summary of School Compliance With Arts Regulations						
School Name	Students Sampled	Sample Number	Was Art Teacher Certified	Did	Were All Art	
				Student Have 108 Hours	Course Syllabi Retained	
1	South Bronx Preparatory	1	145	N	N	N
2	Hostos-Lincoln Academy of Science	1	254	Y	N	N
3	Bronx Leadership Academy II High School	1	46	N	Y	N
4	New Explorers High School	1	143	Y	Y	N
5	Bronx Academy of Letters	2	308	Y	Y	Y
			316	Y	N	N
6	Health Opportunities High School	1	99	N	N	Y
7	Holcombe L. Rucker School of Community Research	1	149	N	N	Y
8	Herbert H. Lehman High School	3	118	Y	N	Y
			267	N	N	Y
			288	Y	N	Y
9	Banana Kelly High School	1	306	Y	Y	Y
10	Jane Addams High School for Academic Careers	3	90	Y	N	N
			202	N	N	N
			328	N	N	N
11	Bronx Expeditionary Learning High School	1	278	Y	Y	Y
12	Urban Assembly School for Applied Math and Science, The	1	23	Y	Y	N
13	Bronx Center for Science and Mathematics	2	151	N	N	N
			178	Y	N	Y
14	Morris Academy for Collaborative Studies	2	31	N	N	Y
			119	N	N	N
15	Dreamyard Preparatory School	1	223	N	Y	Y
16	Academy for Language and Technology	1	58	N	Y	Y
17	School for Excellence	1	22	N	N	N
18	Bronx Leadership Academy High School	1	241	Y	Y	Y
19	Kingsbridge International High School	1	49	N	N	Y
20	Bronx School of Law and Finance	1	213	N	N	N
21	In-Tech Academy (M.S./High School 368)	1	125	Y	N	N
22	Knowledge and Power Preparatory Academy International High School	1	156	Y	Y	Y
23	Fordham High School for the Arts	1	132	Y	Y	Y
24	DeWitt Clinton High School	2	17	Y	Y	Y
			234	Y	Y	Y
25	Bronx High School of Science, The	7	141	N	N	N
			170	N	N	N
			172	Y	N	Y
			193	Y	N	Y
			197	Y	N	Y
			200	Y	N	Y
			208	Y	N	Y
26	Academy for Scholarship and Entrepreneurship	1	77	Y	N	Y
27	Christopher Columbus High School	2	103	Y	N	Y
			135	Y	Y	Y
28	Harry S. Truman High School	3	124	N	Y	N
			209	Y	N	N

				Was Art Teacher Certified	Did Student Have 108 Hours	Were All Art Course Syllabi Retained
School Name	Students Sampled	Sample Number				
		249		N	N	N
29	Metropolitan High School, The	1	163	Y	Y	Y
30	Explorations Academy	1	140	N	Y	Y
31	Performance Conservatory High School	1	134	Y	Y	Y
32	Peace and Diversity Academy	1	65	N	Y	N
33	Monroe Academy for Business and Law	1	112	N	N	N
34	Monroe Academy for Visual Arts and Design	1	162	Y	Y	N
<b>Bronx Subtotal</b>		<b>51</b>		<b>22</b>	<b>31</b>	<b>22</b>
1	Dr. Susan S. McKinney Secondary School of the Arts	1	303	Y	Y	Y
2	Science Skills Center High School for Science Technology and Creative Arts	2	291	N	Y	N
			314	N	Y	N
3	Brooklyn Technical High School	1	276	N	N	Y
4	Urban Assembly School for Law and Justice, The	1	224	Y	Y	Y
5	ACORN Community High School	1	160	Y	Y	N
6	George Westinghouse Career and Technical Education High School	1	111	N	Y	Y
7	Benjamin Banneker Academy	2	97	Y	Y	Y
			157	N	Y	Y
8	Foundations Academy	1	255	Y	Y	Y
9	Green School: An Academy for Environmental Careers	1	298	N	N	Y
10	Progress High School for Professional Careers	2	85	Y	Y	Y
			167	N	Y	Y
11	School for Legal Studies	2	250	Y	Y	Y
			300	Y	Y	Y
12	High School Enterprise, Business and Technology, The	1	269	Y	N	Y
13	Williamsburg High School for Architecture and Design	2	14	Y	Y	Y
			93	N	Y	Y
14	Lyons Community School	1	283	Y	Y	N
15	Brooklyn School for Global Studies	1	302	Y	N	N
16	Boys and Girls High School	2	76	Y	Y	N
			176	Y	Y	N
17	W.E.B. Dubois Academic High School	1	79	N	N	N
18	High School for Public Service: Heroes of Tomorrow	1	242	Y	N	Y
19	Brooklyn Academy Of Science And The Environment	1	35	Y	Y	Y
20	Medgar Evers College Preparatory School	3	126	N	N	Y
			259	Y	N	N
			313	Y	N	N
21	Clara Barton High School	2	52	Y	N	N
			73	Y	Y	N
22	It Takes a Village Academy	1	15	Y	N	Y
23	Brooklyn Theatre Arts High School	1	45	Y	Y	Y
24	Kurt Hahn Expeditionary Learning School	1	69	Y	N	N
25	Victory Collegiate High School	2	66	Y	N	Y
			265	Y	N	Y
26	Arts and Media Preparatory Academy	1	120	Y	N	Y

School Name		Students Sampled	Sample Number	Was Art Teacher Certified	Did Student Have 108 Hours	Were All Art Course Syllabi Retained
27	Franklin K. Lane High School	2	100	Y	Y	N
			169	N	N	N
28	Transit Tech Career and Technical Education High School	1	210	N	N	Y
29	W. H. Maxwell Career and Technical Education High School	2	6	N	N	Y
			304	Y	N	N
30	New Utrecht High School	2	27	N	N	N
			311	Y	N	Y
31	High School of Telecommunications Arts and Technology	2	166	Y	N	Y
			180	N	N	Y
32	Fort Hamilton High School	8	41	Y	Y	Y
			42	Y	Y	Y
			110	Y	N	Y
			114	Y	N	Y
			161	N	N	Y
			188	Y	Y	Y
			206	N	N	Y
			293	Y	N	Y
33	Franklin Delano Roosevelt High School	2	34	Y	N	Y
			47	Y	N	N
34	Abraham Lincoln High School	5	61	Y	N	Y
			174	N	N	Y
			295	Y	N	Y
			323	N	Y	Y
			332	Y	N	Y
35	Edward R. Murrow High School	10	11	Y	N	Y
			19	Y	N	Y
			30	Y	N	Y
			116	Y	Y	Y
			214	Y	Y	Y
			218	Y	N	Y
			225	N	N	Y
			248	N	N	Y
			281	Y	N	Y
			282	Y	N	Y
36	John Dewey High School	1	2	Y	N	N
37	William E. Grady Career and Technical Education High School	2	89	N	Y	Y
			216	N	Y	Y
38	Brooklyn Studio Secondary School	3	26	Y	Y	Y
			84	Y	Y	Y
			217	Y	Y	Y
39	Midwood High School	4	20	Y	N	Y
			117	Y	N	Y
			131	Y	N	Y
			285	Y	N	Y
40	James Madison High School	4	59	N	Y	Y

School Name		Students Sampled	Sample Number	Was Art Teacher Certified	Did Student Have 108 Hours	Were All Art Course Syllabi Retained
			121	Y	Y	Y
			154	N	Y	Y
			215	N	Y	Y
41	Sheepshead Bay High School	3	54	Y	N	N
			74	N	N	N
			273	N	N	N
42	Leon M. Goldstein High School for the Sciences	2	184	Y	Y	Y
			236	N	Y	Y
43	Brooklyn Collegiate	1	244	Y	Y	N
44	Frederick Douglass Academy VII High School	1	94	Y	Y	N
45	Canarsie High School	1	296	Y	N	N
<b>Brooklyn Subtotal</b>		<b>92</b>		<b>29</b>	<b>51</b>	<b>25</b>
1	A. Philip Randolph Campus High School	3	309	Y	Y	N
			159	N	Y	N
			274	Y	Y	N
2	High School International for Business and Finance	1	43	N	Y	N
3	Bread and Roses Integrated Arts High School	1	253	Y	Y	N
4	Thurgood Marshall Academy for Learning and Social Change	1	158	Y	N	Y
5	Frederick Douglass Academy	2	299	Y	N	N
			24	Y	N	N
6	Park East High School	1	1	N	N	Y
7	Manhattan Center for Science and Mathematics	1	4	Y	Y	Y
8	Coalition School for Social Change	1	148	Y	N	N
9	Manhattan/Hunter Science High School	1	133	Y	N	Y
10	Edward A. Reynolds West Side High School	1	305	Y	Y	Y
11	High School of Arts and Technology	1	279	Y	N	Y
12	Fiorello H. LaGuardia High School of Music & Art and Performing Arts	4	207	Y	Y	Y
			147	Y	Y	Y
			98	Y	Y	Y
			130	Y	Y	Y
13	Beacon High School	4	330	Y	Y	Y
			258	Y	Y	Y
			239	Y	Y	Y
			142	N	Y	Y
14	High School for Arts, Imagination and Inquiry	1	229	N	N	N
15	Life Sciences Secondary School	1	88	Y	Y	Y
16	Art and Design High School	1	175	Y	Y	Y
17	Norman Thomas High School	2	271	N	N	N
			240	N	N	N
18	Chelsea Career and Technical Education High School	1	40	Y	Y	N
19	High School of Fashion Industries, The	3	136	Y	N	N
			294	Y	N	N
			284	N	N	N
20	New Design High School	1	325	Y	N	Y
21	Manhattan Bridges High School	1	21	N	Y	Y

School Name	Students Sampled	Sample Number	Was Art Teacher Certified	Did Student Have 108 Hours	Were All Art Course Syllabi Retained	
				Y	Y	
22	Talent Unlimited High School	1	320	Y	Y	Y
		1	28	Y	Y	Y
23	Unity Center for Urban Technologies	1	266	N	N	N
24	Stuyvesant High School	3	317	Y	Y	Y
			12	Y	Y	Y
			201	Y	Y	Y
25	Bayard Rustin Educational Complex	1	129	Y	Y	Y
26	Manhattan Village Academy	1	257	Y	Y	Y
27	Leadership and Public Service High School	1	29	Y	Y	Y
28	High School for Health Professions and Human Services	1	122	Y	Y	Y
29	Millennium High School	2	247	Y	Y	Y
			115	N	Y	Y
30	Eleanor Roosevelt High School	3	228	Y	Y	Y
			56	Y	Y	Y
			287	Y	Y	Y
31	N.Y.C Museum School	1	199	N	Y	N
32	School of the Future High School	1	82	N	Y	N
33	N.Y.C Lab School for Collaborative Studies	1	263	Y	Y	Y
34	Baruch College Campus High School	1	101	Y	Y	Y
35	High School for Environmental Studies	1	123	Y	N	N
36	Gramercy Arts High School	2	164	Y	Y	Y
			235	Y	Y	Y
37	Food and Finance High School	1	312	Y	Y	Y
38	Bard High School Early College	2	237	N	Y	Y
			182	N	Y	Y
39	Marta Valle High School	2	326	N	Y	Y
			315	Y	Y	Y
40	Washington Irving High School	1	277	N	Y	Y
<b>Manhattan Subtotal</b>		<b>61</b>		<b>17</b>	<b>16</b>	<b>19</b>
1	Academy of Finance and Enterprise	2	186	N	Y	Y
			187	N	N	Y
2	Newton High School	1	321	Y	Y	Y
3	Middle College High School at LaGuardia Community College	1	96	N	N	N
4	High School for Arts and Business	2	104	Y	Y	Y
			261	Y	Y	Y
5	Robert F. Wagner, Jr. Secondary School for Arts and Technology	2	95	Y	N	Y
			204	Y	N	Y
6	Queens Vocational and Technical High School	1	113	N	N	N
7	Aviation Career and Technical Education High School	2	5	N	N	Y
			107	N	N	Y
8	Flushing International High School	2	39	Y	Y	Y
			44	Y	Y	Y
9	World Journalism Preparatory	1	292	N	Y	Y
10	John Bowne High School	4	72	Y	Y	Y
			105	Y	Y	Y



School Name		Students Sampled	Sample Number	Was Art Teacher Certified	Did Student Have 108 Hours	Were All Art Course Syllabi Retained
			109	Y	N	Y
			272	Y	Y	Y
11	Flushing High School	3	25	Y	N	Y
			127	Y	N	Y
			290	Y	N	Y
12	Townsend Harris High School	1	9	Y	Y	Y
13	Robert F. Kennedy Community High School	4	86	Y	Y	Y
			177	Y	Y	Y
			189	Y	Y	Y
			198	Y	Y	Y
14	Benjamin N. Cardozo High School	6	50	Y	Y	N
			152	Y	Y	N
			165	Y	Y	N
			181	Y	Y	N
			183	Y	Y	N
			319	Y	Y	N
15	Francis Lewis High School	6	8	Y	N	Y
			48	Y	N	Y
			57	Y	N	Y
			108	Y	N	Y
			190	Y	N	Y
			194	Y	N	Y
16	Martin Van Buren High School	3	18	Y	Y	Y
			155	Y	N	Y
			195	Y	Y	Y
17	Bayside High School	2	245	Y	Y	Y
			327	N	Y	Y
18	Queens High School of Teaching, Liberal Arts and the Sciences	1	268	Y	Y	Y
19	Frederick Douglass Academy VI High School	1	231	N	Y	Y
20	Channel View School for Research	1	13	Y	Y	Y
21	Beach Channel High School	1	87	Y	Y	Y
22	John Adams High School	3	38	Y	Y	Y
			70	Y	Y	Y
			324	Y	Y	N
23	High School for Construction Trades, Engineering and Architecture	2	196	N	N	Y
			230	N	N	Y
24	Forest Hills High School	4	92	N	Y	Y
			139	Y	N	Y
			192	Y	Y	Y
			264	N	N	Y
25	Jamaica High School	1	37	Y	Y	Y
26	Hillcrest High School	4	7	Y	Y	N
			153	N	Y	Y
			260	Y	Y	N
			289	Y	Y	Y

School Name		Students Sampled	Sample Number	Was Art Teacher Certified	Did Student Have 108 Hours	Were All Art Course Syllabi Retained
27	Thomas A. Edison Career and Technical Education High School	4	91	Y	Y	N
			106	Y	Y	Y
			191	Y	Y	N
			286	Y	Y	N
28	Queens Gateway to Health Science Secondary School	2	173	Y	N	N
			220	Y	N	N
29	High School for Law Enforcement and Public Safety	1	238	Y	Y	Y
30	Queens Preparatory Academy	2	68	Y	N	N
			270	Y	N	N
31	Excelsior Preparatory High School	1	10	Y	Y	Y
32	Preparatory Academy For Writers	1	307	Y	Y	Y
33	Mathematics, Science Research and Technology Magnet High School	1	171	Y	Y	Y
34	Humanities And Arts Magnet High School	1	256	Y	Y	Y
35	William Cullen Bryant High School	3	3	N	Y	N
			146	Y	Y	N
			318	Y	Y	N
36	Long Island City High School	2	185	Y	Y	Y
			219	Y	Y	Y
37	Newcomers High School	1	62	Y	Y	Y
38	Academy of American Studies	1	205	Y	Y	Y
39	Baccalaureate School for Global Education	1	32	Y	N	Y
<b>Queens Subtotal</b>		<b>82</b>		<b>15</b>	<b>27</b>	<b>21</b>
1	CSI High School for International Studies	4	55	Y	Y	Y
			203	Y	Y	N
			221	Y	Y	N
			252	Y	Y	Y
2	The Michael J. Petrides School	1	211	Y	Y	Y
3	New Dorp High School	5	102	Y	Y	Y
			227	Y	Y	Y
			233	N	Y	Y
			251	Y	Y	Y
			310	N	N	Y
4	Port Richmond High School	2	36	Y	Y	Y
			222	Y	Y	Y
5	Curtis High School	3	128	Y	Y	Y
			150	N	Y	Y
			246	Y	Y	Y
6	Tottenville High School	5	60	Y	Y	Y
			83	Y	Y	Y
			138	Y	Y	Y
			232	Y	Y	Y
			243	Y	Y	Y
7	Susan E. Wagner High School	3	16	Y	Y	Y
			275	Y	Y	Y
			280	Y	Y	Y

School Name		Students Sampled	Sample Number	Was Art	Did	Were All Art
				Teacher Certified	Student Have 108 Hours	Course Syllabi Retained
8	Ralph R. McKee Career and Technical High School	1	262	N	Y	N
<b>Staten Island Subtotal</b>		<b>24</b>		<b>4</b>	<b>1</b>	<b>3</b>
<b>166</b>	<b>Totals</b>	<b>310</b>		<b>87</b>	<b>126</b>	<b>90</b>
				(N)	(N)	(N)
	<b>Legend</b>					
	Y - equals Yes					
	N - equals No					

## Exhibit B

<b>Schools with Non Certified Art Teachers</b>			
<b>School Count</b>	<b>School Name</b>	<b>Number of Art Teachers Reviewed</b>	<b>Number of Teachers Not Certified</b>
1	South Bronx Preparatory	2	1
2	Bronx Leadership Academy II High School	1	1
3	Health Opportunities High School	3	1
4	Holcombe L. Rucker School of Community Research	2	1
5	Herbert H. Lehman High School	5	1
6	Jane Addams High School for Academic Careers	5	2
7	Bronx Center for Science and Mathematics	2	1
8	Morris Academy for Collaborative Studies	6	5
9	Dreamyard Preparatory School	1	1
10	Academy for Language and Technology	2	1
11	School for Excellence	3	3
12	Kingsbridge International High School	1	1
13	Bronx School of Law and Finance	2	1
14	Bronx High School of Science, The	6	5
15	Harry S. Truman High School	5	2
16	Explorations Academy	2	1
17	Peace and Diversity Academy	1	1
18	Monroe Academy for Business and Law	1	1
19	Science Skills Center High School for Science, Technology and the Creative Arts	1	1
20	Brooklyn Technical High School	1	1
21	George Westinghouse Career and Technical Education High School	1	1
22	Benjamin Banneker Academy	3	1
23	Green School: An Academy for Environmental Careers	3	2
24	Progress High School for Professional Careers	3	1
25	Williamsburg High School for Architecture and Design	3	1
26	W.E.B. Dubois Academic High School	2	1
27	Medgar Evers College Preparatory School	2	1
28	Franklin K. Lane High School	2	1
29	Transit Tech Career and Technical Education High School	3	2
30	W. H. Maxwell Career and Technical Education High School	4	1
31	New Utrecht High School	4	1
32	High School of Telecommunications, Arts and Technology	3	1
33	Fort Hamilton High School	10	1
34	Abraham Lincoln High School	4	2
35	Edward R. Murrow High School	10	1
36	William E. Grady Career and Technical Education High School	3	3

<b>Schools with Non Certified Art Teachers</b>			
<b>School Count</b>	<b>School Name</b>	<b>Number of Art Teachers Reviewed</b>	<b>Number of Teachers Not Certified</b>
37	James Madison High School	6	2
38	Sheepshead Bay High School	5	2
39	Leon M. Goldstein High School for the Sciences	4	2
40	A. Philip Randolph Campus High School	3	1
41	High School International for Business and Finance	2	2
42	Park East High School	2	2
43	Beacon High School	5	1
44	High School for Arts, Imagination and Inquiry	2	2
45	Norman Thomas High School	3	2
46	High School of Fashion Industries, The	4	1
47	Manhattan Bridges High School	1	1
48	Unity Center for Urban Technologies	2	2
49	Millennium High School	4	1
50	N.Y.C Museum School	2	1
51	School of the Future High School	2	1
52	Bard High School Early College Queens	2	1
53	Marta Valle High School	3	1
54	Washington Irving High School	2	1
55	Academy for Finance and Enterprise	2	2
56	Middle College High School at LaGuardia Community College	2	1
57	Queens Vocational and Technical High School	1	1
58	Aviation Career and Technical Education High School	4	3
59	World Journalism Preparatory	1	1
60	Bayside High School	2	1
61	Frederick Douglas Academy VI High School	2	1
62	High School for Construction Trades, Engineering and Architecture	1	1
63	Forest Hills High School	5	2
64	Hillcrest High School	5	1
65	William Cullen Bryant High School	2	1
66	New Dorp High School	5	3
67	Curtis High School	5	1
68	Ralph R McKee Career And Technical High School	2	1
<b>Total</b>		<b>205</b>	<b>99</b>

## Exhibit C

Schools Missing Syllabi For One or More Arts Courses			
School Count	School Name	Number of Art Courses Reviewed	Syllabi Not Available
1	South Bronx Preparatory	3	1
2	Hostos-Lincoln Academy of Science	2	2
3	Bronx Leadership Academy II High School	2	2
4	New Explorers High School	2	2
5	Bronx Academy of Letters	5	1
6	Jane Addams High School for Academic Careers	7	4
7	Urban Assembly School for Applied Math and	4	1
8	Bronx Center for Science And Mathematics	3	1
9	Morris Academy for Collaborative Studies	7	1
10	School for Excellence	4	3
11	Bronx School of Law And Finance	2	2
12	In-Tech Academy (MS/High School 368)	2	1
13	Bronx High School of Science, The	14	4
14	Harry S. Truman High School	6	6
15	Peace and Diversity Academy	2	1
16	Monroe Academy for Business and Law	2	2
17	Monroe Academy for Visual Arts and Design	2	2
18	Science Skills Center High School	4	2
19	ACORN Community High School	2	2
20	Lyons Community School	3	3
21	Brooklyn School for Global Studies	2	2
22	W. E. B. Dubois Academic High School	3	2
23	Medgar Evers College Preparatory School	6	4
24	Clara Barton High School	4	2
25	Kurt Hahn Expeditionary Learning School	2	1
26	Franklin K. Lane High School	2	2
27	W. H. Maxwell Career and Technical Education High School	4	2
28	New Utrecht High School	4	1
29	Franklin Delano Roosevelt High School	4	1
30	John Dewey High School	4	3
31	Sheepshead Bay High School	6	6
32	Brooklyn Collegiate	3	3
33	Frederick Dougles Academy VII High School	2	2
34	Canarsie High School	2	2
35	A. Philip Randolph Campus High School	6	4
36	High School International For Business and Finance	2	2
37	Bread & Roses Integrated Arts High School	2	2
38	Frederick Douglass Academy	5	5
39	Coalition School for Social Change	4	2

School Count	School Name	Number of Art	
		Courses Reviewed	Syllabi Not Available
40	High School for Arts, Imagination and Inquiry	2	2
41	Norman Thomas High School	4	4
42	Chelsea Career and Technical Education High School	2	2
43	High School of Fashion Industries, The	6	3
44	Unity Center for Urban Technologies	2	1
45	N.Y.C Museum School	2	1
46	School of the Future High School	4	2
47	High School for Environmental Studies	2	2
48	Middle College High School at LaGuardia Community College	2	1
49	Queens Vocational and Technical High School	2	2
50	Benjamin N. Cardozo High School	12	12
51	Hillcrest High School	8	4
52	Thomas A. Edison Career and Technical Education High School	8	4
53	Queens Gateway to Health Sciences Secondary School	8	8
54	Queens Preparatory Academy	2	-1
55	William Cullen Bryant High School	4	3
56	CSI High School for International Studies	8	4
57	Ralph R. McKee Career and Technical High School	2	1
<b>Totals</b>		<b>225</b>	<b>146</b>

# Agency Comments



August 06, 2013

Frank Patone  
Audit Director, Office of the State Comptroller  
Division of State Government Accountability  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

Re: Audit Report on Compliance with New York State Arts Education Requirements, Report 2011-N-4

Dear Mr. Patone:

This letter will serve as the NYC Department of Education's (Department) formal response to the draft audit report (Report) by the Office of the State Comptroller (OSC) in its audit of Compliance with New York State Arts Education Requirements, to be included as an appendix to the OSC's final audit report.

### *Background*

It is a goal of the Department to provide all New York City public school students with a high-quality arts education. The Department offers advanced study in the arts and connects schools and students to arts institutions and organizations, generating rewarding careers in arts-related industries. Working with partners from the cultural community, the Department developed the *Blueprint for Teaching and Learning in the Arts (Blueprint)*, which provides common benchmarks and curriculum goals, and tools and resources for teachers and administrators, in each of the art forms. Despite overall budgetary constraints, schools have continued to receive a "Supplementary Arts Allocation" to support arts education expenses, totaling \$59 million citywide.

The New York State Education Department's (SED) graduation requirements for the arts, which were the focus of this audit, include one unit (one year) in visual arts, music, dance, or theater.<sup>1</sup> In New York City high schools, students can pursue the study of an art form in greater depth, the possibility of a career in the City's vibrant arts community, and the chance to earn a Diploma with Advanced Designation in the Arts, which the Department has supported through the creation of Arts Commencement Assessments.<sup>2</sup>

### *Response to Summary Findings and Recommendations*

The Department finds the OSC's conclusions about arts education in New York City high schools to be inaccurate. For *all* 310 students in the sample (100 percent), the OSC validated that the students earned at least two credits in the arts, as required. Importantly, 126 errors the OSC cited for lack of required instructional hours

<sup>1</sup> New York City public schools calculate credits towards graduation using a semester-based model, in which the State's one unit requirement is equated to two credits.

<sup>2</sup> Graduates receiving this diploma endorsement must complete at least nine semesters of instruction in a single art form and pass a rigorous assessment with performance tasks, written essays and presentation of a portfolio of work. The Department has made a substantial investment in supporting these with personnel and administrative funds.



were based on an unclear SED documentation requirement, described below. To suggest that these findings pose a risk that the sampled students did not receive an arts education is misguided. The OSC's total error count includes 122 cases which are not errors given the lack of clarity of the audit standard. When considered this way, *the error rate is reduced by as much as 40 percentage points*:

- 54 sampled students earned two credits for arts courses taught by certified arts teachers, and for which standards-aligned syllabi were provided. The OSC counted these as “errors” only because the school did not retain records of course hours, despite the fact that the OSC could not identify clear policy on documentation retention in this area. These 54 students should be removed from the total error count and reported separately.
- 56 errors based on schools’ lack of retention of syllabi should be removed from the total error count and reported separately, given that the OSC acknowledged that all syllabi schools produced aligned with SED guidance for arts education.
- 12 errors based on teacher certification, where the course was either interdisciplinary or where the sampled students took at least two courses taught by certified arts teachers, should be removed from the error count, as these meet the requirements of SED regulations.

\*  
Comment  
1

The Department agrees that it must clarify records retention requirements, particularly with respect to instructional hours, and acknowledges the importance of retention of data as a component of oversight of SED regulations. As such, we agree with the OSC’s recommendations and are confident we have already taken steps to address them, as described below.

#### *Instructor Certifications*

We disagree with the OSC’s instructor certification error determinations. Nine students the OSC counted as errors *received at least two arts credits from certified arts teachers*. Another three students received arts credit for interdisciplinary courses, *which may be taught by a teacher certified in either subject*, per SED Commissioner’s Regulations Part 100.5(b)(7)(iv).<sup>3</sup> If those students are removed from the OSC’s error count, the number of students taught by certified arts teachers increases from 223 (72 percent) to 235 (76 percent).

For the remaining 75 students, the teachers may have been assigned to “incidental teaching” under SED Commissioner’s Regulations, where a teacher may teach one period per day outside their certification area, provided they teach the same student population as their license and have subject matter competency.<sup>4</sup> In addition, school leaders often make creative and efficient use of faculty and resources to maximize students’ arts learning experiences, including:

\*  
Comment  
2

- Some teachers have bachelor’s degrees and extensive professional experience in an art form, which gives them expertise and real world experiences to share with students, despite not having the additional SED certification. The DOE has offered support from private funds to support these professionals in pursuing additional certification. Approximately 50 teachers have participated in this initiative.
- High schools with strong college partnerships may have arts instruction offered by the associated university or college staff. While these individuals may not have the designated SED certification, they are quite qualified to provide arts education instruction.
- As a major cultural center, New York City is rich in artistic resources provided free or at significantly reduced fees to all of our schools. Through an extensive contracting process, artist in residence services,

<sup>3</sup> For example, two students received credit for art history courses taught by teachers certified in social studies. See <http://www.p12.nysed.gov/part100/pages/1005.html#b>.

<sup>4</sup> See <http://www.highered.nysed.gov/tcert/part80-5.html>.

performance opportunities and backstage and curatorial opportunities are available to DOE schools. Nearly 80 percent of our high schools typically utilize these opportunities.

#### *Required Hours*

Schools were able to produce documentation that the sampled courses met required instructional hours for 184 of 310 students (59 percent), despite the fact that no clear retention requirement exists for such records. As noted above, the OSC cited 54 students in the sample as errors solely based on this lack of record retention. For a records retention issue to be treated as a basis for an error finding, there would have to be a clear requirement for the generation and retention of documentation against which compliance could be measured.

Records retention requirements are set by SED in the *Records Retention and Disposition Schedule ED-1*. As the OSC acknowledges in its report, these provide no specific requirement for course instructional hours. For the 184 students where the OSC determined the requirement *had* been met, they relied on records such as grade books maintained by individual teachers, which are subject to a two-year retention requirement.<sup>5</sup> However, for 98 sampled students for which the OSC cited a required-hours “error,” at least one course was completed *more than two years prior to the auditors’ field visit and records request*.

\*  
Comment  
3

The scheduling practices in our high schools and the OSC’s own review of available records leads us to believe that high school arts courses are and were scheduled for the required hours. We recognize that the absence of a clear documentation retention standard presents a risk worth addressing, as outlined below. However, we believe that absent a clear retention standard during the audit, it is misguided for the report to include these as errors, rather than reporting this issue separately.

#### *Course Syllabi*

Although SED Regulations call for the use of a state-developed or approved syllabus, SED currently has only two approved course syllabi for high school arts courses (one in Visual Art and one in Music). There are no SED-approved courses in dance and theater. The two existing syllabi are over twenty years old and do not fully represent current arts instructional practice or goals. In New York City, arts teacher professional development aligns with the *Blueprint* and consistently refers to it as a framework for curriculum development and instructional practice.

\*  
Comment  
4

Schools were able to produce syllabi for 220 of the 310 students in the sample (71 percent). All syllabi the auditors reviewed were found to be consistent with SED guidelines for arts education, including detailed course objectives, associated concepts, skills and understandings. We disagree with the OSC’s “course syllabi” error determinations in seven cases where students received at least two credits for arts courses where a syllabus was provided, despite that the student took *additional* arts courses for which a syllabus could not be produced. Accordingly, we believe that this audit test was satisfied for 227 of 310 students (73 percent).

#### *Response to Recommendations*

The Department agrees with the OSC’s recommendations to ensure that NYC high school students receive an arts education that complies with SED Regulations, and to work to provide clear records retention guidelines for course hours, including mechanisms for schools to capture and maintain this information. The Department has already taken a number of key steps to address these recommendations.

<sup>5</sup> See *Schedule ED-1, Instruction, 3.[145], Instructor’s Grade Records, Test Scores, Marking Sheets*.

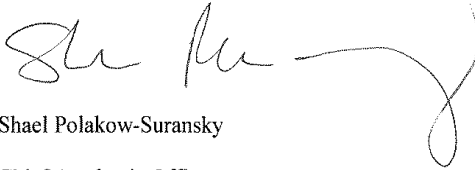
The Department has improved tracking of arts teacher certification. School responses to SED's Basic Educational Data System (BEDS) personnel survey are used by SED to determine whether NCLB Highly Qualified requirements for core academic subjects (of which art is one) have been met. Middle and high schools have their teachers' assignment code pre-populated with data from the Department's Student Transcript and Academic Reporting System (STARS). Going forward, "highly qualified" determinations can be mapped back to specific courses in a teacher's schedule.

The Department has also taken steps to ensure that data on course hours can be clearly documented and retained. For every course on a student's transcript, STARS now captures data on the number of class periods scheduled per week and the number of minutes scheduled per period. From 2011-2012 forward, the Department captures and retains data that enables the calculation of course hours. Many of the courses sampled by the OSC pre-date this change; however, the Department has since taken steps to address this need.

Through recent internal audits and reviews, the Department already identified the concern regarding inconsistent retention of course syllabi. As a result, in February 2012 the Department issued clear guidance and conducted training for high schools on this and related topics. As this audit by OSC tested students who graduated in June 2011, it does not capture the results of those efforts.

We believe that enhancements made over the past several years effectively address the report's recommendations.

Sincerely,



Shael Polakow-Suransky

Chief Academic Officer

CC: Ken Sifontes  
Mary Coffey  
Josh Thomases

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## State Comptroller's Comments

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1. The SED Regulations used by the audit staff to assess Department compliance are quite clear. The three stated criteria: 1) students having a minimum number of instructional hours, 2) provided by a certified Arts instructor, 3) using a SED-aligned syllabus; must all be met within a stated time period. As such, the error rate identified by the audit staff and reported herein is accurate.
2. As noted in the report, if an uncertified instructor is to be used, pre-approval from SED is required. No such approval was provided to us for the noted instances.
3. Unclear requirements for record retention do not negate the need for the Department to document compliance with SED Regulations for a reasonable time period.
4. See Comment 1.