



THE CITYWIDE COUNCIL ON HIGH SCHOOLS
THE NEW YORK CITY DEPARTMENT OF EDUCATION

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Resolution 2010-R004
Citywide Council on High Schools

A Statement of Concern Regarding the Closing of High Schools in New York City

Whereas school closure appears to be DOE's preferred option for reforming schools;

Whereas high schools are more at-risk for low performance once they become overcrowded from enrolling large numbers of students from nearby closed high schools;

In consideration that students become less positive about academics and attendance at a school slated or at-risk of closure, which may lead to even lower graduation and increased school closure rates;

In consideration that existing principals, Children's First Networks and Superintendents may have less incentive to address a school's issues if it is slated for closure;

Whereas dwindling student enrollment at schools slated for closure provides an incentive to let senior teachers go and replace them with less experienced and per diem staff;

With great concern that schools slated for closure adversely affect tens of thousands of high school students experiencing phase-out AND through the overcrowding of schools that enroll diverted ninth grade entrants;

Whereas this policy may have a domino effect on school closures;

Whereas equal financial treatment and academic quality for closing and full schools is likely not occurring;

Be it resolved that the Citywide Council on High School asks the Department of Education to reassess the policy and planning of high school closure;

Be it further resolved that Educational Impact Statements and a Chancellor's directive should state that any school slated for closure must have adequate budget to ensure services equal to that of a fully-funded school during the entire phase-out period;

Be it still further resolved no school may be closed unless the DOE has installed the most qualified principal, as determined by objective rating criteria, ensured that s/he has access to dedicated Department of Education resources, and has been allowed at least two years to reverse the school's decline.

Five Points the DOE Must Address With School Phase-Outs

1. Why didn't the DOE's remediation work at this school? They've listed everything they've offered, but did they happen? Whether or not they did, DOE should state in the EIS why the interventions didn't work with facts beyond the Progress Report grades. We'd all learn something from that presentation.
2. Students left behind require full support and quality instruction and transfer opportunities. They deserve priority with new school options like teachers do who have a 50% priority at newly opening schools. Otherwise, the EIS's are saying the kids are the failures but the teachers who are part of this issue get preferred treatment. Perhaps give these students access to the 12,000 unused high school seats citywide or to programs of their choice if in proximity to their current school.
3. Will Children First Clusters and Superintendents work as much with a school identified as failing? If yes, cite how in writing. If not, why?
4. DOE needs to make sure the kids continue to get proper instruction. If teachers are leaving for other schools, DOE needs to ensure that all remaining teachers have at least five years of experience, and only a limited percentage of F-status or Per Diem teachers can be used in the school.
5. Tens of thousands of children are affected by the phase out policy- both in schools identified for phase-out and those that become newly overcrowded and become the potential next candidates for school closure. This pipeline to failure should be analyzed and addressed by DOE.

Presented by Martin Krongold, Citywide Council on High Schools. We meet 6 pm on 2nd Wednesday of each month at DOE headquarters.



NYCLU

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**TESTIMONY OF UDI OFER AND JOHANNA MILLER
ON BEHALF OF THE NEW YORK CIVIL LIBERTIES UNION**

before

THE NEW YORK CITY COUNCIL EDUCATION COMMITTEE

on

**INTRODUCTION 354, REQUIRING THAT THE DEPARTMENT OF EDUCATION
REPORT DATA REGARDING STUDENT DISCHARGES**

January 25, 2011

Councilmember Jackson and members of the Education Committee: the New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony in support of Introduction 354. Since 1951, the NYCLU has been defending and promoting the civil rights and civil liberties of New Yorkers. We have 48,000 members and eight offices across New York State. We present our testimony today as part of our continuing work to ensure that all children in New York City schools receive an adequate education and an opportunity to graduate.

Passage of Intro. 354 would shed much-needed light on New York City’s graduation rate and achievement gap by providing the City Council with access to basic information about children who leave the school system without graduating. It would mandate that the Department of Education report on a quarterly basis information on the number and nature of student discharges, and would mandate that such information be disaggregated by grade, age, race/ethnicity, gender, English proficiency and special education status.

The New York Civil Liberties Union strongly supports passage of this bill. Introduction 354 would bring transparency to a system that operates largely in the dark. Moreover, it will

allow policymakers, parents and the public to make informed decisions about key Department of Education policies and practices, and to determine whether New York City's graduation rate is a true reflection of student achievement and opportunities.

I. What is a Discharge?

Before discussing the need for passage of Intro. 354, we first need to explain the meaning of a student discharge. Students can leave the public school system in one of three ways: they can drop out, they can graduate (or in the case of elementary and middle school students, matriculate to higher grades), or they can be discharged. Discharges are meant to statistically capture students who leave the school system without a diploma, but whose departure should not necessarily reflect poorly on DOE practices, such as students who relocate out of New York City.

Students who are discharged are removed from the total enrollment pool for their class, known as a cohort, so they do not add to the number of dropouts. In other words, if 100 students are in the 2007 cohort (also known as the class of 2011), and 10 are discharged and the remaining 90 graduate in four years, the graduation rate will be 100%, even though 10 students did not graduate with the cohort. As a result, the overuse of discharges can artificially inflate the percentage of students in the class who are classified as "graduates" by reducing the size of the cohort.

New York City does not currently report on the number of students it discharges in any given year, nor does it report the reasons for such discharges. It does not report how many students were discharged to a general equivalency diploma ("GED") program, to parochial or

private schools, or who moved out of New York City. Without such information, policymakers, parents and the public do not have a complete picture of New York City's graduation rate.

II. The Need for Transparency in Graduation Rate Reporting

Proponents of mayoral control argue that it is a system based on accountability—voters who do not approve of the mayor's handling of the schools have the opportunity every four years to express their dissatisfaction at the polls. For that presumption to be tested fairly, though, voters must have access to accurate, unbiased information. A well-informed public makes better decisions, and to be well-informed the public needs access to government data and operations. The principle of open government is inseparable from American democracy.

Unfortunately, government transparency has been a scarce commodity under mayoral control. Extracting the most basic information from the DOE, such as budget figures or data on student discharges, is a needlessly onerous chore that even public officials and lawyers have difficulty accomplishing. Instead of embracing openness, the DOE hides its decision-making and operations from public view, carefully managing the disclosure of information and cherry-picking statistics and data that cast its policies in the most positive light. It's a smart public relations move but lousy public policy.

The NYCLU's own experience with extracting information from the Department of Education serves as an example. In June 2006, the NYCLU filed a Freedom of Information Law (FOIL) request with the DOE for documents related to a number of school safety programs and tactics. State law requires government agencies to respond to records requests within five business days, if only to acknowledge receipt of the request and set an approximate date for granting or denying it. The DOE didn't respond to the NYCLU's June 2006 FOIL request until

January 2009—more than two-and-a-half years after receiving it. Why it took so long to respond is unclear; the DOE’s letter only inquired whether the NYCLU still wanted the requested records. The NYCLU responded affirmatively. It has not heard back from the DOE on the matter.¹

In another example, in June 2008, the NYCLU filed a FOIL request with the DOE seeking discharge data—including demographic information about students who were discharged, and the reasons for the discharges—for each school year from 1996 to 2008 (the FOIL requested other data as well). We never received records regarding discharges. In July 2009, we filed an identical request for discharge records for the 2008-2009 school year. After a delay of more than a year, we finally received in October 2010 information about 2008-2009 discharges.

The NYCLU is not alone in its struggles to obtain public records from the DOE. Parents and advocates frequently complain of the DOE’s refusal to provide them information. Citizens Union of the City of New York, an independent, nonpartisan organization that promotes good government, has reported that it commonly fields complaints from parents and teachers about the DOE’s tight grip on information.² Advocates for Children of New York, a nonprofit organization that works to secure public education services for vulnerable families, waited two years for the DOE to turn over data on the academic progress of English language learners.³ It only received the information after threatening to sue. The president of the lower Manhattan parents’ council said she cannot obtain basic information, such as curriculum plans, plans for adding schools and details on gifted and talented programs.⁴

¹ A copy of the letter is on file with the NYCLU.

² Meredith Kolodner, *School system keeps us in dark – parents*, NY Daily News, Apr. 6, 2009.

³ *Id.*

⁴ *Id.*

The above examples are illustrative of a system that operates largely in the dark, and serves as a compelling reason for why the City Council should mandate reporting by the Department of Education on key student achievement indicators, including student discharges, rather than wait for the DOE to voluntarily report such data.

The focus of Intro. 354, student discharges, has been an area of much speculation among advocates and experts. This is in part because of the almost complete lack of accessible information about discharges, both in regards to New York City's policy and statistics on discharges. While the graduation rate has steadily risen during Mayor Bloomberg's tenure, there is reason to believe that the number of discharges has also risen. From 2000 to 2007, the discharge rate increased by almost four percentage points, as almost 150,000 students were discharged from the system.⁵ The public does not have access to updated discharge data.

While there are legitimate reasons for a student to be discharged, such as moving to another state, advocates have expressed serious concerns about certain categories of discharges. For example, students who enroll in a DOE GED program are considered discharges and not dropouts. In the past, students who "aged out"⁶ of the system and young women who dropped out due to pregnancy were also counted as discharges. The NYCLU and other advocates have had, and continue to have disagreements with such categorizations.

Advocates have long speculated that the incredibly large numbers of students who are reportedly discharged to other school systems each year (private and parochial schools and other districts) may actually include large numbers of students who should be reported as dropouts. In 2008-2009, these categories of discharges accounted for over 40,000 students. Corresponding

⁵ Jennifer Jennings and Leonie Haimson, "High School Discharges Revisited: Trends in New York City's Discharge Rates, 2000-2007," April 30, 2009.

⁶ New York State requires public education to be made available to non-high school graduates under 21 years old. Students who turn 21 while they are enrolled in school are said to age out.

census and private school enrollment data does not support these numbers.¹ With such extraordinarily large numbers of students at issue, accurate reporting is vital.

The response that the NYCLU received from the Department of Education regarding discharge data in the 2008-2009 school year provides an illustration of the significance of these numbers. According to the data we received:

- **The Department of Education discharged 2,487 students to GED programs.** 1,269⁷ were discharged to full time DOE GED programs, 808 were part time DOE GED programs, and 410 were full time non-DOE GED.
- **The Department of Education discharged 158 students to parenting programs or for reasons relating to pregnancy or parenting.** 116 “voluntarily withdrew” due to pregnancy, and 42 were discharged to LYFE START programs.
- **The Department of Education discharged 5,614 students to parochial or private schools.** 3,224 were in grades 6-12.
- **The Department of Education discharged 35,597 students for reasons related to family relocation out of New York City.** 17,395 were in grades 6-12.

III. Transparency in Policy Decisions

Not only has the DOE refused to report basic data on who is being discharged, it has also kept secretive its categories of discharges, even when re-categorizations have taken place in response to concerns raised by advocates. Intro. 354 will also shed much needed light on who is counted as a discharge.

In the past three school years, the DOE has begun to improve the discharge system to more accurately categorize high school dropouts. As explained above, as recently as 2008, students who aged out of the system and young women who dropped out due to pregnancy were considered discharges. Those categories seem to have been rectified by the DOE in recent years,

⁷ More than twice as many boys as girls were discharged in this category and 51 percent were black students.

perhaps due to increased scrutiny of discharge rates. We recognize the DOE for its efforts to reduce illegitimate discharges, and to ensure that students are not incorrectly discharged.

Unfortunately, these changes in DOE policy were hidden from most advocates and policymakers due to the lack of transparency that has become characteristic of the DOE. This is not entirely surprising, since the Department of Education is one of the most secretive and autonomous agencies in New York City. It has repeatedly taken the position that it is answerable to no one but the chancellor and mayor, and has claimed that it is not subject to other government statutes providing for transparency and oversight.

For example, the DOE has repeatedly stated that it is not subject to the public notice and comment periods required by the City Administrative Procedures Act (CAPA) or the State Administrative Procedures Act (SAPA). Indeed, prior to the recent reauthorization of the mayoral control law, Chancellor's Regulations were not subjected to public hearings or comments and rarely receive meaningful public scrutiny.

Intro. 354 will at least ensure that the public is kept updated about the DOE's discharge policies and practices.

IV. Accuracy in Graduation Rate Reporting

Introduction 354 will also lead to a citywide conversation about who should count as a discharge or dropout.

According to DOE policy, students who obtain a GED are then counted as "graduates" for purposes of calculating the graduation and dropout rates.⁸ There are good policy reasons to

⁸ Office of School and Youth Development, "Transfer, Discharge, and Graduation Guidelines, 2011," New York City Department of Education.

support not counting GED recipients as dropouts—notably, the creation of an incentive for the DOE to ensure that students who leave high school are successful in obtaining their GEDs.

However, counting GED recipients as graduates overstates the graduation rate and perpetuates the illusion that GEDs and high school diplomas are equal. According to researchers, “by definition, GED recipients have dropped out of school, the system has in some way failed them, and schools should not receive ‘credit’ as if they succeeded in educating and graduating these students.”⁹ A study sponsored by the National Bureau of Economic Research found that “treating [a GED] as equivalent to a high school degree distorts social statistics and gives false signals that America is making progress when it is not.”¹⁰

Importantly, federal law does not permit the inclusion of GED recipients as graduates when calculating the Adequate Yearly Progress (AYP) rate for purposes of the No Child Left Behind Act. According to the United States Office of Elementary and Secondary Education, the graduation rate should be calculated as “the percentage of students measured from the beginning of high school, who graduate from high school with a regular diploma (not including an alternative degree that is not fully aligned with the state’s academic standards, such as a certificate or a GED) in the standard number of years.”¹¹

V. Recommendations

With the above in mind, the NYCLU makes the following recommendations to amend

Intro. 354:

⁹ J. P. Green, “Public High School Graduation and College Readiness Rates, 1991-2002,” Manhattan Institute for Public Research, 2005. See also Bob Wise, “Raising the Grade: How High School Reform can Save our Youth and our Nation,” Jossey-Bass, 2008.

¹⁰ James Heckman, John Eric Humphries, and Nicholas S. Mader, “The GED,” Working Paper No. 16064, National Bureau of Economic Research, June 2010.

¹¹ Southeast Educational Development Laboratory, “Inclusion of GED Recipients in Graduation Rate Calculations for Adequate Yearly Progress,” Rapid Response Report. March 26, 2008. Available at http://secc.sedl.org/orc/rr/secc_rr_00062.pdf. Last accessed Jan. 24, 2011.

(1) **Mandate reporting by cohort.** As currently drafted, Intro. 354 would lead to the reporting of information on student discharges according to the year that such discharge occurs. While such information would be valuable, it would limit the ability of Council Members and the public to fully understand the impact of the discharge rate on the graduation rate.

Therefore, the NYCLU recommends that the City Council amend the bill to require reporting by cohort as well as year. Obtaining the data by cohort will create a more complete picture of discharge and graduation rates by reporting the outcomes for each entering high school class (cohort) of students. More meaningful trends can be discerned comparing, for instance, the class of 2010 to the class of 2011, rather than students from many different classes who may have been discharged in any particular year.

(2) **Mandate reporting of all discharge, transfer, and graduation categories.** As written, the bill lists examples of discharge categories. The categories listed in the bill reflect some of the more controversial past and present discharge categories. We recommend that the bill be amended to request reports of all discharge, transfer *and* graduation codes. First, by listing current and past definition of discharge categories, the bill needlessly limits the categories to be reported in the future. Second, since this is a transparency bill designed to allow the public to better understand the city's graduation rate, the bill should require the reporting of all discharge, transfer and graduation codes and categories used by the Department of Education for each particular cohort and year.

(3) **Create an audit mechanism.** As with any reporting bill, there are questions about enforcing accurate reporting. Because personnel at each of the 1,600 schools have discretion in selecting discharge codes for students, it may be difficult to judge the accuracy of the information that is reported to the Council. When former Comptroller Bill Thompson audited the discharge and graduation rates in 2009, his office expressed the difficulties in tracking discharges and transfers when each school maintained different sets of records, and some had no relevant records at all.¹²

We therefore recommend that the bill require an automatic audit should the reported statistics exceed or fall below certain trigger points.

Conclusion

Intro 354, if enacted, will promote transparency in an area of education policy that can effectively hide the realities of educational outcomes by inflating the graduation rate. By providing discharge data to policymakers and the public, this bill will lead to more informed decision-making on educational policy issues, and will allow the public and legislators to conduct a serious analysis of students' educational opportunities and the pressures that lead them to drop out. New York City students and parents deserve to know the whole truth about their school system. New York City voters deserve a complete picture of education policies and their results, not only statistics that the DOE selects for release.

We urge the Council to enact this bill, and to commit to enforcing its mandates in order to begin building a robust dataset on student discharges. In addition, we hope the Council will consider our recommendations for improving the bill.

¹² Comptroller William C. Thomson, "Audit Report on the Department of Education's Calculation of High School Graduation Rates," July 21, 2009.



LA UNIÓN HACE LA FUERZA
THE COMING TOGETHER OF
LATIN AMERICAN INTEGRATION CENTER
AND MAKE THE ROAD BY WALKING

For the
Record

Testimony of Jaritza Geigel, Youth Leader, Make the Road New York

My name is Jaritza Geigel and I am a youth leader at Make the Road New York and a graduate of the Bushwick School for Social Justice. I am here today to speak briefly about the impact of New York City Department of Education's strategy of closing struggling schools.

Our community experienced the phase out of Bushwick High School Campus almost seven years ago and know directly the impact closing its doors had on students, teachers and community members. While the new small schools graduate a much higher percent of students, they serve less than half of the number of students that were on the original rolls. Nearby high schools felt the painful impact of receiving overflow in schools already struggling with the issue of overcrowding. Our community was making demands from the beginning about the removal of so many seats and were promised by the DOE they would be replaced. Seven years later we have not seen an increase in seats in Bushwick. District 32 has an average of 1,330 students enrolled in each grade level, but only 713 available ninth-grade seats.

Additionally, we found out with little advance warning that Bushwick High School was on the list slated for closure, allowing little time to inform the community. There were no community meetings with the DOE. There was never a clear plan presented for the phase out. Students and parents came to the school in the fall looking for their seats in their zone school. The DOE did not inform the community of the changes. Most of the teachers and counselors left, and the few that remained encouraged students to leave before the school even finished closing. There was not enough support for remaining students to succeed and graduate as planned.

We know firsthand that it is critical for the DOE to provide adequate notice to students, parents and families about proposed closings. The DOE needs to share plans with the school and community stakeholders as well. During the phase out process, often students in these schools are not being supported. They need the resources to make sure that they graduate on time. There also needs to be intensive supports for graduating eighth graders to understand their options for high schools in the community, so they know well before the fall. Lastly, there needs to be opportunities for parents, students and community organizations to have input in selecting the schools that will be placed in their communities to replace phasing out schools. These are just some of the lessons we learned from going through the process of Bushwick Campus being phased out.

And now our community finds itself facing this issue again. Bushwick Community High School, a transfer school in the neighborhood, was just recently added to the PLA list and is facing closure. This school, known around Bushwick as a "second home" for students who have struggled in traditional school settings, should not be on this list. The criteria for this list needs to be changed and transfer schools need to be evaluated differently. How can a transfer school, that consists of mostly over-aged, under-credited students, be held to the same standards as other high schools? We are simply asking that high-stakes measures, like those for PLA criteria, be applied to us in a way that accurately reflects the circumstances and function of this school as a transfer school within the NYC DOE and that gives us a real chance to reach the necessary performance targets and support students in their academic transformation.

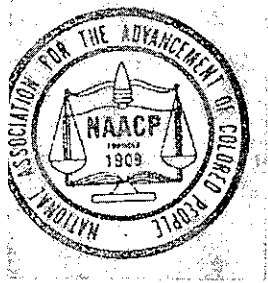
Make the Road New York community members in Bushwick have directly experienced these challenges and struggles around school closings. We are committed to fighting for excellent, high performing schools in our neighborhood. We are asking the City Council and Department of Education to ensure that resources, support services and funding are in place to address these issues and to create the space and opportunity for the necessary community involvement in this process.

Thank you

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Northeast Queens

Parkchester

Staten Island

Williamsbridge

The NAACP NYS Conference Metropolitan Council, return to these Council Hearings to speak on behalf of students affected by the School Phase-out/Closure. This comes one day short of a year since the largest education demonstration against school closure this city has seen. Since February 1, 2010, under the leadership of our New York State Conference President, we have taken a very aggressive stance not only on the process and procedure but the quality of education the Students of the City of New York are receiving in these schools effected by phase-out/closure. We have engaged parents and students in dialogue and observed the deplorable conditions the students have been left with at schools across New York City. We are here today to give testimony on those facts collected by the 14 Branches in New York City at the schools in their communities slated for Phase-out/Closure. Students and their parents remain baffled about school ratings and why these schools have been selected for Phase-out/Closure. While students' lives have become stressful and emotionally challenging during this transitional period, because they watch as their school is divided and the infrastructure of the school deteriorated by the blatant neglect of the Department of Education leaving the schools scheduled for phase-out/closure with no resources, equipment, materials, and tools. The landmark desegregation case Brown v. Board provides that every student be provided with a fair and equal quality education. The method being used for this Phase-out/Closure, places these students in a pre-Brown atmosphere, where student Civil Rights for equal and quality education is being violated.

In most instances across New York City, students are losing sight of their goals as classes are cut and

have learned that in some schools there is a shortage of teachers, guidance counselors, and the very important College Advisor, Seniors need to take that next step in their educational careers. It is unfortunate that students on a college track suffer as classes they need for college admission have been dropped and the students have been told to attend CUNY Colleges to take those classes. Many of these students come from low income families, and cannot afford to pay the tuition required at CUNY institutions, which make this suggestion a poor option.

Students that remain at schools in the Phase-out/closure process should receive the tools, resources, materials, and adequate equipment necessary for students to complete their final days in the schools they attend. These students should be afforded every opportunity to be successful. One student at a hearing tells the story of students at schools slated for Phase-out/closure as being disenfranchised by seeing that in his building "just across the hall the new students work with SMART BOARDS as the existing students work with BROKEN BOARDS."

Students who attend those schools that have been identified as those selected to be phased-out/closed in many instances are not provided with reasonable school options to select from. Most schools are inconvenient to the students and in many instances those transfers create academic hardship for the student when the distance from the students home/community now becomes a two hour excursion.

The number (not by name) of students who are discharged or "kicked" out of school must be delineated by school, age, gender, grade, race, reason; and the district and type of the school whether charter or regular public school from which discharged. Also, what if any measures to keep the student in school were taken, including the warnings, counseling and advocacy by parents or others.

Finally, while reading and math competency is important there must be more to the school day than test preparation and testing in these two areas. All students should be exposed to arts, athletics, the humanities, civics and science at every grade level to be good citizens and the future New Yorkers who can run the government, and 4the arts institutions that make this the greatest City of the Nation.

under performing, and those students that remain to finish their education at those schools should not suffer and receive a substandard education. We further resolve that those students who chose transfer should be granted a reasonable transfer to a school no more than 60 minutes from their communities, and that parallel programs and curriculum as what those students received at the schools they have been forced to transfer be provided. That the DOE has an obligation to make every effort under the law to provide a fair quality education no matter what school they attend and should not suffer because of the over zealous ideas and concepts to provide new schools. We further find that closing these schools caused overcrowding and hardships not just for the students of phase-out/closure schools, but for the students in the more successful schools. The final question is, how are smaller schools within larger schools going to solve this dilemma? The Department of Education placing schools within a large facility it does not change the need to have a quality education for all students.

The DOE should make every effort to provide the quality education that not only the law demands, but the education that every student deserves. We hold the Department of Education accountable for the undue stress and emotional hardship created by the phase-out/closure knowing there is no parallel or suitable plan in place to make the transition seamless and productive

Respectfully submitted by

Kenneth D. Cohen,
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ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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Statement of Mark Ro Beyersdorf
Program Associate, Educational Equity and Youth Rights Project
Asian American Legal Defense and Education Fund
Hearing on Department of Education's Monitoring of Students at Closing Schools and
Int. 354 and 364
January 25, 2011
New York City Council

My name is Mark Ro Beyersdorf and I'm on the staff of the Educational Equity and Youth Rights Project at AALDEF, the Asian American Legal Defense and Education Fund.

AALDEF is a national organization that protects and promotes the civil rights of Asian Americans. Locally, we work extensively on issues impacting Asian American students in New York City public schools, including school dropout and pushout policies, English Language Learner programs, and racial discrimination and harassment.

As the New York City Department of Education prepares to close 26 schools starting in the 2011-12 school year, it must ensure that these massive overhauls don't leave out English Language Learners (ELLs), newly arrived immigrants, and lower-income students. These students are most likely to attend "failing" or "lowest-performing" schools at risk of major restructuring.

AALDEF has witnessed firsthand the potential fallout school closures can have on students we work with. In 2009, AALDEF co-authored a report with Advocates for Children entitled, *Empty Promises: A Case Study of Restructuring and the Exclusion of English Language Learners in Two Brooklyn High Schools* (available online at http://www.aaldef.org/docs/EmptyPromises_6.16.09.pdf) examining how the phase out of Lafayette and Tilden High Schools impacted ELL students. When Lafayette High School in Bensonhurst, Brooklyn was phased out last year, none of the small schools replacing it offered a Chinese bilingual education program maintained by the original school. Many ELLs who would have attended Lafayette are now enrolling at nearby large high schools that are already over-crowded and under-resourced. Further, small schools replacing Lafayette in the first year of phase-out failed to properly assess students for ELL services or did not provide them with mandated services, causing some students to transfer to other large high schools.

In the second year of Lafayette's phase out, the International Network of Public Schools, a network of small schools that serve recent immigrant ELLs, opened a small school on the Lafayette campus. The International Network has a strong track record of graduating ELLs. However, limiting ELLs to ELL-focused schools segregates these students into a

small handful of schools that cannot meet the needs of all New York City's ELLs. It also limits ELLs' enrollment options to specific schools with capacity to meet their particular language needs, and limits ELLs' choice of instructional model because such schools do not typically provide bilingual education.

As DOE prepares to close 26 additional schools, it should proactively work to ensure the needs of ELLs, immigrant, and lower-income students by:

- Consulting, informing, and involving immigrant communities throughout the entire restructuring process.
- Providing support services and appropriate curricula to ELL students at restructuring schools, enabling them to continue working toward a diploma with additional intensive supports or guidance services as needed.
- Giving additional support and resources to neighboring traditional public schools that are likely to absorb an influx of ELL and immigrant students during and after closure.
- Ensuring that all restructured schools and new schools recruit, enroll, and adequately serve students from the surrounding neighborhood – including but not limited to providing quality ELL services where appropriate.
- Maintaining all specialized programs geared towards high needs populations – such as bilingual education programs – at restructuring schools and continue to implement such programs at future schools.

TESTIMONY OF
THE UNITED FEDERATION OF TEACHERS

BEFORE THE
CITY COUNCIL
COMMITTEE ON EDUCATION

JANUARY 25, 2011

REGARDING
THE DEPARTMENT OF EDUCATION'S
MONITORING OF STUDENTS AT CLOSING SCHOOLS

Good afternoon Chairman Jackson and members of this distinguished committee. My name is Leo Casey, and I am Vice President for Academic High Schools at the United Federation of Teachers. On behalf of our members and our President Michael Mulgrew, thank you for the opportunity to testify on this critical issue.

The Council's choice of topics to discuss today couldn't be more appropriate or timely. In just a few short days, the Panel for Education Policy is expected to decide the fate of 25 schools – school communities that, quite frankly, deserve a lot more than the raw deal doled out by the Department of Education, which stacked the deck against them and then turned their backs as they struggled. The schools that made the list serve a disproportionate share of the city's most vulnerable students who need intensive services if they are to be educationally successful.

The City Council is asking the right questions about what the DOE has planned to ensure that our most vulnerable students are taken care of. As one reads through the Educational Impact Statements that the DOE has put together, the answer is simple – there is no plan.

The mass closure of schools undertaken by the DOE is both an unnecessary and an unsuccessful strategy for improving education. The closure of a school is a radical and disruptive step, and should only take place after the school has been provided the resources and supports necessary for turning itself around, and is still unsuccessful in educating its students. The policy has tragic consequences for the communities that these schools anchor, as well as for other schools. That's why you're seeing a groundswell of grassroots opposition in these neighborhoods, by parents, students, educators and community members who are standing up and saying enough is enough.

Prior administrations took a different approach, engaging stakeholders in a comprehensive, good-faith process. Struggling schools were given ample notice that they needed to improve, and extra personnel and supports were brought in as part of a concerted effort to turn them around.

The current administration has never done that hard work or closed schools in a deliberate, careful manner that respects the school communities. Rather, it touts school closures as if they were victories, when in truth they are the most powerful evidence of the DOE's failed management of the schools placed in its care. They are, bluntly, symptoms of educational neglect.

In the last eight years, New York City has by its own count closed approximately 100 schools, disproportionately high schools. The process has been fraught with problems. In most instances, the City's Quality Reviews reported that these closing schools could be rated proficient, and even federal accountability reviews oftentimes rated them as meeting their Annual Yearly Progress benchmarks under No Child Left Behind.

A study by the Center for New York City Affairs at the New School showed that as large schools were closed and their students dispersed, the children with the greatest challenges and the least resources end up disproportionately in the neighboring large schools. What does it say about a system that effectively washes its hands of responsibility for improving its schools, especially those with large concentrations of high-needs students, and especially when those students end up in schools where they are no better off and in some cases worse off?

PS 231 in Queens, a school slated for closure by the DOE, saw its population grow by over 20% in the last three years, and the poverty rate doubled to 75%. The number of homeless students rose sharply and the number of students with special needs also grew in recent years, with those in CTT classes increasing by 250% and those in self-contained classes increasing by 65%. Despite these major challenges, the school was well-regarded in its quality review, with observers noting the quality of teacher teams they created based on content areas and how teachers, staff and parents are united and working collaboratively.

In Manhattan's District 5, MS 195, another school the DOE wants to close, saw similar shifts in population. The percent of very high need (self-contained) students increased 50% and the overall special education population rose to 26%. In addition, although the overall population declined between 2008 and 2009, the homeless population more than doubled in numbers, to account for 7% of the population, up from less than 3%.

Special education is only part of the story, of course. We see more poverty in these schools, lower incoming scores, and higher populations of English Language Learners (ELLs). But special education students – and particularly the unique challenges presented by those requiring self-contained classes – deserve a special focus. Students in self-contained special education classes have more intensive needs and require significantly more resources, including very small classes and significant social, academic and emotional support.

Again, many of these high needs students came to be enrolled in disproportionate numbers in schools that are now slated to close. Why does this happen? We cannot track individual students, but we can see patterns, the most prominent of which is that once the DOE establishes new schools, they do not typically enroll and serve these students.

We looked at Adlai Stevenson High School in the Bronx, which was shut down a few years ago. Of the students in the last entering freshman class in 2005-06, 1 in 5 had special needs which required placement in intensive self-contained classes. That's 20%. The schools identified as "similar" by the state had only 7%. So, they shut down Stevenson. Fast forward to today and look at the five schools now on that campus. All of them serve high need students. But the campus no longer serves a population that is 20% self-contained special needs. It serves a population that is only 4.3% self-contained special education. One school serves none of these students, and the school that serves the most of them (the School for Community Research and Learning, with 25% special education, and 7% self contained) – is now slated to close.

The story is the same in Brooklyn, where Jefferson, Tilden, and Canarsie High Schools all served high numbers of these students and have all been phased out. Of the 10 schools that have replaced them, eight have no self-contained special education children at all. The ninth has four special education students in self-contained settings, and only the final one, Performing Arts, educates a significant number of these students – 22. Nearby South Shore High School is also phasing out. There are three new schools on the campus and between them they serve only five self contained students.

The four shuttered schools in Brooklyn (Jefferson, Tilden, Canarsie, and South Shore) were all located in Districts 18 and 19. So where do the special education high school students from those communities go to school these days? The only large school left is Maxwell, which currently serves 95 of these students, 12% of its population, and has one of the highest concentrations of self-contained students in the city. Last year, the DOE tried to shut the school. Where are the populations displaced by closure going? We don't know, but we suspect that many must travel outside the neighborhood, so that a population already in danger of dropping out is now faces additional hurdles – further increasing the dropout risk.

A lot of what goes on behind the scenes in terms of enrollment and placement is a mystery – One of the closest-guarded secrets at the DOE. Despite FOIL requests and other inquiries, we still don't know how or why students are placed, and that means we can't know why the DOE can't better link students to the schools that would best serve them. How it is that even with a wide range of applicants with a wide range of abilities, some schools end up receiving disproportionate numbers of the most challenging cases? Without the proper transparency, we can't know the answers to these questions. Administrators know schools have to perform, so there is a vested interest in accepting the best students and shunning high-needs students, our most vulnerable children.

As it stands, the remaining large schools serve high populations of the most challenging students least likely to accumulate credits or graduate on time – putting them on the conveyer belt to closing. It's worth noting that when these schools are given sufficient time to work with these children, they succeed. It's also worth noting that the DOE's current policies create a dangerous disincentive among schools that are willing to work with students at risk. Take for example schools like Paul Robeson High School and Christopher

Columbus High School, which by the DOE's measures has the highest concentration of high needs students in the entire city. While Columbus' four-year graduation rate for the class of 2003 was only 54%, it continues to keep its students in school and engaged, and 82% do eventually graduate. If our objective is to graduate students ready for post-secondary education or work, and the schools which work with the large concentrations of high needs students stick with those students until they achieve that goal, why isn't that accomplishment lauded as a success rather than a failure?

But we have to understand, the problem is not just that the schools have high numbers of high-need students. There are two factors that have exacerbated that problem. The measures used to decide a school's fate – the DOE Progress Report grades – have not taken into account the full intensity of those needs, and the DOE has failed to give the schools the support they need.

Perhaps the starkest example is with the high school Progress Reports. The DOE says that the core principle they used to create the progress report formula was to level the playing field so that results were "not correlated with socioeconomic status, Special Education populations or other demographic factors." That hasn't happened. When we investigated the Progress Report grades for closing high schools, we discovered a very troubling trend. The formulas for high schools have punished schools that educate students in special education (self-contained) classes.

To arrive at Progress Report grades, DOE compares each school to a peer group of 40 supposedly similar schools, yet more often than not, schools with large concentrations of high needs students find themselves in peer groups with schools that are significantly dissimilar. Last year, the 'A's in these peer group mostly went to the schools that did not serve high-needs students, and the 'D's went to those that did. Of the 31 schools in the peer groups of closing schools that do not serve self-contained Special Education students, 77% received 'A's and 0% got 'D's. Moreover, only 18% of the schools serving large populations of self-contained students received 'A's. And nearly a third (29%) of the schools serving large populations of such students received 'D's. That's 18% vs. 77%. This constitutes a significant negative relationship between a school's overall Progress Report score and the school's percentage of self-contained Special Education students. Put simply, as the percentage of these students rises, the school's overall score declines. The DOE has its fingers on the scales to the detriment of the schools serving our city's neediest students.

The lack of support for schools with large concentrations of high needs students is the other huge problem. Take the case of Columbus High School, where the DOE has literally provided no supports for the school serving the most significant concentration of high needs students in any City high school. In a remarkable case of pure chutzpah, the DOE's EIS statement lists as its supports to the school the programs for these students that the school has put together on its own, without a dime of DOE money or a minute of the time of a single DOE bureaucrat. Instead of providing support to the school, the DOE has flooded Columbus and other schools targeted for closure with over-the-counter students who are dropped into the school over the course of the school year without rhyme or reason. In one recent year, 25% of Columbus' registration – the equivalent of an entire grade – was sent to

the school in over the counter students, completely disrupting the school's program and putting the students at great disadvantage. Or look at PS 114 in Brooklyn, a school that has made a lot of headlines recently. Despite years of protests from parents and teachers, the DOE left in place an incompetent, failing leadership which drove the school into serious debt. It waited to take action until all the damage was done and it was making the decision to close the school. Whether it was mismanagement or something more calculated and deliberate, the separate and unequal system the DOE has created with these schools is nothing short of scandalous.

To be sure, there are challenges to be overcome and improvements to be made in these schools, but educators are ready to do that hard work if only the DOE would give them the proper support. The administration at Tweed, blind to this history and dogmatically committed to its own vision, ignored these schools when it was not actively undermining them. The administration claims to not understand why parents would want to keep their children in so-called "failing" schools. What they fail to understand is that communities want these schools to be fixed. Turning its back on school communities in need is both practically and morally wrong. It's time Tweed recognizes where needs are not being met and acts on its responsibility to do something about it.

In the 2008-09 school year, the UFT filed suit against the closure of three elementary schools which were slated to be illegally replaced with charter schools – the Countee Cullen School (PS 194) and the Minerva School (PS 321) in Manhattan and the Christopher School (PS 150) in Brooklyn – and the DOE reluctantly kept them open. In the following year, each of those schools received an 'A' on their School Progress Report, and they remain open today.

Last year, by closely monitoring and documenting the happenings at each and every school slated for closure and showing how the DOE was recklessly disregarding the law, the UFT, the NAACP and our community partners were able to successfully stop 19 school closures in court. Five of the schools slated for closure last year – Harlem Choir Academy in Manhattan, the Middle School for Academic and Social Excellence (MS 334) and Maxwell HS in Brooklyn, the Campus Magnet for Business and Computer Applications in Queens and Alfred E. Smith High School in the Bronx – scored so well on this year's School Progress Reports that the DOE could not place them on this year's school closure list. What made these accomplishments all the more remarkable was that the DOE did everything in its power to ensure failure in these schools – redirecting students from their incoming classes, slashing their budgets, forcing the excessing of many of the best teachers. But the teachers, parents and students banded together and persevered. Outstanding work is being done every day in these schools, and special programs and services developed by those school communities are in place, making a difference in children's lives.

These eight schools were fast-tracked for closure in the last two years, but the DOE now concedes should not be closed. How many other schools that are now slated for closure are viable places of learning, or could easily become so if the DOE provided the appropriate supports and resources for educating the high needs students it sent to them? When

closure is so capriciously and arbitrarily applied, isn't it time to call a moratorium until an educationally sound system for making such decisions is in place?

Unfortunately, the DOE's policy of mass school closures appears to be driven not by the educational needs of New York City's students, especially the most vulnerable students, but by a political agenda of this administration to remake New York City public schools in a corporate image and likeness. Last year, when the Mayor stated in a speech in Washington that he was planning to close 200 schools, teachers immediately concluded that there was a plan to make 200 schools fail. It is a shame that the city believes causing failure is good for students.

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**Testimony of the New York City Department of Education
on Support to Phase out Schools and Intros Nos. 354 and 364**

Before the New York City Council Committee on Education

January 25, 2011

Testimony of Marc Sternberg, Deputy Chancellor, Division of Portfolio Planning

Good afternoon Chairman Jackson and members of the Education Committee. My name is Marc Sternberg. I am Deputy Chancellor of Portfolio Planning at the New York City Department of Education. I want to thank you for inviting us here today to talk about the critical issue of how we phase out schools and take care of the students in those schools as they progress towards graduation. Joining me today are Josh Thomases, Deputy Chief Academic Officer, and Jennifer Bell-Ellwanger, Executive Director of Research and Policy, who will respond specifically to two bills before the City Council today.

Mr. Chairman, I would like to start by briefly reflecting on my experience as an educator here in New York City, because I have seen firsthand how the work we are here to discuss today *is* getting the job done for students and helping them beat the odds.

In 1995, I began my 15 year career in public education as a fourth grade teacher at Community School 66 in the Bronx. Like many early career teachers I had my share of frustrations. But what bothered me the most is that no matter how hard I pushed my students, and no matter how much progress they made, I couldn't help but think that they would be doomed to failure. The reason why is because they were all zoned to Morris High School, where only a third of students graduated. There was no high school choice process for students who wanted a better option. And, there was not a coordinated effort by the Department of Education to aggressively intervene when schools were failing. And let's be clear: Morris was failing. Before my students even stepped foot in high school, they were five times more likely to drop out than they were to graduate. Their chances of earning a college degree were nearly nonexistent.

Later I had the opportunity to found and lead my own new small school: Bronx Lab School. Bronx Lab was sited on the Evander Childs campus in the central Bronx. As Evander Childs High School phased-out, Bronx Lab phased-in. Prior to my tenure on the Evander Childs campus, the school – like Morris High School – was not getting the job done for students. In 2002, it had a graduation rate of 31 percent, with only 4.5 percent of graduating students earning Regents diplomas. In contrast, in 2009, the six small new schools on the Evander campus had an average graduation rate of 80.3 percent, with 62.4 percent of graduates earning Regents diplomas. Bronx Lab's Class of 2009 had a graduation rate of 86.8 percent - 18 points higher than the citywide average.

My experiences at CS66 and Bronx Lab and the thousands of conversations I've had with New York City parents, teachers, and school leaders inform my mission as Deputy Chancellor of

Portfolio Planning: to expand New York City's diverse portfolio of schools, creating a system of great schools that provides the *best* possible *options* and *opportunities* for kids. One strategy we use to accomplish our goal is to make structural changes to schools that are low-performing. This includes phasing out schools that are not getting the job done for kids—in order to replace them with new school options that support student achievement and success.

Choosing to phase out a failing school is one of the hardest decisions that the Department makes, and it is one that we do not take lightly. But in cases where a school has not been able to turnaround after the Department has invested in additional support, it is the right decision. Having executed this strategy myself I can tell you, it works. And it's an approach that has been validated by independent researchers, most recently in a study published by MDRC.

In a June 2010 report, MDRC concluded: "it is possible, in a relatively short span of time, to replace a large number of underperforming public high schools in a poor urban community and, in the process, achieve significant gains in students' academic achievement and attainment. And those gains are seen among a large and diverse group of students — including students who entered the ninth grade far below grade level and male students of color, for whom such gains have been stubbornly elusive." (MDRC, "Transforming the High School Experience," June 2010.)

Evander and other campuses had gone through many attempts to turnaround with the dedicated support of the Department. They had received SINI (Schools In Need of Improvement) and SURR (School Under Registration Review) money. They had added new curricula, changed Principals, and received targeted professional development focused on developing school leadership, instructional programs, teaching skills, and supports for struggling students. But even with all of this support, nothing changed. Year after year young people were arriving to learn; but few were learning anything. People called these schools the "drop-out factories," and even went so far as to describe them as war zones.

In 2002, the Department determined to do something different with these failing schools. We were convinced that given a different construct – a new school with a smaller group of adults focused on smaller groups of the very same young people – we could get very different outcomes.

Over the past eight years, the Department has phased out 91 struggling schools, which is approximately 5 percent of all New York City public schools. We were ahead of the curve in complying with President Obama's call to close or turnaround the lowest 5 percent of schools nationwide.

In the place of these low-performing schools, we have opened 476 new schools: 365 new district schools and 111 charter schools. In many cases, we've opened several small schools on the same campus of one large school. And they are getting these results with the same profile of students who attended the failing school. In fact, when you compare the student demographics of the schools we've phased out to the small schools we've created in their place, you'll find they're



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very similar in terms of the percentages of black and Latino students, English language learners, and students with disabilities.

- Black and Latino students
 - New Small Schools – 93%
 - Phase Out Schools – 83%
- ELL
 - New Small Schools – 14%
 - Phase Out Schools – 18%
- SPED
 - New Small Schools – 13%
 - Phase Out Schools – 13%

Proposing to phase out a failing school is about doing what’s best for students; and we take that responsibility very seriously.

The process of investigating a school for phase out is triggered by quantitative data – identified either in our Progress Report, Quality Review, or through the state’s Persistently Lowest Achieving (PLA) designation. These are the schools that have consistently low graduation and achievement rates.

Our investigation process directs us to a set of schools for which we undertake a comprehensive review of the school’s data, trends and learning environment to determine whether the school has the potential to turn around quickly. This involves looking at improvement strategies already in place, demand and enrollment trends, school culture, and teacher and leader effectiveness.

In addition to our internal review, we do engagement with the school leadership, parents, and community leaders to hear their opinions on why the school is struggling and what can be done to address its weaknesses. This year, for example, we held meetings at 55 schools and incorporated feedback from these meetings into the investigation process.

In the majority of cases, we see hope that the school can turnaround, and so we replace the principal, change staff, invest in new programs or mentor teachers, and sometimes reconfigure grades to help the school change trajectory. But, in some cases, a school does not have the ability to improve quickly and a decision is made to propose to gradually phase out the school and give future students a better opportunity.

Phase out schools continue to support students as they work towards meeting promotional or graduation requirements. First time ninth graders are eligible to apply to another school for grade 10 through the high school admissions process. In a small number of cases, ninth, tenth, and eleventh grade students are eligible to transfer to another school in accordance with Chancellor’s Regulation A101, which enables transfers for reasons of safety, medical, and travel hardship, for example. If the school is designated a School In Need of Improvement, or SINI, by the state, all

students are eligible to apply for a transfer through NCLB (No Child Left Behind) public school choice process. Transfer schools and YABC programs also are available options for families.

For students who stay in a school as it phases out and progress to graduation, we institute additional supports to ensure they achieve their full potential. My colleague Josh Thomases will further explain these supports.

The decision to phase out a school is not easy. We phase out schools only when we have evidence indicating the school lacks the capacity to turn around quickly. It's not to say that there aren't positive things happening in these schools, or that teachers haven't built strong relationships with their students. We know that teachers and administrators have worked hard to improve the school; but sometimes, a school isn't able to do what it takes to provide the rigorous academic experience that its students and families deserve. That's no one individual's fault—not the teachers and certainly not the students. They are subject to a construct that no longer works, and we at the Department are responsible for changing that. We make these difficult decisions because students deserve schools that give them a fair shot of learning everything they need to know to be successful and productive citizens.

Now that I have outlined the steps we take in making a decision to phase out a school, I would like to turn it over to my colleague Josh Thomases who is going to talk about the types of supports we provide to students who continue on and graduate from a school that is phasing out.

Testimony of Joshua Thomases, Deputy Chief Academic Officer

Good afternoon, ladies and gentlemen. It is good to be with you again. By way of reintroduction, my name is Josh Thomases. I spent the first decade of my career as a founding teacher and leader at one of our strongest small schools: El Puente Academy for Peace and Justice in Brooklyn. Since then, I have helped lead the Department's work around developing the hundreds of new small schools that have opened under this Administration as well as the Small Learning Community initiative to help transform large high schools in to some of our strongest schools. Now, in my current role as Deputy Chief Academic Officer, I have the responsibility to help shape and guide the instructional work at schools across the City.

I want to thank you for calling this hearing to discuss our efforts around schools that for too long have failed our students. Like Deputy Chancellor Sternberg, I also draw heavily from my own teaching experiences. While at El Puente, it might surprise some of you to learn that I once stood with 500 parents in opposition and protest of this Administration's decision to phase out Bushwick High School. What I didn't understand then, but have come to understand now is, that while difficult and painful, the decision to phase out that school would eventually transform the lives of the students on that campus. In 2002, Bushwick's graduation rate was an abysmal 23 percent. In 2009, the combined graduation rate of the schools on that campus was 60 percent.



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Another critical moment for me in this dialogue was four years ago, at a community meeting about the proposed phase out of a local high school. A group of teachers from the school came to voice their disagreement with the decision. One by one they said that their school had too many struggling students and the task was impossible. I will tell you today what I said to them that evening: they were right. The structure of the school set up the students and the adults for failure. We needed to find a better way to serve our students, and thankfully we have.

Deputy Chancellor Sternberg already shared the outcomes of our new schools and its impact on our citywide graduation rate. But this Committee is rightly also interested in the students that remain in the schools that are being phased out.

The Department, along with our dedicated principals, teachers and network support staff, remains steadfastly committed to helping phase out schools during their final years of operation and ensuring intensive support for the students enrolled in those schools. In fact, our experience shows that outcomes for students in phase out schools tend to get better as those schools move toward closure.

One reason for this is that the school shrinks in size -- one grade level per year -- allowing the remaining students to receive more personalized attention from teachers and school administrators.

While specific supports for schools that are phasing out will look different depending on the needs of the students and faculty, there are some commonalities in the support provided.

First, our Superintendents and Children First Network support teams work closely with the leadership and school staff to evaluate student achievement data and attendance reports. Each year of the school's phase out is planned by identifying targeted interventions for their student population, including clear and differentiated plans for students that are on track to graduate as well as those who are falling behind. Special focus is given to our highest-need students, including those with disabilities and English language learners.

Support networks help staff and administrators develop collaborative inquiry teams of teachers to examine students' work and performance, allowing teachers to review the areas where students are struggling and develop curriculum and student assignments to address those challenges.

Our budget and instructional network staff work with the schools to help them manage their school budget and better leverage their resources. While the overall budget certainly shrinks with fewer students enrolled, the per capita allocation increases because many reimbursable funding sources, such as Title I, are based on the prior year's register. For example, in the 2009 - 2010 school year, Bayard Rustin High School, which is currently phasing out, enrolled 958 students and had a per capita budget of roughly \$8,000 per student. This year, Rustin began with 475 students and had a per capita budget of approximately \$12,500 per student. This per capita increase allows schools to focus more dollars on the needs of each student.

Phase out schools, as with all schools, also receive targeted attendance support, both from the network team and from attendance teachers assigned to the school. Attendance teachers monitor students with excessive absences and, when necessary, conduct home visits of students with Long Term Absences (LTAs).

At all grade levels guidance counselors and teachers work with families to review each student's academic progress regularly. They look for trouble spots and determine what additional support is needed, ranging from tutoring to Regents preparation courses, or post-graduation counseling and guidance. As schools approach the final year of phase out, students who need more time to graduate are matched to other schools or programs that meet their needs. These options include the new schools phasing into the building or, for over-age under-credited students, alternative programs such as Transfer Schools, Young Adult Borough Centers, and GED programs that have a solid track record of success.

Let me be clear - change at chronically failing schools is not easy. If it were, our administration -- and the ones before it -- would have succeeded at turning around these schools years ago. However, our students are now making notable progress at our phase out schools as well.

In 2005, the *New York Times* wrote an article on the final graduating class of Morris High School. When Morris was first targeted for phase out in 2002, the four-year graduation rate was 31 percent. By 2004, it had climbed to 56 percent. According to the Times, "as Morris downsized, becoming a de facto small school, students said they received more attention. If they were absent, officials would call home. If they needed help, teachers would provide it." ("The Decline and Uplifting Fall of Morris High," *New York Times*, June 30, 2005.)

And Morris is not an anomaly. The 22 high schools that have completely phased out had an average graduation rate of 37 percent the year before the decision to phase out was made. Two years into the phase out, the rate had moved to 43 percent. And in the final year, the average graduation rate rose to 56 percent.

Often, teachers, principals and leaders rally around creating a legacy for the phasing out school. At PS 79 in the Bronx, a new principal is leading the school through its final years of phase out. Principal Donald has worked with the staff to bring their passions for teaching to the students in new ways. Teachers have worked to better connect students to the social studies curriculum through experiences with New York City theater, including the 92nd Street Y and the Alvin Ailey Dance company. And PS 79 is getting results, closing their gap in mathematics by half in one year.

Morris and PS 79 are just some of the stories from the 91 schools that have phased out since 2002. Others situations are more difficult, and it is true that far too many of our students still do not graduate.

I remember speaking with the late Evan Ahern, former principal of Franklin K. Lane High School, which has since been phased out. Principal Ahern was one of the best principals this city



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has ever seen. He was a brilliant, dynamic and committed leader who threw his heart and soul into Lane. And while the school made great strides forward under his leadership, he struggled with the reality that despite Herculean efforts, things were not turning around fast enough – not for him, and most importantly, not for his students. I share this simply to say, that even with the very best principals and teachers, turning around a persistently struggling school is extremely hard work and all too often, seems like a battle against the odds.

That said, we remain committed to providing all the resources and support available to help ensure that every child in every school – including our phase out schools - is able to graduate college and career ready.

Now, I would like to turn it over to my colleague, Jennifer Bell-Ellwanger, to briefly discuss the two bills that the Committee is considering today.

Testimony of Jennifer Bell-Ellwanger, Executive Director of the Research and Policy Support Group, Division of Performance & Accountability

Good afternoon Chair Jackson and members of the Education Committee. My name is Jennifer Bell-Ellwanger and I am the Executive Director of the Research and Policy Support Group in the Department's Division of Performance and Accountability. Thank you for the opportunity to discuss Intro. No. 354 and Intro. No. 364.

As my colleagues previously stated, under this Administration our four-year graduation rate has steadily increased, reaching an all-time high of 63 percent in 2009. Over the same period, the dropout rate has decreased by 10.2 percentage points from 22 percent in 2005 to 11.8 percent in 2009. The discharge rate for the 4-year cohorts had remained steady between 19 and 20 percent. While we have made significant progress in student achievement, we at the Department recognize we have much more work to do.

By way of background, “discharges” are students who leave the NYC school system, primarily to enroll in another educational program or setting. For example, a discharge occurs when a family moves out of the City and enrolls in a new school system, or when a family decides to enroll their child at a private or parochial school. Students who leave the country or pass away before completing high school are also considered “discharges.” These students are excluded from graduation reporting. However, in other instances, a student may leave the school system for full-time employment, military service or decide to stop attending school entirely. For purposes of reporting, these students are considered drop outs and included in graduation reporting.

There are also situations when a student switches, or transfers, from one Department of Education school or program to another. These students are considered as transfers and should not be confused with discharges. Transfers can occur at all grade levels and again vary based on circumstance.

Chancellor's Regulation A-240 outlines the legally acceptable reasons for which a student can be discharged from a school's register. The Department's Transfer, Discharge and Graduation (TDG) Guidelines, define and assign a code to each type of transfer, discharge and graduation category. It also contains the corresponding rules and procedures that must be followed in each scenario. Principals are provided with an updated version of the TDG Guidelines each year.

Discharges are reviewed carefully and always require appropriate verification. For example, for discharge to a school outside the City, proof of enrollment in the new school is necessary. All discharges must be approved by the school's Principal or Assistant Principal.

There is additional oversight in instances when a student voluntarily withdraws, stops attending school, cannot be located (address unknown), or enters an institution, among others. In these cases, documentation—resulting from an investigation or the planning interview process—is submitted to the network/cluster for review before these discharges can be effectuated. The planning interview is a standard process that must be followed before discharging a student who has not earned a high school diploma and has completed the school year in which the student turned 17. It includes reviewing the student's academic record, graduation requirements, past interventions and support services, and potential options. When appropriate, guidance and support staff explore alternative pathways to graduation. This process has also been strengthened to also help schools explore ways to reengage a student at their current school, and prevent a student from leaving altogether.

Prior to a discharge of an eligible student over the age 17 for non-attendance, the school sends the parent a letter with the time of a scheduled meeting for a planning interview and a contact name and number to reschedule the conference if desired. If there is no response to this letter and an investigation confirms the address is correct, a second letter is sent which includes information about the student's academic status, educational options and student rights. This letter informs the student and family of the pending discharge. When directed by the school administrator, an Attendance Teacher may conduct a planning interview as part of a home visit.

With regard to Intros. Nos. 354 and 364, the Department appreciates the sponsors' underlying intent to ensure that all our students leave school with successful outcomes, college or career, and that the Council and the general public are provided with additional information on student discharges. Indeed, we currently provide much of this data already on the Department's Web site and update it annually. This data includes citywide and school-level reports on graduation, discharge and dropout rates. For graduation rates, data is also disaggregated by race/ethnicity, sex, special education, and English language learners (ELLs) and published on the DOE's website. In addition, daily attendance data is posted on our Web site and individual school statistics are easily accessible on school progress reports and report cards.

At the same time, we are obligated by local, state and federal law to maintain students' and families' privacy with respect to their educational records, which cannot be released without written consent.

The Family Educational Records and Privacy Act, or FERPA, requires the DOE to ensure that records containing student identifying information are not disclosed. Data can be considered student identifying information even if student names or identification numbers are not disclosed. Under the new FERPA regulations, which were revised in December 2008, providing demographic data that could allow any member of the school community to identify a student is akin to identifying that student and is prohibited.

Int. 354, which requires quarterly reporting on school-level student discharges disaggregated by grade, age, race/ethnicity, special education and English language learner status, would yield very small numbers in many of the categories, which under FERPA would be required to be redacted. Similarly, Int. 364 would require reporting on an individual student-by-student basis, including the school a student transfers to, student attendance records, and student grade-point average. This level of information cannot be reported under FERPA.

As currently drafted, the Department would be unable to legally comply with several provisions of both bills, and much of the data requested would need to be redacted, resulting in reports that would not provide the Council or public with meaningful information.

That said, we welcome the opportunity to work with the Council on other ways to meet the goals of the proposed legislation that also protect the privacy rights of our students and families. Thank you again for the opportunity to testify and my colleagues and I are happy to answer your questions at this time.



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**Testimony of Ray Domanico, New York City Independent Budget Office
To the New York City Council Committee on Education's Hearing on
The Department of Education's Monitoring of
Students at Closing Schools**

January 25, 2011

Good afternoon, Chairman Jackson, and members of the Education Committee. My name is Ray Domanico, and I am Director of Education Research at the New York City Independent Budget Office. Thank you for the opportunity to speak with your committee today about the issue of school closings.

Last year, at the request of Chairman Jackson, IBO reviewed the available data on schools that the Department of Education was proposing to close at the end of school year 2009-2010. Those closings were suspended due to legal challenge and the education department has now proposed a new list of schools to be closed beginning at the end of the current school year: 2010-2011. IBO has once again looked at the performance of the schools on the current closure list, the types of students attending those schools, and the level of resources provided to them in recent years. We will be releasing our full report tomorrow, but I can share the highlights with you today. I am joined today by Sarita Subramanian, IBO's principal analyst on this study.

Our analysis identified three critical issues related to the current set of school closure recommendations.

First, these are low performing schools. The 14 high schools on the closure list have an average graduation rate of 50 percent, compared with a citywide average of 71 percent for all high schools. These schools also have low attendance rates—an average daily attendance of 78 percent, compared with a citywide average of 87 percent. On average, students in schools proposed for closure are absent 40 days a year. Only 61 percent of the students in these 14 high schools were able to complete the expected 10 credits in their first year of high school, compared with 78 percent in the city as a whole.

At the elementary and middle school level, student achievement is also low. Only 23 percent of the students in the 14 elementary or middle schools on the closure list attained proficiency on the state English language arts assessment test, compared with a citywide rate of 44 percent.

Of course, the policy of closing schools and replacing them with newly created schools is premised on the notion that the schools themselves are responsible for low achievement and that the new schools that will replace them will attain better results with the same students or same type of students as the schools that are being closed. Our report's second and third critical points speak to these issues.

Our second major finding is that the schools on this year's closure list have, in recent years, been serving a student population with greater needs than other schools. Six percent of the students in high schools on the closure list meet the federal government's definition of *living in temporary housing* compared with 4 percent in city high schools as a whole.

Eighteen percent of the students in these high schools are classified as special education students, compared with 12 percent in the city's entire high school population. In the four years leading up to the this year's closure recommendation, the percentage of special education students in these high schools grew at a faster rate than for the city as a whole, going from 14 percent in 2005-2006 to 18 percent in 2008-2009. In those same years, the citywide rate for high schools grew from 10 percent to 12 percent.

Perhaps most significantly for high schools on the closure list, 9 percent of the students are already overage for the schools' entering grade, more than twice the citywide rate of 4 percent. Students who are overage upon entry to high school are more likely than other students to drop out. The demographic profiles of elementary and middle schools on the closure list were not dramatically different from elementary and middle schools citywide, though schools on the closure list tend to have greater percentages of black students, fewer white students and a slightly higher percentage of low-income students than citywide averages.

The third issue highlighted in our report is obvious from a simple review of the school closure list, but is important and worthy of attention. Almost a third of the schools being proposed for closure, 8 out of 25, are small schools that had been themselves created as replacements for schools previously closed. We cannot know if these schools are an anomaly, or if they are simply the first wave of new small schools to fail. Only time will tell but this is an issue worth following in future years.

Thank you for the opportunity to discuss our work with you today. I will be happy to answer any questions.

CENTER FOR NEW YORK CITY AFFAIRS

THE NEW SCHOOL

TESTIMONY BEFORE THE CITY COUNCIL EDUCATION COMMITTEE

JANUARY 25, 2011

My name is Clara Hemphill and I work at the Center for New York City Affairs, an applied policy research institute at the New School. I am the founding editor of the Insideschools.org website, the author of three guidebooks to the best New York City public schools and the coauthor of a report called The New Marketplace, which examined the creation of small high schools in New York City during Mayor Mike Bloomberg's administration. I have visited hundreds of schools over the past 15 years.

The Department of Education of Education has a mixed record of success in its initiatives to close failing schools and to create new schools in their place. Closing the very large, dysfunctional high schools has been positive, overall. These schools have been failing their students for decades. The new small high schools housed in the large buildings are far from perfect, but most have better attendance, better safety records and are more successful with very needy students than the large schools they replace. I'm less enthusiastic about the way the city has closed elementary and middle schools. In many of these cases, the new schools simply replicate the problems that existed in the old schools.

Even when the new schools are successful, the closings have caused major disruptions for the students left behind. The State Supreme Court last year told the city it

can't close schools without making plans for what will happen to the kids who are displaced – something the city has consistently failed to do.

As you know, when the DOE decides to close a high school, it doesn't immediately toss out all the teachers and kids. Rather, a school phases out over a period of years. The first year, it accepts no new ninth graders; the second year, it doesn't have any tenth graders and so on until the school closes. Meanwhile, the new schools start with a ninth grade and add a grade each year until they have grades nine through 12. The transition is a terrible for the kids in the dying school. The DOE is telling kids, in essence. "Your school is a failure, but we want you stay until graduation." What usually happens is this. As soon as the DOE announces that a school will be closed, everyone who can get out does get out. The best teachers are usually hired by the new schools and the teachers who are just counting the days until retirement are the only ones left. The kids who are organized enough to figure out other options transfer out. The kids who were on the margins just stay home. The kids who remain watch the new schools come in with shiny new computers, fresh paint and energetic young teachers. The kids in the dying school aren't allowed to go into the part of the building where the new schools hold their classes. They aren't even allowed to have lunch with those kids. Not surprisingly, these schools go into a downward spiral.

There are also problems at other large high schools nearby the closing schools. Many of the students who would have attended the closing schools are diverted to the remaining schools. Hundreds of very needy new kids arrive, but the schools don't get extra resources. These schools typically see a decline in attendance and graduation rates. In our report we called it collateral damage.

The large high schools, even the low-performing ones, often have an important role in their community. Some offer English language classes to adults. Some offer child care for babies born to high school students, so the mothers can graduate. Some have marching bands that draw kids from various other schools. Some of the large schools have extensively services for students who are learning English. When these schools close, these extras programs close, too. The DOE has consistently failed to make plans for what happens to programs like these when it closes a school.

I'd like to propose a way to close big high schools without creating so much disruption. First, the community needs to feel that the new schools will be an improvement. Sometimes the DOE listens to what the community wants—as in the case of the new Frank McCourt school in the old Brandeis building—but more often the DOE puts new schools in a building without any consultation with neighborhood groups. Second, as a school closes, the DOE needs to add resources – not take them away. There should be parity between the old school, also called a legacy school, and the new schools in the building. If the new schools have a class size of 27, the legacy school should, too. If the new school gets new computers, the legacy school should, too. Since so many of the kids in the legacy schools are behind in their studies, the DOE should adopt some of the strategies used by the transfer alternative schools to help them catch up. For example, the transfer alternative schools offer three trimesters a year, rather than two semesters. That allows kids to take more courses and accumulate credits faster, increasing the chance they will graduate rather than drop out. The teachers at the transfer schools call kids at home if they don't show up. The legacy schools can do that do. Some of the transfer schools have internships to help kids get jobs. The legacy schools can do that,

too. The DOE should say to schools that are closing: “We know this is hard, we know you have some very needy kids, here are some extra resources to help them.” This wouldn’t solve all the problems, but it would help ease the divide between haves and have-not while the legacy schools are phasing out.

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TESTIMONY OF MANHATTAN BOROUGH PRESIDENT
SCOTT M. STRINGER

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON EDUCATION

Hearing on proposed legislation regarding the Department of Education's
Monitoring of students at closing schools

Tuesday, January 25, 2011

I would like to thank Chairperson Jackson and members of the Education Committee for holding this important hearing on the Department of Education's (DOE) monitoring of students at closing schools.

I support the two bills being introduced today: Intro 364 introduced by Council Member Fidler, which would require the DOE to provide data regarding students who are transferred to an alternate school as a result of a school closure, and Intro 354 introduced by Chairperson Jackson, which would require the DOE to provide data regarding student discharges. Both of these bills would offer critical information about student outcomes, and give insight into the impact and effectiveness of DOE policies on school closures and discharges.

Tomorrow marks the one year anniversary of the Panel for Educational Policy's (PEP) vote to close nineteen schools citywide. Last year I signed onto a lawsuit initiated by the UFT and NAACP, because it was abundantly clear to me that the DOE had failed to follow the reauthorized school governance law and meaningfully assess the impact of school closings on students. As we all know, the New York State Supreme and Appellate Courts had serious concerns about the DOE's process and ordered a "do-over."

This year, the DOE has proposed closing twenty-six schools, some of which were on last year's list of nineteen. The PEP will vote on these proposals next week.

I want to be clear that we should *never* tolerate a school that is failing to properly educate our students. That said we must be cognizant of two key things with regards to shutting down schools:

1. Closing schools should always be a last resort. This administration has closed nearly one hundred schools so far. The process is highly disruptive to school communities, potentially very damaging to relationships with parents and families, and may have

serious, long-term consequences for students—something that has not been examined adequately.

2. A school does not arrive at a place of failure in complete isolation, and all invested stakeholders must be held accountable for school and student outcomes—not just those learning and working at the school level.

Parents and educators have long expressed concern that too many students get lost in the shuffle when the DOE closes down schools. These students are often English Language Learners (ELL) or students with special needs, who can face particularly steep challenges navigating the process and locating schools that fit their needs. Failure to appropriately track where these and other at-risk students end up may contribute to the “domino effect” outlined in a 2009 report by The New School. The report found that large numbers of high needs students at large closing schools are funneled to surrounding schools unprepared to meet their needs. Absent additional support from the DOE, these schools are forced into a state of crisis, and ultimately become targets for closure themselves.

I have consistently called upon the DOE to plan proactively, release clear and transparent information to the public, and make a real effort to work with school communities in a meaningful way. You don't have to look far to see some of the serious problems that have emerged when these actions are not incorporated in decision-making processes: longstanding and severe overcrowding in our schools, co-location tensions, strained relations between the DOE and those at the school level, and fallout from the DOE's handling of State test scores.

Intros 364 and 354 will give us all a clearer understanding of students who are at risk of not graduating. The DOE is accountable for ensuring that its 1.1 million students are moving in the right direction, and this data is a critical piece of the puzzle.

Thank you for your time.



ADVOCATES FOR CHILDREN

Helping children succeed in school

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Testimony to be Delivered to the Education Committee of the New York City Council

**Re: The Department of Education's Monitoring of Students at Closing Schools,
Int. 354, and Int. 364**

**By: Kim Sweet, Advocates for Children of New York
January 25, 2011**

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Good afternoon. My name is Kim Sweet, and I am the Executive Director of Advocates for Children of New York. For almost 40 years, Advocates for Children has worked in partnership with New York City's parents to speak out for the most vulnerable children in the school system -- children living in poverty, children with disabilities, children who are immigrants or learning English, children involved in the foster care or juvenile justice systems, and children who are homeless.


I would like to thank the committee for holding this hearing and focusing attention on the very important question of what happens to students in schools that are approved for closure or phase out. Based on the data, we have serious concerns.

The 25 schools slated for closure this year have far more than their share of vulnerable students. In particular, these schools have seen their homeless populations increase by 525% from 07-08 to 08-09. This rate is 70% greater than the rate of increase for all city schools, which generally saw a big jump during that time. Paul Robeson High School provides a striking example, where, despite declining overall

A enrollment, the number of homeless students jumped from 16 to 156 during the 08-09 school year, just before the DOE announced its plans for closure. Similarly, this group of 25 schools has seen a significant increase in the population of English Language Learners (ELLs) and students with disabilities as a percentage of total school enrollment over the past three years, and in all but two of the schools, the number of ELLs who also have disabilities – a particularly high-needs group – increased as well. Moreover, as a group, the 25 closing schools have higher percentages of students with disabilities than the citywide average. Students with disabilities comprise 17.9% of the students in the closing schools, compared to a citywide average of about 15%.

For the last couple of years, we have been asking the DOE to explain what happens to these vulnerable populations when the schools start closing and how the DOE monitors the impact. We have also asked for disclosure of detailed discharge and transfer data for these schools, to make sure that closing schools are not emptying their rolls by pushing out at-risk students. We have gotten very little information in response.

In June 2009, we at Advocates for Children released a report with the Asian American Legal Defense and Education Fund called *Empty Promises* (available at www.advocatesforchildren.org). The report examined the effect on ELLs of the phase out of Tilden and Lafayette High Schools. Piecing together data from a number of different sources, we found that ELLs who remained in the schools that were phasing out began to receive less support and fewer services as teachers left and the population



decreased. In some cases, ELLs were pushed into GED classes. Most of the small schools that replaced Tilden and Lafayette took very few, if any, ELL students or failed to provide them with required ELL programming.

Even after releasing the report, we continued to follow the closure of these two schools, partly in collaboration with the DOE. What we learned was that at least until spring of 2010, the DOE did not track or monitor what happens to students at the schools being phased out, beyond simply taking a snapshot as to which of the students remaining in a school's final year were on track to graduate. There was no monitoring or analysis during the phase out years of which students managed to transfer to other schools and which students were pushed out or left behind, or of whether the students left behind received the support services they needed.

In light of what we saw in Tilden and Lafayette, and the significant number of high-needs students at the schools currently slated for closure, we urge the City Council to continue to press the DOE to account for what happens to the students as a school is phased out. In addition, we encourage you to look also at schools categorized as "transforming," because dividing a large school into smaller "learning academies" may have similar displacement effects to closing a large school and replacing it with small ones.



We also recommend that the DOE:

- (i) Provide additional supports to closing and restructuring schools, particularly geared towards the high-needs populations that remain;
- (ii) Give additional support to neighboring schools that may well be asked to absorb the influx of high-needs students who would have attended the closing school but were displaced by the closure; and
- (iii) Preserve specialized programs, such as bilingual education programs, that may exist in closing schools to benefit their high-needs populations.

Finally, we at Advocates for Children wish to express our general support of the two bills under consideration and offer specific comments on each one.

1. Int. 354

We have had a very hard time obtaining complete discharge data from the DOE.

A law appears to be necessary to ensure its full disclosure. We recommend changes to the bill as follows:

- It is crucial that the law require disclosure not only to the City Council, but to the public at large. Section 522 of the City Charter, requiring disclosure of class size data, may be a good model.
- There are categories of discharges that are not currently included in the bill but should be, such as Long-Term Absences, or discharges to the military or work. In addition, we urge you to ask for data on discharges from elementary school as well as middle and high school. We have



had cases in which children as young as kindergarten were improperly discharged from school and denied due process.

- The bill should make clear that it applies to charter schools as well.
- The Council should be very clear about which transfer and discharge codes you are requesting. For example, transfers and discharges to GED programs may occur under codes 39, 38, and 43, and it is important to capture all the data.
- It would be helpful to have all of the listed categories of data, and not just the first two categories, disaggregated by grade, age, race/ethnicity, gender, ELL status, and special education status. They should also be disaggregated by DOE network.

2. Int. 364

For Int. 364, we offer the following comments:

- As with the prior bill, this information should be reported to the general public, as well as the Council.
- It is necessary to clarify the definition of “alternative school” when used in this context. The term has meant a number of different things over the years.
- In addition to the data already required by the bill, the Council should add, for each such student, credits obtained and Regents exams and RCTs passed.



- The Council should request this data not just for the year the school actually closes, but for each year in the phase out process. This change is essential to monitoring for illegal discharge or push out.
- The Council also should collect data on the number of new students assigned to each school after phase out commenced. At Tilden High School, we saw new, immigrant students assigned to the school during the phase out years.

Thank you for this opportunity to submit testimony today. I would be happy to answer any questions you may have.

TESTIMONY

The Council of the City of New York

Committee on Education
Robert Jackson, Chair

**Oversight: "The Department of Education's Monitoring of
Students at Closing Schools" and Consideration of Int. 354 and
Int. 364**

January 25, 2011
New York, New York

Submitted by
The Legal Aid Society
Juvenile Rights Practice &
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Good afternoon. I am Cara Chambers, supervising attorney of the Legal Aid Society's Education Advocacy Project in the Juvenile Rights Practice, a specialized unit dedicated to the representation of children with special education needs who are involved in New York City's child welfare system. I submit this testimony on behalf of the Legal Aid Society, and thank Chairperson Jackson and the Committee on Education for inviting our thoughts on the issue of collecting data concerning students discharged from Department of Education schools and the proposed legislation. We applaud the Council for proposing this legislation to bring transparency to the issue of the status of students who leave New York City's schools.

The Legal Aid Society is the nation's largest and oldest provider of legal services to low-income families and individuals. Legal Aid's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented more than 30,000 children, including approximately 4,000 who were charged in Family Court with juvenile delinquency. During the last year, the Society's Criminal Practice handled more than 230,000 cases for clients accused of criminal conduct, often wrongfully. Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, City agencies including the Department of Education, Department of Juvenile Justice, and Department of Probation as well as the Administration for Children's Services. In addition to representing many thousands of children each year in trial and appellate courts as well as school suspension hearings, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

Legal Aid is deeply concerned about school outcomes for our clients and all children in New York City. Each year, we see thousands of children and adolescents, many of whom have not received appropriate educational services and have fallen years behind their assigned grade level. Unfortunately, many of our clients see no academic future for themselves. Many of them are counseled to pursue GEDs even though they are functioning far below the academic levels required to pass the exam. Often they are counseled to pursue a GED path prematurely, when they are too young to do so or despite the fact that they still have plenty of time left to accumulate credits towards a high school diploma. Additionally, many students with special education needs are counseled to enter GED programs, even though those programs do not provide students with the special education supports or services mandated by the students' Individualized Education Programs. These interactions between New York City school personnel and our students need to be documented and analyzed if meaningful improvements in school outcomes are to be made. Transfer and discharge data, if recorded with specificity and accuracy, can provide critical insight into the paths that students take after leaving our schools.

The Department of Education currently uses a set of transfer and discharge codes to track students exiting their schools. Unfortunately, data on the number of students transferred or discharged under certain codes is somewhat meaningless unless it is also paired with other data regarding the students' academic status. For instance, the DOE could track students referred to GED programs who have fewer than 10 credits; between 10-20 credits; between 20-30 credits, etc. Additionally, standardized test results from a student's 8th grade English Language Arts examination could be reflected alongside the discharge code, to help assess whether the DOE is discharging students to GED

programs despite the fact that they are academically unlikely to succeed in such programs

We also encourage you to urge the Department of Education to conduct long-term tracking of students who exit their schools. For example, it would be instructive to know how many students remain in DOE-run GED programs or District 79 alternative programs 6 months after their school discharge. Those students who are no longer attending the new program should be re-characterized as dropouts, rather than transfers.

Another category of students at high risk of dropping out of school are students who are suspended. We represent many students in suspension hearings and the length of suspensions has been steadily increasing over the past few years. It is not unusual for a school to request a year long suspension for a minor infraction. Despite the Chancellor's Regulation that students should not be academically penalized as the result of a suspension, they routinely are, as schools fail to transmit schoolwork to the alternative suspension sites and do not arrange for students to take required tests. Students find themselves so far behind after they serve their suspension that they are forced to repeat classes and grades, or they simply stop going to school.

We encourage you to urge the DOE to track outcomes of suspended students in order to evaluate the effects of suspensions of various lengths. For instance, if the majority of students suspended for a given period of time are not returning to school, an evaluation should be undertaken to determine whether the suspension periods are serving a rehabilitative purpose or are simply encouraging students to drop out of school. It is important to know whether formerly suspended students re-enroll and if they actually attend the new school.

We ask that the data that you are requesting through the two proposed bills under consideration today and the data that we are suggesting you request in addition be provided both to the Council and to the public. Parents, advocates and policy makers alike should have the right to know where the system is succeeding and where it is struggling. It is the only way to make informed decisions about how to choose schools and how to make policy for the overall functioning of the school system. Now we turn our attention to the proposed legislation.

Int. 0354-2010: Requiring the Department of Education to provide data regarding student discharges

We appreciate the introduction of this bill as it provides for the collection of data critical to assessing school outcomes in New York City. We have just a few suggestions to ensure that the data collected provides as complete a picture as possible.

- Paragraphs one and two request that the data provided be disaggregated by grade, age, race/ethnicity, gender, English language learner status and special education status. We suggest that you incorporate the disaggregation requirement in the language of paragraphs three through seven.
- We suggest that data is collected for discharges from elementary schools in addition to middle schools and high schools.
- Paragraph three should clarify that data should be provided for transfers to DOE-run GED programs as well as discharges to non-DOE GED programs. In addition, we repeat our suggestion made earlier that longitudinal data be required to determine whether students discharged to DOE GED programs actually attend for a meaningful length of time.

- Additionally in paragraph three, we repeat our suggestion that the functional levels, test scores and credits accumulated of students discharged to all GED programs be tracked.
- Regarding paragraph four, to our knowledge, the DOE no longer operates separate schools for pregnant and parenting teens. Furthermore, the fact that a school-age child is a parenting teen is not grounds for discharge. Thus, there should be no data to collect on this point.
- In paragraph seven, we are unclear to what you are referring as “alternative to incarceration” programs, as these also include community-based programs, during which students attend their community schools. Perhaps it would be more accurate to use the language “alternative residential placement ordered by a family court”.

Int. 0364-2010: Requiring the Department of Education to provide data regarding students who were transferred to an alternate school as a result of a school closure

- We suggest that paragraphs two and three not be included in this bill as the data is not meaningful unless it serves as a point of comparison with another category of data. For example, if the Council wishes to assess whether transfers to new schools cause a decrease or increase in attendance, then the prior school attendance should be compared to the attendance in the new schools.
- We suggest that each paragraph be disaggregated by the same categories of information as paragraph one.
- We are unclear what the aim of the request for “educational status of each student including, but not limited to, the overall grade point

average.” If the Council's purpose is to determine whether particularly vulnerable students are disproportionately affected by school closures, we would recommend that the paragraph be amended to require information regarding each student's special education status and English language learner status.

The information collected through the proposed legislation will provide valuable insight into discharge practices in New York City schools and school outcomes. This data is critical to formulating meaningful policy for New York City's students. We join with the community of parents and advocates in urging the City Council to require transparency and accountability from our schools. We thank you for your interest and work in this area.

Thank you for the opportunity to speak about this important issue.

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**Testimony of Leonie Haimson, Executive Director of Class Size Matters
Hearing on Int. 354 requiring reporting of student discharge rates and Int. 364 for
reporting of student outcomes at closing schools
Before the NYC Council Education Committee**

January 25, 2011

Thank you for holding these hearings today. My name is Leonie Haimson, I'm the Executive Director of Class Size Matters, and I'd like to speak in strong support of Int. 354 and 364.

In April of 2009, Jennifer Jennings and I released a report on behalf of the Public Advocate's office about the large number of students discharged from the NYC public schools.¹ We found that the percentage of all students discharged had *increased*, from 17.5 % for the Class of 2000 to 21.1% for the Class of 2007. Over this period, a total of 142,262 New York City students were discharged. None of these students were counted as dropouts, and all were excluded from the cohort by DOE for the purpose of calculating their official graduation rate.

We also found that the discharge rate had doubled for students in their first year of high school, rising from 3.8 percent to 7.5 percent from 2000-2007. Significantly higher discharge rates were experienced by for ELL students (29%), Hispanic students (23 %), and African-American students (21%) compared to white (19%) and Asian students (16%).²

In response to our report, the DOE claimed that the rising number of discharges was because more NYC students had either transferred to public and private schools or moved out of state in recent years, though we could find no evidence of this trend in either private/parochial school enrollment data or census figures. The DOE had no explanation of why the rate of discharges had doubled among students in their first year of high school.³ We hypothesized that perhaps the added pressure on schools as a result of their rigid accountability system may have been causing them to discharge these students more quickly than before, because schools are also rated on credit accumulation in 9th grade. Yet we really cannot know the answer to this question until someone with full access to the data is able to analyze it more closely.

¹Jennifer L. Jennings and Leonie Haimson, "High School Discharges Revisited: Trends in NYC's Discharge Rates, 2000-2007," April 2009; posted at http://www.classsizematters.org/High_School_Discharge_Report_FINAL.pdf

² These are in the gen education category; we didn't have disaggregated data by race for the special ed population.

³ Jennifer Medina, "Number of Students Leaving School Early Continues to Increase, Study Says," NY Times, April 29, 2009.

After our report was released, Public Advocate Betsy Gotbaum asked the State Comptroller to audit NYC's discharge figures, and he agreed. We have heard that the audit was completed last spring, but do not know what is holding up its release. Perhaps the City Council can inquire.

Meanwhile, several changes have been made to the DOE's discharge reporting system, apparently as result of our findings:

As pointed out in our 2009 report, students who reached 21 without graduating, pregnant students who voluntarily left school, students who were expelled, and students who were enrolled in a full time GED program outside the NYC school system were not counted as dropouts, but should have been according to federal guidelines.

I am happy to note that the DOE now counts each of these discharges as dropouts, except in the case of expulsion. According to the 2009-2010 guidelines, expelled students (code 79) were still counted as discharges rather than dropouts. According to the current 2010-2011 guidelines, expulsions are not mentioned in the document, so it is not clear how they are counted.⁴ Another problem is that students who are discharged to non-DOE institutions are not reported anywhere in the system, as far as I know. There were over 4,000 of these students in 2008, the vast majority of them black and Hispanic, according to data FOILED by the NYCLU, and these institutions should also be responsible for reporting the educational outcomes of children under their care.

There are other serious concerns. For example, students who are discharged to YABC programs or GED programs operated by DOE are still not counted as dropouts, and are entirely removed from the cohort for the purpose of calculating the school's graduation rate. If these students then receive GED's, they are then returned to the cohort and counted as high school graduates; if they do not, it is as though they never existed at all.

Neither one of these practices are justified. GED's are not equivalent to regular high school diplomas, and allowing schools to remove students from their cohort by discharging them to these programs is a loophole, which encourages schools to "push" them out to artificially boost their graduation rates. The DOE also continues to report IEP diplomas as graduates, which is also unjustified.

Another major problem is that since we released our report, the DOE has failed to report any data that include discharges of special education students in self-contained classes or D 75 programs, either in their longitudinal graduation reports or separately, despite repeated requests.⁵

So while the department may claim a slightly reduced discharge rate, this figure only applies to general education students. We have no idea of what the overall rate may be. We know from past reporting that the discharge rate for special education students is higher than it is for general education students; from 3% to 16% more for the classes of 2000-2007 – and the total number of special education students is still increasing every year. Hopefully, this bill will pass,

⁴ NYC DOE, "Transfer, Discharge and Graduation Code Guidelines 2009-2010" and "Transfer, Discharge and Graduation Code Guidelines 2010-2011." The latter is only available on the intranet, the former at http://innovativeschoolsnyc.org/index.php?option=com_content&view=article&id=148&Itemid=153

⁵ Email from Leonie Haimson to Shael Suransky, dated August 31, 2010; follow-up email to Shael Suransky, Phil Vaccaro, and Jennifer Bell-Ellwanger, dated September 30, 2010.

and DOE will be obligated to report all the disaggregated data, including that for special education students each year.

The fact that there will be no recurring independent check on DOE's figures or that of individual schools remains problematic. I trust that the State Comptroller's audit is released soon, as it is long overdue, but even so this remains an issue for the future.

I have heard that schools are able to fake transfers to parochial or private schools by whitening out student names and putting new ones in their place. The documentation process required by DOE for parochial and private school transfers is not nearly as rigorous as it should be, and does not require a documented request for a transcript from the receiving school, or a written acknowledgement that the student has registered at this school, as is required for discharges of students leaving the city.⁶

The DOE should seriously consider strengthening these documentation requirements, and/or redesign their accountability system so that it incorporates data on school discharges as well as dropout rates. If large numbers of students at any particular school are consistently transferring to GED programs, or to parochial or private schools, that is likely a signal that something needs attention at that school. Finally, the DOE should reconsider the entire form and function of their accountability system, so that schools do not feel that they must discharge students or falsify data to inflate their graduation rates by any means necessary.

I'd also like to speak a little about Int. 364, the bill that requires reporting on the fate of students at closing schools. This is also critical legislation, considering that these students are in danger of being denied a chance to graduate with a meaningful high school education. In our report, we found huge spikes in discharge rates for the last two classes at closing schools. (See figure 1 below.)

We have some suggestions on how this bill should be strengthened. Right now it only asks for the number of students assigned to other schools, rather than other possible outcomes.

It should more specifically require reporting on the number (and percent) of students who are discharged, drop out, or transfer to a particular type of school, specifying either district 79, YABC or GED programs or regular public high school schools, over the course of the period of a school's phase-out, as their likely futures will differ considerably according to which type of school they are moved into. All these figures should be reported citywide and by school, disaggregated by race, special education and ELL status.

We also need to know the number (and percent) of students by school who graduate through credit recovery. Credit recovery now appears now to be the preferred way to deal with students at closing schools who do not have enough credits to graduate. Before, the most common outcome for these students was to be discharged or drop out; now it seems to be to provide them with sub-standard online programs, so they can gain enough credits in a few weeks, by cutting and pasting material from the web.⁷ This is yet another way in which our

⁶ These are required for code 11 – discharged to a school outside of NYC.

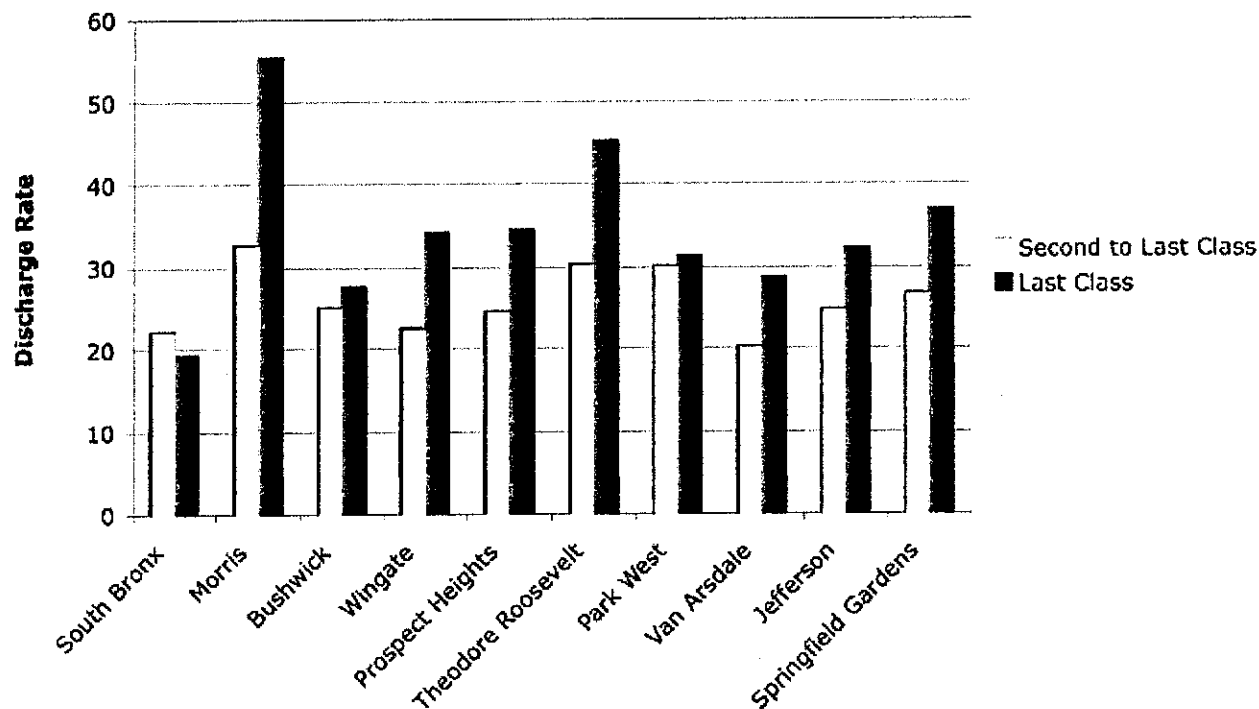
⁷ For some news coverage see: Vadim Lavrusik, "A Race for Diplomas Before Brooklyn's Tilden High Closes for Good," Huffington Post, May 25, 2010; at http://www.huffingtonpost.com/vadim-lavrusik/a-race-for-diplomas-befor_b_589157.html; Gabe Kahn, "Tilden High School Offering Students Last Chance To Graduate" Brooklyn Ink,

schools are being encouraged to become diplomas mills. Unfortunately, with the DOE's plan to spread online credit recovery to even more schools next year, this trend is likely to worsen.⁸

Thank you for the opportunity to speak to you today.

Figure 1

**Discharge Rates of Closing Comprehensive High Schools,
Final Two Graduating Classes**



June 29, 2010 at <http://thebrooklynink.com/2010/06/29/12558-tilden-high-school-offering-students-last-chance-to-graduate>; S. Edelman and C.R. Fagen, "F" student graduates," NY Post, July 4, 2010, at http://www.nypost.com/p/news/local/brooklyn/student_graduates_qKSEek0SoPXTJBjV1Scc0M

⁸ See NYC DOE, iLearnNYC Q&A 2010-2011, posted at <http://schools.nyc.gov/NR/ronlyres/B6567115-DIAD-4C92-A605-5144A9A1DA26/96477/iLearnQA2.pdf>

NYC Council Education Committee
Hearing on Students in Closing Schools
January 24, 2011
Testimony

READ
Into
Records

My name is Melissa Kissoon and I am an 18 year old graduate of Franklin K. Lane High School in Brooklyn. I am also a youth leader with Future of Tomorrow and the Urban Youth Collaborative.

I was victim of high school phase out. My first two years of high school at Lane were great. There were clubs and extra credit activities to help students get ahead or to help struggling students pass. I had some teachers I really liked and there were many teachers who had been in the school for over 15 years. Overall it was a great school despite its reputation and, as a student; I would say it was improving. Then one day the principal and deans got us together to tell us our school is phasing out, which meant that they would be putting another school into our building and would no longer accept any new students or freshman. Also, the building would be incorporating not one school but FOUR. Do you know what it's like to have four new schools come into your school building?

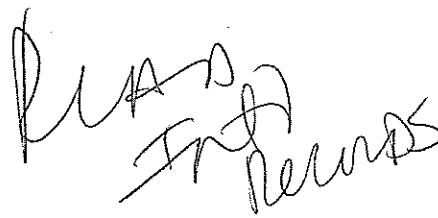
Once the four new schools came, it was hard to be proud of a school that was no longer ours. I was a cheerleader for my school, so school pride was something that was very important to me. The four schools came and took the fourth floor in our building and, to prove that this school was really not ours anymore, the rule was that if you set foot on the 4th floor you would be **arrested** for "trespassing". Students got arrested for this! Then when the next year came, and there were more students in the new schools and fewer in our school, the DoE split the rest of the floors in halves. So, if your classroom was around the corner, you could no longer just walk over to your room, you'd have to go upstairs and around and back down stairs to make it to your class. As a result of this, many students became late for their classes. Students missed class time and got in trouble because our school was chopped up and our building was divided!

Now, all the great teachers we once loved have either switched to the other schools in the building or have just gone to another school completely. Now, there is no money for the last year of students within my school. For example, there is no longer a library! Lane doesn't have enough money for a library and the other four schools have small budgets, and budgets have been cut. So, none of the students have a library. Students with essays due and no printer or computer can't print—then they struggle to figure out how to pass their class. Almost all the after school activities belong to the other schools, including the sports and the ROTC. Two of my friends are in their last year at Lane. One of them is only taking one academic class. He scored a ... on his SAT and is applying to Brown University. But, there are no AP classes for him to take and is done with school everyday at 12. My other friend was told last year that he had enough credits to graduate. He was 16, a junior and not ready for college. There is a difference between having enough

credits to graduate, getting a rigorous education, and being prepared for college. The phase out has failed us all, hundreds of us in Brooklyn and thousands of us in NYC.

We as the students should have a right to decide what should be done to our school, because one simple decision has effected over 1,000 students in a negative way. There is no longer school pride, there is no drive to be there, there is no encouragement to pass, there are no familiar teachers, there are no resources around to help us pass. All that remains is a push, a push out of the school by any means possible.

I graduated and I'm in college now. But I look back at the last four years of my life and I feel robbed of my high school experience. My school was no longer MY school; I was basically being kicked out of a school that made a promise to support me and give me all I need to pass. Students must be consulted about the use and future use of their school. If you are truly committed to students, you must include us in decisions about OUR education.



Hello, my name is Jorel Moore. I'm 17 years old & I am a senior at Franklin K. Lane High School. I'm here today to speak on behalf of my organization, Future of Tomorrow, and the Urban Youth Collaborative.

I'm sure that most of us here can agree that simply closing schools is not an answer. Going to I closing school myself, I know something about the feelings involved, and about the consequences for students who attend these schools. During my freshmen year at Lane, we were told that the school was closing. We were told that we were going through a "phasing out" process. 4 new schools would be entering the building. At the time I don't think that any of us students knew what that meant exactly. As we entered our sophomore year, the new schools entered and teachers from Lane started to leave. Classrooms from Lane were divided up amongst the new schools.

By the time I entered my junior year and we had lost our fourth floor, a number of teachers had left, and we were losing more and more resources. Now, in my senior year Franklin K. Lane, the school has been reduced to a handful of teachers and 1 ½ floors. I think the DOE had expected us to just deal with the situation. Meanwhile, as a school we're losing valuable teachers and classes, and as a student, I'm losing out on an education. What the DOE has to understand is that they have to support schools.

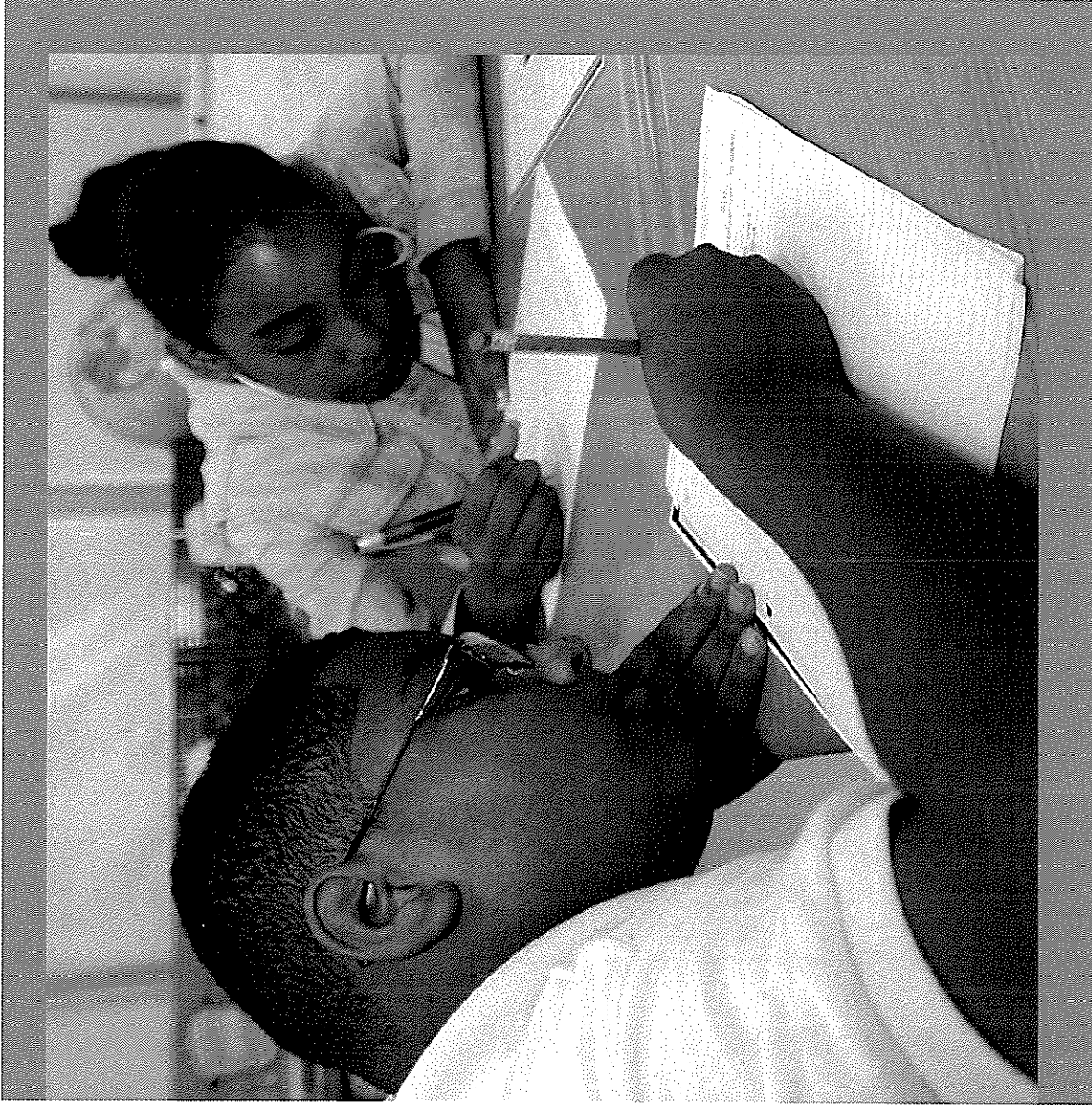
They need to have the community—students, teachers and parents—meaningfully engaged in the process of school improvement, not "community meetings" that are announced the day before they happen, and closed to students. Franklin K. Lane didn't have to close. The Department of education could have figured out how to support my school as soon as they saw that it was struggling. Instead, they DISinvested in Lane, and the poor education I received is just one consequence.

The DOE can't just close schools if they find something wrong. They have to support the students and the teachers and not take away our education or jobs. The DOE has to understand that they have to fix schools, NOT close them.

Thank You.

New York City Council Education Committee

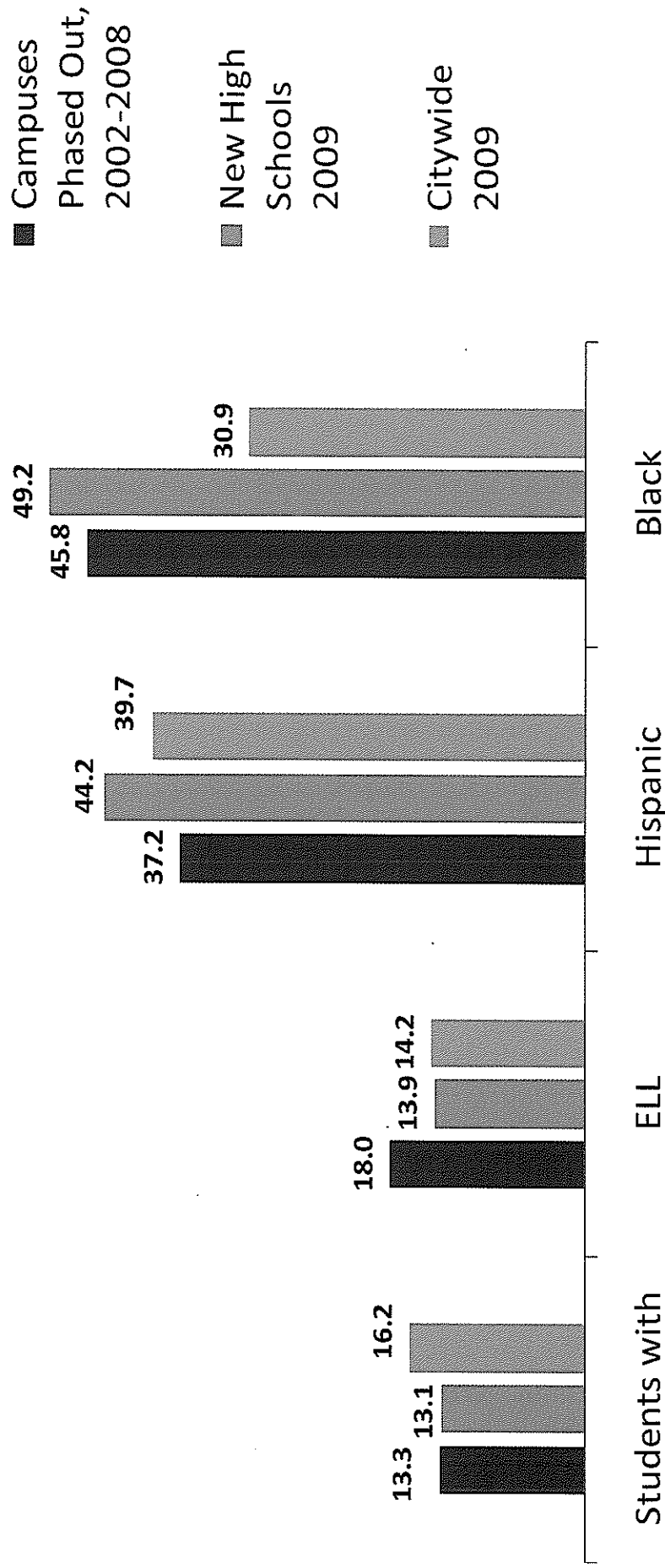
January, 25, 2011



NEW HIGH SCHOOLS SERVE POPULATIONS SIMILAR TO THOSE AT THE HIGH SCHOOLS THEY REPLACED

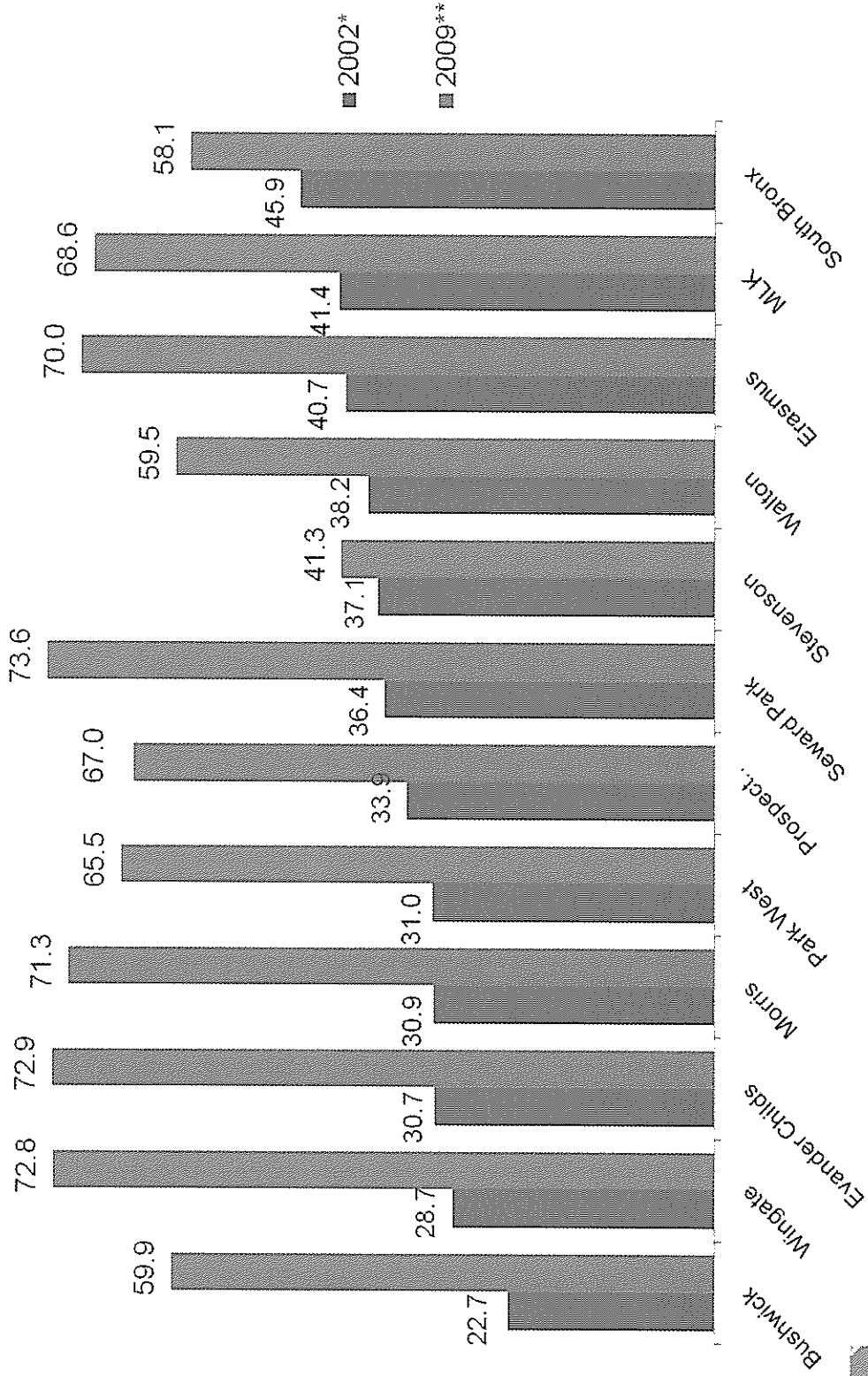
Demographics For: High Schools Phased Out from 02-08; New High Schools Located on Campuses Phased Out from 02-08; and Citywide

Percent of Students



PHASE-OUT RESULTS – THE NEW SCHOOLS

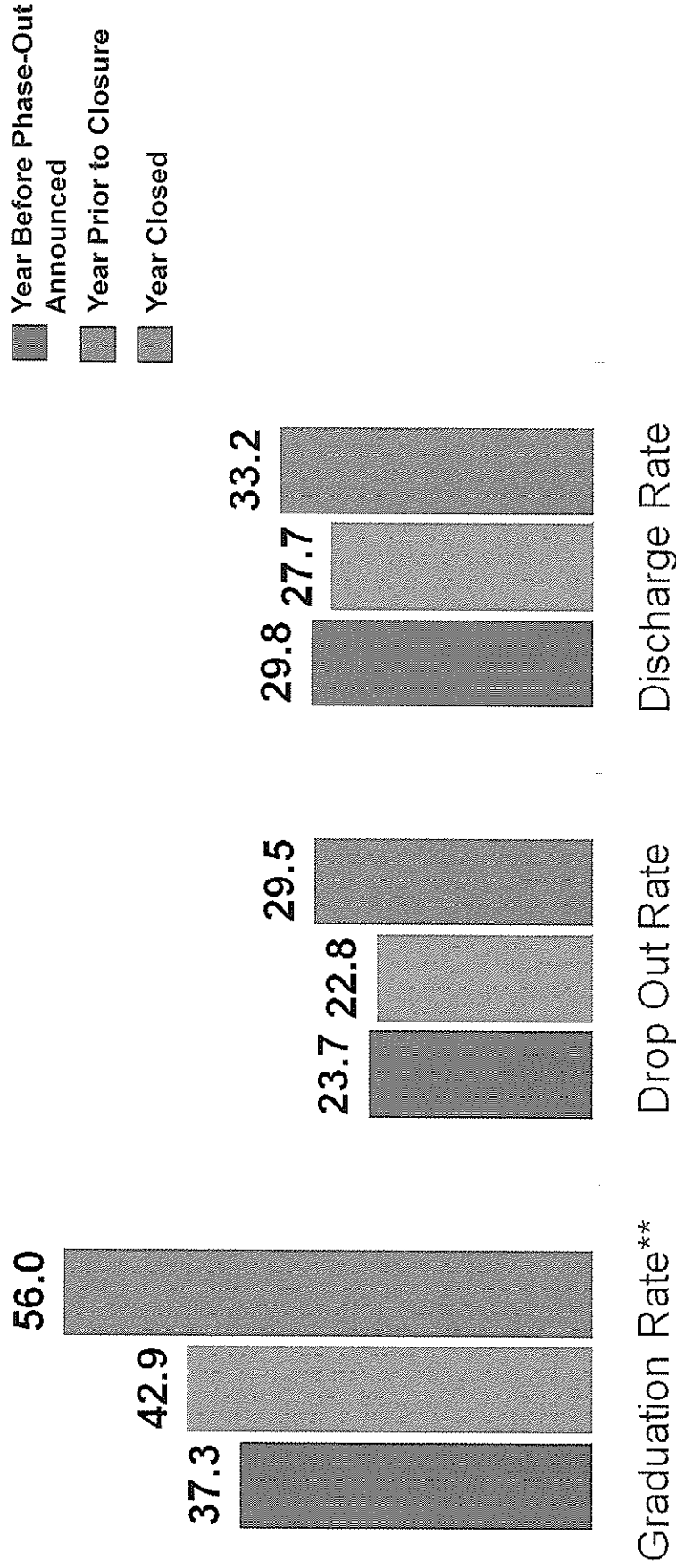
2009 Graduation Rates at New Schools Located on Phase-out Campuses



*NYC traditional calculation includes Local and Regents Diplomas, GEDs, Special Education diplomas, and August graduates. It does not include disabled students in self-contained classrooms or District 75 students.
 **The NY State method, used since 2005, includes Local and Regents Diplomas and all disabled students. It does not include GEDs and Special Education diplomas. Beginning with the Class of 2009, students must pass 2 out of 5 Regents with a 65 or above to receive a Local Diploma.

FOUR YEAR GRADUATION AND DROP OUT RATES FOR HIGH SCHOOLS PHASED-OUT 2002-2009

Graduation and Drop Out Rates for High Schools*:
Before Phase-Out Process vs. Year Prior to Closure vs. Closure Year



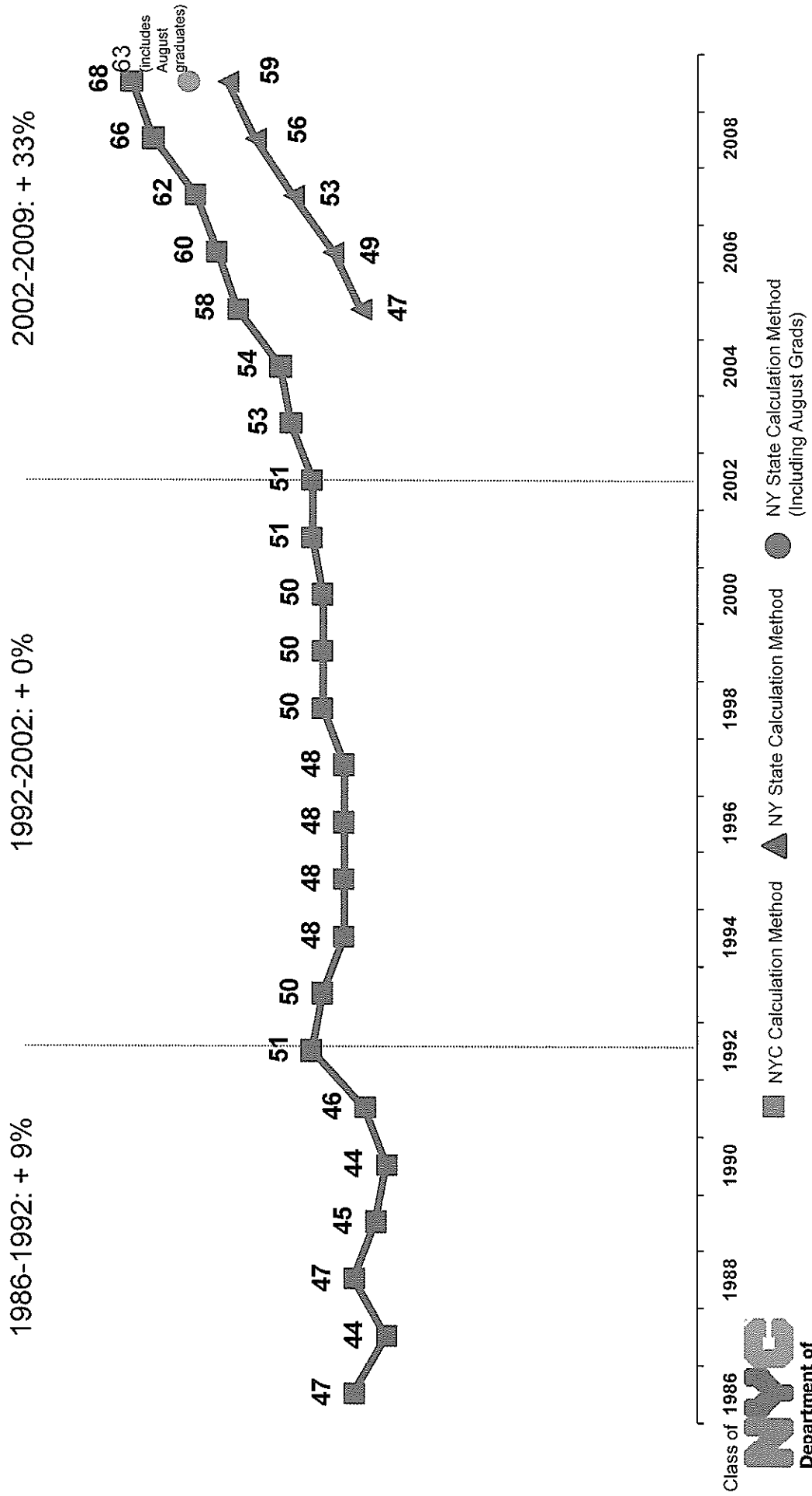
* Includes 21 high schools phased-out between 2002-2009.
** NYC traditional calculation includes Local and Regents Diplomas, GEDs, Special Education diplomas, and August graduates. It does not include disabled students in self-contained classrooms or District 75 students.

APPENDIX

WHICHEVER WAY YOU MEASURE IT, GRADUATION RATES HAVE GONE UP

BY NYC MEASUREMENTS, 33% SINCE 2002

Percent of Students in a Cohort Graduating from High School in 4 Years

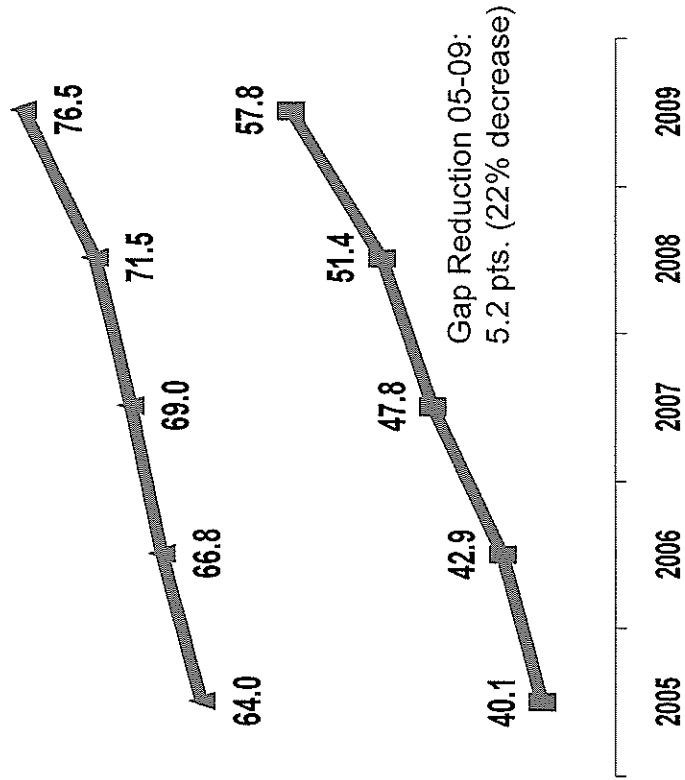


Notes: NYC traditional calculation includes Local and Regents Diplomas, GEDs, Special Education diplomas, and August graduates. It does not include disabled students in self-contained classrooms or District 75 students. The NYS calculation, used since 2005, includes Local and Regents Diplomas and all disabled students. It does not include GEDs and Special Education diplomas. Discharge rate does not include dropouts.

NYC IS CLOSING THE ACHIEVEMENT GAP IN GRADUATION RATES

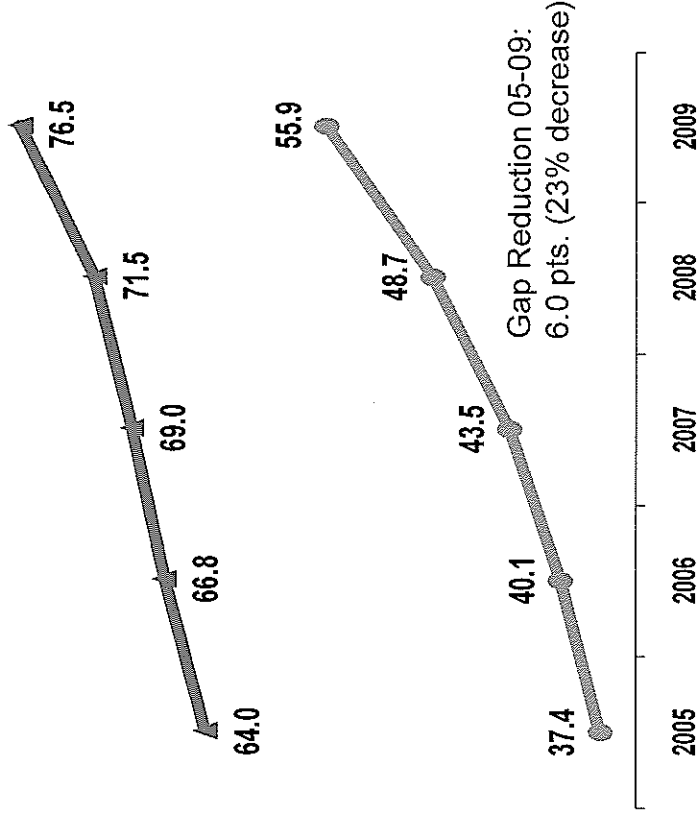
PERCENT OF STUDENTS GRADUATING BY ETHNICITY (NY STATE CALCULATION METHOD)

Closing the Black-White Graduation Rate Gap



▲ White Students
■ Black Students

Closing the Hispanic-White Graduation Rate Gap

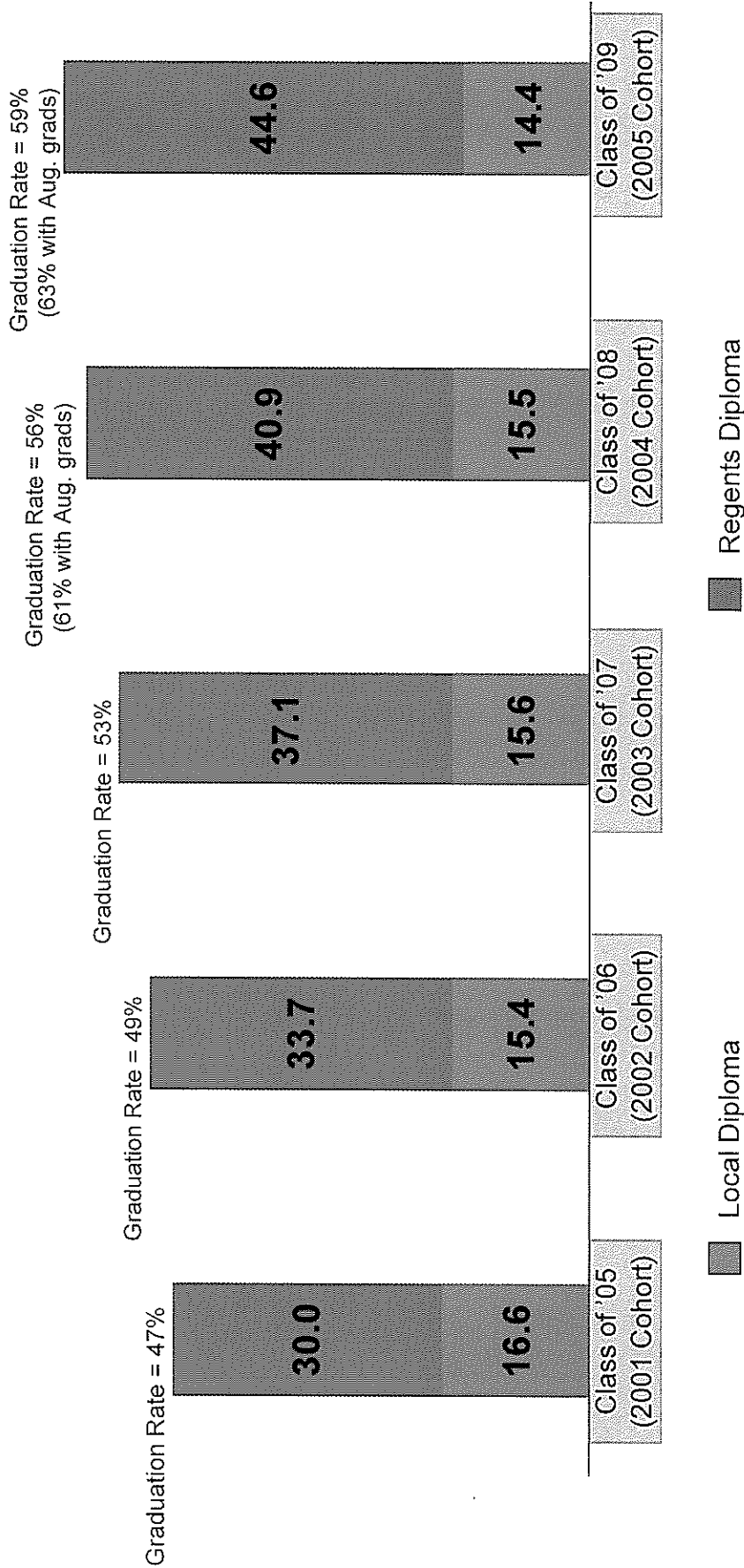


▲ White Students
● Hispanic Students

MORE STUDENTS ARE EARNING REGENTS AND ADVANCED REGENTS DIPLOMAS AFTER FOUR YEARS

NY STATE CALCULATION METHOD

Percent of Students in a Cohort Graduating from High School in 4 Years (excluding August graduates)



Local Diploma
In order to receive a Local Diploma, a student must earn a 65 or above on 2 out of 5 Regents exams and a 55 or above on 3 other Regents exams.

Regents Diploma
In order to receive a Regents diploma, a student must earn a 65 or above on 5 Regents exams.

AP PARTICIPATION HAS INCREASED OVER 60% IN THE PAST 8 YEARS (2002-10) WHILE PERFORMANCE ON AP EXAMS HAS INCREASED OVER 50%

of Students Taking AP Exams

	# of Students Taking One or More AP Exams		% Increase
	2002	2010	2002-2010
Asian	4,655	8,135	74.8%
Black	2,446	4,324	76.8%
Hispanic	3,679	7,015	90.7%
White	4,552	5,021	10.3%
Total	17,165	27,744	61.6%

of Students Passing AP Exams

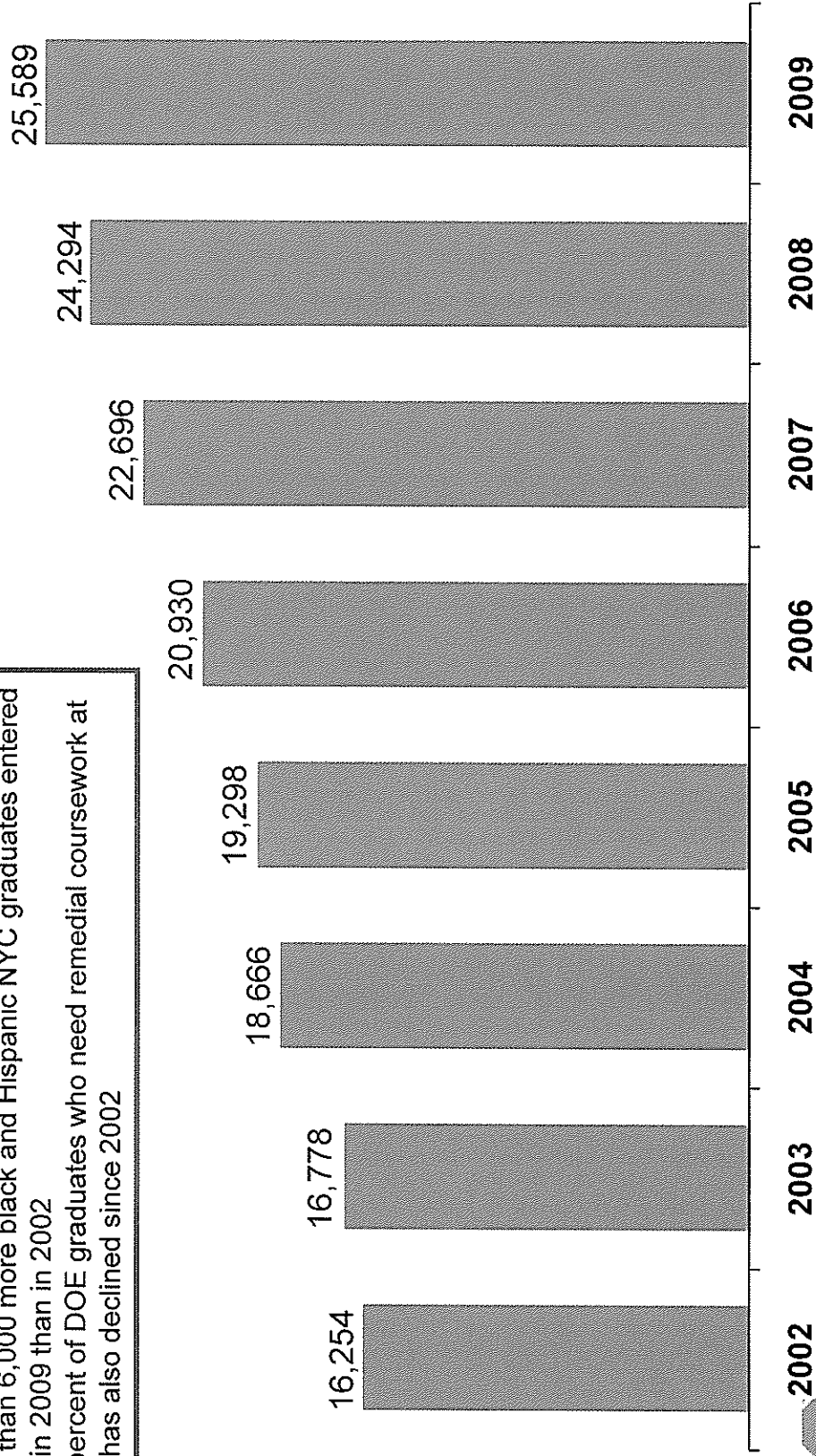
	# of Students with Scores of 3 or Higher on AP Exams		% Increase
	2002	2010	2002-2010
Asian	3,011	5,648	87.6%
Black	722	1,200	66.2%
Hispanic	2,251	3,424	52.1%
White	2,854	3,286	15.1%
Total	9,736	15,079	54.9%

- NYC students' SAT scores increased from 2009 to 2010; our gains on all sections were greater than the nation's
- SAT participation increased from 2009 to 2010 for black (3.8%) and Hispanic (2.1%) students

OVER 9,000 MORE NYC DOE STUDENTS ENROLLED AT CUNY IN 2009 THAN IN 2002, REPRESENTING AN INCREASE OF 57%

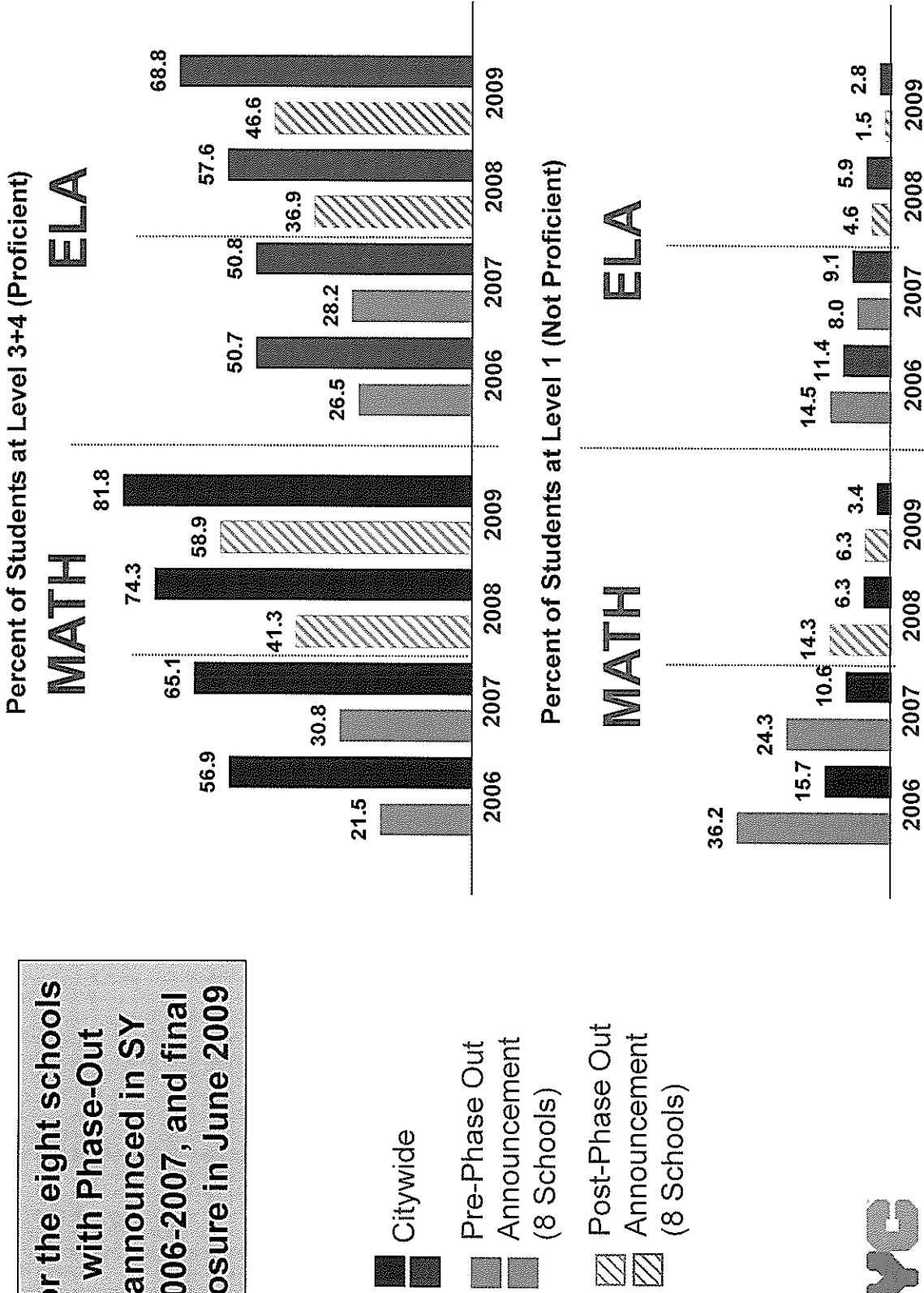
Total Number of DOE Graduates* Enrolling in CUNY as First-time Freshman

- More than 6,000 more black and Hispanic NYC graduates entered CUNY in 2009 than in 2002
- The percent of DOE graduates who need remedial coursework at CUNY has also declined since 2002



STUDENT PERFORMANCE IN PHASING-OUT SCHOOLS: ENGLISH AND MATHEMATICS, GRADES 3-8, 2006-2009

For the eight schools
with Phase-Out
announced in SY
2006-2007, and final
closure in June 2009



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)
Name: SANDY FERGUSON, OFFICE OF STUDENT ENGAGEMENT

Address: DOE

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)
Name: Despina Zaharakis, Executive Director of School Support

Address: _____

I represent: Department of Education

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Jennifer Bell-Ellwangen

Address: Executive Director

I represent: Research + Policy Support

Address: GROUP DOE

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Leo Casey, Vice Pres. H.S.

Address: UFT

I represent: UFT

Address: 52 Broad Way

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 354 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: COLOFER

Address: 125 BROAD ST., NY, NY 10004

I represent: NYCLU

Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Leonie Halmsen

Address: _____

I represent: Class Size Matters

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mark Ro Beyersdorf

Address: 99 Hudson St. 12th Floor

I represent: Asian American Legal Defense Fdu Fnc

Address: 99 Hudson St. NYC 10012

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Evelyn Torres

Address: 657 East 108th St., Brooklyn, NY, 11236

I represent: PS. 260

Address: 875 William Ave., Brooklyn, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: R LINDA MCENHIS

Address: 949 East 45th Street, Bkly

I represent: CB 175

Address: 39 Revere Street, Bkly

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Cara Chambers

Address: The Legal Aid Society, 199 Water Street

I represent: New York, NY 10038

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: RAY DOMANICO

Address: _____

I represent: Independent Budget Office

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: JAN. 25, 2011

(PLEASE PRINT)

Name: JOSH THOMASES

Address: _____

I represent: NYC DOE

Address: 52 CHAMBERS ST.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 354/364 Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Jennifer Bell-Ellwanger

Address: _____

I represent: DOE

Address: 52 Chamber Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Marc Steinberg

Address: 52 Chambers St.

I represent: NYE DOE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Kim Sweet

Address: 151 W. 30th St., 5th Floor

I represent: Advocates for Children

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Judy Nathan

Address: 52 Chambers St

I represent: Dept of Education

Address: 52 Chambers St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Rita Suttell Director of Attendance Policy + Planning

Address: ~~52 Chambers St~~

I represent: NYC DOE

Address: 52 Chambers St 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Deputy Chief
March 2008

Address: Deputy Chancellor

I represent: Division of Portfolio Planning

Address: DOE

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOHN THOMASES

Address: Deputy Chief Schools LAFCR

I represent: FOR ACADEMICS

Address: DIVISION OF SCHOOLS SUPPORT + INSTRUCTION

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: EDAN McGILL

Address: 12

I represent: SCOTT M. STANOCK, MANHATTAN TOWN PRES

Address: 1 CENTEE ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 354-364-2310 Res. No. _____
 in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Ruddie Daley

Address: Brooklyn, NY

I represent: NYC Coalition for Educational Justice

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 354+364-2010 Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Judith Defaur

Address: Brnx, NY

I represent: NYC Coalition for Educational Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DENISE SULLIVAN

Address: 2779 BRIGGS AVENUE BRONX NY

I represent: Citywide Council on High School

Address: 45-16 COURT SQUARE, 2ND FLOOR, JAMAICA NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 354-2010 Res. No. _____

in favor in opposition

Date: 1/25/11

(PLEASE PRINT)

Name: Jaritzia Ete

Address: Brooklyn, NY

I represent: Urban Youth Collaborative

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Paymon Rouhani Fard

Address: DOE

I represent: (to answer questions)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 1/25/11

(PLEASE PRINT)
Name: Martin Krugold

Address: 292 Martin Ave.

I represent: Citywide Council on High Schools

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Janelia Hinds

Address: Assistant to the Vice President

I represent: HS.

Address: UFT - 52 Bway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Amy Arzuffel (PLEASE PRINT)

Address: Personnel Director of

I represent: UFT

Address: UFT 52 Bway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Jackie Bennett (PLEASE PRINT)

Address: Special Representative

I represent: UFT

Address: 52 Bway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: KEN COHEN (PLEASE PRINT)

Address: 1065 AVE OF AMERICA'S

I represent: NAACP N.Y.S. CONFERENCE METROPOLITAN COUNCIL

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Clara Hemphill

Address: _____

I represent: insideschools.org

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jamie Eterna

Address: 75-10 Kissena Blvd Apt 2c

I represent: Jamaica HS

Address: 167-01 Gothic Drive Jamaica NY 11432

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 01/

(PLEASE PRINT)

Name: Vasudeo Ransarop

Address: 143-33 95th AVE Jamaica NY 11435

I represent: Jamaica High School

Address: 167-01 Gothic Drive, Jamaica NY 11432

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: TIFFANY BORSA

Address: 178-61 WEXFORD TERRACE, SAMAICA NY 11432

I represent: SAMAICA HIGH SCHOOL

Address: 167-01 GOTHIC DRIVE, SAMAICA NY 11432

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kevin Gonzalez

Address: 84-50 169th Street APT. 401

I represent: Jamaica High School

Address: 167-01 Gothic Drive, Jamaica NY, 11432

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Khawaja Ali

Address: 190-067 97th 1A 69 Ave 11365 Fresh Meadows

I represent: Jamaica High School

Address: 167-01 Gothic Drive, Jamaica NY 11432

Please complete this card and return to the Sergeant-at-Arms