

**2007-2008**

**ANNUAL REPORT  
OF THE CITYWIDE  
COUNCIL ON HIGH  
SCHOOLS**



**THE CITYWIDE COUNCIL ON HIGH SCHOOLS**

**THE NEW YORK CITY DEPARTMENT OF EDUCATION**

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**Message from The President:**

As we approach the sunset of Mayoral Control in a few weeks, this fourth annual report of the Citywide Council on High Schools (CCHS) draws attention to those policy issues which council members have observed as parents’ key concerns for the education of our children. The CCHS consists of a high school student and ten active parent leaders who participate in high school, district and community meetings. We are elected to be the voice of many. This year has confronted parents with many unsettling situations, coupled with a continued failure to involve elected parent leaders and affected parents in the preliminary decision making process for many major decisions made this year. Timely and adequate communication, active participation, accurate information and clearly defined contacts for problem solving within the Department of Education (DOE) are demanded by parents.

CCHS applauds the successes achieved this year by our students and by the DOE. However, as we approach Graduation 2009, we can’t help but be disappointed by the number of students that will not graduate. The new regent graduation requirements will have an astounding affect on a system unready to prepare thousands of our students to meet those requirements.

We continue to be concerned with the safety of our students confronted by school safety agents, high school closings, charter school openings, services actually provided to students with an IEP, and the achievement gap for African American and Latino high school students compared to white students. This report covers these and other topics of concern.

The CCHS would like to thank the Annual Report Committee, Martin Krongold, Dawn Thomas, and David Bloomfield for their editorial work on this report. Our heartfelt thanks are given to Dr. Elly Bulkin, consultant, researcher, and writer, for her spectacular work. CCHS thanks our Office for Family Engagement and Advocacy liaison and our Superintendents for their support.

I would like to thank each of my council colleagues for their dedication and inspiration. Most importantly, my thanks go out to the parents of our high school students throughout the City of New York. It was you that kept us informed of your concerns and made us ever vigilant of our duties.

Valerie Armstrong Barrows, Esq.  
President

## **INTRODUCTION**

In this fourth Annual Report, the Citywide Council on High Schools (CCHS) offers a summary and analysis of educational policies that impact public high school students in New York City. The CCHS consists of a diverse, elected, volunteer body of individuals who are parents of city high school students, plus one appointed student member. CCHS members come from all five boroughs and have a range of perspectives, backgrounds, experiences, concerns, and interests. The CCHS was first established in July 2004 by the New York City Department of Education (DOE). Members of the CCHS receive information on matters affecting the educational and instructional policy involving high schools. They consult with a wider community of high school parents and community members and comment on educational policy. Their monthly meetings are open to the public and provide an opportunity for the public to be heard on educational issues. The CCHS issues an annual report on the effectiveness of high school education in New York City.

This report updates many of the topics that have been covered in previous Annual Reports. It also focuses on issues that the CCHS addressed during its 2007-2008 meetings—issues that played out in a context of mayoral control, systemic reform initiatives, and a growing fiscal crisis. It draws on: monthly CCHS meetings—frequently with presentations by representatives of the DOE, parent groups, local universities, and community advocacy organizations; student and school data; reports, newspaper articles, and DOE press releases; and other sources of information.

This Annual Report is consistent with a central CCHS purpose: to advise and comment on educational policy. Each section analytically summarizes CCHS findings and recommends ways in which the DOE might better provide both a quality education for all high school students and parent participation that is active and welcomed by school-based and central educators and administrators. As in previous years, the CCHS recognizes many of the steps that the DOE has taken to improve education for all of the city's children. As in previous years, the CCHS continues to have concerns related to accountability, transparency, educational equity, and parent engagement. This Annual Report is intended to contribute to a constructive dialogue between the CCHS and the DOE and to inform the public regarding relevant policies affecting the city's high schools.

## **SMALL HIGH SCHOOLS**

The Small School Initiative, designed to address the needs of students and various large high schools that were demonstrating persistent academic failure, is a centerpiece of the Chancellor's Children First reforms. In creating these schools, the DOE has drawn on research findings that suggest that students may learn better in smaller, more personalized learning environments. The DOE views small schools in New York City as a means both to turn around schools that have been persistently failing and to provide students with a learning environment that is very different from that of the traditional large high school. Themed mini-schools are meant to be characterized by academic rigor and personalization, and by community, non-profit, and educational partnerships designed to provide new resources in public schools and provide students—and their parents—with high quality educational options. By the 2007-2008 school year, the DOE had opened 231 new small secondary schools. The CCHS is concerned that the

DOE opened many of these schools without prior consultation with parent leaders or the parents of students affected by these changes.

The most recent preliminary DOE data indicates that, in a city with a four-year graduation rate of 60%, the 47 new small schools with graduating classes had a four-year graduation rate of 76%—the third consecutive year in which the graduation rate was at least 75%—while the number of such schools continues to increase (DOE press release, February 25, 2008). Of these schools, 30 are sited in schools that had been previously identified for closure; these failing schools had a collective 2002 graduation rate of 35%. These data contrast sharply with the higher graduation rates at the new small schools. The success rate is, unsurprisingly, at schools with smaller class sizes than in large schools; at the new small schools, students are added grade-by-grade, enrollment is capped, and students have selected their school, rather than being assigned to it. Questions also persist regarding the disproportionate numbers of small school graduates earning Local, rather than Regents, diplomas. This situation raises concerns. This is the last group of graduates who can be granted local diplomas.

The table below of average class size by high school size indicates that, on average, there are nearly four more students in each large high school class than in a comparable small high school class (UFT, 2008):

High School Size	Average Class Size
Under 1,500 students	24.49
Over 1,500 students	28.26

Such a disparity reflects the CCHS’s concern that students in small high schools receive benefits from small class size that are not available to those in large high schools.

The DOE has reported an increase in applications to open new schools that reflects interest among educators and community members (DOE press release, February 25, 2008). But opening new schools without first addressing potential and identified problems is ill-advised. While the CCHS shares the DOE’s commitment to personalized learning environments, it continues to be particularly concerned about issues related both to the small new schools and to the large high schools that are impacted by the creation of new schools:

1. The CCHS reiterates its unanimous March 2006 resolution calling on the DOE to delay the **opening of additional new small high schools**. The goal is a slower, better-planned transition that would address such critical problems as lack of space and inappropriate design (e.g., leading some schools to open in trailers or to open a middle school and a transfer school in one building), inexperienced leadership, and the provision of appropriate and equitable services to English Language Learners (ELLs) and special education students. A slower transition would also consider proactively some of the negative impact on large high schools caused by the opening of the small schools, such as overcrowding, safety issues related to overcrowding, and the overrepresentation in large schools of ELLs and special education students. A slower process would allow for fuller consultation with administrators at large “receiving” schools, where a new school might be located, so that recurrent problems, such as scheduling and the sharing of common space (e.g., gym, auditorium, cafeteria, library), could be addressed in advance of the new school’s opening.

The CCHS has repeatedly expressed concern about DOE **policies that have excluded special education students and ELLs in the new small schools** during their start-up years.<sup>1</sup> It welcomes data that indicates that special education students and ELLs are beginning to have greater access to such schools. The DOE's 2007-08 Audited Register indicates that the percentage of all special education students attending new schools (11%) was two percentage points lower than for entering 9<sup>th</sup>-grade special education students (13%). According to a DOE press release (February 25, 2008), 14% of incoming 9<sup>th</sup> graders at these small high schools are ELLs, compared to 11% in other schools citywide, and 13% receive mandated special education services, compared to 12% citywide. The DOE's 2007-08 Audited Register of Ninth Grade New Admits, however, appropriately distinguishes between "all incoming 9<sup>th</sup> graders" and those who attend one of the several schools that the DOE has opened specifically for ELLs. The concentration of ELLs in these schools raises the overall percentage of ELLs in new schools without accurately indicating the percentage of ELLs in the other new schools that are not "international" schools. While 14% of incoming 9<sup>th</sup> graders to new schools are ELLs, providing greater transparency would involve indicating in press releases and other statements to the general public that, if one does not tally those attending international/ELL schools, only 9.6% of incoming 9<sup>th</sup> graders attend new schools. A similar gap exists between the overall percentage of ELLs attending all new schools (12%) and the percentage of ELLs (7%) if international/ELL schools are excluded.

While the CCHS would be pleased at any increase in the percentage of English Language Learners and special education students in the new small schools, it has ongoing concerns that could be addressed, in part, by recommendations like those set forth for ELLs in *So Many Schools, So Few Options: How Mayor Bloomberg's Small High School Reforms Deny Full Access to English Language Learners* (New York Immigration Coalition & Advocates for Children, November 2006). These recommendations might include, for example, the following:

- As the number of ELLs and special education students are added to new schools with relatively few staff trained to address their specific needs, these students need to receive appropriate and legally mandated classes and support services.
- The DOE needs to hold each school accountable for the provision of such services to these students.
- The DOE needs to provide leadership for small schools, so that, as they add ELLs and special education students, the schools are adopting—and preparing their staff to implement—successful research-based models for serving such students.
- An increase of small schools in immigrant communities with high concentrations of ELLs would provide these students with far greater high school choice than they now have.
- Planning for new schools needs to consider, from the outset, the needs of ELLs and special education students, rather than designing a school for general education

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<sup>1</sup> The CCHS has a similar concern about charter schools. Although charter schools are still in their nascent stages of development in New York City, the DOE should make greater efforts to include in them roughly the percentage of ELLs and special education students as in the balance of the system.

- students and then having these students fit into a previous established framework. This process must consider both ELL and special education data and engage more fully partnerships that specifically address immigrant needs.
- The DOE should improve both outreach to parents of ELLs and special education students and school-based assistance to students regarding the high school choice process, and develop a targeted high school admissions program for ELLs and special education students who are entering the New York City schools in the 9<sup>th</sup> grade.
  - The DOE should include detailed ELL information in the High School Directory that is equivalent to the level of detail that the DOE introduced in fall 2008 regarding special education, so that parents of ELLs are fully aware of the services appropriate for ELLs that are offered at each small school.
2. Although a small school can open with 100 students, enrollment must reach 200 before the school receives funding for a **parent coordinator**. This means that small schools that begin with 100 students and then scale up can operate for at least one year before a parent coordinator can even begin to engage parents in school activities and decision-making. While some parents will be assertive from the start, others—especially those with limited or prior negative interactions with schools—are more likely, without the support of a parent coordinator, to play a passive role in the life of the school. The delay in the assignment of a parent coordinator is particularly serious because, in the opening year(s) of a school, the program and the school culture and norms are established.
  3. The CCHS applauds the DOE’s support for **Smaller Learning Communities (SLCs)** within existing large high schools through its Office of Portfolio Development and notes that SLCs are, along with Professional Learning Communities, one of the key organizational structures described in the DOE’s *Blueprint for Middle School Success: Key Elements and Promising School-Based Practices*. It encourages the DOE to highlight SLCs so that parents, students, faculty, and prospective community partners have more information about high school restructuring options besides the Small School Initiative.

The CCHS recognizes the DOE’s 2008 achievement in being awarded a \$7.5 million grant from the U.S. Education Department to support SLCs in six high schools. The DOE had previously received federal funding to open 17 SLCs. The five years of federal funding support planning and implementation of SLCs in high schools with enrollments of 1,000-4,400. Unlike small schools, large schools with SLCs are able to provide students with a wide range of electives, field interscholastic sports teams, and offer extracurricular activities like a school newspaper or orchestra that draw on a sizable student body.

According to a July 26, 2008 DOE press release: “Preliminary results for schools with small learning communities show improved 9th-grade credit accumulation and attendance in comparison with similar schools that do not have small learning communities. Between the 2005-06 and the 2006-07 school years, 16 schools with small learning communities raised the percentage of 9th-grade students earning at least ten credits from 49.0% to 51.2%. The percentage of 9th-grade students earning at least ten credits in similar schools without small learning communities dropped from 43.2% to 42.3% over this period. Similarly, 9th-grade attendance at schools with small learning communities increased from 73.4% in 2005-06 to 76.0% in 2006-07, while attendance

remained flat at schools without small learning communities—73.5% in 2005-06 to 73.6%. Credit accumulation and daily attendance in 9th grade are good predictors of high school graduation.”

## SPECIAL EDUCATION

In response to New York City’s being named a “district in need of improvement,” the DOE introduced a number of positive initiatives, including increased Collaborative Team Teaching classes, Response to Intervention, Wilson reading system training, and Positive Behavior Interventions and Supports. These initiatives were designed to address individual student needs and provide each student with more personalized attention.

1. The DOE took an important step toward accountability and transparency in relation to special education by introducing, at the end of the 2007-2008 school year, a new **Special Education Service Delivery Report** that covers every school serving students with disabilities. To be updated annually, this report is designed to provide parents with information about: (1) enrollment, including enrollment of special education students who are also ELLs; (2) timely initial evaluations and re-evaluations; (3) provision of special education services, including the number of students recommended, awaiting, and receiving services; and (4) movement of students with disabilities to a new educational setting, including the number of those moved to a “least restrictive environment” or to District 75; initial referral rate for special education services; and special education declassification referral rate (DOE press release, June 17, 2008). The CCHS welcomes this new special education resource. It urges the DOE to make the reports for each school, which are available on the DOE website, accessible to parents who do not have web access and to parents who are not literate in English.
2. The CCHS continues to be concerned by student selection for the **Collaborative Team Teaching (CTT)** classrooms for those who might instead benefit from a different class configuration. While CTT might be an excellent and innovative setting for some students, it does not work for all students. Strong support for effective CTT classes must go hand-in-hand with multiple class configurations designed to meet the complex—and differing—needs of special education students.
3. A presentation to the CCHS by Kim Sweet of Advocates for Children reiterated the concerns expressed previously by the CCHS that special education students have fewer **high school options** than other students and that some schools change students’ IEPs to fit the accommodations already available at the schools, rather than offering the services required to respond to students’ IEPs. As in past years, parents report to the CCHS that, despite DOE policy, schools sometimes continue to make changes in IEPs in the absence of a parent or parent advocate.
4. The DOE has responded to the problems posed by the presence of a very large number of **“overage and under-credited” students** by creating the Office of Multiple Pathways to Graduation (OMPG), which now offers: (1) transfer high schools, which serve only overage, and under-credited students who are at least two years behind; (2) Young Adult Borough Centers (YABCs), full-time evening programs at high school campuses for students who are 17.5 years or older, have attended high school for four years, and have earned at least 17 credits; and (3) learning-to-work (LTW) programs, which provides at

multiple sites skills training, internships, and job placement opportunities. The DOE also offers General Education Development (GED) programs to overage and under-credited students.

The DOE has highlighted the success of the transfer schools, which graduated 56% of its students, while, according to a DOE press release, “similar students who remained in comprehensive high schools achieved a 19% graduation rate” (DOE press release, February 25, 2008). While the CCHS applauds this success rate, it is aware, especially thanks to the work of Advocates for Children of New York, of critical issues related to services to special education at transfer schools and YABCs. Drawing on DOE data in *NYC Secondary Reform*, Advocates for Children has noted a significant over-representation of special education students among those who were overage and under-credited in 2005 (31%), compared with the percentage of special education students in general student population (12%) (Advocates for Children, December 2007). The tables below indicate the inadequacy of services that Advocates for Children found to be available to special education students by transfer schools and YABCs:

<b>Services Provided by Transfer Schools to Students with Special Education Needs</b>	
<i>Services</i>	<i>Percent (Number)</i>
No services offered	8% (2)
Special Education Teacher Support Services (SETSS)	72% (17)
Self- contained classes	8% (2)
Collaborative Team Teaching (CTT)	8% (2)
Counseling	4% (1)

<b>Services Provided by Young Adult Borough Centers (YABCs) to Students with Special Education Needs</b>	
<i>Services</i>	<i>Percent (Number)</i>
No services offered	53% (9)
Special Education Teacher Support Services (SETSS)	41% (7)
Self- contained classes	6% (1)

Besides SETSS, which usually involves teachers pulling students out of their general education classrooms for a period or two per day, overage and under-credited special education students receive very limited services. Advocates for Children reports that nearly three-quarters (72%) of the transfer schools surveyed were not able to provide services to special education students who needed services other than SETSS, and only a single YABC offered services besides SETSS. Students with major special education needs, therefore, do not have the transfer schools or YABCs as viable options. While many simply abandon their education, others pursue a GED program, which, like the IEP diploma (discussed below), does not carry with it the same benefits as a regular high school diploma.

5. The DOE’s decision to provide additional funds for services to special education students and ELLs at **small schools** that opened in September 2007 recognized the need to incorporate services for all special need students and ELLs from each small school’s

inception. The CCHS hopes that the DOE will expand this initiative—or add other one—so that all small schools can meet the legal obligation to serve students equitably.

6. **Graduation rates** for special education students continue to be a major concern. According to data provided in February 2009 by the DOE Office of Teaching & Learning Special Education Initiatives, the graduation rate of students with disabilities after four years is 19.8% and, after five years, it is 23.6%. The percentage of students with disabilities who graduate declined 3.8 percentage points between the 2002 and 2003 cohorts. However, the percentage of students with IEPs receiving Regents diplomas increased by 3.5%, while there was a decline in the percentage receiving local diplomas (-3.5%), IEP diplomas (-8.3%), and GED diplomas (-1.6%). At the same time, the percentage of students still enrolled increased by 20.4%. The number of special education students increased from the 2003 Cohort (6,811) to the 2004 Cohort (8407), by nearly a fifth (18.9%).

As cited in the DOE's *Class of 2007 Four-Year Longitudinal Report*, only 10.6% of special education students in self-contained classes graduated, a decline from the previous year, when the graduation rate was 12.8% (New York City Department of Education Office of Accountability, August 2008). Nine percent of all graduates received an IEP Diploma, which was created for those who cannot meet more rigorous academic requirements because of cognitive limitations, in some instances students whose plans emphasize the acquisition of basic living skills. However, an estimated 1% of all students, approximately 8% of students with disabilities, fall into this category (Cort, June 4, 2008).

7. The CCHS supports the June 2008 recommendation by Vocational/Educational Services for Individuals with Disabilities (VESID) that the New York State Board of Regents make policy changes that would re-name the **IEP diploma** (e.g., calling it an "IEP High School Completion Credential") to distinguish it from a diploma awarded to those who meet academic standards. The CCHS is part of a broad coalition of advocates for individuals with disabilities, youth, and public education that wrote the State Deputy Commissioner of the Office of VESID to urge this name change. As this coalition stated: "students and their families do not fully understand the implications of receiving an IEP diploma and assume it will afford them the same benefits . . . as a regular high school diploma" (Equity Monitoring Project for Immigrant and Refugee Education, June 27, 2007). As a result, many special education students leave high school without a regular diploma, although they have the capability to earn one. Students with IEPs and their parents often are not properly informed of the difference between diploma options and transition services. They often also do not know that students receiving an IEP diploma are legally entitled to remain in public school until the age of 21, while they pursue a regular high school diploma. Many students who are tracked into special education classes discover that they are not proceeding toward graduation with a regular diploma until it is too late for them to graduate at the end of their high school years with a diploma that would allow them to enter the military or attend college.

The CCHS has not taken a position on two other VESID recommendations: (1) replace the IEP diploma with an alternative credential (e.g., the High School Career and Technical Skills Achievement Credential, which documents employability skills) that can be earned by general and special education students alike; and (2) establish more

stringent eligibility criteria for an IEP diploma that would limit it to students who take the State Alternative Assessment. The Board of Regents will consider all of these recommendations during the 2008-2009 school year.

The CCHS supports the VESID recommendation to “include specific information regarding the IEP diploma in the Parent’s Guide to Special Education (under revision) and in its proposed mandatory prior written notice (notice of recommendation) form” (Cort, June 4, 2008).

8. A further problem involves **follow-up services for students who have received an IEP diploma**. Students who get IEP diplomas are entitled to stay in school until the age of 21 so that they can work toward a regular diploma or a GED. However, parents have reported to the CCHS that, once their children receive an IEP diploma, they get inadequate support for returning to the classroom in preparation for the RCT exams. The IEP graduates’ transcripts and other school documents are sent to VESID, rather than remaining at the DOE. Some parents report that VESID does not actively reach out to IEP graduates to inform them of their options and to encourage them to return to school so that they can work toward a credential that provides access to the benefits available to other high school graduates. Even the most assertive parents report roadblocks and frustration in their attempts to get effective services for their children. The CCHS encourages the DOE and VESID to review procedures and services for students receiving IEP diplomas so that they are most likely to receive the school-based classes and preparation that would enable them to earn a regular diploma or a GED.
9. The September 2007 appearance of Advocates for Children’s *Transitioning to Nowhere: An Analysis of the Planning and Provision of **Transition Services** to Students with Disabilities in New York City* highlighted several serious concerns that the CCHS shares. The report found system wide failures that impact students with IEPs who are older than the mandated age of 15. These are:
  - the total absence of DOE transition plans in 26% of the 264 IEPs reviewed for students ages 15-21;
  - limited student (31%) and parent (less than 70%) input into developing transition plans, despite legal requirements and the obvious importance of such participation;
  - the involvement of outside agencies in fewer than 4% of the IEPs reviewed, despite legal mandates requiring the involvement of state and community-based agencies in planning and providing transition services;
  - the absence in most of the transition plans of measurable goals, clearly identified services, or the incorporation of student preferences and strengths; and
  - no adequate indication of the academic coursework, credits, and support services required for students to attain their high school diplomas and long-term goals.

As noted by Advocates for Children, these findings are similar to those of the DOE’s self-review of transition planning required by the New York State Education Department. Based on a random sample of IEPs and data for the 2005-2006 school year, this self-review concluded that “none of their IEPs met all of the compliance indicators.”

The CCHS believes, with Advocates for Children, that this situation must change through the installation of systems that include: (1) incentives and monitoring of transition planning that begins at the age of 15; (2) full involvement of parents and students in transition planning; (3) full involvement of outside agencies in planning and providing transition services; (4) transition goals that are measurable; (5) transition services that are tailored to individual students; (6) the annual recommendation of an individual course of study that relates to each student's diploma objective; (7) recommendations related to each student's post-secondary education goals; and (8) the provision of sufficient transition planning guidance by staff who are fully trained in this process.

Since IDEA and Section 504 legally mandate special education services, the lack of planning for transition services is difficult to understand. The CCHS urges the DOE to provide all of the transitional services mentioned above, as well as summer school, after school, and all Related Services. In addition, the Chancellor's Office must issue a clear policy statement that delineates how IEPs should be developed and funded. Schools will implement these policies and procedures in subsequent years as they meet fully funded IEP requirements.

## **SCHOOL SAFETY/DISCIPLINARY CODE**

With the introduction in 2002 of Operation Safe Schools (SchoolSafe), the DOE signaled its intent to approach school safety as a problem to be approached largely through increased New York Police Department (NYPD) involvement, greater use of surveillance technology (e.g., metal detectors, closed circuit cameras), and sanctions for offenders, including their removal from school for extended periods of time. The introduction in 2004 of such initiatives as the Impact schools, identified because of high levels of reported crime, has expanded the DOE approach to creating safer schools for all students. The NYPD has decision-making control for school discipline. More than 5,000 School Safety Agents (SSAs) are assigned by the NYPD to the public schools. As the New York Civil Liberties Union has pointed out (March 2007), this makes the SSAs one of the largest police forces in the country, larger than that, for instance, of Boston, Detroit, Las Vegas, or Washington, D.C. The NYCLU reports that there were 4,625 SSAs, including more than 20 armed police officers, during the 2005-2006 school year..

In last year's Annual Report, the CCHS expressed concern with the 21% increase of in-school crimes in July-October of 2006, mainly summer months, compared with the same time period in 2005. The CCHS was pleased to find that school crime data for the 2007-2008 school year indicated improvement. According to August 2008 NYPD citywide statistics, schools experienced an 11% decrease in major felony crimes and a 10% drop in violent incidents.

DOE data on its Impact Schools also support its contention that its approach to school safety may be working:

- Data for the 2007-2008 school year showed a 57% decrease in major felony crimes in the nine New York City Impact Schools compared with the first year the schools were on the Impact list.
- At 19 former Impact schools, there were 71% fewer major crimes compared with the baseline year.

- At the nine current Impact schools in 2007-2008, there were 37 felony crimes, 50 fewer than when the schools were first on the list, a decrease of 57% (DOE press release, August 5, 2008).

While these data indicate that school safety may be improving, it is not yet possible to have full confidence in their accuracy. Underreporting of serious school-safety incidents is a problem that extends well beyond New York City. The memory is still fresh of findings that challenge the DOE's data:

- A 2006 New York State Comptroller audit found significant underreporting of serious safety incidents and led the State Education Commissioner to embark on a broader audit of school reporting practices.
- A 2007 audit of 10 schools by New York City Comptroller William Thompson, Jr. found a discrepancy between the number of serious incidents reported to the DOE and those that actually took place.
- A February 2007 Public Advocate Report that used the findings of a broad survey of school administrators (158 respondents), conducted with the help of the Council of Supervisors and Administrators (CSA), indicated under-reporting of safety incidents (Gotbaum, February 2007).
- A March 2007 New York Civil Liberties Union (NYCLU) report on the policing of New York City Schools identified other problems with city data that link decreased school crime with increasing policing—citing, for example, the findings of a New York University analyst that there had been years of declining school crime prior to the creation of the Impact Schools, and that there is no statistically significant difference between declines at the Impact Schools and the non-Impact schools during the same time period.

Thus far, the DOE has not responded positively to requests by the NYCLU for access to school crime data, so that educational analysts not affiliated with the DOE or NYPD could review raw data, rather than having access only to the data figures and analyses released by the city.

The issue of school safety in New York City was highlighted during the 2007-2008 school year both by City Council hearings on it (October 2007) and the release by the National Economic & Social Rights Initiative (NESRI) of *Deprived of Dignity: Degrading Treatment and Abusive Discipline in New York City & Los Angeles Public Schools*. In August 2008, a majority of the 51 members of the New York City Council introduced a Student Safety Act: “a Local Law to amend the New York city charter and the administrative code of the city of New York in relation to enabling the Civilian Complaint Review Board to investigate complaints of misconduct by police personnel assigned to public schools, and to require that the Department of Education and Police Department submit quarterly reports to the City Council on school safety matters.”

The following CCHS recommendations regarding school safety reflect the testimony of parents and the findings of the City Council of New York City, the Public Advocate, the New York Civil Liberties Union, the Legal Aid Society, and the National Economic & Social Rights Initiative (NESRI). These recommendations are based on a recognition both that students can learn best in a safe, secure environment and that students can only thrive in an educational setting in which they are respected:

1. Recognizing the data-related problem described above and steps taken by the Chancellor to increase transparency in, for example, special education, the CCHS encourages the adoption of transparent mechanisms for providing parents, students, school staff, and community members with school safety data that they can easily understand and believe. The CCHS, therefore, supports the adoption of the Student Safety Act that calls for “increased transparency through quarterly reports, including raw data, by the DOE and the Police Department.”
2. The CCHS, like the NYCLU, has received reports of abusive behavior toward students by SSAs. Currently, neither parents nor students have any venue to voice such complaints to a group that has the power to determine the accuracy of their claims and to hold SSAs accountable for abusive behavior toward students in their schools. The Student Safety Act proposes to address this problem by calling for: “expansion of the jurisdiction of the Civilian Complaint Review Board (CCRB) so that, as with abuses elsewhere in New York City, abuses by School Safety Officers in the schools can be filed with and reviewed and investigated by the CCRB, which can then recommend remedies.”
3. The NYCLU has already documented alleged retaliation against students (and educators) who intervene in the arrests of students. The problem may become even greater when students can report SSAs to a Civilian Complaint Review Board. The Student Safety Act calls for “prevention of retaliation against student and educator complainants through implementation, as needed, of New York State Penal Law related to prosecution for acts of official misconduct.”
4. In implementing a security system that the CCHS views as imperfect, but clearly better than the previous one, the DOE faces complex challenges. These include, for example: (1) balancing the safety of the entire school community against the potential negative impact on students whose violations are alleged, but not yet proven; and (2) balancing the security of all students against students’ right to be treated in a lawful manner. Arrests and/or suspensions that can last a week or more for age-appropriate adolescent behavior (e.g., cutting classes, leaving school early, speaking back to an authority figure) interrupt a student’s education. Research has found a correlation between suspensions, which cause students to fall behind in class, poor academic performance, and students’ decision to drop out of school (The Advancement Project and The Civil Rights Project, 2000). According to an NYCLU report on “Unlawful Arrests of Schoolchildren at NYC Public Schools,” 97 children younger than 16 were arrested at school in 2007 for such non-criminal violations as disorderly conduct, harassment, trespass, and possession of marijuana, despite a State law protecting children of this age from such arrests at school for non-criminal violations. The CCHS recommends that the DOE and NYPD review, with meaningful input from parents, students, teachers, and school-based administrators, the criteria for violations that merit arrest.
5. In *Criminalizing the Classroom: The Over-Policing of New York City Schools* (2007), the NYCLU, based on a survey of more than 1,000 NYC high school students, finds that the SSA’s use of metal detectors contributes to lost class time and that interactions between students and SSAs as students enter school and pass through the metal detectors have resulted in: (1) cases of disrespectful, verbally abusive, and discriminatory comments by the SSAs (e.g., against lesbian, gay, bisexual and transgender students); (2) cases of intrusive searches, including frisks, removal of clothing, and inappropriate behavior by

male SSAs to female students; (3) the confiscation of personal property, including cell phones and art supplies deemed “dangerous”; (4) cases of arrests for breaking a school rule that does not constitute a criminal violation; and (5) cases of arrests of educators who object to SSA misconduct. The CCHS endorses the NYCLU recommendation that “the city ... reduce the use of permanent metal detectors and evaluate the needs of each school community before installing metal detectors.”

6. The DOE issued, effective September 2008, *Citywide Standards of Discipline and Intervention Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12*. It highlights the following: “The Principal or the Principal’s designee must report all infractions to parents. When a student is believed to have committed a crime, the police must be summoned and parents must be contacted (see Chancellor’s Regulation A-412).” In light of complaints to the CCHS from parents who have not received such notification, the CCHS proposes that this parental notification requirement be strictly enforced.
7. Only nine municipalities in the county have a police force for all of its citizens that is larger than the number of SSAs who patrol the city’s schools (NYCLU). SSAs, some not much older than high school students, do not appear to be well trained to work with adolescents. The NYCLU reports being unable to see a copy of the training protocol for SSAs. The CCHS recommends that the DOE and NYPD review and revise, with meaningful input from parents, students, teachers, and school-based administrators, SSA training and supervision protocols to ensure that they are appropriate for a school environment, emphasize respect for all students, and contain clear guidelines on when and how to intervene.
8. The CCHS continues to urge that school safety decisions be returned to school administrators, who will focus on developing a school safety climate that is consistent with schools’ educational mission and fosters more positive relationships between the SSAs and both students and school administrators. There should be a transitional period of principal training before effecting this change.
9. The CCHS recommends that the DOE explore multiple alternative methods of supporting school safety. These would include various peer mediation, counseling, and conflict resolution and intervention strategies, such as restorative justice, which engages offending students in discussions with those she or he has harmed and with significant family members of both offender and victim.

## **RACISM**

This section covers five issues: (1) the racial achievement gap in graduation; (2) racial disparities in admission to specialized high schools; (3) inequities related to ELLs; (4) the impact on students of color of the DOE’s school safety approach; and (5) military recruitment. Other aspects of racism are discussed elsewhere in this report: for example, Black and Hispanic students bear the brunt of shortcomings related to special education services that are discussed in the special education section, because they are disproportionately represented in special education: Black students constitute 35% of the high school population, but 40% of special education students, while Hispanics make up 38% of all high school students, but 44% of those

in special education (DOE General Education/Special Education Registers from June 2008 for High School/Secondary Public Schools).

### *Graduation*

For the Class of 2007, the DOE reported the highest graduation rate in three years, with 59.7% of students graduating (New York City Department of Education Office of Accountability, August 2008). With the exception of American Indian/Native students, all racial/ethnic groups continued to have increased graduation rates. For the Class of 2007, the DOE revised its methodology for computing the dropout rate, so that, for example, it no longer tallies as graduates those with IEP diplomas or GEDs—and excludes dropouts. The CCHS would like to allay concerns that the excluded categories have not been the basis for the increased graduation rates. The DOE should publicly address this issue by comparing any new graduation rate calculation methodologies going back three years or, conversely, by using the old methodology in the future. Such a step would reflect an “apples to apples” determination of graduation rate levels.

While Class of 2007 data indicate steady improvement, comparisons between groups demonstrate that closing the racial achievement gap, which has long been a major challenge in New York City and nationally, still is a major problem. In New York City, the gap has closed slightly. The DOE reports that, between 2006 and 2007, the gap narrowed by 2.6 percentage points between black and white students and 0.9 percentage points between Hispanic and white students. (This compares favorably to the gap with white students from 2005 to 2006, when it narrowed only .3 percentage points for Black students and remained unchanged for Hispanics.) Hispanic students in 2007 graduated at a rate that is 5.6 percentage points higher than for Hispanic 2005 graduates, while Black students graduated in 2007 at a rate that is 7.0 percentage points higher than Black 2005 graduates. Steady progress is good. But these students, as in the past, graduated in 2007 at so low a rate—43.0% for Hispanics, 47.2% for Blacks—that they still lag far behind their white classmates, whose graduation rate was 68.8%. Despite gains, more than half of Black and Hispanic students do not graduate on time.

The inequities are particularly sharp when one considers the racial gap in relation to those earning a Regents diploma. As analyzed in the New York City Coalition for Educational Justice’s report on the challenge of the new Regents graduation standards (February 2009), DOE data indicate that in 2007 the percentage of white students earning a Regents Diploma (57%) was approximately 30 percentage points higher than the percentage of Black (28%) and Hispanic (26%) students who graduated with a Regent diploma. The situation was even worse for 2007 Black and Hispanic male graduates, with less than 23% getting a Regents diploma. Although more students overall attained Regents diplomas between 2005 and 2007, there has been no narrowing of the Regents diploma acquisition rate between white students and Black and Hispanic students. Black and Hispanic students largely attend high-poverty schools, where 32% of students attained a Regents diploma; at low-poverty schools, 58% of students received such a diploma. Previous research on New York City middle schools for the Coalition for Educational Justice, written by staff from the Community Organizing and Engagement Group of the Annenberg Institute for School Reform at Brown University, documents the ways in which income correlates with both resources and outcomes in the schools (2007, 2008; cited in NYCCEJ, February 2009). New York State is phasing out the local diploma and requiring a Regents diploma for the graduation of all general education ninth graders who begin high school

in 2008 and after. Within this context, the current and past racial gap in attaining a Regents diploma looms as a potential crisis.

1. The CCHS recognizes the critical role that middle schools play in preparing students to graduate from high school. It is heartened by the DOE's Campaign for Middle School Success. Clearly, any initiative that helps reduce the significant racial achievement gap for middle school students will contribute to a badly needed reduction in the graduation gap.
2. To the extent that cultural insensitivity, racism, or inadequate teaching methodologies by some teachers and principals contribute to the achievement gap, the CCHS urges the DOE to more strongly incorporate positive and inclusive multicultural programs into mandatory professional development activities. The DOE already emphasizes the use of: (1) curriculum that incorporates the contributions of all groups, and (2) differentiated instruction as an effective means for teachers to respond appropriately to individual students and to accommodate differences.

Parents have brought complaints to the CCHS related to interactions with school staff who do not communicate high expectations for their children and who do not give equitable attention to students of all backgrounds. The CCHS encourages further professional development that would better prepare school administrators and teachers to develop cultural competencies that would help shape curriculum, instruction, and equitable assessment and would facilitate more positive interactions among diverse groups of students and between staff and students, and staff and parents.

### *School Safety*

3. While there is no question that students deserve a safe, secure environment in which to learn, the CCHS is concerned by the disproportionately negative impact on Black and Hispanic students of the DOE's police- and metal detector-approach to school safety. The previous section on School Safety describes in greater detail such issues as the over-policing of high schools, especially those attended by low-income Black and Hispanic students; the DOE's over-investment in expensive surveillance technology and other policing measures in these schools; and a number of School Safety Agents that is larger than that in 10 major U.S. cities (New York Civil Liberties Union, 2008) A review of DOE data for the 2004-2005 school year indicates that the percentage of Black and Hispanic students (82%) attending high schools with permanent metal detectors was 11 percentage points higher than the citywide percentage.<sup>2</sup> These schools tend to be large and overcrowded and have a far higher suspension rate than similar schools, with suspensions disproportionately involving Black and Hispanic students (New York Civil Liberties Union, March 2007). As discussed in this CCHS report's School Safety section, police in the schools have criminalized such non-criminal incidents as leaving school early and talking back to school safety staff. As a result, students are often arrested for infractions that would be more appropriately handled by educators. The CCHS urges the DOE to address the ways in which its approach to school safety, especially in the absence of adequate training for School Safety Agents, contributes,

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<sup>2</sup> NYCLU analysis of enrollment data from New York City DOE Register, provided by ATS. Data current as of October 15, 2006. Available online at <http://schools.nyc.gov/OurSchools/>.

however inadvertently, to interrupted education and high dropout rates for Black and Hispanic students. As the New York Civil Liberties Union has found, zero tolerance policies like those of the DOE contribute to a school-to-prison pipeline: (1) directly, through responding to minor incidents with actions by the police that often involve arrests or referrals or juvenile detention; and (2) indirectly, through suspension, expulsion, and other means of excluding students from school or discouraging them from continuing to attend (NYCLU, 2007).

### *Admission to Advanced High Schools*

A sizable racial gap continues to be present in the city’s specialized high schools, especially the Bronx Science, Staten Island Technical High School, and Stuyvesant. In a city whose students are approximately 40% Hispanic, 32% Black, 14% Asian, and 14% white, Black and Hispanic students make up a disproportionately small percentage of students at the city’s most specialized high schools, with the percentages higher, but, with one exception (Brooklyn Latin), still well below the city averages at the more recently established specialized high schools<sup>3</sup>:

School	Black or African American	Hispanic or Latino
Bronx Science	4%	7%
Brooklyn Tech	14%	8%
Stuyvesant	2%	3%
Brooklyn Latin School	49%	29%
High School for American Studies at Lehman College	20%	24%
High School for Mathematics, Science and Engineering at City College	17%	33%
Queens High School for the Sciences at York College	17%	9%
Staten Island Technical High School	1%	4%

To respond to longstanding racial disparities, the DOE enrolls 6<sup>th</sup> graders who meet low-income requirements in the Specialized High Schools Institute (SHSI), formerly known as the Math Science Institute, which was started in 1994. The school-year and summer program prepares students to take the Specialized High School Examination through mathematics, science and language arts activities that strengthen their understanding and critical thinking skills.

4. As part of this commitment to educational equity, the CCHS supports the DOE’s provision of all services that expand **access for low-income students**—largely students of color—by preparing them for challenging educational opportunities. In light of the current academic admissions process for the specialized high schools, the CCHS hopes that the DOE will expand the SHSI and make more low-income students aware of the value of applying to it.
5. The DOE has expressed confidence in the **entrance test for specialized schools** (Hernandez, November 8, 2008). Nonetheless, the CCHS encourages the DOE to reconsider seriously criticisms of the test in terms of its ability to predict future student performance across ethnic and gender groups, as well as its decision to use a standardized

<sup>3</sup> Annual School Report Cards: Accountability and Oversight Reports, 2006-07.

test as the sole determinant for admission to the specialized high schools (Feinman, 2008). As with CCHS's support for multiple types of assessments, not just standardized tests, in determining other aspects of student success, the CCHS encourages the use of multiple weighted criteria for acceptance to the city's specialized high schools.

### *English Language Learners*

A significant majority of ELLs are students of color. The New York City Department of City Planning finds the city's school-age immigrant population to be 34% Hispanic, 24% Black non-Hispanic, 10% Asian, and 3% of multiracial non-Hispanic backgrounds—81% students of color (New York City Department of Planning, October 2004). While, like their English-dominant classmates of color, these students may experience cultural insensitivity and other forms of racism within the school system, they also have to grapple with the particular obstacles encountered by non-English-speaking students.

6. Parents of ELLs continue to encounter obstacles to becoming informed and making decisions about their child's education. The introduction in February 2006 of Chancellor's Regulation A-663 was designed to provide **translation and interpretation services to parents** with limited English skills. Parents who registered complaints with the CCHS during the 2007-2008 school year confirm the general findings of the 2007 report, *School Year Filled with Missed Communication: Despite Chancellor's Regulation, Immigrant Parents Still Face Language Barriers* (Equity Monitoring Project for Immigrant and Refugee Education, June 27, 2007). Among findings based on nearly 900 completed parent surveys: (1) approximately 60% of parents were unaware of available translation and interpretation services; (2) more than one-third (37%) didn't receive notices in their primary language of parent-teacher conferences; and (3) almost two-thirds (64%) did not receive translated report cards. Also, among high school parents, nearly one-third (31%) could not understand school staff at parent-teacher conferences, and close to half (46%) were unable to communicate with their child's teacher and school staff. While the CCHS welcomes Chancellor's Regulation A-663, it recommends that the DOE work with parents and community advocates for the city's immigrant communities to ensure that adequate translation and interpretation services are consistently provided to parents who need them.
7. It is encouraging to see that former ELLs in the Class of 2007—those who tested out of their entitlement to bilingual or ESL programs—appear to have graduated at a level even higher (70.9%) than English proficient students (63.5%). But major problems still exist in terms of the **graduation rate** of current ELLs, with only 30.8% graduating and 28.9% dropping out. Schools face particular challenges in educating high school ELLs, who must master English language skills and rigorous subject matter. The challenges faced by the DOE are especially large because so many ELLs enter the school system in the 9<sup>th</sup> grade or a higher grade (45% of ELLs in 2007).

The low graduation rates and high dropout rates for ELLs are signs of an educational crisis. These data motivated the Coalition for Educational Excellence for English Language Learners to ask the New York State Education Commission to respond through, among other things: (1) research-based policy and programmatic decisions; (2) an SED action plan for New York City to meet annual ELL graduation targets; (3) improved fiscal accountability regarding ELLs; (4) improved monitoring of mandates;

and (5) a state-level assessment of the education of ELLs in New York City, with recommendations for action (August 18, 2008). The CCHS shares these concerns and encourages the DOE and the State to consider these and other steps to improve the graduation rates of ELLs. As discussed in the small high schools section, those ELLs who are overage and under-credited rarely receive adequate and mandated second-language services at the DOE's transfer high schools and Young Adult Borough Centers (YABCs). As an important step, the DOE needs to be able to discern and report on the difference in graduation rates between ELLs who have been in the system less than and more than four years.

### ***Recruitment***

The DOE permits military recruitment in the schools in accordance with the No Child Left Behind Act's provision for such recruitment, which includes financial penalties for schools that deny access to the military that is equal to that given any group or individual who informs students of post-secondary educational or career information. Adhering to the Army's *School Recruiting Handbook*, the military recruiters in New York City Public Schools intentionally target students of color and lower income students. While all students are impacted by military recruitment activities, students of color are particularly heavily affected.

The CCHS is concerned about reports that military recruiters have, according to a US Government Accountability Report (2006), engaged in increasingly serious acts of misconduct, including misrepresentation, criminal violations, coercion, and harassment (cited in *We Want You(th)!*, 2007). In *We Want You(th)!*, its survey of more than 900 high school students, the NYCLU and the Office of Manhattan Borough President Scott Stringer, in conjunction with the Students or Soldiers? Coalition (2007), found that:

- 73% of respondents didn't receive or didn't know if they had received a military opt-out form from their school, despite DOE guidelines advising students of their right to withhold personal information (e.g., name, address, telephone number) from recruiters;
- 21% reported that recruiters used class time to make presentations, despite DOE guidelines forbidding the use of class time for recruitment activities;
- more than one-third (35%) reported that military recruiters in their schools have access to multiple locations, (e.g., halls, classrooms);
- only 40% could identify a school staff member who knew enough about military recruitment and service to provide them with unbiased, informed advice about their decision whether to join the military; and
- 10% of those at selected schools reported that their schools administer the Armed Services Vocational Aptitude Battery (ASVAB) Exam, with an additional 46% unsure as to whether their schools administer this exam. (The US military administers the ASVAB, often presenting it as a career test, while using it, according to the *Army's School Recruiting Program Handbook*, "to identify "the best potential prospects for recruitment," as well as "concrete and personal information about the student.")

The CCHS supports strong, well-publicized recommendations, like those proposed by the Panel for Educational Policy (PEP), designed to protect student privacy and regulate the physical access of military recruiters to students (e.g., opt-out procedures, recruiter access, staff member designee, and transparency); ASVAB and other privacy protections; a well-publicized and

transparent grievance procedure; and the assumption of all recruiting costs by the Department of Defense, not the DOE.

## ACCOUNTABILITY INITIATIVE

During the 2007-2008 school year, the DOE continued to fund an ambitious accountability initiative that included, among other expenditures: (1) IBM's ARIS (Achievement Reporting and Innovation System), which costs \$80 million; (2) CTB/McGraw-Hill's periodic assessments for students in grades 3-12, at a cost over five years of \$80 million; and (3) "School Quality Reviews," developed by Cambridge Education, a British firm, and costing more than \$16 million annually.

The CCHS views data collection and analysis as essential for accountability. Nonetheless, the CCHS continues to be concerned about the DOE's accountability initiatives:

1. During a fiscal crisis that developed during the 2007-2008 year (and only shows signs of getting worse), the CCHS urges the DOE to disclose publicly the **value added** related to student achievement and school performance that support their continued use. Although the DOE's accountability initiative accounts for a relatively small percentage of its overall budget, it is imperative, at a time of fiscal austerity, to review carefully all expenditures.
2. The CCHS continues to oppose the DOE's over-emphasis on testing and test scores. Parents have expressed to the CCHS their criticisms of the **excessive testing** that has made test preparation the main focus of classes and, through McGraw Hill's Acuity contract, requires students to take multiple practice tests every six weeks. The frequency of such testing diminishing the importance of subjects like art and music that do not get tested and of approaches to learning that emphasize critical thinking, depth of knowledge, and student-driven explorations. The CCHS continues to urge the DOE to monitor the relation between test preparation and a sound curriculum in order to minimize the extent to which the increasing emphasis on test preparation drives classroom instruction.
3. The CCHS applauds the most recent DOE data indicating that the achievement gap between Hispanic and white high school students and African American and white students, which declined from 2003 to 2006, continued to decline in 2007. The results of standardized tests are essential in identifying racial disparities. However, the CCHS maintains that such results are but one facet of the achievement gap. A **multi-dimensional assessment** would also include parental involvement, equal access to both academic instructional opportunities and counseling and other support services, adequate representation of teachers of color and senior teachers in high-need schools, and inclusive instruction in social studies, English, and across the curriculum. The CCHS believes such an assessment would be a more accurate equity indicator.
4. Throughout this report, the CCHS calls for greater **transparency** for data related, among other things, to the achievement gap and special education. Too often the DOE releases data that only highlight successes. As in previous reports, the CCHS continues to urge to DOE to make transparent its public information.

5. Many parents do not have **access** to the accountability information that the DOE does provide. In 2007-2008, for example, ARIS was available to around 7,500-9,000 educators, but not at all to parents (Gootman, October 24, 2008). While the CCHS recognizes the critical needs of school-based educators and central DOE staff, a stronger DOE focus on parental involvement would have resulted in their being among those receiving information in ARIS's first year. A broader access issue relates to the digital divide in New York City that separates technologically literate parents from those—more likely to be low-income—who are not computer literate and/or do not have ready access to a computer. Those in the latter group are most likely to be the parents of the many Black and Hispanic students who are disproportionately struggling to succeed in school. The CCHS urges the DOE to facilitate their access to accountability information through printed hand-outs of relevant information and other strategies. To the extent possible, all parents need to have equal access to information that informs them about their child's progress.
6. The release during the 2007-2008 school year of the first DOE **Progress Reports** for each school led to mixed—sometimes contentious—responses. After the release of the Progress Reports for both 2006-2007 and 2007-2008, differences of perspective continued. Some CCHS representatives view the Progress Reports as an admirable attempt to make schools more accountable to parents and administrators, while others have serious concerns about the validity and usefulness of this school rating system.

The CCHS welcomes the incorporation into the Progress Reports of parent concerns about some key educational issues. Compared with the previous Report Card, this is a positive change. However, while teacher, parent, and student surveys can provide a school with valuable feedback, quantifying such results can raise questions, shared by some on the CCHS, regarding their statistical reliability. The School Environment section, which largely reflects parent, teacher, and student survey results and involves multiple variables (safety and respect, academic expectations, engagement, and communication), constitutes 15% of each overall school rating. The Reports do not include such parent concerns—often expressed to the CCHS—about, for example, the resources devoted to art, music, and physical education. Nor does it consider other “school environment” issues of concern to parents, such as school leadership and teacher quality. If the Progress Reports had been developed in collaboration with teachers and parents, so that they reflected agreed-upon standards, these constituents might well respond more positively to the grades given their schools. But, in the absence of such standards, those who send their children to or teach at failing schools are even more likely to feel demoralized, and even educators and parents whose schools receive an “A” sometimes find their response to this “good news” tempered by reservations about the process. After the release of the initial Progress Report, some parents complained to the CCHS about a system that stresses improvement over achievement, so that a school that begins with high-achieving students has less room to demonstrate improvement than a school with large numbers of struggling students.

The CCHS welcomes the modest improvements that the DOE made in the 2007-2008 Progress Reports in an effort to have them better reflect school progress. Compared to the initial year's reports, the 2007-2008 Progress Reports are more readable and incorporate more variables that affect schools. These changes enabled the DOE, in 2007-2008 Reports, to give credit, for example, to those high schools in which: (1) students were already scoring in the top quartiles, so that all of the city's specialized high schools

with graduating classes received an “A”; and (2) schools were serving high numbers of special education and other high-need students, which contributed to the movement, for example, of Automotive High School from an “F” to a “B.”

While the DOE announcement of the latest Progress Report results underscored the presence of many outstanding high schools, the methodology used raises questions about the assigned letter grades. In releasing the Progress Reports for the 2007-2008 school year, the DOE highlighted findings that more than 83% of high schools received an “A” or “B,” while eight schools got a “D” and six received an “F”; more than half (57%) either maintained their “A” or improved their grade. Modifications in the school rating system this year complicated cross-year comparisons. For example, should 83% of schools attain an A or B, yet only 60% of New York City high school students graduate? The modifications raise serious questions about DOE reports of both overall improvement and of the “A’s” and “B’s” received by the vast majority of high schools still struggling to adequately serve all of its high school students. The DOE needs to clearly qualify its improvement claims. It appears to report only the most rosy results, which come from overlaying one set of variables onto another. Once the methodology remains the same from year-to-year, longitudinal comparisons will be more persuasive. It is a major undertaking for the DOE to make as accessible as possible Progress Reports, as well as other accountability documents, to an extremely large group of parents with different understandings of the educational process and of ways to measure progress, as well as different reading, math, and computer literacy levels. In order to make the Progress Reports more accessible to parents, some representatives of the CCHS have provided training in their use. To improve public dissemination, the CCHS urges the DOE to inform parents more widely about the availability and role of the Progress Reports.

## CAPITAL PLAN

The DOE was, during the 2007-2008 school year, in the fourth year of its five-year capital campaign, which allocated more than \$13 billion for new capacity, capital improvements, and restructuring bigger schools into smaller learning communities. Prior to the fall, 2008 release of the draft of the DOE’s new 5-year capital plan, the Manhattan Borough President and the New York City Comptroller issued policy reports on capital planning and school construction.

Both *Still Crowded Out*, a report of the Manhattan Borough President (Stringer, September 2008), and *Growing Pains*, the Comptroller’s report (Thompson, May 2008), focus on the facility needs of elementary and middle schools. Nonetheless, they raise several key points that are relevant as well to high schools. *Still Crowded Out*, which finds a “serious breakdown in planning” in relationship to Manhattan residential development, calls for transparency in the DOE’s planning process and greater aggressiveness in its five-year plan, so that it can relieve current overcrowding, anticipate future growth, and decrease class size.

*Growing Pains* mentions in passing “cause for significant concern regarding high school overcrowding and the capital planning process for high schools” (p. 11). It discusses both understated system wide capacity needs and flawed DOE grade K-8 enrollment projections that have been the basis for capital planning. As *Growing Pains* makes clear, capacity use has been understated in part as a result of the inclusion in the “Blue Book,” a DOE directory of facilities assessment and school utilization rates of students taught in trailers (Transportable Classroom

Units that the DOE had committed to eliminating by 2012). Including these trailers in capacity computations keeps the school utilization rates artificially low. The last CCHS Annual Report documents instances in which the Blue Book inflated the capacity for selected high schools well above their previous capacity, despite no substantial addition of space.

The criticism in *Growing Pains* of the enrollment projections of the Grier Partnership, a DOE/School Construction Authority (SCA) consultant, is shared by the Community Involvement Program of the Annenberg Institute for School Reform at Brown University (Annenberg Institute, December 2006). In *Planning for Failure*, the Community Involvement Program maintains that the Grier projections assume that, of entering 9<sup>th</sup> graders citywide, only 46% will still be enrolled by 12<sup>th</sup> grade, with 36% in the Bronx, 42% in Brooklyn, 50% in Manhattan, 51% in Queens, and 64% in Staten Island. If it is successful in meetings its reform goal—a four-year graduation rate of 70% and a six-year rate of 80%—the DOE will, as estimated by the Community Involvement Program, need more than 26,000 additional seats.

The CCHS makes the following recommendations:

1. The CCHS reiterates its commitment to its 2005 resolution, passed in conjunction with regional representatives, which cited the research-based connection between **smaller class size** and a positive educational environment in which students benefit from the more focused attention of their teachers.
2. In relation to the DOE capital planning process, the CCHS calls for greater **transparency** in terms of methodology, data, documents, and the status of capital projects.
3. The CCHS encourages the DOE to eliminate **trailers and other temporary classroom structures** by 2012 (at the latest), a commitment the DOE made previously. The CCHS is additionally concerned that the new Capital Plan leaves it to the principal to determine whether to make such a change. A CCHS meeting with parents and students from the Young Women’s Leadership School in the Bronx made clear the problems created by the use of facilities, often not adequately heated, that are not designed to be classrooms and keep students from feeling themselves to be integral parts of their school community.

## SCHOOL GOVERNANCE

As it looked ahead during the 2007-2008 school year to the 2009 decision by the State Legislature on reauthorizing mayoral control of the New York City Public Schools, the members of the CCHS have actively participated in public testimony and public discourse regarding issues affecting the ongoing and future operation of the school system. The CCHS contains both members who oppose mayoral control and those who support reforming it within the statutory framework of Article 52-A of the State Education Law.

The CCHS is considering a resolution that would recommend that the State Education Department pass into law revisions to the current statute affecting Mayoral control of the New York City school system addressing such critical issues as accountability and transparency. Various sections of this Annual Report have detailed the CCHS concerns about these and other issues. Proposed modifications include the following:

1. Comptroller oversight of DOE contracts would provide a means of addressing sole source contracting and other deviations from fiscal reasonability.
2. Public notice, review and discussion of contracts over a reasonable size via PEP meetings would support fiscal responsibility and transparency.
3. An Independent Budget Office that has the authority over and subpoena power related to budgetary, operational, academic, and accountability information would result in a source of objective data assessment and greater transparency in relation to key aspects of DOE operation. Modeled after the Congressional Budget office and the U.S. Government Accountability Office, a New York City Independent Budget Office with statutory power to obtain both financial information and non-confidential student and other data would enhance performance and the public's confidence in mayoral school governance.
4. Designated public reports for special education students and ELLs and their parents would expand student and parent access to legally mandated services.

Regardless of both the formal position to be taken by the CCHS and individual differences among its members, the CCHS recommends the following in order to provide mechanisms for parents to have more input into educational decision-making:

5. Strengthening current legislative guarantees would both provide a clearly designed structure for parent and community consultation and require the Mayor, courts, and his appointees to recognize the role of parent and community stakeholders.
6. The Community Education Councils (CECs) and other parent/community bodies should have broad powers of oversight and policy input, with fewer enumerated responsibilities with which, as part-time lay volunteers with little staff assistance, they are often unable to comply.
7. Restoration under Section 2590-e of the power of the CEC to recommend Community Superintendents would balance the interests of local communities with the Chancellor's citywide governance role.
8. The appointment of the next Chancellor by the Mayor with the advice and consent of the City Council would improve the selection process and garner greater parent and community support for the eventual appointee.

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