



ADVOCATES FOR CHILDREN

Helping children succeed in school

Advocates for Children of New York, Inc.
151 West 30th Street, 5th Floor
New York, NY 10001
Phone: (212) 947-9779
Fax: (212) 947-9790
www.advocatesforchildren.org

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**

Board of Directors

Jamie Levitt, President
Harriet Chan King, Secretary
Barry Ford, Treasurer
Paul Becker
Frances Bivens
Lauren Hammer Breslow
Kevin J. Cummin
Jessica Davis
Robin L. French
Eric Grossman
Roderick Jenkins
Jeffrey E. LaGueux
Maura K. Monaghan
Mala Thakur
Lysa Vanible

Executive Director
Kim Sweet

Deputy Director
Matthew Lenaghan

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



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.