

**TESTIMONY OF ADVOCATES FOR CHILDREN OF NEW YORK BEFORE THE
NEW YORK CITY COUNCIL EDUCATION COMMITTEE
REGARDING THE NEW YORK CITY DEPARTMENT OF EDUCATION'S SMALL
SCHOOLS INITIATIVE**

FEBRUARY 16, 2007

**Advocates for Children of New York
Testimony at City Council Hearing on Small Schools
February 16, 2007**

Good morning. My name is Matthew Lenaghan, and I am the Deputy Director of Advocates for Children (AFC). I want to thank the Education Committee for convening this hearing and for the opportunity to testify on the New York City Department of Education's Small Schools Initiative. AFC is a non-profit legal advocacy organization whose mission for over thirty-five years has been to ensure equal educational opportunities and quality education for children in the New York City public school system. AFC is committed to serving students who are most at-risk of school failure due to factors such as disability, poverty, race, immigration status, and involvement in the juvenile justice and child welfare systems.

My testimony will focus on the impact of the New York City Department of Education's (DOE's) small high school initiative on English Language Learners, students with special education needs, overage and under-credited high school students, and students who fall into more than one of these categories. While AFC acknowledges that preliminary studies indicate that new small schools show improved outcomes for students generally, we are concerned that these specific populations are not receiving the benefits of small schools and are also being harmed by the closing of large schools. Some of our comments will overlap with testimony by the panel of advocates led by the New York Immigration Coalition (NYIC) and testimony from New York Lawyers for the Public Interest (NYLPI).

An ESL teacher from Tilden High School was quoted in yesterday's New York Times, as saying "Education involves trade-offs; it always does."¹ Often, and as is the case here, the costs of these trade-offs are born by the city's most vulnerable students. ELLs, students with special

¹ Samuel G. Freedman. (February 14, 2007). On Different Pages With Bilingual Education. New York Times

education needs and overage and under-credited high school students all have lower graduation rates than the general student population, and may have the most to gain from smaller more personalized learning environments. In AFC's experience, the dismantling of large high schools and the creation of new small schools in their place: 1) explicitly excludes ELLs and special education students from the new schools that are being created and pushes these students into large failing schools; 2) eliminates programs and services needed by ELLs and special education students and does not replace these services; and 3) creates incentives to push overage and under-credited high school students out of school entirely, leaving them with no viable school or program options (unfortunately, these students are also more likely to be ELL and/or special education students). These factors contribute to an already unacceptably high drop out rate for these students.

The DOE has repeatedly confirmed its policy that new small high schools are not required to accept ELLs and students with disabilities who need any kind of special education classroom for the first two years. NYLPI's recent report shows that even after two years, many small schools continue to exclude special education students.² This policy is discriminatory towards students with Limited English Proficiency and students with disabilities. Furthermore, this policy runs counter to the idea that schools should be inclusive learning environments for a diverse student body, particularly in a city like New York. The existence of this formal policy sends a message that the needs of these students are not a priority, that they are difficult to educate, and that they do not need to be included in sweeping reform efforts.

The dismantling of large comprehensive high schools also leads to a loss of critical programs and services for ELLs and students who need special education services. For example,

² Small School, Few Choices: How New York City's High School Reform Effort Left Students with Disabilities Behind, NYLPI, October 2006.

we learned that the closing of Tilden High School in Brooklyn will lead to the elimination of one of only four Haitian Creole bilingual programs in the city. Since schools are only mandated to create bilingual education programs when they have 20 or more ELLs of the same grade level and same native language, these programs are much more likely to exist in large schools rather than small schools. Furthermore, in general the small schools that will replace these larger high schools are not mandated to accept ELLs and are not guaranteed to have services for ELLs.

The same pattern holds true for students who need special education services to learn. As documented in a report released by PIE and NYLPI in October, small schools that open in the place of large schools do not offer the same services that were previously available to the students (such as Collaborative Team Teaching classes and self-contained special education classes). As a result, ELLs and students who need special education services have to go elsewhere to find the services they need. Not surprisingly, the data shows that ELLs and students with disabilities are overrepresented in large failing schools, as detailed in a report by Beth Fertig at WNYC.

In addition, we have received reports from community based organizations that the DOE's recent phasing out of large high schools leads to the pushing out of overage, and under-credited students. When large schools are phased out, the smaller schools that re-open in their place typically are not designed to serve older students and do not accept students who are beyond 9th grade. This means that these students can no longer remain at their large school and are left with limited educational options. While the DOE's Office of Multiple Pathways to Graduation (OMPG) has been developing programs to serve these students, these programs can currently serve only a small fraction of the estimated 138,000 overage and under-credited high school students in New York City.

ELLs, students with disabilities and overage and under-credited students already have low graduation rates. Only about 35.5% of current ELLs will graduate from high school in four years³. The numbers for students receiving special education are even more shocking. A 2005 policy report⁴ by Advocates For Children found that 88% of New York City special education students do not receive a regular high school diploma, while the national graduation rate for special education students is over double New York City's⁵. Meanwhile overage and under-credited students are very likely to not graduate. The DOE's data shows that 91% of dropouts are overage and under-credited.⁶

These effects of the small school initiative are especially troubling because the students most adversely affected by these changes are also the students who could potentially gain the most from attending smaller high schools. In 2004, the DOE commissioned a report from Thomas Hehir,⁷ to analyze how special education in NYC could be improved. Hehir made numerous suggestions to improve the state of special education in NYC, including mainstreaming students as much as possible and recognizing that *all* students, not just special education students, could benefit from a creative and individualized curriculum. His report specifically recommended that the new small high schools include students with disabilities⁸. Finally, many of the DOE's new programs through the OMPG for overage and under-credited students, such as YABC programs, emphasize smaller more supportive learning environments. ELLs, students with disabilities and overage and under-credited students are at high risk of not completing high school. Allowing these students no other alternative other than to enroll in large

³ New York City Department of Education. The Class of 2005 Four-Year Longitudinal Report 2004-2005 Event Dropout Rates.

⁴ Leaving School Empty Handed Advocates for Children, June 2005, p. 1

⁵ Id. p. 24

⁶ *New York City DOE Multiple Pathways Strategy: Summary Findings*. Presentation to the New York State Regents and Commissioner, State Education Department, Oct. 23, 2006.

⁷ Comprehensive Management Review and Evaluation of Special Education, September 2005.

⁸ Id. p.96

failing schools, sometimes outside their communities, and asking them to wait their turn for smaller, more supportive learning environments will only lead to even lower graduation rates among these already at-risk populations.

Recommendations: AFC encourages the DOE to implement the recommendations in our recent report written with the NYIC and other community groups entitled, “*So Many Schools, So Few Options*”. AFC also supports the recommendations made by PIE and NYLPI in their report, “*Small Schools, Few Choices*.” In addition, AFC recommends that:

- The DOE should ensure that as larger schools are closed, specialized programs, such as bilingual education programs, are preserved or replaced with quality programs of comparable size at the new small schools opening in those communities.
- The City Council and the DOE should examine how phasing out large high schools affects overage and under-credited students in those schools, specifically whether these students are being encouraged to leave school. If this is indeed a problem, the DOE should ensure that the large high schools that are being phased out follow proper planning, discharge and transfer procedures. In addition, the DOE should focus on developing programs that serve overage and under-credited students in communities where large high schools are slated to close.