

# SIXTEEN GOING ON SEVENTH GRADE

*Over-Age Students in  
New York City Middle Schools*

*“I felt so stupid, doing eighth grade over again,  
still not getting it with all these little kids.”*

— Third-time eighth grader

A report by Advocates for  
Children of New York

SEPTEMBER 2014



## *Acknowledgements*

We would like to thank and acknowledge Ashley Grant for her work as the primary author of this report as well as Christian Villenas, Aiyana Mourtos, Bianca Cabrera, and Sarah Part for their significant contributions. We would also like to thank the students, families, community organizations and NYCDOE staff who shared their experiences and recommendations and Liza Pappas and the New York City Independent Budget Office, who provided us with quantitative data.

This report would not have been possible without funding from Equal Justice Works and the Arnold & Porter Foundation. We are grateful for their support.

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# Executive Summary

When we met Eric,<sup>1</sup> he was a sixteen-year-old eighth grader who had repeated the eighth grade twice after failing the state math tests. His family had relocated to a shelter in the Bronx after his family's apartment in Queens burned down. When Eric tried to enroll in a school closer to the shelter, staff told him that he was too old to attend their school. Determined, Eric and his family solicited the help of an advocate, and he was allowed to re-enroll in middle school.

However, Eric felt extremely out of place among thirteen- and fourteen-year-olds; he desperately wanted to find a school where he could learn with students his own age. Eric decided to search for an alternative. First, he visited a program for over-age middle school students in Richmond Hill, Queens, but realized the long commute would be too difficult to manage. Next, Eric learned about a charter school that served over-age youth, but found out he was too old to apply to that program and too young to enroll in a high school equivalency program. Eventually, Eric grew so uncomfortable at his community middle school that his mother decided to homeschool him until he was old enough to enroll in a GED program the following school year. Although he has a lot of catching up to do, Eric is now eighteen years old and hoping to obtain his high school equivalency diploma. He never made it to high school.



Eric is not alone. He is one of seventy over-age middle school students assisted by Advocates for Children of New York (AFC) during the 2013-14 school year. The term “over-age students” refers to those young people who are above the traditional school age for their grade level. In New York City, more than 50,000 middle school students are at least one year over-age.<sup>2</sup> These students represent 23% of the city's middle school population.<sup>3</sup> The New York City Department of Education (NYCDOE) reports that 4.1% of middle school students are at least three years over-age; this represents more than 8,500 young people.<sup>4</sup> Despite these high numbers, New York City provides fewer than 450 seats in alternative programs for these students.<sup>5</sup> The vast majority of these seats are available only to eighth-grade students, leaving sixth and seventh graders with few, if any,

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<sup>1</sup> All student names have been changed.

<sup>2</sup> New York City Department of Education (NYCDOE) data for school year 2011-2012 provided by the New York City Independent Budget Office (IBO) in response to the authors' request. Data from the 2011-12 school year was the most recent available at the time of the request in December 2013. This data captures all students in grades 6 through 8 who were enrolled for at least 1 day during the 2011-12 school year. It includes students in District 79 and charter schools, but not students in District 75 (the citywide special education district).

<sup>3</sup> Ibid.

<sup>4</sup> NYCDOE “Overage for Grade Report (ROAG),” 2013-14 (8,644, 4.1% of registered NYCDOE middle school students, were at least 3 years over-age in 2013-14). The NYCDOE provided this information for school years 2009-10 through 2013-14 in response to an October 2013 Freedom of Information Law request by Advocates for Children of New York (AFC). Data reflects over-age students enrolled in all DOE middle schools on October 31<sup>st</sup> of each school year. It includes students in District 75 and District 79, but not students in charter schools.

<sup>5</sup> See Table I. All three schools that serve 6<sup>th</sup>- and 7<sup>th</sup> grade students have eligibility criteria that exclude some over-age students.

## Over-Age Middle School Students BY THE NUMBERS

Nearly **1 in 4 middle school students** in NYC is a year or more over-age.

**8,644** middle school students were **three or more years over-age** during the 2013-14 school year.

**86%** of over-age middle school students identify as **Black or Hispanic**.

Over-age middle schoolers are **twice as likely to have special education needs** as their on-track peers.

Over-age students are at least **twice as likely to drop out** of school.

alternative options.<sup>6</sup> Most of the charter schools, transfer schools, and high school equivalency programs designed to get over-age students back on track target only students ages sixteen to twenty-one, and many serve only students who have actually made it to the ninth grade. Plainly, more programs and services are needed to meet the needs of over-age middle school students.

An analysis of these over-age students and the middle schools they attend reveals several significant trends.<sup>7</sup> Key findings include an overrepresentation of Black students, Hispanic students, and students with disabilities and a concentration of over-age students in high-need communities in Brooklyn and the Bronx. In addition, a correlation exists between over-age status and school attendance: after the sixth grade, even one-year over-age students have lower attendance rates than their on-track peers, and attendance rates continue to decrease as students drop further and further behind. Moreover, educators report a strong correlation between significant disruptions in schooling and over-age status.

Most over-age middle school students in New York City have been retained at least once before they entered sixth grade.<sup>8</sup> Retained students have lower self-esteem and more negative attitudes toward school than comparable students who were promoted,<sup>9</sup> and they are significantly less likely to pursue post-secondary education.<sup>10</sup> A large body of research indicates that dropout rates are two to eleven times higher among previously-retained students than their on-track peers.<sup>11</sup> Not surprisingly,

<sup>6</sup> Ibid.

<sup>7</sup> See Section II, Demographics of Over-Age Middle School Students

<sup>8</sup> See Section II, Status at Point of Entry to Middle School.

<sup>9</sup> Holmes, C. & K. Matthews (1984, Summer). "The Effects of Nonpromotion on Elementary and Junior High School Pupils: A Meta-Analysis." *Review of Educational Research* 54(2): 225-236.

<sup>10</sup> Brooks-Gunn, J., G. Guo, & F. F. Furstenberg (1993). "Who Drops out of and Who Continues Beyond High School? A 20-Year Follow-Up of Black Urban Youth." *Journal of Research on Adolescence* 3(3).

<sup>11</sup> Rumberger, R. W. & K. A. Larson (1998). "Student mobility and the increased risk of high school drop out." *American Journal of Education* 107: 1-35 (students retained before eighth grade are 4 times more likely to drop out); National Center for Education Statistics (1992). *Characteristics of At-Risk Students in NELS: 88*. (Contractor Report NCES 92-042). Washington, D.C.: U.S. Department of Education, Office of Educational Research and Improvement (students retained in grades K-4 are 5 times more likely to drop out than those who were never retained; students retained in grades 5 through 8 are 11 times more likely to drop out than students who were not retained; over-age 8<sup>th</sup>-grade students are 8 times more likely to drop out); Barro, S.M. & A. Kolstad (1987). *Who Drops Out of High School? Findings from High School and Beyond*. Report no. CS 87-397c. Washington, D.C.: U.S. Department of Education (over-age students were 2 to 3 times more likely to drop out than non-retained peers); Jimerson, S.R. (2001). "Meta-analysis of Grade Retention Research: Implications for Practice in the 21st Century." *School Psychology Review* 30: 313-330 (Being one year behind makes students 50% more likely to drop out.); NYCDOE Office of Multiple Pathways (2006). *Multiple Pathways Research and Development: Summary Findings and Strategic Solutions for Overage, Under-Credited Youth*. New York, NY: Author. Retrieved from

the more times a student is retained, the less likely it becomes that he or she will finish high school.<sup>12</sup> Given the strong connection between retention and the likelihood of not completing high school, we need new strategies to address the needs of students struggling to meet grade-level standards.

Repeatedly over the last thirty years, New York City has attempted to use grade retention as a means for boosting student achievement.<sup>13</sup> Despite the failures of the Promotional Gates program in the 1980s, the Bloomberg-Klein administration in 2004 began a similar retention-based program requiring students to pass year-end assessments in order to be promoted to the next grade level. After nearly a decade of reliance on these high-stakes examinations, 2013-14 marked a dramatic shift in the NYCDOE's promotion policy. This summer, schools used multiple measures — otherwise known as promotion portfolios — to make promotion decisions for students in grades three through eight. At the time of publication, retention data was not yet available for the 2013-14 school year. However, thousands of students became over-age under the promotion policies of the last decade, and many of those students remain in New York City middle schools.

*We recommend that the NYCDOE take the following steps to reduce the number of over-age students and to better serve those over-age students still stuck in middle school:*

- Standardize the definition of over-age and publicly report data on over-age students;
- Review and further revise promotion policies at all grade levels to reduce the number of students who end up over-age in middle and high schools;
- Make promotion appeals more accessible to families by creating an appeals form and designating central-based staff to assist in difficult cases;
- Foster innovation and information-sharing by establishing central-based supports for schools serving over-age students;
- Expand alternative options for over-age middle school students; and
- Create opportunities for over-age students to interact with age-appropriate peers and earn high school credits.

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<http://schools.nyc.gov/NR/rdonlyres/B5EC6D1C-F88A-4610-8F0F-A14D63420115/0/FindingsofOMPG.pdf>

(“Overage and under-credited students fall behind early, and once they become off-track, leave the system rapidly. 84% of students who are 16 years old with fewer than 8 credits end up leaving the system”). See also Allensworth, E.M. (2005). “Dropout Rates after High-States Testing in Elementary School: A study of the Contradictory Effects of Chicago’s Efforts to End Social Promotion.” *Educational Evaluation and Policy Analysis* 27(4): 341-364; Holmes & Matthews, 1984.

<sup>12</sup> FairTest (2007). *Testing and Grade Retention*. Cambridge, MA: Author (Students “retained once have a 40% higher chance of dropping out and a 60% higher chance if retained twice.”); Janosz, M., M. LeBlanc, B. Boulerice, & R.E. Tremblay (1997). “Disentangling the Weight of School Dropout Predictors: A Test on Two Longitudinal Samples.” *Journal of Youth and Adolescence* 26(6): 733-762; Louisiana Department of Education (2011). *Grade Retention is Not an Intervention*. Baton Rouge, LA: Author (On-track students’ likelihood of graduating is 81%. This likelihood drops to 48% for once-retained students, to 19% for twice-retained students, and to 7% for students retained more than twice.). Hammond, C. (2007) *Dropout Risk Factors and Exemplary Programs: A Technical Report*. Clemson, SC at 12. Retrieved from [http://www.dropoutprevention.org/sites/default/files/uploads/major\\_reports/DropoutRiskFactorsandExemplaryProgramsFINAL5-16-07.pdf](http://www.dropoutprevention.org/sites/default/files/uploads/major_reports/DropoutRiskFactorsandExemplaryProgramsFINAL5-16-07.pdf) (multiple retentions dramatically increase the odds that a student will drop out).

<sup>13</sup> See Section III.

The information in this paper is derived from the experiences of AFC’s over-age clients, conversations with community-based organizations and educators, published studies, and NYCDOE data. As the individual stories of young people illustrate, a host of factors contribute to students becoming over-age. As such, the NYCDOE must expand its current alternative programs, look to its own experts, and learn lessons from the past to come up with creative solutions to this problem. Doing so is critical to ensuring that over-age students do not become dropouts before they even reach the ninth grade.<sup>14</sup>

The purpose of this paper is to bring attention to the over-age middle school crisis in New York City. The following section presents the available data on over-age middle school students and the experiences of AFC’s clients to describe the scope and nature of the problem. We next review New York City’s past and present promotion policies as well as previous programs targeted to over-age middle school students, and lay out the current options. Finally, we offer several recommendations to help prevent future students from becoming over-age and to help current over-age middle school students get back on track.

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<sup>14</sup> Iver, M.A.M. (2010). *Gradual Disengagement: A Portrait of the 2008-09 Dropouts in the Baltimore City Schools*. Baltimore, MD: Baltimore Education Research Consortium.

# Over-Age Students in New York City Middle Schools: The Scope of the Problem

## The Definition of “Over-Age”

In New York City, on-track students turn eleven, twelve, and thirteen by December 31<sup>st</sup> of their sixth, seventh, and eighth-grade years, respectively. The term “over-age students” is used in this paper to refer to those young people who are at least a year over the traditional school age for their grade level. The New York City Independent Budget Office reports that 23% of New York City middle school students are at least one year over-age.<sup>15</sup>

The NYCDOE does not have a consistent definition of what it means to be over-age. In the context of high school, it defines over-age students as those who are at least two years off-track relative to expected age and credit accumulation.<sup>16</sup> When it comes to its middle schools, however, the NYCDOE does not clearly define what it means to be over-age and does not release data on the number of students who are over-age. Though it does publish the percentage of students who *enter* sixth grade two or more years over-age, the Department does not provide guidance on how this figure is calculated.<sup>17</sup> Through a Freedom of Information Law (FOIL) request, AFC obtained the NYCDOE’s internal Overage for Grade Report (ROAG) figures for each NYCDOE middle school. In this report, the NYCDOE defines as “over-age for their grade level” only those students who are at least *three years* older than on-track peers.<sup>18</sup> Using this definition, The NYCDOE reports that 4.1% of New York City middle school students, more than 8,600 young people, are over-age.<sup>19</sup>

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<sup>15</sup> AFC calculation (2014) using IBO data, 2011-12. See Footnote 2.

<sup>16</sup> NYCDOE (2013). *Educator Guide: The New York City Progress Report Transfer High School 2012-2013*. New York, NY: Author. Retrieved from [http://schools.nyc.gov/NR/rdonlyres/3679B833-98F9-4156-97DA-1F957732B539/0/EducatorGuide\\_HST\\_2013\\_11\\_25.pdf](http://schools.nyc.gov/NR/rdonlyres/3679B833-98F9-4156-97DA-1F957732B539/0/EducatorGuide_HST_2013_11_25.pdf) (“A student designated as over-age/under-credited is considered to be two or more years behind expected credit accumulation.” It defines as over-age any student who, by December 31<sup>st</sup>, is 17 years old with fewer than 22 credits (not yet in the 11<sup>th</sup> grade), or 18 years old with fewer than 33 credits (not yet in the 12<sup>th</sup> grade)); NYCDOE Office of Multiple Pathways to Graduation (2006, October 23). *Multiple Pathways Research and Development: Summary Findings and Strategic Solutions for Overage, Under-Credited Youth*. New York, NY: Author. Retrieved from <http://schools.nyc.gov/NR/rdonlyres/B5EC6D1C-F88A-4610-8F0F-A14D63420115/0/FindingsofOMPG.pdf> (“An overage, under-credited student is at least 2 years off-track relative to expected age and credit accumulation towards earning a diploma.”).

<sup>17</sup> NYCDOE (2013, November 18). *Educator Guide: The New York City Progress Report Elementary/Middle/K-8 2012-13*. New York, NY: Author. Retrieved from [http://schools.nyc.gov/NR/rdonlyres/7B6EEB8B-D0E8-432B-9BF6-3E374958EA70/0/EducatorGuide\\_EMS\\_20131118.pdf](http://schools.nyc.gov/NR/rdonlyres/7B6EEB8B-D0E8-432B-9BF6-3E374958EA70/0/EducatorGuide_EMS_20131118.pdf) (Middle schools’ progress report includes “percent students 2 or more years overage upon entry into 6<sup>th</sup> grade”). Chancellor’s Regulation A-501 has specific promotion provisions for students who are “2 or more years overage by December 31<sup>st</sup> of the current school year,” but also does not provide additional guidance on how this is to be calculated. Under Chancellor Fariña (2014, June 2). Regulation of the Chancellor A-501.IV.D.2 & A-501.V.D.2.

<sup>18</sup> ROAG defines as over-age for their grade level “those students whose age is *greater* (emphasis added) than the calculated ‘on-grade age.’ A student’s age is calculated by subtracting their birth year from the start of the current school year. That is, for school year 2013-14, birth year is subtracted from 2013. The ‘on-age grade (sic)’ is then

“ *Why am I going to go back to that school? I already did all this.* ”

Third-time seventh grade student

Counting only those students who are three or more years over-age significantly underrepresents the over-age crisis in New York City middle schools and is out of sync with the way over-age is defined by high schools. For example, for an eighth grader to appear on the ROAG for the 2013-14 school year, she must have turned *sixteen* by December 31, 2013.<sup>20</sup> If this same student wanted to apply to one of the NYCDOE’s high schools for ninth graders who are at least two years over-age, however, she would find herself too old to apply.<sup>21</sup> These discrepancies in the way the NYCDOE defines over-age do not just complicate individual student planning; they also make it very difficult to identify trends among over-age students and to craft policy changes to better serve them. Given the lack of publicly available data on over-age middle school students, unless otherwise indicated, the demographic analysis below relies upon data obtained from the New York City Independent Budget Office and refers to students who are at least one year over-age.

## Demographics of Over-Age Middle School Students

In order to address the over-age middle school phenomenon, it is critical that we understand who these young people are and where they attend school. Students from certain disadvantaged groups tend to be overrepresented in the population of over-age middle school students in New York City. For example, in 2011-12, the most recent school year for which data is available, while 70% of all New York City middle school students identified as Black or Hispanic, nearly 83% of middle school students who are at least one year over-age identified as Black or Hispanic (see Figure 1).<sup>22</sup> Furthermore, the percent of over-age middle school students with special education needs was twice that of all middle school students in New York City (35% versus 17.5%, respectively).<sup>23</sup> By contrast, low-income students (as determined by eligibility for Free and Reduced Meals) and English Language Learners did not appear to be overrepresented in the population of over-age middle school students in New York City.

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calculated by ADDING 7 TO THE GRADE LEVEL (emphasis in original).” The report lists the “on grade age” for 6<sup>th</sup> grade as 13, for 7<sup>th</sup> grade as 14, and for 8<sup>th</sup> grade as 15.

<sup>19</sup> ROAG, 2013-14. In 2011-12, this figure was 4.7% and in 2012-13, it was 4.3%.

<sup>20</sup> Only eighth-grade students born in 1997 or earlier are listed on this report.

<sup>21</sup> High School for Excellence and Innovation and Brooklyn Frontiers High School serve students who they define as 2 years over-age. At both schools, incoming students must be 15 or 16 years old (born in 1998 for Fall 2014), entering high school for the first time, and have been held back at least twice in previous grades. NYCDOE (2014). *2014-2015 Directory of NYC Public High Schools*, New York, NY: Author. Retrieved from

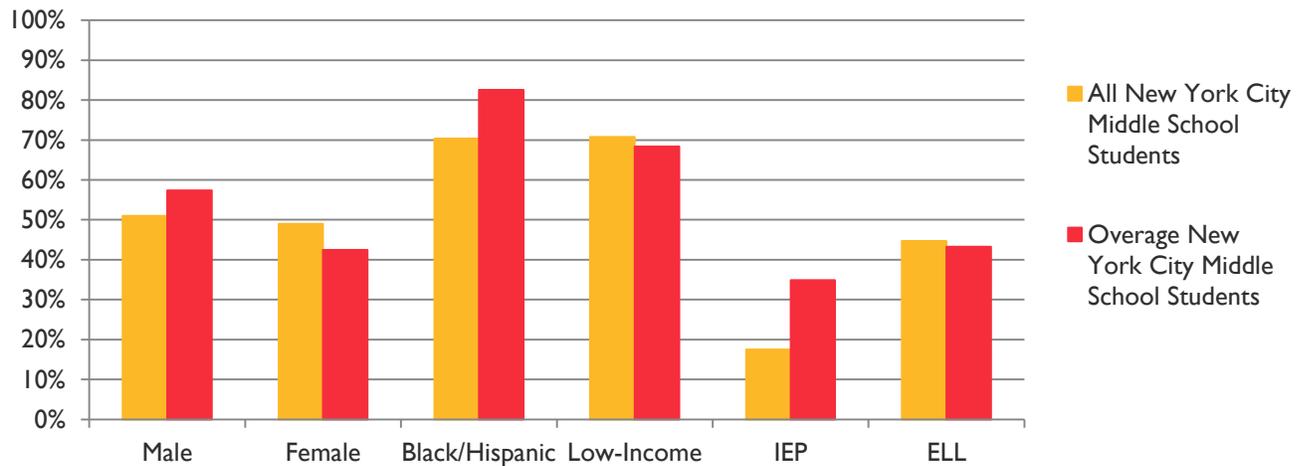
<http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=5025> &

<http://schools.nyc.gov/ChoicesEnrollment/High/Directory/school/?sid=4976>.

<sup>22</sup> AFC calculation (2014) using IBO data, 2011-12. All of the statistics in this paragraph reflect students who are 1 year or more over-age according to the IBO. This overrepresentation becomes even more pronounced among more significantly over-age students; 89% of two-year over-age students and 91% of three-year over-age students identify as Black or Hispanic.

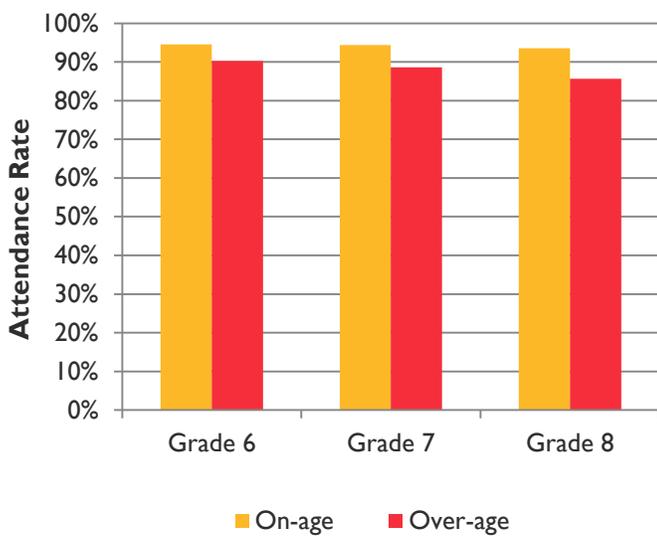
<sup>23</sup> These figures represent students who have been identified with disabilities and provided with an Individualized Education Program (IEP). It remains unclear whether these students were provided with IEPs before or after becoming over-age.

**FIGURE 1:** Demographic Indicator for Students in Grades 6-8 in NYC Public Schools, by Over-Age Status (2011-2012)



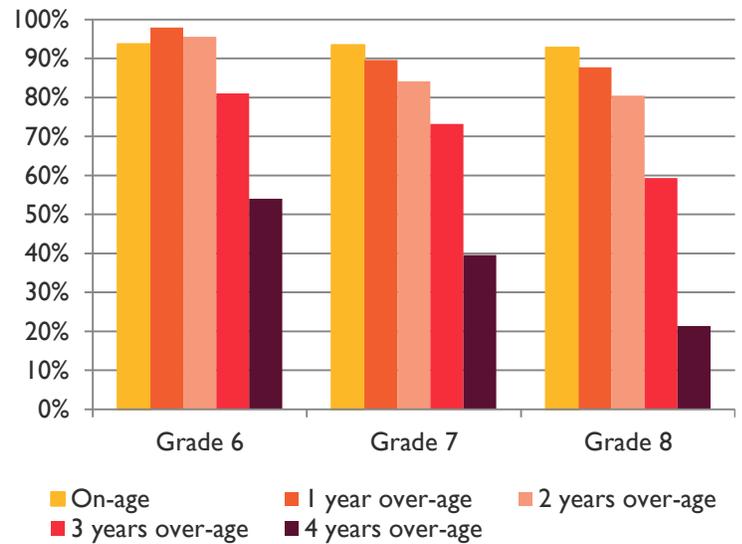
Source: New York City Independent Budget Office (2014)

**FIGURE 2:** Attendance Rates for Students in Grades 6-8, by Over-Age Status (2011-2012)



Source: New York City Independent Budget Office (2014)

**FIGURE 3:** Attendance Rates for Black and Hispanic Students in Grades 6-8, by Over-Age Status (2011-2012)



Source: New York City Independent Budget Office (2014)

## Interrupted Schooling Keeps Kids Back

### JENNIFER'S STORY

*Jennifer is a 16-year-old seventh grader. Because of her family's chronic homelessness, Jennifer had attended six schools in four states before enrolling at a middle school in the Bronx. She has been retained twice in the past because her family had been forced to move too early in the summer for Jennifer to complete summer school or her mother to appeal the retention. Only during Jennifer's second time in seventh grade in the Bronx was she evaluated for special education and provided additional academic supports.*

Over-age middle school students have notably lower attendance rates than their on-age peers (see Figure 2). Additionally, this gap widens with each grade level. That is, while the difference in attendance rates between on-age and over-age sixth graders is only 4%, this difference increases to 6% and 8% for seventh and eighth graders, respectively.<sup>24</sup> This trend is also apparent within each grade level: attendance rates decline drastically the more over-age a student becomes (see Figure 3).<sup>25</sup> While twelve- and thirteen-year-old sixth graders have similar (and in fact, slightly better) attendance rates to on-track peers, attendance begins to plummet when fourteen- and fifteen-year-old students reach the seventh and eighth grades, or when students are still stuck in the sixth grade at age fourteen. This data is borne out by many of AFC's over-age clients who describe becoming increasingly disengaged after their first or second year of middle school. As one school administrator put it: "Why would you endure this anymore? These are not kids who blend in quietly — they are physically more developed."<sup>26</sup> He went on to explain that almost all, if not all, of his school's two-year over-age students had experienced bullying as a result of being over-age.<sup>27</sup> Whether bullying, embarrassment, or just utter frustration drives these significantly over-age students away, it is clear that their attendance decreases as they become more out-of-sync with their peers in terms of age and grade.

## Concentration of Over-Age Middle School Students in High-Needs Communities

In order to fully understand this issue, it is also important to examine the middle schools where over-age sixth-, seventh- and eighth-grade students are concentrated. As previously discussed, the only school-level data on over-age middle school students available to AFC at the time of publication was the NYCDOE's Overage for Grade Report, (ROAG), which defines over-age students as those who are at least three

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<sup>24</sup> AFC calculation (2014) using IBO data, 2011-12.

<sup>25</sup> AFC calculation (2014) using IBO data, 2011-12. Figure 3 illustrates this trend among middle school students who identify as Black or Hispanic. Analysis was conducted only for this population of students because they represent the vast majority (83%) of over-age middle school students in New York City.

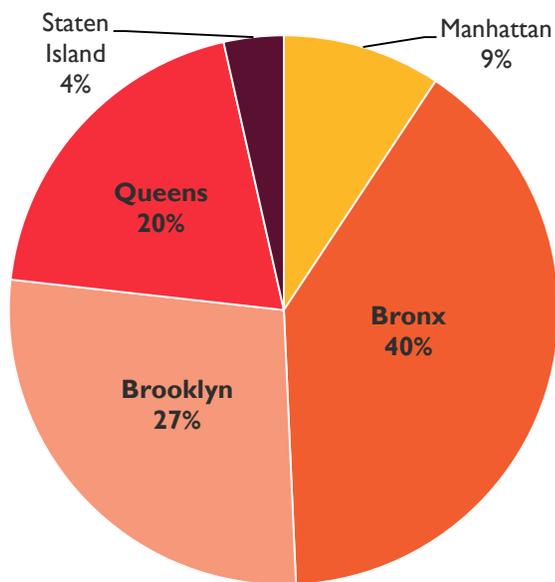
<sup>26</sup> Neil Pergament, Assistant Principal of Brooklyn Frontiers, a high school for first-time 9<sup>th</sup> graders who are 2 years over-age, phone interview, August 8, 2014.

<sup>27</sup> Ibid.

*“If you are a 15-year-old kid and you have been held back twice — it is so traumatic one time — if that happens twice, what kind of conclusions do you draw about yourself and your intelligence? And what conclusions do you draw about the education system as a whole? Most of our [two-year over-age] kids come in with such negative views about themselves and their abilities and the school system...”*

Administrator at a high school for over-age students

**FIGURE 4:**  
Distribution of Over-Age Students in Middle School, by Borough (2013-2014)



Source: ROAG Data (2014)

years behind.<sup>28</sup> Because school-level data for one- or two-year over-age students was not available at the time of publication, the analysis in the sections below refers only to students who were three or more years over-age in 2013-14. Furthermore, because the ROAG report lists data only for traditional public schools, charter schools are not included in the following discussion.<sup>29</sup>

A review of the New York City middle schools with the highest concentration of three-year over-age students paints a clearer picture of the environments in which students become significantly over-age. A full 67% of over-age middle school students, compared to 53% of all NYCDOE middle school students, attend schools in the Bronx and Brooklyn (see Figure 4).<sup>30</sup> Further analysis reveals that these significantly over-age middle school students are disproportionately concentrated in schools in Hunts Point, Morrisania, and large sections of south and east Bronx; in northeast Brooklyn, especially Bed-Stuy, and East New York; and in Washington Heights in Manhattan (see Appendix A and Figure 5).<sup>31</sup> Although 20% of over-age middle school students attend school in Queens, no single district in that borough has an over-age middle school population greater than 5%.<sup>32</sup> That is, over-age middle school students in Queens tend to be concentrated in one or two schools per district, rather than in a specific district or neighborhood.<sup>33</sup>

<sup>28</sup> See Footnote 18.

<sup>29</sup> ROAG, 2013-14. The NYCDOE redacted some data citing the Family Educational Rights and Privacy Act (FERPA). In these cases, the missing data was imputed using the percentage of students who were at least 2 years over-age when entering 6th grade, as defined by NYC Progress Reports. The analysis below excludes K-8 schools because grade 6-8 data could not be isolated for these schools.

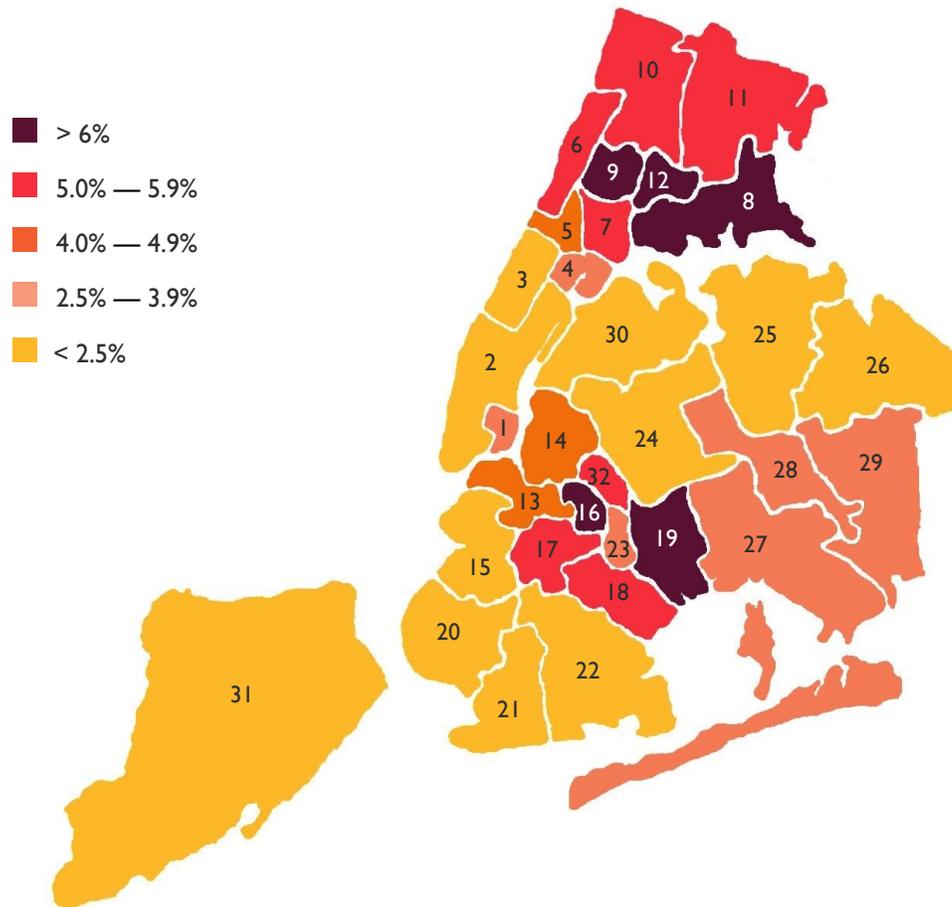
<sup>30</sup> Ibid; NYCDOE (2014). *Monthly Aggregate Registers by Boro*. Retrieved from <https://reports.nycenet.edu/Cognos84sdk/cgi-bin/cognosisapi.dll>.

<sup>31</sup> ROAG, 2013-14. All middle schools in Manhattan with three-year over-age populations greater than 5% are located in the neighborhoods of Harlem and Washington Heights, except Henry Street School for International Studies (Lower East Side) and M.S. 256 Academic & Athletic Excellence (Upper West Side).

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

**FIGURE 5:** Percent of Three-Year Over-Age Students in Middle School, by District (2013-2014)

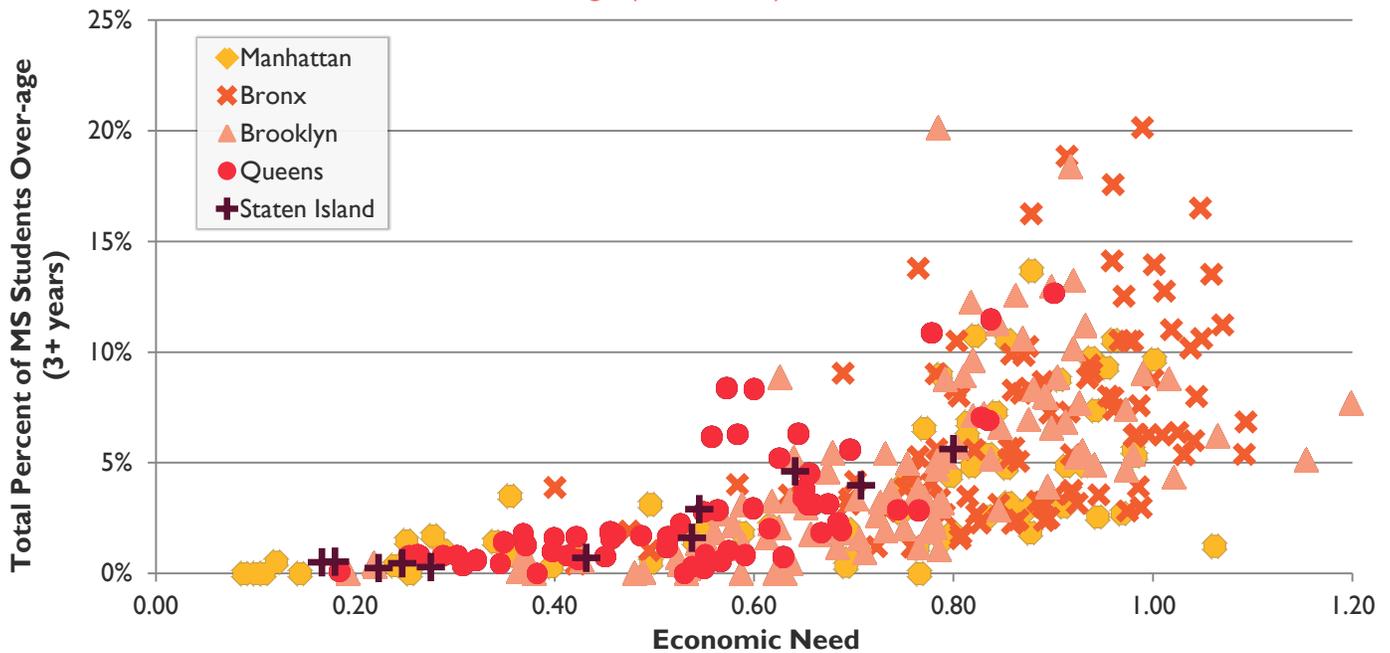


Source: ROAG Data (2014)

Figure 6 illustrates the correlation between economic need and percent of over-age middle school students by school. The NYCDOE uses an Economic Need Index to reflect the socioeconomic characteristics of a school’s student population.<sup>34</sup> Clearly, a positive association exists: the greater the Economic Need Index of an individual school, the higher the percentage of over-age middle school students at that school. Schools with a higher Economic Need Index also tend to be concentrated in the Bronx, Brooklyn, Washington Heights, the same neighborhoods where schools with the highest concentrations of significantly over-age middle school students are located.

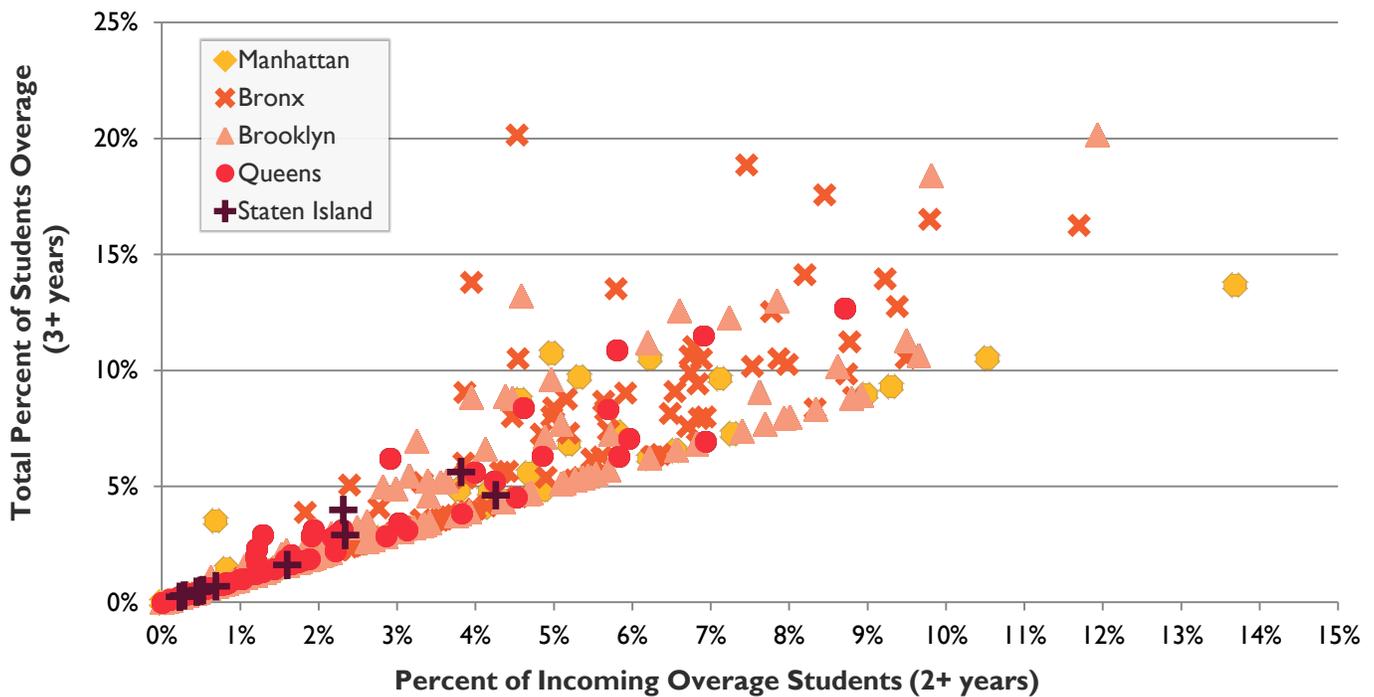
<sup>34</sup> NYCDOE, 2013. *Educator Guide: The New York City Progress Report Elementary/Middle/K-8 2012-13*. The formula for the Economic Need Index, which ranges from 0 to 2, takes into account the percentage of students who have been identified as residing in temporary housing in the past 4 years, the percentage of students identified by the Human Resources Administration as receiving public assistance, and the percentage of students eligible for free lunch.

**FIGURE 6:** Percent of Three-Year Over-Age Students vs. Economic Need, By Middle School and Borough (2013-2014)



Source: ROAG Data (2014); New York City Middle School Progress Reports (2012-2013)

**FIGURE 7:** Percent Incoming Over-Age vs. Percent Over-Age, By Middle School and Borough (2013-2014)



Source: ROAG Data (2014); New York City Middle School Progress Reports (2012-2013)

“ I want to be in school — I would go if I was with people my own age. ”

Seventeen-year-old eighth grader

## Status at Point of Entry to Middle School

According to the NYCDOE, approximately 4.1% of middle school students are three or more years over-age.<sup>35</sup> While some students are a year over-age as a result of late enrollment or transferring from a school district with different age-grade requirements,<sup>36</sup> nearly 3% of New York City incoming sixth-graders were retained at least twice between kindergarten and fifth grade.<sup>37</sup> This data, taken together, suggests that most three-year over-age middle school students in New York City were at least two years over-age when they enrolled in sixth grade. Not surprisingly then, the percentage of incoming over-age sixth graders at a given school is positively correlated with the total percentage of over-age middle school students at that school (see Figure 7). Additionally, nearly 60% of New York City students entering middle school over-age are concentrated in just 25% of the city's middle schools.<sup>38</sup>

## Relevance of Disruptions in Schooling

In New York City, communities with the highest concentrations of significantly over-age middle school students also enroll a disproportionate number of students who experience instability in their lives. Although statistics on the rates of homelessness among over-age middle school students were not made available in time for publication, NYCDOE officials have estimated in the past that roughly 25% of already-over-age retained students had recently been homeless.<sup>39</sup> A number of AFC's over-age clients have been retained, in part, due to unstable housing situations which have prevented them from completing summer school or submitting timely promotion appeals. Additionally, as illustrated in Figure 6, middle schools with a greater Economic Need Index tend to have a higher concentration of three-year over-age students. While a clear causal connection cannot be made for certain, one of the indicators used to calculate a school's Economic Need Index is the percentage of students who have been identified as living in temporary housing during the past four years.

Another disruptive factor common among over-age middle school students is involvement in the juvenile or criminal justice systems. While 4.1% of middle school students citywide are three or

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<sup>35</sup> ROAG, 2013-14.

<sup>36</sup> In contrast to New York City's policy of admitting to kindergarten any student who turns 5 by December 31<sup>st</sup>, many school districts across the country require entering students to have turned 5 years old by as early as August or September of their kindergarten year. National Center for Education Statistics (2012). *Table 5.3 Types of state and district requirements for kindergarten entrance and attendance, by state: 2012*. Washington, D.C.: U.S. Department of Education, State Education Reforms. Retrieved from [http://nces.ed.gov/programs/staterreform/tab5\\_3.asp](http://nces.ed.gov/programs/staterreform/tab5_3.asp).

<sup>37</sup> AFC calculation (2014) using NYCDOE Progress Reports and ROAG, 2012-13.

<sup>38</sup> Ibid.

<sup>39</sup> Decker, G. "In Promotion Ban Rollback, Some Students Get Another Chance." *Chalkbeat New York*, June 1, 2012. <http://ny.chalkbeat.org/2012/06/01/in-rollback-of-promotion-ban-some-students-will-get-another-chance/#.U5IOsDmcxAQ>.

## Unidentified Learning Needs Lead to Retention

### RUBY'S STORY

Ruby started struggling with her work in sixth grade and was retained three times in eighth grade. After all of her friends moved on to high school, Ruby grew increasingly depressed. Some days, she was too anxious to leave her apartment; other days she spent crying in the school office. The school offered Ruby independent study materials, but never suggested referring Ruby for special education evaluations. When Ruby turned seventeen and still had not been promoted to ninth grade, her family felt they had no choice but to sign Ruby out of school and admit her to a mental health treatment program. When she was released, Ruby tried enrolling in a high school equivalency program, but could not find one that could address her significant mental health needs. With the help of an advocate, Ruby was promoted to the ninth grade and evaluated for special education services. She is now receiving home instruction while she awaits placement in a therapeutic school. Had Ruby been offered special education services during her first or second year in the eighth grade, she may have graduated from high school already, rather than just starting high school at eighteen years old.

more years over-age, 58% of seventh and eighth graders at Passages Academy, the program that educates students in the juvenile justice system, were three or more years over-age in 2013-14.<sup>40</sup> Of the seventy over-age middle school students AFC served during the 2013-14 school year, seventeen reported being court-involved. These over-age, court-involved students often reach out to AFC because they have been working with a therapist or case worker to make positive changes in their lives, but are unable to find an age-appropriate school that can meet their needs.<sup>41</sup> When the only option is returning to a previous middle school where they have already experienced failure, and which may have contributed to their court involvement, many of these students are frequently absent or remain out of school entirely.

## Impact on Individual Students

Middle school can be tough for any student. Adolescents are firmly entrenched in the process of identity formation.<sup>42</sup> Establishing a sense of competence and social status in relation to others is an important part of this process. Middle school students also have a deep need to fit in and belong to a group. At the same time, the emergence of abstract reasoning skills makes adolescents particularly vulnerable to social anxiety as they simultaneously become more self-aware and more concerned about what adults and peers think of them.<sup>43</sup>

In addition, middle schools are often less supportive, larger, more specialized and more competitive than elementary

<sup>40</sup> 2013-14 ROAG report data for Passages Academy. The DOE did not release data for the percent of 6th grade students who are over-age at Passages Academy. Students detained as a result of a pending delinquency or (for those under age 16) criminal case attend Passages Academy while they are held at secure and non-secure detention sites throughout the city. Students placed in ACS custody following a family court delinquency disposition also attend Passages Academy

<sup>41</sup> Some limited program options for over-age middle school students do exist within District 79's Restart Academy. See Section IV and Table I for a discussion of these programs.

<sup>42</sup> McNeely, C. & Blanchard (2009). *The Teen Years Explained: A Guide to Healthy Adolescent Development*. Baltimore, MD: Center for Adolescent Health at Johns Hopkins Bloomberg School of Public Health. Retrieved from: [http://www.jhsph.edu/research/centers-and-institutes/center-for-adolescent-health/\\_includes/Interactive%20Guide.pdf](http://www.jhsph.edu/research/centers-and-institutes/center-for-adolescent-health/_includes/Interactive%20Guide.pdf).

<sup>43</sup> Rosso, I.M., A.D. Young, L.A. Femia & D.A. Yurgelun-Todd (2004, June). "Cognitive and Emotional Components of Frontal Lobe Functioning in Adulthood and Adolescence." *Annals of the New York Academy of Sciences* 1021: 355-362.

“When you have been left back, teachers doubt you in a bad way. [They] tell the younger kids, ‘Oh, don’t hang out with him, he’s bad.’”

Thirteen-year-old sixth grader

school. Middle school students also are expected to be more autonomous and responsible for their own work, which can be difficult for any student, especially those who are not adequately prepared or supported. Regardless of when they become over-age, being older than their peers becomes increasingly important and apparent as students enter adolescence.<sup>44</sup> At this age, other students are aware when a student is older than the rest of the class or is in the same grade for a second year.

For over-age middle school students, the reality of being older than their classmates often leads to extreme frustration, low self-esteem, and disengagement from school.<sup>45</sup> AFC clients retained in the middle grades describe feeling left behind when their peers progress to high school without them. Over-age adolescents may disengage from middle school because they feel like failures, are embarrassed to be in class with younger peers, are teased by classmates, are frustrated that they are not earning high school credits, and do not see a clear path to high school or graduation.<sup>46</sup> In addition to feeling isolated among much younger students, students may feel stigmatized by teachers for their age. “When you have been left back, teachers doubt you in a bad way,” said one thirteen-year-old sixth grader. “[They] tell the younger kids, ‘Oh, don’t hang out with him, he’s bad.’”<sup>47</sup> Middle schools may make matters worse by retaining these struggling students repeatedly, placing them at an even greater disadvantage,<sup>48</sup> while expecting them to repeat the same curriculum that failed to address their needs the previous year.<sup>49</sup>

As previously discussed, when students feel out of place among younger peers, many cut classes and eventually stop attending school entirely. As one seventeen-year-old eighth grader expressed, “I want to be in school – I would go if I was with people my own age.”<sup>50</sup> This is a statement AFC hears again and again from our over-age middle school clients. Though they want to graduate from high school, many simply cannot bear to sit in classes with much younger students where they are teased by classmates and singled out by adults.

When students do not attend school, it is not uncommon for the New York City Administration for Children’s Services (ACS) to conduct an educational neglect investigation, to determine whether a

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<sup>44</sup> Roderick, M. (1994, Winter). “Grade Retention and School Dropout: Investigating the Association.” *American Educational Research Journal* 31(4): 726-759.

<sup>45</sup> McGinley, N. J. (2006). *Core Strategy V Update: Safe and Orderly Schools*. Charleston, SC: Charleston County School District; Jimerson, S.R. & P. Ferguson (2007). “A longitudinal study of grade retention: Academic and behavioral outcomes of retained students through adolescence.” *School Psychology Quarterly* 22(3): 314-339.

<sup>46</sup> Roderick, 1994 at 742; Weathersbee, T. (2007, April 30). “Overage Students Need More Help.” *Florida Times-Union*. Retrieved from [http://www.jacksonville.com/tu-online/stories/043007/new\\_166180827.shtml](http://www.jacksonville.com/tu-online/stories/043007/new_166180827.shtml); NYCDOE (2013, June 7). *Final Changes to Elementary/Middle/K-8 Progress Reports for 2012-13*. New York, NY: Author. Retrieved from <http://schools.nyc.gov/NR/rdonlyres/3B78B0E6-6270-4FB0-B4E2-9700308255BA/0/201213FinalChangesEMS.pdf> (“Principals indicated, and research confirms, that students that are overage in middle school have lower outcomes than similar students.”).

<sup>47</sup> AFC interview with group of over-age middle school students in Brooklyn, NY, June 9, 2014.

<sup>48</sup> Bachman, 1971.

<sup>49</sup> Weathersbee, 2007.

<sup>50</sup> AFC client interview, Brooklyn, NY, March 6, 2014.

## Test-based retention BEN'S STORY

*Ben is a court-involved student who has repeated the eighth grade three times. Last year, Ben completed eighth-grade coursework at a Residential Treatment Center. His caseworker, however, could not find any record of his eighth-grade promotional exam scores when he returned to the city last summer. Ben took and passed one of the eighth-grade tests during summer school, but had a court date on the day of the second test and was unable to sit for the exam. Ben was denied a ninth-grade placement in the fall because he did not take the second test. In March of this year, Ben was denied a mid-year promotion by his district Superintendent. He remains out of school.*

parent or guardian's behavior is preventing the student from attending school. A senior ACS official reports that 60% to 70% of unfounded ACS educational neglect cases involve students ages thirteen to seventeen.<sup>51</sup> She believes that a large percentage of these students are not attending school regularly due to inadequate academic supports for struggling students, bureaucratic barriers to effectuating school transfers, and a lack of age-appropriate programs within high-need communities.

Not surprisingly, students with poor attendance in middle school are much less likely to graduate from high school than other students. In one study, middle school students who missed more than twenty days of school achieved graduation rates 40% lower than their peers.<sup>52</sup> Over-age middle school students must be in school regularly and participating in classes in order to have even a chance of completing their education. When these students' attendance has declined significantly, they need access to programs that will help them reengage in school by allowing them to be with peers their own age while acquiring the skills necessary to move on to high school.

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<sup>51</sup> AFC interview, April 7, 2014.

<sup>52</sup> Baltimore Education Research Consortium (2011). *Destination Graduation: Sixth Grade Early Warning Indicators for Baltimore City Schools: Their Prevalence and Impact*. Baltimore, MD: Author. Retrieved from <http://baltimore-berc.org/pdfs/SixthGradeEWIFullReport.pdf>.

# Promotion Policies in New York City: A Brief History

Retention – being “left back,” “held over” or made to “repeat” a grade – has been identified as the single most powerful predictor of a student’s likelihood of dropping out of school.<sup>53</sup> According to the National Center of Educational Statistics, 21% of students who have been retained drop out of high school.<sup>54</sup> Even after controlling for grades and attendance, students who are retained are significantly more likely to become dropouts than those who are promoted.<sup>55</sup> Although studies vary as to specifics, over-age and retained students are between two and eleven times more likely to drop out than their on-track peers.<sup>56</sup> Retained students have lower self-esteem, more negative attitudes toward school than comparable students who were promoted,<sup>57</sup> and are significantly less likely to pursue post-secondary education.<sup>58</sup> Despite this data, the New York City public schools have at times embraced retention as a primary strategy for boosting student achievement. The following sections will discuss changes in the NYCDOE policy regarding retention over time and corresponding efforts to address the needs of students who are retained and become over-age.

## Promotional Gates

In 1981, through a program called Promotional Gates, New York City began retaining fourth- and seventh-grade students who failed to pass citywide standardized tests, without regard for students’ classroom performance. Tens of thousands of students were retained under the program, including 25,000 in the first year alone.<sup>59</sup> By 1988, more than 40% of students were entering high school over-age.<sup>60</sup> After ten years, the Board of Education quietly abandoned the program. In doing so, the Board acknowledged findings from a longitudinal study that demonstrated the program’s detrimental impact.<sup>61</sup> Students held over in Promotional Gates classes were more likely to drop out

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<sup>53</sup> Rumberger, R. (1995). “Dropping out of Middle School: A Multilevel Analysis of Students and Schools.” *American Educational Research Journal* 170:1-35 (Grade retention is “the single most powerful predictor” of dropping out of middle school.); Janosz, 1997 (After examining school, family, behavioral, social and personality variable as predictors of dropping out, “grade retention was the most powerful predictor of all variables”).

<sup>54</sup> National Center for Education Statistics, 1992. See also FairTest, 2007; Louisiana Department of Education, 2011.

<sup>55</sup> Roderick, 1994 at 739 (controlling through the end of 6th grade).

<sup>56</sup> Rumberger & Larson, 1998; National Center for Education Statistics, 1992; Barro & Kolstad, 1987; Jimerson, 2001; NYCDOE Office of Multiple Pathways, 2006. See Footnote 11.

<sup>57</sup> Holmes & Matthews, 1984.

<sup>58</sup> Brooks-Gunn, Guo, & Furstenberg, 1993.

<sup>59</sup> House, E.R. (1998). *The Predictable Failure of Chicago’s Student Retention Program*. Retrieved from <http://www.designsforchange.org/pdfs/house.pdf>.

<sup>60</sup> Roderick, 1994 (citing PINS Advisory Committee (1998). *Promotional policies and children in New York City schools*. New York: New York City’s Chancellor’s Office and Board of Education).

<sup>61</sup> House, 1998.

“There is no evidence, therefore, that holdovers make academic progress, although there is evidence that holdovers demonstrate greater social and emotional difficulties.”

NYC Board of Education Resolution (1991)

of high school than other students, and fourth-grade holdovers under the program were no more likely, three years later, to have met seventh-grade promotional standards than other low-achieving students who had been promoted. Furthermore, students who had been retained were still failing to meet cut-off scores after a year of retention.<sup>62</sup> The Board concluded that there was no evidence to support the idea that holdovers make academic progress, but that there was evidence demonstrating that these students face greater social and emotional difficulties as they attempt to move forward.<sup>63</sup>

## Bloomberg-Era Policies

Despite the well-documented failure of Promotional Gates, the Bloomberg-Klein administration in 2004 resurrected the strict retention policies of earlier years, amending Chancellor’s Regulation A-501 to require third-grade students to score at least a two<sup>64</sup> on the citywide English Language Arts (“ELA”) and math tests in order to be promoted to the next grade.<sup>65</sup> By 2009, this requirement had expanded to include students in all tested grades: three through eight.<sup>66</sup> In addition, principals were empowered to retain students, regardless of their scores on the citywide assessments, if the principal determined, based on student work, teacher observation, and grades, that the student was not ready

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<sup>62</sup> House, 1998.

<sup>63</sup> Advocates for Children of New York (2000). *Analysis of the Board of Education’s Change of Policy Regarding the Retention of Students*. New York, NY: Author (citing New York City Board of Education (1991, Sept. 11). *Resolution: Authorization to Amend Promotional Standards for Students in Kindergarten through Grade 9 Including the Promoting Success Program in Grades 3 and High School Eligibility Requirements*.” New York, NY: Author.); FairTest (2007). “First, Do No Harm: A response to the proposed New York City third grade retention policy.” *Fair Test E-Newsletter*, Cambridge, MA: Author. Retrieved from <http://www.fairtest.org/first-do-no-harm-response-proposed-new-york-city-t>.

<sup>64</sup> Students could earn scores between 1 and 4 on these tests. Though the definitions at each performance level have changed slightly over time, a 3 has consistently meant meeting standards, while a 2 is sufficient to pass. New York State Education Department (2006). *Definition of Performance Levels*. Albany, NY: Author. Retrieved from <http://www.p12.nysed.gov/irs/ela-math/2006/math-06/Scale-Score-to-Performance-LevelMath.html>; New York State Education Department (2009). *Definitions of Performance Levels for the 2009 Grades 3-8 English Language Arts Tests*. Albany, NY: Author. Retrieved from <http://www.p12.nysed.gov/irs/ela-math/2009/Press/2009ELADefinitionsofPerformanceLevels.doc>.

<sup>65</sup> Under Chancellor Klein (2004, April 5). Regulation of the Chancellor A-501. New York, NY: Author (Students with disabilities whose IEPs specified modified promotion criteria and some English Language Learners were exempt from these requirements).

<sup>66</sup> Under Chancellor Klein (2006, Feb. 1). Regulation of the Chancellor A-501. New York, NY: Author (expanding testing requirement to 7th grade); Under Chancellor Klein (2009, June 29). Regulation of the Chancellor A-501. New York, NY: Author. Retrieved from <http://docs.nycenet.edu/docushare/dsweb/Get/Version-2711/A-501%20Final.pdf> (expanding testing requirement to 8th grade); Under Chancellor Klein. (2009, November 13). Regulation of the Chancellor A-501. New York, NY: Author. Retrieved from <http://docs.nycenet.edu/docushare/dsweb/Get/Document-24/A-501.pdf>. (expanding testing requirements to 6th grade). Throughout this period, eighth graders also had to pass their core academic subjects of ELA, math, science and social studies in order to move on to high school. However, eighth-grade students who had already been retained in middle school could be promoted in August if they demonstrated effort toward meeting promotion standards.

to be promoted.<sup>67</sup> In other words, principals were given the authority to retain students on the basis of factors other than standardized test scores, but were not authorized to promote them on these same bases.<sup>68</sup>

## Eight-Plus Program

During the same time period, the NYCDOE experimented with a program called Eight-Plus, which was designed to provide retained eighth-grade students with a “structured setting in which intensive intervention will lead to the attainment of graduation requirements,” as per Chancellor’s Regulation A-501.VI.S.<sup>69</sup> According to a memorandum issued by then-Deputy Chancellor Carmen Fariña in 2005, the program gave administrators the flexibility to promote students mid-year based on a combination of student work, teacher observation, grades, and attendance, otherwise known as a promotion portfolio.<sup>70</sup> Eight-Plus was intended to be offered in high schools, so that over-age middle school students could take some high school classes and interact with similar-age peers. The memorandum required regional superintendents to create a Regional Eight-Plus Plan for the 2005-06 school year, including advisories, guidance, and youth services to address the needs of the whole child, while also providing smaller class sizes and a rigorous curriculum for students.<sup>71</sup>

During interviews conducted by Advocates for Children in 2008, principals reported that the NYCDOE ultimately failed to provide the resources or flexibility necessary for the Eight-Plus program to be successful.<sup>72</sup> For example, principals explained that the curriculum was not modified sufficiently to address the difficulties experienced by students. As a result, students were reviewing the same material they had been unable to master the previous year without additional supports. Principals also reported that additional counselors, who were critical to the success of this program, were not provided.<sup>73</sup> Finally, though they were intended to be located on high school campuses,

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<sup>67</sup> Under Chancellor Klein (2009, November 13). Regulation of the Chancellor A-501.

<sup>68</sup> Students could be retained on the basis of the principal’s determination alone. In June and August, principals could recommend that students be promoted based on a promotion portfolio; however, the final promotion determination would be made by the Community Superintendent. Under Chancellor Klein (2009, November 13). Regulation of the Chancellor A-501.

<sup>69</sup> Fariña, C. (2005, July 7). *Planning the Eight-Plus Program from 2005-2006*. Memorandum. New York, NY: Office of the Chancellor, NYCDOE. Retrieved from [http://schools.nyc.gov/offices/d\\_chanc\\_oper/budget/dbor/allocationmemo/fy05-06/datafiles/sam51.pdf](http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy05-06/datafiles/sam51.pdf).

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Advocates for Children of New York (2008). *Stuck in the Middle: The Problem of Overage Middle School Students in New York City*. New York, NY: Author. Retrieved from <http://www.advocatesforchildren.org/Stuck%20in%20the%20Middle%28final%29.pdf?pt=1>.

<sup>73</sup> Ibid. See also Fariña, C. (2005, July 7). *Planning the Eight-Plus Program from 2005-2006*. Memorandum. New York, NY: Office of the Chancellor, NYCDOE. Retrieved from [http://schools.nyc.gov/offices/d\\_chanc\\_oper/budget/dbor/allocationmemo/fy05-06/datafiles/sam51.pdf](http://schools.nyc.gov/offices/d_chanc_oper/budget/dbor/allocationmemo/fy05-06/datafiles/sam51.pdf) (“Guidance counselors should be an integral part of your region’s Eight-Plus Program support team. Counseling services are essential to helping the students address the social, emotional, and academic issues that may be hindering their progress.”).

Eight-Plus programs were sometimes placed wherever the local district could find space; some programs were held in non-school buildings or in District 75 schools where Eight-Plus students did not have access to other general education students.<sup>74</sup> Although imperfect, principals applauded the program for allowing students to learn among age-appropriate peers.<sup>75</sup> In addition, they felt the Eight-Plus program's mid-year promotion opportunity served as a useful incentive for engaging over-age students.<sup>76</sup> The NYCDOE eventually eliminated mid-year promotion as an option for Eight-Plus students, removing this important incentive. By 2007-08, Eight-Plus was officially shut down.<sup>77</sup>

Even after 2008, some middle schools continued to operate under-the-radar programs similar to Eight-Plus to reengage and remediate retained eighth graders, some of whom were promoted to high school mid-year. However, during the 2012-13 school year, the NYCDOE disabled the function allowing school-based administrators to change a student's grade level in ATS, the automated data system that records, among other things, admissions, transfers, and grade promotion.<sup>78</sup> This change ended "unsanctioned" mid-year promotions, with the exception of very limited circumstances requiring the support of central-based administrators, essentially eliminating the last vestiges of the Eight-Plus program.

## Current Regulatory Framework

By the 2010-11 school year, 10,655 middle school students, 5% of those registered, were three or more years over-age.<sup>79</sup> Of the roughly 9,200 students retained that year citywide, the DOE reported that approximately 13% were already over-age for their grade and had been held back multiple times.<sup>80</sup> The following school year, the NYCDOE modified its promotion requirements for students in grades three through eight who were two or more years over-age.<sup>81</sup> The NYCDOE anticipated that the new regulation, adopted in July 2012, would allow approximately 450 additional over-age students to be promoted that August on the basis of a portfolio assessment indicating that

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<sup>74</sup> AFC interview with DOE administrator, August 13, 2014.

<sup>75</sup> Advocates for Children of New York, 2008.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> AFC interview with DOE administrator, November 25, 2013.

<sup>79</sup> ROAG, 2010-11.

<sup>80</sup> Decker, G. (2012, June 1). "In Promotion Ban Rollback, Some Students Get Another Chance" *Chalkbeat New York*. Retrieved from <http://ny.chalkbeat.org/2012/06/01/in-rollback-of-promotion-ban-some-students-will-get-another-chance/#.U5I0sDmcxAQ>.

<sup>81</sup> Under Chancellor Walcott (2012, July 18). Regulation of the Chancellor A-501. New York, NY: Author. On file with the author (see Sections VI.E.3 & VII.E.2). Previously, only over-age 8<sup>th</sup> graders who had already been retained in middle school could be promoted on appeal in August if they demonstrated effort toward meeting promotion standards. This amendment modified the August standard slightly and expanded the option to grades 3 through 7. See Under Chancellor Walcott (2009, June 29). Regulation of the Chancellor A-501.VI.AA.3.

## Court-involved students seek a fresh start JACOB'S STORY

the student had shown gains on multiple measures of performance.<sup>82</sup> Perhaps as a result of this policy, nearly 1,000 fewer middle school students were three or more years over-age in 2012-13.<sup>83</sup>

In February 2014, a New York State Board of Regents subcommittee, including State Education Commissioner John King, recommended that districts rely on multiple measures of student performance rather than high stakes tests when making promotions decisions.<sup>84</sup> Soon after, NYCDOE Chancellor Fariña announced a dramatic departure from the city's reliance on standardized tests for promotion. The new Chancellor's Regulation A-501, issued in June 2014, directs schools to rely on multiple measures when making promotion decisions for all students in grades three through eight.<sup>85</sup> Furthermore, the regulation states that "state test scores may not be the primary or major factor in promotion decisions," and citywide testing will no longer be conducted in August.<sup>86</sup> Instead, students who do not initially meet promotion standards may be promoted in June or in August on the basis of a promotion portfolio.<sup>87</sup> Principals are also no longer permitted to retain students who meet the initial promotional criteria.<sup>88</sup> This change in promotion policy is in sharp contrast to the policy under the previous administration, which relied heavily on test scores and allowed principals to retain students independently of test scores.<sup>89</sup> However, the regulation maintains the specific language regarding over-age students from 2012, which allows (but does not require) principals to promote over-age students who demonstrate gains on the basis of multiple measures.<sup>90</sup>

*Jacob is seventeen years old. During his first and second years in eighth grade, he struggled with attendance and was frequently out of school. Last year, when he was in eighth grade for the third time, Jacob was arrested and ordered to participate in a diversion program at the Brownsville Community Justice Center. There, he connected with a case manager, regularly attended the after-school program, and resolved to make better decisions regarding school. Because Jacob was so much older than the other eighth graders, he did not feel comfortable returning to a regular middle school. Like many court-involved students, Jacob was looking for a fresh start. He still wanted a high school diploma and knew that he had time to graduate if he kept on track. Jacob and his case manager searched for alternative programs and applied to the only alternative middle school program he was eligible for in Brooklyn. Unfortunately, Jacob was not accepted into that program and spent almost the entire year out of school. He remains out of school.*

<sup>82</sup>Decker, 2012 (The change also came with funding for an additional \$1500 per student for intervention services).

<sup>83</sup> ROAG (In 2011-12, 10,045 students, 4.7% of those registered in grades 6-8, were 3 years over-age. In 2012-13, this number dropped to 9,041, 4.3% of those registered).

<sup>84</sup> Decker, 2014.

<sup>85</sup> Under Chancellor Fariña (2014, June 2). Regulation of the Chancellor A-501.

<sup>86</sup> Ibid at IV.A.1.A.

<sup>87</sup> Ibid at IV.A.2 and IV.D.

<sup>88</sup> Ibid at "Summary of Changes," Bullet 3.

<sup>89</sup> See Section III, Bloomberg-Era Policies.

<sup>90</sup> Under Chancellor Fariña (2014, June 2). Regulation of the Chancellor A-501 (see Sections IV.D.2 and V.D.2).

While many educators have hailed these changes as a step in the right direction,<sup>91</sup> further modifications to the promotion policy are necessary to fully address the needs of over-age middle school students. Many school administrators who have worked with over-age students in the past expressed the need for greater flexibility to promote over-age middle school students at additional points during the school year.<sup>92</sup> The current A-501 regulation directs:

*“[s]tudents who do not achieve the requirements for graduation from grade 8 will be provided with **additional time and support needed** [emphasis added] to complete 8th grade graduation requirements. It will be the responsibility of each school to provide those students retained in grade 8 with a structured setting in which intensive intervention will lead to meeting the promotion requirements.”<sup>93</sup>*

While this language could be interpreted to allow promotion from eighth to ninth grade mid-year, after students have received intensive intervention services, NYCDOE staff report that this practice is not currently permitted by the district’s computer system.<sup>94</sup> Moreover, the regulation does not contain any such language for students who are retained in sixth or seventh grade. As such, additional amendments to the regulation would be required to mandate further supports for all over-age students and permit mid-year promotion for these students.

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<sup>91</sup> Metz, C. (2014, April 7). “Promotion Policy Change Gets Thumbs Up.” *New York Teacher*. New York, NY: United Federation of Teachers. Retrieved from <http://www.uft.org/news-stories/promotion-policy-changes-get-thumbs>; NYCDOE (2014, April 9) *Chancellor Fariña Announces New Promotion Policy for Students in Grades 3-8*. New York, NY: Author. Retrieved from <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2013-2014/Chancellor+Fari%C3%BIa+Announces+New+Promotion+Policy+for+Students+in+Grades+3-8.htm>

<sup>92</sup> Advocates for Children of New York, 2008.

<sup>93</sup> Under Chancellor Fariña (2014, June 2). Regulation of the Chancellor A-501.V.E.

<sup>94</sup> Personal communication with DOE staff, November 25 and December 5, 2013. In interviews, NYCDOE staff report that the function in ATS that previously permitted principals to change a student’s grade level has been disabled. Mid-year promotions must now be processed through central-based staff.

# Current Program Options for Over-Age Middle School Students

Currently, New York City has several options available to over-age students who make it to high school. For example, over-age high school students can apply to one of the NYCDOE's fifty transfer schools, twenty-three Young Adult Borough Centers (YABCs),<sup>95</sup> or two high schools for over-age first-time ninth graders<sup>96</sup> Additionally, they can enroll in high school equivalency programs<sup>97</sup> or one of the charter high schools geared toward over-age youth, such as ROADS,<sup>98</sup> Urban Dove,<sup>99</sup> Wildcat Academy,<sup>100</sup> and New Dawn Charter High School.<sup>101</sup> In contrast, when over-age students are stuck in middle school, there are very few alternatives available to them. Despite the fact that there are over 50,000 over-age middle school students in NYCDOE schools,<sup>102</sup> there are fewer than 450 seats for them in age-appropriate programs in New York City. Furthermore, approximately one third of these seats are provided by ROADS Charter High School, which operates independently of the NYCDOE (see Table 1).<sup>103</sup>

Among the programs available to over-age middle school students, admission criteria and program characteristics vary significantly. All programs give students the opportunity to attend school with peers near their own age; some offer smaller classes, additional enrichment programs, and regular access to counselors to support students' social-emotional needs. As Table 1 indicates, many of these programs have geographic or age limitations or other criteria that preclude many over-age

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<sup>95</sup> Transfer schools are small, full-time high schools designed to re-engage students who are behind in high school or have dropped out. Students between the ages of 15 and 21 who have been enrolled in another high school for at least 1 year are eligible. Students earn a high school diploma and are subject to the same graduation requirements as students at regular high schools. YABCs are alternative education programs for 17.5- to 21-year-olds with at least 17 credits, where students are given the opportunity to earn a high school diploma in the evening, explore college and career options, and gain work experience. NYCDOE (2014). *Additional Ways to Graduate Directory: High School Diploma and Equivalency Programs 2014-2015*. New York, NY: Author. Retrieved from [http://schools.nyc.gov/NR/rdonlyres/21205E01-0646-409F-970B-1BCBE3A77972/0/AWTG14\\_15\\_forposting.pdf](http://schools.nyc.gov/NR/rdonlyres/21205E01-0646-409F-970B-1BCBE3A77972/0/AWTG14_15_forposting.pdf). Transfer schools have shown to be effective in raising graduation rate among over-age and under-credited high school students within the NYCDOE. See NYCDOE Office of Multiple Pathways, 2006 (only 19% of over-age and under-credited high school students ultimately receive a high school diploma or GED if they stay in articulated high schools. By contrast, 56% of over-age, under-credited students who attend transfer schools go on to graduate).

<sup>96</sup> See Footnote 21 for information regarding High School for Excellence & Innovation and Brooklyn Frontiers, high schools for over-age first-time ninth graders.

<sup>97</sup> NYCDOE. *Additional Ways to Graduate Directory: High School Diploma and Equivalency Programs 2014-2015*.

<sup>98</sup> See Table 1; ROADS is a charter high school for over-age 8<sup>th</sup> and 9<sup>th</sup> grade students. [www.roadsschools.org](http://www.roadsschools.org)

<sup>99</sup> Urban Dove is a three-year charter high school for struggling 9<sup>th</sup> and 10<sup>th</sup> grade students. [www.urbandove.org/team-charter-school.html](http://www.urbandove.org/team-charter-school.html)

<sup>100</sup> Charter high school for 16- to 21-year old students who have become disenfranchised with, and have dropped out of, traditional high schools. [www.jvlwildcat.org](http://www.jvlwildcat.org)

<sup>101</sup> Charter high school for under-credited students ages 15 – 21. [www.ndchsbrooklyn.org](http://www.ndchsbrooklyn.org)

<sup>102</sup> AFC calculation (2014) using IBO data, 2011-12. Data includes students who are 1 year or more over-age.

<sup>103</sup> Dr. Gisele C. Shorter, Managing Director, External Relations and Communications, ROADS School, personal communication, September 9, 2014. ROADS is authorized by State University of New York.

students from participating. Most programs serve only over-age eighth graders; only New Directions Secondary School, Outreach Academy and Center for Community Alternatives' ReStart Program accept sixth- and seventh-grade students. While these programs are viable options for a small handful of the city's over-age middle school students, they simply do not have the capacity to serve all of the students who need them. Any plan designed to address the needs of over-age students must involve an expansion of specialized programs, in addition to increased supports within regular middle and high schools.

**TABLE I: NYC Programs Serving Over-Age Middle School Students**

PROGRAM NAME & DESCRIPTION	STUDENTS SERVED	TOTAL SEATS
<p><b>New Directions Secondary School</b><sup>104</sup></p> <p><i>New Directions Secondary School is a NYCDOE community school in the south Bronx that serves students who are one year or more over-age for their grade. The school opened its doors in 2013 and currently serves sixth- through eighth-grade students, but plans to expand to grade twelve so that students can stay at the school until they graduate from high school. The school utilizes harm-reduction strategies and operates in partnership with a community-based organization that provides six advisors and three volunteers to support students' social-emotional development. New Directions gives priority to students in Districts 7, 9 and 10 and opens up any remaining spots to other Bronx students. The school conducts rolling admissions to accept new students as seats open up throughout the year. Interested families are encouraged to reach out to the school directly.</i></p>	<p><b>Ages 12+ Grades 6-8</b></p>	<p><b>162 in 2014-15</b></p>
<p><b>ROADS Charter School</b><sup>105</sup></p> <p><i>ROADS Charter School serves over-age students at two sites, in the Bronx and Brooklyn. Students must have completed the seventh grade and be fifteen or sixteen years old to apply. Students can remain at ROADS until they graduate from high school. Priority is given to students who are court-involved, in temporary housing, or involved with the child welfare system. Interested students apply directly to the school. The school maintains a waitlist and admits students on a rolling basis. When ROADS opened in fall of 2012, it received over 1,400 applications for 300 open seats. During the application period for the 2013-14 school year, ROADS received over 800 applications for the 100 open seats.</i></p>	<p><b>Grades 8-12</b></p>	<p><b>147 in 2014-15</b></p>

<sup>104</sup> James Waslawski, Principal, New Directions Secondary School, personal communication, February 25, 2014 and September 4, 2014.

<sup>105</sup> Dr. Gisele C. Shorter, Managing Director, External Relations and Communications, ROADS School, personal communication, various dates. ROADS admitted 532 students during the 2012-13 and 2013-14 school years. Over the past three years, 52% of students admitted to ROADS were middle schoolers at the time of admission.

PROGRAM NAME & DESCRIPTION	STUDENTS SERVED	TOTAL SEATS
<b>Outreach Academy</b>	Ages 12-16 Grades 6-8	30
<i>This program in Richmond Hill Queens serves middle school students who have substance abuse treatment needs and/or a family member with a history of substance abuse. The setting is small and provides academic instruction as well as individual and group counseling. The program uses a number of evidence-based practices including Seven Challenges, designed to help young people make wise decisions about alcohol and other drugs. Outreach Academy is part of the NYCDOE ReStart Academy, which operates within a host of behavioral health, mental health and drug treatment organizations throughout the city.</i>		
<b>MS Plus: Back on Track at W.E.B. DuBois High School<sup>106</sup></b>	Ages 14-17 Grade 8	20-25 in 2013-14
<i>Also part of the NYCDOE's ReStart Academy, the Back on Track program shares a building with W.E.B. DuBois High School. This program is for eighth-grade students who have met roadblocks to academic success in their previous school. The school is the product of collaboration between the NYCDOE and the Brooklyn District Attorney's office and provides academic instruction as well as supports designed to help students reengage in school. Students must live in Brooklyn to be eligible.</i>		
<b>MS Plus<sup>107</sup> at Mott Haven Community High School; MS Plus at Flushing High School; and MS Plus at Long Island City High School</b>	Ages 14-17 Grade 8	20-24 at each anticipated in 2014-15
<i>These NYCDOE ReStart Academy programs, new in 2014-15, will give over-age eighth-grade students the opportunity to work toward mastery of eighth grade standards alongside other students who are over-age for their grade. Sited on high school campuses, these programs will also give students an opportunity to participate in electives or physical education classes with ninth grade students. The DOE reports that students who meet eighth-grade promotion standards by the end of the first semester may be promoted to ninth grade mid-year.<sup>108</sup></i>		
<b>ReStart Academy at Center for Community Alternatives<sup>109</sup></b>	Ages 14-16 Grades 6-8 anticipated	10 anticipated in 2014-15
<i>This NYCDOE ReStart Academy program is also new in 2014-15. Students must be court-involved and will have access to Center for Community Alternatives (CCA) services including art and music, anger management, leadership development, tutoring and recreational services.</i>		

<sup>106</sup> Stacey Michael, Director, Back on Track, personal communication, February 26, 2014 & August 7, 2014.

<sup>107</sup> Christina McLeod, Assistant Principal, ReStart Academy, email communication, August 29, 2014.

<sup>108</sup> Timothy Lisante, Superintendent, Alternative Schools & Programs, personal communication, August 13, 2014.

<sup>109</sup> NYCDOE District 79 (2014, August). *ReStart Academy Opportunities for Over-Age and Under-Credited Students*. New York, NY: Author. On file with the author; Hans Menos, Director of Youth Services, Center for Community Alternatives, phone interview, August 7, 2014.

# Recommendations

This paper provides only a preliminary analysis of the over-age phenomenon in New York City middle schools. We have identified a number of characteristics of over-age students and the schools they attend; however, much more investigation must be done into the scope of this problem and the reasons young people become over-age. The NYCDOE is in the best position to gather data, identify experts in this area, develop expertise about how to meet these students' needs, and provide training and resources to the schools who serve them. We urge the NYCDOE to develop and articulate a plan to identify over-age middle school students and provide them with the necessary supports to advance to high school. In particular, we recommend that the Department take the following steps:

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## **Standardize the definition of over-age. Gather and publically report data about over-age middle school students in New York City.**

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One of the challenges in identifying over-age students and developing solutions to the problem is the lack of a single, coherent definition of what it means to be an over-age middle school student. Even when over-age students are defined as those two or more years over-age, the NYCDOE does not have a uniform way of calculating which students meet this definition. We urge the NYCDOE to create a single, clear definition about what it means to be on-age and to collect and report data on students who are above this age at each grade level.

***Define as “on-age” only those students who turn 11, 12 or 13 by December 31<sup>st</sup> of their 6<sup>th</sup>, 7<sup>th</sup> or 8<sup>th</sup> grade year, respectively.***

We recommend that the NYCDOE define as on-age only those students who entered kindergarten in the calendar year in which they turned five and have never been retained. According to the NYCDOE's most frequently cited definition, over-age students are those who are *two or more years off-track*.<sup>110</sup> However, the data we received from the NYCDOE in response to a FOIL request counted students who were two years older than their on-track peers as *on-age*, listing as *over-age* only students who were at least *three years off-track*.<sup>111</sup> To count a fifteen-year-old eighth grader as “on-age” not only significantly underrepresents the over-age population, but is also out of sync with the common understanding of what it means to be over-age and the way transfer schools and high schools that specialize in over-age students define over-age. Having conflicting definitions, and thus

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<sup>110</sup> See Section II, The Definition of “Over-Age” and Footnotes 16 & 17.

<sup>111</sup> See Section II, The Definition of “Over-Age” and Footnote 18.

incomplete data, regarding over-age middle school students also makes it difficult to track outcomes for these students and to plan for their transition to high school. A standard, common-sense definition of what it means to be an “on-age student” will allow for continuity across programs, the collection and dissemination of more accurate data, and better understanding of the scope of issues affecting over-age students.

### ***Identify and publicly report data on students who are one, two, and three or more years over-age.***

Once we have a standard definition of what it means to be on-age, the NYCDOE should identify all students who are above this age and should make this data publicly available.<sup>112</sup> This more accurate and usable data should be disaggregated by number of years over-age (i.e. one year, two years, three years or more) in order to determine if and how the number of years that a student is over-age affects their educational trajectory. Data should be further disaggregated by school district, race, gender, IEP status, ELL status, eligibility for free or reduced meals, and students who have been identified as living in temporary housing under The McKinney-Vento Homeless Assistance Act.<sup>113</sup> Thorough disaggregation of this data would help to identify needs and trends among over-age students and allow for a detailed analysis into the underlying reasons why students become over-age in New York City middle schools.

### ***Identify and publicly report the number of middle school students designated as long-term absentees.***

Given the strong correlation between over-age students and low attendance rates,<sup>114</sup> the NYCDOE should also identify students at risk of becoming over-age by reporting the number of middle school students who have been absent for more than twenty consecutive days. The needs of these students should be closely examined when designing any new programming for over-age students.

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## **Review and revise promotional policies at all grade levels to reduce the number of students who end up over-age.**

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AFC applauds the NYCDOE’s recent changes to its promotion policy to move away from a reliance on high-stakes tests. However, further revision is necessary to meet the needs of over-age students.

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<sup>112</sup> The NYCDOE has, for years, made available data about over-age high school students. See, e.g. <http://schools.nyc.gov/NR/rdonlyres/B5EC6D1C-F88A-4610-8F0F-A14D63420115/0/FindingsofOMPG.pdf>.

<sup>113</sup> 42 U.S.C. § 11431.

<sup>114</sup> See Section II, Bloomberg-Era Policies

***Re-examine Chancellor’s Regulation A-501, as well as the Promotion Portfolio Teacher’s Manuals,<sup>115</sup> at all grade levels to ensure that students are retained in the early grades only as a last resort.***

Most of the current over-age middle school population was retained in the early grades.<sup>116</sup> Many studies indicate that while retained students may show short-term gains, their long-term outcomes are worse than similarly-situated students who are promoted.<sup>117</sup> As such, elementary school teachers and principals should be trained on the long-term consequences of retention, and promotion decisions should be reviewed to ensure that retention is used as a last resort only when all other interventions have been exhausted.<sup>118</sup>

***Revise Chancellor’s Regulation A-501 to provide over-age students the opportunity to catch up with their on-track peers.***

Chancellor’s Regulation A-501 should be revised to allow for the mid-year promotion of retained students, provided that they have met promotion standards. As described in Section III, the current regulation could be interpreted to allow mid-year promotion for eighth-grade students. However, revision of the regulation is necessary to expand this option to students in all grades, and procedures and protocols for entering student data in ATS needs to be modified accordingly. Additionally, given the number of middle school students who are significantly over-age, the policy should permit schools to promote these students two grade levels in June or August, provided they have met promotion standards. These types of policies could serve as valuable incentives to get over-age students reinvested in their education and back with age-appropriate peers in high school.

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***Make the promotion appeals process more accessible to families.***

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Families must be properly advised regarding promotion rights and appeals to ensure that they understand the retention process and know how to advocate for their children. The following changes would make the process more accessible to families:

***Create a simple form for parents to fill out when requesting a promotion appeal.***

Parents have the right to appeal promotion decisions in writing to the principal in late August. However, neither the regulations nor the NYCDOE website provides the parent with an appeal form, specific submission and decision dates, or instructions about what to include in an appeal.

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<sup>115</sup> AFC requested copies of the current Promotion Portfolio Teacher’s Manuals through a FOIL request on June 24, 2014. However, at the time of publication, these materials had not been released by the NYCDOE.

<sup>116</sup> See Section II, Status at Point of Entry to Middle School.

<sup>117</sup> See Section III.

<sup>118</sup> For additional guidance, see National Association of School Psychologists (2011). *Grade Retention and Social Promotion (White Paper)*. Bethesda, MD: Author. Retrieved from [http://www.nasponline.org/about\\_nasp/positionpapers/whitepaper\\_graderetentionandsocialpromotion.pdf](http://www.nasponline.org/about_nasp/positionpapers/whitepaper_graderetentionandsocialpromotion.pdf).

Providing parents with a form on which to submit their appeals would make the process much clearer and more accessible.

*Give parents a central-based contact person whom they can call to seek assistance with late appeals and promotion appeals for over-age students.*

Many parents of over-age middle school students have expressed frustration with the promotion appeals process. In some instances, these parents have missed the August appeal deadline and have been informed by their local school that their only option is to wait for the following June to seek a promotion for their child. For assistance with these difficult situations, families should be provided with the contact information for central-based staff familiar with over-age promotion appeals and with late promotions appeals.

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**Establish central-based supports for schools serving over-age students.**

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The needs of schools serving over-age students vary significantly. Some schools, particularly those in high-need areas of the Bronx and Brooklyn, have large concentrations of over-age students, while other schools have only a handful of these young people. In order to serve all over-age middle school students, the NYCDOE cannot simply rely on individual schools to share information and create solutions to this citywide problem.

*Identify central-based staff to support schools serving over-age students.*

At AFC, we often hear from school-based staff at a loss for how best to meet the needs of a specific over-age student. The NYCDOE should establish a team of central-based experts who can support school-based staff to develop strategies for over-age students. While there is at least one person focused on middle school within the NYCDOE's newly established Office of Guidance and School Counseling, one person is not enough to meet this need. This team must be knowledgeable about the work being done throughout the city to serve over-age youth and must be able to advise and support schools in finding solutions to the needs of individual over-age students. This team should also establish a structured forum for schools to share best practices for working with this population. Finally, this team should ensure that staff working at the Referral Centers and Office of Student Enrollment is trained to identify over-age middle school students and effectively connect these students with appropriate programs.

*List Re-Start programs and other NYCDOE alternative middle school programs in the Additional Ways to Graduate Directory.*

Over-age middle school student and their families often start looking for alternative options by searching the NYCDOE website or thumbing through an Additional Ways to Graduate Directory.<sup>119</sup> Currently, that directory lists only transfer schools, YABC programs and high school equivalency programs. ReStart Academy programs and any other NYCDOE alternative programs should be listed in this guide where families, guidance counselors and students can easily access them.

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## Expand alternative options for over-age middle school students.

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In August, 2014, District 79 Superintendent Tim Lisante announced an expansion of the Re-Start Academy program to four additional sites in the Bronx, Brooklyn and Queens. While this expansion provides a welcome increase to the number of seats in specialized programs, bringing the total to nearly 450, these programs do not come close to meeting the demand of the over 8,000 three-year over-age middle school students or the many more two-year over-age students who need an age-appropriate school option.<sup>120</sup>

### *Explore a variety of models.*

More age-appropriate school options are essential for the success of our current over-age middle school students. The ReStart Academy model is just one model that should be examined for possible expansion. Currently, there are multiple program options for over-age high school students; these programs should be examined for possible adaption for over-age middle school students as well. The DOE also should investigate other successful intervention models from New York and elsewhere, such as block scheduling,<sup>121</sup> extended school days,<sup>122</sup> and Passages Academy's 35-Day cycle model.<sup>123</sup> NYCDOE staff we interviewed overwhelmingly recommended that over-age middle school students be given the opportunity to participate in a high school setting. As such, the NYCDOE should consider creating more programs that include grades six through twelve, such as the one being built at New Directions Secondary School.

### *Give schools support and flexibility when developing alternative approaches to meeting the needs of over-age students.*

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<sup>119</sup> NYCDOE (2013). *Additional Ways to Graduate Directory: High School Diploma and GED Programs 2013-2014*. New York, NY. Retrieved from [http://schools.nyc.gov/NR/ronlyres/706FD7CE-D120-4819-99EA-F5023E25178A/149283/AWTG13\\_14.pdf](http://schools.nyc.gov/NR/ronlyres/706FD7CE-D120-4819-99EA-F5023E25178A/149283/AWTG13_14.pdf). Currently, Re-Start programs are listed in a separate document: NYCDOE Restart Academy (2013-14). *School Year 2013-2014 Site List*. New York, NY: Author. Retrieved from <http://schools.nyc.gov/NR/ronlyres/07E3D656-F2C9-425F-8E98-87DE66633CEE/0/ReStartAcademy.pdf>.

<sup>120</sup> See Sections II, The Definition of "Over-Age" and Section IV.

<sup>121</sup> Block scheduling allows for greater flexibility with regard to scheduling. Students who are struggling in particular areas can get extra help and more time to receive the support they need in those areas.

<sup>122</sup> Extended school days are longer than the average 8 hour school day, allowing for additional time for teacher help and to make up missing class credits needed for grade promotion.

<sup>123</sup> At Passages Academy, high school students can earn up to 3.5 credits every 21 to 25 school days. Phone Interview with Passages Academy social worker, June 25, 2014.

Given the scope and complexity of this issue, middle and high schools need to be given the necessary support and flexibility to develop alternative approaches to serving over-age students. As mentioned in Section III, some middle schools have run innovative but under-the-radar programs to serve their over-age population, including afterschool and Saturday remediation programs, options that should be available to any over-age student. All of these programs should be identified and given the resources to expand if they can demonstrate gains in achievement and engagement among over-age students.

### *Concentrate expansion of options in the communities where most over-age students live.*

When creating programs for over-age middle school students, it is imperative that the NYCDOE keep in mind those communities that could benefit most from these programs: areas of New York City with the highest concentration of over-age middle school students.

### *Ensure that all alternative programs can accommodate the needs of students with disabilities.*

Given that over-age students are twice as likely to need special education services as their on-age peers,<sup>124</sup> any programs designed to meet the needs of over-age students must include access to a full range of special education supports and services. The NYCDOE must ensure that all of its programs for over-age middle school students have special educators on staff and are capable of implementing students' Individualized Education Programs. Housing alternative programs for over-age students within large campuses where there are other high schools on site could help ensure that students have access to special education teachers and providers even within small, specialized programs.

### *Expand alternative programs that serve over-age sixth- and seventh-grade students.*

There were approximately 2,900 three-year over-age seventh-grade students registered with the NYCDOE during the 2013-14 school year.<sup>125</sup> We know from the data that over-age seventh graders, like their eighth-grade counterparts, struggle with attendance and are often significantly disengaged from their middle school.<sup>126</sup> At the moment, there are only three programs in New York City that can accept over-age seventh-grade students.<sup>127</sup> These schools, New Directions Secondary School Outreach Academy, and ReStart Academy at Center for Community Alternatives, have approximately 200 seats between them and cannot come close to meeting the demand of the city's over-age seventh-grade population. District 79 Superintendent Timothy Lisante reports that his district's ReStart Academy program simply does not have the capacity to meet the needs of the over-age seventh-grade population.<sup>128</sup> More alternatives must be created in order to meet this need.

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<sup>124</sup> See Section II, Demographics of Over-Age Middle School Students

<sup>125</sup> AFC Calculation (2014) using ROAG data 2013-14.

<sup>126</sup> See Section II & Figures 2, 3 & 8.

<sup>127</sup> See Figure 10.

<sup>128</sup> Interview, August 13, 2014.

Data also indicates that sixth graders who are more than three years over-age are at serious risk of disengagement. This population also must be a high priority when creating programming for over-age students. The NYCDOE should examine the grades-six-to-twelve model in place at New Directions Secondary to determine whether it can be expanded to other high-need neighborhoods in the Bronx, Brooklyn, and northern Manhattan. The NYCDOE Office of Multiple Pathways should consider expanding its current alternative programs to serve over-age middle school students and include sixth and seventh graders in any new programs.

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### **Provide over-age students with opportunities to interact with age-appropriate peers and earn high school credit.**

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Pathways should be created that allow over-age middle school students to earn high school credits by partnering with high schools in high-need areas. New York State regulations permit eighth-grade students to take courses for high school credit if the student has demonstrated readiness and passed a Regents exam, Career and Technical Education (CTE) exam, or locally-developed assessment that establishes student performance at a high school level.<sup>129</sup> Under these regulations, over-age students who are still working toward eighth-grade mastery in math, for example, could be permitted to take high school English courses. Allowing over-age eighth graders to earn high school credits could be extremely motivating for the students and would increase the likelihood that they graduate from high school before aging out at twenty-one. Additionally, co-locating alternative programs for over-age middle school students with high schools would allow students to interact with age-appropriate peers and to participate in high school extra-curricular and enrichment activities.

When over-age students are promoted to high school, they often are unable to gain acceptance to any of the transfer high schools designed for over-age students. Currently, transfer schools have complete autonomy over their admissions. The DOE should provide incentives to high schools and transfer schools accepting over-age, first-time freshmen or over-age seventh- and eighth-grade students. For example, the current High School Progress Report could be modified for any transfer school that sets a “zero reject policy” as one of its goals and objectives. For these schools, the weight given to goals and objectives could be increased relative to test scores. The High School Progress report also could be adjusted to give greater weight to five- and six-year graduation rates, and high schools could be empowered to create five and six-year graduation programs that can accept over-age seventh- and eighth-grade students, to allow for age-appropriate peer interactions and to reengage students in their education.

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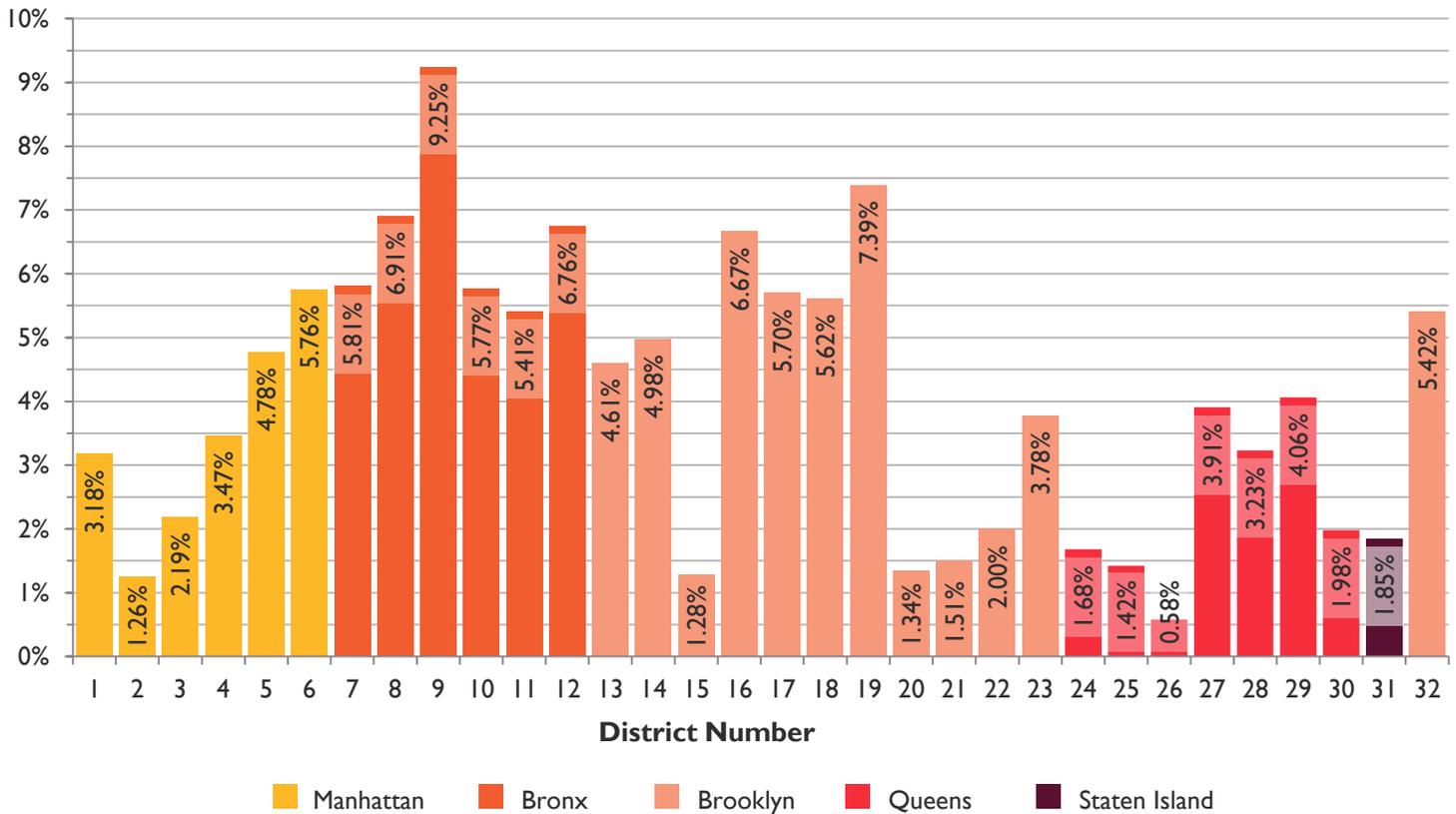
<sup>129</sup> New York State Education Department (2008, December). *100.4 Program Requirements for Grades Five through Eight*. Albany, NY: Author. Retrieved from <http://emsc32.nysed.gov/part100/pages/1004.html> (See Part 100.4(d)(3)).

# Conclusion

As the NYCDOE focuses much-needed attention on middle schools, it must not forget the thousands of students who are over-age for their grade. With improved programs and policies, these students, who are among the most vulnerable in the city, will have a real chance to get back on a path toward high school graduation. Addressing this issue is critical to ensuring that middle school does not become any student's last stop before dropping out.

# Appendix A

## Percentage of three-year over-age students in middle school, by district



**Source:** ROAG data 2013-14. The NYCDOE redacted some data citing the Family Educational Rights and Privacy Act (FERPA). In these cases, missing data was imputed using the percentage of students who were at least two years over-age when entering sixth grade, as defined by NYC Progress Reports. The analysis excludes K-8 schools because grade 6-8 data could not be isolated for these schools.