

School Pushout: Where are we now?

SCHOOL PUSHOUT: WHAT IS IT?

School pushout happens when students are illegally excluded from school. Students leave school for a variety of reasons. Some students leave school because they need to work full-time to help support their families. Others leave simply because they are moving and their current school is too far away. In those situations, pushout has not occurred, as the school has done nothing to force the student to leave.

School pushout occurs when a student is encouraged or forced to leave school for reasons that are against the law. One example is when high school students in their late teens are told that they need to go to a General Educational Development (GED) program because they are too old and do not have enough credits to graduate from high school. School pushout can also occur when a school chooses to punish a student by repeatedly suspending him or her instead of attempting to address the problematic behavior, when a student is told she must leave the school because she is pregnant, or when a student is forbidden from returning to school because of a criminal record.

Pushout is not limited to actually prohibiting a student from coming to school. Pushout also occurs when schools do not provide students with the academic supports they need. These supports could include special education services for students with disabilities, tutoring, or services to pregnant and parenting students that will allow for them to participate fully in their school activities. When services are not provided, students may become discouraged by their situation and feel that their only option is to leave school. They are constructively pushed out of school because they are given no viable opportunity for an education.

WHAT CAUSES SCHOOL PUSHOUT IN NEW YORK CITY?

We surveyed 145 New York City youth during spring 2007 to determine what factors cause students to leave school. Most of the students surveyed (113) had left school and were now in GED programs. To supplement the survey, we also held a small group discussion with seven students to talk in more depth about why students leave high school. Here is what we found:

◆ Failure To Comply With Laws Protecting Students

The youth we surveyed gave a variety of reasons they were told to leave school, but the five most common reasons given were:

- They cut class too much (29).
- They did not have enough credits (27).
- They did not have good grades (27).
- They were truant (19).
- They needed to go to a GED program (18).

Of the five reasons listed, truancy is the only legally permissible reason to tell a student he or she cannot attend school, and even in that case, students have rights under the law to stay in school. If a student is

I was 18 years old when I was placed at a suspension school. After attending for a few months, the school found out that I was a special needs student. They said this wasn't a proper placement and because of my age I probably wouldn't graduate on time with my few credits. They recommended I enter a GED program.

I went to the GED program for a month, near the end of the spring semester. The program changed over the summer and I went into a new vocational program. I was now 19 years old. In this new program they were not able to meet my special education needs and tried to make me leave the school. They convinced me to sign out and find a new program although they didn't offer any options. I was frustrated and mad because I knew they were making me go through the same garbage again. I ripped up the contract saying I was leaving school. That's when I dropped out.

- N.M.

over 17 years old and in general education and has not been in school for 20 consecutive days, she or he can be discharged from the school without consent from the parent or student. However, a planning interview must take place before the student is discharged, and the student has to be informed of his or her right to return to school until the age of 21. It is important to know that truancy and cutting class are not the same thing, and a student cannot be asked to leave school because of cutting class.

◆ Inadequate Guidance and Advising

The survey revealed that students did not receive adequate advising during their time in school or when they left school.

- 47 students reported that they had never met with a guidance counselor.
- 65 students reported that they did not meet with any school official to discuss their options before leaving school.
- 53 students reported never receiving any paperwork explaining their rights to be in school or return to school until the age of 21.

As a result of litigation brought by Advocates for Children, the New York City Department of Education (NYC DOE) requires a planning interview be done with students before they are discharged from school for any of several reasons, including voluntary withdrawal from school and transfer to a GED program. This planning interview must be done with a guidance counselor, assistant principal or principal, as well as the student and parent/guardian. The planning interview should serve as a tool to inform students and parents of the options available to them in order for the student and parent to make the best possible decision about the student's educational future. For roughly half of the students we surveyed who left school, no planning interview or similar meeting took place.

◆ Insufficient Academic Support

- Structures are in place in the law to ensure that students who need extra help can receive it. However, 56 students said that they did not receive any services before leaving school.
- 59 of the students surveyed said that they felt leaving school was their only option.

Academic assistance is available to students under the law in a variety of situations. For example, if a school observes that a student is not doing well in school or is having behavioral issues, state and city laws require that school personnel should provide supportive services to address the problematic behavior and/or academic issues. These services could include use of alternative instructional materials, remedial services, and/or guidance support for issues that are affecting a student's performance in school, even if the source of those issues are from outside of the school environment.

I am 20 years old, and I was born and raised in the Bronx. I have attended public school in the Bronx my whole life. I should be attending college right now, but I'm not.

During elementary school my parents informed the school that I was inverting letters when I read and wrote. The school told my parents that I was going through a phase and that given time I would get over it. The school kept promoting me to the next grade despite the fact that I was failing. Seeing no improvement in my abilities, my mother went to meetings, talked to teachers and wrote letters and e-mails asking for help in locating programs or services that could be helpful.

The school decided that I needed special education services in the 7th grade but I wasn't placed in a Special Ed class until the 9th grade. I felt that the Special Ed class wasn't helping and so I requested to be transferred to another school. I was told that my only option was to attend a cosmetology program at Dodge [High School]. I did not like cosmetology [and went to a GED program.]

After about a week in the GED program I realized that because I was reading at the 3rd grade-level, I was not able to handle the course [and I ended up leaving that program.]... They [the DOE] pushed me out of the system without any help.

- M.R.

◆ An Environment That Discourages Learning

As mentioned earlier, a student can be pushed out of school not only by an explicit action of a school official, such as telling the student he or she has to go to a GED program, but pushout can also occur through *inaction* of school officials. Schools can become an unwelcoming environment if students feel like they cannot succeed. A common theme seen throughout survey answers and the student discussion group was a feeling that school officials were not invested in students' success. Students repeatedly made reference to feeling like teachers were not interested in their studies and that even though they were struggling academically, no assistance was offered to help.

When asked what the school could have done differently to prevent the student from leaving, one survey respondent said that the school could have "offered to help students with academic trouble." Another respondent felt that it would have been helpful if the school had teachers that understood "where the kids are coming from." In the youth discussion group, when asked to describe their dream school, youth discussed the need to have art programs in schools and new textbooks. The students also discussed that they felt school personnel did not believe that the students were motivated to succeed, which reinforced that school was not a place for them.

The students in the small discussion group identified the physical environment of the school as another reason they did not feel welcome. The act of having to walk through metal detectors, and having armed police and security guards on campus, did not contribute to an environment where they felt their learning was given a high priority.

◆ Lack of Information on Students' Rights

In New York City, students have the right to be in school until the age of 21. However, the survey confirmed that many students and parents are unaware of this right.

- 62 students said they did not know they could stay in school until the age of 21 and were not informed of this right before they left school.
- 55 students reported that they would return to high school if they had the chance.

Many of the students surveyed were school-age, with 118 being under 21 years old. Lack of awareness about the right to stay in school or return to school until the age of 21 can contribute to the pushout problem. It is not uncommon for students and parents to look at school officials as authority figures who have all of the answers and power. When a student and parent are confronted with a guidance counselor or principal refusing to allow a student to come to school, the student and parent might unquestioningly believe this authority figure. Having information about students' rights would allow for the parent and student to begin to level the playing field.

Right to be in School until Age 21

In NYC a student has the right to stay in school until the age of 21. An IEP (Individualized Education Program) diploma is not an actual diploma and is not good for most colleges or the military. Students with a GED or an IEP diploma can return to high school to earn their regular high school diploma, as long as they are under 21 years old.

THE NEED FOR PATHWAYS TO COLLEGE

Despite the fact that so many of the youth we surveyed left school without a high school diploma, the overwhelming majority still dream of going to college.

- *Of the youth surveyed, 126 said that they would like to go to college.*
- *78 students reported receiving information about college, although it is unclear whether the students received enough guidance to make this dream a reality.*

The importance of attending college in today's world cannot be understated. By 2010, it is expected that 42 percent of all new jobs in the United States will require a post-secondary degree. Research shows that students from low-income families are not as familiar with the college process in part because their parents did not go to college and also because their high schools did not provide useful or timely advice on college preparation.

It is important that there are structures in place to make sure that all students who are in school, as well as those that have left traditional school environments, have access to information about post-secondary options.

WHAT HAS BEEN DONE TO STOP PUSHOUTS?

Advocates for Children and the Public Advocate's Office released a report documenting the pushout problem in 2002. This report raised awareness of the issue, but did not result in needed policy change from the NYC DOE.

In 2003, Advocates for Children filed a series of lawsuits concerning pushouts in three New York City high schools. The cases were brought on behalf of students who had been illegally excluded from attending school and forced either to transfer to GED programs or drop out. In each of these cases, the NYC DOE allowed the students to return to school and sent notices to discharged students informing them of their right to return. The lawsuits caused Chancellor Klein to admit in the press that pushouts were a "real issue" in the city and prompted the NYC DOE to revise its citywide policy on student exits and transfers.

Publicity and litigation have brought about greater awareness of the pushout problem and some changes in policy in New York City. The NYC DOE created the Office of Multiple Pathways to Graduation, which has developed schools and programs, including transfer schools and Young Adult Borough Centers, to offer educational options to some of the overage, under-credited students who otherwise have nowhere to go. However, students continue to be encouraged to leave school or, in some instances, refused admittance despite being on the school's register.

In the fall 2005, Advocates for Children brought a fourth lawsuit, against Boys and Girls High School in Brooklyn, for illegally excluding students from school through a variety of practices, including warehousing students in the school auditorium during the regular school day. Through our investigation, we learned that hundreds of students were sitting in the auditorium for their entire school day receiving little to no instruction; other students were placed on abbreviated schedules that denied students a full day of instruction. This lawsuit is continuing.

SCHOOL PUSHOUT: WHERE DO WE GO FROM HERE?

Gains have been made over the last six years in addressing school pushout, but as our survey shows, work still needs to be done. The New York City school system needs to embark on a concentrated effort to end school pushout, including the following steps:

- ◆ Making more intensive academic support services, including specialized reading remediation, available to all students who need them.
- ◆ Ensuring that students and parents are informed about their right to stay in school until the age of 21.
- ◆ Strengthening college advising, with preliminary college readiness information provided in the middle school grades.
- ◆ Increasing the number of guidance counselors so that students have regular access to information and advice as to support services that are available and graduation requirements that must be met.
- ◆ Developing peer counseling opportunities for students at risk of leaving school.
- ◆ Creating a broad and varied range of high-school level programs to ensure that all students, including overage and under-credited students, special education students, English Language Learners, and pregnant and parenting teens, have choices other than leaving school.
- ◆ Enforcing laws that prohibit school exclusion for reasons such as cutting class, not having enough credits, or having bad grades, and educating principals and other school staff on these legal requirements.
- ◆ Targeting guidance and counseling to students leaving suspension sites.
- ◆ Ensuring student and parent participation in the development of school policies, including policies related to discipline, as well as the performance evaluations of schools, principals and teachers.
- ◆ Releasing discharge and transfer data publicly as a way to monitor how our students are leaving the school system.

If you would like more information about students' rights in school, please contact
Advocates for Children's Jill Chaifetz Education Helpline at
1-866-427-6033
Monday - Thursday 10 A.M. - 4 P.M.

Check out a Public Service Announcement by and for youth about students' right to stay in school:
www.advocatesforchildren.org

If you would like more information on how to get involved in ending the pushout problem,
please contact Christie Love at 212-947-9779 ext. 536.

Additional copies of this issue paper are available from:

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