



class size matters

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**Testimony of Leonie Haimson, Executive Director of Class Size Matters
Hearing on Int. 354 requiring reporting of student discharge rates and Int. 364 for
reporting of student outcomes at closing schools
Before the NYC Council Education Committee**

January 25, 2011

Thank you for holding these hearings today. My name is Leonie Haimson, I'm the Executive Director of Class Size Matters, and I'd like to speak in strong support of Int. 354 and 364.

In April of 2009, Jennifer Jennings and I released a report on behalf of the Public Advocate's office about the large number of students discharged from the NYC public schools.¹ We found that the percentage of all students discharged had *increased*, from 17.5 % for the Class of 2000 to 21.1% for the Class of 2007. Over this period, a total of 142,262 New York City students were discharged. None of these students were counted as dropouts, and all were excluded from the cohort by DOE for the purpose of calculating their official graduation rate.

We also found that the discharge rate had doubled for students in their first year of high school, rising from 3.8 percent to 7.5 percent from 2000-2007. Significantly higher discharge rates were experienced by for ELL students (29%), Hispanic students (23 %), and African-American students (21%) compared to white (19%) and Asian students (16%).²

In response to our report, the DOE claimed that the rising number of discharges was because more NYC students had either transferred to public and private schools or moved out of state in recent years, though we could find no evidence of this trend in either private/parochial school enrollment data or census figures. The DOE had no explanation of why the rate of discharges had doubled among students in their first year of high school.³ We hypothesized that perhaps the added pressure on schools as a result of their rigid accountability system may have been causing them to discharge these students more quickly than before, because schools are also rated on credit accumulation in 9th grade. Yet we really cannot know the answer to this question until someone with full access to the data is able to analyze it more closely.

¹Jennifer L. Jennings and Leonie Haimson, "High School Discharges Revisited: Trends in NYC's Discharge Rates, 2000-2007," April 2009; posted at http://www.classsizematters.org/High_School_Discharge_Report_FINAL.pdf

² These are in the gen education category; we didn't have disaggregated data by race for the special ed population.

³ Jennifer Medina, "Number of Students Leaving School Early Continues to Increase, Study Says," NY Times, April 29, 2009.

After our report was released, Public Advocate Betsy Gotbaum asked the State Comptroller to audit NYC's discharge figures, and he agreed. We have heard that the audit was completed last spring, but do not know what is holding up its release. Perhaps the City Council can inquire.

Meanwhile, several changes have been made to the DOE's discharge reporting system, apparently as result of our findings:

As pointed out in our 2009 report, students who reached 21 without graduating, pregnant students who voluntarily left school, students who were expelled, and students who were enrolled in a full time GED program outside the NYC school system were not counted as dropouts, but should have been according to federal guidelines.

I am happy to note that the DOE now counts each of these discharges as dropouts, except in the case of expulsion. According to the 2009-2010 guidelines, expelled students (code 79) were still counted as discharges rather than dropouts. According to the current 2010-2011 guidelines, expulsions are not mentioned in the document, so it is not clear how they are counted.⁴ Another problem is that students who are discharged to non-DOE institutions are not reported anywhere in the system, as far as I know. There were over 4,000 of these students in 2008, the vast majority of them black and Hispanic, according to data FOILed by the NYCLU, and these institutions should also be responsible for reporting the educational outcomes of children under their care.

There are other serious concerns. For example, students who are discharged to YABC programs or GED programs operated by DOE are still not counted as dropouts, and are entirely removed from the cohort for the purpose of calculating the school's graduation rate. If these students then receive GED's, they are then returned to the cohort and counted as high school graduates; if they do not, it is as though they never existed at all.

Neither one of these practices are justified. GED's are not equivalent to regular high school diplomas, and allowing schools to remove students from their cohort by discharging them to these programs is a loophole, which encourages schools to "push" them out to artificially boost their graduation rates. The DOE also continues to report IEP diplomas as graduates, which is also unjustified.

Another major problem is that since we released our report, the DOE has failed to report any data that include discharges of special education students in self-contained classes or D 75 programs, either in their longitudinal graduation reports or separately, despite repeated requests.⁵

So while the department may claim a slightly reduced discharge rate, this figure only applies to general education students. We have no idea of what the overall rate may be. We know from past reporting that the discharge rate for special education students is higher than it is for general education students; from 3% to 16% more for the classes of 2000-2007 – and the total number of special education students is still increasing every year. Hopefully, this bill will pass,

⁴ NYC DOE, "Transfer, Discharge and Graduation Code Guidelines 2009-2010" and "Transfer, Discharge and Graduation Code Guidelines 2010-2011." The latter is only available on the intranet, the former at http://innovativeschoolsnyc.org/index.php?option=com_content&view=article&id=148&Itemid=153

⁵ Email from Leonie Haimson to Shael Suransky, dated August 31, 2010; follow-up email to Shael Suransky, Phil Vaccaro, and Jennifer Bell-Ellwanger, dated September 30, 2010.

and DOE will be obligated to report all the disaggregated data, including that for special education students each year.

The fact that there will be no recurring independent check on DOE's figures or that of individual schools remains problematic. I trust that the State Comptroller's audit is released soon, as it is long overdue, but even so this remains an issue for the future.

I have heard that schools are able to fake transfers to parochial or private schools by whitening out student names and putting new ones in their place. The documentation process required by DOE for parochial and private school transfers is not nearly as rigorous as it should be, and does not require a documented request for a transcript from the receiving school, or a written acknowledgement that the student has registered at this school, as is required for discharges of students leaving the city.⁶

The DOE should seriously consider strengthening these documentation requirements, and/or redesign their accountability system so that it incorporates data on school discharges as well as dropout rates. If large numbers of students at any particular school are consistently transferring to GED programs, or to parochial or private schools, that is likely a signal that something needs attention at that school. Finally, the DOE should reconsider the entire form and function of their accountability system, so that schools do not feel that they must discharge students or falsify data to inflate their graduation rates by any means necessary.

I'd also like to speak a little about Int. 364, the bill that requires reporting on the fate of students at closing schools. This is also critical legislation, considering that these students are in danger of being denied a chance to graduate with a meaningful high school education. In our report, we found huge spikes in discharge rates for the last two classes at closing schools. (See figure 1 below.)

We have some suggestions on how this bill should be strengthened. Right now it only asks for the number of students assigned to other schools, rather than other possible outcomes.

It should more specifically require reporting on the number (and percent) of students who are discharged, drop out, or transfer to a particular type of school, specifying either district 79, YABC or GED programs or regular public high school schools, over the course of the period of a school's phase-out, as their likely futures will differ considerably according to which type of school they are moved into. All these figures should be reported citywide and by school, disaggregated by race, special education and ELL status.

We also need to know the number (and percent) of students by school who graduate through credit recovery. Credit recovery now appears now to be the preferred way to deal with students at closing schools who do not have enough credits to graduate. Before, the most common outcome for these students was to be discharged or drop out; now it seems to be to provide them with sub-standard online programs, so they can gain enough credits in a few weeks, by cutting and pasting material from the web.⁷ This is yet another way in which our

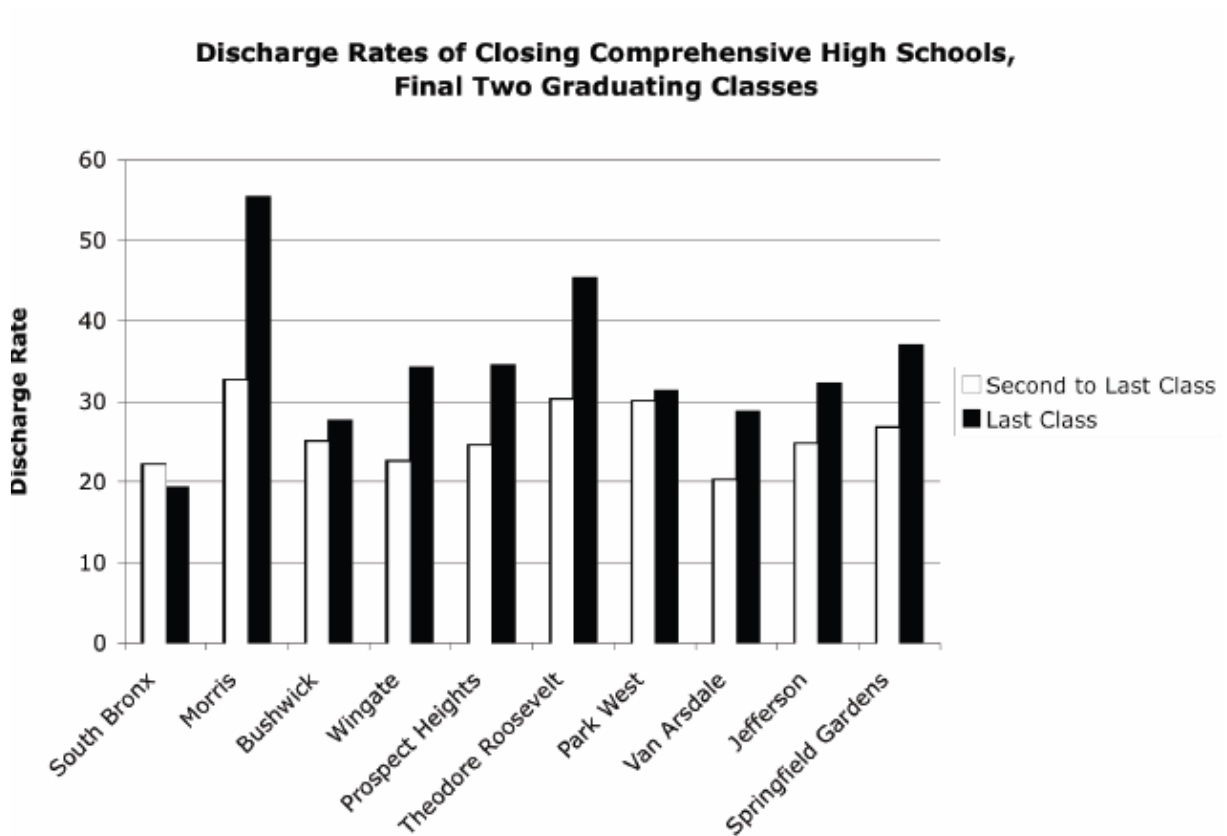
⁶ These are required for code 11 – discharged to a school outside of NYC.

⁷ For some news coverage see: Vadim Lavrusik, "A Race for Diplomas Before Brooklyn's Tilden High Closes for Good," Huffington Post, May 25, 2010; at http://www.huffingtonpost.com/vadim-lavrusik/a-race-for-diplomas-before-b_589157.html; Gabe Kahn, "[Tilden High School Offering Students Last Chance To Graduate](#)" Brooklyn Ink,

schools are being encouraged to become diplomas mills. Unfortunately, with the DOE’s plan to spread online credit recovery to even more schools next year, this trend is likely to worsen.⁸

Thank you for the opportunity to speak to you today.

Figure 1



June 29, 2010 at <http://thebrooklynink.com/2010/06/29/12558-tilden-high-school-offering-students-last-chance-to-graduate>; S. Edelman and C.R. Fagen, “F” student graduates,” NY Post, July 4, 2010, at http://www.nypost.com/p/news/local/brooklyn/student_graduates_qKSEek0SoPXTJBjV1Sc0M

⁸ See NYC DOE, iLearnNYC Q&A 2010-2011, posted at <http://schools.nyc.gov/NR/rdonlyres/B6567115-D1AD-4C92-A605-5144A9A1DA26/96477/iLearnQA2.pdf>