

Staff: Committee on Education
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THE COUNCIL

**REPORT OF THE HUMAN SERVICES DIVISION
ROBERT NEWMAN, LEGISLATIVE DIRECTOR**

COMMITTEE ON EDUCATION

Council Member Robert Jackson- Chairperson

June 27, 2011

PROPOSED INT. NO. 354-A:

By Council Members Jackson, Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Mealy, Nelson, Palma, Rose, Sanders Jr., Seabrook, Williams, Koslowitz, Lappin, Rodriguez, Vann, Crowley, Foster, Levin, Mendez, Van Bramer, Arroyo, Weprin, Gonzalez, Gennaro, Halloran and Ulrich

TITLE:

A Local Law to amend the New York city charter, in relation to requiring the department of education to provide data regarding student discharges.

CHARTER:

Adds a new section 530-b.

I. INTRODUCTION

On June 27, 2011, the Education Committee, chaired by Council Member Robert Jackson will vote on Proposed Int. No. 354-A. This bill would amend the Charter of the City of New York, to require the Department of Education (DOE) to provide data regarding student discharges to the City Council.

II. BACKGROUND

The DOE has approximately 23 codes which are used to identify the reason why a student left school before graduating. These codes include, but are not limited to, actions such as: left school after turning 21 years of age, moved to a location outside of the city, transferred to a private or parochial school, transferred to a GED program or left school due to a pregnancy or parenting responsibility. There is significant controversy regarding whether the definition of the term “discharged” as used by the DOE is considered a “drop out” under federal law. For example, the actions specified above are considered “discharged” by the DOE, however, under the guidelines issued by the National Center for Educational Statistics (NCES) they are counted as “drop outs.”¹ According to a four-year longitudinal report by the DOE, in 2007, 21% of New York City high school students in the class of 2007, approximately 20,500 students were discharged during their high school tenure.²

¹ Haimson, Leonie and Jennings, Jennifer “High School Discharges Revisited: trends in New York City’s Discharge rates , 2000-2007” at 10.

² Id at 11

IV. ANALYSIS OF PROPOSED INT. NO. 354-A

Proposed Int. No. 354-A would amend the Charter of the City of New York in order to increase transparency around student discharges. Section 1 of the bill would amend the City Charter by adding a new section 530-b titled “student discharge reporting data.”

Subdivision a of such section provides definitions for the purposes of the new section: “cohort” would mean a group of students who entered into a specified grade in the same year; “department” would mean the Department of Education of the City of New York; “discharge code” would refer to any code utilized by the department to indicate when a student leaves a school within the department or without graduating; “discharged” would mean any student whose enrollment at a school organization has been voluntarily or involuntarily terminated or withdrawn for reasons including, but not limited to, discharge to a private or parochial school; “graduation” would mean the act of meeting all requirements outlined by the state education law in order to receive a high school diploma; “student” shall mean any pupil under the age of 21; “transfer code” would mean any code utilized by the department to indicate when a student transfers from one school within the department to another school within the department; “transferred” would mean any student who has been voluntarily or involuntarily reassigned to another school or program including, but not limited to, a part time or full time department GED program, or a temporary reassignment to another school program.

Subdivision b of section 530-b would require the DOE to submit a report to the Council on an annual basis starting no later than June 30, 2012 which would identify the number of student’s discharged or transferred from each school and the nature of each

such discharge or transfer. Such subdivision b would also require the following:
paragraph one would require information related to the total number of students discharged from each high school in grades nine through twelve disaggregated by cohort, age as of December 31st of the previous calendar year, race/ethnicity, gender, English language learner status and special education status.

Paragraph two would require information related to the total number of students discharged from school in grades six through eight, disaggregated by grade, race/ethnicity, gender, English language learner status and special education status.

Paragraph three would require information related to the total number students in grades nine through twelve who left their respective school, disaggregated by all discharge, transfer and graduation codes used by the Department of Education.

Paragraph four would require information related to the total number of students in grades six through eight who left their respective school disaggregated by all discharge, transfer and graduation codes used by the Department of Education.

Paragraph five would require information related to the number of students in grades nine through twelve discharged due to reasons relating to pregnancy or parenting.

Paragraph six would require information related to the number of students in grades six through eight, disaggregated by grade, who were discharged to parochial schools or private schools.

Paragraph seven would require information related to the total number of students in grades nine through twelve, disaggregated by cohort, discharged to parochial schools or private schools.

Paragraph eight would require information related to the number of students in grades six through eight, disaggregated by grade, enrolled in school at correctional facilities or detention programs.

Paragraph nine would require information related to the number of students in grades nine through twelve, disaggregated by cohort, enrolled in school at correctional facilities or detention programs.

Paragraph ten would require information related to the total number of students discharged in grades six through eight, disaggregated by grade, receiving special education services.

Paragraph eleven would require information related to the total number of students in grades nine through twelve, disaggregated by cohort, receiving special education services.

Paragraph twelve would require that all information be aggregated citywide and disaggregated by borough and community school district.

Subdivision c of section 530-b would require that none of the information required would be reported in a manner that would be in violation of any applicable provision of any federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number will be replaced with a symbol

Section 2 of the bill states that if any section or portion of the bill is declared unconstitutional or invalid for any reason by any court having jurisdiction over the matter

then that section or portion shall be deemed severable and shall not affect the validity of the remaining portions of the local law.

Section 3 of the bill states that the law would take effect 90 days after its enactment into law.

V. CONCLUSION

The data required by Proposed Int. No. 354-A will bring a level of transparency to student discharge procedures.

Proposed Int. No. 354-A

By Council Members Jackson, Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Mealy, Nelson, Palma, Rose, Sanders Jr., Seabrook, Williams, Koslowitz, Lappin, Rodriguez, Vann, Crowley, Foster, Levin, Mendez, Van Bramer, Arroyo, Weprin, Gonzalez, Gennaro, Halloran and Ulrich

A Local Law to amend the New York city charter, in relation to requiring the department of education to provide data regarding student discharges.

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 530-b to read as follows:

§530-b Student discharge reporting data. a. For the purposes of this section:

1. "Cohort" shall mean a group of students who entered into a specified grade in the same year.
2. "Department" shall mean the department of education of the city of New York.
3. "Discharge code" shall refer to any code utilized by the department to indicate when a student leaves a school within the department without transferring to another school within the department or without graduating.
4. "Discharged" shall mean any student whose enrollment at a school organization has been voluntarily or involuntarily terminated or withdrawn for reasons including, but not limited to, discharge to a private or parochial school or a non-DOE institution, or the absence of any student after twenty consecutive days.
5. "Graduation" shall mean the act of meeting all requirements outlined by the state education law in order to receive a high school diploma.
6. "Student" shall mean any pupil under the age of 21.
7. "Transfer code" shall mean to any code utilized by the department to indicate

when a student transfers from one school within the department to another school within the department.

8. “Transferred” shall mean any student who has been voluntarily or involuntarily reassigned to another school or program including, but not limited to, a part-time or full-time department GED program, or a temporary reassignment to another school program.

b. Not later than June 30th of the year two thousand and twelve and on an annual basis thereafter, the chancellor of the city school district of the city of New York shall submit to the council and post on the department’s website, a report which identifies the number of students discharged or transferred during the previous school year from each school under the jurisdiction of such district including any and all discharge and transfer codes utilized by the district and disaggregated by cohort for grades nine through twelve and by grade for students in grade six through eight. Such report shall include, but not be limited to, the following information:

1. The total number of students discharged from each school in grades nine through twelve, disaggregated by cohort, age as of December 31st of the previous calendar year, race/ethnicity, gender, English language learner status and special education status.

2. The total number of students discharged from each school in grades six through eight, disaggregated by grade, race/ethnicity, gender, English language learner status and special education status.

3. The total number of students in grades nine through twelve who left their respective school, disaggregated by all discharge, transfer and graduation codes used by the department.

4. The total number of students in grades six through eight who left their respective school, disaggregated by all discharge, transfer and graduation codes used by the department.
 5. The total number of students in grades nine through twelve, discharged due to reasons relating to pregnancy or parenting.
 6. The total number of students in grades six through eight, disaggregated by grade, discharged to parochial schools or private schools.
 7. The total number of students in grades nine through twelve, disaggregated by cohort, discharged to parochial schools or private schools.
 8. The total number of students in grades six through eight, disaggregated by grade, enrolled in school at correctional facilities or detention programs.
 9. The total number of students in grades nine through twelve, disaggregated by cohort, enrolled in school at correctional facilities or detention programs.
 10. The total number of students discharged in grades six through eight, disaggregated by grade, receiving special education services.
 11. The total number of students discharged in grades nine through twelve, disaggregated by cohort, receiving special education services.
 12. All information required by this section shall be aggregated citywide, as well as disaggregated by borough and community school district.
- c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of

law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.

§2. Effect of invalidity; severability. If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect ninety days after its enactment into law.

AES
LS# 446
6/20/11
4:00pm



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 354-A

COMMITTEE: Education

TITLE: A Local Law to amend the New York City charter, in relation to requiring the Department of Education to provide data regarding student discharges.

SPONSORS: Council Members Jackson, Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Mealy, Nelson, Palma, Rose, Sanders Jr., Seabrook, Williams, Koslowitz, Lappin, Rodriguez, Vann, Crowley, Foster, Levin, Mendez, Halloran and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. 354-A would amend the New York City Charter to require the Department of Education (DOE) to make reports to the City Council about students discharged from public schools.

The DOE would be required to report annually and post on its website a report which identifies the number of students discharged or transferred during the previous school year from each school, including any and all discharge and transfer codes utilized by the district and disaggregated by cohort for grades 9-12 and by grade for students in grades 6-8. The report would include, but not be limited to: the total number of students discharged from each school in grades 9-12: disaggregated by graduation year cohort, age, race and ethnicity, gender, English language learner status and special education status; disaggregated by discharge, transfer, and graduation codes used by the Department; and discharged due to reasons relating to pregnancy or parenting. It would include the total number of students discharged from each school in grades 6-8 disaggregated by grade, race and ethnicity, gender, English language learner status and special education status, and disaggregated by discharge, transfer, and graduation codes used by the Department. The report would also include the total number of students in grades 6-12: discharged to parochial or private schools; enrolled in school at correctional facilities or detention programs; and who are discharged and receiving special education services. All of this information would be aggregated citywide, as well as disaggregated by borough and community school district.

EFFECTIVE DATE: This local law would take effect ninety days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.
Intro 354-A

IMPACT ON EXPENDITURES: It is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. The Administration estimates the Department of Education would need to hire a research associate to comply with this bill, resulting in a total annual cost of \$89,104. However, Council Finance believes the Department could comply with this legislation using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Christina Perrotti, Legislative Financial Analyst
Regina Poreda Ryan, Assistant Director

HISTORY: Introduced as Intro. 354 by the Council on September 29, 2010 and referred to the Committee on Education. A hearing was held by the Committee on Education and the legislation was laid over by the Committee on January 25, 2011. An amendment has been proposed, and the legislation is scheduled to be voted out of the Education Committee and the Full Council on June 27, 2011 as Proposed Int. 345-A.

DATE SUBMITTED TO COUNCIL: September 29, 2010