

**So Many Schools, So Few Options:
How Mayor Bloomberg's
Small High School Reforms
Deny Full Access
to English Language Learners**

A joint report by:

The New York Immigration Coalition
&
Advocates for Children of New York

In collaboration with:

Chhaya Community Development Corporation
Chinese Progressive Association
Chinese-American Planning Council
Council of Peoples Organization
Haitian Americans United for Progress
Make the Road by Walking
Metropolitan Russian American Parents Association

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EXECUTIVE SUMMARY

“We don’t have ELL students. They can apply, but we can't serve them. Eventually we will have services for them, but we just don’t have the people to do it right now. If the students are accepted, we end up transferring them.” – Small schools administrator in the Bronx

“Now that we are in our third year, we have to accept [ELLs], but we are still trying to find a teacher for them.” – Small schools administrator in the Bronx

“Most parents knew that they were supposed to get a book regarding the high school admission process and that applications may be involved. Beyond that, it was hit or miss with regards to information.” – Focus group moderator for Haitian Americans United for Progress

* * * * *

Over the past several years, the New York City Mayor, Michael Bloomberg, and New York City Schools Chancellor, Joel Klein, have undertaken a wide range of school reform efforts, the cornerstone of which has been the dismantling of large, failing high schools and the creation of nearly two hundred new small high schools that are designed to offer a more rigorous and engaging curriculum and a personalized learning experience.

The New York Immigration Coalition and Advocates for Children, along with Chhaya Community Development Corporation, Chinese Progressive Association, Chinese-American Planning Council, Council of Peoples Organization, Haitian Americans United for Progress, Make the Road by Walking, and the Metropolitan Russian American Parents Association embarked on this report seeking to answer the following question: **Have English language learners (ELLs) been effectively included in the City’s small high schools reform initiative?** The report concludes that ELLs are not being provided full and equitable access to all small schools in New York City.

To develop the findings and recommendations in this report, we reviewed data from the New York Department of Education (DOE) and the New York State Department of Education (NYSED). We also surveyed more than 1,150 parents and students about the services schools were providing to ELLs and their experience with the high school admissions process and obtained feedback on the survey questions through a dozen focus groups with more than 100 parents and students from immigrant families and from surveys of senior staff in more than 126 schools.

BACKGROUND ON ELLS AND SMALL SCHOOLS

ELLs are a Significant Sector of the New York City High School Population

ELL students are a large and critically important part of the New York City school population. Children from immigrant families now account for more than half the students in the City's schools. Many enter the school system in kindergarten or first grade lacking proficiency in English; thousands of others enter the school system in later grades and face enormous pressure to quickly develop English literacy skills while at the same time forge ahead in mastering math, science, and other subjects.

- Out of 141,173 students classified as ELLs in New York City in the 2005-2006 school year, approximately 37,810 (or 27%) were in high schools.¹
- ELLs made up almost 12% of the total high school population.²

ELLs are legally entitled to receive additional services and instruction to assist them with developing English skills and improving educational outcomes called English as a Second Language (ESL) instruction or bilingual education. Yet, despite these legal mandates, educational outcomes for ELL students are dismal: more than half of all ELLs (50.5%) drop out of high school over the course of seven years, compared with 32.4% of general high school students.³

Preliminary Results of the Small High Schools Show Positive Outcomes

As of the writing of this report, 63% of all high schools are "small" schools, with populations of 500 students or less.⁴ Approximately 186 of those schools have been created by the current administration. Overall, preliminary results of the small schools show improved outcomes for students generally and for ELLs in particular. New small schools show increased attendance, lower disciplinary rates, higher promotion rates, higher rates of student and teacher satisfaction and safer learning environments.

- ELL students in small high schools have significantly higher promotion rates, compared to students in all other schools. For example, 85.8% of 9th grade ELL students in small, schools were promoted to 10th grade. This was more than 20% higher than ELLs in all other schools, in which only 63.8% of ELLs were promoted to 10th grade.
- Attendance rates at the small ELL-focused high schools are at 89.1%, compared to 84.6% at all other high schools.

We are encouraged by the progress that the ELLs are making in the small schools.

¹ Office of English Language Learners. *ELLs in New York City: Student Demographic Data Report*. Summer, 2006.

² Reliable final data for 2005-2006 was not available for the total high school population. Thus, this figure is based on an analysis of 2004-2005 school report card data.

³ New York City Department of Education. *The Class of 2002 Final Longitudinal Report – A Three Year Follow Up Study*.

⁴ <http://schools.nyc.gov/Offices/NewSchools/default.htm> . The DOE's Office of New Schools defines a small school as having 500 or less students.

Moreover, the DOE has adopted a strategy for educating ELLs in the small schools that principally revolves around the expansion and creation of a few specific small high schools that are designed to primarily serve ELLs. We are inspired by some of the innovative approaches of these schools – particularly those developed by the nine International High Schools in the City- to meet the needs of ELL students.

Yet, as we discuss in this report, the DOE’s efforts on behalf of ELLs are not sufficient to address their needs or the lack of equity inherent in policies and practices that would allow new small schools not to serve them. Below we set forth the major findings of our report and our recommendations to address them.

KEY FINDINGS

ELLs Are Not Given Full and Equitable Access to All Small High Schools

There were 186 schools created by the DOE in the current administration’s small school initiative. Overall, ELLs make up approximately 10.4% of these “new” small schools, while the ELL population hovers around 11.4% across all high schools. Although this distribution of ELLs in small schools appears, on its face, to match the percentage of ELLs across all schools, a closer look at the data and policies reveal that significant inequities exist.

Over Half of the Small Schools We Reviewed Had No or Limited Access for ELLs

- In 2005-2006, out of 183 schools we analyzed, more than half (93) had less than 5% of ELLs in their student body.⁵

The Current DOE Policy Allows Small Schools to Exclude ELLs in the First Two Years of Operation⁶

- Although the DOE’s stated goal behind this policy is to ensure that schools have the resources to serve students, the strategy of imposing a two-year window to allow schools to decide not to serve students based on their English language capabilities is not permissible and sends a message to ELLs and their parents that they are not of primary concern to the administration.

Small Schools Do Not Have Legally Mandated Programs for ELLs

- Many new small schools do not provide the programs mandated to help ELL students learn English. Of the 126 small schools that responded to surveys, 41% (52 schools) reported not offering any English-as-a-second-language (ESL) or bilingual services.

⁵ The DOE failed to release ELL data for 20 new small schools, however, so a complete assessment of ELL enrollment for 2005-2006 was not possible. Full analysis for the 2004-2005 year is presented later in this report.

⁶ Existence of this policy was recently confirmed by a senior staff person at the DOE at the October 2006 Regents meeting.

Of the 73 new small schools that responded, 42% (31 schools) reported that they did not have an ESL or bilingual program.

- Similarly, 21 of the old small schools (40 percent) reported that they did not have a program. These findings show that not only are a significant number of small schools failing to comply with the law and provide services that would allow ELLs to enroll in their schools, they also are not, as the DOE has attempted to suggest, making much progress in improving services for ELLs over time.

The Failure to Ensure ELLs Have the Opportunity to Attend Any Small School Limits their School Choice Options

- A cornerstone of the high school reform efforts has been to bolster school choice options. Yet, ELLs and their parents do not have the same access to school choice as their English proficient classmates and thereby are excluded from many of the career oriented and specialized programs offered by the small schools.
- The DOE has recognized that effective high school reform efforts require the creation of a portfolio of options to meet the needs of diverse learners. Adoption of a high school reform strategy that focuses on concentrating ELLs in a handful of small schools is not consistent with that stated philosophy.

Small Schools are Not Being Created in Queens, in which the Largest Number of ELLs Reside

- Queens has the highest number of ELL high school students; almost 11,000 (or 29% of all ELL high school aged students) reside in Queens. It also has the fastest-growing immigrant student population.
- In 2005 Queens only had 7% of new small schools.
- While ELL students in Queens reside in what should be considered a high-need area, given that it has the City's most overcrowded high schools and a great number of schools failing to meet yearly progress standards, few new small high schools have been created in Queens.
- The lack of widespread public transportation in Queens, coupled with the fact that school choice is often driven by proximity to a child's home further underscores the need to create more small schools in Queens.

The Small School Policy for ELLs Appears to be Forcing ELLs to Remain in Large High Schools that Do Not Have Services to Meet Their Needs

- Our analysis found that as some large schools began to be phased out, other large schools in their immediate vicinity experienced significant increases in their ELL student population. For example, Theodore Roosevelt High School, which is being

phased out, saw an 87% decrease of its ELL population over the course of four years, including a 51% decrease in one year. In those same four years, two neighboring large schools saw increases of 27% and 48% of their ELL populations. Reports from parents and students indicate that English-proficient students gain a wider variety of choices with the creation of new small schools. Because many of these schools do not provide services for ELLs, however, ELL students often have no other choice than to attend large high schools.

New Data Released by the DOE After Completion of the Report Shows Improvement in ELL Enrollment Rates

The DOE had previously been made aware that we were working on a report and had provided some of the data we cited herein. We provided a draft advance copy of this report to the DOE the day before its release, so that the DOE could comment and discuss our findings prior to release. In response to the report, the DOE provided us with some new, as yet-unreleased data, documenting an improvement in 9th grade enrollment for ELL students across small schools. We were not aware of the existence of this data and had not previously requested this specific information. Although we were not able to independently confirm these results or view them on a school-by-school basis, the summary data provided by the DOE shows that new schools had a higher enrollment rate for entering ELLs than did other schools.

According to the DOE, ELLs were enrolled at 12.2% rate for schools open 1-2 years and 12.8% for schools open 3 or more years. Even excluding the ELL-focused schools, enrollment rates of incoming 9th graders were 9.3% and 9.8% respectively.

We hope to get more details about this data, including the distribution of the 9th graders in the small schools and whether they are receiving their mandated ESL or bilingual instruction

Parents of ELLs and Students Reported Barriers in the High School Admissions and Enrollment Process

Our study also identified barriers in the high school admissions and enrollment process that exacerbated the already unequal access to small schools experienced by ELL students.

- Our surveys and focus groups of ELL students and their parents revealed that the availability of ELL instructional services, location, and safety were their top factors in selecting a high school. As indicated earlier, however, because few small schools are being created in areas where ELL students reside, and because so many existing small schools fail to provide the required services for ELLs, parents and students have been discouraged from even attempting to apply for small school placements. Most parents (60%) reported not receiving any information about ELL programs when attempting to find an appropriate high school placement for their child.

- Students and parents reported that they did not receive adequate information about the high school admissions process. Only 25% of parents surveyed reported receiving information about high school fairs from the DOE. This finding is of great concern, because immigrant parents are often unfamiliar with the high school selection process, and the high school fairs are the centerpiece of the DOE's efforts to inform and move tens of thousands of students through the high school selection process. Students and parents in our focus groups also found the high school directory to be either inaccurate or too complicated. As a result, parents and students often turned to family members, friends, or community groups for information. Furthermore, more than half the parents surveyed did not receive information in their native language, and only half of those who received translated information received it in a timely manner.

RECOMMENDATIONS

Our findings on lack of full access to small high schools for ELL students are very troubling, both because of the equity issues involved and because the ELL student population left out of the reform efforts are at the highest school risk of educational failure. In order to provide ELL students and the City's immigrant families full access to the improved learning environment provided by the new small schools, we recommend that the following steps be taken:

1) Increase Access and Enrollment of ELLs to Small Schools

- *As part of the small school approval process, require that all schools have an appropriate plan for serving ELLs, which includes addressing ELL issues in the design, outreach, enrollment, assessment, instructional services, and parental involvement processes.* ELL students should be able to compete with other City students for entry into the many career-oriented and specialized small schools that are now being created. Because so many of these schools do not provide the legally mandated services for ELL students, however, their access to these schools is effectively barred. The City must end its three-year phase-in policy for ELLs and require all new small schools to admit and enroll ELLs. All new small schools should be required to show evidence that ELLs will be provided legally-mandated and appropriate ELL programs and services by the beginning of the next school year.
- *The City should increase incentives for enrolling ELLs beyond the few grants that currently exist to extend such services.* Providing quality English language acquisition programs requires thoughtful and persistent efforts to create and adapt the design of a school's assessment, curriculum, professional development, and parental involvement practices. Both the DOE and NYSED should increase financial support and other incentives to assist schools as they adapt their services to meet the needs and provide required services for ELLs. In order to ensure that each school is equipped to serve ELL students, the City needs to invest in recruiting and retaining qualified ESL and bilingual teachers by creating new incentive programs for ELL teachers. The DOE should expand its ELL teacher reserve program to ensure that there is a readily available pool of

certified ESL and bilingual teachers throughout the year to dispatch to new schools or other schools with ELL teacher shortages.

- *Monitor and hold schools accountable for enrolling and providing services to ELLs.* Our report shows that many schools have simply chosen not to provide services to ELLs, despite the fact that it is against the law for them to deny English language instruction to ELL students. Leadership and direction from the Board of Regents and NYSED in critical areas such as ELL assessment, curriculum design, testing, teacher licensing, and professional development have been so abysmal over the past ten years that schools now refuse to provide even substandard services to ELLs since *they won't be held accountable for providing no services to ELLs*. NYSED should begin to take its leadership and oversight roles seriously with regard to this student population. Given the dismal record of Board of Regents and NYSED leadership on these issues, Mayor Bloomberg and DOE should establish strong monitoring and accountability mechanisms to ensure that ELLs are in fact getting the quality services they deserve and that are mandated by law.
- *Research and replicate successful programs, especially of schools with few ELLs.* So far, the DOE's main strategy for including ELLs in its small school reforms is to sponsor fewer than a dozen schools whose primary purpose is to serve ELLs (several of these schools were started well before Mayor Bloomberg began his initiative, but they are now promoted as part of his initiative). Schools such as the International High Schools generally do an excellent job of serving ELL students, and we support the expansion of this model. With *hundreds* of small schools being started under Mayor Bloomberg's initiative, however, this type of model, and the five schools that have recently implemented it, should not be the only small school option for ELLs and their parents. In order to allow ELLs access to the wide range of career and academic programs offered by the hundreds of new small schools, these schools must be able to accommodate small to moderate numbers of ELLs in their student bodies. Models for how schools can or have successfully accommodated the instructional needs of ELLs in such cases should be explored, costed-out, and replicated to assist other small schools as they open up their offerings to ELL students.
- *Support expanded professional development services during the school planning process and once the school is launched, in order to ensure that the needs of ELL students have been anticipated and included in the overall school plan.* School staff at all levels – principals, assistant principals, guidance counselors and other student support staff, curriculum developers, and of course, teachers – require support and know-how in order to plan for and meet the needs of ELLs. In this report, we argue that the needs of ELL students must not be seen as the responsibility of just a tiny percentage of the new small schools, but rather as a need that all small schools must address. Similarly, meeting ELL's needs is not just the responsibility of a few professionals in that tiny percentage of specialized schools; all professionals, at all levels of the system, need to understand and take responsibility for meeting the needs of ELL students. Though the needs and growth of this population have been well known to leaders of our political institutions and education bureaucracies for more than 30 years, we recognize that many of our leaders are not prepared to take responsibility. We therefore urge a major, systemic effort to arm all professionals involved in creating and staffing the new small schools with the

knowledge and skills they need to provide high-quality instructional services to ELL students, so that ELLs may then enroll and succeed in any small school.

2) **Increase Small Schools in Immigrant and ELL Communities and Where Schools Are Overcrowded and Underperforming**

- *Increase the number of small schools in areas where there are high concentrations of ELL students.* As discussed above, the report has identified that Queens, which has the largest number of ELL high school students and the City's most overcrowded high schools, has the fewest number of small schools either in existence or in the planning stage. Therefore, we call not only for increased access by ELLs to all small schools, but also an increase in the number of small schools in areas where there is a high concentration of ELLs, in order to dismantle underperforming schools in their neighborhoods and fairly spread the benefits of small school programs to high-need ELL students across the City. The DOE must ensure that parents have true high school choice.
- *Include ELL performance data in formulas that drive creation of new schools.* In order to institutionalize a focus on the needs of ELL students, data on the performance of ELL students at the classroom, grade, school, and district levels should be broken out as a subgroup in all relevant small school planning and accountability indicators. For decades, ELL students were ignored or invisible in most City and State performance data; NYSED and the DOE had both largely relieved their bureaucracies of accountability for serving ELL students by allowing schools to generally exclude them from their testing and performance measures. Now that No Child Left Behind reforms are forcing school systems like New York's to honestly account for the performance of their ELL students, better data is emerging on the existence, performance, and needs of this important subset of the student population. We urge that this group of students be recognized as a high-need population and that all relevant data emerging on their performance and needs be made public and included in planning, not only for the small schools initiative, but for all school reform efforts.
- *Increase the number of small school partnerships focused on the needs of immigrant students.* The City's small schools initiative has attracted numerous private sector and community-based organizations to serve as partners in launching new schools. These include cultural institutions, colleges and universities, businesses, health organizations, and technical assistance organizations. While a handful of partnerships have been forged with groups that work with ELLs and their parents, most of the current partnerships with small schools are not. The DOE has indicated its willingness to expand partnerships with ELL-serving community-based organizations and has sought immigrant groups to help start more ELL-focused small high schools. We also recommend that DOE engage community organizations in seeking other kinds of partnerships in providing intellectual assistance and support for recruiting and serving ELLs.

3) Address the Impact of Small Schools Creation on Surrounding Schools

- *It is important that the Mayor and the Chancellor do not neglect large schools, where the majority of students are still being educated.* Our analysis of ELL school enrollment data shows increases in the ELL student population in large high schools in the vicinity of schools that are being dismantled and turned into a variety of small schools. This suggests that because many ELLs cannot find appropriate language instruction services at most small schools, often their only option is to enroll at other large and often underperforming high schools near the school that is being dismantled. We urge further evaluation of this finding, additional planning support for new schools, and additional resources and instructional services for schools that are near schools in the phase-out process in order to ensure that ELLs are receiving appropriate and high-quality instructional services.

4) Improve the High School Admissions Process

- *Ensure widespread outreach efforts in immigrant communities regarding high school admissions choices and the enrollment process.* Many parents and students lacked information about the high school admissions process. Some did not receive any information about key aspects of the process, while others did not receive information in a language they understood. Efforts to inform parents and ELL students should start well in advance of critical decision dates. All middle schools should strengthen their mechanisms and document efforts to ensure that parents and students receive timely and accurate information on the selection process. In addition, more robust partnerships should be established with the ethnic media to enhance DOE's past efforts to reach out to the ethnic media and with community organizations that are able to widely reach into immigrant communities to share high school admissions information.
- *Provide technical support and demand accountability from guidance counselors to ensure that ELL students are given sufficient assistance to understand and navigate the high school admission and enrollment process.* Middle school guidance counselors should be given the knowledge and skills to ensure that ELL students in their schools and, ideally, their parents, understand how the City's high school admissions process works and how to search for, and in many cases advocate for, a high school placement that suits their interests and career plans as well as their English language acquisition needs.
- *Include more accurate information relevant to ELLs in the High School Directory.* The DOE's High School Directory is the main resource that parents and students have to inform their high school admissions choices. Currently, the information contained in this directory misleads parents into thinking that appropriate programs are offered in all schools. The Directory should include more extensive information pertinent to ELL students seeking appropriate program services – in particular, the number of students on each grade level accessing mandated ELL services (i.e., ESL, bilingual, or dual-language programs) in the prior school year.

- *Create a targeted admissions program for immigrant and ELL students entering after ninth grade.* Thousands of immigrant and ELL students arrive and seek to enroll in City schools for the first time during their high school years. These students often have extremely limited information about the high school admissions and enrollment process, and usually assume that their only option is to attend the school nearest to their home (regardless of whether the school has any seats available, has any English language acquisition services, is being phased-out, and so on). A targeted, orderly, and well-publicized program should be created to assist such students in learning about their high school enrollment options, assess their skills and instructional needs, and match them with an appropriate placement – one that addresses not only their ELL-specific needs but their larger learning and career goals.

Mayor Bloomberg, Chancellor Klein, and thousands of professionals working under their direction are engaged in a historic attempt to improve the performance of New York City's schools and ensure that youth who graduate from them are prepared to participate fully and productively as skilled citizens, workers, and leaders of their families and communities. The Mayor's and Chancellor's focus on creating small high schools as a means of establishing more effective learning environments for many of the City's youth appears generally to be a worthwhile and successful reform.

As this reform effort has gathered momentum, however, it has become apparent that its benefits are not reaching all at-risk and underserved populations equally. As our study shows, ELL students – a large subset of youth who are in some of the City's most overcrowded and underperforming schools and who also have the highest dropout rate of any student subgroup – do not have meaningful access to many of the small schools that have been created, because so few of those schools offer the English language acquisition services that are mandated by law and that are crucial to their academic success.

We do not mean for this report to be a condemnation of the Mayor's small schools initiative. On the contrary, it is because of the success and prominence of the small schools initiative as the centerpiece of the Mayor's high school reform efforts that we believe it is an extremely urgent matter – both ethically and legally – that ELL students have equal and meaningful access to the new services being created under this initiative.

It is an equally urgent matter that Mayor Bloomberg and Chancellor Klein recognize that ultimately, even under the most optimistic scenario, small schools will serve only a small fraction of the high school population. Therefore, it is essential that the Mayor and his team do not lose sight of the majority of students who will remain in large schools, where the majority of ELLs are educated.

INTRODUCTION

The move to dismantle large, underperforming high schools and replace them with an array of smaller, more innovative and personalized learning environments is one of the most costly and high-profile education reforms currently underway in the United States. New York City, one of the first major urban school districts to adopt this reform approach, has invested hundreds of millions of dollars to create roughly 200 small high schools over the past several years, with another 50 planned in the coming years. Mayor Bloomberg and New York City Schools Chancellor Klein have made the creation of small high schools one of the centerpieces of their school reform agenda, positioning it as the foundation of their efforts to address the disappointing and extremely uneven level of academic achievement among the City's students and reduce the alarming dropout rates in the City's high schools.

Given the prominence of small schools creation in Mayor Bloomberg's education reform efforts, Advocates for Children and The New York Immigration Coalition and its member organizations have been eager to understand if and to what degree the Mayor's small school initiative is meeting the needs of the City's immigrant families, particularly youth who are English Language Learners (ELLs). Over the past year, we have used several means to investigate and gather information on this question. These included surveying more than 1,150 parents and students about the services City schools were providing to ELLs and their experience with the high school admissions process; receiving extensive feedback on these same questions through a dozen focus groups that reached more than 100 parents and students from immigrant families; and surveying senior staff in more than 126 schools.

To assist the reader in understanding the needs of ELL students and their interplay with key high school restructuring and reform efforts, in the following pages we provide not only the results of our research, but also important background and contextual information on the ELL population (including its instructional needs and geographic distribution across the City), as well as background on the small schools reform initiative in New York City, including related information on the high school selection process.

This report, and the important contribution it makes to understanding the extent to which ELLs do not have access to many of the small schools that have been created under the Mayor's initiative, would not have been possible without the knowledge, hard work, and close connections to immigrant parents and students of our seven community partners: Chhaya Community Development Corporation, Chinese Progressive Association, Chinese-American Planning Council, Council of Peoples Organization, Haitian Americans United for Progress, Make the Road by Walking, and the Metropolitan Russian American Parents Association.

BACKGROUND: ELL Students Are a Large and Critically Important Part of the High School Population

In the 2005-2006 school year, there were approximately 141,173 students in New York City schools classified as English Language Learners (ELLs); ELL students are sometimes referred to as Limited English Proficient (LEP).⁷ ELL students are defined by the New York City Department of Education (DOE) as coming from homes where English is not the primary language and testing below a minimum English proficiency level on a state-mandated exam called the Language Assessment Battery – Revised (LAB-R). Students remain classified as ELLs until they score above the proficiency level on the New York State English as Second Language Achievement Test (NYSESLAT), which is administered to all ELLs in May of each academic year.⁸

ELL students make up 13.4 percent of the more than 1.1 million New York City public school students. New York City's ELL population accounts for 75 percent of New York State's ELL student population.⁹ Of the City's 141,173 ELL students in 2005-2006, approximately 37,810 (or 27 percent) were enrolled in high schools. Thus, there is a larger share of ELLs at the high school level, particularly in the ninth and tenth grades.¹⁰

In 2004-2005, ELLs accounted for approximately 12 percent of the high school population. It is important to note that the number of ELLs could be much higher than these figures state, given that ELL students often are not identified by schools and are placed into mainstream classes, or are pushed out of school into GED programs.¹¹

ELL students in New York City speak more than 143 languages. Of the 143 languages spoken by ELLs, more than 90 percent of students speak Spanish, Chinese (all dialects), Arabic, Bengali, Haitian-Creole, Russian, Urdu, or Korean.

ELLs Have the Right to Educational Services That Will Assist Them in Developing Their English Skills and Improving Educational Outcomes

All students in New York State are entitled to a free public school education through the age of 21, regardless of their immigration status or level of former education. As a result of various advocacy and litigation efforts, and in recognition of the enormous academic challenges these students face, ELLs are entitled to certain additional instructional services to assist them in developing English skills and improving their educational outcomes. Specifically, ELL students are entitled to receive English-as-a-second language (ESL) instruction or bilingual education.¹²

⁷ Office of English Language Learners, *ELLs in New York City: Student Demographic Data Report*. Summer, 2006.

⁸ Office of English Language Learners. <http://schools.nyc.gov/Offices/ELL/default.htm>

⁹ *Fiscal 2005 Mayor's Management Report*

¹⁰ Office of English Language Learners, *ELLs in New York City: Student Demographic Data Report*. Summer, 2006.

¹¹ The Public Advocate for the City of New York and Advocates for Children. *Pushing Out At-Risk Students: An Analysis of High School Discharge Figures*. November 21, 2002.

¹² 8 NYCRR Part 154.

All ELLs must at least receive ESL program services. Students in most ESL programs are placed in general English classrooms and then are supposed to be provided ESL instruction for a specified number of periods a day by a certified ESL teacher who may or may not speak the child's native language. The three main ESL program models in New York are the self-contained model, the push-in model, and the pull-out model. The other type of possible service, a transitional bilingual education program, is comprised of students of the same native language. Instruction begins with a significant amount of instruction in the student's native language, while gradually increasing the percentage of English instruction as the student becomes more proficient in English. While the student is learning English, he or she is taught math, science, and other subject areas in their native language, so they do not fall behind their peers in these subject areas.¹³

Language instruction for ELLs in New York is governed by Part 154 of the New York State Commissioner's Regulations.¹⁴ Part 154 outlines the basic requirements and procedures for ELL instruction. Part 154 state funds are targeted specifically for mandated ESL/bilingual services and programs, including provision of certified teachers, provision of the required number of units of ESL and native language instruction, pupil support services, and instructional materials. The DOE further shapes the expectations of these programs through its Language Allocation Policy, which outlines the vision, expectations and implementation of these guidelines to ensure "standardized and consistent, high-quality instruction for those participating in the City's three instructional programs for ELLs."¹⁵ According to the policy, a school's Language Allocation Plan must adhere to the *Children First* curriculum and state and federal standards, and it must comply with Part 154 of the Commissioner's Regulations, which outlines the required ESL and English Language Arts (ELA) instructional units for ELL students.

A unit of instruction is defined by Part 154 as 180 minutes per week distributed into equal daily allotments. The regulation requires that students in grades 9 to 12 who are deemed to be at the beginning or intermediate levels have three units or two units of ESL per day, respectively. Students in all grades that meet the advanced level of English proficiency must take one unit of ESL and one unit of ELA coursework.¹⁶

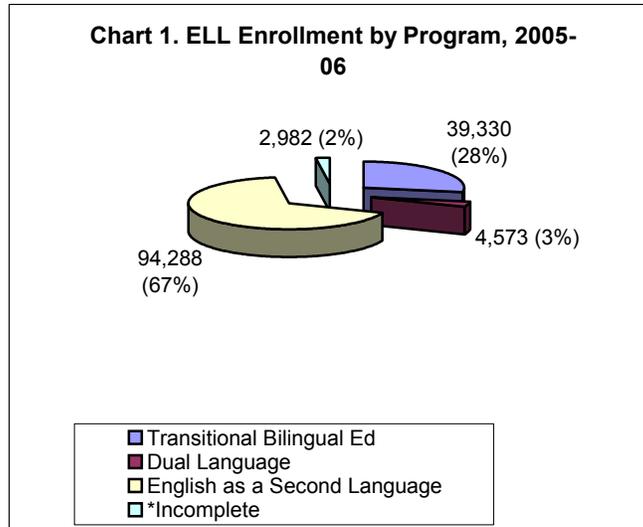
Currently, two out of three ELL students in New York City (67 percent) are enrolled in an ESL program, while 28 percent and 3 percent are enrolled in a transitional bilingual or a dual-language program, respectively (Chart 1). In the last three years, the number of ESL students has increased significantly, while the number of students in bilingual programs has decreased notably.

¹³ In theory, ELL students also have the option of enrolling in a dual-language program; however, there is only one such program at the high school level.

¹⁴ *Aspira of New York, Inc. v. Board of Education*, 394 F. Supp. 1161 (S.D.N.Y. 1975). 8 NYCRR Part 154.

¹⁵ DOE Office of English Language Learners, "Language Allocation Guidelines: The LAP Manual for ELL Programs," October, 2004.

¹⁶ Detailed language requirements and sample time allotment schedules for each of the three ELL program options can be obtained at: <http://schools.nyc.gov/NR/rdonlyres/25950508-4922-4956-B869-5CB517E44C3A/8993/LAPGuidelines.pdf>



**DOE Note: Incomplete means that due to incomplete information, a program category was not assigned.
Source: Office of English Language Learners, ELLs in New York City: Student Demographic Data Report.*

The Achievement Gap Facing English Language Learners in New York City

ELL students are classified as a high-risk population due to the significant achievement gap between ELL and English-proficient students. DOE’s longitudinal cohort data show that not only do ELLs have among the highest dropout rates in New York State, they also have among the highest dropout rate of any group of students in the New York City school system.

The Class of 2005 Longitudinal Report released by the DOE in February 2005 found that only 35.3 percent of students who were still classified as ELLs by their senior year graduated from high school, as compared with 59.3 percent of their English-proficient peers.¹⁷ The Class of 2002 Longitudinal Report shows the final seven-year dropout rates for current ELLs in this cohort at 50.5 percent, compared with 32.4 percent for English-proficient students.¹⁸

A promising statistic is that former ELL students in the Class of 2002 had a higher graduation rate than students who were never ELLs – 74.5 percent compared with 68.3 percent – underscoring the benefits of quality programs to help ELL students learn English.

ELLs also face major obstacles in passing the five Regent exams required of all students in New York State for graduation. In 2003, only 33 percent of ELLs that took the English Regents exam passed it.¹⁹ Data from NYSED indicate that fewer ELLs take the Regents exams,

¹⁷ New York City Department of Education. *The Class of 2005 Four-Year Longitudinal Report 2004-2005 Event Dropout Rates.*

¹⁸ New York City Department of Education. *The Class of 2002 Final Longitudinal Report – A Three Year Follow Up Study*

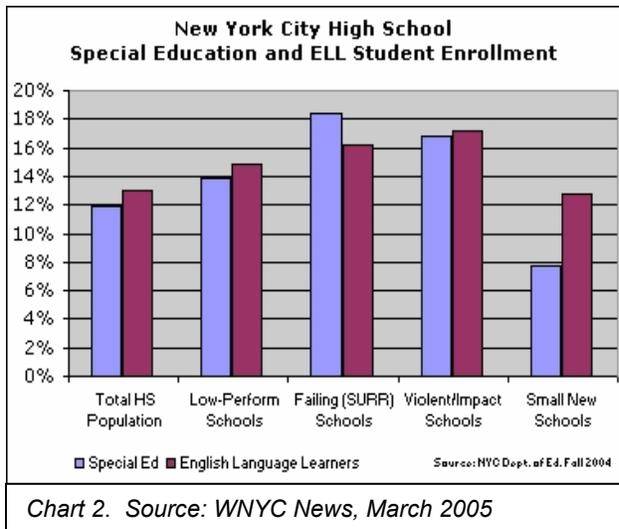
¹⁹ Report of the New York City Council Commission on the Campaign for Fiscal Equity Part II written by Jones, David and Arthur Levine. “Reengineering Reform, Adopting a New Approach to an Old Problem.” New York, October 2005.

those who take the exams are more likely to fail, and those who do pass are more likely to pass the exams with lower scores.²⁰

Given the substantial achievement and opportunity gap for ELLs in New York City schools, it is critical that the Mayor’s high school reforms address the needs of ELL students, in order to turn the tide in the dropout crisis and eliminate the achievement gap facing this large and diverse group of students.

ELLs Overrepresented in Low-Performing Schools

A study by WNYC News, *Neediest Students Crowd Worst Schools*, confirms that ELL students and special education students are overrepresented in New York City’s largest and most violent schools. WNYC reported that while ELLs make up 13 percent of the high school population citywide, they make up more than 16 percent at failing schools. ELLs make up 17 percent of students at violent schools and 15 percent of students at low-performing schools (Chart 2). The report argues that while ELL students often need the most support systems to succeed, they are being left in environments that are not conducive to their educational attainment.²¹



²⁰ The State Education Department. *2000 and 2001 Cohort Data Memo to Board and EMSC-VESID Committee*. February 2006.

²¹ Fertig, Beth for WNYC News. “Neediest Students Crowd Worst Schools.” March 14, 2005. See, <http://www.wnyc.org/news/articles/44947>

BACKGROUND: New York City's Small High School Reform Initiative

With small school initiatives dating back to the 1960s, New York City was among the first to explore alternative small schools as a possible solution to alarming high school dropout rates and the growing disparities in achievement among minority and low-income students.

The first wave of small high school creation in New York City took place between 1960 and 1990; these efforts involved the creation of a small number of “alternative” schools, which were mainly focused on giving struggling students a second chance to earn their high school diploma. Between 1993 and 2003, a second and larger wave of small high school reforms took place, during which time more than 100 new schools opened, doubling the number of high schools in the City.²² New York City has recently begun a third wave of new small school creation under Mayor Bloomberg’s and Chancellor Klein’s direction, dubbed the *New School Initiative*. They initially planned to develop 200 new small schools to serve low-income and high-need neighborhoods.²³ The administration's commitment now is to open 250 new small schools by 2009.²⁴

This latest small school creation efforts are being administered by the New York City Department of Education’s (DOE’s) Office of New Schools, whose main responsibilities are to support new school development and implementation, define small school policies, manage the approval process, identify and disseminate best practices, and provide professional development opportunities.²⁵ They define a small school as one that has a student enrollment of 500 students or less.²⁶

Funding Sources of New York City High Schools

The DOE has leveraged its resources with more than \$102 million in funding from local and national foundations, including The Bill and Melinda Gates Foundation, The Carnegie Corporation of New York, and The Open Society Institute.²⁷ The Gates Foundation alone has contributed more than \$78 million toward small school initiatives in New York City. The foundation grants each new school partner with 500 students or less about \$400,000.²⁸

Partnerships

A major component of the *New School Initiative* is the development of partnerships with non-profit organizations, known as intermediary partners, who provide most of the intellectual expertise and technical assistance necessary for small school development. New Visions for

²² See Fruchter, Norm “Summary Research on New York City Small High Schools.” Presentation to the Bill & Melinda Gates Foundation. January 30, 2006.

²³ See *New School Initiative*, available at <http://www.nycenet.edu/Offices/NewSchools/default.htm>.

²⁴ New York City Dept. of Education., “Mayor Bloomberg and Chancellor Klein Announce Opening of 36 New Small Secondary Schools as Promised in the Mayor’s State of the City Address.” Press ID: No. 35. New York, 1 Feb. 2006.

²⁵ <http://schools.nyc.gov/Offices/NewSchools/default.htm>

²⁶ <http://schools.nyc.gov/Offices/NewSchools/default.htm>

²⁷ WestEd., “Rethinking High School: An Introduction to New York City’s Experience.” Bill and Melinda Gates Foundation (2005).

²⁸ Bill & Melinda Gates Foundation. See <http://www.gatesfoundation.org/Education/Grants/default.htm?showYear=2006>

Public Schools, a non-profit intermediary organization, has been the key partner in the DOE's recent new school reforms, helping it open 78 of the 200 new schools under Mayor Bloomberg's initial plan.²⁹ New Visions is administering the *New Century High Schools* (NCHS) initiative, which has launched three waves of new small high schools since 2002; NCHS schools make up the bulk of new schools in New York City. The stated long-term goal of the NCHS initiative is to "improve quality of learning experiences for youth, especially those from most disadvantaged communities." Another desired outcome for these schools is "to attract a representative cross-section of the student populations they serve," especially as it relates to race/ethnicity, prior achievement, gender, and incidence of poverty.³⁰ While the NCHS initiative has been successful at enrolling Black and Latino students, New Visions recognizes that ELLs and recent immigrants are underrepresented in the majority of NCHS schools.³¹

At the core of the City's new high school reforms are partnerships with local non-profit organizations, which offer support in school design, curriculum, and professional development. These partners assist in making critically important decisions about goals, mission, and methods, while strengthening relations between the schools and the communities they intend to serve. The roles within these partnerships are often delineated in a memorandum of understanding.³² It is perhaps important to note that recent evaluations of small schools revealed that these partners are often only marginally involved.³³ While a handful of partnerships have been forged with groups that work with ELLs and their parents, most of the current partnerships with small schools are not. The DOE has indicated its willingness to expand partnerships with ELL-serving community-based organizations and has sought immigrant groups to help start more ELL-focused small high schools. We also recommend that DOE engage community organizations in seeking other kinds of partnerships in providing intellectual assistance and support for recruiting and serving ELLs.

Early Assessment and Evaluations of Small Schools

Nationally, the small high school movement has gained momentum among academic, philanthropic, and government organizations as evidenced by the growing investments in such reforms. The supporters of the small high school movement view the replacement of the "large factory model" of education as a positive development, while pointing to research and evaluation data showing greater student engagement, parental involvement, teacher retention, and improved attendance rates and graduation rates associated with small schools. Some recent evaluations also credit small school environments with helping reduce behavioral problems as measured by truancy, discipline problems, violence, theft, substance abuse, and gang participation.

²⁹ WestEd., "Rethinking High School: An Introduction to New York City's Experience." Bill and Melinda Gates Foundation (2005).

³⁰ E. Reisner, M. Rubenstein, M. Johnson, and L. Fabiano., "Evaluation of the New Century High Schools Initiative: Report on Program Implementation in the Second Year." Policy Studies Associates, Inc. March 2005.

³¹ E. Reisner, M. Rubenstein, M. Johnson, and L. Fabiano., "Evaluation of the New Century High Schools Initiative: Report on Program on the Third Year." Policy Studies Associates, Inc. June 2006.

³² <http://schools.nyc.gov/Offices/NewSchools/default.htm>

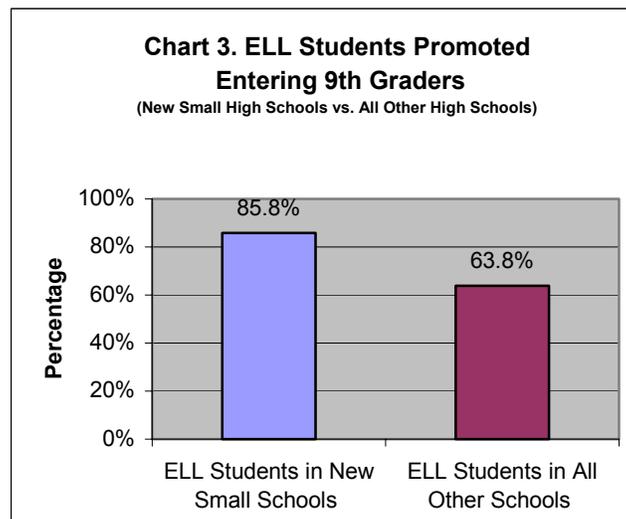
³³ E. Reisner, M. Rubenstein, M. Coon, L. Fabiano., "New Century High Schools: Summary of Evaluation Findings from the Second Year." Policy Studies Associates, Inc. 16 Mar. 2005.

Evaluations of Small High Schools in New York City

In New York City, various evaluations have been and are still being conducted to assess the effectiveness of New York City’s small high schools. Evaluations by West Ed and Policy Studies Associates, Inc. have found that the new small schools in New York show increased attendance, lower disciplinary rates, higher promotion rates, higher rates of student and teacher satisfaction, and safer learning environments.³⁴

Of the limited number of ELL-focused high schools, the majority are International High Schools. International High Schools date back to 1985 and serve recently-arrived immigrant students who speak very little English through a unique educational model known as the “Internationals Approach,” which was fashioned long before Mayor Bloomberg’s small school initiatives began.³⁵ Since 2004, a non-profit intermediary organization, the Internationals Network for Public Schools, provides support for the nine international high schools in the City.

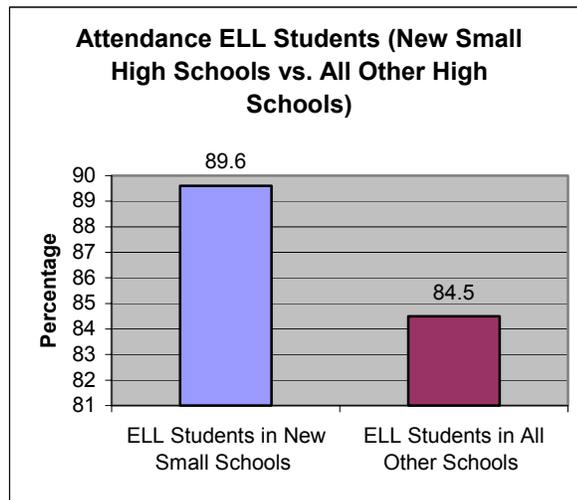
The few new small schools that are serving ELLs have been shown to yield better outcomes for ELL students than other schools in the City system. Tables released from the DOE show that ELL students in small high schools have higher promotion rates (from ninth to tenth grade) than ELL students in all other schools (See Chart 3).



³⁴ E. Reisner, M. Rubenstein, M. Johnson, and L. Fabiano., “Evaluation of the New Century High Schools Initiative: Report on Program Implementation in the First Year.” Policy Studies Associates, Inc. 15 Dec. 2003; WestEd., “Rethinking High School: An Introduction to New York City’s Experience.” Bill and Melinda Gates Foundation (2005). Fruchter, Norm “Summary Research on New York City Small High Schools.” Presentation to the Bill & Melinda Gates Foundation. January 30, 2006.

³⁵ www.internationalnps.org

Furthermore, the attendance rate for ELLs in the new small high schools is significantly higher than the rate for all other schools (See Chart 4).



Most of the general research shows that smaller schools – when developed properly and with sufficient resources – improve student outcomes. Yet, feedback on the small school reforms is not uniformly positive. There has not been sufficient space in which to house some of the new small schools, causing some to raise a concern for student safety.³⁶

Experts also have raised concerns about “quality control, particularly with respect to issues related to equity and access.”³⁷ Moreover, the City’s small school reforms have been found to have a troubling impact on surrounding high schools, driving up the registers of already burdened large schools where ELLs tend to perform worst and have the worst services.³⁸ These and other concerns related to the impact of Mayor Bloomberg’s small schools initiative on ELLs will be discussed in greater detail in this report.

³⁶ New York City Council. “Sharing Space: Rethinking the Implementation of Small High School Reform in New York City,” August 2005. This report found that small schools sharing facilities with large schools are facing conflicts between students, administrators, security officers, and teachers. The lack of space for new schools often led to the duplication of some of the same problems attributed to large schools such as crime and anonymity.

³⁷ Noguera, Pedro. “Reforming Public High Schools: The Greatest Educational Challenge”

³⁸ See p. 24, *infra*.

METHODOLOGY

Surveys and Focus Groups

This report was largely inspired and carried out by grassroots community organizations that collaborated with the New York Immigration Coalition (NYIC) and Advocates for Children of New York (AFC) in an attempt to capture the dynamics they observed within the high schools in their community. Data collection of the inquiries, surveys, and focus groups was spearheaded by seven community-based organizations:

- Chhaya Community Development Corporation
- Chinese Progressive Association (CPA)
- Chinese-American Planning Council (CPC)
- Council of Peoples Organization (COPO)
- Haitian Americans United for Progress (HAUP)
- Make the Road by Walking (MRBW)
- Metropolitan Russian American Parents Association (MRAPA)

During the 2005-2006 school year, AFC and the NYIC coordinated the administration of surveys to 1,153 parents and students, and the convening of 12 focus groups with a total of 109 participants.

The involvement of organizations deeply embedded within ELL and immigrant communities broadened the scope of the report by allowing us to detect issues and nuances that could only have been captured by people working inside those communities. The community groups also had pre-established connections and relationships with school officials, parents, and students that allowed us to get more in-depth information about the treatment of ELLs in high schools.

Although most of the groups already had some familiarity with school monitoring and surveying, the seven community organizations participated in trainings on data collection and research methodologies. The groups were also given opportunities to provide feedback on the instruments and framework of the report. ELL researchers, advocates, and practitioners that participate in an Immigrant and ELL Education Reform Taskforce convened by the NYIC also provided valuable insights and recommendations.

Parent and Student Survey

The survey that was administered to ELL students and parents solicited information regarding their experiences with the high school system and the schools being created as part of the City's small schools initiative. The survey was administered in eight languages: English, Arabic, Chinese, Haitian-Creole, Punjabi, Russian, Spanish, and Urdu. A copy of the instrument can be found in Appendix A. The majority of the surveys were administered to students and parents of students who attended schools located in Queens, Brooklyn, and Manhattan. This sample reflects the concentration of ELL students, where 40 percent of the top 30 schools with

the highest number of ELLs were located in Queens, followed by 27 percent in Manhattan, and 23 percent in Brooklyn.³⁹

Out of the 1,153 survey respondents, 277 were parents and 844 were students.⁴⁰ The survey respondents spoke a wide range of languages, including the top eight languages spoken by parents in New York City. The surveys represent the experiences of students and families at 72 New York City public high schools. The majority of student and parent respondents (88 percent) commented on their experiences in large, comprehensive high schools. Another nine percent commented on their experiences in new small high schools and a very small proportion, two percent, commented on their experiences in one of the older small schools that opened prior to the DOE's most recent small school initiative.

Approximately 20 percent of the survey respondents identified their primary language as Spanish, 18 percent said their primary language was Chinese, 16 percent Russian, 12 percent Urdu, and between 3 percent and 6 percent identified Bengali, Creole, Hindi or Punjabi as their primary language. Less than one percent identified either Arabic, English, Gujarati, French, Hinko, Japanese, Korean, Pashto, Persian, Portuguese or Tagalog as their first language.

Ninety percent of the students were in some form of an ELL program, while 10 percent of students were not receiving any ELL services.

Finally, only 41 of 1,153 survey respondents entered high school under the old high school admissions process; the remainder of the survey respondents underwent the new high school admissions process, put in place by Chancellor Klein in 2003.⁴¹

Focus Groups

Twelve focus groups were conducted in fall 2005 and spring 2006 with approximately 52 parents of ELL students and 57 ELL students, for a total of 109 focus group participants. Focus groups were conducted in English, Spanish, Chinese, Urdu, Hindi, Punjabi, Bengali, Russian, and Haitian-Creole. Focus group discussions produced valuable qualitative information regarding parents' and students' experiences with the high school system and their perceptions of small high schools. The focus groups allowed us to obtain more in-depth information from the students and parents than the survey, and to identify other concerns that we had not considered. A copy of the focus group questions can be found in Appendix B.

School Survey

We also contacted schools directly to gather critical information about the ELL programs and the academic services available to ELL students in the City's new small schools. Representatives administering the survey were instructed to survey the school's bilingual/ELL

³⁹ See p., 24, *infra*, Analysis of School Report Card Data, 2004-2005. Based on data for 371 schools

⁴⁰ Thirty-two respondents did not answer this question. Henceforth, percentages are calculated based on the number of people responding to that particular question.

⁴¹ Prior to 2003, high school students were assigned to their local high school. As part of the *Children First* reform, the high school application process system was redesigned to give student more high school choices. See, <http://schools.nyc.gov/Offices/StudentEnroll/HSAmissions/default.htm>

coordinator, the assistant principal, parent coordinator, or the school principal, in that order. The high school inquiries provided information that was not readily available from existing DOE data, as well as qualitative input from school administrators about the services available at each school. Attempts were made to contact every small high school at least twice, but several failed to return our phone calls or refused to provide information. Overall, 126 small schools, 53 old small schools, and 73 new small schools responded to our phone survey. Out of the 73 new small schools that responded to our questions; 39 were in the Bronx, 18 in Brooklyn, 10 in Manhattan, 5 in Queens, and 1 in Staten Island. See Appendix C for survey questions and a list of school surveyed.

Data Sources from the Department of Education (DOE)

In addition to data obtained directly from our research instruments, we also gathered information using various data sources from the DOE. Demographic information about ELL students in the New York City schools was primarily obtained from *ELLs in New York City: Student Demographic Data Report*, released by the Office of English Language Learners in June 2006.

The DOE does not have a readily available centralized source of data for high schools in New York City. Obviously, this hinders evaluation and accountability efforts by the DOE, parents, and advocates. It is also important to note that the lack of a centralized data source sometimes led to conflicting data reports by different offices within the DOE. Information for the same year about the total number of high school students, ELL students, and high schools often varied depending on the office releasing the information and the method they utilized for collecting the information. The number of high school ELLs in New York City public schools is an example of conflicting data across offices within the DOE. While the Office of New Schools reported 32,758 ELL students in the City's high schools for 2005-2006, the Office of English Language Learners reported 37,810 for that same year. By combining different data sources, we were able to create a full picture of the dynamics affecting ELL students across schools, regions, and years.

The DOE does not currently have complete and clean data for 2005-2006 school year; thus, we utilize both final 2004-2005 data available in the school's report cards and 2005-2006 data available from the DOE. Just prior to releasing this report, we were able to independently compile ELL register data from individual school web pages on the DOE's website for 2005-2006. We have analyzed this data separately, as this data was not officially released in a centrally compiled format.

Our list of the City's high schools was created using the 2005-2006 Directory of New York City Public High Schools and responses from the Office of Student Enrollment Planning and Operations. We then obtained demographic and performance information about each high school using the Annual Report Cards published by the DOE's Office of Assessment and Accountability, which are available at <http://schools.nyc.gov/daa/schoolreports>.⁴² The school report cards provided information about the number of ELL high school students and the number

⁴² Report card data is compiled using information provided by the school's principals and central databases. See <http://schools.nyc.gov/daa/SchoolReports/default.asp>

of large schools, old small schools, new small schools, and schools phasing out. We compiled data for school years 2000-2001, 2001-2002, 2002-2003, 2003-2004, and 2004-2005. A list of the schools can be found in Appendix D. Regional data was obtained from the Regional Report Cards and the *Class of 2005 Four-Year Longitudinal Report*. Some information about the City's new small schools, which are administered by the Office of New Schools, was obtained from 2005-2006 graphs and raw data provided by the Office of New Schools in January 2006 and June 2006. A list of these schools is available in Appendix E.

New Data Released by the DOE After Completion of the Report: Shows Improvement in ELL Enrollment Rates

The DOE had previously been made aware that we were working on a report and had provided some of the data we cited herein. We provided a draft advance copy of this report to the DOE the day before its release, so that the DOE could comment and discuss our findings prior to release. In response to the report, the DOE provided us with some new, as yet-unreleased data, documenting an improvement in 9th grade enrollment for ELL students across small schools. We were not aware of the existence of this data and had not previously requested this specific information. Although we were not able to independently confirm these results or view them on a school-by-school basis, the summary data provided by the DOE shows that new schools had a higher enrollment rate for entering ELLs than did other schools. According to the DOE, ELLs were enrolled at 12.2% rate for schools open 1-2 years and 12.8% for schools open 3 or more years. Even excluding the ELL-focused schools, enrollment rates of incoming 9th graders were 9.3% and 9.8% respectively. We hope to get more details about this data, including the distribution of the 9th graders in the small schools and whether they are receiving their mandated ESL or bilingual instruction.

FINDINGS: Is Mayor Bloomberg’s Small Schools Initiative Meeting the Needs of ELL Students?

Scope of New School Reforms

For the purposes of this report, we define a small school as one that has an enrollment of approximately 500 students or less in grades 9 through 12.⁴³ This report looks at the two latest waves of small high school reforms by providing data on both the older small schools that were created before 2002, and the new small schools that opened under Mayor Bloomberg’s *New Schools Initiative*.

As of September 2006, 184 new small secondary schools had been created under the *New Schools Initiative*.⁴⁴ Our analysis of DOE data reveals that almost two-thirds (63.3 percent) of the 371 public high schools in 2004-2005 were small high schools, including new and old small schools.⁴⁵ Small schools are located throughout the five boroughs, with:

- 83 in the Bronx;
- 61 in Brooklyn;
- 65 in Manhattan;
- 23 in Queens; and
- 3 in Staten Island.

There were approximately 136 large schools in 2004-2005, including 14 in the process of being closed (Table 1). In the same year, there were 142 new secondary schools under Mayor Bloomberg’s *New Schools Initiative* and 93 already existing small schools (Table 1). An estimated 55,211 of the total 310,927 high school students (17.8 percent) were enrolled in a small high school in 2004-2005.

Table 1. Small and Large High Schools by Borough 2004-2005

| Borough | ELL Population | Total # of Schools | Large Schools | Total Small Schools | New Small Schools | Old Small Schools |
|----------------|-----------------------|---------------------------|----------------------|----------------------------|--------------------------|--------------------------|
| Bronx | 7,633 | 104 | 21 (incl. 5 closing) | 83 | 62 | 21 |
| Brooklyn | 9,425 | 103 | 42 (incl. 5 closing) | 61 | 37 | 24 (inc. 3 closing) |
| Manhattan | 8,152 | 102 | 37 (incl. 2 closing) | 65 | 34 | 31 |
| Queens | 10,995 | 52 | 29 (incl. 2 closing) | 23 | 8 | 15 |
| Staten Island | 662 | 10 | 7 | 3 | 1 | 2 |
| NYC | 36,867 | 371 | 136 | 235 | 142 | 93 |

*Source: Analysis of School Report Card Data, 2004-2005. Based on data for 371 schools.*⁴⁶

⁴³ Schools with more than four grades were classified as small if they had approximately 137 students per grade.

⁴⁴ New York City Dept. of Education. See <http://schools.nyc.gov/Offices/NewSchools/default.htm>

⁴⁵ New York City Department of Education’s Office of Assessment and Accountability. “Annual School Report Cards.” <http://schools.nyc.gov/daa/SchoolReports/default.asp>

⁴⁶ Throughout this report, 2001, 2002, 2003, 2004, and 2005 refer to 2000-2001, 2001-2002, 2002-2003, 2003-2004, and 2004-2005.

As mentioned in the methodology section, the DOE has not released centralized information for all New York City high schools. Consequently, for this section we rely on both 2004-2005 School Report Card data and data about new small schools for 2005-2006 obtained directly from the DOE’s Office of New Schools.

Data from the Office of New Schools contained information for 136 new secondary schools under the *New Schools Initiative* for the 2005-2006 school year (Table 2). The Office of New Schools reports that approximately 31,221 students out of 291,442 registered high school students (10.7 percent) were registered in a new small high school in 2005-2006. By borough, 65 of the new small schools on their list are located in the Bronx, 38 in Brooklyn, 23 in Manhattan, 9 in Queens, and 1 in Staten Island.⁴⁷

| Table 2. New Small Schools by Borough 2005-2006 | |
|--|-----------|
| Bronx | 65 |
| Brooklyn | 38 |
| Manhattan | 23 |
| Queens | 9 |
| SI | 1 |

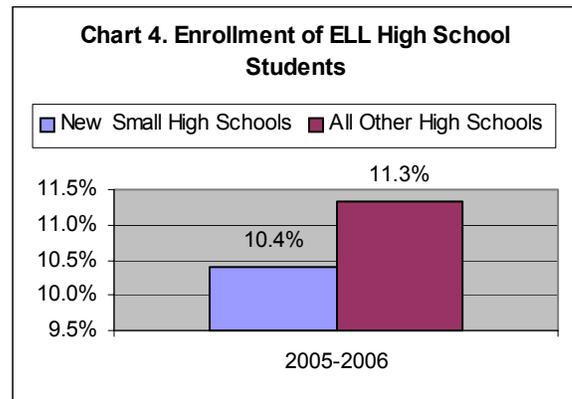
Source: Office of New Schools. “ELL Student Enrollment and Achievement Data,” June 22, 2006

1) ELL STUDENTS ARE ISOLATED IN A SMALL NUMBER OF ELL-FOCUSED SCHOOLS AND LACK FULL ACCESS TO THE MAJORITY OF NEW SMALL SCHOOLS

One of the main concerns about the impact of new small schools in New York City is that ELL students are not being afforded the opportunity to reap the benefits of New York City’s enormous investment in small high school reforms.

While the number of students attending small high schools has increased over the last four years due to increases in the number of small schools, the vast majority of students, ELLs (83 percent) and non-ELLs (82 percent), are still enrolled in large high schools.

Although at first glance, ELL students appear to be well represented in small high schools, most ELLs are concentrated in a few small schools dedicated to serving ELL students. Most small high schools do not serve ELLs. According to DOE data, the percentage of ELL students enrolled in a new small school in 2005-2006 was only slightly lower than that percent of ELLs in other high schools (Chart 4).⁴⁸

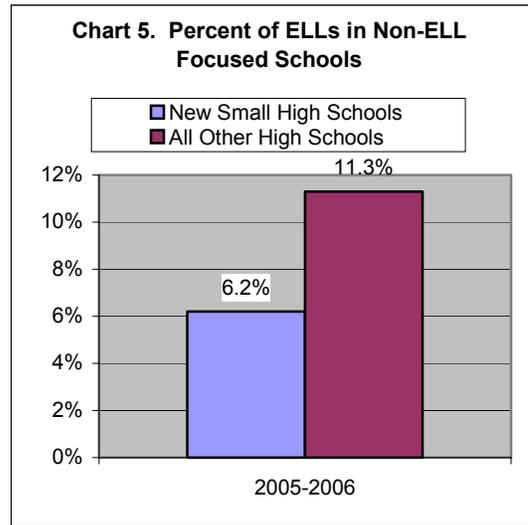


Source: Office of New Schools. “ELL Student Enrollment and Achievement Data,” June 22, 2006

⁴⁷ Office of New Schools. “ELL Student Enrollment and Achievement Data,” June 22, 2006

⁴⁸ Office of New Schools. “ELL Student Enrollment and Achievement Data,” June 22, 2006

Yet, looking more closely at the data, it is clear that ELL students are not distributed across all small schools. Instead, ELLs in new small schools are concentrated in eight new small schools that are specifically geared for ELL students. When we removed the eight new ELL-focused small high schools from the analysis to examine the extent of ELL access to the remaining majority of small high schools, the number of ELLs enrolled at a typical new small school dropped drastically. In 2005-2006, the percent of ELL students went from 11.3 percent to 6.2 percent (Chart 5).⁴⁹ Thus, the responsibility of educating ELLs disproportionately has fallen to large schools and a very limited number of ELL-focused small schools. Educational options for long-term ELLs are even more limited, since most of the International High Schools are open only to new ELL students that have been in the country for less than four years.⁵⁰



Source: Office of New Schools. "ELL Student Enrollment and Achievement Data," June 22, 2006

Although the high schools geared toward ELL students, such as the International High Schools, have proven successful in increasing academic achievement for ELL students, the DOE's data raise serious concerns that ELL students are not being given full access to the majority of small schools.⁵¹ Unlike the few ELL-focused small schools, most schools do not appear to have been developed with the intention of serving ELL students.

While schools cannot legally exclude students solely because of their English abilities, the underrepresentation of ELLs in small high schools is largely fueled by a DOE policy that allows small schools to exclude ELL students in their first two years of existence. Recently, parents and advocates of the Citywide Council on High Schools filed a formal complaint letter to demand an investigation for the underrepresentation of special education and ELL students in the school system. The Council claims to have obtained information from a DOE official stating the DOE has a "deliberate policy to exclude otherwise eligible students with disabilities from the Small Schools, at least during the first three years of each school's existence. Implied in these remarks was similar discrimination against students with Limited English Proficiency."⁵² The existence of this policy was recently confirmed by a senior DOE official at the October 2006 Regents meeting

⁴⁹ Office of New Schools. "ELL Student Enrollment and Achievement Data," June 22, 2006

⁵⁰ www.internationalsnps.org

⁵¹ For performance data on the international high schools see;

<http://www.internationalsnps.org/performanceassessment.php>

⁵² The Citywide Council on High Schools. "Letter to the New York City Department of Education on High School Conditions and Policies." March 8, 2006.

Although NYSED Concluded ELLs Were Not Underrepresented in Small Schools, Analysis Was Faulty

NYSED recently claimed to analyze the concentration of ELL students in small and new high schools. Using a set of 2004-2005 data, NYSED concluded that ELL students are adequately represented, if not overrepresented, in what they deemed to be “new” high schools (i.e., schools created under the Chancellor’s and Mayor’s initiative) and “small” schools (i.e., all other high schools that had an enrollment of less than 700). NYSED did not look at schools with enrollment of 500 or less, which is the number used for our study and which is the number used by the Office of New Schools and the Gates Foundation to define a small school. Advocates for Children (AFC) and the New York Immigration Coalition (NYIC) undertook an independent analysis of the data used by NYSED and found that the conclusions were not accurate. According to our analysis, the NYSED data show that ELLs are significantly underrepresented and inequitably distributed throughout small schools.

Instead of using the “small” and “new” school distinctions adopted by NYSED, we looked at the distribution of ELLs in all of the schools with enrollment of 700 or less as a single group. Out of those 211 schools, 34 of them (16 percent) had no reported ELL students. An additional group of 27 schools had 1.5 percent of ELLs. Almost half of the schools (99 out of 211) had between zero and five percent reported ELLs. We then looked at the remaining schools. Out of those schools, six schools were ELL-focused schools, with a concentration of greater than 75 percent ELLs. After we subtracted the six ELL-focused schools, ELLs comprised 7.5 percent of the students in the remaining schools. Comparing those figures to NYSED’s conclusion that ELL students comprise 11 percent of the high school population, ELLs appear to be underrepresented across the small schools generally.

AFC and NYIC also undertook an analysis of the NYSED data from 2004-2005, looking at schools with 500 or less students. We also obtained data from the DOE’s website for the schools identified by NYSED for the 2005-2006 school year. While there were slight improvements in the distribution of ELLs in the 2005-2006 school year in certain schools, overall, ELLs were still underrepresented and often not represented at all in small schools during that year.

The 2004-2005 data contained 185 schools with 500 or less students. Out of those 185 schools, 54 of them (29 percent) had less than 1.5 percent ELLs. More than half of the schools (95 out of 185) had 5.5 percent ELLs or less. Of the remaining schools, six schools had a concentration of ELLs greater than 75 percent. In the remaining 84 schools, the ELL student body averaged 6.7 percent. This is slightly greater than half of the rate at which ELLs are represented in the high school population.

When we looked at 2005-2006 data for schools that had 500 students or less, we found similar trends. It is important to note that the DOE failed to release ELL data for 20 new small schools, so a complete assessment of the ELL enrollment for that year was not possible (see Appendix H for school data available). One hundred and eighty-three schools had 500 or less students. Out of those 183 schools, 18 of them (10 percent) had no reported ELL students. An additional group of 93 schools had less than five percent of ELLs reported. Thus, during the 2005-2006 school year, half of the schools (93 out of 183) had between zero and five percent ELLs reported. We then looked at the remaining 90 schools. Out of those 90 schools, eight schools were ELL-focused schools, with a concentration of 75 percent or greater ELLs. In the remaining 82 schools, the ELL student body averaged eight percent.

Thus, while there appears to be a slight improvement in ELL enrollment in the 2005-2006 school year once ELL-focused schools were accounted for, ELL students were still registering at small high schools below the rate at which they appear across the entire high school register.

See: <http://www.regents.nysed.gov/2006Meetings/September2006/0906emscvesidi1.htm>

Mayor Bloomberg’s high school reforms have been praised by many for increasing student choice. It is very clear, however, that ELL students are generally blocked from taking advantage of the full new array of educational options these schools present. Given the career focus and academic specialization of many small schools, it is important that ELL students be able to choose the high school that best meets their overall career and educational goals, rather than being limited to only those schools that choose to comply with the law and provide them the instructional services they need to learn English. It is unfortunate that, unlike the general student population, ELL students do not have full access to many of the City’s new themed schools, which allow students to bolster skills and explore careers in areas such as science, math, music, theater, health, sports, media, law, and aviation, among others.

2) **CHOICES OF ELL STUDENTS ARE LIMITED BECAUSE OF THE MISMATCH IN WHERE SMALL SCHOOLS ARE BEING DEVELOPED AND WHERE ELL STUDENTS LIVE**

While the stated intent of Mayor Bloomberg’s *New School Initiative* is to reduce the alarming dropout rate and the achievement gap among the City’s students, most small schools are not located in areas where ELLs – the group of students with the highest dropout rate of any subset of students in the City – reside.

In the surveys conducted by our local community partners, students and parents indicated that proximity to home was one of the primary factors in selecting high schools, and that many ELL students and parents chose large high schools that were closer over small high schools that were farther away. Yet, unfortunately, few small schools are being created in the borough with the most ELLs and the fastest-growing immigrant student population: Queens. Focus group participants from Chhaya Community Development and the Metropolitan Russian American Parent Association (MRAPA), both with locations in Queens, often noted that small schools were mostly located in areas far from their communities, and thus, parents did not consider them as viable options.

When asked what they knew about small high schools:
“They are mostly in Brooklyn.” – Parent from Chhaya CDC
“They are in areas located far from Russian communities.” – Parent from Metropolitan Russian American Parents Association

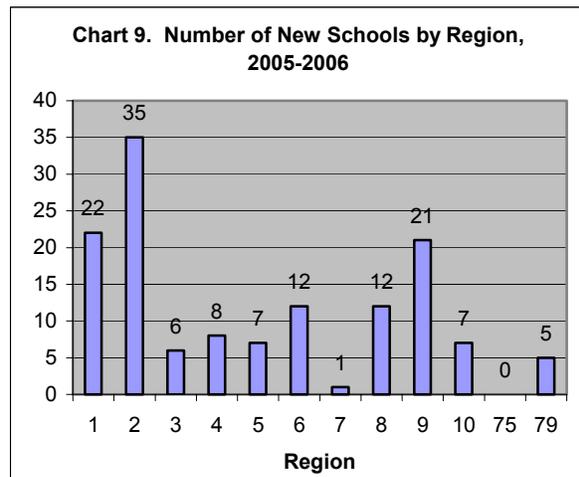
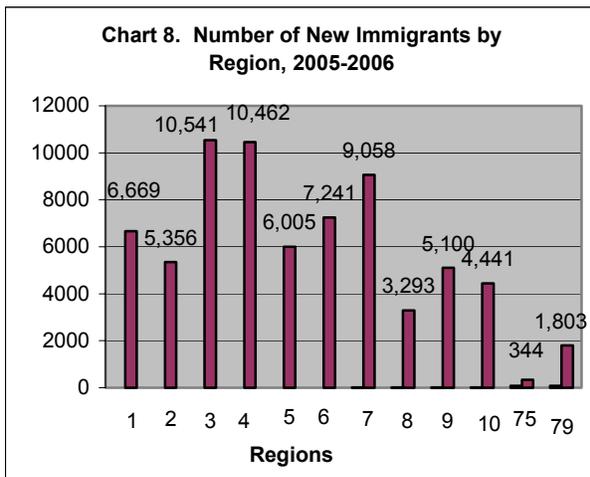
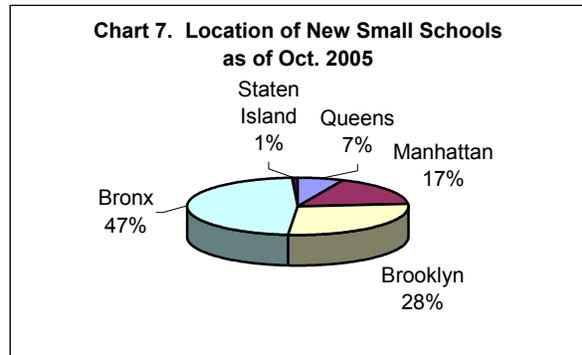
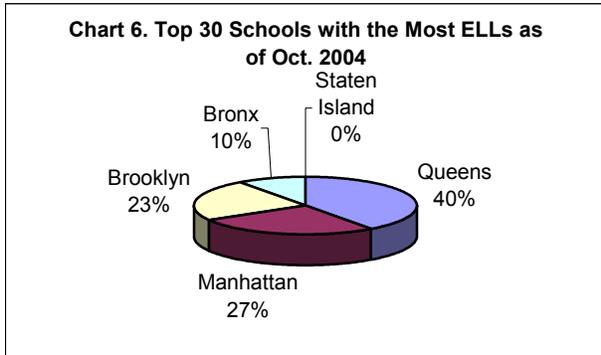
| | |
|---------------|---------------|
| Queens | 10,995 |
| Brooklyn | 9,425 |
| Manhattan | 8,152 |
| Bronx | 7,633 |
| Staten Island | 662 |

Out of the top 30 high schools with the highest number of ELLs in 2004-2005, 12 were located in Queens, 8 were located in Manhattan, 7 were in Brooklyn, and 3 were in the Bronx. Similarly, the three boroughs with the highest number of high school ELLs that year were Queens, Brooklyn, and Manhattan (Table 3).⁵³ The DOE also reports that in 2005-2006, Queens had both the largest number and the largest concentration of new immigrant students among the five boroughs, followed by Brooklyn and Staten Island.⁵⁴

⁵³ Our Analysis of School Report Card Data, 2004-2005. Based on data for 371 schools.

⁵⁴ Office of English Language Learners, ELLs in New York City: Student Demographic Data Report. Summer, 2006. Also in Regional Report Cards, 2004-2005.

While various sources show that Queens and Brooklyn rank highest in the number and concentration of ELLs, new small high school development is unresponsive to these population dynamics. Chart 6 shows the location of the top 30 schools with the highest number of ELLs as of October 2004.⁵⁵ The location of new small schools the following year does not respond to the presence of these students (Chart 7).⁵⁶ Regions in Queens and Staten Island had among the lowest number of new small schools, despite having large numbers of new immigrant students in 2005-2006 (Chart 8 and 9).⁵⁷



ELL students could greatly benefit from the individualized attention promised under the Mayor’s small school reform initiative, given their disproportionately high dropout rate and the extent of overcrowding in the schools they attend. According to DOE, the presence of underperforming large high schools, with a priority for neighborhoods where there are higher rates of out-of-school 16- to 19-year-old teens, are the major assessment criteria for target areas to create small high schools. However, ELL concentration and performance does not appear to

⁵⁵ Office of English Language Learners, ELLs in New York City: Student Demographic Data Report. Summer, 2006.

⁵⁶ Office of New Schools. “ELL Student Enrollment and Achievement Data,” June 22, 2006.

⁵⁷ Office of English Language Learners, ELLs in New York City: Student Demographic Data Report. Summer, 2006. and Office of New Schools. “ELL Student Enrollment and Achievement Data,” June 22, 2006.

be a factor when the DOE determines high-need areas for the purpose of small high school creation.

In addition to housing the greatest number of ELL students, there are other important criteria by which Queens should be considered a high-need area: It houses the City’s most overcrowded high schools and a great number of schools consistently failing to meet yearly progress standards.

The New York City Independent Budget Office released a report in September 2004 showing that 75 percent of students in the City are still in school buildings that are over capacity.⁵⁸ They report that in 2002-2003, high schools in Queens were the most overcrowded in the City, operating at 120 percent capacity. Projections of expected student enrollment reveal that the situation could get worse for high schools in Queens. The Grier Partnership Report projects that Brooklyn and Queens will have the highest enrollment of pupils in 2014; Queens is expected to register 71,463 pupils. The same trends are expected in the immediate future. The report states, “four of the city’s five boroughs are now projected to have fewer high school pupils on the rolls by 2009 than in 2004. Only Queens will show an increase over the five-year period.”⁵⁹

Additionally, this past September, NYSED released information showing 24 high schools in Queens as Schools in Need of Improvement (SINI) or as Requiring Academic Progress (SRAP).⁶⁰ Schools failing to meet the required graduation rate and performance goals in English and Math while receiving Title I funds under the federal No Child Left Behind Act are classified as SINI. Based on the number of years SINI schools fail to meet Academic Yearly Progress (AYP), they are subject to different consequences, such as providing supplementary services to students, taking corrective actions, and restructuring the school. Schools Requiring Academic Progress are identified on the same basis, but because they do not receive Title I funds, they do not have to take the same actions and instead must comply with State accountability measures. Appendix F shows the complete list of SINI and SRAP schools in New York City.

| | |
|---------------|------------|
| Bronx | 20 |
| Brooklyn | 38 |
| Manhattan | 28 |
| Queens | 24 |
| Staten Island | 0 |
| Total | 110 |

While many schools across the five boroughs were classified as SINI or SRAP, Brooklyn and Queens had the greatest number of schools classified as SRAP and the highest number of SINI and SRAP schools beyond two years (Table 5). Despite having the most schools with SINI status for more than two years, Queens had the fewest numbers of schools in corrective actions and restructuring measures, suggesting that the DOE is mainly focused on improving schools subject to federal penalties under No Child Left Behind. This provides further evidence that the urgent need to improve underperforming schools in the borough of Queens is being overlooked by both the SED and the DOE.

⁵⁸ New York City Independent Budget Office. “High School Overcrowding Eases, But 75 Percent of Students Still in Schools Over Capacity.” In *Inside the Budget*, September 7, 2004. No. 133.

⁵⁹ The Grier Partnership. “Enrollment Projections 2005-2014 New York City Public Schools: Volume II.” October 2005

⁶⁰ New York State Education Department. “228 High Schools Are Identified As Needing Improvement.” September 12, 2006.

| TABLE 5. STATUS | BRONX | BROOKLYN | MANHATTAN | QUEENS |
|------------------------|--------------|-----------------|------------------|---------------|
| SINI/SRAP Yr 1 & 2 | 4 | 10 | 13 | 5 |
| SINI/SRAP Yrs 3-7 | 4 | 14 | 4 | 15 |
| In Corrective Action | 3 | 6 | 6 | 1 |
| Planning Restructuring | 7 | 6 | 5 | 2 |
| Restructuring | 2 | 2 | 0 | 1 |
| Totals | 20 | 38 | 28 | 24 |

Source: New York State Education Department List of Schools That Are in Improvement Status. September 2006

3) ***MOST SMALL SCHOOLS FAIL TO PROVIDE REQUIRED ELL SERVICES***

Despite federal and state provisions designed to ensure that ELLs learn English and meet academic standards, our study shows that a significant numbers of small schools are not providing ELLs with the instructional program services that are required by law.

Community-based organizations and staff at the New York Immigration Coalition and Advocates for Children called all of the City’s small schools, both old and new, during the 2005-2006 school year to obtain information about the ELL services available within their schools. A total of 126 small schools, 53 old small schools, and 73 new small schools responded to our phone survey.

Of the 126 small schools that responded to our questions, 41 percent (52 of 126) reported not offering any ESL or bilingual services. Thirty-one of the 73 new small schools that responded to our questions (42 percent) reported that they did not have an ESL or bilingual program to help ELL students acquire English language skills. Similarly, 21 of the old small schools (40 percent) reported that they did not have a program. These findings show that not only are a significant number of small schools failing to comply with the law and provide services that would allow ELLs to enroll in their schools, they also are not, as the DOE has attempted to suggest, making much progress in improving services for ELLs over time.

Despite the fact that all schools are required by law to have an ELL program for students who qualify for those services, school representatives, particularly those in small schools, identified lack of capacity as their main reason for not serving ELL students. A school administrator at a small school in the Bronx commented, “We don’t have the funds to offer any ESL or bilingual classes. All small schools are like this. If the students are accepted, we end up transferring them.” Similarly, in a communication with the NYSED, District Two representatives responded to concerns that some schools in the district were not serving ELLs by stating that “schools with very few ELL students often have difficulty providing services as they don’t have a budget substantial enough to hire a teacher.”

These findings are in clear violation of the state and federal provisions described earlier that guarantee ELL students receive basic ELL services under Part 154 of the New York State Commissioner’s Regulations. It is deeply troubling to see that services for ELL students appear to be an afterthought in the planning process for the majority of small schools.

4) **THE CLOSING OF LARGE FAILING SCHOOLS AND THE LACK OF FULL ACCESS TO MOST SMALL SCHOOLS THAT TAKE THEIR PLACE, LEAVE ELLS WITH NOWHERE TO GO BUT OTHER LARGE FAILING SCHOOLS**

The data also show that when large schools are in the process of breaking up into small schools, their ELL populations decline, while the ELL populations of the surrounding large schools increase. For example, of the five Bronx schools in the phasing-out stage on our list, four saw dramatic decreases in their ELL population between the 2000-2001 school year and the 2004-2005 school year. Theodore Roosevelt High School, which is in the phasing-out process, has seen an 87 percent decrease in its ELL student body over the course of four years, and a 51 percent decrease in a single year (Table 6). At the same time that Roosevelt has seen a decrease in its student population, two large schools in the immediate vicinity, Grace Dodge and Dewitt Clinton, have seen 27 percent and 48 percent increases, respectively, in their ELL student population over the same four years. In a one-year period, Grace Dodge experienced a 14 percent increase while Dewitt Clinton saw a 15 percent increase (Table 7). In an unfortunate parallel to our findings, *Class Size Matters* recently shared information about large Bronx schools (Kennedy, Clinton, Evander Childs, and Walton) becoming more chronically overcrowded than ever.⁶¹

Table 6. Schools Closing in the Bronx

| Region | Name | Change in # of ELLs from 2001 to 2005 | % Change ELL from 2001 to 2005 | Change in # of ELLs from 2004 to 2005 | % Change ELL from 2004 to 2005 |
|--------|------------------------|---------------------------------------|--------------------------------|---------------------------------------|--------------------------------|
| 02 | EVANDER CHILDS HS | (187) | -36% | (37) | -10% |
| 02 | MORRIS HS | (413) | -97% | (80) | -66% |
| 01 | WALTON HS | 85 | 9% | (39) | -4% |
| 01 | THEODORE ROOSEVELT HS | (1,163) | -87% | (180) | -51% |
| 01 | WILLIAM HOWARD TAFT HS | (611) | -86% | (111) | -53% |

Source: School Report Card Data, 2004-2005.

Table 7. Schools Nearby With a Significant Four-Year Increase in the Number of ELLs⁶²

| Region | Name | HS Size | Change in # of ELLs from 2001 to 2005 | % Change ELL from 2001 to 2005 | Change in # of ELLs from 2004 to 2005 | % Change ELL from 2004 to 2005 |
|--------|-------------------|---------|---------------------------------------|--------------------------------|---------------------------------------|--------------------------------|
| 01 | GRACE H DODGE VHS | Large | 40 | 27.2% | 23 | 14.0% |
| 01 | DEWITT CLINTON HS | Large | 254 | 48.1% | 105 | 15.5% |

Source: School Report Card Data, 2004-2005.

⁶¹ Haimson, Leonie. "Note the Overcrowding in Large Bronx High Schools." September 11, 2006.

⁶² Significant increase means schools that saw an increase in its ELL student population of more than 15 students.

In Regions 1 and 2, large high schools and ELL-focused schools had the largest one-year increase in the number of ELL students. The average increase in the number of ELL students from 2004 to 2005 in large schools in these regions was 51 students, and the average increase for ELL-focused schools was 55 students (Table 8). Similar trends were observed in other boroughs (Appendix G).

Table 8. Average Increase in Number of ELL Students from School Year 2003-2004 to School Year 2004-2005

| Average Increase in Number of ELL Students in Regions 1 & 2 | |
|--|----|
| Average Increase for ALL Schools (40 schools) | 21 |
| Average Increase for Large Schools (9 schools) | 51 |
| Average Increase for New Small Schools (15 schools) | 9 |
| Average Increase for Old Small Schools (14 schools) | 10 |
| Average Increase for ELL-Focused Schools (2 schools) | 55 |

Source: School Report Card Data, 2004-2005.

FINDINGS: Do Barriers in the High School Admissions and Enrollment Process Further Produce Unequal Access to Most Small Schools for ELL Students?

In this section, we describe our efforts to understand the experience of immigrant and ELL students as they participate in the high school admissions process and how they viewed their choices and options for high school placement. Our survey of parents and students reveals that proximity and the lack of ELL services in small schools has an impact upon the final selection and enrollment decisions of ELL students. Student and parent surveys also reveal major gaps in information, particularly in the students' and parents' home language, that create major hurdles to equitable admissions and enrollment of ELLs in the Mayor's landmark small school initiative.

The High School Admissions Process

The DOE redesigned the high school admissions process at the beginning of the 2003-2004 school year as part of the *Children First* reform strategy, with the goal of increasing equity and choice in the high school admissions process.⁶³

The DOE provides information about high schools to prospective high school students and parents through a High School Directory and informational fairs that are conducted each year in September and October. The DOE's High School Directory outlines the high school admissions process and lists all of the high schools operated by the DOE. As a result of sustained advocacy efforts by community groups along with immigrant and ELL students, the Directory is now available in Spanish at the high school fairs, and for the first time this year, it is available on the internet in Arabic, Bengali, Chinese, Haitian-Creole, Korean, Russian, Spanish and Urdu. In late 2005, DOE for the first time released guides for the new small schools; they are published in Arabic, Bengali, Chinese, Haitian-Creole, Korean, Russian, Spanish and Urdu.

ELL students become enrolled in high school in one of three main ways: (1) By directly applying to high school from middle school as described below; (2) enrolling in vacant seats in high schools through an over-the-counter process implemented at borough-wide High School Enrollment Centers operated by the DOE in August and September of each school year; or (3) in the case of those students entering high school at another point in the school year, by visiting the Region and requesting placement in a high school. In the latter case, students may directly apply to a high school that is not designated as one where the Region must direct placement, including a few ELL-focused small high schools.

Under the most common method, students applying from middle schools complete an application and select up to 12 high schools/programs in their order of preference, as well as additional schools if the students are applying to a specialized school and/or a charter high school. Schools also rank students using one of seven methods. "Unscreened" programs typically select students randomly through a computerized ranking system, while "screened" programs rank students based on special criteria such as the student's academic record,

⁶³ New York City Department of Education. Office of Student Enrollment, Planning, and Operations. <http://schools.nyc.gov/Offices/StudentEnroll/HSA admissions/default.htm>

standardized test scores, and attendance. Under the Educational Option Selection method, 50 percent of students are selected by school personnel, while 50 percent are selected by computers following a 16-68-16 distribution ratio of students scoring high, average, and low in their previous year's standardized test scores. A smaller group of schools require auditions to demonstrate proficiency in a specific area, while seven specialized high schools require students to take the Specialized High School Admissions Test (SHSAT). Lastly, charter high schools use a lottery system where students are selected randomly by a computer.⁶⁴ Those students who are not placed in the first round enter a supplementary round where they are permitted to make 12 additional choices from the remaining schools. International High Schools and certain other schools often screen based on students' English proficiency and years of residence in the United States.

The majority of the high schools under the purview of the Office of New Schools operate under the "limited unscreened" method, which means they require some prerequisites like attending a fair or meeting with a school representative. Nonetheless, even unscreened programs have some screening mechanisms, and it is unclear if ELL appears anywhere in the student's application. The Office of Student Enrollment and Planning Operations has not been forthcoming about what background information about an ELL student is made available to schools and how schools identify and rank ELLs. According to the Office of New Schools (ONS), small high schools do not knowingly screen out students solely for being ELL; however, ONS representatives admit that schools can influence their student population through ELL program offerings as well as outreach and recruitment efforts, or the lack thereof, and through their eligibility requirements.⁶⁵ It is unclear how many of the 184 new small schools use a "screened" admissions process.

Thousands of students entering the New York City public school system after middle school rely on the High School Enrollment Centers to register in an appropriate high school. It is important to note that school options are more limited for students at this point, because many high schools have already filled their capacity in the first or supplementary rounds and have no space available by the time the centers begin processing students.

Monitoring visits of the registration centers for both the 2005-2006 and 2006-2007 school years revealed that the centers lacked sufficient translation and interpretation services to help parents make informed choices. Numerous informational documents and official forms were only available in English at most of the sites, including information about small schools and ELL program options.

ELLs in the High School Application Process

A total of 90,307 students applied for admission to one of New York City's high schools for the 2006-2007 school year. Approximately nine percent of students (8,100) applying for admission for the 2006-2007 school year were not matched to a high school and needed to

⁶⁴ www.nycenet.edu/Offices/StudentEnroll/HSAdmissions/hsProcess/Specialadm/. Accessed April 20, 2006.

⁶⁵ DOE Representative during Coalition for Educational Excellence for English Language Learners meeting on January 25, 2006

participate in the supplementary round.⁶⁶ ELLs represented 10 percent of students (810) not matched and going into the supplementary round this year. Those students who are not matched in the supplementary round are then offered a placement in any high school that has availability and that, according to the DOE, is as close to the student's home as possible.

In theory, ELL students who are assigned to a school that does not provide the parents' and student's choice of ELL programs (i.e., bilingual or ESL) have the right to appeal their high school assignments and make additional choices to secure a placement in which they will receive their mandated services. Additionally, according to the DOE, any student who would like to attend any of the new small high schools and was not offered that placement through the admissions process can also appeal and be placed in one of those schools pending availability.⁶⁷ Information about these specific appeals processes and rights afforded to ELL students is not available in any language except English. Even if the student appeals his or her high school placement, there is no guarantee that the student will be placed in a quality high school the second time around.

"Prior to taking admission in the school where I study now, I was never given a choice or was never briefed or informed about the system of admissions. I was directed in a way as if I had no choice and since I needed to get admitted, I was in a way forced to take admission in that school. It is over a year now that I am at this school but my credits from my schooling in India have not yet been transferred." – Student from Council of Peoples Organization

Positive Perceptions of Small Schools Are Met With Parent Concerns Over Lack of Local Options and Availability of ELL Services

Overall, parents of ELLs and ELL students who responded to our survey or participated in a focus group had positive perceptions of small high schools. Parents in focus groups conducted by the Metropolitan Russian American Parents Association (MRAPA) thought that small schools "created better opportunities for students," "helped students become more literate, articulate, and analytical," and "can better help students to succeed academically, physically, and socially."

Despite the parents' and students' positive perception of small schools, only 28 percent of survey respondents (239) selected a small high school as one of their top three choices. Of the respondents that did choose a small high school in their top three choices, 68 percent did not receive a placement in a small school and ended up attending a large high school. The major factors identified by parents and students as important when selecting a high school shed light on these troubling outcomes.

Location

In the surveys conducted by the local community organizations, students and parents indicated that proximity to home was one of the primary factors in selecting and enrolling in a

⁶⁶ New York City Dept. of Education., "Schools Chancellor Joel I. Klein Announces Over 83% Of Students Receive One Of Their Top Five Choices In High School Admissions Process." Press Release. New York, 28 March 2006.

⁶⁷ <http://www.nycenet.edu/Offices/StudentEnroll/HSAdmissions/default.htm>, Accessed April 18, 2006.

high school. As indicated earlier, since relatively few small high schools are near the neighborhoods with the highest percentage of ELLs, many ELL students and parents chose closer, large high schools over more distant, small high schools, despite any perceived benefits they might be sacrificing. For example, one parent from MRAPA noted that most small high schools are located in areas far from Russian communities, and therefore parents did not consider them to be viable options.

When asked what they knew about small high schools:

"They are mostly in Brooklyn." – Parent from Chhaya CDC

"They are in areas located far from Russian communities."

- Parent from Metropolitan Russian American Parents Association

Availability of ELL Services

The availability of ESL and bilingual programs were important factors in school selection for parents as well as students. The majority of students who took part in the focus groups noted that one of the key aspects of choosing a school was the availability of ESL and bilingual programs. Many students indicated that they wanted to see bilingual education in their high schools no matter which kind of high school they were in. Students from Chhaya CDC expressed a desire to have bilingual classes in Bengali and Punjabi available.

More than 57 percent of all parents did not receive any information about the particular ELL program offerings that were available to their children in order to assist them in making informed decision about appropriate high schools. This is particularly important given our earlier findings, which show that many schools do not offer any basic services to assist students in learning English.

"There are no services for them [ELL students] in small high schools." – Parent from Metropolitan Russian American Parents Association

"They [small schools] don't give real attention to the ELL students." – Parent from Metropolitan Russian American Parents Association

"The majority of students from the Harbor High School in Brooklyn said they chose the school that they did because it was a small school, and because there were ESL programs available." – Focus group moderator for Make the Road by Walking

Recommendations From Family and Friends

Many focus group participants also identified recommendations from friends and family as a major factor in selecting high schools. Information regarding school options from friends and family proved to be extremely valuable, particularly when official information from the DOE was unavailable in the family's native language. Several parents from Haitian Americans United for Progress (HAUP), for example, asked other members of the community who had recently completed the high school admissions process for information and recommendations.

As will be discussed in the next section, the downside of relying on informal networks for information is that there is a great deal of misinformation about small schools and the admissions process among immigrant and ELL communities.

Other common factors identified as important were safety, school reputation, courses and programs offered by the school, school size, and extra-curricular activities.

“Although they were often unable to access official information on a particular school, they often tried to find out from other members of the community.” – Focus group moderator for Haitian Americans United for Progress

Students and Parents Did Not Receive Adequate Information About the High School Admissions Process

Only 25 percent of Parents Received High School Fair Information from the DOE

Approximately 33 percent of survey respondents received information about the DOE’s High School Fairs from an advocate or community group. Only 26 percent claimed to have received a letter from their child’s school, and 25 percent claimed never to have received any information whatsoever. An overwhelming majority of students surveyed (more than 70 percent) claimed that they did not directly receive any information at all about the High School Fairs.

Misinformation About Requirements

Parents and students had a lot of misinformation as well as valid concerns about small high schools, particularly with regard to who is entitled to enroll in

“Small high schools are very competitive and my son is not very good in English, so we told him not to make any such commitment. It will be harder for him to get good grades and he will have no chance of going to good college.” – Parent from Chhaya CDC

these schools. In terms of the application process, students and parents believed that the student’s academic average had to be “really high” in order to be accepted and that the requirements for enrollment in small schools are tougher. Some parents believed that all small high schools require students to choose a specialization, such as engineering or health, and that all students have to undergo an interview before being accepted.

“Many parents did not have a lot of information about small high schools. Most of the official information that they were able to access was in English and was therefore very difficult to understand.” – Focus group moderator for Haitian Americans United for Progress

“Most parents didn’t know much about small schools or their admissions requirements.” – Focus group moderator for Make the Road by Walking

“I am completely confused with the choices given.” – Parent from Metropolitan Russian American Parents Association

“Program codes are difficult to understand.” – Parent from Metropolitan Russian American Parents Association

Valid Concerns About DOE's Small High School Exclusionary Policy Towards ELLs

Although it is unclear how many small schools have a screened process and how many have exams or other requirements that hinge on English proficiency, a predominant concern among ELL families was that small schools do not have to accept ELL students. While schools cannot legally exclude students solely because of their English abilities, the underrepresentation of ELLs in small high schools is largely fueled by a DOE policy that allows small schools to exclude ELL students in their first two years of existence. Recently parents and advocates of the Citywide Council on High Schools filed a formal complaint letter to demand an investigation for the underrepresentation of special education and ELL students in the school system. The council claims to have obtained information from a DOE official stating the DOE has a “deliberate policy to exclude otherwise eligible students with disabilities from the Small Schools, at least during the first 3 years of each school’s existence. Implied in these remarks was similar discrimination against students with Limited English Proficiency.”⁶⁸ We had received conflicting information about whether there is an official or unofficial policy allowing ELLs to be excluded from small schools. Nonetheless, the existence of such policy was recently confirmed by a senior DOE official at the October 2006 Regents meeting. The result is that many new small schools are being created without the infrastructure to serve ELL students and hence contribute to the low representation of ELL students in small schools outside of a few ELL-focused schools.

Additionally, fewer ELL students feel encouraged to apply to these schools. One parent clearly articulated this dynamic when she said, “My child is [an] ESL student, so he did not apply.” Parents’ concerns could also be partially based on actual incidents with school administrators that are also misinformed or have biases about students learning English. For example, representatives at a specialized high school in the Bronx commented that they “have a handful of ELLs but are doing great in mainstream classes. We do not have a program for them since our school is very competitive and only open to the best students that pass the specialized test. If they are competent enough to pass the test, then they can be in regular mainstream classes.” Such comments erroneously link English proficiency with competence and intelligence. Additionally, many small schools felt that simply because they were a small school, they did not have to accept ELL students.

Almost ten percent of our survey respondents who did not choose a small school as one of their top three choices claimed that their reason for not selecting a small high school was simply that they did not have any information about small high schools.⁶⁹

⁶⁸ The Citywide Council on High Schools. “Letter to the New York City Department of Education on High School Conditions and Policies.” March 8, 2006.

⁶⁹ New York City Dept. of Education., “Schools Chancellor Joel I. Klein Announces Over 83% of Students Receive One of Their Top Five Choices in High School Admissions Process.” Press Release. New York, 28 March 2006.

Students and Parents Did Not Receive Information About the High School Admissions Process in a Language They Could Understand

More Than Half of Parents Did Not Receive Information in Their Native Language

Approximately 56 percent of respondents did not receive any interpretation services during the high school admissions process. Even more troubling, more than 76 percent of parents did not receive any written information in their native language throughout the high school admissions process. Interestingly, parents of students who attended large schools were less likely to have received written information in their native language throughout the high school admissions process. Only 20 percent of these parents received translated materials versus 40 percent of parents whose children attend a small high school, suggesting that availability of information in a language that parents can understand might have played a role in students' enrollment at a small school.

Haitian Americans United for Progress found that many parents did not have much information about small high schools in general. Most of the official information, including information about the benefits of small high schools, that parents and students were able to access was in English, and therefore, was difficult for them to understand. Parents who were interested in applying to small high schools noted that there were no known applications in the participants' language and were therefore intimidated by the application process and did not feel that they would be able to receive much help from school personnel.

“One student who attended junior high in New York City wanted to go to a small high school near his home in Brooklyn. He did receive some help from his middle school teacher. In a process that is not clear to him, he was assigned to a high school on the upper west side of Manhattan. He was eventually reassigned to High School for Dual Language/Asian Studies, but he did not know it at first. He did receive some correspondence from DOE about this matter, but neither he nor his family could read it because it was in English.”

– Moderator from Chinese Progressive Association

Only Half of the Parents Who Received Translated Information Received It in a Timely Manner

Of those respondents who did receive the information in their native language, only 52 percent claimed to have received it in a timely manner that made the information meaningful in terms of exercising options and meeting deadlines.

Some Reports of Institutional Discrimination Toward ELLs

While in some cases, ELL students and parents were drawn to high schools that already had a presence of other students who speak the same language, in other cases they were forced there. Many students from the Chinese Progressive Association claimed that when they approached the DOE for a high school placement, they were limited in their choices and simply instructed to go to certain high schools because of the existing Chinese-speaking population at

that school. When describing how a student was placed at High School for Dual Language and Asian Studies, a student reported being told, “You’re Chinese – go here.”

High School Satisfaction

Overall, parents were least satisfied with safety, class sizes, and parent engagement at their current schools. Students and parents of students attending small schools reported much higher rates of satisfaction with every aspect of their current schools than students and parents of students attending large schools. In small schools, 91 percent of respondents reported satisfaction with their schools’ class sizes, whereas in large schools, only 64 percent of survey respondents reported class-size satisfaction. Likewise, while 89 percent of students and parents in small schools were satisfied with school safety, only 65 percent of parents and students felt satisfied with the level of safety in their large schools. The levels of satisfaction also differed significantly concerning parent engagement (81 percent compared with 62 percent) and academic offerings (89 percent compared with 80 percent).

Interestingly, however, parents of students in small schools were only slightly more satisfied with their children’s progress in learning English than those in large schools (87 percent satisfaction compared with 80 percent satisfaction.). There was even less of a difference in satisfaction levels concerning content progress (84 percent compared with 78 percent) and in teacher quality (85 percent in small schools compared with 82 percent in large schools). Interestingly, parents and students only appear more content with small high schools in factors not directly related to classroom instruction. These findings suggest that limited-English-proficient students and their parents are finding that they are not being afforded the required programs and services to help them succeed academically.

CONCLUSIONS AND RECOMMENDATIONS

Unfortunately, the overwhelming answer to our initial question of whether or not Mayor Bloomberg's small school reform efforts are adequately serving ELLs is "no." This does not mean that we condemn the Mayor's and the Chancellor's efforts to develop small schools; we simply want to ensure that ELL students have meaningful access to this significant reform effort.

The City's data on small school enrollment demonstrate that ELLs are not being provided meaningful access to the array of high school options available to their English-proficient classmates. It also shows that the average small school does not have adequate representation of ELLs; areas with large and growing immigrant student populations have not seen major increases in small school creation; and a vast number of new small schools do not have the necessary programs to help ELLs acquire English proficiency and excel in other core subject areas. These limited options, coupled with misinformation on who is entitled to attend small schools and methods of enrollment, all contribute to the lower representation of ELLs in small high schools.

The DOE has either not considered the needs of ELLs in the development and creation of most small high schools, or they have not found or insisted on ways that would allow their effective inclusion. Given the persistent and alarmingly high dropout rate for ELLs, it is imperative that either new reforms be targeted to meeting their needs, or that they be fully included in the reforms already underway.

RECOMMENDATIONS

Our findings on lack of full access to small high schools for ELL students are very troubling, both because of the equity issues involved and because the ELL student population left out of the reform efforts are at the highest school risk of educational failure. In order to provide ELL students and the City's immigrant families full access to the improved learning environment provided by the new small schools, we recommend that the following steps be taken:

1) Increase Access and Enrollment of ELLs to Small Schools

- *As part of the small school approval process, require that all schools have an appropriate plan for serving ELLs, which includes addressing ELL issues in the design, outreach, enrollment, assessment, instructional services, and parental involvement processes. ELL students should be able to compete with other City students for entry into the many career-oriented and specialized small schools that are now being created. Because so many of these schools do not provide the legally mandated services for ELL students, however, their access to these schools is effectively barred. The City must end its three-year phase-in policy for ELLs and require all new small schools to admit and enroll ELLs. All new small schools should be required to show evidence that ELLs will be provided legally-mandated and appropriate ELL programs and services by the beginning of the next school year.*

- *The City should increase incentives for enrolling ELLs beyond the few grants that currently exist to extend such services.* Providing quality English language acquisition programs requires thoughtful and persistent efforts to create and adapt the design of a school's assessment, curriculum, professional development, and parental involvement practices. Both the DOE and NYSED should increase financial support and other incentives to assist schools as they adapt their services to meet the needs and provide required services for ELLs. In order to ensure that each school is equipped to serve ELL students, the City needs to invest in recruiting and retaining qualified ESL and bilingual teachers by creating new incentive programs for ELL teachers. The DOE should expand its ELL teacher reserve program to ensure that there is a readily available pool of certified ESL and bilingual teachers throughout the year to dispatch to new schools or other schools with ELL teacher shortages.
- *Monitor and hold schools accountable for enrolling and providing services to ELLs.* Our report shows that many schools have simply chosen not to provide services to ELLs, despite the fact that it is against the law for them to deny English language instruction to ELL students. Leadership and direction from the Board of Regents and NYSED in critical areas such as ELL assessment, curriculum design, testing, teacher licensing, and professional development have been so abysmal over the past ten years that schools now refuse to provide even substandard services to ELLs since *they won't be held accountable for providing no services to ELLs*. NYSED should begin to take its leadership and oversight roles seriously with regard to this student population. Given the dismal record of Board of Regents and NYSED leadership on these issues, Mayor Bloomberg and DOE should establish strong monitoring and accountability mechanisms to ensure that ELLs are in fact getting the quality services they deserve and that are mandated by law.
- *Research and replicate successful programs, especially of schools with few ELLs.* So far, the DOE's main strategy for including ELLs in its small school reforms is to sponsor fewer than a dozen schools whose primary purpose is to serve ELLs (several of these schools were started well before Mayor Bloomberg began his initiative, but they are now promoted as part of his initiative). Schools such as the International High Schools generally do an excellent job of serving ELL students, and we support the expansion of this model. With *hundreds* of small schools being started under Mayor Bloomberg's initiative, however, this type of model, and the five schools that have recently implemented it, should not be the only small school option for ELLs and their parents. In order to allow ELLs access to the wide range of career and academic programs offered by the hundreds of new small schools, these schools must be able to accommodate small to moderate numbers of ELLs in their student bodies. Models for how schools can or have successfully accommodated the instructional needs of ELLs in such cases should be explored, costed-out, and replicated to assist other small schools as they open up their offerings to ELL students.
- *Support expanded professional development services during the school planning process and once the school is launched, in order to ensure that the needs of ELL students have been anticipated and included in the overall school plan.* School staff at all levels – principals, assistant principals, guidance counselors and other student support staff, curriculum developers, and of course, teachers – require support and know-how in order

to plan for and meet the needs of ELLs. In this report, we argue that the needs of ELL students must not be seen as the responsibility of just a tiny percentage of the new small schools, but rather as a need that all small schools must address. Similarly, meeting ELL's needs is not just the responsibility of a few professionals in that tiny percentage of specialized schools; all professionals, at all levels of the system, need to understand and take responsibility for meeting the needs of ELL students. Though the needs and growth of this population have been well known to leaders of our political institutions and education bureaucracies for more than 30 years, we recognize that many of our leaders are not prepared to take responsibility. We therefore urge a major, systemic effort to arm all professionals involved in creating and staffing the new small schools with the knowledge and skills they need to provide high-quality instructional services to ELL students, so that ELLs may then enroll and succeed in any small school.

2) **Increase Small Schools in Immigrant and ELL Communities and Where Schools Are Overcrowded and Underperforming**

- *Increase the number of small schools in areas where there are high concentrations of ELL students.* As discussed above, the report has identified that Queens, which has the largest number of ELL high school students and the City's most overcrowded high schools, has the fewest number of small schools either in existence or in the planning stage. Therefore, we call not only for increased access by ELLs to all small schools, but also an increase in the number of small schools in areas where there is a high concentration of ELLs, in order to dismantle underperforming schools in their neighborhoods and fairly spread the benefits of small school programs to high-need ELL students across the City. The DOE must ensure that parents have true high school choice.
- *Include ELL performance data in formulas that drive creation of new schools.* In order to institutionalize a focus on the needs of ELL students, data on the performance of ELL students at the classroom, grade, school, and district levels should be broken out as a subgroup in all relevant small school planning and accountability indicators. For decades, ELL students were ignored or invisible in most City and State performance data; NYSED and the DOE had both largely relieved their bureaucracies of accountability for serving ELL students by allowing schools to generally exclude them from their testing and performance measures. Now that No Child Left Behind reforms are forcing school systems like New York's to honestly account for the performance of their ELL students, better data is emerging on the existence, performance, and needs of this important subset of the student population. We urge that this group of students be recognized as a high-need population and that all relevant data emerging on their performance and needs be made public and included in planning, not only for the small schools initiative, but for all school reform efforts.
- *Increase the number of small school partnerships focused on the needs of immigrant students.* The City's small schools initiative has attracted numerous private sector and community-based organizations to serve as partners in launching new schools. These include cultural institutions, colleges and universities, businesses, health organizations, and technical assistance organizations. While a handful of partnerships have been forged with groups that work with ELLs and their parents, most of the current partnerships with

small schools are not. The DOE has indicated its willingness to expand partnerships with ELL-serving community-based organizations and has sought immigrant groups to help start more ELL-focused small high schools. We also recommend that DOE engage community organizations in seeking other kinds of partnerships in providing intellectual assistance and support for recruiting and serving ELLs.

3) Address the Impact of Small Schools Creation on Surrounding Schools

- *It is important that the Mayor and the Chancellor do not neglect large schools, where the majority of students are still being educated.* Our analysis of ELL school enrollment data shows increases in the ELL student population in large high schools in the vicinity of schools that are being dismantled and turned into a variety of small schools. This suggests that because many ELLs cannot find appropriate language instruction services at most small schools, often their only option is to enroll at other large and often underperforming high schools near the school that is being dismantled. We urge further evaluation of this finding, additional planning support for new schools, and additional resources and instructional services for schools that are near schools in the phase-out process in order to ensure that ELLs are receiving appropriate and high-quality instructional services.

4) Improve the High School Admissions Process

- *Ensure widespread outreach efforts in immigrant communities regarding high school admissions choices and the enrollment process.* Many parents and students lacked information about the high school admissions process. Some did not receive any information about key aspects of the process, while others did not receive information in a language they understood. Efforts to inform parents and ELL students should start well in advance of critical decision dates. All middle schools should strengthen their mechanisms and document efforts to ensure that parents and students receive timely and accurate information on the selection process. In addition, more robust partnerships should be established with the ethnic media to enhance DOE's past efforts to reach out to the ethnic media and with community organizations that are able to widely reach into immigrant communities to share high school admissions information.
- *Provide technical support and demand accountability from guidance counselors to ensure that ELL students are given sufficient assistance to understand and navigate the high school admission and enrollment process.* Middle school guidance counselors should be given the knowledge and skills to ensure that ELL students in their schools and, ideally, their parents, understand how the City's high school admissions process works and how to search for, and in many cases advocate for, a high school placement that suits their interests and career plans as well as their English language acquisition needs.
- *Include more accurate information relevant to ELLs in the High School Directory.* The DOE's High School Directory is the main resource that parents and students have to inform their high school admissions choices. Currently, the information contained in this directory misleads parents into thinking that appropriate programs are offered in all

schools. The Directory should include more extensive information pertinent to ELL students seeking appropriate program services – in particular, the number of students on each grade level accessing mandated ELL services (i.e., ESL, bilingual, or dual-language programs) in the prior school year.

- *Create a targeted admissions program for immigrant and ELL students entering after ninth grade.* Thousands of immigrant and ELL students arrive and seek to enroll in City schools for the first time during their high school years. These students often have extremely limited information about the high school admissions and enrollment process, and usually assume that their only option is to attend the school nearest to their home (regardless of whether the school has any seats available, has any English language acquisition services, is being phased-out, and so on). A targeted, orderly, and well-publicized program should be created to assist such students in learning about their high school enrollment options, assess their skills and instructional needs, and match them with an appropriate placement – one that addresses not only their ELL-specific needs but their larger learning and career goals.

Appendices

- APPENDIX A: Parent and Student Survey Questions
- APPENDIX A-2: Survey Instructions
- APPENDIX B: Focus Group Questions
- APPENDIX C: School Survey Questions
- APPENDIX C-2: Small High School Inquiry Data
- APPENDIX D: List of all New York City Schools for 2005-2006
- APPENDIX E: List of 2005-2006 New Small Schools from ONS
- APPENDIX F: List of SINI and SRAP Schools in New York City
- APPENDIX G. Other Examples of ELL populations increasing in large and ELL-focused schools as large schools are broken into new small schools
- APPENDIX H Analysis of NYSED Small School Data