

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

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January 25, 2011

Start: 1:15pm

Recess: 7:35pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:
Charles Barron
Fernando Cabrera
Margaret S. Chin
Daniel Dromm
Lewis A. Fidler
Helen D. Foster
David G. Greenfield
Vincent M. Ignizio
Letitia James
Karen Koslowitz
Jessica S. Lappin
Stephen T. Levin
Deborah L. Rose
Larry B. Seabrook

A P P E A R A N C E S

COUNCIL MEMBERS:

Eric A. Ulrich

James Vacca

Mark S. Weprin

A P P E A R A N C E S (CONTINUED)

Jennifer Bell-Ellwanger
Executive Director, Research and Policy Support Group
New York City Department of Education

Josh Thomases
Deputy Chief Academic Officer
New York City Department of Education

Mark Sternberg
Deputy Chancellor for Portfolio Planning
New York City Department of Education

Paymon Rahanafar
Executive Director, Team of Planners
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New York City Department of Education

Leo Casey
Vice President for Academic High Schools
United Federal of Teachers

Jackie Bennett
Special Representative
United Federal of Teachers

Janela Hines
Special Representative for High Schools
United Federal of Teachers

Amy Arundel
Special Representative
United Federal of Teachers

Ray Domanico
Director of Education Research
Independent Budget Office

Erin McGill
Education Policy Analyst
Manhattan Borough President Scott Stringer

A P P E A R A N C E S (CONTINUED)

Clara Hemphill
Senior Editor, Center for New York City Affairs
Founding Editor, insideschools.org

Udi Ofer
Advocacy Director
New York Civil Liberties Union

Leonie Haimson
Executive Director
Class Size Matters

Kim Sweet
Executive Director
Advocates for Children

Mark Ro Beyersdorf
Program Associate, Educational Equity and Youth Rights
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Asian American Legal Defense and Education Fund

Nancy Ginsburg
Director, Adolescent Intervention
Legal Aid Society

Ken Cohen
Regional Director, Metropolitan Council
New York State NAACP

James Eterno
Social Studies Teacher, College Advisor, UFT Chapter
Leader
Jamaica High School, Queens

Jamaica High School Students:
Kevin Gonzalez, Senior
Ali Hawaja, Junior
Vasadaya Ramshroup, Junior
Tiffany Borgia, Junior

A P P E A R A N C E S (CONTINUED)

Orlinda McInnis
Resident, community activist
East Flatbush

Roderick Rudy Daly
Member
New York City Coalition for Educational Justice

Judith Defore
Member
New York City Coalition for Educational Justice

Denise Sullivan
Treasurer
Citywide Council on High Schools

Martin Krongold
2nd Vice President
Citywide Council on High Schools;

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[background noise, gavel]

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CHAIRPERSON JACKSON: Good

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afternoon, and welcome to today's Education

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Committee Hearing on the Department of Education's

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monitoring of students at closing schools. I'd

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like to introduce our colleagues that are present

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this afternoon at this hearing. Way down to the

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left is Margaret Chin, Charles Barron, Lew Fidler,

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Letitia James, Danny Dromm; in the back here,

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behind me, is Mark Weprin; and to my right is

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Jimmy Vacca, Vincent Ignizio, and Fernando

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Cabrera. Any other members present? Who? Oh,

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Helen Diane Foster of the Bronx. A previous joint

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oversight hearing on school closings was held on

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March 2, 2010, by the Council's Committee,

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Committees on Education and Oversight and

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Investigations. That prior hearing examined the

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Department of Education's policies, procedures,

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and decision making criteria regarding proposed

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school closings. At that hearing, many Committee

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Members voiced concerns about the impact on school

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closures on students enrolled in those schools,

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and the lack of details in the school's

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educational impact statement, commonly known as

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2 the EIS. At that time, a pending lawsuit, which I
3 will describe shortly, prevented DOE from
4 responding to questions regarding EISs and student
5 impact. The Committee will address many of those
6 questions at today's hearings. Since 2002, when
7 Mayor Bloomberg gained control of the City school
8 system, the Department of Education has closed 91
9 schools, many of them large high schools, and
10 replaced them with new, small schools or charter
11 schools. These school closures, or "phase-outs,"
12 have become one of the Mayor's most controversial
13 school reform efforts. In January of 2010, at a
14 public meeting, attended by thousands of
15 protesters, and lasting more than nine hours, the
16 Panel for Educational Policy voted to close 19
17 additional schools. It was the first time that
18 school closures were voted on in a public meeting
19 as required under the new school governance law
20 passed by the State Legislature in August 2009,
21 that restored Mayoral control of City schools.
22 The law mandates public hearings and other
23 procedures to increase public input in decisions
24 involving any proposed significant change in
25 school utilization, such as closure, grade

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2 reconfiguration, reciting or collocation of
3 schools. It also requires preparation of an
4 educational impact statement that describes the
5 impact on students of the school closing and other
6 change in utilization. Many parents, educators,
7 advocates and elected officials who participated
8 in the process on the proposed school closures,
9 felt that the Department of Education did not live
10 up to the letter or the spirit of the new
11 governance law. Subsequently, on February 1, a
12 lawsuit charging the Department of Education with
13 violating provisions of the new law, was filed by
14 the United Federation of Teachers, by the NAACP,
15 Alliance for Quality Education, Manhattan Borough
16 President Scott Stringer, four State Legislators,
17 and five members of the City Council of New York,
18 including myself, our colleagues Charles Barron,
19 Eric Martin Dilan, Lew Fidler and Mark Weprin.
20 One of the charges made in the lawsuit was that
21 the Department of Education simply prepared
22 boilerplate EISs, with insufficient detail and
23 analysis of the impact of each school closing on
24 students, on the community, and on the ability of
25 surrounding schools to accommodate any dislocated

1 students. In March of 2010, the State Supreme
2 Court ruled that the Panel for Educational Policy
3 vote to close the 19 schools was null and void. A
4 decision that was unanimously upheld by the
5 appellate division in July of 2010, forcing the
6 Department of Education to abandon plans to close
7 the 19 schools in this 2010/2011 school year.
8 Despite losing the lawsuit, in December of 2010,
9 the Department of Education has once again
10 proposed closing 26 schools, including all but
11 four of the 19 proposed for phase out last year,
12 the most in any single year so far. To me, the
13 most important question we should ask, "Is closing
14 schools sound educational policy?" In order to
15 answer this question, we need information about
16 what happens to students from these closing
17 schools. In the case of high schools, how many
18 students remain at the phasing out school through
19 graduation? How many are displaced and
20 transferred to other schools? How many transfer
21 to other large comprehensive high schools? And
22 how many go to small schools or other programs?
23 How many are discharged? And how many simply drop
24 out? Apparently, the Department of Education does
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1 little or no monitoring of students at schools
2 that are phased out, with no reports available to
3 answer these questions about students from the 91
4 schools that have already been closed. Nor are
5 there reports available from outside evaluators on
6 students from the schools that have already been
7 phased out. We're going to be asking the DOE
8 whether or not they have. I hope that they will
9 prove me wrong. The Department of Education
10 maintains that the schools targeted for closure
11 are low performing, but several reports have also
12 shown that these schools serve high concentrations
13 of our most vulnerable, high needs students, such
14 as ELLs, commonly referred to as ELLs, and that is
15 English language learners. Also, students from
16 low income households, homeless students and
17 overage students. I understand the Department of
18 Education closes schools when they believe the
19 schools have failed their students. DOE must them
20 monitor these students to make sure they are not
21 failed by the new schools that they go to.
22 Personally, I believe we should do everything we
23 can to help struggling schools first, and only
24 consider closing schools as a last resort, so that
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1 we don't disrupt the education of, or displace
2 thousands of at risk students unnecessarily.
3 Mayor Bloomberg has publicly stated his intentions
4 to close the lowest performing ten percent of City
5 schools within four years. That's more than 160
6 schools. So it should come to no surprise to many
7 parents and other critics, view, some as no
8 surprise of other critics' view proposed school
9 closings as a foregone conclusion, and charge that
10 the real agenda behind closing schools is to free
11 up space for charter schools run by private
12 operators. I urge the Department of Education to
13 listen to the voices of parents, teachers and
14 others in our communities that say "Fix our
15 schools, don't close them." At today's hearing,
16 the Committee will examine the Department of
17 Education's effort to monitor what happens to
18 students enrolled at public schools that are
19 phased out. We also look forward to hearing
20 testimony from parents, students, educators,
21 advocates, unions and others regarding their
22 concerns about the impact of school closures on
23 students and recommendations for improvements in
24 the Department of Education's procedures in this
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2 area. We will also be considering two bills
3 today: Intro No. 364-A, and Intro No. 354. Intro
4 No. 364-A is a bill sponsored by our colleague Lew
5 Fidler, that would amend the City Charter to
6 require that the Department of Education to
7 provide data regarding students who were
8 transferred to an alternate school as a result of
9 school closure. I will call on my colleague
10 Council Member Fidler to talk more about this
11 proposed bill in a moment. Intro No. 354 is a
12 bill I sponsored that would amend the City Charter
13 to require the Department of Education to provide
14 data regarding student discharges. For those of
15 you who don't know, DOE has a number of categories
16 of students who left school before graduating, but
17 are characterized as discharges from the school
18 systems, rather than dropouts. Students who move
19 to a location outside the City or who transfer to
20 a private or parochial school, for instance, are
21 considered discharges. However, there is
22 significant controversy regarding whether or not
23 some students characterized as discharges by the
24 Department of Education, are considered dropouts,
25 under federal law. For example, at various times,

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2 the Department of Education considered as
3 discharges students who left school after turning
4 21 years of age, transferred to a GED program, or
5 left school due to a pregnancy or parenting
6 responsibility. Just to be absolutely clear,
7 students who are considered as discharges are not
8 included in calculations to determine graduation
9 rates. And some critics charge that the
10 Department of Education has overused the discharge
11 category as a means to inflate graduation rates.
12 The data required by Intro No. 354 will bring a
13 level of transparency to student discharge
14 procedures. Everyone who wish to testify today
15 must fill out a witness slip, which is located at
16 the desk of the Sergeant-at-Arms, when you enter
17 the room. Please indicate on the witness slip
18 whether or not you are here to testify in favor of
19 or in opposition, or in favor of both, or opposed
20 to both, Intro No. 364-A and Intro No. 354. And I
21 want to point out, however, that we will not be
22 voting on either of these bills today. To allow
23 as many people as possible to testify, testimony
24 will be limited to three minutes per speaker. So,
25 I ask you not to read your testimony, but submit

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2 it into evidence and then talk about what you
3 really feel about the particular matter. Then,
4 due to limitations of members, my colleagues, I
5 ask you to limit your questions and answers to
6 five minutes, and obviously you know my norm is
7 that once the Department of Education has spoken,
8 then I will turn directly to, to you our
9 colleagues for your questions and responses from
10 the Department of Education. And now I'd like to
11 turn the mic over to our colleague, Council Member
12 Lew Fidler, for remarks on Intro No. 364, of which
13 is the primary sponsor. Council Member Lew
14 Fidler.

15 COUNCIL MEMBER FIDLER: Thank you,
16 Mr. Chairman, and I certainly want to agree with
17 your statement that the closing of schools has
18 everything to do with a policy that I know we're
19 not going to debate today, which is to find space
20 for, for charter schools to replace our regular
21 public schools. Frankly, other than bike lanes, I
22 haven't seen anything this Administration do with
23 a single-minded purposes. The number of schools
24 that are slated for closing is a clear expression
25 of that agenda, and I think that frankly my

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2 concern is the DOA is going to continue to, to
3 move that agenda without regard for its
4 consequences. This year, one of those 26 schools
5 is actually physically resident across the street
6 from my district, in Council Member Barron's
7 district, is PS 114, and it's illustrative of why
8 today's legislation is so important. Eight years
9 ago, DOE assigned a principal to PS 114, who came
10 out of their illustrious Principal Academy, who
11 was so on top of her gang that one year she
12 neglected to schedule a graduation ceremony for
13 the school. She overspent her budget by \$180,000
14 and DOE allowed her to remain for five years. The
15 next principal they sent in was sent into
16 chronicle the five years' worth of complaints,
17 'cause I'm quite sure that they sent her there for
18 the express purpose of closing the school, and
19 chronicling the excuse for doing it. My first
20 conversation with that principal, before she said
21 hello to me, she asked me whether or not my
22 conversation with her was being taped. That was
23 how she said hello to her City Council Member.
24 The next principal came in clearly with the
25 express notion that she was there to close the

1 school and to oversee the closing of the school.
2 Quite frankly, that failure is not a failure of PS
3 114, it was a failure of DOE, to send in a
4 principal, any principal who was there, in a
5 competent way to help students, left an
6 incompetent principal in the school for five
7 years. And frankly, closing a school under those
8 circumstances is sweeping it under the rug. The
9 purpose of my intro is to make sure that the
10 students who are left behind are not also swept
11 under the rug. Frankly, we all know, everyone
12 here knows, and whether DOE will admit it or not,
13 I know they've admitted in EIS, the students who
14 are left behind while the school is being phase
15 out, are receiving fewer services than they should
16 ordinarily. I believe it's in the Jamaica EIS, it
17 says there are no immediate proposed changes to
18 available instructional extracurricular programs.
19 The availability of certain offerings of the
20 school would inevitably be impacted as the school
21 phases out. What happens to those kids? Why are
22 they being abandoned? What happens to those that
23 have to be transferred to other schools? I would
24 say this to you: If you're going to oppose this
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2 legislation, it's because you don't want to know
3 the answer. If you are going to pursue this
4 policy, you need to know the answer. You need to
5 be able to tell us what's happening to the kids in
6 the phase out school, you need to be telling us
7 what's happening to the kids who are going to
8 other schools. That's how you decide whether a
9 policy is good or not. I can tell you my instinct
10 is that it's not. And that this is part of an
11 agenda. All right? You'll oppose this bill
12 because you have a single-minded purpose of this
13 agenda, that's my prediction today. I hope it's
14 not true, I hope we have a new Chancellors, I hope
15 that she would have an open mind to the idea that
16 not everything that has happened in the last eight
17 years at the Department of Education is the right
18 policy, is a sensible policy, and is certainly
19 policy that should be changed. Thank you, Mr.
20 Chairman.

21 CHAIRPERSON JACKSON: Thank you,
22 Council Member Fidler. We've also been joined by
23 our colleagues, Debbie Rose of Staten Island,
24 Steve Levin of Brooklyn, David Greenfield of
25 Brooklyn, and Eric Ulrich of Queens. And now I'd

1
2 like to turn it over to Department of Education.
3 Ask please, if you don't mind, introducing
4 yourselves and your position with the Department
5 of Education. And then whoever's going to be the
6 lead person, then please go right ahead.

7 JENNIFER BELL-ELLWANGER: Good
8 afternoon, Jennifer Bell-Ellwanger, Executive
9 Director, Research and Policy Support Group at the
10 DOE.

11 CHAIRPERSON JACKSON: Welcome.

12 JOSH THOMASES: Josh Thomases,
13 Deputy Chief Academic Officer at the Department of
14 Education.

15 CHAIRPERSON JACKSON: Welcome.

16 MARK STERNBERG: Mark Sternberg,
17 Deputy Chancellor for Portfolio Planning, thank
18 you for having us.

19 CHAIRPERSON JACKSON: Welcome.

20 MARK STERNBERG: So, Chairman
21 Jackson, Members of the Education Committee, thank
22 you for having us this afternoon. Again, my name
23 is Mark Sternberg, I am the Deputy Chancellor for
24 Portfolio Planning at the New York City Department
25 of Education. I want to thank you for inviting us

1 here today to talk about our work to build a
2 system of grade schools across our City,
3 specifically the critical issue of how we phase
4 out schools and continue to serve students in
5 those schools, as they progress towards
6 graduation. As you just heard, joining me today
7 are my colleagues Josh Thomases, Chief, Deputy
8 Chief Academic Officer, and Jennifer Bell-
9 Ellwanger, Executive Director of Research and
10 Policy for the Department. Jennifer will respond
11 specifically to the two bills that you described,
12 Mr. Chairman. So I'd like to start by briefly
13 reflecting for the Committee on my experience as
14 an educator here in New York City. Because over
15 my 15 years as an educator or teacher, and then a
16 principal, I've seen firsthand how the work we are
17 here to discuss today is getting the job done for
18 students and helping students across New York City
19 beat the odds. In 1995, I began my career in
20 public education as a fourth grade teacher at
21 Community School 66, in The Bronx. Like many
22 early career teachers, I had my share of
23 frustrations. But what bothered me most, more
24 than anything, is that no matter how hard I pushed
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2 my students, and no matter how much progress they
3 made under my watch, and under the watch of the
4 other teachers at Community School 66, I could not
5 help but think that my students, the students of
6 Community School 66 in The Bronx, were doomed to
7 failure. The reason is simple: my students were
8 all zoned to Morris High School. Where at the
9 time, only one-third of students graduated. There
10 was, at the time, no high school choice process
11 for students who wanted a better option, and there
12 was no coordinated effort by the Department to
13 aggressively intervene when schools were failing.
14 And let's be clear, Morris High School was
15 failing. Before my students stepped foot in high
16 school, they were four times more likely to drop
17 out of high school than they were to graduate with
18 a high school diploma. Their chances of earning a
19 college degree were nearly nonexistent. Later I
20 had the opportunity to found and lead my own new
21 school, new small school, The Bronx Lab School.
22 Bronx Lab was sited on the Evander Childs campus
23 in Central Bronx. As Evander Childs High School
24 phased out, Bronx Lab phased in. Prior to my
25 tenure on the Evander Childs campus, the school,

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2 like Morris High School before it, was not getting
3 the job done for our students. In 2002, it had a
4 graduation rate of 31 percent. With only 4.5
5 percent of graduating students earning Regents'
6 diplomas. In contrast, in 2009, the six small
7 schools on the Evander campus had an average
8 graduation rate of 80.3 percent, with 62.4 percent
9 of graduates earning Regents' diplomas. And I
10 would invite the panel to refer to slide three in
11 the deck that we've presented today, for an
12 overview of the, the change in graduation rates
13 that phase out high school campuses across the
14 last decade, both Evander and Morris are listed
15 there. My experience, my experiences at CS 66 and
16 Bronx Lab, and the many conversations I've had
17 with New York City parents, teachers, principals,
18 school leaders and families, inform my mission as
19 Deputy Chancellor, and the mission of my team,
20 Division of Portfolio Planning. We seek to expand
21 New York City's diverse portfolio of schools; we
22 seek to create a system of great schools that
23 provides the best possible options and
24 opportunities for our students. One strategy that
25 we use to accomplish this goal is to make

1 structural changes to schools that are not doing
2 the job for kids. This includes phasing out
3 schools that are not getting the job done, in
4 order to replace them with new school options that
5 support student achievement and student success.
6 Choosing to phase out a failing school, I can
7 assure you is one of the hardest decisions that
8 the Department makes. And it is one that we do
9 not take lightly. But in cases where a school has
10 not been able to turn around, after the Department
11 has invested additional support, that decision,
12 phasing a school out, is the right decision.

13 Having, having executed this strategy myself, I
14 can tell you it works, it works for our students,
15 it works for our families, it works for our
16 education professionals across the school system.
17 It is also an approach that has been validated by
18 independent researchers from across the country,
19 most recently in a study published by MDRC. In
20 their June 2010 report, MDRC concluded the
21 following, I quote: "It is possible, in a
22 relatively short span of time, to replace a large
23 number of underperforming public high schools in a
24 poor urban community, and in the process achieve
25

1
2 significant gains in student academic achievement
3 and attainment." And those gains are seen among a
4 large and diverse group of students, including
5 students who entered the ninth grade far below
6 grade level, male students of color, for whom such
7 gains have been stubbornly elusive. Evander and
8 other campuses had gone through many attempts to
9 turn around, with the dedicated support of the
10 Department. They had received SINI funds, that is
11 Schools in Need of Improvement funds from the
12 state, and SIR dollars. They had added new
13 curricula, changed principals, and received
14 targeted professional development, focused on
15 developing school leadership, instructional
16 practice, teaching skills, and support for
17 struggling students. But even with all of this
18 support, nothing changed. Year after year, young
19 people were arriving to learn, but few were
20 learning. People called these schools the dropout
21 factories of our City. And even went so far as to
22 describe them as war zones. In 2002, with the
23 Mayor's leadership, the Department determined to
24 do something different, to do something different
25 with the dropout factories. We were convinced

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2 that a different construct, a new school, with a
3 smaller group of adults, and a smaller group of
4 students, focused on the success of that
5 community, that by implementing a strategy like
6 this, we could get very different outcomes. Over
7 the past eight years, as the Chairman mentioned in
8 his opening remarks, the Department has phased out
9 91 struggling schools. Which is approximately
10 five percent of all of New York City public
11 schools. We were ahead of the curve, in complying
12 with President Obama's call to close or turn
13 around the lowest five percent of schools
14 nationwide. And in place of these low performing
15 schools, we have opened 476 new schools, 476, 365
16 of which are new district schools, and 111 new
17 charter schools. In many cases, we've opened
18 several small schools on the same campus of one
19 large school, as was the case at Evander. These
20 schools are getting results with the same profile
21 of students who attended the failing school, and I
22 want to underscore this point. When you compare
23 the student demographics of the schools we phased
24 out, to the small schools we've created in their
25 place--and I would encourage the Committee again

1
2 to refer to slide two in the deck that we've
3 distributed--when you make that comparison, you
4 will find these demographics are very similar in
5 terms of percentages of African-American and
6 Latino students, English language learners, and
7 students with disabilities. Proposing to phase
8 out a failing school is about what's, about doing
9 what's best for students. And we take that
10 responsibility seriously. The process of
11 investigating a school for phase out is triggered
12 by quantitative data that the Department gathers
13 fastidiously, identified either in our progress
14 report, the quality review, or through the State's
15 persistently low achieving designation. These are
16 schools that have consistent, consistently failed
17 our students. They have low graduation rates and
18 low achievement rates. Our investigation process
19 this year has directed us to a set of schools for
20 which we undertake a comprehensive review of the
21 school's data, trends and learning environment to
22 determine whether the school has the potential to
23 turn around quickly. This involves looking at
24 improvement strategies already underway, demand
25 and enrollment trends, school culture, and teacher

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2 and leader effectiveness. In addition to our
3 internal review, this year we have started a round
4 of engagement with school communities, with
5 leadership, parents and community leaders, to hear
6 the opinions on why the school is performing the
7 way it is performing, why it is struggling. And
8 what can be done to address its weaknesses. This
9 year, we held meetings at 55 schools citywide,
10 that triggered this investigation, and
11 incorporated feedback from these meetings into our
12 investigation process. In the majority of cases,
13 we hope that the school can turn around. And so
14 we implement a reform strategy, we change
15 principal, we change, we might change the
16 principal, we might change the staff, we might
17 invest in new programs, or mentor teachers. We
18 might sometimes reconfigure grades to help the
19 school change its trajectory. But in some cases,
20 a school does not have the ability to improve
21 quickly. And a decision is made, as it must be,
22 to propose to gradually phase out the school, and
23 give future students a better opportunity. Phase
24 out schools continue to support students as they
25 work towards meeting promotional and graduation

1 requirements. First time ninth graders, as my
2 colleague Josh Thomases will describe in his
3 testimony are eligible to apply to other schools
4 for grade ten, though the high school, through the
5 high school admissions process. In a small number
6 of cases, ninth, tenth and eleventh grade students
7 are eligible to transfer to other schools, in
8 accordance with Chancellor's Regulation A101,
9 which enables transfer for reasons of safety,
10 medical and travel hardship, for example. If the
11 school is designated a school in need of
12 improvement, that is state SINI status, all
13 students are eligible to apply for transfer
14 through No Child Left Behind Public School Choice
15 Process. Transfer schools and YABC programs are
16 also available as an option for families. But let
17 me be clear, for students who stay in a school as
18 it phases out, and progress to graduation, we
19 institute additional supports to ensure they
20 achieve their full potential. And again, my
21 colleague Josh Thomases will further explain these
22 supports in a moment. Let me again underscore
23 that the decision to phase out a school is not one
24 that we arrive at easily. We phase out schools
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2 only when we have evidence indicating the school
3 lacks the capacity to turn around quickly. Only
4 when we can be sure that the structure in place at
5 the school has failed. It is not to say that
6 there aren't positive things happening in these
7 schools, or that teachers have not built strong
8 relationships with their students. We know that
9 teachers and administrators have worked hard to
10 improve the school, but sometimes in a system with
11 1,600 schools, a school is not able to do what it
12 needs to provide the rigorous academic experience
13 that its students and families deserve. That is
14 no one's individual fault, not the teachers and
15 certainly not the students. They are subject, in
16 our opinion, to a construct that has failed. And
17 we at the Department are responsible for changing
18 that. We make these difficult decisions because
19 students deserve schools that give them a fair
20 shot of learning everything they need to know, to
21 be successful and productive citizens. So now
22 that I've outlined the steps that we take in
23 making a decision to phase out a school, I'd like
24 to turn it over to my colleague Josh Thomases,
25 who's going to take, talk about the types of

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2 supports we provide to students who continue on,
3 and graduate from a school that is phasing out.

4 Thank you, Mr. Chairman.

5 JOSH THOMASES: Good afternoon,
6 Members of the Council and assembled ladies and
7 gentlemen. It is good to be with you again. I am
8 again Josh Thomases. By way of quick history, I
9 spent the first decade of my career as a founding
10 teacher leader at one of the original strongest
11 small schools, El Puente Academy for Peace and
12 Justice, in Brooklyn, New York. Since I came to
13 the Department, essentially in 2004, my primary
14 work has been around leading and developing the
15 hundreds of new small schools that Mark mentioned
16 earlier. Predominately, I work predominately with
17 the District new schools, though I was in the same
18 office that did the charter schools, as well. I
19 helped lead the Small Learning Community
20 Initiative that's focused on working with larger
21 high schools and organizing them for more effect--
22 more success, and we have several of them that
23 have done tremendous work, and the data is
24 exciting in the last several years. And now in my
25 current role as Deputy Chief Academic Officer, I

1
2 have the responsibility to help shape and guide
3 the instructional work at schools across the City.
4 I do want to thank you for calling this hearing to
5 discuss our efforts around schools that for too
6 long have failed our students. Like Deputy
7 Chancellor Sternberg, I also draw heavily from my
8 own teaching experiences. While at El Puente, it
9 might surprise you to learn that I once stood with
10 500 parents in opposition to this Administration's
11 decision to phase out Bushwick High School. El
12 Puente was a community based organization that
13 worked in Williamsburg and Bushwick, and still is.
14 What I didn't understand then, but have come to
15 understand now, is that while difficult and
16 painful, the decision to phase out that school
17 would eventually transform the lives of students
18 on that campus, and reinstitute Bushwick High
19 School as a pillar in that community. As slide
20 three shows, we've done that across the City, and
21 in 2002, Bushwick's graduation rate was 23
22 percent. In 2009, the combined graduation rate of
23 the schools on that campus was over 60 percent.
24 Another critical moment for me in the dialogue was
25 four years ago at a community hearing about the

1
2 proposed phase out of a local high school. A
3 group of teachers from the school came to voice
4 their disagreement with the decision. One by one,
5 they said that their school had too many
6 struggling students, and that the task was well-
7 nigh impossible. I will tell you today what I
8 said to them that evening, that they were right.
9 That the structure of the school had set up both
10 the students and the adults for failure. We
11 needed to find a better way to serve our students,
12 and we have. Deputy Chancellor already shared
13 with you the outcomes of our new schools and its
14 impact on the citywide graduation rate, which has
15 moved from 50 percent for decades upon decades, to
16 the mid-60s, essentially from half to two-thirds.
17 But this Committee is rightly interested in the
18 students that remain in the schools that are being
19 phased out, and the rest of my testimony will
20 focus there. The Department, along with our
21 dedicated principals, teachers and network support
22 staff, remain steadfastly committed to helping
23 phasing out schools during their final years of
24 operation. And ensuring intensive support for the
25 students enrolled in those schools. In fact, our

1
2 experience shows that outcomes for students in
3 phase-out schools tend to get better as those
4 students move towards closure. One reason for
5 this is that the school shrinks in size, one grade
6 level per year, allowing the remaining students to
7 receive more personalized attention from teachers
8 and school administrators. While specific
9 supports for schools that are phasing out will
10 look different depending on the needs of students
11 and faculty, there are some commonalities that I
12 want to review now. First, our superintendents
13 and Children First Network support teams work
14 closely with the leadership in school staff to
15 evaluate student achievement data and attendance
16 reports. Each year of the school's phase out is
17 planned by identifying targeted interventions for
18 the student population, including clear and
19 differentiated plans for students that are on
20 track to graduate, as those that are fall--that
21 are falling behind. Specific focus is given to
22 our highest need students, including those with
23 disabilities and English language learners.
24 Support networks help staff and administrators
25 develop collaborative inquiry teams of teachers,

1
2 to examine specific students' work and
3 performance, and allow teachers to review the
4 areas where students are struggling, and develop
5 curricula and student assignments to address those
6 challenges. Our budget and instructional network
7 staff work with schools to help them manage their
8 school budget and better leverage their resources.
9 This is an important point, and so I want to, I
10 want to spend a moment on it. While obviously the
11 overall budget strengths, as the student, number
12 of students in the school shrinks, as well, the
13 per capita allocation actually increases because
14 many reimbursable funding sources, such as Title
15 I, are based on prior year register. So for
16 example, in the 2009/10 school year, Bayard
17 Rustin, which is one of the schools that's phasing
18 out, enrolled 958 students. And so had a per
19 capita budget of roughly \$8,000. This year,
20 Rustin began with 475 students, and had a per
21 capita budget of approximately \$12,500. Now
22 obviously if you speak to the folks in the
23 schools, they'll still say, "Our budget is
24 shrinking," because it is in absolute numbers.
25 But the, but the ability to have that level of per

1
2 capita resource does allow for focused support for
3 the students that remain. Phase out schools, as
4 with all schools, receive targeted attendance
5 support, both from the network team and from
6 attendance teachers assigned to the school.

7 Attendance teachers monitor students with
8 excessive absences, and when necessary, conduct
9 home visits for students with long term absences.

10 At all grade levels, guidance counselors and
11 teachers work with families to review each
12 student's academic progress regularly, multiple
13 times during a year. They look for trouble spots
14 and determine what additional support is needed,
15 ranging from tutoring to Regents preparation
16 course, or post-graduation counseling and
17 guidance. As schools approach the final year
18 phase out, students who need more time to graduate
19 are matched to other schools or program that meet
20 their needs. These options include the new
21 schools phasing into the building, or for over age
22 and under credit high school students, alternative
23 programs such as the transfer schools we've
24 opened, the young adult borough centers that we've
25 opened, and the, our newly focused and energized

1
2 GED programs. Let me be clear: change at
3 chronically failing schools is not easy. If it
4 were, our Administration and the ones before it,
5 would have succeeded at turning around these
6 schools years ago. However, our students are
7 making notable progress at our phase-out schools
8 as well as elsewhere. In 2005, the New York Times
9 wrote an article on the final graduation class at
10 Morris High School that Mark mentioned earlier.
11 When Morris was first targeted for phase-out in
12 2002, the four year graduation rate was 31
13 percent. By 2004, it had climbed to 56.4 percent.
14 According to the Times, and I quote, "As Morris
15 downsized, becoming a de fact small school,
16 students said they received more attention. If
17 they were absent, officials would call home. If
18 they needed help, teachers would provide it." And
19 Morris is not an anomaly. And if you look on the
20 fourth page of your data, you'll see the, the data
21 that we've pulled together for today. This data
22 represents the 21 high schools that have completed
23 phase-out. They had an average graduation rate of
24 37 percent the year before the decision of phase-
25 out was made; two years into the phase-out, the

1
2 rate had moved to 43 percent; and in the final
3 year, the average graduation rate rose to 56
4 percent. Often, teachers and principals and
5 leaders rally around to create a legacy for the
6 phasing out school. At PS 79 in The Bronx, a new
7 principal is leading the school's staff through
8 its final years of phase-out. Principal Donald
9 has worked with the staff to bring their passion
10 for teaching to the students in new ways.

11 Teachers have worked to better connect students to
12 the social studies curriculum, through experience
13 with the New York City theater, including the 92nd
14 Street Y and the Alvin Ailey Dance Company. And
15 PS 79 is getting results, closing their
16 achievement gap in mathematics by half in just one
17 year. Morris and PS 79 are just some of the good
18 stories from the 91 schools that have phased out.
19 But I will be honest, there are others situations
20 that are much more difficult. And it is true that
21 too many of our students still do not graduate, as
22 the data also shows. I remember speaking with the
23 late Evan Ahern, former Principal of Franklin K.
24 Lane High School, who has since been phase out.
25 If you knew him, you would know that Principal

1
2 Ahern was one of the best principals this City has
3 ever seen. He was brilliant, dynamic, and a
4 committee leader, who threw his heart and soul
5 into Lane. And while the school made great
6 strides under his leadership, and you ask anybody
7 from that community--parents, teachers, community
8 folks, students--they will tell you that.

9 Principal Ahern struggled with the reality that
10 despite those Herculean efforts, things were not
11 turning around fast enough. And when the final
12 opportunities I had to speak to him, he talked
13 about what he was struggling with, that it wasn't
14 moving fast enough, not for him, but most
15 importantly not for the students. I share this
16 simply to say that even with the very best
17 principals and teachers, turning around
18 persistently and longstanding struggling schools
19 is extraordinarily hard work. And all too often
20 seems like a battle against the odds. That said,
21 I want to be very, very clear. The Department of
22 Education is fully committed to providing all the
23 resources and support available, to help ensure
24 that every child in every school, including our
25 phase-out schools, is able to graduate college and

1
2 career ready. I look forward to your questions,
3 but before we do that, I would like to turn over
4 to my colleague, Jennifer Bell-Ellwanger to
5 discuss the two bills the Committee is considering
6 today.

7 JENNIFER BELL-ELLWANGER: Good
8 afternoon, Chair Jackson and Members of the
9 Education Committee. My name is Jennifer Bell-
10 Ellwanger and I am the Executive Director of the
11 Research and Policy Support Group, in the
12 Department's Division of Performance and
13 Accountability. Thank you for the opportunity to
14 discuss Intro No. 354 and Intro No. 364. As my
15 colleagues previously stated, under this
16 Administration, our four year graduation rate has
17 steadily increased, reaching an all-time high of
18 63 percent in 2009. Over that same period, the
19 dropout rate has decreased by 10.2 percentage
20 points, from 22 percent in 2005 to 11.8 percent in
21 2009. The discharge rate for the four year
22 cohorts has also, had also remained steady,
23 between 19 and 20 percent. While we have made
24 significant progress in student achievement, we at
25 the Department of course recognize that there is

1
2 much more work to be done. As Council Chair
3 Jackson briefly described earlier, by way of
4 background discharges are students who leave the
5 New York City school system primarily to enroll in
6 another educational program or setting. For
7 example, a discharge occurs when a family moves
8 out of the City, and enrolls in a new school
9 system, or when a family decides to enroll their
10 child at a private or parochial school. Students
11 who leave the country, or pass away before
12 completing high school, are also considered
13 discharges. These students are excluded from our
14 graduation reporting. However, in other
15 instances, a student may leave the school system
16 for full time employment, military service, or
17 decide to stop attending school entirely. For
18 purposes of reporting, these students are
19 considered dropouts, and are included in our
20 graduation outcomes. There are also situations
21 when a student switches or transfers from one
22 Department of Education school to another. These
23 students are considered transfers, not discharges,
24 and should not be, and again should not be
25 confused with discharges. Transfers can occur at

1
2 all grade levels, and again vary based on
3 circumstance. Chancellor's Regulation A240
4 outlines the legally acceptable reasons for which
5 a student can transfer from a school's register.
6 The Department's Transfer, Discharge and
7 Graduation, TDG guidelines, define and assign a
8 code to each type of transfer, discharge and
9 graduation category. It also contains the
10 corresponding rules and procedures that must be
11 followed in each scenario. Principals are
12 provided with the updated version of the TDG
13 guidelines each year. Discharges are reviewed
14 carefully and always require appropriate
15 verification. For example, for a discharge to a
16 school outside of the City, proof of enrollment in
17 the new school is necessary. All discharges must
18 be approved by the school's principal or assistant
19 principal. There is additional oversight in
20 instances when a student voluntarily withdraws,
21 stops attending school, cannot be located--we call
22 that address unknown--or enters an institution,
23 among others. In these cases, documentation
24 resulting from an investigation or the planning
25 interview process, is submitted to the network or

1 cluster leaders for review before these discharges
2 can be effectuated. The planning interview is a
3 standard process that must be followed before
4 discharging a student who has not earned a high
5 school diploma, and has completed the school year
6 in which he or she turned 17. It includes
7 reviewing the student's academic record,
8 graduation requirement, past intervention and
9 support services, and potential options. When
10 appropriate, guidance and support staff explore
11 alternative pathways to graduation. This process
12 has also been strengthened to, to help schools
13 explore ways to reengage a student at their
14 current school, and prevent a student from leaving
15 altogether. Prior to a discharge of an eligible
16 student over the age of 17, for nonattendance, the
17 school sends the parent a letter with the time of
18 a scheduled meeting for a planning interview, and
19 a contact name and number to reschedule if they
20 aren't able to make that conference. If there is
21 no response to this letter, an investigation
22 confirms the address is correct, and a second
23 letter is then sent, which includes information
24 about the student's status. This letter informs
25

1 the student and family of the pending discharge.
2
3 When directed by the school administrator, an
4 attendance teacher may conduct a planning
5 interview as part of a home visit. With regard to
6 Intros No. 354 and 364, the Department appreciates
7 the sponsors' underlying intent to ensure that all
8 of our students leave school with successful
9 outcomes, both to be college and/or career ready,
10 and that the Council and the general public are
11 provided additional information about student
12 discharges. Indeed, we currently provide much of
13 this data already on the Department's website and
14 updated annually. This data includes citywide and
15 school level reports on graduation, discharge and
16 dropout rates. For graduation rates, data is also
17 disaggregated by race, ethnicity, sex, special
18 education and English language learner status, and
19 published on the DOE's website. In addition,
20 daily attendance data is posted on our website,
21 and individual school statistics are easily
22 accessible on school progress reports and school
23 report cards. At the same time, though, we are
24 obligated by local, state and federal law, to
25 maintain students' and families' privacy with

1
2 respect to their educational records, which cannot
3 be released without written consent. The Family
4 Educational Records and Privacy Act, or FERPA,
5 requires the DOE to ensure that records containing
6 student identifying information are not disclosed.
7 Data can be considered student identifying
8 information, even if student names or
9 identification numbers are not disclosed. Under
10 the new FERPA regulations, which were revised
11 recently in December 2008, providing demographic
12 data that could allow any member of the school
13 community to identify a student, is akin to
14 identifying that student and is prohibited. Intro
15 354, which requires quarterly reporting on school
16 level student discharges disaggregated by grade,
17 age, race, special education and English language
18 learner status, would yield very small numbers in
19 many, many of the categories which under FERPA
20 would be required to be redacted. Similarly,
21 Intro 364 would require reporting on an
22 individual, student-by-student basis, including
23 the school a student transfers to, student
24 attendance records, and student grade point
25 average. This level of information cannot be

1
2 reported under FERPA. As currently drafted, the
3 Department would be unable to legally comply with
4 several provisions of both bills. And much of the
5 data requested would need to be redacting,
6 resulting in reports that could not provide the
7 Council with the information that they would want
8 to review and use. That said, we welcome the
9 opportunity to work with the Council on other ways
10 to meet the goals and intent of the proposed
11 legislation, but also while remaining and
12 protecting the personal rights of our students.
13 Thank you again for the opportunity to testify,
14 and I think with that we will now be able to take
15 questions.

16 CHAIRPERSON JACKSON: Well, let me
17 thank the three of your for coming in and, and
18 giving your testimony regarding this extremely
19 important issue. And obviously, my colleagues and
20 myself have a lot of questions, and so first,
21 before I turn to our colleague, Letitia James of
22 Brooklyn, and then Fernando Cabrera of The Bronx,
23 we've been joined by several other colleagues:
24 Eric Ulrich from Queens, Karen Koslowitz of
25 Queens, Jessica Lappin of Manhattan, and Larry

1
2 Seabrook of The Bronx. And Steve Levin of, of
3 Brooklyn, I may have mentioned you earlier. But
4 let me turn to our colleague, Letitia James, for
5 questions that she may have on any all of the
6 testimony that the three of you have given.
7 Council Member James.

8 COUNCIL MEMBER JAMES: Thank you,
9 Council Member Jackson. And let me just start by
10 saying that I have Mark, worked with Mark and Josh
11 in the past. It's nice to meet all of you, the
12 two additional individuals. And I hope that you
13 would accept the criticism that I'm about to
14 provide you in the spirit in which it was, is
15 given. And I would hope that we would leave this
16 hearing today in the spirit of cooperation and
17 possibly reconsideration with respect to the
18 closing of a school in my district, and other
19 plans for my district. The Department of
20 Education's plan to replace 26 schools this year
21 with mainly charter schools proves that no
22 neighborhood is safe from the unilateral decisions
23 from the Administration. I believe that shutting
24 and opening schools is a failed reform policy, and
25 it's evidenced by the fact that eight schools at

1
2 the Department of Education has opened under the
3 leadership of Chancellor Klein, have now all
4 closed. Let me just say that again. Opening and
5 closing schools to me does not represent a reform
6 policy, and it's evidenced by the fact that eight
7 schools that were opened under the leadership of
8 former Chancellor Klein have not closed within the
9 past five years. And I again think it goes
10 against the grain of reform in the City of New
11 York, and is not in the best interests of students
12 in the City of New York. I specifically want to
13 draw your attention, obviously, to a district in
14 my school, of the 26 schools for closure due to
15 poor performance: PS 9 and middle school 571, is
16 one building which 571 is slated to close. In
17 addition, there have been, there is a proposal for
18 PS 316 and M 333, both "A" schools on your
19 progress report, are being threatened. And last
20 but not least, PS 11, which is a model school in
21 the district, seems also to be a target of the
22 Department of Education, as a possible place for
23 colocation of the charter school, based on a
24 flawed system, and a flawed green book. So, let
25 me just go to, let me just address my comments

1
2 today with respect to 571, since that appears to
3 be imminent. 571 achieved a high equality
4 education at some point in time. In 2007/2008,
5 the school had a 31 percent proficient rating in
6 ELA; in 2008/2009, it had a 32 percent proficient
7 rating in ELA; in 2007/2008, it had a 49 percent
8 proficient rating in math; in 2008/2009, the
9 school had a 55 percent proficient rating in math. Both
10 years show growth in the performance data. In
11 2009 and 2010, the school's ELA performance data
12 was eight percent and 14 percent in math, clearly
13 indefensible, and I'm not here to defend failing
14 schools. And this is not an argument against
15 charter schools since I have worked very closely
16 with, with Community Roots, as well as Achievement
17 First, and have welcomed them into the districts.
18 And have worked with Arts and Letters, recently.
19 But on 571, where a significant number of the
20 children are special education children, a
21 significant ELL population, you have not provided
22 them with any resources. Academic intervention
23 did not exist on the necessary scale to support
24 the needs of these struggling learners. In
25 addition, professional development was just a

1
2 afterthought. They were offered, but the op--but
3 these opportunities never materialized. Last but
4 not least, it seems that District 13 has become a
5 district of choice, and as a result of the lawsuit
6 where some schools were slated to close, and then
7 the lawsuit prevented you from closing, those
8 schools are now being relocated in my district.
9 For instance, the Academy for Health and Careers
10 was supposed to be placed in Maxwell. Maxwell,
11 lawsuit, and that's now opened, and now you put
12 Academy for Health and Careers in a District 13
13 building. In addition to that, the school that
14 you now want to put in 571, Brooklyn East
15 Collegiate, was placed in 17. And now, since that
16 was only a temporary space, they will now be
17 housed in 571, despite the fact that in the
18 charter, it's supposed to serve students from
19 another district, not mine, 13. And last but not
20 least, 571 received a D on its progress report,
21 but it was rated proficient on the quality review.
22 The State said it was moving in the right
23 direction, and your own criteria did not, you
24 indicated it did not meet the standard to re--to
25 receive more intensive support or intervention.

1
2 And last but not least, the only financial support
3 that that school received was funds from my office
4 and from Marty Markowitz. My question to you know
5 is what have you done for 571? It appears that
6 you have set it up for failure, and now you, you
7 want to again go forward with this failed policy
8 of reform by putting in a charter school from
9 another district, which was not originally
10 intended to serve my district, and has been only
11 set up for one year, which you say is a great
12 school. What have you done for my children
13 lately, if anything?

14 MARK STERNBERG: Mr. Chairman, I'd
15 like to start our response, I'd also like to
16 introduce Paymon Rahanafar [phonetic], who's the
17 Executive Director of our Team of Planners in the
18 Division of Portfolio Planning. He'll help
19 address some of the specific questions that the
20 Councilwoman has about PS 571. And I, I want to,
21 I want to go back to the beginning of your
22 comments, Councilwoman. We will certainly leave
23 this meeting understanding your point of view
24 here, obviously. But we'll look forward to
25 working with you on this and other, other matters

1
2 that affect your district, as we have for many,
3 many years, and many months.

4 COUNCIL MEMBER JAMES: Mark, you
5 have no other choice right now, because Mark, I'm
6 going to be really rabid about 571. And you know
7 how I am. And you know when I feel strongly about
8 a condition and a situation, you know what I can
9 bring to bear. Let me just tell you that we spoke
10 last night on the phone, briefly, and you said you
11 wanted to talk facts. At the time, I was on my
12 way to a snow hearing, and could not discuss
13 facts. Today, I bring to you facts. Respond to
14 the facts.

15 MARK STERNBERG: So let me, let me,
16 if I may, respond to some of the ... assertions
17 you made about our, our policy. And I'll refer
18 back to my testimony, and back to the testimony
19 that my colleague Josh Thomases made. It is--we
20 obviously will, will talk about the facts at 571,
21 and, and look forward to exploring those here, and
22 offline, as much as you'd like. You, you describe
23 as a failed strategy the work that the Department
24 has done to phase schools out, and I would just
25 point to the gains across the City in graduation

1
2 rates over the last eight years; the gains at
3 specific campuses, the campus I taught at, was the
4 Principal at, Evander, where the graduation rate
5 went from 30 percent to 80 percent; the gains
6 citywide from roughly, as Josh put it, half to
7 two-thirds. These are real gains, and these are
8 materials gains that have been good for the entire
9 City. I also want to address a small point, and
10 then I'll ask Paymon to, to answer some of the
11 specific 571 questions. It is true that I believe
12 it is seven of the schools proposed for phase out
13 this year were started during this Administration,
14 seven of the 25. That is seven of the 450 plus
15 schools that this Administration has started. And
16 let me be clear about that. When a school, a new
17 school, a charter school, an existing legacy
18 school, is not serving our kids, and when we feel
19 that the supports we have given to that school are
20 not getting the job done, and helping the school
21 get the job done for our students, we are going to
22 consider every intervention possible. And it
23 would be irresponsible of us to not consider new
24 schools along with other schools, in thinking
25 about how we implement the phase out strategy.

1
2 COUNCIL MEMBER JAMES: And, and I
3 understand that, because I know on your website,
4 and in all your, all of your materials, you talked
5 about an intensive strategy. And so my question
6 is, why, why did we not offer those intensive
7 strategies to 571? I.e., staff replacement? What
8 I have been arguing for and what I argued last
9 night: leadership change, mentor teachers, new
10 programs to attract additional families, grade
11 reconfigurations, additional support, financial
12 support. Why was that not offered to 571? Why
13 are you only looking at 571 based on the last ten
14 months?

15 CHAIRPERSON JACKSON: So, Council
16 Member--

17 COUNCIL MEMBER JAMES: And last but
18 not least, why did you not bring in the school
19 community, the larger community? And last but not
20 least, the elected officials. Why was I only, why
21 did you only bring me in after you provided my
22 office a notice that 571 was slated to close in
23 December--excuse me, December 20th, to be exact,
24 2010, a Christmas present.

25 CHAIRPERSON JACKSON: Before you

1
2 respond, and I think that the Council Member, in
3 her briefing to you about the details of a school,
4 she was very specific, and she wanted some very
5 specific answers. So, Deputy Chancellor, your
6 response was more general, and so if you can move
7 from the general, to specific responses, if you
8 have; if you don't have, just "I don't have them,"
9 and then there's, needs to be follow up. Because
10 I just don't want to go back and forth with
11 general stats. But she addressed specifically,
12 and I do have to move on to other colleagues, so
13 if you can try to answer specifically her
14 questions, and then obviously there needs to be
15 more dialogue between the administration and her
16 office. Okay? Thank you.

17 COUNCIL MEMBER JAMES: [off mic]
18 Thank you, Mr. Chair.

19 MARK STERNBERG: Thank you, Mr.
20 Chair. And Council Member James, just to answer
21 some of your concerns, and they're very well
22 noted. So, you know, specifically about the
23 timing, you know, one of the things we set out to
24 do this year is to get notice out to the schools
25 far earlier than we did in the years past. So I'd

1
2 be happy to share with you any documentation to
3 show that we did have conversations with that
4 school community, you know, well in advance of
5 actually posting an educational impact statement.

6 COUNCIL MEMBER JAMES: I know the
7 day that you went to the school, I know the exact
8 date that you went to the school. I know who you
9 spoke to. I know some of the information and I
10 know the specific names that you spoke to. Some
11 of the information that you received at these
12 meetings you used against them. Specifically, on
13 individual, Mr. Lopez, who told you about
14 incidents outside the school relating to violence.
15 You used that against the school, you used that as
16 a basis to close the school, and that was not his
17 intent. He was at the meeting, he recorded it,
18 and brought it to my office.

19 MARK STERNBERG: So the intention
20 of the meetings were, for us, just to hear out the
21 community and to better understand, and to inform
22 the parents of what this process could look like.
23 Now, to address your concerns about support to 571
24 specifically, I do think--and just by hearing the
25 nature of this conversation [time bell] you know,

1
2 over the last few months, I do think there's an
3 honest disagreement about what we believe to be
4 support to the schools, and what you all perceive
5 to be a lack of support to the schools. You know,
6 part of this argument has to do with the fact that
7 there's a tension here between autonomy of
8 principals and accountability of schools. We ask
9 our principals, we give them the autonomy to
10 choose networks, to support them, on a day-in and
11 day-out basis. Those supports are noted in the
12 educational impact statement, and we then have to
13 hold them accountable to the decisions they've
14 made to implement those supports and to work
15 closely with their networks. So, the educational
16 impact statement--

17 COUNCIL MEMBER JAMES: I don't know
18 what that means. I mean, I don't know what that
19 means, I really don't know what that means.

20 MARK STERNBERG: So--

21 COUNCIL MEMBER JAMES: You have to
22 break it down. And I don't know whether or not we
23 can do this.

24 MARK STERNBERG: Specifically, the
25 educational impact statement notes that we've

1
2 worked with the principal to implement and
3 encourage change.

4 COUNCIL MEMBER JAMES: There have
5 been three principals, sir. And at one point in
6 time there was no principal. One principal died
7 of cancer; one other principal retired; another
8 principal moved on. I know each of these
9 principals, I knew one who was a personal friend,
10 who passed away. You had, there was many of the
11 staff has not been replaced. DOE has failed to
12 retain quality staff. The SETTS position did not
13 exist for several months due to the departure of
14 the teacher. The position of Dean was vacant for
15 several months. The eighth grade ELA teacher
16 departed and was not replaced for several months.
17 The seventh grade math teacher left and was not
18 replaced in a timely fashion. And the list goes
19 on and on and on. Mark, you asked for facts last
20 night, I am someone who believes in getting facts.
21 I don't have time to sit here and talk to you
22 about cozy, feeling good stuff. I'm specific in
23 my request. This is a damning report. And
24 information from our, from the school, both PS 9,
25 as well as 571, suggests that DOE failed these

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2 kids, failed this school, failed my community. I
3 don't want to further this discussion. We need to
4 have a discussion online, but it's totally
5 unacceptable from this Administration, to close
6 schools in the absence of any support. Thank you.

7 CHAIRPERSON JACKSON: The--to the
8 officials of the Department of Education,
9 obviously Council Member James has her information
10 and working with obviously, in my opinion, based
11 on the details with individuals that are in the
12 specific know regarding that particular school. I
13 would, I would respectfully ask that you address
14 all of the concerns that she has detailed. Not
15 now, but in, in writing, to all of this,
16 especially the last five or six points that she
17 raised as far as not replacing someone for eight
18 months, six months, three principals within the
19 past. You know, obviously when you have
20 leadership changes like that, it leaves a, a
21 school in a precarious situation, basically that
22 basically people don't care. And in fact, as you
23 know, even we talk about families. Any time
24 families are moving from one household to another
25 and they're moving around, it's detrimental to the

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2 health of the family. So I ask you to
3 specifically respond to her concerns, in writing,
4 so that the dialogue can take place. And maybe, I
5 don't know whether or not you're considering,
6 based on the dialogue that you have with her, to
7 change your opinion about that particular school.
8 Of if you, if you messed up and you didn't give
9 them the information that they needed, then don't
10 be ... too proud to say that we f--messed up.
11 [laughter] But, obviously, messing up is totally
12 unacceptable, especially when we're talking about
13 the lives of, of kids. So, if you could just make
14 a quick comment--

15 MARK STERNBERG: Yeah, I appreciate
16 it, I'll keep it very brief.

17 CHAIRPERSON JACKSON: --response
18 and I'm going to, I'm going to--Because we've gone
19 more than five minutes. But you know one thing?
20 This takes a long time, and members have very
21 specific information. And obviously she's
22 detailed that.

23 MARK STERNBERG: And, and she's,
24 she's looking after her constituents--

25 CHAIRPERSON JACKSON: Absolutely.

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2 MARK STERNBERG: --in ways that we
3 can all appreciate, and I certainly do.
4 Councilwoman, we, we will look forward to
5 continuing the conversation at your earliest
6 convenience, and to responding to the specific
7 information that you have about the school. Let
8 me, let me just note that, I think Paymon
9 mentioned it, in a way that we have not done
10 before, this, this year, the Department of
11 Education has engaged very significantly and
12 deeply with communities. Now, in this instance,
13 there's a teacher who feels that we've used the
14 information in ways that he would not like. But
15 we have had multiple meetings at the school, we
16 have done outreach in ways that we have not done
17 before. So that, in your words, we are in
18 compliance with the letter and the spirit of the
19 law. We have gone out this year to 55 schools
20 that merited, in our opinion, consideration for
21 phase out. 30 of those schools we will not phase
22 out. We think that we have done more this year to
23 reach out to communities, to listen to them, and I
24 can assure you that we have been moved
25 consistently by what we have heard. Moved in both

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2 directions, from families, students, teachers, in
3 these schools. So I'll leave it at that, and I'll
4 look forward to continuing the conversation with
5 the Councilwoman.

6 CHAIRPERSON JACKSON: With this
7 finally on Council Member James's details about
8 the school in her district, it clearly appears,
9 based on what she said, is that the engagement by
10 the Department of Education, with the elected
11 officials, was like the last thing that y'all
12 wanted to do. And I would, I would suggest that
13 you engage the elected officials early in the
14 process, at the beginning phase, because they are
15 the ones, they are the ones that are elected by
16 the constituents of that area, to best represent
17 their needs, and obviously has staff, their
18 individual staff and City Council staff, to assist
19 them in helping to clearly detail what the issues
20 and concerns are in the community.

21 MARK STERNBERG: I, when we talk,
22 Councilwoman James, we'll share with you every
23 touch point we have had with 571, and with the
24 offices of elected officials in that community, to
25 share with you that we made extensive efforts to

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2 collect that feedback.

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COUNCIL MEMBER JAMES: Let me just

say, I'm not here to defend, obviously no one can

defend eight and 14 percent perform--the

proficiency rate on ELA and ELL and on math. I

have asked for some changes in the leadership and

the administration. I know that most of the

children that attend that school are out of zone.

PS 9 is high performing. I would like a smooth

transition and some relationship with PS 9, and I

want specifically leadership who has, some of them

who have come from failing schools, I want them

all gone.

CHAIRPERSON JACKSON: Thank you--

COUNCIL MEMBER JAMES: Every single

last one of them.

MARK STERNBERG: We'll look forward

to talking about the - -

CHAIRPERSON JACKSON: [interposing]

Thank you, Council Member. I failed to mention

earlier that our colleague David Greenfield, from

Brooklyn, is also with us. Now we turn to our

colleague, Fernando Cabrera, of The Bronx.

COUNCIL MEMBER CABRERA: Thank you,

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2 Mr. Chair, and I'll, I'll stick to the five
3 minutes. I know we, we're running here short on
4 time. But I want to address something that
5 ironically came up in your testimony, regarding
6 Evander Childs and Walton High School. And I say
7 "ironically" because I worked in both of the
8 schools. And it, you know, often in these
9 hearings, what I hear is that we're thinking, we,
10 we are, what I often hear is that what is
11 presented is apples with apples. And the reality
12 is, working, working in Evander Childs High School
13 and Walton High School, we have large class sizes,
14 huge class sizes there. And if you work there,
15 you will recall that. We had principals that were
16 not, that were totally disengaged. I was a school
17 counselor with ESL students having 700 students in
18 my caseload. You go now to the so-called smaller
19 schools, you have four counselors for the same
20 amount of students. So, it was mentioned that the
21 problem here is the structure of the school. I
22 agree. Good observation, but bad interpretation.
23 It's not the size of the high schools, it's the
24 size of the classroom that we're having a problem
25 with. We're having a problem with leadership.

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2 The Council Member so well stated, change the
3 leadership. That's what you're doing in the
4 smaller schools. In the smaller schools basically
5 is, you're bringing in new leadership, you're
6 reducing class size, we know the large high
7 schools can work, because we have large class,
8 high schools that are working. Why is it working
9 for those large high school and not for the other?
10 May I propose to you that it's the lack of
11 support, it's--we need to address the leadership
12 in those schools, instead of panelizing he whole
13 school, changing the culture of the school from a
14 large school, now we have a bunch of little
15 schools, they have no gym, they have no
16 extracurricular activity. Kids are just bored out
17 of their mind, they're just really, we've taken
18 away all of the incentives from these young
19 people. In terms of the assertion that students
20 are improving, during the transition time, well of
21 course, because the classroom size are shrinking.
22 [laughs] That's a no-brainer. I mean, let's look
23 at the reasons. Research--what shocks me about
24 the Board of Ed, is that they know the research,
25 they know that class size matters, they know that

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2 we need good leadership, we know the family, that
3 parental involvement matters, we know the formula.
4 This is, this is, this is education 101, that you
5 all learn when you went to college. Why we don't
6 stick to the 101, to the basics, so we could have
7 a good foundations for the schools. I mean, I
8 came across this report by the Center for New York
9 City Affairs, and basically they're saying as the
10 lowest achieving large schools were closed,
11 thousands of students, particularly new immigrants
12 and children receiving special education services,
13 were diverted to the remaining large schools. In
14 many cases, the schools were ill-equipped to serve
15 a large influx of challenging students, the
16 graduation and attendance rates at these remaining
17 large schools declined, in some cases barely
18 functioning schools became failing schools, and
19 were subsequently closed. So, we, we just
20 propagate the cycle. And so can you address that?
21 Because it's really, it just, it just blows my
22 mind.

23 JOSH THOMASES: Yeah, thank you,
24 Councilman, I'll take a first shot at it, and then
25 the Deputy Chancellor might join. So first I want

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2 to go on clear record in saying large high schools
3 do work. There are examples across the City in
4 every borough. That's point one. The second
5 point is, where I would respectfully disagree, and
6 we did research about five years ago to try and
7 understand the nature of persistent failure. This
8 country, across the country, New York is not an--
9 is not unique. Has across the urban landscape
10 schools that resist change. And it's not about
11 the, I want to be clear, it's not about the
12 teachers resisting change. It's that year after
13 year, new principals after new principal, as
14 Councilwoman James mentioned, new teaching
15 initiative, additional money, nothing changes in
16 terms of student performance. It wasn't news in
17 The Bronx in 2002 that, that there were just a
18 couple large high schools where it was any, where
19 it was a good idea to go. It wasn't news, you
20 know, and I'm, I'm from Brooklyn, so I won't, I
21 won't pretend Bronx roots, right, but you know, if
22 you went to The Bronx, you try to go to Clinton,
23 you try to go to Truman, maybe Lehman, couple
24 others. But other than that, you didn't want to
25 go to a school in The Bronx, and Bronx Science, of

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2 course, Councilman Vacca is not here to yell at me
3 for almost missing that. [laughter] So, but what
4 we found in that report, is that, is that there's
5 an intersection between size, the size of the
6 school, and the concentration of students coming
7 in underprepared. That is to say, there is, that
8 is to say, the, the, up to a certain amount,
9 roughly the citywide average, a school of any size
10 can take those students and really move across the
11 board performance. But you reach a tipping point
12 in that concentration, where if it's too high, the
13 schools simply don't perform. Not only don't,
14 don't they perform at the predicted level, they
15 actually underperform. And so you change the
16 structure in order to give the adults, the
17 teachers and the students, a better shot. So, I'm
18 not debating with the class size, but I do want to
19 be really clear that we, that there is a size
20 concentration. And, you know, the credit for the
21 work that's been done in the new schools, should
22 be shared by all of us. There are Council Members
23 sitting in this chamber and, and across the City,
24 who've invested huge amount of their time and
25 resources on these campuses. New York City is the

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2 success story of the country in figuring out how
3 to turn around schools without simply changing the
4 kids. We, we are.

5 COUNCIL MEMBER CABRERA: Okay, let-
6 -

7 JOSH THOMASES: And, and the, if
8 you haven't read the MDRC study, I would encourage
9 you to do so, because it's changing it and getting
10 outsized outcomes with the kids that nobody else,
11 no other reform effort has been as successful,
12 particularly with black and Latino students,
13 particularly with black and Latino boys, that if
14 you look at the research across the study, is the
15 challenge, is our challenge, as we look to move
16 the system towards the 21st Century in educating
17 all kids.

18 COUNCIL MEMBER CABRERA: Well--

19 JOSH THOMASES: And I think the--

20 COUNCIL MEMBER CABRERA: --let me
21 just answer, real quickly here--

22 JOSH THOMASES: Yes, Council
23 Member.

24 COUNCIL MEMBER CABRERA: --and then
25 I'll move on, 'cause we know we have a lot of

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2 Council Member who, who want to ask question. I'm
3 just going to close with this. We know that we
4 have large high schools who were failing, change
5 the leadership, and we saw an inner structural
6 change that took place. And the atmosphere of the
7 school changed, and we saw--

8 JOSH THOMASES: You're referring to
9 like Truman High School or, or New Dorp?

10 COUNCIL MEMBER CABRERA: You have a
11 better list than I do.

12 JOSH THOMASES: Mm-hmm.

13 COUNCIL MEMBER CABRERA: But let me
14 just say this. In terms of Walton High School and
15 Evander High School, I recall having a principal
16 that for three weeks, three weeks, I requested to
17 meet with her 'cause I will have lines of students
18 outside, and I was the only ESL counselor, lines
19 of students, and some of them, that I was very
20 afraid of being suicidal. And that's the reason
21 why I left the school, because I figure, if I stay
22 here, they're going to dump--

23 JOSH THOMASES: And Councilman--

24 COUNCIL MEMBER CABRERA: But the
25 point that I'm make--

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2 JOSH THOMASES: --you are, you are
3 100 percent correct. That's exactly the reason
4 why you change the structure to get the better
5 outcomes for kids.

6 COUNCIL MEMBER CABRERA: What I'm
7 saying is--

8 JOSH THOMASES: 'Cause that's the
9 problem.

10 COUNCIL MEMBER CABRERA: Yea, but--

11 JOSH THOMASES: Exactly.

12 COUNCIL MEMBER CABRERA: --the
13 assumption is, that the smaller school, that the
14 problem is the size of the school rather than the
15 leadership. Everything falls and rise on
16 leadership. Anybody who's done taking a class on
17 leadership will know that. Thank you so much.

18 JOSH THOMASES: Councilman, can I
19 just say two other points, or do you want to move
20 on?

21 CHAIRPERSON JACKSON: Sure. No, go
22 right ahead.

23 JOSH THOMASES: So, one is, is
24 that, is around the issue of students being bored,
25 and the issue of students not getting engaged.

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2 The, the partnerships that exist with the new
3 schools, that range from the Brooklyn Cyclones,
4 and the New York Aquarium, to local CBO
5 organizations, to the Lincoln Center Institute,
6 provide a multitude of opportunities. They don't
7 provide every opportunity, let's not pretend.
8 There is a, there is a value exchange there. But
9 provide multiple opportunities. And, and we're
10 seeing the outcomes. And I guess, ultimately,
11 that's the thing that I want to ask the Council to
12 engage in. [time bell] We've moved the
13 graduation rate. These, these campuses are places
14 people want to send their kids again. The City's
15 graduating two-thirds not half. And so, are there
16 challenges? We can discuss lots of challenges.
17 We're failing a third of our kids, still. So
18 there's lots to discuss there. But we have
19 actually moved the graduation rate in New York
20 City. And, and in no, due in no small part to
21 this strategy.

22 COUNCIL MEMBER CABRERA: Thank you,
23 Mr. Chair.

24 CHAIRPERSON JACKSON: Thank you,
25 Council Member. Now we turn to Council Member Lew

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2 Fidler of Brooklyn, followed by Council Member
3 Barron of Brooklyn.

4 COUNCIL MEMBER FIDLER: Thank you,
5 Mr. Chairman. I told you so. I told you before
6 the testimony, that they would oppose this
7 legislation, 'cause they don't want to know.
8 FERPA! We're going to hide behind FERPA. All
9 right. And, and I have to tell you Ms. Bell--
10 Ellwanger, you know, one of the my colleagues once
11 said, "Let's not get stuck on stupid." All right?
12 If you wanted this information, your testimony
13 here today would've been constructive comments on
14 how to avoid the technicality of FERPA. There is
15 no way in the world that we, that you can tell me
16 there's no way to aggregate this data in a way
17 that we wouldn't be disclosing the identity of
18 individual students. Frankly, I don't even want
19 to discuss it there, my questions are for Mr.
20 Thomases. [laughter]

21 JENNIFER BELL-ELLWANGER: I was
22 actually going to say the same thing. I would
23 love to discuss this with you, and that's exactly
24 what we proposed in the, in the testimony, is that
25 we wanted to work with you, because as it was

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2 currently written--

3 COUNCIL MEMBER FIDLER: I will--

4 JENNIFER BELL-ELLWANGER: --we
5 couldn't do that.6 COUNCIL MEMBER FIDLER: --
7 positively take up on that offer.8 JENNIFER BELL-ELLWANGER: Thank
9 you, good.10 COUNCIL MEMBER FIDLER: Not in my
11 five minutes, though. So.12 JENNIFER BELL-ELLWANGER: Right,
13 thank you, I'll take your time--time off [laughs]14 COUNCIL MEMBER FIDLER: Okay,
15 thanks. Thank you. Mr. Thomases, I have to tell
16 you, you know, you seem like a nice guy, and
17 you're from Brooklyn, even better. And, and I
18 think you believe all of this, I really do.
19 Problem is that I haven't drank the Kool-Aid yet,
20 and I don't. So, I need facts. So you say here,
21 one reason for this is the school, is allowing
22 remaining students to receive more personalized
23 attention from teachers and school administrators.
24 Do you have data on the teacher to student ratio?
25 On the support staff to student ratio? And the

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2 guidance counselor to student ratio, for these
3 schools, as opposed to the other schools?

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JOSH THOMASES: Do you want me to
answer?

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COUNCIL MEMBER FIDLER: Yeah.

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JOSH THOMASES: I, I do not have it
with me, but we can produce that.

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COUNCIL MEMBER FIDLER: All right.
So, I would like to see that.

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JOSH THOMASES: It's a, it's a fair
question.

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COUNCIL MEMBER FIDLER: Well, thank
you, I very much appreciate that.

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JOSH THOMASES: Sure. Two boys
from Brooklyn.

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COUNCIL MEMBER FIDLER: I love
being fair, it's a--I think I'm always fair, but
that's just me, my wife doesn't agree.

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JOSH THOMASES: Yes, sir, Council
Member. [laughter]

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COUNCIL MEMBER FIDLER: Now, you
talked about per capita student spending. Do you
also account for certain costs in schools that are
fixed? Whether, I mean, the building doesn't

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shrink, I know the school building budget itself is not part of it, but you know, there's one principal for 400 kids or 800 kids, that still comes out of the school budget. Supplies to the building, you know, that copier machine that's in the principal's office. All that stuff, all right, which is now being spread amongst 400 students, increasing the per capita cost per pupil for overhead. Do you factor that in?

JOSH THOMASES: Interestingly, and, and there is an analysis, I don't have it with me today, but interestingly, the, the analysis of the impact of new--I assume the question you're asking is do new schools cost more? Is that the question you're asking?

COUNCIL MEMBER FIDLER: No, I'm asking the question I asked, which is do you factor in the per ca--when you brag that the per capita spending in the budget per student increases in a phased out school--

JOSH THOMASES: Uh-huh.

COUNCIL MEMBER FIDLER: --do you add the fact that there are fixed costs that also increase per capita, in a phased out school. And

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JOSH THOMASES: The fixed costs don't, don't dramatically impact, because what, as a school shrinks, it tends to shrink its administration, so the teacher/student ratio doesn't dramatically increase. You need fewer copiers if you have half the number of kids. I don't think it dramatically impacts it, Council Member.

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COUNCIL MEMBER FIDLER: Okay, but do you have data--

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JOSH THOMASES: I do not have--

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COUNCIL MEMBER FIDLER: --to

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support that belief.

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JOSH THOMASES: --I do not have

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data, but I have every, I will check with our

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budget folks and get back to you.

19

COUNCIL MEMBER FIDLER: I, I would

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love to see this.

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JOSH THOMASES: Sure.

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COUNCIL MEMBER FIDLER: See, that's

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a fact, not a feeling, that's a fact, and I would

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like to see it, because I think it's empirically

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important to know.

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JOSH THOMASES: The--yeah.

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Absolutely.

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COUNCIL MEMBER FIDLER: So, my, my last question, and, and you know, I'm just really dying to hear the answer. [laughter] Let me just, from where you said it, yeah. Talking about the downsizing of Morris, you said that students said they received more attention if they were absent. Officials would call home; if they needed help, teachers would provide it. So I guess you think that works really well, and I would, your answer, I would agree. I think that would work really well, that kind of attention. Why do you need to close a school before that service is provided?

JOSH THOMASES: That's the \$64,000, billion or million dollar question. The, the truth is, is that I don't, I wouldn't say that I fully know. What I do know is, is that we don't actually have the, the examples that, that the Councilman cited earlier, saying that there are examples that have turned around--New Dorp is an example, Queens Vocational, Truman High School--had lower concentrations of students that were

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2 coming in with struggles than, than schools like
3 Morris and Evander, or in our neck of the woods,
4 Tilden and South Shore. What seems to happen,
5 when you have that high a concentration, is that
6 even the best intentioned, like the, the [time
7 bell] the principal I referenced, Principal Ahern,
8 or Principal Verano, in our Tilden example, the,
9 it's simply too high a bar, to move quickly.

10 Right? Was, did, did Lane begin to turn? Yes.

11 Lane began to turn slowly. The ship began to move
12 slowly. But what we're talking about is we've got
13 a strategy that says, "We can move the graduation
14 rate in four years, from 35 percent to 75 percent.
15 And if we can do that strategy in four years, with
16 the same kids, right? Same percentages of special
17 ed, similar percentages of ELL, higher level
18 percentage of black and Latino students, if we can
19 move the, that, that fast, then we've got to take
20 advantage of the, of that opportunity, for the,
21 for the, those children and families.

22 COUNCIL MEMBER FIDLER: Well, I
23 will just--

24 JOSH THOMASES: And, and we see
25 that, and the data supports that. Right, if you

1
2 look at, if you look at slide three, right,
3 there's ex--on almost every example, we've doubled
4 or tripled the graduation rate. There's one place
5 where we haven't. And we shared that with you as
6 well, that's Stevenson, where it has not moved.
7 And, and there are challenges in that, as the
8 Deputy Chancellor spoke to earlier. But where
9 we've done that, why wouldn't we? How can we in
10 good faith, in good conscience, not use a strategy
11 that's going to be that much more successful, with
12 that many more children. We've graduated
13 thousands more children with this last cohort of
14 students, than we did ten years ago. And no, due
15 in no small part to this strategy.

16 COUNCIL MEMBER FIDLER: Well, I
17 would just say in conclusion, that you know, I
18 don't have the, the information or the opportunity
19 right now, to pick across these statistics, where
20 you're comparing the graduation rates on a closed
21 campus with an open campus, and I'd be willing to
22 bet that we could find a lot of other factors that
23 would make the, this data be more correlative than
24 causative, frankly. And I would say that I agree
25 with Council Member Cabrera. And I think the fact

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2 that you can point to examples where the mere
3 changing of the guard and downsizing of the school
4 has not worked, that the critical factor is
5 leadership, the critical factor is funding; it's
6 not closing schools, it's not turning them into
7 charters. It's the, we know what works, we know
8 what works. You know what works. All right. The
9 answer to the question, frankly, is money, if you
10 want to admit it or not. We know it, you know it.
11 All right. But the, but the individualized, more
12 personalized attention that's given to a student
13 in a smaller class size, has nothing to do with
14 the size of the overall school, or whether it's a
15 charter or not. And, and frankly, I think that's
16 the answer to the question. Thank you.

17 MARK STERNBERG: Mr. Chairman, if I
18 could just really quickly, I'm happy for all of
19 you to direct all your questions to Josh,
20 certainly [laughter] but let me just--

21 CHAIRPERSON JACKSON: [laughs]

22 MARK STERNBERG: Let me just jump
23 in and--

24 COUNCIL MEMBER FIDLER: That's
25 only, that's only because you cancelled my meeting

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2 on 1/14, so.

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CHAIRPERSON JACKSON: Mmmm.

4

5 want those questions.

6

7 here--

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9 one-on-one, pal.

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11 MARK STERNBERG: Well, let's, let's
12 make sure that gets on the calendar. Lenny,
13 you'll, you'll help us.

14

15 COUNCIL MEMBER FIDLER: Before we
16 close the school?

17

18 MARK STERNBERG: No comment. So,
19 let me just, let me just make a few additional
20 comments to what Josh had and, and I appreciate
21 the honest exchange here. There is a study that
22 evaluates our work here, it's an independent
23 study, it's the MDRC study that I, that I
24 mentioned in my testimony. And I really do hope
25 that we'll have some time to talk about that
report and happy to send it over. And happy to
have you challenge some of its assumptions and
have an honest exchange about it, as Josh

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2 mentioned. Though these are structural changes
3 we've made in schools that for decades have been
4 failing. And as he says, how could we not
5 continue to pursue this strategy where we are
6 convinced that it can, that it can work. In your
7 Morris example, you know, Josh mentioned that as
8 the school phased out, the students got additional
9 supports. What I would submit is that as Morris
10 phased down, the structure inherently changed.
11 You had fewer students in the school, fewer staff,
12 a principal who had himself a smaller class size.
13 The teachers who were under that principal's
14 charge, fewer of them, so that the principal
15 there, and I say this as a former principal, with,
16 with 35 faculty members in my school, you know,
17 you are able to provide a level of support, and
18 direction that the structure of a large school may
19 not allow. Sometimes it does. And, and as Josh
20 mentioned, there are plenty of examples across the
21 City where it does. Sometimes it doesn't, and we
22 have a moral obligation when it doesn't, and when
23 we think that the school is beyond remediation, we
24 have a moral obligation to intervene, given what
25 we know, given what we've learned, give the

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2 progress we've seen over the last decade. Thank
3 you.

4

COUNCIL MEMBER FIDLER: I would
5 just suggest that there's also a study that
6 suggests this doesn't work. I think it's a
7 Columbia University study, so we'll come and
8 we'll, we'll battle studies.

9

MARK STERNBERG: I look forward to
10 that. I look forward to that.

11

CHAIRPERSON JACKSON: Thank you.
12 [time bell] Council Member Charles Barron of
13 Brooklyn, followed by Council Member David
14 Greenfield of Brooklyn.

15

COUNCIL MEMBER BARRON: Thank you
16 very much. I would like, and y'all can answer
17 this at the end: How does it feel, each one of
18 you, to be more qualified than your new
19 Chancellor? [laughter, moans] It'll be a good,
20 just want to know how it felt, you and the
21 teachers and principals and, and all of everybody,
22 and everybody here, so many people more qualified
23 than the new Chancellor. But we know what makes
24 schools work. One, everybody knows smaller class
25 sizes. Everybody agrees that we have to have

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2 teaches who know how to teach, want to teach, or
3 have training and support. And have support
4 inside the classroom. Everybody knows that, in
5 this day and age, you need smart boards, computer
6 labs, you need science labs, you need a culturally
7 relevant curriculum. Everybody knows that you
8 need principals that know how to lead and manage,
9 not only managing paperwork, but managing people
10 and teaching teachers how to teach. Or everybody
11 knows that we need new innovative ideas. So, it
12 doesn't matter whether you house all of that in
13 private, charter or public; if you do that, it
14 will work. If you have arts programs and
15 recreation programs, and if you have all of these
16 things that make schools work. I bet if we all
17 sat around and listed all the things that would
18 make education work, we could list it and it
19 wouldn't matter what you housed it in, it would
20 work. My question is why doesn't it work, and why
21 don't y'all take responsibility, and all of us are
22 going to sit here and lay out--Lew could've laid
23 out one, PS 114, and I don't think you would've
24 had a response for some of the things that he was
25 quite capable of laying out. All of us can lay

1
2 out those things. But for y'all to sit back and
3 watch schools fail, and say that you, you
4 implemented some training or something, something
5 meager, you watched the schools fail, and then
6 tell us that they failed; and then when you bring
7 in the charter school or you bring in a new
8 district school, then the schools get everything
9 they need to succeed. So, to me, it's that you
10 set up our schools for failure, and then you come
11 with these statistics. Now, we're all very much
12 afraid of your statistics, 'cause we know what
13 y'all said about the reading scores, and the math
14 scores, and then the State came back. And then a
15 lot of those passing scores turned to failures.
16 And then the Chancellor left and we got a new one.
17 So, my question is that, why should we believe
18 your statistics, when we've been down this road
19 before, and they just simply were not accurate?
20 And even in the graduation statistics, there were
21 some studies that came out and said that a lot of
22 students were able to graduate 'cause you gave
23 them assignments over the summer, or you did
24 little things to make sure that they did graduate.
25 So, if we come with an administration that

1
2 continues these statistical battles, and we can
3 bring in ours and you bring in yours, and then
4 what yours is going to say is everything is great,
5 the phasing out policy works, it has not worked,
6 you're failing our schools. You're the failure.
7 You're the ones that failed, and then you're
8 going to come back now, and now you're telling us
9 that, like in 260, a library that's not
10 functional, no science lab, no computer labs, we
11 have computers in classrooms that don't work, no
12 music, arts, athletics program--none of that
13 exists. You sit and watch it for years, no
14 principal beginning the year 2008. You watch all
15 of that happen, and then in 2011, you're telling
16 us they're being phased out, because "We did what
17 we could to make it work, but they just don't have
18 the capacity" or whatever to make it work. Nobody
19 believes that. We're trying to get to the real
20 deal. We believe it's charter schools and some
21 people believe in the new district schools that
22 come in. It's just making sense, to get another
23 district school to replace the district school,
24 then they're going to do for the new district
25 school what you didn't do for the old district

1
2 school. It's just not making sense. So, a lot of
3 us think that there are other motives behind it.
4 And that's why the charter school charges, with
5 the space, and then some of the new district
6 schools that come in, you won't be responsible for
7 the scores for the old schools, 'cause you phased
8 them out. It's just a lot of garbage going on
9 about education, and the ones that are suffering,
10 particularly in our community, 'cause we're
11 concerned about the pipeline to prison. If our
12 children don't get educated, then the prison [time
13 bell] industrial complex gets expanded. And
14 that's a real problem and concern for us.

15 JOSH THOMASES: So, Councilman,
16 thank you. I would say a couple things in
17 response. First, as we discussed when I was here
18 three months ago, we're graduating two-thirds of
19 our students. The other way to say that is we're
20 failing one-third of our students. Nobody's
21 sitting back, nobody's pretending it's good
22 enough, nobody's pretending we don't have to work
23 24/7/365--

24 COUNCIL MEMBER BARRON: Let me just
25 - - there with that real quick, real quick.

1
2 You're graduating two-thirds of your students. I
3 was former Chair of Higher Education. Those
4 students that come to CUNY have to go into
5 remediation, 'cause they can't read, and they
6 can't write, so that you're graduating two-thirds
7 of your students, and when they get to CUNY and
8 higher education, and they finish twelve years of
9 education, they can't read, write or have any
10 professional skills to get a job, or continue
11 their education. We have to look at the children
12 themselves and not these statistics, 'cause that
13 graduation rate is not graduating qualified
14 students who are capable of handling higher
15 education or getting a job. That's for you,
16 that's for the politicians, the Mayor, to look
17 good on paper; but in reality, these students are
18 failing. And they're not prepared for this world,
19 because you're not preparing them, and you keep
20 reading off those statistics. I don't believe all
21 of that, first of all, so you can save the
22 statistics. We'll look more into that. But I
23 don't believe all of that. I don't believe that
24 that means that 63 percent of the students that
25 you're graduating are qualified to go to higher

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2 education, to look for jobs or have some kind of
3 skills. They have nothing when they finish twelve
4 years of your education system.

5 JOSH THOMASES: So, certainly, part
6 of the work moving forward, is to continue to push
7 the bar around college and career ready. The
8 movement in the diploma rate, and I welcome
9 anybody to dig into our statistics and ask
10 questions of it. The movement in the diploma rate
11 is almost entirely in Regents' diplomas. And,
12 you're absolutely correct that we have more work
13 to do. Absolutely correct.

14 COUNCIL MEMBER BARRON: But if
15 they're entirely in Regent diplomas--

16 JOSH THOMASES: The goal of our--
17 Council Member, the goal of our work--

18 COUNCIL MEMBER BARRON: --then how
19 come, how come they're not prepared--

20 JOSH THOMASES: --the goal of our
21 work--

22 COUNCIL MEMBER BARRON: --how come
23 they're not prepared when they get to CUNY? It's--
24 -

25 JOSH THOMASES: So, I--

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2 COUNCIL MEMBER BARRON: --It's a
3 fact.

4 JOSH THOMASES: So CUNY, CUNY--

5 COUNCIL MEMBER BARRON: 6,000,
6 6,000 students got to higher education, and they
7 had to go into remediation, 'cause they couldn't
8 read or write.

9 MARK STERNBERG: Mr. Chairman, if I
10 may. In 2002, the high schools listed on slide
11 three, had graduation rates in the, in orange.
12 And today they have graduation rates in green.
13 And we stand by the policies that have led to
14 these dramatic increases in improvements in
15 student outcomes. Thank you.

16 COUNCIL MEMBER BARRON: Same thing
17 you said about the reading scores until the State
18 came out and told you different.

19 CHAIRPERSON JACKSON: I just, I
20 think that Council Member Barron raised, in
21 general, some very important points. And in fact,
22 you do, or you are aware that, even though the,
23 you know, the Department of Education and I think
24 even the State Education Department will say, that
25 graduation rates in New York City have risen.

1
2 Clearly there's many, many students that are
3 graduating from our system, that are not prepared
4 for college readiness courses.

5 JOSH THOMASES: Chairman, what I
6 would invite anybody on the Council to come join
7 us in, we've launched in partnership with the City
8 University of New York, Graduate NYC, a college
9 and career initiative. We are working together
10 with CUNY on this, we received a Gate Fund grant
11 and the National League of Cities Foundation, to
12 do that work. Your efforts on behalf of that
13 across the City will move that work. We've
14 already moved the bar significantly, we've raised
15 the number of students going from CUNY from 16,000
16 to 25,000. And there's--only the hardest work is
17 left to do. And we'd love to do it with you.

18 CHAIRPERSON JACKSON: Thank you.
19 Next we'll turn to our colleague, David
20 Greenfield, followed by Danny Dromm of Queens.

21 COUNCIL MEMBER GREENFIELD: Thank
22 you, Mr. Chairman. I'm going to do something a
23 little radical here, if that's okay with you, Mr.
24 Chairman. I'm actually going to ask some
25 questions relating to the bills that we're

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2 discussing today. [laughter]

3 CHAIRPERSON JACKSON: [off mic]

4 Thank you.

5 COUNCIL MEMBER GREENFIELD: And--

6 CHAIRPERSON JACKSON: [off mic]

7 Yeah, I like that.

8 COUNCIL MEMBER GREENFIELD: Thank
9 you. And, you know, before we get there, I just,
10 you know, I just, as an observer, who happens to
11 be a Council Member, as well, I just, you know, I
12 just would like to point out, if I may, that, you
13 know, from my perspective, I think you guys, I
14 think you guys overall are doing a good job. And
15 I think that you're well-intentioned, and I think
16 that there's, there's no question that there has
17 been progress. Right? We can all fight about how
18 much progress, and how little progress, but there
19 has, there has been progress. But I think a lot
20 of the frustration that you're seeing on this side
21 of the table, is that under, under the previous
22 Chancellor, and I'm going to distinguish her,
23 'cause I think this Chancellor has, has made a
24 more significant effort, but under the previous
25 Chancellor, I think there was a serious lack of

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2 communication between the Department and Council
3 Members, as well as your hearing anecdotal
4 evidence that many principals, as well, are not
5 responsive to Council Members. Now, that's to say
6 that some are and some aren't. I think the
7 Chairman has a good point, that you know, at the
8 end of the day, there are a lot of advocacy
9 groups, there are a lot of people out there that
10 are really trying, but there aren't a lot of
11 people that are actually elected. Right, you
12 know, and so we ran in fair and free elections,
13 and we were chosen by our communities to represent
14 them. So, I will commend the new Chancellor on,
15 on making a bigger effort, and I hope that's the
16 direction, Deputy Chancellor, that you folks hope
17 to continue in, 'cause I think that might resolve
18 a lot of the frustrations, and I would encourage
19 you as well to talk to your critics, even though
20 it may seem difficult, sometimes they have good
21 advice, as well. And so, I just want to, I just
22 want to focus on a couple of things. If we're
23 talk--specifically, let's talk about 354. So, I
24 think the reason for this legislation, and you
25 know, I don't want to speak for my colleagues, but

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2 just from my perspective, the reason for the
3 legislation is that, you know, it's the old
4 saying, information is power. Right? So, we in
5 our job, as the folks who have oversight over City
6 agencies, including the DOE, we kind of want to
7 have a better sense of what's going on. And we're
8 also very concerned on a local level, right,
9 'cause I think what's happening is, you know,
10 we'll see on a global level that there are
11 improvements, and then we won't necessarily see
12 that always translate into our local schools, and
13 sometimes we're sort of frustrated. So,
14 specifically when it comes to 354, I think, you
15 know, we have some legitimate issues, I think,
16 with the, I guess the way we're determining or
17 defining the word "discharge," right? You know,
18 for example, you know, do you guys have any idea
19 how many students are discharged each year for
20 pregnancy or parenting reasons, or for
21 correctional facilities, or incarceration
22 programs? Can you give us that data? Do you have
23 that data? Are you familiar with that?

24 [background noise, laughter]

25 JENNIFER BELL-ELLWANGER: Yes, and

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we could provide it to you after this hearing.

COUNCIL MEMBER GREENFIELD: But you don't have that on your right now.

JENNIFER BELL-ELLWANGER: I don't have it in front of me, no.

COUNCIL MEMBER GREENFIELD: I mean, I think it's a legitimate question, I mean, from my perspective, and, you know, as Mark actually points out, that you know, under my new legislation, if someone becomes pregnant, that has a difficult pregnancy, they would be entitled to a parking permit. But quite frankly, I don't want these parking permits marked to go to teenagers. And, you know, I think that, you know, we have failed our students, right? I mean, if students are--I would actually say legitimately they're dropping out, right? As soon as they're giv--let me just finish, please, thank you. That's the process. If students are becoming pregnant, or they're going to prison, you know, for us to couch it in some nice term and say they're being "discharged," it's not really, I don't think it's a fair or accurate representation. Right? If a student has become pregnant under our watch, or if

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2 a student has become incarcerated under our watch,
3 I think it might be fair from our perspective to
4 say that perhaps it is a dropout. And perhaps
5 from our perspective that we would like, we would
6 like to have those details and that information.
7 So, in terms of specifically 354, does that make
8 sense? I mean, do you understand why we're trying
9 to seek that information?

10 JENNIFER BELL-ELLWANGER: Yeah.

11 And in fact, what I tried to convey to Council
12 Member Fidler, but I don't, maybe I didn't do it
13 as well as--we do actually share the, the need and
14 want to make these data transparent in, in the way
15 that we can. We are, we are, we do need to comply
16 with FERPA, so we want to work with the Council
17 to, to figure out how best to provide these data.
18 Now, to your point about the pregnant teens, those
19 students are actually transfers, they are not
20 dropout. A dropout, just so that we're clear,
21 because there are different definitions of what
22 are we talking about when we talk about
23 discharges? A dropout is a student that leaves
24 the New York City schools and does not enroll in
25 another school system. That is a dropout. So, if

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2 a student leaves, leaves a school and transfers to
3 another school, that is simply a transfer, and
4 those are, those are recorded and tracked as such.
5 If a student, if a student moves out of the
6 country, that, and has the parent confirming that
7 the student has indeed moved out of the country,
8 we have an address, etc., that student is
9 considered a discharge. So they are different in
10 their categories. And they're also when we think
11 about how they're counted [time bell] for our
12 graduation and dropout reporting.

13 COUNCIL MEMBER GREENFIELD: No, I,
14 you know, of course, I respect that there are
15 those definitions. I would just say from our
16 perspective, right, in my mind, it's not better
17 that we're terming some, or whether it's a
18 discharge or a dropout doesn't make a difference to
19 me. The reality is, if a child is leaving the
20 school system because that child has been
21 incarcerated, that's a pretty big problem as far
22 as I'm concerned. So whether we're terming it a
23 dropout or a discharge, those are important
24 statistics that we're trying to get access to, and
25 I do appreciate your willingness to try to work

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2 with us. I want to speak to you quickly about
3 364, as well. And you know, I think that's,
4 that's sort of more focused on, you know, how
5 those children are doing. Right? You know, we're
6 closing schools down. And I want to agree, in
7 fact, you know, Deputy Chancellor, I'm a, I'm a
8 big Tweeter, and I was tweeting while your, during
9 your testimony, that I thought it was very
10 commendable of you to, to get out there and say
11 that, you know, there are schools where children
12 are doomed for failure and dropout factories and
13 war zones, and that's correct. And I think in
14 many cases, we want to close these schools, and I
15 think it's the right thing to do. And I think
16 legitimately, we as the Council have a concern
17 about, you know, what's happening to those kids.
18 The statistics over here seem to be sort of more
19 big picture, right, as opposed to individual
20 slices of what's happening to those specific
21 children. And I think that's a legitimate concern
22 that we have, as well, which is what is happening
23 to those specific children that left a failing
24 school and then went into a different school. As
25 opposed to the big encapsulated picture of, you

1
2 know, we have X amount of dropout kids and, you
3 know, X amount of kids that went into new schools
4 and Y, Y percent did well. You know, in, if a
5 child went to school A, and now went to school B,
6 is that child doing better? And I think that's a
7 legitimate inquiry from our perspective as to try
8 to find out, as to what we're, what we're aiming
9 for. Is that, is that fair, as well?

10 JENNIFER BELL-ELLWANGER: Just as,
11 in terms, in terms of the bill, again it's the
12 same as 354, where we would want to work with you
13 to, to figure out how, how far we could go without
14 violating the FERPA laws and regulations, because
15 those are absolutely a consideration that we have
16 to, that we have to follow. But again, we
17 absolutely share your concern about what is
18 happening to the students? Where are they going?
19 And how, and how are they moving through the
20 system?

21 JOSH THOMASES: And Councilman?

22 COUNCIL MEMBER GREENFIELD: Yeah.

23 JOSH THOMASES: I'm sorry.

24 COUNCIL MEMBER GREENFIELD: Sure,
25 no, please.

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2 JOSH THOMASES: Just, so, so we're
3 clear, the data we provided on the, on the 21
4 schools that have completed phasing out,
5 essentially says that we, the graduation moves
6 from 37 percent to 56 percent. Now nobody's going
7 to say 56 percent, which is barely more than half,
8 is some, is the end of the game and we're done
9 with the work. But moving the graduation rate
10 that significantly is, is fairly dramatic.

11 COUNCIL MEMBER GREENFIELD: It's an
12 accomplishment, and I commend you, but I think our
13 concern is, remember, as Council Members, we have
14 a different job than you do. You guys are the
15 DOE, which is sort of big picture. We're looking
16 local. So, when we have 21 schools, you're giving
17 us a snapshot of all the schools, we're trying to
18 find out specifically the local school, how did my
19 local school fare. And I think that's a lot of
20 the impetus behind 364. And I'll point out to
21 you, by the way, that Council Member Fidler, aside
22 from being a Council Member, is one of the finest
23 attorneys in New York, and he'd be happy to sit
24 down and work out those FERPA issues with you. Is
25 that a fair offer, Council Member? You'd be happy

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2 to work out the legal, the legal ramifications to
3 try to make it work?

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COUNCIL MEMBER FIDLER: The offer
is fair, the correl--the compliment is not.

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[laughter]

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COUNCIL MEMBER GREENFIELD: Fair
enough, fair enough. Well, we, we take what we
can get. Yes. I just want to point out one final
point, which is that, you know, and, you know,
once again, I think it's fair to say that many
schools benefit from when you close them. Right?
But to say that, you know, you know, every time we
close schools they're doing better, right, then we
could simply say, "Well, you know what? Let's
just close every school in New York City and
reopen it every few years." So I don't know that
that's a fair, that's sort of a fair statement.
I'll also point out that on the Title I issue,
right, I mean, that's basically, you know, which
you pointed out, I'm pretty familiar with Title I,
that's a one year bump. Right, I mean the, when
you say it's based on the last year's, on the last
year's numbers, right. Isn't that, isn't that
really just a one year, they're getting a one year

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2 bump. And I would also ask if, if--I would also
3 ask, I guess you, Mr. Thomases, is that not a one
4 year bump? And also, are the other children who
5 are moving to new schools now losing out because
6 they're not getting access to that Title I
7 funding?

8 JOSH THOMASES: So, on the, on the
9 first point, nobody's arguing that you should
10 close every school in the City and just open new
11 ones. And as Councilman James pointed out, we are
12 closing some new schools. Right? And as the
13 person responsible for shepherding the process for
14 a half dozen years, I knew that we weren't going
15 to get it right every single time with the new
16 schools. And so, you know, we're never going to
17 get to the point where we're - -

18 COUNCIL MEMBER GREENFIELD:

19 [interposing] I commend you for owning up to those
20 mistakes and, and having the fortitude to close
21 those schools, yes.

22 JOSH THOMASES: You know. On the,
23 on the budget I want to try and explain it better
24 than I clearly did in my testimony.

25 COUNCIL MEMBER GREENFIELD: Yeah,

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2 okay, yeah.

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JOSH THOMASES: So the Title I lag
[phonetic] funding happens every year.

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COUNCIL MEMBER GREENFIELD:

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Correct.

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JOSH THOMASES: So if you go in one
year from 1,000--let's say the last, just for math
purposes, it goes--

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COUNCIL MEMBER GREENFIELD: Yeah.

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JOSH THOMASES: --from 1,000

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students to 750 to 500 to 250.

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COUNCIL MEMBER GREENFIELD: Yeah.

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JOSH THOMASES: Right? So, each

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year, the Title I funding is for the previous

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year. [time bell] So if at 500 students, you're

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for 750.

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COUNCIL MEMBER GREENFIELD: Right,

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right.

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JOSH THOMASES: So that, so it's

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not just a one year bump. The next year, when it

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goes from 500/250, you have \$500, you have fi--the

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wo--

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COUNCIL MEMBER GREENFIELD: Sure.

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But my question is, my second question is--

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JOSH THOMASES: In terms of--

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COUNCIL MEMBER GREENFIELD: --are

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other children losing out as a result? Or is it--

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So, for example, those 250 that moved to a new

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school, are they losing out on that Title I

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funding because if it's going based on last year,

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and let's say, right, you have a school with

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1,000, you're showing for 750; now the 250 moved

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to a school with 1,000, so they're 1,250, would

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that new school, where the kids are going, still

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only receive 1,000? In which case, it's, it's a

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net wash.

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JOSH THOMASES: If, if you were

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theoret--if you were correct that 250 all went to

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the same place, we might have that problem. What

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we see is, is the students disperse enough, and

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they do it before the register, in the context of

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the register projections, so we don't see schools

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losing out on the other end. 'Cause they, 'cause

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they, 'cause for how they spread.

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COUNCIL MEMBER GREENFIELD: Okay.

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JOSH THOMASES: Is the answer.

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COUNCIL MEMBER GREENFIELD: Thank

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you.

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2 CHAIRPERSON JACKSON: Thank you,
3 Council Member. Now we're going to turn to
4 Council Member Dromm, Danny Dromm of Queens.
5 Followed by Karen Koslowitz of Queens. Council
6 Member Dromm.

7 COUNCIL MEMBER DROMM: Thank you,
8 Mr. Chair. And I always like to start off my
9 discussions on education just letting people know
10 that I was a New York City public school teacher
11 for 25 years, and a proud UFT chapter leader, as
12 well. And in many ways, I think that what your
13 statistics show is something that was at my core
14 belief in terms of what makes for a good classroom
15 or a good school, which is that when you have low
16 class size and significant resources, that
17 children can succeed. And so, that's why I want
18 to just talk a lot about your numbers here, as
19 well. And I also want to state that, you know, I
20 don't think big schools are the problem. I think
21 that, because we have examples of well run, big
22 schools, as well. And so it's not really the size
23 of the school, it's the quality of the
24 instruction, and it's the leadership of the
25 schools, I think, that makes the most difference.

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2 So, when you talk about the demographics of a
3 school, comparing one set of demographics to the
4 other, is part of that demographics that you take
5 into consideration the class size? And I'll tell
6 you why I'm asking that. I recently visited
7 Jamaica High School. And when I was at Jamaica
8 High School, Jamaica High School, the old Jamaica
9 High School, had 34 or so kids in each class. The
10 other schools that were in the building had an
11 average class size of about 22 to 24 kids per
12 class. Also, those schools had administrative
13 positions, a principal and assistant principal,
14 sometimes two assistant principals, for student
15 bodies that had 95 students in one, 87 students in
16 another school, and 300 and something students in
17 the other school. And so I'm wondering, if when
18 you do those comparisons, does class size and, and
19 that aspect come into it?

20 JOSH THOMASES: So, I visited
21 Jamaica High School four years ago, when they were
22 attempting to do small learning communities. And
23 the classes that I visited, had less than 20
24 students in them. It was three-quarters of the
25 way through the year, and what I found was, the

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2 teachers were hard at work with the kids who were
3 there, but the way the school was organized, there
4 wasn't an, there were, as the Council Member had
5 said earlier, there were a couple guidance
6 counselors who said, who were enormously
7 frustrated at the huge rolls of students who they
8 couldn't get in the, get in the school, and felt
9 totally overwhelmed. And the teachers were
10 focused on the kids who were there, and they had a
11 very small class size. The reason why you
12 organize a school differently, is, is everybody,
13 it's small enough so that all the adults can sit
14 in a room this size and figure out how we're going
15 to work together to get all the kids in the
16 school.

17 COUNCIL MEMBER DROMM: Well, that's
18 a--

19 JOSH THOMASES: That'd be the--

20 COUNCIL MEMBER DROMM: --that--

21 JOSH THOMASES: --that'd be the--
22 and part of the reason why we ultimately weren't
23 able to do small learning communities at Jamaica
24 was because it wasn't working in actually getting
25 the kids in the, to come to school every day.

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2 They weren't coming.

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COUNCIL MEMBER DROMM: Well, that's a, that's a great admission, so you do admit that class size does have a significant impact on instruction.

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JOSH THOMASES: The, the research is actually the class size matters more for the adults, that the principal's class for the number of teachers, primarily; and being able to--

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COUNCIL MEMBER DROMM: How can a teacher--

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JOSH THOMASES: --being able to, as I'm a high school social studies teacher, being able to, as a high school teacher, if I'm the high school social studies teacher, and I'm worried about my student, Mark, who's really struggling. If I'm able to track down relatively easily their math/science/English teachers to talk about what's going on for Mark, and figure out how to work effectively with him, I'm much more likely to be successful. In a large school--

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COUNCIL MEMBER DROMM: There's just no way, when, if I, as a New York City public School teacher, had 24 kids in my class, that I

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2 could give the same amount of attention to 34 kids
3 in my class.

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MARK STERNBERG: Can I, can I just,
can I just make a quick point, and then
Councilman, I'll be quiet.

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CHAIRPERSON JACKSON: Okay, Mark,
one second. Before you make your point--

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MARK STERNBERG: Yeah.
CHAIRPERSON JACKSON: I'm trying to
understand. I think that Danny Dromm, our
colleague, said that it's undisputable that class
size makes a big difference for students. And did
I hear you say, Mr. Thomases, that it really makes
a difference for the teachers and not the
students?

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JOSH THOMASES: Let me, let me--

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CHAIRPERSON JACKSON: I'm just,
whoa-whoa, before you respond--

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JOSH THOMASES: Yeah.

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CHAIRPERSON JACKSON: I just want
to, I want to know, is that what your response
was?

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JOSH THOMASES: What I, what I was
offering was that the principal's class, which is

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2 their teachers, I was trying to make a connection.
3 So, in a large school a principal has 200
4 teachers, so--

5 CHAIRPERSON JACKSON: Okay.

6 JOSH THOMASES: --being an
7 instruction leader is quite a challenge; in a
8 small school a principal has 30 teachers.

9 CHAIRPERSON JACKSON: Okay,

10 JOSH THOMASES: And so, being an
11 instructional leader, they can, they can play a
12 different role. That was the point of that
13 comment.

14 CHAIRPERSON JACKSON: Okay, okay.

15 MARK STERNBERG: And if I can--

16 CHAIRPERSON JACKSON: Go ahead.

17 MARK STERNBERG: If I, if I may--

18 CHAIRPERSON JACKSON: Go ahead.

19 MARK STERNBERG: No, no one will
20 dispute that small class size can impact the level
21 of instruction. We happen to have plenty of
22 schools across the system, and the Councilman as
23 a, as a former educator, would know this, schools
24 across the system with higher class size that are
25 performing quite well.

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COUNCIL MEMBER DROMM: Well,

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that's, so then let's go to--

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MARK STERNBERG: If I can just make

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one, one final point, to support, to support

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Josh's point here, and I say this as the former

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leader of a small schools [time bell] yes, class

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size may matter, school size matters, as well.

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The size of a school, the number of faculty in a

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school, the ability of the principal of the school

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to provide support to the--individual support to a

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smaller number of faculty, we think matters. And

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it gets to the heart, Mr. Chairman, of, of the

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structural changes that we, we speak about, when

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we talk about phase-outs.

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CHAIRPERSON JACKSON: Okay.

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COUNCIL MEMBER DROMM: So let's go-

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CHAIRPERSON JACKSON: You know,

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I'm, one second, Danny, I'm just a little, I'm

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really puzzled by your response. That small class

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size may matter. When research has shown that

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class, small class size does matter. Now, so,

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I'm, I'm like "What? May matter?" Are you

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basically saying you don't necessarily believe

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2 that that is true? That small class size matters?
3 Is that what I'm hearing?

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JOSH THOMASES: He's saying that
there is--

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CHAIRPERSON JACKSON: I'm talk--I'm
asking the Deputy Chancellor--

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JOSH THOMASES: Yes, sir.

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CHAIRPERSON JACKSON: --because his
response was that small class size may matter,
which clearly his response to me, as far as how I
received it, it's not necessarily true that small
class size does matter, when researchers, and
we're going to have people testify to that--

15

JOSH THOMASES: Yeah.

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CHAIRPERSON JACKSON: --have
clearly researched that class size does matter.
Which is a huge difference than may matter. And
so I just need clarification on that.

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MARK STERNBERG: Mr. Chairman, I'm
not, I'm not refuting what you're saying. I'm
saying that, look, in instances, many of the small
schools have the freedom, the autonomy, to program
their budgets in ways that they think will best
serve their kids. And that's true across the

1
2 system, that's true for large schools and small
3 schools. I'm not, I'm not here to refute the
4 points you're making about class size.

5 CHAIRPERSON JACKSON: Danny,
6 continue, I'm sorry.

7 COUNCIL MEMBER DROMM: Oh, sure,
8 thank you, Mr. Chair. So, Mr. Thomases, in your
9 testimony on page five, you said that for 2009 to
10 2010, there were, in the Bayard Rustin High
11 School, 958 students, with the per capita budget
12 of \$8,000. And then, this year, Rustin began with
13 475 students and they had \$12,500. So, in fact,
14 the number of students has been reduced, and the
15 amount of money being spent was higher; therefore,
16 producing better results.

17 JOSH THOMASES: It's evidence of
18 how we invest in our phase-out schools, and how we
19 work, have worked through this data around the
20 reimbursement - -

21 COUNCIL MEMBER DROMM:
22 [interposing] So that's the formula.

23 JOSH THOMASES: That is part of the
24 formula. For the record, these schools have all
25 been eligible for years and years for SINI and SIR

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2 money, and those additional dollars did not move
3 the bar.

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COUNCIL MEMBER DROMM: So that
takes me--

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JOSH THOMASES: And, and I think
both, you can, both things can be true. Right?

And that's part of what the point of my testimony
was, Councilman, was if it were that easy, we
would've, the SINI and SIR money would've turned
it around years ago, long before, back when Mark
and I were both, and you were, we were all
teachers in schools, and we wouldn't be talking
about this problem. So, money itself is not an
option, not, not the solution, it's not a panacea.

COUNCIL MEMBER DROMM: Well, but
what I'm saying is that--

JOSH THOMASES: But--

COUNCIL MEMBER DROMM: --your

statistics can be used to show things one way or
the other. And basically, your statistics can be
used to show anything that you want to prove them
to show. And I've just shown you that your
statistics prove my point of view, saying that
when you, when you lower class size, increase your

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2 funding, that you get better results.

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JOSH THOMASES: The new schools that we've opened, cost the same amount as the larger schools that we've closed. And produced the same - -

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COUNCIL MEMBER DROMM:

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[interposing] Well, I think we're going to probably argue this, you know, ad nauseum, but I just don't understand, really, why the resources--

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JOSH THOMASES: I'd be happy to share that research with you, Councilman.

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COUNCIL MEMBER DROMM: But why the resources that you provide to these schools, and one of the things that did concern me was because I saw such a stark difference between the resources the children were getting in Jamaica High School, versus the resources that the children are getting in the other school. And it seemed like Jamaica was being starved, and that those kids were being set up for failure, while the other kids were getting all of those resources at Jamaica, and of course they were succeeding. It was, you know, it was, it was doomed to happen. Let's just go to some other statistics, as well,

1
2 and--It might have been Ms. Bellwanger [phonetic]
3 who mentioned page four, or somebody spoke about
4 page four. Let me just see where I have--Yes, Ms.
5 Ellwanger. On page four, you said that the
6 graduation rate went up to 56 percent, on your
7 first picture here, right? And then over here in
8 the next column, you say the same year the dropout
9 rate actually increased to 29 percent. So what I
10 don't understand is how the graduation rate
11 increases and the dropout rate increases?

12 JENNIFER BELL-ELLWANGER: This is--
13 and then John, you can jump in, too--This is for
14 schools that this was their phase-out year. So,
15 this is not all schools citywide. And what
16 happens is, as schools are phasing out, and
17 they're, now we have twelfth grade remaining, we
18 see an impact on graduation rates. And graduation
19 rates and discharge rates can, can, can both go in
20 the same direction. Because many of those
21 students that are dropped out at 30 percent,
22 probably either were over 21 [time bell] at the
23 time that they left the school, or did not want to
24 remain in the school any longer.

25 COUNCIL MEMBER DROMM: But in that

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2 statistic, then, if the kids are dropping out, of
3 course the graduation rate of the remaining
4 students is going to go up.

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JENNIFER BELL-ELLWANGER: No,
6 they're all in the--So, if you had a 100 students
7 that were in the calculation, right, you could
8 have, say, 50 of the students could be graduating,
9 and you could have 30 of those students be
10 dropouts. That would be a total of 80. And then
11 you would have 20 students that would still be
12 enrolled. All of those students are in your
13 calculation. You're not taking those dropouts,
14 stay in your denominator.

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COUNCIL MEMBER DROMM: I still
16 don't understand, and I know my time is up. How--

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JOSH THOMASES: The, the dropouts
18 are counted as part of--

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JENNIFER BELL-ELLWANGER: Counted,
20 they're counted.

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JOSH THOMASES: So you don't get a
22 bonus by dropping--

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JENNIFER BELL-ELLWANGER: Credit
24 for that, no.

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JOSH THOMASES: --a child out of

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2 school.

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JENNIFER BELL-ELLWANGER: Right.

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That's held--the dropout is actually held against

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you.

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COUNCIL MEMBER DROMM: I need time

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to digest that. [laughter] Because I don't know

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these statistics, they just seem like funny

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statistics to me, and having, and I think this is

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also a problem that Council Member Greenfield was,

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was touching on, having had the experience with

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the reading score fiasco that went on, your, your

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numbers are very suspect. And there's just no way

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around it. And any time we ask for an answer on

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these things, it just seems that we go around and

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around and around, and never really get to the

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heart of the matter, which is what I said when I

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was first talking, that what really matters is

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what you should be doing in the schools, which is

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decreasing class size, increasing the funding

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formula, and making sure that every kid in the New

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York City Public School System gets a quality

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education. Thank you.

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JOSH THOMASES: So, we'll just

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offer a couple points in response, Councilman.

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2 First of all, if the Council would like to go back
3 through the data that we presented at the test
4 score briefing from three months ago, and
5 understand what we've come to understand about
6 what the State did, and what it tells us about
7 what our work is, happy to provide that
8 opportunity, to you or other members of the
9 Council. The, the data here, if the purpose of
10 today's hearing is to talk about what the
11 challenges are with phase-out--

12 COUNCIL MEMBER DROMM: Mr.
13 Thomases, just let me interrupt you for a moment,
14 please.

15 JOSH THOMASES: --the data here
16 actually tells us--Yeah.

17 COUNCIL MEMBER DROMM: Those test
18 scores, everybody has to, are you saying that
19 those tests weren't--that the State didn't say
20 that they were, that the City test was too easy?

21 JOSH THOMASES: No, the State did
22 say that.

23 COUNCIL MEMBER DROMM: Right.

24 JOSH THOMASES: The, the State said
25 the test was too easy.

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2 COUNCIL MEMBER DROMM: So that's
3 the problem.

4 JENNIFER BELL-ELLWANGER: It was
5 the State test--

6 JOSH THOMASES: The State test, the
7 State test was too easy.

8 COUNCIL MEMBER DROMM: So no matter
9 what explaining you did three months ago, it still
10 doesn't take away from the fact that the State
11 said that those test scores were not really valid.

12 JOSH THOMASES: The State said the
13 State test was too easy, and raised the standard.
14 The outcome of that is that a group of students
15 who were just barely above the standard, are just
16 barely below the standard. What, what we showed
17 in September, when we met, was that the, that we
18 have massively moved the bell curve. When you
19 looked at the data from 2002, we had a perfect
20 bell curve, in ways that are very upsetting and
21 highly problematic, because the predictable kids
22 were underperforming. What we see now is that on
23 the number of questions students are answering,
24 we've actually shifted. It's not a bell curve,
25 it's an upward slope. The State moved the bar,

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but it doesn't change the fact that more of our kids are getting more right. It does change the fact that, that it does speak to the fact, as both the Mayor, Chancellor, and Chancellor Klein have spoken to clearly, and we're committed to, that we actually need to raise the bar for all our students. And if we agreed on anything in the last hearing, it was the chall--is that we need to work together around raising that bar.

CHAIRPERSON JACKSON: Thank you, thank you, Council Member. Just, and before I turn to our colleague, Council Member Koslowitz, let me just ask. I made in my opening statement that Mayor Bloomberg mentioned, at a, I guess an educational forum where he spoke, he said he, that New York City plans on closing ten percent of the schools within the next four years, which is approximately 160 schools. Do you have a quota of the number of schools that you plan to close each year? And is your goal the goal that Mayor Bloomberg set out to achieve?

MARK STERNBERG: Thank you for the question, Mr. Chairman. I'll try to address it quickly. Let me first point out, and I mentioned

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2 this in my testimony that--let me first directly
3 answer your question.

4 CHAIRPERSON JACKSON: Please do.

5 MARK STERNBERG: There is
6 absolutely no quota of schools--

7 CHAIRPERSON JACKSON: No yearly
8 quota.

9 MARK STERNBERG: --to close. There
10 is no yearly quota.

11 CHAIRPERSON JACKSON: Okay.

12 MARK STERNBERG: My division is
13 directly responsible for this work. We work
14 closely with all the divisions across the
15 Department of Education, and with the Mayor and
16 his team, and I can assure you that this is the
17 very hardest decision that we make as a
18 Department. And there is no predetermination of
19 any kind, in how we make these decisions.

20 CHAIRPERSON JACKSON: Okay. I
21 appreciate--

22 MARK STERNBERG: We are--

23 CHAIRPERSON JACKSON: --that direct
24 response. Now, as to the goal, the Mayors said
25 that he plans on closing ten percent of the, the

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2 lowest performing schools within the next four
3 years. Is that the goal of the Department of
4 Education?

5 MARK STERNBERG: The Mayor said,
6 I'm sorry, the Mayor said--

7 CHAIRPERSON JACKSON: Ten percent
8 of the lowest performing schools over the next
9 four years.

10 MARK STERNBERG: I think--

11 CHAIRPERSON JACKSON: He said that
12 at a forum or a conference or convention in
13 Washington, D.C. He's said it before. And I
14 asked my question very clearly is, is that part of
15 your mandate, to close ten percent of the lowest
16 performing schools in the next four years?

17 MARK STERNBERG: I think, I think
18 actually what the Mayor said is that he is
19 committed to turning around--

20 CHAIRPERSON JACKSON: Nuh-uh.

21 MARK STERNBERG: --the ten percent.

22 CHAIRPERSON JACKSON: No. He said
23 close, not turning around.

24 MARK STERNBERG: Let me, let me
25 tell you what--

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2 CHAIRPERSON JACKSON: And I'll go
3 back and get the information--

4 MARK STERNBERG: Mr. Chairman, if
5 I--

6 CHAIRPERSON JACKSON: --let us both
7 do the research--

8 MARK STERNBERG: Let's do that.

9 CHAIRPERSON JACKSON: --to
10 determine actually what he said.

11 MARK STERNBERG: If I may.

12 CHAIRPERSON JACKSON: Go ahead.

13 MARK STERNBERG: I'd like to, I'd
14 like to tell you what the Mayor wants.

15 CHAIRPERSON JACKSON: Okay.

16 MARK STERNBERG: And the Mayor
17 wants what is best for every child in the City.

18 CHAIRPERSON JACKSON: Okay.

19 MARK STERNBERG: The Mayor wants
20 schools that are not serving our kids, and that
21 cannot, after repeated efforts from the Department
22 of Education, to improve, that are not improving,
23 that cannot improve without significant structural
24 change. He wants those schools to be able to do
25 what's best in those schools for children. And

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2 when we are left with no other option, we will
3 phase them out. I will also add, that our
4 President, President Obama, our Secretary of
5 Education, Secretary Duncan, have, through the
6 Race to the Top Program, through the School
7 Improvement Grant Program, have stated and put
8 significant federal resources behind a similar
9 strategy that supports the Mayor's point of view
10 on this matter.

11 CHAIRPERSON JACKSON: Okay. I
12 appreciate that. But let me ask very
13 specifically. Is the goal of the Mayor, and the
14 Department of Education, has the Mayor said to you
15 or to anyone else, or to the Chancellor, that "I
16 want ten percent of the worst performing schools
17 to be closed within the next several years"? Is
18 that the goal of the Department of Education?

19 MARK STERNBERG: Again, my, my
20 Department does this work for, on the Mayor's
21 behalf, and I am not aware of any such statement.

22 CHAIRPERSON JACKSON: Okay. Okay.
23 Now, let me turn to our colleague, Karen
24 Koslowitz. Karen?

25 COUNCIL MEMBER KOSLOWITZ: Thank

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you, Mr. Chair. I'm sitting--

CHAIRPERSON JACKSON: And then followed by Margaret Chin.

COUNCIL MEMBER KOSLOWITZ: I have to say, I am sitting here and I've worked with the Board of Education, I have a new school on Metropolitan Avenue, and we've worked back and forth, and with Lenny and all of you. And I have a high school, Forest Hills High School, that has 4,100 children going to a school that has 2,700 seats. And just received an "A." So what you said before is true, that you have 4,100 children going to a school that seats 2,700, they start at 7:00 o'clock in the morning, and they go to 5:00 o'clock at night. And it's a great school. Then I have a school on Metropolitan Avenue, the new school, and they have 350 people, kids, going to a school that has 1,000 seats in it. I don't understand it, but we've, we've gone back and forth on it, and it's there. Recently, I went with Council Member Dromm to Jamaica High School, and I can analyze it like this: the special schools, the children there, had Gucci bags and the school, Jamaica High School, the 1,200 kids

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2 that go to Jamaica High School, are walking around
3 with brown paper bags. It is a disgrace, what's
4 going on. We've given up on those children, the
5 children in the three separate schools that are in
6 there, other than Jamaica High School, have
7 computers, they have smart boards, they have all
8 the equipment, they have small class sizes, 1,200
9 children go to Jamaica High School and they have
10 classes of 35 to 40. They don't have as many
11 computers, they don't have as many smart boards,
12 they don't have the same supplies. So when you
13 sit here and you say that they're treated the
14 same, they are absolutely not treated the same.
15 And we spoke to all the principals, the smaller
16 schools have a support staff of 30 people. That's
17 a lot. There are, I think there's about maybe 600
18 kids that go to the school. How can you explain
19 this?

20 JOSH THOMASES: Councilwoman, I'm
21 not sure I fully understand the question. I will
22 try and feel free to direct me in the right
23 direction, if I--

24 COUNCIL MEMBER KOSLOWITZ: That
25 the, that the kids that are in the failing school,

1
2 and the school that's going to be phased out, are
3 being left behind, they are not getting the same
4 things that the children in that, the other three
5 schools in there, are getting. They're not
6 getting the computers. I mean, we're talking
7 about 1,200 children compared to 600 children.

8 JOSH THOMASES: So, so--

9 COUNCIL MEMBER KOSLOWITZ: And I
10 have two daughters that graduated high school
11 quite a while ago. I don't understand it, I just
12 don't understand what is going on.

13 JOSH THOMASES: So, so my personal
14 experience with Jamaica starts about five years
15 ago, when we invested a small learning community
16 grant in that school. And those additional
17 resources, we were not able to find their impact
18 in terms of what teachers were using in the
19 classes, in terms of how this school was
20 organized. The money, we'd audited the budget,
21 and it was used for the school, but to your point,
22 after we invested those resources, there wasn't
23 change practice on the ground for kids. And so
24 part of why ultimately there's the decision to
25 phase it out, as a proposed decision, to say this

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2 isn't working anymore, is because the surrounding
3 schools, as you articulated, are overwhelmed with
4 numbers, and we can't convince parents and
5 families to send their children to Jamaica.

6 COUNCIL MEMBER KOSLOWITZ: Because
7 of what, what they're receiving there.

8 JOSH THOMASES: Oh, well,
9 Councilwoman this is where, that, that's--

10 COUNCIL MEMBER KOSLOWITZ: I, if I
11 had a child, I wouldn't want to send 'em to
12 Jamaica High School, either.

13 JOSH THOMASES: I think--

14 COUNCIL MEMBER KOSLOWITZ: Because
15 they're not getting the proper education.

16 JOSH THOMASES: And Councilwoman,
17 we agree on that. I guess the reason why I start
18 with the story around the small learning community
19 grant, is as evidence of our, of the investment of
20 this Department, under my leadership, 'cause it
21 was under my office at that time. In working with
22 that school, they got a grant, we worked with them
23 on it, it wasn't, it did not change. Practice,
24 resources, the use of resources, in terms of what
25 kids were seeing in there. We can talk offline

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2 about my understanding of why, but ultimately it
3 didn't change what was happening, and that's
4 ultimately why the decision to phase it out.

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COUNCIL MEMBER KOSLOWITZ: Okay,
6 well, in my, the way I view it right now, those
7 children, those 1,200 children going to Jamaica
8 High School have been set up for failure. [time
9 bell] And how I feel about it, is that we're
10 doing it to them. We're setting them up for
11 failure by keeping the large class sizes, and
12 taking away the tools they need for learning.

13

MARK STERNBERG: Council Member, I
14 just want to add one thing to what Josh said. We
15 fund these schools, I get--to reiterate a point
16 made earlier, we fund these schools on a per pupil
17 basis. There, it's a myth to say that new
18 schools, new small schools are getting additional
19 resources and support. What they do get, just to
20 put the facts on the table, new schools get a
21 small new, new school support funding grant. It's
22 very, very small, it's \$60,000 year one, \$30,000
23 for the next two years, that's barely enough to
24 hire one new teacher. So it's a myth to say that
25 certain schools are getting more funding than

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2 others. Jamaica actually has smart boards,
3 Jamaica has certain resources. Now, principals
4 can use their funding in ways that they see fit;
5 some principals may overinvest in technology, some
6 may get an extra, you know, assistant principal.
7 But te--principals are empowered to spend their
8 money the way they see fit, and the per pupil
9 funding is comparable across all schools.

10 COUNCIL MEMBER KOSLOWITZ: Well,
11 I'm not going to do it publicly, but I would like
12 to talk to you about what was told to me by one of
13 the principals of the school. So--

14 MARK STERNBERG: Be happy to have
15 that conversation offline.

16 COUNCIL MEMBER KOSLOWITZ: Okay,
17 thank you.

18 CHAIRPERSON JACKSON: Thank you,
19 Council Member. Council Member Margaret Chin,
20 followed by Council Member Levin.

21 COUNCIL MEMBER CHIN: Thank you,
22 Chair. My question is on this Seward Park campus,
23 this is the school in my district, and I look at
24 definitely, I mean, the graduation rate from what
25 it was originally has, I mean, I guess more than

1
2 doubled. So, I guess this relate to the, the
3 information that we were requesting in the, the
4 legislation. It's that I'm very familiar with
5 Seward Park High School, I worked there in, in the
6 early '80s. And there was a large bilingual
7 population, you know, Chinese bilingual and
8 Spanish bilingual students. And I visited some of
9 the, the new school in there. And it's true that,
10 you know, leadership does matter, a lot of those
11 principals that I visit, they're so committed.
12 And one of the top school in that campus is the
13 dual language school. But the dual language
14 school, I assume they did not, you know, take in
15 all the bilingual students. So, the question is
16 what happened to those students? Where did they
17 go? And what happened to them? I think that's--
18 and the school that you have in place now there, I
19 mean, the principals are very committed, and I
20 also saw that a lot of the, the classes are very
21 small. And the interaction with the teacher in
22 the principals are very close. I mean, it's not,
23 the principal even taught some of the classes.
24 So, the first question is like what happened to a
25 lot of the English language student, when the

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2 school was phased out? I mean, they might have
3 went to other new schools, that were set up, or--
4 Do you have any statistic on that?

5 JOSH THOMASES: So, if you, if you
6 turn to the prior page, it doesn't answer your
7 question regarding Seward Park, which we, we would
8 have to pull for you, but in the schools that have
9 been announced for phase out, the average
10 percentage of English language learners was 18
11 percent. In the new schools it's about the
12 citywide average at 14 percent. The English
13 language learner graduation rate, Jennifer I may
14 get this not perfectly right, so correct me, I
15 think has jumped 14 points in the last two years.

16 JENNIFER BELL-ELLWANGER: [off mic]
17 That's correct.

18 JOSH THOMASES: So, and we see that
19 in no small part due to the, to the small school
20 work, though I will admit that's correlative not
21 causal, and I can't prove that point. So, the
22 majority, the majority, the vast majority of the
23 students writ large, are in those schools. As for
24 the particular students in the school Seward Park
25 campus, we'd have to follow up with you.

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2 COUNCIL MEMBER CHIN: Yeah, I mean,
3 and that would be important. I think that if you-
4 -

5 JOSH THOMASES: [off mic] So we can
6 get that to you.

7 COUNCIL MEMBER CHIN: --yeah, if
8 you also really do some research, I mean there
9 are, there were some new DOE school that dealt
10 with the older population, that you move into the
11 middle school 131, even though the parents there
12 in the beginning were very resistant, because
13 collocating another high school in there were
14 problematic. But I think the, the student really
15 were able to take advantage of the smaller class
16 size, the more individual attention with the
17 guidance counselor, and the teacher. And they are
18 being, you know, they are successful in those
19 school. The, the other--so if you could get those
20 statistic to me, that, that would be great--the
21 next question is on another high school, in my
22 district, that I guess was supposed to be phased
23 out, but they were saved the last minute, this is
24 University Neighborhood High School. And I think
25 there were some meetings with parents and teachers

1
2 that, that you talked about earlier. I mean, I
3 actually found out about it just through the
4 neighborhood. And then, I met with the principal.
5 And, and that's another example of a school where
6 a new principal was put in, and they really try to
7 sort of bring the school back up. And I've just
8 met with her recently again, to, to learn about
9 the progress. But what's missing there is, does
10 infrastructure support? I mean, when I first
11 visited the school last year, the wiring was so
12 bad, they cannot, you know, connect the computers
13 for their library. And so, and I still, the
14 library's still not finished, so you have
15 computers in boxes that's not being used by the
16 student. And it's a old elementary school. And
17 these are high school student that are in there,
18 there's no gym. But, you know, it's the same
19 thing. The leadership wants to make improvement
20 in there, and they're working with the settlement
21 house in the neighborhood to bring in resources.
22 So that's the kind of school that DOT needs to
23 really support, as much as possible, to really
24 help bring the school up to the, the highest
25 quality as possible. And they need the, the help

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2 with the infrastructure.

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JOSH THOMASES: Appreciate you raising that, it's similar to what we heard when we held the conversations in the school building with the PTA and with the school leadership team, and we're hopeful we can all work together to put that school back on its footing. - -

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COUNCIL MEMBER CHIN: [interposing] Yeah, and I think it's also important that, with that school, to also reach out to the elected official, to the larger community, because that's where the support [time bell] can come in, 'cause the principal has raised to me that they wanted to start, like a, a dual language program in there.

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JOSH THOMASES: Mm-hmm.

COUNCIL MEMBER CHIN: Well, you got to get the word out to the community, and that might be an exciting program where student can come in and learn a second language. And so they're thinking about ways of building up the school again, but they need the support from everyone.

24

25

JOSH THOMASES: Appreciate the comment, very much agree.

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COUNCIL MEMBER CHIN: Thank you.

2

3

CHAIRPERSON JACKSON: Thank you,

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Council Member. Council Member Steve Levin of

5

Brooklyn.

6

COUNCIL MEMBER LEVIN: Thank you,

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Mr. Chairman. Thank you very much,

8

representatives of DOE. I, I apologize if some of

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my questions are redundant, I was running back and

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forth to meetings. My first question just

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involves kind of the advance of, of when DOE is

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making a determination about a school. So, what

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I'm wondering, first off, is there, is there an

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early warning system in place, an early warning

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system, I mean, two to three years out, before we

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get to a position where we're prepared to say that

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a school needs to be closed. Is there an early

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warning system in place that DOE has with real

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metrics that we can, that we, the DOE then alerts

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parents, teachers, the principal, local elected

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officials, the broader community, that "Hey, this

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school is in danger of, of being beyond the pale,

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and we need to start doing aggressive action."

24

What does that warning system look like, if it

25

exists at all?

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2 PAYMON RAHANAFAR: Appreciate the
3 question. It's one that we've been attempting to
4 answer as far as our communication strategy goes,
5 in that we've built a very clear process this
6 year, to do just that. So what our process says
7 is, if a school receives three Cs in a row, it's
8 fundamentally based upon the progress report
9 system. So, if a school received three Cs in a
10 row, a single D or a single F, or a quality review
11 that's below proficient, it is on effectively on a
12 list of sorts. We'd offer 'em that list, because
13 there are schools that receive Ds and Fs but have
14 very high proficiencies. We may have a high
15 school with a 90 percent graduation rate, which
16 gets a D, you know, that's a nonintuitive outcome
17 of sorts, and the school is not making as much
18 progress with higher performing kids. So point
19 being, we take off certain schools and, and create
20 a smaller set of schools that we reach out to.
21 So, as Deputy Chancellor Sternberg noted, there
22 were 55 schools where we had these conversations;
23 30 of them were, you know, conversations that,
24 while tough, we've let that community know that we
25 want to work with them to continue pushing them in

1
2 the right direction, so they would in essence get
3 this warning that you're, that you're currently
4 noting. But it is based upon the progress report
5 system that we have created here at the DOE.

6 JOSH THOMASES: I would just note a
7 couple other things. One is, in general, when
8 they've been failing, people know. Like there's
9 not a new piece of information at Lafayette High
10 School, or you missed my testimony, but you know,
11 at Bushwick High School when I didn't sit at the
12 DOE--

13 COUNCIL MEMBER LEVIN: I did hear
14 that, I--

15 JOSH THOMASES: Oh, you were here
16 for that. so, you know, I mean, I think what,
17 what was said to me then by the Department, on the
18 other side, was we all know it's failing. 23
19 percent isn't good enough. And it should never be
20 good enough.

21 COUNCIL MEMBER LEVIN: Okay. My,
22 well, with regard to progress reports, I mean
23 there's a question of whether or not there's a
24 different metric used for middle schools, high
25 schools and elementary schools. There's a very

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2 good school, and it shall remain nameless, in my
3 district, right. Very good school, the community
4 loves it, parents love it, SCA loves it, DOE loves
5 it, everybody loves it, right? It got an F in
6 2007/2008, 2008/2009 it got A, 2009/2010 it got a
7 C. Okay? What, what do you do, how does that
8 school--I mean, look, never in my tenure would I
9 advocate for, for closing this school, it's a very
10 good school. Why, why does that school not fall--
11 I mean, if they're tipping one way or the other,
12 right, I mean, if there's 55 schools that are on,
13 on notice, 26 of 'em are, have been deemed that
14 they should be closed, what, what's the tipping,
15 that's what criteria? I mean, what is it? Is it
16 a subjective decision by DOE? Is it that, is that
17 more parents seem to like the school? What's,
18 what's the criteria for elementary, middle, high
19 school?

20 PAYMON RAHANAFAR: So, know which
21 school you're referring to, I appreciate the
22 concern. First thing I'll say is reiterate what
23 Josh noted, which is you know when a school is
24 struggling. Secondly, the criteria does actually
25 remove schools, as I was mentioning, that are

1
2 above a certain bar. So, for K to 8 schools,
3 schools that are above the district average for
4 ELA and math proficiency, are not in
5 consideration; for high schools, if they're above
6 the citywide average and graduation rate, they
7 are, they are not in consideration.

8 COUNCIL MEMBER LEVIN: But even ELA
9 and math proficient percentages can fluctuate, as,
10 as--

11 PAYMON RAHANAFAR: So for that, for
12 that point in time, so for this year, we removed
13 any schools that are above their district wide
14 average.

15 COUNCIL MEMBER LEVIN: Let's see
16 [time bell] I'd like to talk just for a second
17 about the one school in my district that is slated
18 for closure, Metropolitan Corporate Academy. How
19 long has Metropolitan Corporate Academy been on a,
20 the early earning--I mean, how long has DOE been
21 eyeing MCA for, for closure?

22 PAYMON RAHANAFAR: Pulling up the--
23 excuse me, I'm pulling up the data right now. I
24 mean, it is a school that we proposed to phase out
25 last year. What I'll, what I'll note with this

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2 school is that if you look back at the last four
3 progress reports, it's received three Cs and a D.
4 So it has been, in essence, on our watch list of
5 sorts for a very long time. Any school that
6 receives a D, that's below the citywide average in
7 graduation rate, below K to 8 district proficiency
8 levels, are currently being monitored. The
9 progress report is, you know, we believe a fair
10 assessment of these schools, in that it does
11 monitor the progress year over year.

12 COUNCIL MEMBER LEVIN: Okay, but
13 in, in, during that time, what I'd like to know is
14 that first D that came in, right, what has the
15 Department of, of Education done in those, between
16 then and now, to, to turn that school, to try to
17 turn that school around? 'Cause that's a small
18 school, it's not a big school.

19 PAYMON RAHANAFAR: Mm-hmm.

20 COUNCIL MEMBER LEVIN: Right? And
21 they had a, I mean they started they were, had a
22 corporate sponsor in Goldman Sachs. Goldman Sachs
23 seemingly bailed on the school. What has DOE done
24 in the last three years, to shore up that school,
25 to try to make it so that the school can, can

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continue to exist? I want to know, has DOE, in the last three years, have they looked at trying to turn around the school? Or are they, have they been resigned? I--there's been a certain amount of resignation that I've, I've heard, in the testimony today, that says, "Well, you know, people say that the school is doomed to failure, and we concur" you know. This school, this is a school that's small enough, right, that it's, I would say that a school like that is doomed to failure. I want to know what, has that been the perspective? Has the perspective at DOE been that this school has been doomed to failure?

JOSH THOMASES: So, so, Councilman, I can't give you the exact details on the school, and I'm not going to pretend I can here. Happy to follow up afterwards. What I would say is, let's first define the DOE. From the school's perspective, the DOE is their superintendent, and their Children First network team that they've selected to support them.

COUNCIL MEMBER LEVIN: Well, - - as well. I mean, I, the--

JOSH THOMASES: But, but from a, so

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I come out of the Division of School Support and Instruction that manages the schools, and we pay attention to that data from not a "Is it time to close?" perspective, but "What are we going to do to get turnaround in the school?" And I don't, I can't give you the specific details in this case, and again happy to follow up afterwards on those details. But the network leader, the superintendent of the network team, have been in there trying to move the school. Where you, where, where ultimately there's a decision that it's not working anymore is because the failure has become so ingrained, that there is organizational resistance to change. And any organization has that kind of resistance to change, it's not, it's not unique to school structure. But--

COUNCIL MEMBER LEVIN: This says this school has one of the best debate teams, high school debate teams in the City of New York. There's no, I mean--

JOSH THOMASES: Go ahead.

COUNCIL MEMBER LEVIN: That's fact.

MARK STERNBERG: Fair. Look, and I

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2 think what we've said, Councilman, is that in many
3 of these schools there are good things happening.
4 And there are people who certainly are of good
5 intention, working hard. The school has a 47
6 percent graduation rate, it's had a 47 percent
7 graduation rate for a number of years. This
8 network team has worked very closely with the
9 school. And we're not happy about the fact that
10 it needs to close, but we're convinced that that's
11 what needs to happen.

12 COUNCIL MEMBER LEVIN: And I
13 appreciate you, you being out there, as well, last
14 week, so I do appreciate that. Can I ask one more
15 question, Mr. Chairman?

16 CHAIRPERSON JACKSON: [off mic] Go
17 ahead.

18 COUNCIL MEMBER LEVIN: Okay. I
19 just want to know, I want to get your sense, or
20 from the DOE's perspective, on the lawsuit last
21 year, from the DOE's perspective, what went wrong
22 there? [pause] I mean, it's a broad question,
23 but what went wrong? Why, why do you see that an
24 Appellate Division upheld the unanimous,
25 unanimously a decision like that?

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2 PAYMON RAHANAFAR: I think to, I
3 don't think it's fair to directly answer that
4 question. We think what went wrong is the outcome
5 of the lawsuit. What I will say is that the
6 process that we've incorporated this year, is one
7 that we believe encourages more community input,
8 and we've gone out to these schools, we've began,
9 we've begun these conversations with the
10 principal, school leadership teams, the parent
11 organizations, we've made very clear, you know,
12 what our criteria are, the way we're monitoring
13 these schools. We have, you know, boatloads of
14 information out, and whether it's the educational
15 impact statement, whether it's a building
16 utilization plan, we're being very transparent
17 with our decision making, our criteria, our
18 rationale, and the way we're implementing these
19 changes.

20 MARK STERNBERG: If I could note
21 also, and Councilman, you joined me the other
22 night at the [time bell] sorry, Mr. Chairman. You
23 joined me at the joint public hearing for
24 Metropolitan Corporate Academy. And I think what
25 you saw there is an important change in how we

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2 seek to go into communities and have real
3 conversations with them. And so I was not a part
4 of the phase out process last year, but my team,
5 our team, the work that Paymon and I have done
6 this year, is just as he said. It's been focused
7 on transparency, clarity around our criteria, and
8 openness to dialogue, as represented by the
9 conversations we had in 55 schools this year, 55
10 schools starting in, in September and October,
11 well before we put pen to paper on an education
12 impact statement.

13 COUNCIL MEMBER LEVIN: And again, I
14 do appreciate you personally being there, Deputy
15 Chancellor. Thank you. Thank you, Mr. Chairman.

16 CHAIRPERSON JACKSON: Thank you.
17 Council Member Debbie Rose of Staten Island.

18 COUNCIL MEMBER ROSE: Thank you,
19 Mr. Chair. I love the way he says that, you know,
20 gives, you know, Staten Island a lot of
21 credibility.

22 CHAIRPERSON JACKSON: It does, it
23 has 600,000 people.

24 COUNCIL MEMBER ROSE: That's right.
25 And we're a very important outer borough. But you

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2 know, and that leads me to why, I really wasn't
3 going to ask a question this afternoon,
4 deliberately because there are no schools in
5 Staten Island slated for closing. However, Mr.
6 Thomases referred several times, like you were
7 taunting me, that you turned New Dorp High School--
8 -

9 JOSH THOMASES: There certainly was
10 no intent, Councilwoman.

11 COUNCIL MEMBER ROSE: Oh, okay.

12 JOSH THOMASES: Let me be clear.

13 COUNCIL MEMBER ROSE: Oh, okay.

14 That you turned New Dorp High School--

15 JOSH THOMASES: It's a dangerous
16 proposition.

17 COUNCIL MEMBER ROSE: --around, and
18 you referred to New Dorp High School--

19 JOSH THOMASES: Yeah.

20 COUNCIL MEMBER ROSE: --several
21 times, and that it was turned around. So, I
22 wanted to know what you turned it around from, and
23 what strategy was employed?

24 JOSH THOMASES: So, first of all, I
25 deserve little credit for it. Enormous credit

1
2 goes to the principal, Deirdre Deangelis, her
3 leadership team of assistant principals and
4 teachers, and New Visions for Public Schools, that
5 worked together on it. I--I am now paraphrasing
6 from what they told me. What Principal Deangelis
7 was able to do was make that school from one large
8 school that was where it's graduation rate was
9 decreasing slowly on an annual basis, and
10 essentially what she said to me was she, she went
11 into that school, she went to the leadership of
12 the teachers and the assistant principals, and she
13 said, "If we don't change it, they're going to
14 come close us." And used the threat of closure to
15 say, "We've got to change our practices. We've
16 got to get our best teaches in the Ninth Grade,
17 we've got to give, people's got to give up their
18 sacred space and their favorite classes, we've got
19 to have teams of teachers working in small
20 learning communities. Small learning communities
21 work when the leadership of the teachers and the
22 leadership of assistant principals work together
23 with it. And--

24 COUNCIL MEMBER ROSE: Was this
25 school--

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JOSH THOMASES: --what principal--

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COUNCIL MEMBER ROSE: --ever, was

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this school ever on the list to be--

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JOSH THOMASES: Not to, not to my

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knowledge.

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COUNCIL MEMBER ROSE: --closed, or

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slated? So--

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JOSH THOMASES: No, but what it

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was, was it was a school that had, had the

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principal and the leadership team not been

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successful, I imagine it would've been, because in

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2004/2005, it's graduation rate was, was somewhat

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below the citywide average, and dropping. And had

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she not been able to turn that around, I imagine

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it at least would've been in the conversation.

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And that's--

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COUNCIL MEMBER ROSE: Because this

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school was never overenrolled. In fact, this is,

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that school is the reason why I can't get a new

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high school on Staten Island, is because they are

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underenrolled. They have plenty of space. I've

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worked with that school, they never seem to have

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been short of any resources. The previous

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Administration actually is not a part, I think on

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2 the Deputy Chancellor level, in DOE, the former
3 principal. I don't want to mention names. But
4 anyway, the former leadership of that school.

5 JOSH THOMASES: All right, I mean--

6 COUNCIL MEMBER ROSE: Okay, so--

7 JOSH THOMASES: --Principal
8 Deangelis is one of the best we've got.

9 COUNCIL MEMBER ROSE: I'm just
10 saying--

11 JOSH THOMASES: She's done a
12 wonderful job and couldn't have done it without
13 the teachers and assistant principals in her
14 school. Deserve an enormous amount of credit for
15 what they've done there.

16 COUNCIL MEMBER ROSE: So, it just
17 seems that this school doesn't fit the paradigm of
18 all the other schools that you, you brought to us
19 today.

20 JOSH THOMASES: That's right, they-
21 -

22 COUNCIL MEMBER ROSE: And we're
23 talking about, about closing. It just didn't seem
24 fair because I'm happy that they turned it around
25 from whatever. Apparently not imminent closure,

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2 but they turned it around. And, but you're using
3 it as an example of, of what DOE has done. And it
4 doesn't fit the, the paradigm of all the other
5 schools that are facing closure.

6 JOSH THOMASES: Okay. I was using
7 an example of a couple things, and I apologize for
8 the confusion. One, that we believe that large
9 schools are a critical aspect of the portfolio.
10 Two, that we do think that schools, given the
11 leader, the right leadership and the right
12 concentration of students, have a shot. And
13 three, [time bell] how unbelievably hard it is.
14 And so, I was at--you're right, the distinction
15 that I was making with the Councilman much earlier
16 in the day, was exactly that, that there is a very
17 noticeable difference in the size and
18 concentration and the challenges facing a school
19 like New Dorp, which deserves enormous credit for
20 what they've achieved, and some of the schools
21 that we ultimately decision phase out. That's
22 actually what I meant to say.

23 COUNCIL MEMBER ROSE: Okay.

24 JOSH THOMASES: So, I didn't mean
25 to tease you, I apologize.

1
2 COUNCIL MEMBER ROSE: Okay, thank
3 you. I just wanted to know, in my, in my other
4 life, you know, I worked in dropout prevention.
5 And so I wanted to know why students who are
6 discharged to YABC programs, and GED programs, are
7 still not counted as dropouts? Because when I was
8 working in that field, they were counted as
9 dropouts. And why are they--and but, and then, if
10 they are, why are they removed from the cohort at
11 the school for the purposes of calculating the
12 school's graduation rate?

13 JENNIFER BELL-ELLWANGER: Okay, so,
14 so the short answer is none of those things. So,
15 a GED, a transfer, a student who goes to a GED
16 program or a YABC program, actually transfer to
17 those schools. They do not leave the Department's
18 register. So they are included in all of our
19 enrollment counts. That being said, they are also
20 included in the sending school's graduation
21 calculations. We'll talk about GED in a second.
22 But for the transfers to a YABC program, those
23 students, for purposes of graduation calculations,
24 actually are attributed back to the school where
25 they first came from.

1
2 COUNCIL MEMBER ROSE: Right, that's
3 the purpose of YABC.

4 JENNIFER BELL-ELLWANGER: So they,
5 so we do not--so we do not lose them from our
6 school registers or our reporting.

7 COUNCIL MEMBER ROSE: So, GED?

8 JENNIFER BELL-ELLWANGER: On GED
9 programs, they too are also considered as
10 transfers to the, if they go to a District 79 GED
11 program, because those are state-approved GED
12 programs. And for those purposes they're
13 considered as transferred--

14 COUNCIL MEMBER ROSE: District 75?

15 JENNIFER BELL-ELLWANGER: 79, 79.
16 District 79.

17 COUNCIL MEMBER ROSE: Oh, it's a
18 different district, okay.

19 JENNIFER BELL-ELLWANGER: That's
20 right.

21 COUNCIL MEMBER ROSE: Mm-hmm.

22 JENNIFER BELL-ELLWANGER: And
23 District 79 is for alternative programs, including
24 all of our GED, are under the responsibility of
25 District 79. And for those students, also, again,

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2 they are included in all of our graduation
3 calculations, so they are not excluded either.

4 COUNCIL MEMBER ROSE: Okay. And
5 then, just one last question. Why have you
6 stopped reporting special ed discharge figures in
7 the graduation reports, since the Jennings Haimson
8 report was released? And it makes it look, in
9 your phase-out results of new schools, at the
10 bottom, you, it talks about how the traditional
11 calculations for graduation rate was arrived at.
12 And, and I see where you no longer utilize the
13 special ed rate, or the disabled rate, now, in
14 2009 numbers.

15 JENNIFER BELL-ELLWANGER: Okay, so
16 this, this--

17 COUNCIL MEMBER ROSE: You're,
18 maybe, you should answer the first question first,
19 right?

20 JENNIFER BELL-ELLWANGER: [laughs]
21 Okay.

22 COUNCIL MEMBER ROSE: It got a
23 little convoluted.

24 JENNIFER BELL-ELLWANGER: So, so
25 Councilwoman, perhaps we could spend some time,

1
2 not here, to go through all of the different ways
3 that graduation rates have been calculated in the
4 past. But just for a very quick snapshot, since
5 1986, New York City has been, has been calculating
6 graduation rates for students who enter ninth
7 grade in a certain year, and we follow them for
8 four years. Then we, and then we announce and
9 publish what happened to those students, again
10 four years later.

11 JOSH THOMASES: Page six.

12 JENNIFER BELL-ELLWANGER: Yeah, and
13 page, page six of the slide. So, you could see
14 that under those calculations for New York City,
15 just very briefly, during the traditional
16 calculation, those represent, we call it the
17 general education cohort, but the only students
18 that it excludes from their calculations were
19 those students that were in a self-contained or a
20 District 75 program. And that's again because
21 we've done this calculation in the same way since
22 1986. The orange line that you're looking at,
23 that is the New York State calculation, and the
24 New York State graduation rate calculation was
25 introduced in 2005. And in 2005, we've seen the

1
2 same trajectory that we've seen since our
3 graduation rates in 2002. And that, the State's
4 graduation rate, which is just slightly different,
5 only because it includes all students with
6 disabilities, including those in District 75, or
7 in self-contained classrooms. So that's the only
8 difference. Your other point about the Jennings
9 Report, that was, [time bell] we have not produced
10 discharge rates for the students in that special
11 education cohort by school, because the numbers
12 would, were very small again, because of the FERPA
13 compliance. However, we did give that to Ms.
14 Haimson and Ms. Jennings as part of a data
15 request.

16 COUNCIL MEMBER ROSE: And--I forgot
17 my question. I'm having a moment here. Yeah--

18 CHAIRPERSON JACKSON: Question!

19 COUNCIL MEMBER ROSE: --I forgot my
20 question.

21 CHAIRPERSON JACKSON: All right,
22 well--

23 COUNCIL MEMBER ROSE: Okay, well.

24 CHAIRPERSON JACKSON: Well, let me
25 be, while you think about your question, let me

1

2 just ask this. As far as those individuals that
3 leave the regular school environment, and go to a
4 GED program, that's considered a transfer, is that
5 correct?

6 JENNIFER BELL-ELLWANGER: That's
7 correct.

8 CHAIRPERSON JACKSON: Okay.

9 JENNIFER BELL-ELLWANGER: As long
10 as they go to--I should clarify. If they go to a
11 District 79--

12 CHAIRPERSON JACKSON: Meaning
13 Department of Education, is that correct?

14 JENNIFER BELL-ELLWANGER: --GED
15 program, that's right, 'cause those are State
16 approved. If they decide to--if the student,
17 through the planning interview process--

18 CHAIRPERSON JACKSON: Okay.

19 JENNIFER BELL-ELLWANGER: --states
20 that they're going to a GED program that is not a
21 State approved GED program, then they are indeed
22 counted as a code 39, which is a dropout.

23 CHAIRPERSON JACKSON: Okay. But
24 realistically, as far as, you know, you've heard
25 the saying, "We trust you, but we want to verify."

1
2 How do you verify, when you're asking a student,
3 you know, "Where are you going?" and they say, "I
4 don't know." And do they know exactly if they're
5 going to a, a DOE GED program, or to a community
6 based program, or whatever they're going to do,
7 when some people say they're being, you know,
8 that, that they may want to leave voluntarily
9 because they have a right to under the law as far
10 as their age, or they may be, and some people may
11 say "coached" out? So, how do you actually know
12 what they're going to do? Or is it what they tell
13 you and then you use that from a statistical point
14 of view?

15 JENNIFER BELL-ELLWANGER: No, we
16 actually have to verify it, vis-à-vis the
17 enrollment at the, at the new school. So--

18 CHAIRPERSON JACKSON: And that's
19 the DOE school. Is that correct?

20 JENNIFER BELL-ELLWANGER: Well, for
21 the GED--

22 CHAIRPERSON JACKSON: For the GED.

23 JENNIFER BELL-ELLWANGER: --we know
24 that they, instead of going to, say, you know, the
25 school 221, we, we know through, vis-à-vis our

1
2 enrollment records, that that student is now at
3 this other school. So that's one way that we
4 verify the enrollment. And that discharge is from
5 one school to another, is then affected by that
6 confirmation of the enrollment. If a student
7 comes in or a parent comes in and says, "We're
8 moving, and we're going to enroll in a school in
9 West Virginia," then we can say, "Okay, we're
10 going to put that student in as a discharge," but
11 that discharge isn't effected until we get the
12 verification of the enrollment.

13 CHAIRPERSON JACKSON: Okay, so, so
14 the, the actual enrollment into a DOE GED program
15 is, is when you determine that the--

16 JENNIFER BELL-ELLWANGER: Yeah,
17 it's the, it's admission driven. So--

18 CHAIRPERSON JACKSON: It's
19 admission driven.

20 JENNIFER BELL-ELLWANGER: --when
21 the student is admitted into the GED program, then
22 they are, the transfer is effected.

23 CHAIRPERSON JACKSON: So, if a
24 student says, you know, "I'm going to pursue a
25 GED, but I don't really know what program," and

1
2 "Are you enrolled currently?" and they say, "No,"
3 that's considered a dropout.

4 JENNIFER BELL-ELLWANGER: Well,
5 yes, but we would not just say, "Okay, be off and
6 be well," we would want to make every effort to
7 work with that student to bring them into a) a
8 District 79 GED program, or, or counsel them to
9 other programs within the Department.

10 JOSH THOMASES: It remains the
11 school's responsibility to work with that student.
12 We also have District 79 Borough Enrollment
13 Centers that are the places in each borough to
14 track these students, Cami Anderson who worked
15 closely with me is the District 79 Superintendent.
16 And she's put in a set of reforms so that we're
17 counting very closely, who attends, how long they
18 stay. Ten years ago if you asked how many people
19 were in GED, we couldn't really answer the
20 question. We can answer it now, and we can answer
21 what our outcome are.

22 CHAIRPERSON JACKSON: And you can
23 answer that with respect to DOE schools and what
24 about non-DOE GED programs?

25 JOSH THOMASES: At this point, we

1

2 can't answer it to non-DOE GED--

3 JENNIFER BELL-ELLWANGER: That's
4 right.

5 JOSH THOMASES: We, we, we can
6 discuss offline some of the work we're doing with
7 the other organizations that run GED--

8 CHAIRPERSON JACKSON: Oh, right,
9 right, right.

10 JOSH THOMASES: -to do that work.

11 CHAIRPERSON JACKSON: Okay. All
12 right. Debbie, did you think of your question?

13 COUNCIL MEMBER ROSE: That was, it
14 was about how you track the GED, and how far do
15 you track them? Until they actually get the GED?

16 CHAIRPERSON JACKSON: Well, do you
17 monitor till they actually--

18 COUNCIL MEMBER ROSE: Pass the,
19 pass the test and get it?

20 CHAIRPERSON JACKSON: --actually
21 get it?

22 JOSH THOMASES: Yeah, so, for the
23 District 7--

24 CHAIRPERSON JACKSON: At DOE, yes.

25 JOSH THOMASES: For the District 79

1
2 GED programs, Cam--we have a system for counting
3 and tracking how many go, how many attend, how
4 many take the test, how many pass the test, and
5 can produce those results.

6 CHAIRPERSON JACKSON: And then do--

7 COUNCIL MEMBER ROSE: But not the
8 community based program.

9 JOSH THOMASES: We are beginning
10 that, just be at the very beginning of that work.

11 CHAIRPERSON JACKSON: And the ones
12 that you track, as far as DOE GEDs [time bell] and
13 go on, let's assume after six months or a year,
14 year-and-a-half, they get their GED. Is that
15 counted towards graduation statistics?

16 JENNIFER BELL-ELLWANGER:

17 Previously, under the, the old New York City
18 traditional calculations, when a student completed
19 a GED and got their GED diploma, they were counted
20 in the graduation statistics. But it's a very,
21 very small percentage. However, for the New York
22 State calculation, the only students that are
23 counted as graduates are those that received a
24 Regents diploma, or a local diploma. If you
25 transfer to a GED, it's almost like a category of

1
2 being still enrolled. You're still in the cohort,
3 but your enrollment doesn't count towards your
4 graduation.

5 CHAIRPERSON JACKSON: Okay. So, I
6 guess you gave an explanation, but I don't know if
7 you answered my question. So, do you include GED
8 graduates in your statistical formula for
9 graduation rates?

10 JENNIFER BELL-ELLWANGER: They are
11 not counted as graduates.

12 CHAIRPERSON JACKSON: Okay.

13 JENNIFER BELL-ELLWANGER: For the
14 New York State, for the New York State calculation
15 methodology, which is what we refer to when we say
16 "63 percent of our students--"

17 CHAIRPERSON JACKSON: Okay.

18 JOSH THOMASES: So Councilman.

19 JENNIFER BELL-ELLWANGER: "--have
20 graduated."

21 CHAIRPERSON JACKSON: Do you use it
22 any other calculation?

23 JENNIFER BELL-ELLWANGER: Yeah, as
24 I mentioned before, if you look at slide six--

25 CHAIRPERSON JACKSON: Go ahead.

1
2 JENNIFER BELL-ELLWANGER: --because
3 traditionally, remember, going back to 1986, was a
4 different time and place.

5 CHAIRPERSON JACKSON: Yeah, that's
6 a long, long, long time ago.

7 JENNIFER BELL-ELLWANGER: It is!
8 [laughs] We did include--

9 CHAIRPERSON JACKSON: That was
10 before I was born.

11 JENNIFER BELL-ELLWANGER: We did
12 include GED completers, those students that
13 completed GED, were included in the graduation, in
14 the graduation rate. And it--

15 CHAIRPERSON JACKSON: Okay, and
16 when did that stop?

17 JENNIFER BELL-ELLWANGER: It still
18 is there, because we follow that. We continue
19 that. But we also show it without those GED--

20 CHAIRPERSON JACKSON: Okay, and you
21 show that I'm looking at page six, you're looking
22 at that green dot?

23 JENNIFER BELL-ELLWANGER: It's,
24 it's not here, but it's a--it's only, it only
25 contributes to about two points. And I can get

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2 you the breakdown.

2

3

JOSH THOMASES: So let me just try.

4

CHAIRPERSON JACKSON: Okay.

5

JOSH THOMASES: The square line,

6

the line with the squares.

7

CHAIRPERSON JACKSON: Oh, I'm

8

sorry, yeah, that's the blue line.

9

JOSH THOMASES: The blue line.

10

Yeah, sorry, I'm partially color blind.

11

CHAIRPERSON JACKSON: That's okay.

12

JOSH THOMASES: The line with, the

13

line with, the blue line, right? Top line.

14

CHAIRPERSON JACKSON: [laughs]

15

Yeah.

16

JOSH THOMASES: Includes GED.

17

JENNIFER BELL-ELLWANGER: Includes,

18

right.

19

CHAIRPERSON JACKSON: Okay.

20

JOSH THOMASES: We continued to

21

count that, even though it's not for formal

22

reporting purposes, 'cause it's the way to, to go

23

back 25 years.

24

JENNIFER BELL-ELLWANGER: Right,

25

longitudinal, look.

1

CHAIRPERSON JACKSON: Okay.

2

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5

JOSH THOMASES: The formal line,
the line that is now for reporting purposes, which
is the bottom line--

6

7

CHAIRPERSON JACKSON: Which is the
orange line, the triangles?

8

JOSH THOMASES: The triangles, yes.

9

CHAIRPERSON JACKSON: Okay.

10

11

JOSH THOMASES: We do not count for
GED.

12

13

JENNIFER BELL-ELLWANGER: That's
right.

14

CHAIRPERSON JACKSON: Okay.

15

16

JENNIFER BELL-ELLWANGER: That's
right.

17

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19

CHAIRPERSON JACKSON: Cool. All
right, thank you. Council Member Mark Weprin of
Queens.

20

21

COUNCIL MEMBER WEPRIN: Thank you,
Mr. Jackson.

22

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CHAIRPERSON JACKSON: You're
welcome.

24

25

COUNCIL MEMBER WEPRIN: Hey, you
made it back. I apologize, I may be the last one,

1

2 I don't know, and maybe RJ will go back.

3 CHAIRPERSON JACKSON: - -

4 COUNCIL MEMBER WEPRIN: Okay, no
5 not last, you're just, you shall be first. Well,
6 anyway, I know it's been a long day, and I saw
7 that the Chairman gave you some sustenance, so
8 that's good. I got a question, out of the, out of
9 the schools that were affected by a closing, what
10 percentage of those students transferred to
11 another school?

12 PAYMON RAHANAFAR: Do we know that?
13 We don't have that data available right now.

14 COUNCIL MEMBER WEPRIN: Right. And
15 you know, the problem with that is, and in some of
16 the stats here, you know, it's, we want to have,
17 the reason we want this, these leg--this talk
18 about this legislation is, if you don't track
19 those kids, then we're really dealing with apples
20 and oranges. I see that you talk about the color
21 of people's skin, and that they're same color as
22 the people who were there before, but just because
23 they have the same color skin doesn't mean they
24 come from the same families or is a good student,
25 or anything like that. And as an example of this,

1
2 you know, I've often gotten upset when I hear
3 people compare charter schools to regular schools.
4 And they say, "Well, look, this charter school's
5 doing better." Well, I would assume a charter
6 school will do better than a regular school
7 because the parents made a decision to bring their
8 kids and send 'em to that school. And the people
9 who are at other school, probably a lot of them
10 were just there because it's the local school, and
11 they might have only one parent, or they may not
12 have any parents, or they may have a parent who's
13 working three jobs and is not involved, or they
14 might have social issues in their house, or other
15 issues in their house. A fairer comparison always
16 would've been, I always thought is, when they said
17 there's all these people waiting to get the
18 charter schools, would be compare those in the
19 charter schools with those waiting to get into
20 charter schools, because at least those are both
21 from a parent who cares. So, when I look at you
22 comparing just by color of skin or language they
23 speak or whether they have a disability, it's not
24 a fair comparison because obviously these people
25 chose this school. We need to track those kids

1
2 who transferred; otherwise, we don't know if
3 they're doing better where they are, or have they
4 just been, almost like laundered. We, so we can't
5 track 'em anymore, and we don't know how they're
6 doing anymore. Why am I wrong?

7 JOSH THOMASES: Okay, so, I think
8 the, the first point is we've mentioned the MDRC
9 report before.

10 COUNCIL MEMBER WEPRIN: Right.

11 JOSH THOMASES: And what is so
12 interesting about it, and why, and we'll make sure
13 it's available to everybody in the Council, is
14 that they did that exact, exactly what you
15 propose, they did. They used the student
16 enrollment choice process for high schools to, to
17 create essentially a control group, and look at
18 how kids who asked to go to those schools but
19 didn't get in, did compared to the kids who did
20 get in. To do exactly what you said. And saw the
21 outsized outcomes. So, I do want to direct you
22 there. And I think it's, it's an important
23 question, it's why that report's valuable, and
24 it's why ultimately we want to work with you on
25 counting the numbers.

1
2 MARK STERNBERG: Councilman, two
3 other quick clarifying points. One is that the
4 vast plurality of new schools, those that are
5 district schools, operate on a limited, unscreened
6 basis. Right, so their admissions protocol is
7 open to all comers. They have a certain number of
8 sets and if they get more applicants than seats
9 available, there is an open lottery for the
10 school. But there's not screen at these schools,
11 and they can, you know, anyone who wants to go to
12 the school may go to the school. I would also, I
13 would also add that for the last, under this
14 Administration, at the high school level, and in
15 parts of the City at the middle school level, we,
16 we operate under a full choice system. So we are
17 not zoning kids, for the most part, right, to high
18 schools.

19 COUNCIL MEMBER WEPRIN: Well--

20 MARK STERNBERG: Parents are making
21 those choices. I know there are some exceptions.

22 COUNCIL MEMBER WEPRIN: Yeah, I'm
23 actually familiar with that process. A little too
24 familiar with that process, but that's another
25 story. But the problem, the difference is, is

1

2 that they did have to fill out that complicated
3 rubric of saying, "This is my first choice, this
4 is my second choice," up to my ninth choice.

5 MARK STERNBERG: Up to, up to the
6 twelfth choice.

7 COUNCIL MEMBER WEPRIN: Right, all
8 right, or whatever they choose. And if they don't
9 make a proper choice, or they do something wrong,
10 you end up in your local zoned schools and some of
11 these failing schools, most of them are zoned
12 schools. So you just end up there, if you didn't
13 do it properly. Or you know, just didn't
14 understand the process, or other things. I mean,
15 you do have to make an informed choice to ask for
16 that school.

17 MARK STERNBERG: Close to 60
18 percent of families across the City get their
19 first choice. I mean, that, that we have so many
20 schools to choose from, we think is a very
21 powerful mechanism for, for serving families
22 across the City. We're very excited about that.
23 And can it be better? Absolutely. But we think
24 that this is an important part of what we do.

25 COUNCIL MEMBER WEPRIN: What

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2 percentage, what--

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MARK STERNBERG: And I think I'm, eight of ten families get their top three choices, one of their top three choices, in the high school choice process.

7

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COUNCIL MEMBER WEPRIN: What percentage don't fill it out at all? Are you able to not to fill it out at all?

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MARK STERNBERG: You know, that, that work happens with the guidance counselor at the school level. I don't have that data [time bell] with me right now, and I'm happy to follow up with you if you'd like.

15

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COUNCIL MEMBER WEPRIN: Mr. Jackson, can I keep going a little bit.

17

18

CHAIRPERSON JACKSON: Sure, go ahead.

19

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21

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COUNCIL MEMBER WEPRIN: Okay. The--one of the problems we have in, in Queens where I am is that there are a number of high schools which are local zoned high schools, but they're incredibly popular. Bayside High School, Francis Lewis High School, Cardozo High School, all way overcrowded, sometimes twice their population.

1
2 Closing Jamaica High School, I have to assume,
3 increased that enrollment even more in a way,
4 'cause a lot of those students I'm sure chose
5 those schools, or Forest Hills High School,
6 possibly. I mean, they're the schools in the
7 area. Do you have those numbers of who might--Can
8 you assess who would've gone the first round?
9 They did, well they couldn't apply the first round
10 last year. But the second round, they could've
11 applied but they were told, "Only if you really
12 want to go to this really crappy school should you
13 apply there," and obviously some kids still chose
14 that, which I can't imagine that anyone still
15 wrote Jamaica High School on that list after that
16 letter we got which said, you know, "We lost this
17 lawsuit, but you can still go to these really bad
18 schools if you want, but it's up to you." But--

19 MARK STERNBERG: So what we can say
20 there is you can only live in one zone, correct?
21 So, if you live in the Jamaica zone, you can
22 choose to go to Jamaica. Currently, Jamaica only
23 serves ten percent of that zone. 90 percent of
24 the zone is choosing to go elsewhere. If you're
25 zoned to Francis Louis, you get priority to that

1
2 school. And they would only give priority to the
3 students that live in that zone. So if you live
4 in Jamaica, you're second to anyone else that
5 lives in the Francis Louis zone. And frankly,
6 we're having a hard enough time serving all the
7 students there. So, we don't view as though that
8 decision creates overcrowding - -

9 COUNCIL MEMBER WEPRIN:

10 [interposing] So where do they go? Where--does
11 anyone track where those Jamaica High School
12 students who didn't decide, who didn't decide to
13 go to that failing school, and that you're failing
14 school in quotes.

15 MARK STERNBERG: We've run that
16 analysis before. Literally, all over. And what
17 it tells you is, like they'll go to schools in The
18 Bronx, they'll go to Bronx Lab School, if they can
19 get in. They'll find any grade option at any new
20 small school. Most of them are going to newer,
21 smaller schools. But the data shows you they're
22 willing to travel 45-50 minutes to go to anywhere
23 they can.

24 COUNCIL MEMBER WEPRIN: They--

25 JOSH THOMASES: And Councilman, if

1

2 I, if I could just add, when we were doing the
3 small learning community work at Jamaica, we
4 couldn't, one of the, one of the examples of
5 failure for it to really take hold--

6 COUNCIL MEMBER WEPRIN: Mm-hmm.

7 JOSH THOMASES: --was we couldn't
8 convince more local families to actually apply to
9 the school. The enrollment numbers didn't move--

10 COUNCIL MEMBER WEPRIN: No, I--

11 JOSH THOMASES: --over the--and,
12 you know, I'm admitting failure, but it didn't, we
13 weren't able to get that to take hold and get
14 people to attend. Part of the reason why the
15 decision to start putting schools there was
16 because we needed to use that space for exactly
17 the reason you're talking about.

18 COUNCIL MEMBER WEPRIN: Well, why,
19 Hillcrest High School broke into the smaller
20 communities. Why couldn't that be done with
21 Jamaica?

22 JOSH THOMASES: It was exac--it was
23 the exact same reform there. It was, you're
24 talking about the exact same time period. Has to
25 do with the things we've talked about here.

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2 Leadership--

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COUNCIL MEMBER WEPRIN: Well, you were talking about this--you were talking about the same students in that learning environment. Why not put four new academies in there--

JOSH THOMASES: It--

COUNCIL MEMBER WEPRIN: --still call it Jamaica High School.

JOSH THOMASES: Ultimately smaller communities--

COUNCIL MEMBER WEPRIN: And put 'em in there.

JOSH THOMASES: --fail, either due, due to principal leadership, resistance on the part of the assistant principals or resistance on part of the chapter. So, it's a--

COUNCIL MEMBER WEPRIN: Well, why is it any different than having four new schools, though? I mean, this, you put someone, you know, I mean, I mean, I understand, you have a deputy, you'll have an assistant principal in charge of this school. And it's just, I mean, I don't see why that would be different.

JOSH THOMASES: Sure.

1
2 COUNCIL MEMBER WEPRIN: And I, and
3 the problem with it, and the reason I really think
4 getting rid of these, these historic high schools,
5 like Jamaica High School, is that you have 80
6 years' worth of graduates who are all over this
7 country, who are an amazing resource that we can
8 use for the future. No one ever reaches out to
9 try to raise money from them, the City could raise
10 money from them, alumni associations could be
11 formed. You are about to wipe out the history of
12 the City of New York. [background voices:
13 "That's right."] And I resent it, and you know, a
14 little bit because [scattered applause] I resent
15 it because I feel like, you know, the Mayor got
16 control of the schools, I understand that. But I
17 saw it more as a caretaker role, not to take 'em
18 away and destroy them. It just, it just--and I am
19 saying "destroy," you won't agree with that word--
20 but I'm just saying, to eliminate Jamaica High
21 School from the planet was in no way anything that
22 a legislature, legislator considered could happen,
23 you know, without--I mean, I understand if you
24 want to put new things in the school and try
25 something different, that would make sense to me.

1

2 But just to obliterate the school, and the history
3 that comes with it, I think destroys the fabric of
4 the City.

5

JOSH THOMASES: We will work hard
6 not to do that. We worked with Councilman Recchia
7 at Lafayette High School, the Lafayette High
8 School Alumni Association, Sandy Koufax being the
9 obvious famous alum, is, is vibrant--

10

COUNCIL MEMBER WEPRIN: - -

11

JOSH THOMASES: --and deeply
12 supportive of the small schools that are on that
13 campus now. We've worked closely with the City
14 Council and with the Alumni Association, both
15 around the closure, around the new schools that
16 are in there. They run an annual even where they
17 bring alumni in, they raise resources. We should,
18 we should work with you to do that elsewhere--

19

COUNCIL MEMBER WEPRIN: The problem
20 is they're not calling it Jamaica High School
21 anymore. And, you know, there're these smaller
22 schools now there in its place. And all the
23 alumni are saying, "Jamaica High School's gone,"
24 and no longer will they be interested in what's
25 going on.

1
2 JOSH THOMASES: We call it the
3 Lafayette High school Campus, and we've managed to
4 do that with the--

5 COUNCIL MEMBER WEPRIN: But you're
6 not calling it, it's not called--[time bell]

7 JOSH THOMASES: --we've, we've
8 managed to do that at Lafayette, and I think we
9 could do that also--

10 COUNCIL MEMBER WEPRIN: But it's
11 not called Jamaica High School, it's not called
12 this at Jamaica High School, or even the Jamaica
13 High School campus, it's being called something
14 else.

15 MARK STERNBERG: So let me, let me
16 just, if I may.

17 COUNCIL MEMBER WEPRIN: Okay.

18 MARK STERNBERG: And Mr. Chairman,
19 I know we're short on time here.

20 COUNCIL MEMBER WEPRIN: Yeah, I'm
21 sorry.

22 MARK STERNBERG: My experience, I
23 want to respond to a few points and cut me off,
24 please.

25 CHAIRPERSON JACKSON: [off mic] Go

1

2 ahead.

3

MARK STERNBERG: Uh--

4

CHAIRPERSON JACKSON: [off mic] All

5

right, that's enough. [laughter]

6

MARK STERNBERG: My experience at

7

Evander, at the Evander Campus was, I think,

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helpful and instructive here. First of all,

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there's great respect among the six schools that

10

replaced Evander for the history of Evander Childs

11

High School.

12

COUNCIL MEMBER WEPRIN: Right.

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MARK STERNBERG: And for the

14

community that once, that once strived at that

15

school, that did quite well. And it was, it was a

16

fine school for a very long time. In my

17

interactions with alum of Evander, it's pretty

18

straightforward. The school's not working, let's

19

do something different. Let's celebrate the

20

history of this school, but we know we can do

21

better for the children of The Bronx today. And

22

so, we need to find a way to do both, and I, your

23

point is well taken, the Jamaica community in

24

particular, has a deep connection to that school,

25

we respect that. We respect also that what we've

1
2 learned over the last decade, under our leader,
3 under our Mayor's leadership, is that we can do
4 better.

5 COUNCIL MEMBER WEPRIN: Right.
6 Just one last point, Mr. Chairman, on this.

7 CHAIRPERSON JACKSON: That's five
8 minutes ago, but go ahead. No. Okay--

9 COUNCIL MEMBER WEPRIN: I don't--
10 all right.

11 CHAIRPERSON JACKSON: --go ahead
12 [laughs]

13 COUNCIL MEMBER WEPRIN: My problem
14 is this, is that if you don't let it, if this
15 legislation, if you don't let us track these
16 students and see how they're doing outside, we
17 don't have, we don't know what's happened to them,
18 and, and great, you could put a new school in the
19 same building, but they're different students, so
20 who knows? I mean, if I take the kids from
21 Townsend Harris High School and put 'em in Jamaica
22 High School, leave the same teachers, the same
23 principal, and leave everything they're doing
24 right now, those kids will do extraordinarily
25 well.

1

JOSH THOMASES: That's right.

2

3

COUNCIL MEMBER WEPRIN: So it has

4

nothing to do what's going on in the building,

5

it's the students. And something's wrong with

6

the, happening to the students. So we have to

7

find out what's going wrong with the students? Do

8

they need extra help? Is it English language

9

learners? Is it, is it providing more resources?

10

Is it, I mean, I understand that a good teacher is

11

important, and makes a difference, but it doesn't

12

make this much of a difference, it makes this much

13

of a difference.

14

MARK STERNBERG: So I think, with

15

respect to your comments, and we'll stop here,

16

with respect to your comments about the bill, as

17

my colleague Jennifer made clear, we're, we're

18

interested in providing this data to, to the

19

Council. And we invite you and the rest of the

20

Council, certainly Councilman Fidler, to help us

21

help you to help us find a way to, to do this in a

22

way that does not complicate our compliance with

23

FERPA, and we look forward to that conversation

24

offline.

25

JOSH THOMASES: And Councilman, I'd

1

2 be happy to continue the conversation around small
3 learning communities and new schools, and what we
4 found where it works and why.

5 COUNCIL MEMBER WEPRIN: Okay, thank
6 you. Appreciate that.

7 JOSH THOMASES: Look forward to it.

8 CHAIRPERSON JACKSON: One quick
9 follow up on this particular matter, then we go to
10 Council Member Levin about another quick follow
11 up, so they say.

12 COUNCIL MEMBER FIDLER: [off mic]
13 And I'll, then I'll try to be - - [on mic] I'll
14 try to be really quick about this. I just came
15 back from my office, and I had a contact with a
16 staff member who spoke to the principal of one of
17 the small academies that you put into South Shore,
18 who had sent me a letter saying he wanted me meet
19 with me about Reso A funding. And my response
20 was, "Go to the Brooklyn Delegation, you're not
21 one of my local schools," and he flipped out, of
22 course, on the, on the phone at my staff member,
23 which wasn't terribly professional. But I guess
24 the other point is, not only have you kissed off
25 the alumni, but you've kissed off the neighborhood

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support for your high schools, as well. You know, everyone on my block, you know, with the exception of the isolated kid, you know, went to Tech, went to Tilden. Something happened to Tilden, the entire community responded, you had the support of the civic leaders, of the elected officials, of the businesses in the community. You don't have that anymore with this structure. And that's something that I think you've overlooked very, very severely, in terms of resources that are available.

JOSH THOMASES: So, we have places where we've succeeded, and you're absolutely right that there are places where we have the work to do, and we look forward to doing it with you, if you'd be willing to work with us on it.

COUNCIL MEMBER FIDLER: Always.

CHAIRPERSON JACKSON: Council Member Levin, for a quick follow up.

COUNCIL MEMBER LEVIN: Thank you, Mr. Chairman. Just back to the, the issue of the GED and graduation rates. What is the graduation rate this year in New York City, by New York City calculation method. What is the number?

1

2

CHAIRPERSON JACKSON: Can I answer

3

that? No.

4

JENNIFER BELL-ELLWANGER: Sure!

5

JOSH THOMASES: Yes, you can, read

6

the--

7

JENNIFER BELL-ELLWANGER: I would

8

like--

9

CHAIRPERSON JACKSON: Page six.

10

JOSH THOMASES: End of page xix.

11

JENNIFER BELL-ELLWANGER: Well, it

12

will, it will--

13

COUNCIL MEMBER LEVIN: What is the

14

number?

15

JENNIFER BELL-ELLWANGER: See how

16

well I did on explaining.

17

CHAIRPERSON JACKSON: What page?

18

JENNIFER BELL-ELLWANGER: Okay, our

19

rate, it's on page six.

20

JOSH THOMASES: Yeah, page six,

21

yes.

22

JENNIFER BELL-ELLWANGER: And the

23

rate that we use, when we're, when we are talking

24

about what is New York City's graduation rate--

25

COUNCIL MEMBER LEVIN: Yeah.

1
2 JENNIFER BELL-ELLWANGER: --we say
3 63 percent. And that is the State's calculation
4 of the, of students that started--and the last
5 Regent, I should say, is in 2009. So, we are
6 looking forward to the State releasing 2010. So,
7 we don't have that information yet. [time bell]
8 But it's for those students who started high
9 school in 2005, and we followed them for four
10 years later, and that was there, when they
11 graduated, in 2009.

12 COUNCIL MEMBER LEVIN: So the
13 number you use is 63.

14 JENNIFER BELL-ELLWANGER: Correct.

15 COUNCIL MEMBER LEVIN: You don't
16 use the 68 number. No.

17 JENNIFER BELL-ELLWANGER: The 68
18 percent, we only use, it's an internal--

19 COUNCIL MEMBER LEVIN: Okay.

20 JENNIFER BELL-ELLWANGER: --it's an
21 internal number, and it's simply to show, if you
22 look around the, the United States there are
23 probably one or two system that are able to follow
24 their graduation rates and follow that progress,
25 going all the way back to 1986. So, we keep it

1

2 just to show trend data.

3 COUNCIL MEMBER LEVIN: Okay, okay.

4 So, does 63 include GED?

5 JENNIFER BELL-ELLWANGER: No, it
6 does not.

7 COUNCIL MEMBER LEVIN: Does 68
8 include GED?

9 JENNIFER BELL-ELLWANGER: Yes, it
10 does.

11 COUNCIL MEMBER LEVIN: Okay, thank
12 you very much.

13 CHAIRPERSON JACKSON: Thank you.
14 So, now, I have a couple of questions, and I'm
15 going to try to ask them very pointed and
16 succinctly, and hopefully you'll respond
17 appropriately, also, because we have many people
18 form the public, and unions and advocates that are
19 waiting to give testimony, and I guess respond to
20 some of the answers that you gave. So, can you
21 answer this question: How many students attend,
22 right now, the 26 schools that the Department of
23 Education has proposed to phase out next year? Do
24 we have the number of students in total?

25 MARK STERNBERG: I'm sorry, Mr.

1

Chairman, we do not.

2

3

CHAIRPERSON JACKSON: You do not.

4

Okay.

5

MARK STERNBERG: We'd be happy to

6

provide that with--

7

CHAIRPERSON JACKSON: I assume that

8

somewhere you would have the, the information

9

where you can just add up, is that correct?

10

MARK STERNBERG: And we're happy to

11

do that.

12

CHAIRPERSON JACKSON: Okay. Can

13

you then, hopefully by--that should be by

14

tomorrow, is that correct? [background comment]

15

Okay. I mean, can you give me a list of all of

16

the 26 schools that you plan on phasing out? And

17

how many students attend those 26 schools? You

18

know, so that we can add it up and get the total

19

figure. Okay? And if, if you can email somebody

20

that can send it over now, that would be really

21

great. My next question is, looking at on page,

22

okay, what is it, page two, I think. Of slide

23

two, yeah.

24

JOSH THOMASES: Of the, of the, the

25

[unintelligible]

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CHAIRPERSON JACKSON: Of the handout, your colorful handout. Appreciate the color. It says, "Students with disabilities," it has the blue line which is campuses phased out for 2002 to 2008, 13.3 percent; new high schools for 2009, 13.1 percent; and citywide in 2009, 16.2 percent. I guess my question is about this particular statistics, is how many students with disabilities, severe disabilities, are included in these particular numbers?

JOSH THOMASES: How do you define severe disability, sir?

CHAIRPERSON JACKSON: Well, how do you, how do you defined it?

JOSH THOMASES: So--

CHAIRPERSON JACKSON: How do you define it?

JOSH THOMASES: --are you defining it as self-contained or as District 75?

CHAIRPERSON JACKSON: Okay. Okay, self-contained. My question really is, you know, is not how I define, it's how the Department of Education defines it. So, if you defined it as self-contained, then that's what I'm, the question

1
2 I'm asking. First, if you don't mind, how do you
3 define it? And then, if you can answer it, if you
4 don't mind.

5 JOSH THOMASES: Okay, this is
6 percent IAP it's not disaggregated by set CTT and
7 self-contained. Part of the challenge is that
8 most effective models often are CTT model, and so
9 often I know we did this at my school all the
10 time, where parents would come with students with
11 disabilities, and we'd say, "If you're going to
12 come here, we do need to, we need to do a review
13 of your IAP--

14 CHAIRPERSON JACKSON: Mm-hmm.

15 JOSH THOMASES: --and it would mean
16 writing your IAP so that you could be in a less
17 restrictive environment," which obviously is the
18 intent of the law. So, it's a li--it's a little
19 funny how to count in terms of what we see in the
20 school and what we see in the schools writ large.

21 CHAIRPERSON JACKSON: Yeah, I
22 would, I would agree--

23 JOSH THOMASES: That's the
24 challenge, anyway.

25 CHAIRPERSON JACKSON: I would agree

1
2 with your analysis as far as to review the IEP,
3 but not necessarily to review it to rewrite it so
4 it's less restrictive. Hopefully, that's what it
5 is in the beginning, and not have to revise it.
6 Obviously, if it needs to be revised, then it
7 needs to be revised. And I agree with you, the
8 goal is less restrictive environment is that, if
9 they can, you know, progress in that environment.
10 But, so right now, you're telling me that the
11 breakdown here, the statistics, as far as self-
12 contained classes, can you break that information
13 out?

14 JENNIFER BELL-ELLWANGER: Yes.

15 [laughs]

16 CHAIRPERSON JACKSON: Okay.

17 [laughter] That's not that difficult, right? I'm
18 just, 'cause I don't, I don't want to make life
19 very difficult, but in essence, we want to be able
20 to analyze the information to determine one, to
21 verify your statistic to get, to see whether or
22 not you, in essence, are giving us the truth.
23 Okay?

24 MARK STERNBERG: Can I ask you,
25 too?

1

CHAIRPERSON JACKSON: Go ahead.

2

3

MARK STERNBERG: What is, what is the exact analysis you're looking for, then, Mr. Chairman.

4

5

6

CHAIRPERSON JACKSON: We, because the numbers here you give, doesn't show a great difference. And I want to know whether or not these numbers--

7

8

9

10

MARK STERNBERG: By classification of IEP?

11

12

CHAIRPERSON JACKSON: By classification of, of IEP with respects to self-contained classes, 'cause that's what DOE refers to, or--

13

14

15

16

MARK STERNBERG: Mm-hmm, got it.

17

CHAIRPERSON JACKSON: --determines as to, you know, children with severe disabilities.

18

19

20

MARK STERNBERG: Yeah, we understand, we understand.

21

22

CHAIRPERSON JACKSON: Okay?

23

MARK STERNBERG: You got it.

24

CHAIRPERSON JACKSON: Go ahead.

25

[background comment, pause]

1

2

CHAIRPERSON JACKSON: My--[time

3

bell] My time is up?

4

MARK STERNBERG: I'm sorry, your

5

time is up, sir.

6

CHAIRPERSON JACKSON: [laughs]

7

JOSH THOMASES: It's been a

8

pleasure, Chair.

9

CHAIRPERSON JACKSON: I like that.

10

We have to have a sense of humor around here. But

11

as far as any, any data with respects to have you

12

reported out discharge data with respects to self-

13

contained special ed population?

14

JENNIFER BELL-ELLWANGER: Since

15

2007.

16

CHAIRPERSON JACKSON: Since two

17

thousand and--?

18

JENNIFER BELL-ELLWANGER: Seven.

19

COUNCIL MEMBER LEVIN: --seven.

20

Have you?

21

JENNIFER BELL-ELLWANGER: No, we

22

have not, we provided, we have provided to

23

researchers, vis-à-vis data requests. But we have

24

not publicly reported them.

25

COUNCIL MEMBER LEVIN: Okay. So,

1

2 that, can, that data that you've already supplied
3 to researchers, can you supply that to us so we
4 can look at it?

5 JENNIFER BELL-ELLWANGER: Yes.

6 COUNCIL MEMBER LEVIN: Okay. I
7 appreciate that. Now, concerning--Oh. Is it--

8 FEMALE VOICE: [off mic] We
9 already, we already went there.

10 CHAIRPERSON JACKSON: Oh, okay,
11 sorry.

12 FEMALE VOICE: [off mic] - - So
13 we're going to talk about, we're trying to get a
14 look at what the universe of kids that we're
15 talking about.

16 CHAIRPERSON JACKSON: Okay. I
17 guess, my questions I wrote down about two hours
18 ago, is, when you're response was, I believe, that
19 you didn't have the data, I think one of my
20 colleagues had asked, whether or not you had
21 statistical data now, and you said, no you didn't,
22 didn't have the data. As far as, do you have the
23 data at DOE in your computers, as far as all of
24 the categories of discharges and the numbers of
25 students in each category, and what percentage

1
2 that is overall in the total number of discharges,
3 so forth and so on? And have you supplied that to
4 outside FOIL or researchers in their requests over
5 the past couple of years?

6 JENNIFER BELL-ELLWANGER: I believe
7 the answer is yes.

8 CHAIRPERSON JACKSON: Okay.

9 JENNIFER BELL-ELLWANGER: But I
10 would, I would want to confirm that, but I do
11 believe the answer is correct.

12 FEMALE VOICE: [off mic]
13 Specifically this question about the discharge
14 codes, and the--

15 COUNCIL MEMBER LEVIN: Uh-huh.
16 Okay. So, because, you know, we want to see all
17 of the categories that you list.

18 FEMALE VOICE: That's right.

19 CHAIRPERSON JACKSON: And the
20 numbers of students in each category, and the
21 percentages overall, with the total number, but
22 also in order to determine, you know, whether or
23 not your system of tracking those individuals as
24 far as discharges, it might, and I guess my
25 question is, is you've already answered that as

1

2 far as GEDs, but other than GEDs, how do you
3 follow up to actually determine whether or not
4 your information is true? So, can you give me a
5 citation, for example, on how do you audit?
6 What's your audit trail, to determine, you know,
7 to justify that your information is correct?

8

JENNIFER BELL-ELLWANGER: Sure, so-

9

-

10

CHAIRPERSON JACKSON: You know,

11

because if I'm a principal, if I'm a principal,

12

and I know, you know, whether consciously or

13

subconsciously, that, you know, my job depends on

14

how good my school looks, you know, I want some

15

independent verification, you know, that the

16

information that they're supplying is true. Not

17

to say they're not communicating the truth. And I

18

just cite one huge, which is not DOE, but

19

CityTime, and everybody knows about what happened

20

with CityTime. You know. And they had people, in

21

order to audit that, to make sure everything was

22

going--and then they hired another contractor to

23

audit another contractor. In fact, they've been

24

ripping us off. So, I don't want, I don't think

25

anybody's going to rip us off, but I don't want

1

2 people to be fudging the numbers, whether or not
3 it's in DOE Central or locally or what have you
4 and so forth.

5

JENNIFER BELL-ELLWANGER: So, a
6 couple of responses there. So, in previous years,
7 we had used Ernst & Young--

8

CHAIRPERSON JACKSON: Okay.

9

JENNIFER BELL-ELLWANGER: --to
10 audit our New York City graduation calculations.
11 Then just last year, actually the City Comptroller
12 Thompson audited our graduation rates, and also
13 was able to validate those graduation rates. So
14 those are, those are, those are ways in which
15 we've done some outside validation. A couple of
16 other things, at the school level, every school
17 must use these transfer, discharge and graduation
18 code guidebook that I think we provided to the
19 Council prior, but we can always send that again.
20 Which really details the verification information
21 that a school must have on hand, before they can
22 effect any of those changes. And that
23 information, I believe has to be kept for at least
24 six years. So, in the event--

25

CHAIRPERSON JACKSON: By the

1

2 school.

3

4 JENNIFER BELL-ELLWANGER: Yes. So,
5 in the event someone comes in to audit or review
6 the records that is, that they are able to produce
7 the information. Now, internally, there have
8 been, we have actually, in some cases, looked at,
9 over this past year, around our progress reports,
10 there were some cases where, where we looked at,
11 to see what the backup documentation is around
12 discharge codes, and we found that, because of
13 that, we had to actually [time bell] change the
14 grade because they didn't have the correct
15 documentation.

15

16

17

18

19

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21

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25

CHAIRPERSON JACKSON: Okay. And
in, in your opinion, as a, one of the officials at
DOE, and what percentage of the statistics being
supplied by the principals is, you found, is
incorrect. Is like three percent, five percent,
ten percent, 15 percent? Or maybe they have put
the wrong information into the system.

JENNIFER BELL-ELLWANGER: I
wouldn't be able to answer that question, but I
would imagine it would be at a very low
percentage. Because of the different checks that

1

2 go through.

3

4

5

6

CHAIRPERSON JACKSON: Okay. As far as the codes, now, were the codes recently changed, or some of them? And if so, when was that and why was that?

7

8

9

JENNIFER BELL-ELLWANGER: So, the, we are continuing working to refine and make guidelines clearer.

10

CHAIRPERSON JACKSON: Okay.

11

12

13

14

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19

JENNIFER BELL-ELLWANGER: And also to ensure that we are following state, state guidelines, as well. For instance, in the Comptroller Thompson's audit, he noted back in 2009, that there were some places that weren't in exact alignment with the State Education Department. So codes were then re--redefined and reviewed, to ensure that we were indeed in line with the State Education guidelines.

20

21

22

23

CHAIRPERSON JACKSON: And-- specifically, what about voluntary leaving due to pregnancy and aging out of the DOE system? Were those recently changed, or those remain the same?

24

25

JENNIFER BELL-ELLWANGER: Just, I don't know the answer to that question, so just

1

2 one moment.

3

CHAIRPERSON JACKSON: Okay, sure.

4

And what about dropouts?

5

JENNIFER BELL-ELLWANGER: So, in

6

2005, we changed the pregnancy to the dropout.

7

[background: "To 39"] To Code 39, which is a

8

dropout code.

9

CHAIRPERSON JACKSON: Uh-oh, is

10

somebody yelled in the audience, not true, I'm

11

sorry. I mean, but okay, so in essence, you

12

changed it from, from--from pregnancy leave to

13

dropout, is that what I'm hearing? Yes?

14

JENNIFER BELL-ELLWANGER: I just

15

would like to--

16

CHAIRPERSON JACKSON: Good, yes,

17

please.

18

JENNIFER BELL-ELLWANGER: --check

19

with the Attendance Director, who would have that-

20

-

21

CHAIRPERSON JACKSON: Well, she's

22

right there, she can move up.

23

JENNIFER BELL-ELLWANGER: That's

24

right. [pause, background noise] Rather than

25

answer quickly, we'd rather follow up, because

1

2 there was a change in '06/'07 around a life code,
3 that--well, we just, we can track all of the
4 changes to you.

5

CHAIRPERSON JACKSON: Okay. All
6 right, very good, that's good. And so what about
7 the aging out and dropouts?

8

JENNIFER BELL-ELLWANGER: The, the
9 over 21--I'm sorry, I turned it off instead of on.

10

CHAIRPERSON JACKSON: Mm-hmm. Over
11 21, because--

12

JENNIFER BELL-ELLWANGER: The over
13 21 years of age was changed based on Comptroller
14 Bill Thompson's audit.

15

CHAIRPERSON JACKSON: Okay.
16 JENNIFER BELL-ELLWANGER: He noted
17 that there was a misalignment. But I can tell you
18 that in the past that that code had been used very
19 infrequently as a discharge code.

20

CHAIRPERSON JACKSON: And so, so
21 you would have the number of students that are in
22 that particular code, is that--like ten, 20, 50 or
23 whatever it may be?

24

25

JENNIFER BELL-ELLWANGER: Yes.

CHAIRPERSON JACKSON: Yeah?

1

JENNIFER BELL-ELLWANGER: Yes.

2

CHAIRPERSON JACKSON: Okay.

3

Because 21 is the legal age where the Department of Education does not have to continue educating a student, is that correct?

4

5

6

JENNIFER BELL-ELLWANGER: That's

7

right.

8

CHAIRPERSON JACKSON: Do you force

9

people out at age 21? Or do you allow them to continue? For example, if they're close to graduation and they need another year.

10

11

12

JENNIFER BELL-ELLWANGER: So,

13

there--it's hard to, it's hard to say without

14

looking at the specific circumstances. But

15

students are given multiple opportunities to take and pass the Regent's over, over and over again.

16

17

We even open up, we even get calls for students

18

who did not graduate, who want to come back, they

19

say that they had, they were just missing one

20

Regent's Exam. And we're able to open up the

21

school for them.

22

CHAIRPERSON JACKSON: Okay. And I

23

asked that question only because, you know, I do

24

know that, you know, there's, there's, based on

25

1

2 what you said, there's multiple pathways to
3 graduation.

4

JENNIFER BELL-ELLWANGER: Right.

5

CHAIRPERSON JACKSON: And I
6 understand that, but I guess my question was that,
7 if I'm a student and I've turned 21, and let's say
8 it's November, and I'm on track to graduate in
9 June, are you forcing me out? Because, for
10 example, I guess my question is, do you still
11 continue to receive funding for me even though
12 I've turned 21, and I have nine more months, even
13 though my cohorts may have graduated when they
14 were 18, I'm 21.

15

JENNIFER BELL-ELLWANGER: I should
16 just clarify, so it's at the end of the school
17 year that you turn 21. So if you turn 21 in
18 September, we don't, you know, it's not, "You're
19 out." You, you are, of course, able to finish,
20 and complete the school year.

21

CHAIRPERSON JACKSON: Okay, because
22 then basically what I'm, I hear you saying--

23

JENNIFER BELL-ELLWANGER: Through,
24 through June, or through August.

25

CHAIRPERSON JACKSON: It's not

1

2 counted until after the end of the school year, is
3 that correct?

4

JENNIFER BELL-ELLWANGER: That's
5 right, that's right.

6

CHAIRPERSON JACKSON: Okay. If you
7 were to align all DOE's codes with guidelines
8 issued by the National Center for Educational
9 Statistics, how do you anticipate that this will
10 impact the graduation rate, the discharge rate and
11 the dropout rate.

12

JENNIFER BELL-ELLWANGER: So, so I
13 don't think that it would impact it very much. We
14 follow, again, the State, the State issued
15 guidelines and guidance around that, which I
16 believe are aligned to NCES. There may be one or
17 two codes that are used very infrequently, that
18 may, that may be, that may, may be a discharge
19 code here, but I believe that we've corrected all
20 of that misalignment in the past years.

21

CHAIRPERSON JACKSON: Now, is it
22 true that the discharge rates of students in the
23 first year of high school are double compared to
24 other grades in high school? And if so, why is
25 that?

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2 JOSH THOMASES: So I'd say two
3 things. First, the, I'm looking quickly to see if
4 I can pull the data that we brought. The, what we
5 know of high school is that ninth grade is the
6 make or break year.

7 CHAIRPERSON JACKSON: Sure.

8 JOSH THOMASES: And so--

9 CHAIRPERSON JACKSON: I know that,
10 too, I--

11 JOSH THOMASES: I know you do.

12 CHAIRPERSON JACKSON: [laughs]

13 JOSH THOMASES: We've had this
14 conversation before. So, if it, you know, anybody
15 who's ever been in high--in high school, as a, as
16 an adult knows, that the ninth graders are the
17 hardest group to get focused, the hardest group to
18 stay on track. The schools that do it well keep
19 'em on track. So it's, that is where all the
20 noise is, it's also where parents who are
21 dissatisfied what's happening for their children,
22 will move them into another school and have that
23 kind of thing. That would be my hypothesis. As
24 to your question specifically, as to whether it's
25 true, if it's double, I'm not sure we know the

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2 answer to that question.

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JENNIFER BELL-ELLWANGER: It is, it is slightly larger than in other grades, but it does remain, it has remained stable that ninth grade transition year, over the past couple of cohorts.

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CHAIRPERSON JACKSON: I, I appreciate your, your responses overall in general. But I turn back to the focus of this hearing, and the focus of this hearing was an oversight on the DOE monitoring of students in closing schools. Now, the, the opening statements by the Deputy Chancellor and other representatives was good because you gave some background. But statistically, as far as details, I don't know if you came prepared to answer and give us some specific details, when you knew that this was about DOE's monitoring of students and closing schools.

21

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JOSH THOMASES: So, if you turn to the slide--

23

24

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CHAIRPERSON JACKSON: Go ahead.

JOSH THOMASES: --I think it's

slide--

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CHAIRPERSON JACKSON: I'm willing
to give you the benefit of the doubt, but--

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JOSH THOMASES: Thank you,

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Chairman.

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CHAIRPERSON JACKSON: Because I

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think that the goal that we're trying to achieve

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and you're trying to achieve is the, is the same

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goal, but sometimes people get diverted, you know?

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JOSH THOMASES: I'll try and

11

summarize what I think the core of our answer is.

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CHAIRPERSON JACKSON: Okay.

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JOSH THOMASES: One, to the, to

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Councilman Fidler's request, we're willing to work

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with you to find a better way to continue to count

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the data and get the, get the numbers for you and

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for us to continue to drive the work. Two, that

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the data, if you look at slide four--

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CHAIRPERSON JACKSON: Go ahead.

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JOSH THOMASES: --for the 21

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schools that have completed phase out, suggests a

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significant increase in the graduation rate, from

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37 percent to 56 percent. As the data point that

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matters most, are we getting the high school

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diploma? It's both laudable and not remotely

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2 enough in that both can be true at the same time.
3 The high schools that are in the process of
4 phasing out, that haven't yet completed, we can
5 provide that data to you. They parallel the story
6 here basically the story on this page, which is of
7 the, of that completion of phase out, the, the
8 story is a slow climb a couple of percentage
9 points, are at most a year, with then a jump
10 towards the final year as the school has really
11 shrunk. From the breadth of my testimony was
12 around all the supports that we give, and the
13 rationale behind it. Ultimately, I stand behind
14 those numbers. On the--

15 CHAIRPERSON JACKSON: I believe,
16 but go ahead.

17 JOSH THOMASES: No--

18 CHAIRPERSON JACKSON: I don't, I
19 don't, I don't disbelieve you, I'm just saying it--
20 -

21 JOSH THOMASES: No, no, I'm just
22 trying to--

23 CHAIRPERSON JACKSON: --and the
24 numbers, but quite frankly, I'm not really
25 concerned about the schools. I'm more concerned

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about the individual students that are being impacted.

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JOSH THOMASES: Okay.

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CHAIRPERSON JACKSON: Especially, and I say this to you.

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JOSH THOMASES: Yeah.

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CHAIRPERSON JACKSON: That someone, myself, that went to public schools, went to Benjamin Franklyn High School, graduated in 1969, okay. There are many children that are on the edge.

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JOSH THOMASES: Agreed.

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CHAIRPERSON JACKSON: And when you close out a school, they say, "F it, I'm outta here." And just leave. They're not going to another school. And those individuals are being left aside, in my opinion, even though you may say, you know, that we are working with all of the students and what have you and so forth. You know, we talk about an environment, environment that has continuity, very important. Obviously, bad continuity is not good. But from a positive point of view. So, I'm not really concerned about your statistics as far as schools are concerned,

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I'm more concerned about the individual students. And especially when some reports indicate that, especially when you're closing our or phasing out schools, the individual students that are, are now be going to other schools, in the area, there's a domino effect where they're now overburdened these schools and bringing them down, and then moving those schools into phase out schools. And I know you've heard that, so--

JOSH THOMASES: Yes.

CHAIRPERSON JACKSON: If you can comment on that. But I'm more concerned about the individual students, and especially the most vulnerable ones.

JOSH THOMASES: Okay, so--

CHAIRPERSON JACKSON: And that's what this hearing is about.

JOSH THOMASES: Right, so, and, and for me, the graduation rate is, is important because it's about individual students. It means, instead of a third graduating half are graduating. Which means more of them we're getting there, than their high school diploma. It still means that just under half of them were not, and that's the

1
2 work that our staff inside the schools and outside
3 are doing every day, and you know, I don't think
4 either you or I will rest until all, till the
5 answer is much, many, many more students are
6 graduating. So, I'm not trying to avoid that
7 question, Chairman. For me, the graduation rate
8 and in the, in the back, there's some data of the,
9 of your document, there's some data on middle
10 school test scores that essentially shows that for
11 the middle schools that we're phasing out, and we
12 tried to present in a way that accounts for the
13 huge bump in 2009, so we didn't take credit where
14 credit wasn't due. That essentially says that
15 slowly in middle schools, the test scores begin to
16 climb, as well. For us, that's about the
17 individual kids, and there's more work to be done.
18 Do you want me to get to the second point?

19 CHAIRPERSON JACKSON: Oh, yeah,
20 please, go ahead. Or, I forgot what the second
21 point, but go ahead.

22 JOSH THOMASES: The second point
23 was around the, the domino effect.

24 CHAIRPERSON JACKSON: Okay, please,
25 yeah. Comment on that.

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JOSH THOMASES: My colleague

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Paymon'll start and then I'll follow up.

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CHAIRPERSON JACKSON: Okay.

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PAYMON RAHANASFAR: So, I think the

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first--

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CHAIRPERSON JACKSON: Is this the

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double-teaming type situation.

8

MALE VOICE: Yes.

9

CHAIRPERSON JACKSON: Okay.

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JOSH THOMASES: We're bringing

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numbers, you're--

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CHAIRPERSON JACKSON: All right, go

13

ahead [laughs]

14

JOSH THOMASES: You're a strong

15

figure, Chairman.

16

PAYMON RAHANASFAR: We're

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outnumbered here. So, the first thing I would say

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is again the schools that are replacing the phase

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out are limited on screen, meaning like it takes

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very little to qualify to get in. All you have to

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do is attend a fair, you know, go to one of the

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new school events, and inside the building--

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CHAIRPERSON JACKSON: You mean, the

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ones that are coming into that.

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2 PAYMON RAHANASFAR: The ones that
3 are coming in.

4 CHAIRPERSON JACKSON: But what
5 about the children that are not going to those
6 little schools, but are going to the other big
7 schools--

8 PAYMON RAHANASFAR: So--

9 CHAIRPERSON JACKSON: --that are on
10 the verge of failing?

11 PAYMON RAHANASFAR: So, one of the
12 things we look at very carefully is--

13 CHAIRPERSON JACKSON: The high
14 concentration schools.

15 PAYMON RAHANASFAR: --what defle--
16 what the deflection of students, when we make a
17 phase-out decision, would look like. Fact of the
18 matter is, the schools are opening up for the
19 students of that community. So, to the extent a
20 panel approves the phase-out of Jamaica, the new
21 school phasing in is there for the students and
22 families zoned to Jamaica High School. So, I'll
23 state that. Now, some, some parents may choose to
24 go elsewhere. If there are seats available
25 through a high school admissions process, those

1
2 seats are available to them. But, you know, we've
3 looked at a few case studies here. So, you know,
4 we hear a lot about Far Rockaway High School and
5 the phase out there, and how it has had a
6 detrimental effect on B Channel [phonetic], and
7 that is what's led to our decision this year to
8 propose to phase out B Channel. We've looked at
9 the numbers, and the fact of the matter is, what
10 we did was we looked at the percentage of the
11 students from the Far Rockaway zone, that are
12 attending B Channel. We looked at it before the
13 phase out, we looked at it after the phase out.
14 There are fewer students from that zone, from the
15 Far Rockaway zone, attending B Channel now than
16 there were prior to the announcement of the phase
17 out. So, we hear this a lot, and fact of the
18 matter is, it's a myth more often than not. So,
19 we open up schools, we replace those seats, as
20 unscreened seats, so that families and students of
21 that community can benefit. We're not opening up
22 those seats for screened students from Lower
23 Manhattan, right?

24 CHAIRPERSON JACKSON: Okay, so in
25 essence, so you're basically saying to me that,

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that you don't buy the domino effect.

PAYMON RAHANASFAR: What I'm saying is, we, we can't control--

CHAIRPERSON JACKSON: Or at least an example that you gave as far as B Channel, is that correct?

PAYMON RAHANASFAR: So in the case of B Channel, the, the data is very clear cut. But we can't control what the incoming--so the current eighth graders right now, that could've gone to Jamaica, we can't control where they're going to apply. We will recruit, and we work with our principals, as soon as the panel approves, to make sure that they're very explicitly recruiting from those communities that are impacted. In some cases, they've begun recruitment, but they've made very clear that it's contingent upon panel approval. But it's, it's dependent upon them, it's contingent upon them, to recruit from those communities, and it draws many students and families from those communities as they can. Again, we're not offering these new schools for students and families outside of these communities.

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2 CHAIRPERSON JACKSON: Okay, so my
3 understanding is that, my question is this. And
4 it's a direct question. Will you commit to us
5 today to come up with a way in order to track all
6 of the students that are being impacted by the 26
7 schools that are schedule for closure? Track and
8 monitor.

9 JENNIFER BELL-ELLWANGER: I mean,
10 well, we, we did agree earlier to work with
11 Council Member Fidler--

12 CHAIRPERSON JACKSON: Ah.

13 JENNIFER BELL-ELLWANGER: --to, to
14 detail the bill so that it, that it could work and
15 also comply with the FERPA regulations.

16 CHAIRPERSON JACKSON: So, so, I'm
17 sorry, I'm kind of dense. Your answer is yes or
18 what?

19 JENNIFER BELL-ELLWANGER: The, the
20 answer is yes to, yes to work with, but I can't
21 say here that we can provide every bit of data if
22 it, if the numbers are too small for a certain
23 school or something, then we'll have to think
24 through how we can aggregate that information, so
25 that you still get what you need, but we don't

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2 violate student privacy information.

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CHAIRPERSON JACKSON: Okay. I hear you loud and clear. And I appreciate that, and I, that's why I asked whether or not that was a yes answer, because my primary concern is not the statistics. It's, my primary concern is that we're tracking and monitoring the progress of the students. And so, if, you know, I would love to have all of the information to verify and to give input into how you're doing that, but I guess the bottom line is, as long as that's being done.

JOSH THOMASES: And I guess so

Councilman, we've, we've developed a tool called The Graduation Tracker, that every high school in the City has.

CHAIRPERSON JACKSON: Okay.

JOSH THOMASES: And it allows you to measure credits to graduation, Regent's past scores, and allows, at a school level, the, both the school based team and the network support team, and the superintendent, to look at a school and say, "How many students are on track to graduation? And for each individual student, what needs to be the plan to move that student?" And

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2 so in these schools, the, the network teams are
3 doing that very work.

4

CHAIRPERSON JACKSON: Mm-hmm.

5

Okay. Our colleague, David Greenfield.

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COUNCIL MEMBER GREENFIELD: Thank

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you, Mr. Chairman. Quick point just want to make,

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and that is that, you know, we don't actually have

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to pass legislation for you to provide us with,

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with the data, right, I mean, so, there's a

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willingness to provide us with that data,

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specifically in terms of, you know, the, how the

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children are doing from specific schools, bearing

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in mind the FERPA and Council Members' expertise.

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I mean, is that, is that fair to say, that you can

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try to get the set of information before we

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actually go through the process of negotiating and

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passing a bill?

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JENNIFER BELL-ELLWANGER: Well, I'd

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certainly like to also discuss that with my

21

colleagues at the Department, to figure out how

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best to do.

23

COUNCIL MEMBER GREENFIELD: Fair

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enough. I just had another quick question just

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relating to the schools. You know, I'm looking at

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2 the, I'm looking at this at this, I guess it's
3 page three: Phase Out Results, the New Schools,
4 on your slide. It's a very nice slide, by the
5 way. And the, the bars sort of vary wildly,
6 right, and so I'm wondering, you know, is there,
7 is there some sort of reason for that, you folks
8 are very data driven, and you sort of seem to have
9 the answers to a lot of these things, you know,
10 you're shutting down schools and some schools are
11 doing very, very well; and other schools like
12 Stevenson are basically flat. Right, so, why is
13 it that, you know, the--why is it that closing
14 down the school is not in fact solving all the
15 school's problems? And why is it that some
16 schools are doing better, and significantly better
17 in some cases, than other schools?

18 MARK STERNBERG: It's a fair
19 question, Mr. Councilman, and I'll try to answer
20 it. First of all, I would say that in summary,
21 this slide, slide number three, represents radical
22 improvements.

23 COUNCIL MEMBER GREENFIELD: I
24 agree.

25 MARK STERNBERG: Radical

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2 improvements that have not been in urban
3 education, urban education reform, especially at
4 the high school level ever. You know, so the
5 work, we're obviously, we stand behind this work
6 and we've very proud of it. And I know you're not
7 challenging that.

8 COUNCIL MEMBER GREENFIELD: No,
9 I'm, if anything, I'm, I agree with that, I think
10 you've done some fine work. But obviously, once
11 again, just as a reminder, as Council Members
12 we're always very worried about our local schools,
13 so I'm just curious as to the science behind it.
14 Why is it that, you know, some schools see a
15 literally three times, Wingate, 28.7 to 72.8, very
16 impressive.

17 MARK STERNBERG: Yeah.

18 COUNCIL MEMBER GREENFIELD: Versus
19 other schools might be a little flatter.

20 MARK STERNBERG: So, look, very
21 quickly, and I say this more as a former principal
22 than as the Deputy Chancellor. You use the work
23 science. This is as much art as it is science,
24 running a school, recruiting and training
25 teachers, getting students on board with the

1
2 vision and the mission of the school. And so,
3 obviously, you know, we continue to work with
4 schools, small school leaders as well as other
5 school leaders on campuses like this, to do, to do
6 good work and we're not going to knock it out of
7 the park with every small school we start. That
8 said, we obviously are very proud of the work that
9 our school leaders are doing across the City, and
10 again would, would offer that this represents a
11 massive step forward for these campuses.

12 JOSH THOMASES: Well, Stevenson,
13 just to give you a little--

14 COUNCIL MEMBER GREENFIELD: I
15 don't, I don't, and I just want to be clear, I
16 don't question that, and I appreciate, and I
17 think--I'll reiterate, I think that you guys are
18 trying hard and you're doing good work, and that
19 we're disagreeing a lot on the margins. But my, I
20 just, in particular, - - it's pretty drastic to
21 close a school. So if you're going to close a
22 school you want to have a pretty good sense that
23 that school's going to do much better. Sometimes
24 you guys are doing very well, sometimes you guys
25 aren't doing it as well. So, I'm sure, Mr. Deputy

1
2 Chancellor, that there is some sort of science
3 that goes into it that says, "Hey, if we're going
4 to do X, Y, Z, the result will be A, B, C. And so
5 I'm curious, what is that particular thinking,
6 though process? And why is it that it's working
7 better in some schools and not others? And I will
8 clarify again that I do indeed commend you on the
9 fact that overall, you have had better results.

10 JOSH THOMASES: so, I think there,
11 there are a couple of pieces to it. First is the
12 location of the school, where Stevenson is in The
13 Bronx, 'causes some particular constraints around,
14 around the mix of students and concentration. A
15 lot of it has to with the staging. I saw Leo
16 Casey is here from, from the UFT, maybe he's
17 hiding behind the pole, at least from me. But you
18 know, the, the, he knows better than I the, the
19 work that we did in partnership in The Bronx New
20 Century Initiative. There was a lot we learned
21 early on around the new schools, around how to get
22 a team of teachers, new principal or an
23 experienced principal, partner, working
24 effectively together. Stevenson was one of the
25 first campuses, and there were, there are a couple

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2 of schools that have done marvelous things. And
3 there are a couple schools that have really
4 struggled on that campus. One of them is one of
5 the ones that's up for proposed closure, School
6 for Community Research and Learning, that very
7 quickly, just to give you a sense of the details,
8 very quickly essentially became a school for over
9 aged, under credited, but didn't organize itself
10 the way we've learned to organize for transfer
11 schools and, and others. So, we learned, and
12 we've gotten better at it. And there are many
13 more people--teachers, assistant principals,
14 principals, DOE staff, partners, UFT members, UFT
15 staff--who understand how to effectively leverage
16 the size of the school to get better outcomes,
17 than was true a decade ago for, I think for
18 obvious reasons, and probably good news reasons,
19 we've actually learned how to do it better. As I
20 think about the Stevenson campus, that would be my
21 biggest attribution for the reason why it
22 struggled.

23 PAYMON RAHANASFAR: I just want to
24 add one thing to that. I want you guys to
25 understand the process we have to undertake. So,

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2 in the decision of phasing, to phase out a school
3 and to phase in a new school, we go through a
4 process of finding new school leaders, whether
5 they're Charter, whether they're district schools.
6 We're agnostic to the governance of the schools,
7 we think about the new school leaders and their
8 ability to recruit great teachers, and to run a
9 great school. It's a very lengthy application
10 process, we interview them, we go and observe them
11 in the classroom to the extent they're still
12 teaching, or they're, you know, an administrator
13 somewhere. So, our ability to protect, to predict
14 their success, is contingent upon our ability to
15 run a good process. Now, if we could tell from
16 the minute we read an application, the minute we
17 meet somebody that they're going to run a great
18 school, our job's a lot easier. So, I think, to
19 answer your question directly, it's not
20 scientific, and we have to just be really good
21 evaluators of future success in schools.

22 CHAIRPERSON JACKSON: Well, I just,
23 finally, and I know that we basically has fleshed
24 this out to, to the extent that we are going to
25 today, with all of the information and your

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2 responses, but I just have two quick questions and
3 hopefully quick answers. And we're going to thank
4 you all for coming. But how has high school
5 graduates increased as a result, if any, regarding
6 discharges? Has discharges had a positive impact
7 on the graduation rate, or it has had no impact
8 whatsoever?

9 JENNIFER BELL-ELLWANGER: Well, the
10 discharge rate has really remained steady over the
11 past several years. And we actually see in
12 preliminary results that we're going to see a
13 decline in the, in the coming year. But that
14 being, since that is the case, that it was steady,
15 we don't say that that has contributed to the gain
16 over time. I mean, if you included all of the
17 discharges, into the graduation rate, of course
18 that would affect a graduation rate. But in the
19 sense of how they have been, how they have been
20 monitored and tracked over the past several years,
21 and given the increases that we've seen in the
22 graduation rate, we would say no.

23 CHAIRPERSON JACKSON: And you gave
24 the example of citing 100 earlier, is that
25 correct?

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2 JENNIFER BELL-ELLWANGER: That's
3 right.

4 CHAIRPERSON JACKSON: Okay.

5 JENNIFER BELL-ELLWANGER: Mm-hmm.

6 CHAIRPERSON JACKSON: All right.
7 Now, have, have you, meaning DOE, have you applied
8 for the High School Graduation Initiative Grant,
9 and did you receive that? From the feds?

10 JOSH THOMASES: I'll have to follow
11 up with you on that. I--I believe so, but I'm
12 not--

13 CHAIRPERSON JACKSON: Okay, okay.
14 So, if you can get back to me on the, the Council
15 on that, and if so, you know, where's your
16 application? Is that public? Can you share with
17 us what's your strategies and so forth and so on?

18 JOSH THOMASES: I mean, and, and I
19 would reiterate the invitation around, as we were
20 talking earlier, around college and career ready.
21 It is the work that we want to do together.

22 CHAIRPERSON JACKSON: Absolutely.

23 JOSH THOMASES: And the, my door is
24 open and look forward to working with the Council
25 on that.

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2 CHAIRPERSON JACKSON: Well, let me
3 thank all four of you, as representatives from the
4 Department of Education, coming in and, and
5 answering the questions that you did. And I was
6 hoping for more statistical data, even though you
7 indicated that a lot of that is, is in here, but I
8 was more concerned, as I said, not about, you
9 know, the schools itself, but the individual
10 students. So, I just want to focus on, on the
11 kids, that's the bottom line. Thank you very
12 much, thank you. Next, we're going to hear from
13 Leo Casey, who is the Vice President of High
14 Schools for the United Federation of Teachers.
15 And then what is this? [pause, background noise]
16 And also Janella Hines, Assistant to the Vice
17 President of High Schools; and Amy Arundel,
18 Personnel Director for UFT; and Jackie Bennett, a
19 Special Representative for the United Federation
20 of Teachers. So, in essence, this is a panel of
21 UFTers. Thank you very much. DOT people.
22 Thanks, brother, you're welcome, man. [pause]
23 I'm so sorry. I'm like--DOE. [laughs] [pause,
24 background noise] Good afternoon. Please, please
25 introduce your, your panel, your position, which I

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2 already did. But we want to hear your own voice
3 on the recording. And then you may begin your
4 testimony.

5 LEO CASEY: Good evening, Chairman
6 Jackson, Members of the Committee. My name is Leo
7 Casey, I am the UFT Vice President for Academic
8 High Schools.

9 JACKIE BENNETT: Hi, I'm Jackie
10 Bennett from the UFT, Special Representative.

11 JANELA HINES: Janela Hines,
12 Special Representative for High Schools.

13 AMY ARUNDEL: Amy Arundel, Special
14 Representative, UFT.

15 LEO CASEY: In the school year
16 2008/9, the UFT sued the Department of Education
17 to prevent the closure of three elementary
18 schools, and their illegal replacement by charter
19 schools. Reluctantly, the Chancellor kept them
20 open, but did everything in his power to undermine
21 them: writing letters to parents that they were
22 failing schools and they should send their, their
23 children elsewhere. Despite the efforts of the
24 DOE, the next year all three of these elementary
25 schools received As on their school progress

1 reports, and all three remain open today. Last
2 year, the UFT, the NAACP and our friends in the
3 community and in, among parents, again sued the
4 Department of Education, documenting their
5 complete disregard for the law in the school
6 closure process. And judges at every level, up to
7 the Court of Appeals, ruled that the DOE could not
8 proceed with the closing of 19 schools. Again,
9 the DOE did everything in its power to ensure that
10 these 19 schools failed. They redirected students
11 from incoming classes, they slashed budgets and
12 they forced the schools to access many of their
13 best teachers. Despite all of these efforts, this
14 year, when the DOE put out its list of schools to
15 close, five of the schools on last year's list
16 were not included. In sum, by its own omission,
17 the DOE gets the decision to close schools wrong
18 approximately one in four and one in five times.
19 It makes decisions it intends to be final and
20 irrevocable, a death sentence for schools, if you
21 will. Decisions with serious consequences for the
22 students and the teachers impacted. And it gets
23 it wrong one in every four, one in every five
24 decisions. How many more schools had the capacity
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2 to be vital learning communities? How many more
3 schools would have turned around if they had been
4 given real supports and real resources? The sad,
5 the scandalous reality is that the current
6 administration has organized the system to
7 implement a policy of mass school closures. This
8 is not a policy driven by educational needs of
9 students, but by the political agenda of the
10 Mayor. In order to move forward, a corporate
11 style reform agenda in New York City public
12 schools, the DOE needs space to locate new
13 schools, charter and DOE, that they believe
14 reflect their business model of schooling.
15 Targets for school closures for the amount of
16 space that needs to be freed up every year, are
17 set. And decisions about school closures are made
18 to meet those targets. This system is organized
19 to produce "the failure" necessary to close
20 schools in three main ways. First, there is a
21 concentration of high needs students in at-risk,
22 in at-risk schools. Students with special needs,
23 especially those in self-contained classes,
24 English language learners, students with low test
25 scores, students with poor attendance records,

1 students living in poverty, and homeless students.
2 We have provided many examples in our testimony.
3 Let me simply say here that we heard talk before
4 of the situation in Evander Childs, and in my
5 previous life as a blogger, I wrote about Evander
6 Childs and the new schools that went in. And
7 there is absolutely no way that any of those
8 schools has the same concentration of high needs
9 students that Evander Childs did. Now, there was
10 something wrong with the concentration of high
11 needs students in Evander Childs. It created a
12 situation which would've been hard for any school
13 to succeed in. But we have a fundamental lack of
14 honesty and transparency in suggesting that the
15 new schools in Evander Childs serve the same
16 students that went into the old Evander Childs.
17 Second, the DOE does not provide these schools the
18 resources and the supports necessary to educate
19 these huge concentration of high needs students.
20 These are not ordinary students. They need
21 special services, they need intensive services.
22 But if anything, the DOE worsens a situation. For
23 example, they send large numbers of over-the-
24 counter students, all during the year, into these
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1
2 schools. Columbus High School, which is on the
3 list this year, in one year received one quarter
4 [time bell] of its student register, virtually a
5 whole class, in over-the-counter students. We
6 heard here talk of how the DOE changes principals.
7 But in two schools on this list, PS 114 and Monroe
8 Academy for Business and Law, we have told the
9 Department of Education, year after year, that
10 those principals were not capable of leading those
11 schools. And it wasn't until they made the
12 decision to close the schools that they finally
13 changed the principals. Thirdly, what the DOE
14 does is put their finger on the scales, to
15 penalize schools which have concentrations of high
16 needs students. Schools which have large numbers
17 of self-contained students have many fewer As and
18 many more Ds. Students without self-contained
19 students, have 77 percent As. Last year, the
20 Mayor went to Washington, D.C., to give a major
21 educational policy address. In this address, he
22 announced that it was his intention to close 200
23 schools. It is disingenuous for the
24 representatives of the Department of Education to
25 sit here and tell you that they were not aware of

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2 what the Mayor said in such a major address. In
3 advance of any consideration of the performance of
4 these schools, without any assessment of what was
5 happening in the schools, in the complete absence
6 of any needs assessment of the students in these
7 schools, the Mayor made an a priori decision to
8 close 200 schools in the remainder of his term.
9 200 schools must "fail." School progress reports
10 were changed to provide fixed percentages of Ds
11 and F grades, to ensure no matter how those
12 schools performed, there would be sufficient
13 numbers of schools that the Department of
14 Education could say, "We're failing" and close
15 them. This is an education reform strategy that
16 needs, that depends, upon school failure. We say,
17 quite simply, it is time to fix not close our
18 schools.

19 CHAIRPERSON JACKSON: Thank you. I
20 guess my question is, you cited that the Mayor
21 said 200 schools. Did he say 200 or ten percent?
22 And if, I think you quoted there, and I, you know,
23 I guess me, as the Chair of the Education
24 Committee, I need to be, be able to, if there's an
25 audio tape, so I can actually listen to what he

1
2 said, so that I can cite. Bottom line is, whether
3 it was ten percent or 200, that's a whole lot of
4 schools. And that's why I asked very specifically
5 the questions of the Deputy Chancellor and the
6 other representatives, about do they have a quota
7 on a yearly basis, or do they have a mandate to
8 follow the Mayor's proposal or goal or closing ten
9 percent of the lowest performing schools.

10 LEO CASEY: We will track down that
11 speech for you, Chairman. What I would say is
12 that the, the pledge that they made here is the
13 same pledge they made to us, that they didn't have
14 a quota. But their actions bely their words.

15 CHAIRPERSON JACKSON: Okay. And as
16 far as, I agree with you as far as the highest
17 needs students, meaning English language learners,
18 children with special needs, children from
19 homeless families, so forth and so on. They need
20 additional resources. And I think that you
21 indicated at, I think the Evander Childs High
22 School citation, that the schools that replace or
23 that went in there, was not the same population.
24 And I guess my question to you or to anybody, will
25 be, where are these other students that are now

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2 coming in the school? Where are they coming from?
3 And what happened to the other school students, if
4 in fact they're not the same students or not from
5 the same geographical area, in essence the same
6 socioeconomic, you know, status, so forth and so
7 on. I guess that's what my question is, so in
8 order to get a full understanding of those
9 statistics, and that's why I said, "This is not
10 about, you know, how well the school is doing,
11 this is about monitoring and tracking the progress
12 of each individual student. So, if you or someone
13 else can respond to that--

14 LEO CASEY: Yes.

15 CHAIRPERSON JACKSON: --if you have
16 a response. I'm not trying to put you on a hot
17 seat here.

18 LEO CASEY: No, no, we have a
19 response. [laughs]

20 CHAIRPERSON JACKSON: But it's just
21 clarification for, for our purposes.

22 LEO CASEY: What I would say to
23 you, Chairman, is that the example they offered,
24 of Far Rockaway and Beach Channel, is an
25 idiosyncratic example, because of their location

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2 on the peninsula. Everywhere else in the City, we
3 see evidence of large populations of high needs
4 students, not going into the new schools that
5 replaced the old school, but being shipped to the
6 next large comprehensive school that's, that is
7 neighboring. And, and--

8 CHAIRPERSON JACKSON: And that's
9 the domino effect that I referred to.

10 LEO CASEY: Absolutely.

11 CHAIRPERSON JACKSON: But they, but
12 they said that, in essence, they gave the
13 impression they're not being shifted there, that
14 students are going to where they feel appropriate.
15 But clearly, based on everything that I know and
16 what advocates and you as union representatives
17 say, that those students, the ones that don't drop
18 out and say, "The hell with it, I'm not going back
19 to school," and that's what they say, "F it."
20 They're going to the other schools that, that you
21 referred to. Isn't that correct?

22 LEO CASEY: Yeah, and, and I would
23 say to you, Chairman Jackson, this is not just our
24 point of view, but last year, the Center for New
25 York City Affairs at New School did a study of the

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2 development of new schools and the phase out of
3 old comprehensive schools. And they showed how
4 in, in area after area, in the City, the closure
5 of one school led to the shifting of the high
6 needs populations to the next school. And, and
7 created a domino effect. You look at Brooklyn,
8 you see the, the closure of Bushwick, the closure
9 of FDR, the closure of Franklin K. Lane; you see
10 the connection between Tilden and Canarsie and
11 South Shore; you see the connection between
12 Prospect Heights and Wingate and now Paul Robeson.
13 There's clear patterns again and again throughout
14 the City.

15 CHAIRPERSON JACKSON: Council
16 Member Fidler.

17 COUNCIL MEMBER FIDLER: Perfect
18 segue way because your written testimony goes to
19 the closings at Tilden, South Shore and Canarsie,
20 all of which are in our around my district, serve
21 my constituents, and I had the opportunity to live
22 through each of them. And then you talk about
23 where the self-contained students are, and
24 indicate that that school is now targeted as well,
25 and you wonder where the self-contained students

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2 go after that. And I submit to you that they're
3 target is Sheepshead Bay, and which I think has
4 been on their list, has been clearly on their
5 list. They're frustrated by the progress that's
6 being made at Sheepshead Bay that's keeping them
7 from executing their next execution. But
8 obviously, where are they going to go? And if you
9 look at a pin map of where they've closed school,
10 there is a direct pattern, I think you're exactly
11 correct. So, first, I thank you for the comments
12 in your written testimony. I just want to go to
13 your comment about one of, I'm going to call it my
14 school even though it's half a block out, PS 114,
15 which you mentioned. We're well familiar with the
16 principal history at 114, where the principal was
17 so astute that she failed to schedule graduation.
18 You've indicated that the union told DOE early on
19 that Ms. Pena-Herrera was not qualified as a
20 principal. I'd be interested in knowing if you
21 have any documentation of that, if you have it in
22 writing somewhere. Because, you know, frankly,
23 you know, we've told the DOE that this is their
24 clear failure, that they were told, and I would
25 like to be able to wave the letter in their face.

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2 LEO CASEY: We, we certainly can,
3 we can document, I mean, we have had monthly
4 meetings with the DOE for the last two years on
5 such situations, and 114 was a school that was
6 constantly brought up. There's also
7 communications from the district rep, from the
8 borough rep. We'd be happy to supply you with
9 that, so--

10 COUNCIL MEMBER FIDLER: I would
11 appreciate that, I mean, I, I can't say that the
12 wish is going to be granted but at the meeting
13 that Deputy Chancellor Sternberg did not attend,
14 with myself, Assemblyman Maisel, and Councilman
15 Barron and Senator Samson, we did ask to meet with
16 Chancellor Black, so that we could make sure that
17 she wasn't going to just rubberstamp the errors
18 and omissions of a preceding administration. I, I
19 want to give her a fair chance. I want her to
20 give me a fair chance. And I would like her to
21 see that, you know, when they're told that there's
22 a failure of leadership, that they don't respond.
23 And when they don't respond, the school and the
24 community shouldn't be paying the price.

25 LEO CASEY: There are a number of

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2 schools that are slated for closure, that clearly
3 fit this pattern.

4 COUNCIL MEMBER FIDLER: Thank you.

5 CHAIRPERSON JACKSON: Thank you.

6 Council Member Greenfield.

7 COUNCIL MEMBER GREENFIELD: Thank
8 you, Mr. Chairman, and thank you, panel for your
9 testimony and your work on behalf of
10 schoolchildren. I just want to run through a
11 couple of the assertions that were made earlier
12 today, and sort of get your perspective. I might
13 even start a little bit backwards. We seem to
14 have a health discussion over here about the
15 difference of dropouts versus discharges. And I'm
16 wondering sort of what your take is on that. I
17 mean, is it unusual that the dropout rate has gone
18 down but the discharge rate has gone, has stayed
19 flat. And do you think that there are, are
20 categories in the discharge rate that in fact
21 should be in the dropout rate?

22 JACKIE BENNETT: We don't have
23 enough information on that, just yet, but we can
24 get back to you on that.

25 CHAIRPERSON JACKSON: Just that,

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2 just identify yourself if you don't mind.

3 JACKIE BENNETT: I'm sorry, Jackie
4 Bennett.

5 CHAIRPERSON JACKSON: Go ahead.

6 JACKIE BENNETT: And we have some
7 preliminary exploration that has gone on, those
8 are numbers that are very hard for us to get, but
9 we can get back to you.

10 COUNCIL MEMBER GREENFIELD: All
11 right, no problem, I appreciate that. Next
12 question is, is it fair to say that you folks
13 support the two pieces of legislation that we
14 discussed today: 354 and 364?

15 LEO CASEY: We would support these
16 two pieces of legislation, and any legislation in
17 which brought transparency to this process.

18 COUNCIL MEMBER GREENFIELD: Do you
19 share the concern that I brought up before, which
20 is that, you know, we're, we're getting sort of a
21 slice, right, we're getting 21 schools at a time,
22 or we're even getting schools that are replacing
23 other schools, but we're not necessarily tracking
24 the individual child. And so, therefore, is it
25 fair to say that we really don't know how each

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2 individual, while on the big picture, it looks
3 good, but on an individual child level we don't
4 actually know what's going on. Is that a fair
5 assessment in your expert opinion?

6 LEO CASEY: I think it's a fair
7 assessment, and, and what I would say to you is
8 that the example of Lafayette, which was brought
9 up here, if you create new good schools in
10 Lafayette, but you tip the neighboring school to
11 John Dewey to failure, what is the net benefit for
12 the schoolchildren of New York City?

13 COUNCIL MEMBER GREENFIELD: I mean,
14 potentially there's another possibility, just to
15 explore the option with you, it's possible that,
16 you know, when you have a, when you have a school
17 with a large failing population, that you divvy up
18 enough of those children into enough other schools
19 that you're not necessarily tipping those schools,
20 but that you're not necessarily impacting the
21 margin significantly, right. So, if you have a
22 school that has 1,000 failing kids, and you're
23 willing to divvy up the 500--the, you know, let's
24 say there's 1,000 kids and 500 of whom are
25 failing, you're willing to divvy them up over five

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2 schools, you could, you could get into sort of an
3 accounting game, right, where you're sort of
4 spreading around failing kids, and so you give the
5 appearance as if though other schools are in fact
6 doing fine, and the new school of course will do
7 better because you don't have those children. Is
8 that, is that a possibility as well, is that a
9 concern?

10 LEO CASEY: What I would say to
11 you, Council Member, is that there's a tipping
12 point in a school. And that a school can and
13 should be able to handle large numbers of high
14 needs students, but if you just overwhelm the
15 school with high needs students, it just becomes
16 impossible for them to do that. And so, we would
17 certainly support a more equal distribution of
18 high needs students. But what you have here, in
19 all too many cases, is shifting those huge
20 concentrations from one school to the next. So
21 you're not doing away with the concentrations,
22 you're just using them to tip school after school.

23 COUNCIL MEMBER GREENFIELD: Fair
24 enough. I want to ask you another question as it
25 relates, it happens to be to a local school and

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2 I'm, I'm always concerned about, which is FDR High
3 School. And I imagine that you're an expert in
4 this, as well. So, part of the concern is, and we
5 had this at a previous hearing, when I forget her
6 name, and the, the woman in charge of deciding,
7 you know, who goes to which schools. And we were
8 discussing FDR High School in particular, and my
9 question to her was, you know, "Why do you send so
10 many ELL children to FDR High School?" and her
11 response was, "Well, 'cause it's a good school,
12 you know, want to see all kids do well." But as a
13 result, the reality is that for many ELL kids,
14 especially those who are recent immigrants, may
15 have literally just come to the United States,
16 they're suffering a language deficiency, right,
17 which we can't blame this, it's pretty obviously
18 And so even in the best of circumstances, the most
19 brilliant kids may not graduate within four years.
20 However, the state has these very strict standards
21 that says, "Well, if you don't have a four year
22 graduation rate, then you're a failing school."
23 So, it's one of these bizarre quandaries where
24 we're sending ELL children to a school because
25 everyone acknowledges they're doing well, but at

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2 the same time they're consistently on the school's
3 failing list because they're doing the right
4 thing, and in many cases they actually have kids
5 graduating in five and six years, and some of whom
6 are valedictorians, who I think by every objective
7 measure we'd say, for a child to come to the
8 United States, literally walk in to a school, not
9 speak any English, and graduate five years at the
10 top of her class, is probably a pretty significant
11 success. So, so how do you, how do you deal with
12 that? I think it's a good microcosm, right,
13 because we have so many schools, and I think it's
14 a perfect example of how in a large, bureaucratic
15 entanglement, one or many good schools could get
16 caught up, and could be slated as failing schools;
17 when in fact, those of us on the ground know that
18 these schools are actually doing good work.

19 LEO CASEY: Yes. I think it's an
20 excellent point, Council Member. When students
21 come with special needs and extra needs, the duty
22 of a school is to stick with those students until
23 they graduate. And whether you're an English
24 language learner, or you're, have some other
25 special need that you bring to the school, a four

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2 year graduation rate is not a true measure of what
3 the school is doing. Much better is a five year
4 graduation rate, a six year graduation rate, even
5 a seven year graduation rate. In our testimony,
6 we point out a number of schools that the DOE has
7 placed on the closing list, that have far better
8 seven year graduation rates than they do four year
9 graduation rates, which is not surprising, given
10 the huge concentration of high needs students they
11 have.

12

COUNCIL MEMBER GREENFIELD: So how
13 do we account for that? I mean, how do we, going
14 forward as a legislative body, what suggestions do
15 you have so that, so that we don't continuously
16 have this challenge. Right? Because the
17 bureaucrats look at it and, you know, I guess,
18 the, on their screen, the yellow must flash and
19 pop out and say, "Failing school, failing school,"
20 and we all know that this is in fact a good school
21 that's doing a good job. So, how, how would you
22 suggest that we make those changes
23 administratively to accommodate for the fact that
24 schools in fact are, have, have successful five
25 and six year graduation rates, which I think

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2 objectively, once you look at the facts, we would
3 all agree is a very, very good thing. I mean,
4 the last thing we want to do is take ELL kids and
5 force them, force them to drop out because they
6 didn't graduate in four years. I think we all
7 agree we're far better off holding onto those
8 kids, and if it takes an extra year or two when
9 they're graduating, I think, I think we're, all of
10 us, including society, are far better off than the
11 alternative.

12 LEO CASEY: I would say two things.
13 One is that this is, the ultimate source of this
14 problem is in federal legislation, in No Child
15 Left Behind, which insists upon a four year
16 graduation rate. And so, in the reauthorization
17 of the ESEA, we will have to change that measure
18 to introduce more measures of a graduation rate.
19 But there's nothing that forces the Department of
20 Education in deciding which schools it's going to
21 close now, to not take into consideration in a
22 much more serious way than it now does, five, six
23 and seven year graduation rates.

24 COUNCIL MEMBER GREENFIELD: All
25 right, thank you again, I appreciate it.

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2 CHAIRPERSON JACKSON: Well, let me,
3 let me thank--Oh, I'm sorry, Council Member Steve
4 Levin of Brooklyn.

5 COUNCIL MEMBER LEVIN: Thank you,
6 Mr. Chairman. Just one kind of quick question,
7 kind of following up on what I asked the Deputy
8 Chancellor. With regard to kind of an, kind of an
9 early intervention system, or a system in which,
10 you know, we have a, you know, they said that
11 there was something like 50 something schools that
12 they're keeping their eye on, have you gotten a
13 sense from them that they, I didn't get a very
14 clear sense as to what they are, what they are
15 doing to avert getting to that last stage. Right,
16 I mean, I think that there should, you know, in my
17 opinion, that they should have a, they should be
18 doing everything they can to not get to there.
19 And so I'm wondering what, what the UFT has seen
20 in that respect, and what ideas the UFT might have
21 with regard to that. And then, whether or not
22 they've brought those ideas to the Department of
23 Education, and what Department of Education's
24 response was?

25 LEO CASEY: What I would say to you

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2 is the Department of Education does precious
3 little. It has devolved itself into an
4 accountability mechanism. And in terms of
5 providing supports and resources to schools, it
6 does very little. These schools have been
7 notified that, that they are in danger, at risk of
8 closure, but there haven't been resources that
9 have gone to the schools. The EIS for Columbus
10 High School, it lists as, as supports, that the
11 DOE has provided Columbus all the things that
12 Columbus has done for itself, because there's
13 nothing that the DOE has provided Columbus to help
14 them out. So, so, I will tell you that, that our
15 President, Mike Mulgrew, is going to be giving a
16 speech at New School later this week, in which he
17 lays out some of our programmatic proposals.
18 There's a lot that can be done if the DOE took its
19 responsibilities seriously. For example, rather
20 than taking over-the-counter students and just
21 dropping them into schools willy-nilly over the
22 course of the year, disrupting the school
23 schedule, putting students at serious
24 disadvantage, the Department of Education could
25 create transition centers, where it took these

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2 students in. It did diagnostic testing to see
3 what issues, what help they might need. Many of
4 these students who come in the middle of the
5 school year are immigrants who don't speak
6 English, there could be intensive English language
7 immersion. And then you could move those students
8 into the school at the next regular
9 reorganization. So, a school wouldn't be put in
10 the situation of every other week trying to figure
11 out how to deal with students who come in, large
12 numbers of student who come in that way. So,
13 there's a lot of things that the DOE could do if
14 it was really serious about supporting these
15 schools.

16 COUNCIL MEMBER LEVIN: Just one
17 other question, with the 92 schools that have been
18 closed in 2002, one, one thing that concerns me
19 there, the school that's slated for closer in my
20 district, it's Metropolitan Corporate Academy, and
21 I think about the teachers, I think about the
22 principal and the administrators as well, but the
23 thing about the teachers, and the type of stigma
24 that they may then carry in their careers, moving
25 forward, being that they were then associated with

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2 a school that, that the Department of Education
3 has deemed to be a failure. In those schools that
4 have closed, have you, does your membership, is
5 this an issue for your membership? I mean, do
6 they bring it up a lot?

7 LEO CASEY: Absolutely, Council
8 Member. And, and it, it, we've created a system
9 of really perverse incentives here. Because what
10 you want to do is attract your best, your most
11 dedicated teachers, to schools that have large
12 number of at-risk students. But what we've done,
13 is we say "We're not going to help those schools,
14 we're going to close those schools down. You're
15 going to be connected to a school in a way that,
16 that casts aspersions on your professional
17 abilities." And it's, a teacher would have to,
18 you know, be, be a remarkably beneficent
19 individual to say, "I don't take any of that into
20 consideration. And I'm, you know, going to walk
21 into the jaws of hell," which is, you know, the
22 situation that the Department of Education has
23 created.

24 COUNCIL MEMBER LEVIN: And have you
25 heard from teachers that have been associated

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2 with, with those schools that have closed, and
3 they've, they've had a hard time being taken
4 seriously?

5 LEO CASEY: Yes, I, I will, I will
6 give you an instance, we had a teacher who was in
7 a district 79 alternate, alternative program, that
8 was closed. The man had a Ph.D. in English
9 literature, he had done all sorts of extra
10 educational work in Italy, around art and culture.
11 No school took him, he was assigned as an ATR to
12 Stuyvesant, who set him up teaching four classes
13 of art history, to Stuyvesant students. But he
14 remained a teacher without a permanent assignment.
15 There are endless numbers of teachers who are ATRs
16 around the City, who are not, by the way, like the
17 Mayor and the Chancellor say, people who are
18 sitting around not teaching, they're actually
19 teaching. But they don't have a permanent school,
20 and a lot of this is the result of the way the DOE
21 pursues this closing schools policy.

22 COUNCIL MEMBER LEVIN: Well, thank
23 you very much, thank you, Mr. Chairman. Thank
24 you.

25 CHAIRPERSON JACKSON: Thank you,

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2 Council Member, and let me thank all of the
3 representatives from UFT for coming in and giving
4 your definite point of view with respects to this,
5 obviously that you and your teachers are in the
6 classroom in the schools and so, you're, you know,
7 position on this is extremely welcome. Thank you.

8 LEO CASEY: Council member.

9 CHAIRPERSON JACKSON: Yes.

10 LEO CASEY: There's one other thing
11 that I might just add, about a claim that was made
12 by the Department of Education here.

13 CHAIRPERSON JACKSON: Okay, what,
14 what is that?

15 LEO CASEY: About how the
16 graduation rate has increased as a result of their
17 policy. Once again, the New School did a study of
18 this. And what they discovered was that in new
19 small schools, more students were graduating but
20 they were graduating under a waiver which is
21 disappearing, which allowed students to have as a
22 Regent's pass a grade below 65. What has happened
23 to boost the graduation rate, yes, what has
24 happened to boost the graduation rate, is the
25 Department of Education had adopted a policy of

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2 credit recovery. In which students--

3 CHAIRPERSON JACKSON: Oh, credit
4 recovery, oh, boy.

5 LEO CASEY: --were getting credit
6 for passing classes--

7 CHAIRPERSON JACKSON: Okay.

8 LEO CASEY: --where they hadn't
9 really mastered the material. And as a
10 consequence, when it came time to take the
11 Regent's, they weren't in a position to pass the
12 Regent's with a grade above 65. This is going to
13 dramatically decline in the coming years, because
14 the State has issued new regulations around credit
15 recovery, which don't allow them to do what they
16 have done, and the waiver that allows students to
17 get a Regent's graduation rate with below 65 is
18 being phased out.

19 CHAIRPERSON JACKSON: Okay.
20 Council Member Fidler.

21 COUNCIL MEMBER FIDLER: I had
22 actually wanted to--

23 CHAIRPERSON JACKSON: On CR.

24 COUNCIL MEMBER FIDLER: --to ask
25 you about our favorite, our favorite topic. You

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2 have data on, because I know that, I think the
3 Chairman and I actually have a bill on this, too.

4

CHAIRPERSON JACKSON: Yeah.

5

6 COUNCIL MEMBER FIDLER: But, they,
7 you know, data on whether schools that are on the
8 closing list versus other schools, have a
9 difference in credit recovery.

9

10 LEO CASEY: Yes, I mean, we, we
11 could, there are ways in which we can reconstruct
12 that for you.

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COUNCIL MEMBER FIDLER: I would
love to have that data, thank you.

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LEO CASEY: You're welcome, thank
you.

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CHAIRPERSON JACKSON: Thank you.
And our next panel is Ray Domanico, Independent
Budget Office; and Erin McGill, representing our
Borough President Scott Stringer; and Clara
Hemphill, insideschools.org. And let me just say
for the record, a student by the name of Jorel,
Jorel Moore [phonetic], 17 years old, a senior at
Franklin K. Lane High School, submitted their
testimony and the last sentence of the testimony
is, "The DOE has to understand that they have to

1
2 fix schools, not close them." And that's for the
3 record. And for the record, we received testimony
4 from Teritsa Gigel [phonetic], Youth Leader of
5 Make the Road New York. And [pause] And the last
6 sentence of their submission is: "We are asking
7 the City Council and the Department of Education
8 to ensure that resources, support services and
9 funding are in place to address these issues, and
10 to create the space and opportunity for the
11 necessary community involvement in this process."

12 So with that, I'd like to turn to Ray Domanico,
13 Independent Budget Office, and then Erin McGill
14 and Clara Hemphill, in that order. Thank you, and
15 thank you for your patience, we appreciate all of
16 you, this is a very, very important issue, and I
17 know you've been here all day. I'll be glad to
18 offer you some trail mix that I offered before.
19 I'm serious about offering you that. Okay, go
20 ahead, please.

21 RAY DOMANICO: Good afternoon,
22 Chairman Jackson and Members of the Education
23 Committee. My name is Ray Domanico and I am
24 Director of Education Research at the New York
25 City Independent Budget Office. Thank you for the

1
2 opportunity to speak with your committee today
3 about the issue of school closings. Last year, at
4 the request of Chairman Jackson, IBO reviewed the
5 available data on schools that the Department of
6 Education was proposing to close at the end of the
7 school year 2009/10. As has, has been reported,
8 those closings were suspended due to legal
9 challenge and the Education Department has now
10 proposed a new list of schools to be closed
11 beginning at the end of the current school year.
12 IBO has once again looked at the performance of
13 the schools on the current closure list, the types
14 of students attending these schools, and the level
15 of resources provided to them in recent years. We
16 will be releasing our full report tomorrow, but I
17 can share the highlights with you today. I am
18 joined today by Sarita Subramanian, IBO's
19 principal analyst on this study.

20 CHAIRPERSON JACKSON: That's the
21 young lady to the left.

22 RAY DOMANICO: That's right.

23 CHAIRPERSON JACKSON: Okay, very
24 good.

25 RAY DOMANICO: In, in terms of our

1
2 report, I can tell you that one of the things in
3 the report was a question that you asked before.
4 By our count in 2009/10, there were 17,740
5 students in the schools that are currently on the--
6 -

7 CHAIRPERSON JACKSON: [off mic] Say
8 that again 17--

9 RAY DOMANICO: 17,740.

10 CHAIRPERSON JACKSON: Okay.

11 RAY DOMANICO: In the school year
12 2009/10. I'm going to report very quickly on some
13 citywide statistics, but our report will contain
14 information on individual schools on this list
15 that will be available to the public on our
16 website tomorrow. Our analysis identified three
17 critical issues related to the current set of
18 school closure recommendations. First, these are
19 in fact low performing schools. The 14 high
20 schools on the list have an average graduation
21 rate of 50 percent, compared to a citywide average
22 of 71 percent. These schools also have low
23 attendance rates--an average daily attendance of
24 78 percent, in these 14 high schools, compared
25 with a citywide average of 87 percent. On

1
2 closure, on average, students in schools proposed
3 for closure, high schools, are absent 40 days a
4 year. And further, only 61 percent of the
5 students in these 14 high schools were able to
6 complete the expected 10 credits in their first
7 year of high school, compared to 78 percent in the
8 city as a whole. At the elementary and middle
9 school level, student achievement is also low. 23
10 percent of students in the 14, in the elementary
11 or middle schools on the closure list attained
12 proficiency on the state English language arts
13 compared to a citywide rate of 44 percent. Of
14 course, the policy of closing schools and
15 replacing them with newly created schools is
16 premised on the notion that the schools themselves
17 are responsible for low achievement and also that
18 the new schools that will replace them will attain
19 better results with the same, same students or
20 same type of students. Our report's second and
21 third critical points speak to these important
22 issues. Our second major finding is that the
23 schools on this year's closure list have, in
24 recent years, been serving a student population
25 with greater needs than other schools. Six

1
2 percent of the students in high schools on the
3 closure list meet the federal government's
4 definition of living in temporary housing compared
5 with 4 percent in city high schools as a whole.
6 So that's 50 percent greater in the school on the
7 closure list. Eighteen percent of the students in
8 these 14 high schools are classified as special
9 education students, compared with 12 percent in
10 the city's entire high school population. So
11 again 50 percent greater. In the four years
12 leading up to this year's closure recommendation,
13 the percentage of special education students in
14 these high schools grew at a faster rate than for
15 the city as a whole, going from 14 percent in 2006
16 to 18 percent in 2009. In those same years, the
17 citywide rate for high schools grew from ten to 12
18 percent. Perhaps most significantly for high
19 schools on the closure list, nine percent of the
20 students are already over age as they enter these
21 schools. More than twice the citywide rate of
22 four percent. Students who are over age upon
23 entry to high school are more likely than other
24 students to drop out. The demographic profiles of
25 elementary and middle schools on the closure list

1
2 were not dramatically different from elementary
3 and middle schools citywide, though schools on the
4 closure list tend to have greater percentage of
5 black students, fewer white students and a
6 slightly higher percentage of low income
7 students than citywide averages. These are
8 averages I'm talking about, for individual schools
9 there's, there are variations. The third and
10 final issue highlighted in our report is obvious
11 from a simple review of the school closure list,
12 but is important and worthy of attention. Almost a
13 third of the schools being proposed for closure,
14 eight out of the 25, are small schools that had
15 themselves been created as replacements for
16 schools previously closed. We cannot know if
17 these eight schools are an anomaly, or if they are
18 simply the first wave of new small schools to
19 fail. Only time will tell but this is an issue
20 worth following in future years. Thank you for
21 the opportunity to discuss our report with you
22 today. I'll be happy to answer any questions
23 after the panel is completed.

24 CHAIRPERSON JACKSON: Thank you.

25 Next, please.

1
2 ERIN MCGILL: My name is Erin
3 McGill, I'm the Education Policy Analyst for
4 Manhattan Borough President Scott M. Stringer, and
5 I'll be presenting on his behalf. I'd like to
6 thank Chairperson Jackson and Members of the
7 Education Committee for holding this important
8 hearing on the Department of Education's
9 monitoring of students at closing schools. I
10 support the two bills being introduced today,
11 Intro 364 introduced by Council Member Fidler,
12 which would require the DOE to provide data
13 regarding students who are transferred to an
14 alternate school as a result of a school closure;
15 and Intro 354 introduced by Chairperson Jackson,
16 which would require the DOE to provide data
17 regarding student discharges. Both of these bills
18 would offer critical information about student
19 outcomes and give insight into the impact and
20 effectiveness of DOE policies and school closures
21 and discharges. Tomorrow marks the one year
22 anniversary of the Panel for Educational Policy's
23 vote to close 19 schools citywide. Last year I
24 signed onto a lawsuit initiated by the UFT and
25 NAACP, because it was abundantly clear to me that

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2 the DOE had failed to follow through, had failed
3 to follow the Reauthorized School Governance Law
4 and meaningfully assess the impact of school
5 closings on students. As we all know, the New
6 York State Supreme and Appellate Courts had
7 serious concerns about the DOE's process, as well,
8 and ordered a do over. This year, the DOE has
9 proposed closing 26 schools, some of which were on
10 last year's list of 19, and PEP will vote on these
11 proposals next week. I want to be clear that we
12 should never tolerate a school that is failing to
13 properly educate our students; that said, we must
14 be cognizant of two things with regards to
15 shutting down schools. First, is that closing
16 schools should always be a last resort. This
17 Administration has closed nearly 100 schools so
18 far, the process is highly disruptive to school
19 communities. It's potentially very damaging to
20 relationships with parents and families, and may
21 have serious long term consequences for, for
22 students, something that has not been examined
23 adequately. And second, a school does not arrive
24 at a place of failure in complete isolation. All
25 invested stakeholders must be held accountable for

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2 school and student outcomes, not just those
3 learning and working at the school level. [time
4 bell] Parents and educators have long expressed
5 concern that too many students get lost in the
6 shuffle when the DOE closes schools down, and
7 these students are often English language learners
8 or students with special needs who can face
9 particularly steep challenges navigating the
10 process, and locating schools that fit their
11 needs. Failure to appropriately track where these
12 and other at-risk students end up, may contribute
13 to the domino effect outlined in a 2009 report by
14 the New School, which found that large numbers of
15 high needs students at large closing schools are
16 funneled to surrounding schools unprepared to meet
17 their needs. Absent, absent additional support
18 from the DOE, these schools are forced into a
19 state of crisis, and ultimately become targets for
20 closure themselves. I have consistently called
21 upon the DOE To plan proactively, release clear
22 and transparent information to the public, and
23 make a real effort to work with school communities
24 in a meaningful way. You don't have to look far
25 to see some of the very serious problems that have

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2 emerged when these actions are not incorporated
3 into decision make processes, including
4 longstanding and severe overcrowding in our
5 schools, colocation tensions, strained relations
6 between the DOE and those at the school level, and
7 fallout from the DOE's handling of State test
8 scores. Intros 364 and 354 will give us all a
9 clearer understanding of where students ended up
10 and how they got there. And releasing this data
11 is an important component of DOE accountability
12 for ensuring that it's 1.1 million students are
13 moving in the right direction. Data is a critical
14 piece of the puzzle. Thank you.

15 CHAIRPERSON JACKSON: Well, thank
16 you for coming in on behalf of Borough President
17 Scott Stringer. Next, please.

18 CLARA HEMPHILL: Hello, I'm Clara
19 Hemphill.

20 CHAIRPERSON JACKSON: Hi, Clara.

21 CLARA HEMPHILL: I, I work at the
22 Center for New York City Affairs, the Applied
23 Policy Research Institute at the New School; I'm
24 the Founding Editor of the insideschools.org
25 website; I've written three guidebooks to the New

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2 York City Public Schools; and I'm a coauthor of
3 the report "The New Marketplace" which a number of
4 people have referred to in their description of
5 the domino effect. I've visited hundreds of
6 schools over the past 15 years. I actually am
7 more supportive of the small schools than some of
8 the people who have spoken. I think the decision
9 to close the dysfunctional large schools has been
10 positive overall. And that the new small schools,
11 while they're far from perfect, have better
12 attendance rates, better safety records, and are
13 more successful. There's a lot of debate about
14 whether they serve needy students. I just want to
15 say that there's lots of very needy students to go
16 around in this City. And that the small schools
17 have lots of very needy kids, as well. I think
18 your data's very interesting, and important. I'm
19 less enthusiastic about the way the City has
20 closed the elementary and middle schools. In many
21 of these cases, I think the new schools simply
22 replicate the problems that existed in the old
23 schools. Even when the new schools are
24 successful, the closings, and many people have
25 said, have caused major disruptions for the

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2 students left, left behind. And this, the courts
3 have said you can't close the schools without
4 making plans for what happens to the kids who are
5 left. As you know, when the DOE decides to close
6 a school, it doesn't immediately toss out all the
7 teachers and kids; rather, it phases out over a
8 period of years. What happens, though, is the DOE
9 is telling kids, in essence, your school's a
10 failure, but we want you to stay until graduation.
11 What usually happens in this, as soon as the DOE
12 announced that a school's closed, everybody who
13 can gets out, everybody who can gets out, does get
14 out. The best teachers are usually hired by the
15 new schools, and the teachers who are just
16 counting the days to retirement are the only ones
17 who are left. The kids who are organized enough
18 to figure their other options, transfer out; and
19 the kids who are on just the margins, will just
20 stay home. The kids who are left to watch the new
21 schools come in with the, the new schools have the
22 shiny new computers, the fresh paint and the
23 energetic young teachers, the kids in the dying
24 schools aren't allowed to go into the part of the
25 building where the new schools hold their classes,

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2 they aren't even allowed to have lunch together.
3 Not surprisingly, these schools often go into a
4 downward spiral. Other people have talked about
5 the important roles that even the low performing
6 high schools talk about, serve in a community.
7 Whether it's English language classes for adults,
8 or childcare for babies born to high school
9 students, the DOE has consistently failed to make
10 plans for what happens to programs like these,
11 when they close a school. I'd like to propose a
12 way to close some of the big high schools without
13 creating so much disruption. First, the community
14 needs to feel that the new schools will be an
15 improvement. Sometimes, the DOE listens to what
16 the community wants, as in the case of Frank
17 McCourt Building in the old Brandeis Building.
18 I'm sorry, the Frank McCourt School in the
19 Brandeis Building, and I think that's a fairly
20 successful phase out. But more often, the DOE
21 puts new schools into building without any
22 consultation with the neighborhood groups. And
23 some schools with very bizarre themes end up in
24 very bizarre places, so that there's a school
25 about advertising that's meant to prepare kids

1 from Addison Avenue jobs, but it's in Canarsie.
2 Which is kind of far, if you're interested in
3 working on Madison Avenue. As a school closes,
4 DOE needs to add resources and not take them away.
5 There should be parity between the old school,
6 also called a legacy school and the new schools in
7 the building. One of the things that's happened
8 is the new school's class size is capped at 27,
9 where the legacy school it's 34. And I think that
10 those, if those class sizes were the same, that
11 would, that would help. Since so many of the kids
12 in the legacy schools are way behind in their
13 studies, the DOE should adopt some of the
14 strategies that have been successful in the
15 transfer alternative schools. For example, the
16 transfer alternative schools offer three
17 trimesters a year, rather than two trimesters.
18 This allows kids to take more courses and to
19 accumulate credits faster, increasing the chances
20 that they'll graduate rather than drop out. The
21 teachers at the transfer schools really pester the
22 kids to come to class, call them at home if they
23 don't show up. The DOE should say to the schools
24 that are closing, "We know this is hard, we know"

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2 [time bell] "you have some very needy kids, here
3 are some extra resources to help them." This
4 won't solve all the problems, but it would help
5 ease the divide between the haves and have-nots,
6 while the legacy schools are phasing out.

7 CHAIRPERSON JACKSON: My question
8 that I have, let me thank you all for coming and
9 giving testimony. Obviously, your testimony and
10 the testimony of advocates and, and community
11 people are extremely important to give a more, I
12 guess, grounded community base or advocacy
13 perspective. With respects to, especially if
14 you've been sitting here all day, and I know that
15 you have, do any of you have any comments about
16 anything that you may have disagreed with or have
17 a different spin or perspective, that the
18 Department of Education has commented on? [pause]
19 Silence is golden. [laughter]

20 RAY DOMANICO: I'm not going to,
21 I'm not going to disagree on things that we
22 haven't studied. I would say this: One of the
23 things that's frustrating to me, is that many
24 questions that the Council has been asking are
25 things that we hope to be able to answer directly.

1
2 I've been at IBO for a little over four months.
3 For more than seven months prior to that, our
4 office was negotiating with the DOE around getting
5 access to the data, individual student data, that
6 would allow us to answer these questions. We ran
7 into the same FERPA argument, and--but thankfully,
8 that has been resolved. Since October, the data
9 has been flowing to us. But these are complicated
10 files and complicated data systems, and we're not
11 yet fully able to crack them open to answer the
12 questions. But we hope in the coming months to
13 answer, to be able to answer very specific
14 questions about students who were in these
15 schools, what has been their trajectory
16 afterwards, so.

17 CHAIRPERSON JACKSON: Good, well,
18 let me just say that we at the City Council
19 appreciate the IBO as an Independent Budget
20 Office, and especially since in the, the new
21 governance law, certain amount of moneys have
22 flowed to IBO in order to hire additional staff,
23 in order to look at, to crack--and these are my
24 terminologies--to crack this huge bureaucracy of
25 the Department of Education, and hopefully with

1
2 you and the audits by the City Comptroller's
3 Office, we will have a lot more transparency and
4 accountability. So, I want to thank you and thank
5 all the other representatives for coming in.
6 Council Member Fidler!

7 COUNCIL MEMBER FIDLER: I wish I
8 could hide behind FERPA sometimes. Ms. Hemphill,
9 I, I am going to control my umbrage at your
10 suggestion that kids in Canarsie aren't as
11 entitled as anyone else, to interesting programs.
12 I, I have lived through the closing of Tilden,
13 South Shore and Canarsie, and I'm really a little
14 bit amazed at your enthusiasm for the closing of
15 the "large, dysfunctional high schools," as
16 opposed to the others, having--I can tell you,
17 first, firsthand, that the notion that they
18 haven't decided what schools they're putting into
19 the schools they close, before they've announced
20 that they're closing them, is absurd.

21 CLARA HEMPHILL: I agree with that.

22 COUNCIL MEMBER FIDLER: It's been,
23 well--it, so, so the idea that they're going to
24 discuss in any kind of meaningful way with a
25 community, with which, and with whom they have no

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2 credibility, is a flight of fancy. All right? I
3 also don't really understand how you could then
4 turn to Mr. Domanico and point to the data in his
5 analysis, acknowledge it, and still be
6 enthusiastic. And of course, I think the one
7 thing in your testimony that was dead one, was
8 your description of what happens to the thousands
9 and thousands of kids who are in these schools as
10 they're being closed, the psychology of what's
11 happening, the denial of access, all of the
12 mistreatment and, and comparable lesser treatment
13 that they get, and still say anything positive
14 about that process. These are thousands of kids
15 who only get one chance.

16 CHAIRPERSON JACKSON: That's all.

17 COUNCIL MEMBER FIDLER: All right?
18 So, I just want to point out, though, that Mr.
19 Domanico, you know, you said only the second and
20 third bear on the issue of whether or not this is
21 a good policy. Frankly, I think your first point
22 is one of the most strong here, where you say that
23 61 percent of the students in the 14 high schools
24 that are being closed, were able to complete the
25 expected ten credits in their first year of high

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2 school, compared with 78 percent in the City as a
3 whole. I think that's a phenomenally telling
4 statistic, about who is being sent to the high
5 schools that are going to be closed. It's
6 certainly, I don't think that, that you know,
7 there's something poison at the gate of the
8 school, so that these kids come in and immediately
9 fail because they're, you know ,they've walked
10 into Tilden, so they're not going to get those ten
11 credits done. They're sending them kids that are
12 less equipped to come into their first year of
13 high school and succeed. I think that's the most
14 significant statistic in your report. So, I think
15 it says very, very much about the equities of the
16 schools that are being closed and aren't. And of
17 course, I think the point that you make, as well,
18 about the special needs kids, you know, twelve
19 percent in the average school, used to be 14 and
20 now it's 18, speaks exactly to Mr. Casey's point,
21 that the special needs kids are being congregated
22 into sev--into, into the, you know, not special
23 schools, they ones they want to close, and, and it
24 does in fact support the notion that they pick the
25 school they want to close next. We're

1
2 congregating these kids, the higher needs kids,
3 the more difficult kids, in a smaller, ever
4 smaller number of schools, so the percentage is
5 going up, and up, and up, and up. And I think
6 that that's, I think those, those two statistics
7 are extremely telling. I don't know anyone who
8 could hear those statistics, could have any
9 enthusiasm for the process by which the Department
10 of Education closes high schools.

11 CLARA HEMPHILL: If I could just
12 clarify what I meant to say about Canarsie. I
13 wasn't suggesting, of course I think kids in
14 Canarsie have the same right to interesting
15 programs as kids elsewhere. What I meant to say
16 was that on the Upper West Side of Manhattan,
17 there was a lot of community input into building
18 the Frank McCourt School of Writing, and there was
19 a lot of interest in putting the Frank McCourt
20 School of Writing in Brandeis. My understanding
21 was that the school, I may be wrong, but my
22 understanding was the School for Adverti--there
23 wasn't a similar outcry, demand for School for
24 Advertising in Canarsie. Am I, am I mistaken?
25 Was that--?

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2 COUNCIL MEMBER FIDLER: There was
3 no consultation with the Canarsie community
4 whatsoever. In fact, Canarsie actually has
5 another pretty good school, one for medical
6 professionals, that has linkages. And I think
7 it's, you know, I mean, as it's turned out has
8 been a pretty good school. But that's not the
9 point. And quite frankly, you know, I mean, you
10 know, tomorrow we'll go to another hearing about
11 the blizzard. The treatment that we get in
12 Southern Brooklyn, the treatment that we get in
13 the outer boroughs, compared with the treatment
14 that people get on the west side of Manhattan,
15 that's the tale of two cities. So, let's not, you
16 know, even go there.

17 CLARA HEMPHILL: I agree that the
18 medical technology school is a good one, and the
19 advertising one may be a good one, it's just a
20 peculiar theme for, for that particular
21 neighborhood.

22 COUNCIL MEMBER FIDLER: [off mic] I
23 don't see that point.

24 CHAIRPERSON JACKSON: Well, to be
25 continued, for sure. Finished, Council Member

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2 Fidler?

3 COUNCIL MEMBER FIDLER: [off mic]

4 Oh, yeah.

5 CHAIRPERSON JACKSON: Thank you
6 very much, all of you, for coming in.

7 RAY DOMANICO: Thank you.

8 CHAIRPERSON JACKSON: And next, Udi
9 Ofer from the New York City - - NYCLU; Leonie
10 Haimson, Class Size Matters; Kim Sweet, Advocates
11 for Children; and Cara Chambers, the Legal Aid
12 Society; and Mark--

13 MALE VOICE: - -

14 CHAIRPERSON JACKSON: --Ro--
15 [background noise] Mark, how do you pronounce
16 your last name?

17 MARK: - -

18 CHAIRPERSON JACKSON: Beyersdorf.
19 Okay. Asian-American Legal Defense Fund. And Ken
20 Cohen, the NAACP New York State Conference,
21 Metropolitan Council. Come on in, you can have
22 some. [pause, background noise] See, Ken,
23 there's no room up there for you. So, just, just
24 hang there, Ken. All right, first come, first
25 serve, the first person I called, Udi Ofer, New

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2 York City Civil, New York Civil--

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UDI OFER: Is it already good evening? I think it is, huh? All right.

5

CHAIRPERSON JACKSON: Almost.

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UDI OFER: Good evening. My name is Udi Ofer, and I testify in support of both bills, but specifically in support of Intro 354, on behalf of the New York Civil Liberties Union, and its 48,000 members. Introduction No. 354, which shed much needed light on New York City's graduation rate by providing the City Council with access to basic information about children who leave the school system without graduating. It will promote transparency in an area of education policy that can effectively hide the realities of educational outcomes by inflating the graduation rate. As you know, high school students can leave the public school system in one of three ways: they can drop out, they can graduate or they can be discharged. Discharges are meant to statistically capture students who leave the school system, but whose departure should not necessarily reflect poorly on the DOE. Students who are discharged are removed from the total

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2 enrollment pool of, for their class, known as a
3 cohort, so they do not add to the number of
4 dropouts. So if you have 100 students in a
5 cohort, 90 graduate, ten are discharged, the
6 graduation rate would still be 100 percent. So,
7 as a result, the overuse of discharges can
8 obviously artificially inflate the percentage of
9 students in the class who are classified as
10 graduates by reducing the size of the cohort. The
11 reality is, despite what the DOE says, New York
12 City does not currently report on the number of
13 students it discharges in any given year, nor does
14 it report the reasons for such discharges.

15 Without such information, policy makers, parents
16 and the public do not have a complete picture of
17 New York City's graduation rate. In a school
18 system that depends so much on data to drive
19 policy decisions, it is hypocritical and
20 counterproductive to deny the public access to
21 this information. While the graduation rate has
22 increased under Mayor Bloomberg, and it drives me
23 crazy when they say that two-thirds of New York
24 City students graduate, is just simply not true.
25 At most, it's at about 59 percent, but that's

1
2 without information on discharges. While, so
3 while it's true the graduation rate has increased,
4 there is also very much reason to believe that the
5 discharge rate has risen. We know from Leonie's
6 report, which she'll talk about, that from 2000 to
7 2007, the discharge rate increased by almost four
8 percentage points. That is a huge increase. But
9 while there are legitimate reasons to discharge
10 students, we, the NYCLU and others, express
11 serious concern about certain categories of
12 discharges. So, we FOILED the Department of
13 Education and we did get one year's worth of data
14 on student discharges. And here's what we found.
15 So for the year 2008 to 2009, 758 students were
16 counted as discharged in that year because of
17 aging out.

18 CHAIRPERSON JACKSON: [off mic]

19 Again out.

20 UDI OFER: Aging out. Remember
21 when earlier the DOE said that it wasn't a
22 significant number of kids who age out? Well, for
23 them 758 students is considered not a significant
24 number. That is how many students in that year
25 were not, did not hurt the graduation rate because

1
2 that year, again out was considered a discharge
3 and not a dropout, although that has changed since
4 then, which is a good thing. That same year, 116
5 girls were discharged "voluntarily," due to
6 pregnancy. So, in that year 116 girls left the
7 school system without being counted as dropouts,
8 due to pregnancy, although that has changed, as
9 well, which is a good thing. We have other data.
10 3,224 students in grades six through twelve
11 entered into parochial or private schools and were
12 counted as discharges. 4,388 students grade six
13 through twelve were discharged to institutions,
14 and we don't exactly know, institutions can be
15 many different things. But all of that
16 information is included in my testimony, in my
17 main testimony. So let me just end by making
18 three concrete recommendations for this bill,
19 because we do think it needs to be amended.
20 Number one, the bill should mandate recording,
21 reporting by cohort, in addition to year. It is
22 simply not as useful to have reporting done solely
23 by year. We need to know what cohort that student
24 who was just discharged is a part of, because then
25 we will be able to make better calculations on New

1
2 York City's graduation rate. Number two, there is
3 no reason why you should just ask for discharge
4 codes. You should ask for discharge, all
5 discharge codes, all transfer codes, and all
6 graduation codes. This is data that the DOE has,
7 and it will not be a heavy lift for them to, to
8 report it to you. We've obtained this data
9 through FOIL. You should require the reporting on
10 discharge codes, transfer codes, and graduation
11 codes for everything. And finally, you have to
12 create an automatic order mechanism. You need to
13 create an early response system that will trigger
14 an automatic audit if certain discharge codes or
15 certain graduation codes or certain transfer codes
16 trigger some sort of early warning system. I'll
17 end by agreeing with Council Member Fidler about
18 the FERPA argument. When we were working on the
19 Student Safety Act for three years, that was
20 recently passed by the City Council, the constant
21 argument that the DOE made was it could not
22 support it because of FERPA. Along with Nancy
23 Ginsberg and others, we, we met with them, we were
24 able to resolve that. I'll tell you how you can
25 call them on their life, that FERPA is the burden.

1
2 There is an entire office in the U.S. Department
3 of Education called the Family Policy Compliance
4 Office. Their job is to ensure compliance with
5 FERPA. We tried to connect them with the DOE, so
6 that the federal government could tell them, "How
7 can we draft this bill without violating FERPA?"
8 The DOE did not want to have any conversation with
9 the federal government, that is in charge of
10 insuring compliance with FERPA. We strongly
11 support both of these bills, in particular the
12 discharge bill, because until we have that basic
13 information, we will never know New York City's
14 true graduation rate. Thank you.

15 CHAIRPERSON JACKSON: Thank you.

16 Next, please, who did I call? Leonie Haimson.

17 LEONIE HAIMSON: Yeah, thank you
18 for holding these hearings today, my name's Leonie
19 Haimson, I'm from Class Size Matters and I'm
20 strongly supportive of both bills. In April of
21 2009, Jennifer Jennings and I released this report
22 on behalf of the Public Advocate's Office, showing
23 that the discharge rate for New York City Schools
24 had significantly increased between 2000 and 2007,
25 a total of more than 142,000 students had been

1 discharged over this period, none of them had been
2 counted as dropouts, none of them had been
3 essentially counted at all. We also found that
4 the discharge rate for students in their first
5 year of high school had doubled over this period.
6 We also found, of course, much higher discharge
7 rates unfortunately among ELL students, Hispanic
8 students and African-American students, than white
9 and Asian students. In response to our report,
10 the DOE claimed that the rising number of
11 discharges over this period were due to more kids
12 transferring to private and parochial schools, and
13 more families moving out of New York City. We
14 looked at both the parochial school enrollment
15 data and the census data and we could not find
16 evidence for either trend. They had, when asked
17 by the New York Times about the doubling of the
18 ninth grade discharge rate, they said they had
19 noticed it, too, but they didn't know why. We've
20 hypothesized that perhaps the added pressure on
21 schools because of the accountability system and
22 the threat of failing them had been causing
23 schools to push out these students at younger and
24 younger ages, because one of the measures in the
25

1
2 accountability system is the ninth grade credit
3 accumulation rate. After we released a report,
4 Public Advocate Betsy Gottbaum asked the State
5 Comptroller for an audit. We have heard that the
6 audit has been finished for over six months, it
7 has not yet been released, we cannot find out why,
8 and we welcome the City Council's inquiry into
9 this matter. Meanwhile, several changes have been
10 made to the discharge system, some of the codes
11 have been cleaned up. Like the over 21 and the
12 pregnancy, and the ones, the students enrolled in
13 a fulltime GED program outside DOE are no longer
14 counted as discharges but dropouts. But they
15 still, they still, it's ambiguous how they count
16 expelled students, it's no longer on the list.
17 Those kids should be counted as dropouts, not
18 discharges, according to federal guidelines. And
19 the number of kids who are discharged to DOE
20 programs, GED programs inside DOE, are still not
21 counted as dropouts, even when they've left the
22 program. And that we think is a big problem. One
23 other very large problem is that since we released
24 our report, the DOE has not released any data
25 whatsoever on the special ed discharge rate.

1
2 Every year [time bell] they have a graduation
3 report, but since our report came out, that, the
4 data for the special ed population is entirely
5 removed. Since we know that they have a higher
6 discharge rate overall, we believe that the, that
7 the problem may not, that their claim of having
8 stabilized the discharge rate is not necessarily
9 true. I go into some other details about the
10 documentation that's required, for example
11 documentation to transfer to parochial and private
12 schools is not as rigorous as out of state. I
13 have heard from inside the Department of Education
14 that it's very easy for them to fake
15 documentation, by simply whitening out kids names
16 who have transferred to a school and putting in
17 other kids' names. I'd also like to talk about
18 the other school, the other bill--the closing
19 school bill, because I think it's incredibly
20 important. Right now, I just want to make clear
21 that nobody at closing schools, no students at
22 closing schools, except for ninth graders that
23 have accumulated credits on time, are allowed to
24 transfer to other regular high schools. They are
25 simply not allowed to, and James Eterno will talk

1
2 about that at Jamaica. So, these students are
3 essentially given a very limited number of
4 choices. They are, they are able to transfer to
5 GED programs or YABC programs, where they can't
6 get a regular high school degree, or they are
7 given credit recovery. And this is a huge problem
8 which is spreading like wildfire throughout our
9 schools. We know that our schools are becoming
10 diploma mills, and that needs to be added to this
11 bill, in order to see how many kids are getting
12 their credits through credit recovery. Right now
13 we know that the DOE is reporting on that, they
14 testified that at an earlier hearing. We need
15 that data very quickly because they're about to
16 spread that program through hundreds of more
17 schools, and the Regents are about to deregulate
18 the entire system of "See Time" [phonetic] and
19 making kids actually sit in regular classes, to be
20 able to graduate with credits. So this is one of
21 the gravest threats to our entire education system
22 right now. And I just want to point out that the
23 reason the dropout rates can go up and the
24 graduation rates can go up at the same time, in
25 the discharge school, in the closing schools, is

1
2 because the discharge rates traditionally have
3 gone up drastically in the last two years of high
4 school in these schools, and this is a chart from
5 our report, which reproduced in my testimony
6 today. Thank you very much.

7 CHAIRPERSON JACKSON: Thank you.

8 Ne--

9 COUNCIL MEMBER FIDLER: Mr.

10 Chairman, before the next, I, I want to apologize
11 to the panel, to everyone else, that still remain
12 to testify, I have a hearing at 7:00 o'clock about
13 as far away in Brooklyn as it gets.

14 CHAIRPERSON JACKSON: Oh, boy.

15 COUNCIL MEMBER FIDLER: And so I do
16 apologize, especially if you've been waiting all
17 day. I have taken the testimony, the written
18 testimony as regards Intro 364, I'm taking it with
19 me, and I will in fact look. I definitely intend
20 to amend this bill and move forward. And that's
21 not even counting the conversation I'm going to
22 have about FERPA, which I'm just, I can't tell you
23 how excited I am to have. [laughter] And I
24 apologize to my colleagues as well for abandoning
25 them here at 6:05. Thank you.

1

CHAIRPERSON JACKSON: Thank you.

2

3

LEONIE HAIMSON: Thank you very

4

much.

5

CHAIRPERSON JACKSON: Next, Kim

6

Sweet, Advocates for Children.

7

KIM SWEET: Hi, my name is Kim

8

Sweet, and I'm the Executive Director of Advocates

9

for Children. I'd like to thank the Committee for

10

holding this hearing to focus on this really

11

important issue of what happens to the actual

12

children in the schools that are closed. Based on

13

the data, we have very serious concerns. The 25

14

schools that are slated for closure this year have

15

far more than their share of vulnerable students,

16

as we've heard from a lot of people today, just to

17

give you a couple other numbers that you maybe

18

haven't heard yet. In particular these schools

19

have seen their homeless populations increase by

20

525 percent, from '07/'08 to '08/'09.

21

CHAIRPERSON JACKSON: Sorry, what

22

percentage?

23

KIM SWEET: 525 percent. This

24

rate, now there's been an overall, very large

25

increase due some, to some changes in reporting

1
2 and some genuine efforts by DOE to find who these
3 kids are, but that rate is still 70 percent
4 greater than the rate of increase for the rest of
5 the City's schools. Paul Robeson High School, to
6 provide a really striking example, despite overall
7 declining enrollment, the number of homeless
8 students jumped from 16 to 156 during the '08/'09
9 school year, just before the DOE announced plans
10 for closure, that's 16 to 156 students.

11 CHAIRPERSON JACKSON: Where are you
12 getting your status from?

13 KIM SWEET: From the CEP reports.

14 CHAIRPERSON JACKSON: Okay.

15 KIM SWEET: Similarly, this group
16 of 25 schools, as you've heard, has seen a
17 significant increase in populations of ELLs and
18 students with disabilities, as a percentage of
19 total school enrollments over the last three
20 years. And in all but two of the schools, the
21 number of English Language Learners who also have
22 disabilities, which is a particularly high needs
23 group, has increased as well. And you've already
24 heard, students with disabilities, almost 18
25 percent of students in the closing schools. So

1
2 for the last couple of years, we've been asking
3 the DOE to explain what happens to these
4 vulnerable populations, when the schools start
5 closing and how the DOE monitors the impact.
6 We've also asked for a disclosure of detailed
7 discharge and transfer data for these schools, to
8 make sure that closing schools are not emptying
9 their rolls by pushing out at-risk students.
10 We've gotten very little information in response.
11 In June 2009, we at Advocates for Children
12 released a report in coordination with the Asian
13 American Legal Defense and Education Fund, called
14 "Empty Promises," which is available on our
15 website. The report examined the effect on ELLs
16 of the phase-out of children in Lafayette High
17 Schools. Piecing together data from a number of
18 different sources, we found that ELLs who remained
19 in the schools that were phasing out, began to
20 receive less support and fewer services as
21 teachers left and the population decreased, which
22 is really in direct contradiction to what they
23 were saying today from the DOE. In some cases
24 even, ELLs were pushed into GED classes that they
25 didn't want to go to, because they were told they

1
2 had to get off the rolls and go into GEDs. Most
3 of the schools that replaced Tilden and Lafayette,
4 again in contradiction to what was said today,
5 took very few if any ELL students, or failed to
6 provide them with required ELL programming like
7 ESL instruction or bilingual classes. Even after
8 releasing the report, we continued to follow the
9 closure of these two schools, partly now in
10 collaboration with the DOE. What we learned in
11 the course of our meetings with them, was that at
12 least until spring of 2010 [time bell] and
13 apparently still, the DOE did not track or monitor
14 what happens to students at the schools being
15 phase out at all. Beyond simply taking a snapshot
16 as to which of the students remaining in a
17 school's final year were on track to graduate, and
18 that's the tracking form that Josh Thomases
19 returned to as a sna--as a way for schools to
20 track the students that are there to make sure
21 they can graduate, but that data is not compiled
22 by the central DOE to determine the effect of its
23 reforms. There was no monitoring or analysis
24 during the phase out years of which students
25 managed to transfer to other schools and which

1
2 students were pushed out or left behind, or of
3 whether the students left behind received any of
4 the support services they needed. So, in light of
5 what we saw at Tilden and Lafayette, Tilden and
6 Lafayette, and the significant numbers of high
7 needs students at the schools that are currently
8 slated for closure, we urge the City Council to
9 continue to press the DOE to account for what
10 happens at these schools as they're phased out.
11 In addition, we encourage you to look also at
12 schools that are characterized as, or categorized
13 as transforming schools, because we believe that
14 dividing a large school into smaller learning
15 academies, may have similar displacement effects
16 to closing a large school and displacing it with
17 small ones. We also recommend, just quickly, and
18 this has, I think, been echoed by other people,
19 that the DOE provide additional supports to
20 closing and restructuring schools, to deal with
21 these high needs populations, that they give
22 additional support to neighboring schools that may
23 well be asked to absorb the influx of students who
24 would've otherwise attended, and that they
25 preserve specialized programs, such as bilingual

1
2 education programs, that may exist in closing
3 schools, when their high needs populations leave.
4 These schools have particular programs that are
5 being lost when they're closed. Finally, I don't
6 need to read all this into the record, 'cause you
7 have it, but we do support both bills, Intro 354
8 and Intro 364, and we do have some recommendations
9 for making them stronger, including changing the
10 language so that disclosure to the public is
11 required, as well as disclosure to the Council.
12 Thanks.

13 CHAIRPERSON JACKSON: Thank you.
14 Next, please, is Mark. Mark. Pronounce your last
15 name, Mark, please.

16 MARK BEYERSDORF: [off mic]
17 Beyersdorf.

18 CHAIRPERSON JACKSON: Beyersdorf.
19 Okay, Mark, Asian American Legal Defense Education
20 Fund.

21 MARK BEYERSDORF: - -

22 CHAIRPERSON JACKSON: Mark, press
23 the button.

24 MARK BEYERSDORF: Thanks. My name
25 is Mark Ro Beyersdorf, and I'm on the staff of the

1
2 Educational Equity and Youth Rights Project, at
3 AALDEF, the Asian American Legal Defense and
4 Education Fund. Locally, we work extensive on
5 issues impacting Asian American students, in New
6 York City public schools, including English
7 Language Learner programs. So I just want to
8 briefly discuss our experience of the consequences
9 of school closures on English Language Learners,
10 and our recommendations for making sure they're
11 not left out in this next round of proposed school
12 closures. Just for reference, in the 26 schools
13 that have been slated for closure, there are 1,681
14 English Language Learner students enrolled as of
15 December, last December 2010. And that's about 14
16 percent of the collective student population at
17 those 26 schools. AALDEF has witnessed firsthand
18 the fallout, the potential fallout school closures
19 can have on the students we work with. As Kim
20 mentioned in her testimony, in 2009, AALDEF and
21 Advocates for Children coauthored a report
22 entitled "Empty Promises," examining the impact of
23 the phase-outs of Lafayette and Tilden High
24 Schools on ELL students. When Lafayette High
25 School in Bensonhurst was phased out, none of the

1
2 small school replacing it offered a Chinese
3 bilingual program offered by the original school.
4 Many ELLs who would've attended Lafayette are now
5 enrolling in nearby large high schools that are
6 already overcrowded and under resourced.

7 Furthermore, small schools replacing Lafayette in
8 the first year phase out failed to properly assess
9 students for ELL services, or did not provide them
10 with mandated services, causing some students to
11 transfer to other large high schools.

12 CHAIRPERSON JACKSON: I'm sorry, I
13 don't mean to interrupt, but I just have to ask
14 this question.

15 MARK BEYERSDORF: Sure.

16 CHAIRPERSON JACKSON: So, your
17 reading these as facts. You have facts to back
18 this up?

19 MARK BEYERSDORF: Yes, we published
20 a report in 2009 with AFC that's available online.

21 CHAIRPERSON JACKSON: And the
22 report is based on, I guess, the students and/or
23 their parents--

24 MARK BEYERSDORF: Yes.

25 CHAIRPERSON JACKSON: --clearly

1
2 being interviewed by you and, and telling you this
3 is exactly what happened to them.

4 MARK BEYERSDORF: Yes.

5 CHAIRPERSON JACKSON: Is that
6 correct? Okay, continue, I'm sorry.

7 MARK BEYERSDORF: Sure. In the
8 second year of Lafayette's phases out, the
9 International network of public schools, a network
10 of small schools that serve recent immigrant ELLs
11 opened a small school on the Lafayette campus.
12 The international network has a strong track
13 record of graduating ELLs, however limiting ELLs
14 to ELL focused schools segregates these students
15 into a small handful of schools that cannot meet
16 the needs of all the City's ELLs. It also limits
17 ELL enrollment options to specific schools with
18 the capacity to meet their particular language
19 needs, and limits their choice of instructional
20 model. As DOE prepares to close these additional
21 26 schools, it should proactively work to ensure
22 the needs of ELLs and other immigrant and low
23 income students, by consulting and forming and
24 involving immigrant communities through the
25 process, providing services and appropriate

1
2 curricula to ELL students at restructuring
3 schools, giving additional support and resources
4 to the neighboring large schools that absorb many
5 of these students, and ensuring that all
6 restructured schools and new schools recruit,
7 enroll and adequately serve students from the
8 surrounding neighborhood. Thank you.

9 [time bell]

10 CHAIRPERSON JACKSON: Thank you.
11 Thank you. Now, how many ELL students did you
12 say--

13 MARK BEYERSDORF: 1,681 in the 26
14 schools slated for closure.

15 CHAIRPERSON JACKSON: In the 26
16 schools. Okay. Thank you. And I had Cara
17 Chambers, but it's Nancy Ginsburg, is that
18 correct, Nancy?

19 NANCY GINSBURG: Yes, I'll be
20 testifying for her.

21 CHAIRPERSON JACKSON: Okay.

22 NANCY GINSBURG: She had to leave,
23 I apologize.

24 CHAIRPERSON JACKSON: Okay, no,
25 don't apologize, it's okay, it's very late.

1
2 NANCY GINSBURG: Yes, it is very
3 late.

4 CHAIRPERSON JACKSON: Thank you,
5 all of you, who, that are here, thank you for
6 staying, and this is very important work.
7 Continue, please, Nancy.

8 NANCY GINSBURG: Good evening, my
9 name is Nancy Ginsburg, I'm a lawyer with the
10 Legal Aid Society. The Legal Aid Society
11 represents more than 30,000 children each year in
12 abuse, neglect, juvenile delinquency and other
13 proceedings affecting children's rights and
14 welfare. I'm obviously going to shorten my
15 testimony seriously. We are deeply concerned
16 about school outcomes for our clients, and all
17 children in New York City. Each year we see
18 thousands of children/adolescents who've stopped
19 attending school. Many were formerly enrolled in
20 failing schools that have been or are being phased
21 out. These are kids who are failing typically
22 the, the kids who are failing typically do not get
23 into the new small schools, in the schools that
24 are phased out, and they do not get into charter
25 schools. These small schools and charter schools

1
2 often have restrictive admissions policies, which
3 allow, which prevents them from getting in, and
4 they are often pushed into GED programs that they
5 are not ready to be in, or they simply dropout.
6 Many of our clients are counseled to pursue GEDs,
7 even though they are functioning far below the
8 academic levels required to pass the exam. Often
9 they are advised to pursue a GED path prematurely,
10 when they are too young to do so, or despite the
11 fact that they still have plenty of time to
12 accumulate credits towards a high school diploma.
13 Additionally, many students with special education
14 needs are counseled to enter GED programs, even
15 though those programs do not provide students with
16 the special education supports or services
17 mandated by the students' individualized education
18 programs. These interactions between New York
19 City school personnel and our students need to be
20 documented and analyzed if meaningful improvements
21 in school outcomes are to be made. Transfer and
22 discharge data, if recorded with specifici--sorry,
23 very late--specificity and accuracy, can provide
24 critical insight into the paths that students take
25 after leaving our schools. The Department of

1
2 Education currently uses a set of transfer and
3 discharge codes to track students exiting their
4 schools. Unfortunately, data on the number of
5 students transferred or discharged, under certain
6 codes, is somewhat meaningless, unless it is also
7 paired with other data regarding the student's
8 academic status. For instance, it would be
9 helpful to report a student's achievement levels
10 alongside the discharge code, to help assess
11 whether the DOE is discharging students to GED
12 programs, despite the fact that they are
13 academically unlikely to succeed in such programs.
14 We encourage you to urge the Department of
15 Education to conduct long term tracking of
16 students who exit their schools. For example, it
17 would be instructive to know how many students
18 remain in DOE run GED programs, or district 79
19 alternative programs six months after their school
20 discharge. Those students who are no longer [time
21 bell] attending the new program should be
22 recharacterized as dropouts, rather than
23 transfers. Another category of students at high
24 risk of dropping out of school are students who
25 are suspended. We represent many students in

1
2 suspension hearings and the length of suspensions
3 has been steadily increasing over the past few
4 years. Despite the Chancellor's regulation that
5 students should not be academically penalized as
6 the result of a suspension, they routinely are, as
7 schools fail to transmit schoolwork to the
8 alternative suspension sites, and do not arrange
9 for students to take required tests. Students
10 find themselves so far behind after they serve
11 their suspension, that they are forced to repeat
12 classes and grades, or they simply stop going to
13 school. We encourage you to urge the DOE to track
14 outcomes of suspended students in order to
15 evaluate the effects of suspensions of various
16 lengths. For instance, if the majority of
17 students suspended for a given period of time are
18 not returning to school, an evaluation should be
19 undertaken to determine whether the suspension
20 periods are serving a rehabilitative purpose only,
21 or are encouraging students to drop out of school.
22 The Legal Aid Society's written submission
23 contains specific recommendations regarding the
24 language of the two bills, before the Committee
25 today, which Legal Aid supports. There is one

1 point that we would like to emphasize, however.
2
3 In paragraph, in paragraph seven of Intro 354, the
4 reference to "alternative to incarceration
5 programs" is confusing as these also include
6 community based programs. Children who attend
7 these programs often continue in their community
8 schools. We would suggest that the reference to
9 "alternative to incarceration programs" should be
10 modified or deleted to reflect what you are
11 actually asking for. So if you're asking for
12 residential placements, then you should say that
13 in the bill. We join with the community of
14 parents and advocates in urging the City Council
15 to require transparency and accountability from
16 our schools, and we thank you for the opportunity
17 to speak about this important issue, and we look
18 forward to working with you on improving the
19 language of these two bills.

20 CHAIRPERSON JACKSON: Thank you.

21 Ken Cohen, NAACP. Somebody just scoot over.
22 Thank you. And let me just say, all of you, we
23 appreciate all of your comments concerning DOE's
24 testimony on this oversight hearing, and the two
25 bills specifically. I mean, you're very important

1

2 overall, all of you, in the process, to help move
3 this along, in order for our children to be
4 served. Ken.

5

KEN COHEN: I'd like to thank you
6 for holding this hearing today.

7

CHAIRPERSON JACKSON: Press the
8 button. Press the button again.

9

KEN COHEN: It should be on. Okay,
10 it's on.

11

CHAIRPERSON JACKSON: There you go.

12

KEN COHEN: Okay, I'd like to thank
13 you for holding these hearings today, these very
14 important hearings that are affecting the students
15 of the City of New York. I bring you greetings
16 from our New York State President, Dr. Hazel N.
17 Dukes, and just to not read my statement, because
18 it's been reiterated time and time again today,
19 but to talk about the fact that Dr. Dukes did
20 encourage our branches after February 1, 2010, to
21 go out and engage the schools, the commu--the
22 students and their parents, to discuss about what
23 was happening. After the lawsuit was first won on
24 March 26th, we went into the schools and paid
25 attention. We opened our ears, we opened our

1
2 mouths, we listened. We found out that the
3 conditions in that, in those schools deteriorated
4 very rapidly and became deplorable. We asked the
5 students what they needed and today, we are proud
6 to say that we brought, we asked students to come
7 in and testify, because their voice is better than
8 any word that can be written here and talked
9 about, because these students are experiencing
10 what's happening to them currently. But we will
11 say that there is a need for, for this bill to be,
12 these two bills, to be approved and added on to
13 protect the education of our students in this
14 City. We will say that, that what is happening is
15 terrible and we're 56 years, almost 57 years after
16 Brown v. Board, but these, these actions are very
17 comparable. And this is what caused that lawsuit,
18 and I can't tell you what it may cause again, but,
19 [laughter] but, but we will, we are here today to
20 support improving education in New York City. We
21 feel that no matter what is prescribed for a
22 school, whether it's closure, whether it's
23 transformation, a student is, is mandated by law
24 to get a quality education. And the students
25 currently are not. We, we like to steal and

1
2 hopefully the student isn't here, but at a hearing
3 at Jamaica High, one of the students said, as
4 compared, "I look across the hall at smart boards
5 while we work with broken boards." And with that,
6 I encourage the students to speak out speak truth
7 to power. Thank you.

8 CHAIRPERSON JACKSON: Well, all of
9 the members of this panel, let me thank you on
10 behalf of myself and the staff and all the other
11 members, because clearly as advocates in our great
12 City, you are helping to shape the future of our
13 young people and fighting on their behalf. I just
14 can't thank all of you enough for really what
15 you're doing. And we appreciate the fact that you
16 have stayed the entire course. This hearing began
17 a little bit after 1:00, it's 6:30 and you're
18 still here, and there's other people still here.
19 So, let me thank you all. And continue to give
20 input into the two bills, and to the oversight
21 hearings that we hold on Education Committee.
22 Thank you, thank you, thank you. Our next panel
23 is James Eterno from Jamaica High School; Cusidero
24 Ramsamo [phonetic], Jamaica High School--Oh, what
25 is this, all Jamaica? Tiffany, from Jamaica,

1
2 Tiffany Borgia; and Kevin Gonzalez from Jamaica
3 High School; and Kowadja Ali from Jamaica High
4 School. Okay, so, this is a panel of Jamaica High
5 School. I was going to say all students, but you
6 don't look like a student to me. [laughter]

7 MALE VOICE: Oh, not no more.

8 CHAIRPERSON JACKSON: But even
9 though you're a student of life, I understand
10 that, so you know, you are. But please, whoever
11 may want to begin, please begin. Just introduce
12 yourself when you, you speak. Press the mic,
13 James. There you go. There you go.

14 JAMES ETERNO: Okay. I'm James
15 Eterno, I'm a social studies teacher, and the
16 college advisor, and the UFT Chapter Leader at
17 Jamaica High School in Queens, one of the schools
18 that now is annually proposed for phasing out.
19 Now the DOE constantly talks about data, and their
20 data driven education. But one thing that has to
21 be looked into is the accuracy of that data. We,
22 last year, complained constantly that they were
23 using a 46 percent graduation rate to close us.
24 We said, "That can't be true." There's no way we
25 had more graduates, fewer students in the cohort,

1
2 how did our graduation rate possibly go down? We
3 asked for a, an explanation and an investigation,
4 and when they finally did it, there's a little
5 footnote at the bottom of this year's--whatever
6 they call it, Educational Impact Statement--which
7 says basically there's usually not such a wide
8 discrepancy between City numbers and State
9 numbers, but they acknowledge that there is one at
10 Jamaica High School, and they'll still close us
11 anyway. We've had a significant rise in
12 graduation rate from a low of 38 percent back in
13 2005 to where we're, we're in the mid-50s,
14 probably around 56 now. It's about the same
15 increase that they've gotten over the years, but
16 they call us failure and they call themselves the
17 greatest successes ever. We also serve a large
18 number of special education and English language
19 learners, as you've heard from plenty of the other
20 schools. Our graduation rate with self-contained
21 special education is ahead by about eleven percent
22 of the City averages, and my sources for all of
23 this is the, is the State numbers. We've gone up
24 in Regent's diplomas to 159 to 182, but it doesn't
25 matter. There's a place on the DOE accountability

1
2 report where they talk about extra points. That's
3 from moving these at risk kids ahead and getting
4 them to have Regent's diplomas. They never give
5 us the additional points, and they keep telling us
6 it's automatic, so you're just not graduating
7 them. But we are. So, we think there's something
8 wrong with that. Now, we've also, if you look at
9 the enrollment data compared to the staff data, 48
10 percent decrease in enrollment over the last seven
11 years, but a 69 percent decrease in support staff,
12 guidance, secretaries and paras.

13 Paraprofessionals work with those at-risk
14 students. We don't even have a payroll secretary
15 to check out--or excuse me, not a payroll
16 secretary, an attendance office secretary, pupil
17 accounting secretary, to check out those numbers.
18 So the DOE puts lists of schools that scan all of
19 their attendance on a weekly basis. Jamaica is
20 never included there, because we just don't have
21 the personnel. Now, separate but unequal is the
22 rule of the day, and the kids are going to talk
23 about that, and I just want to introduce it.

24 Jamaica High School is a school with 60 teachers
25 for 1,210 students. The student/teacher ratio is

1
2 around 1:20. In the other schools in our
3 building, at the high school for community
4 leadership, the student ratio, student to teacher
5 ratio is 1:12. At Queens Collegiate it's 1:14.
6 At the high school Hillside Arts and Letters
7 Academy, it's 1:12. So, it's a significantly
8 lower teacher to student ratio, and the amount of
9 self-contained special ed kids in those new
10 schools: Zero. The bilingual program, it will be
11 gone. So, if students are in the bilingual
12 program now, and they can get out in those three-
13 and-a-half years, they'll be able to. But anybody
14 who needs extra time, forget about it. You also
15 have two other schools that the DOE compares us
16 to, which have demographics that are not similar
17 at all to Jamaica High School. So, you get rid of
18 the most at-risk kids, self-contained special ed;
19 you get rid of bilingual education in the
20 building; and we call it the bridge back to Plessy
21 v. Ferguson. Take your most at-risk kids, get
22 them out of the comprehensive schools, send them
23 crosstown, and that was the whole purpose of Brown
24 in the first place. But I want to introduce some
25 very, very brilliant kids who decided to come out

1

2 here tonight, on their own time, just to tell you
3 what it's like to be at a school that's proposed
4 for closure. This is quite [time bell]--

5

CHAIRPERSON JACKSON: Good. Just
6 as you speak, just introduce yourself, okay. And
7 what grade are you in? Go ahead. Press it again.
8 There you go.

9

KEVIN GONZALEZ: Hello, my name is
10 Kevin Gonzalez, I am a senior at Jamaica High
11 School.

12

CHAIRPERSON JACKSON: Okay.

13

KEVIN GONZALEZ: Today I've heard,
14 today I heard a lot about stats, about graduation
15 rates, and I know that Jamaica High School is not
16 that high. But I just want to know that if the
17 main priority of a high school was to increase
18 graduation rate, the graduation rate would be 100
19 percent. The main job of a high school is to
20 educate the students, and that's, the DOE's, the
21 DOE is making that more difficult with this
22 proposed phase out. Last year, the DOE proposed
23 this, Jamaica High School to phase out, and since,
24 because of that, we lost a lot of freshmen. They
25 did not want to come to Jamaica High School;

1
2 therefore, we lost about 25 percent of our student
3 body. And therefore we lost 25 percent of our
4 classes, 25 percent of our teachers, 25 percent of
5 our programs. One of these, some of these
6 programs include a pre-calculus course, which we
7 do not have, which some students need. We don't
8 offer geography anymore, we don't offer
9 psychology. We don't have a finance academy for
10 the ninth grade. We don't have creative writing,
11 African-American literature, Latin American
12 literature, creative--I missed one. We don't have
13 any elective courses in English. Robotics program
14 has been eliminated, virtual enterprise program
15 has been eliminated, engineering program has been
16 eliminated. We do not have a music class, yet
17 we'd have over 100s of instruments which we can't
18 use 'cause there's no teacher to teach us. Which
19 is--but the new schools in the building do. They
20 have new keyboards, they have new instruments, and
21 they take advantage of it. Another thing about
22 the students at Jamaica High School is that
23 they're treated as though they're second class
24 students. The kids at the new school get lunch
25 during the most comfortable period during the day,

1
2 which is fifth period, which falls around 12:00
3 o'clock; whereas I have lunch eighth period, which
4 is about 2:00 o'clock.

5 CHAIRPERSON JACKSON: Wow.

6 KEVIN GONZALEZ: They have--

7 CHAIRPERSON JACKSON: That's the
8 end of your school day, isn't it?

9 KEVIN GONZALEZ: That is the end of
10 the day, and quite frankly--

11 CHAIRPERSON JACKSON: So they want
12 you to leave and not really have lunch, is that
13 correct?

14 KEVIN GONZALEZ: Well, maybe.

15 FEMALE VOICE: There's not enough
16 food left.

17 KEVIN GONZALEZ: So, usually,
18 there's no food, usually there's just fries or
19 pizza left; whereas you don't have the extra
20 stuff. And this is, this is true, sadly. We lost
21 24 of our teachers, all of the young teachers that
22 we had in our school, they're the first ones to
23 go; therefore, some of those teachers were coaches
24 of teams, they had to leave. Some of the teachers
25 ran programs in the school, and they had to leave.

1
2 For example, Mr. Majimoto [phonetic] was part of
3 the folio program, and he had to leave; now we
4 have an inexperienced person running the folio
5 program and it's a complete mess. I'm on the
6 folio and I know this, where--

7 MALE VOICE: Yearbook.

8 KEVIN GONZALEZ: Yearbook, is
9 folio. Last year, fellows, I'm a senior, and last
10 year I was a junior. There were students who
11 signed a petition, over 30 of them, for an AP
12 government class, because a lot of us passed the
13 AP United States History Examination. So we
14 wanted to [time bell] learn more about gover--we
15 wanted to learn more about government. So, 30 of
16 us signed a petition, which was not approved
17 because there wasn't enough room in the budget;
18 therefore, we did not have this class. But I know
19 that at Cardozo they do have this class, Francis
20 Louis does have this class; therefore, we are
21 being treated unequally, as Mr. Eterno said, we're
22 going back to Brown v. Board of Education. The
23 new schools within the building, as Mr. Eterno
24 said earlier, they have smart boards, they have
25 the latest technology, we're still using, we're

1

2 still in the stone age, using chalk and boards.

3 [laughter] And I think I'll end, I'll let them

4 finish off.

5 CHAIRPERSON JACKSON: Sure, thank

6 you, that's a sad commentary.

7 COUNCIL MEMBER JAMES: [off mic]

8 Yeah, that's when you were back in school - -

9 [laughter]

10 CHAIRPERSON JACKSON: She's right.

11 [laughter] Back in 1967, '8 and '9.

12 [background noise]

13 ALI HAWAJA: Oh, it's on. Hi, my

14 names Ali Hawaja [phonetic]. I'm a junior in

15 Jamaica High School. And first thing I want to

16 start off with is this year we got new scanners in

17 our building, and we don't, we don't have enough

18 money to buy textbooks, but we have more than

19 enough money to buy state-of-the-art scanners.

20 Metal detectors. And on top of that, there's a

21 middle school in Jamaica High School. The Mayor

22 and the Chancellor that we're a dangerous school,

23 and that's why, one of the reasons they're

24 shutting us down. So, if we're dangerous why are

25 there sixth graders in the school. You know, like

1 walking around the hallways, with the, with these
2 dangerous high school, Jamaica High School
3 students. Okay, we're so dangerous, but you know,
4 they're walking with us. Another thing is, I
5 think it was Hillside Community, Hillside Academy
6 of Community Leadership, they have these very
7 nice, 44 inch plasma screen TVs, in their
8 classrooms. And they also have like smoothie
9 machines and they have like these extremely
10 beautiful classrooms with smart boards and very
11 nice laptops. And the minute you turn the corner,
12 like Kevin said, you go back to the chalkboard,
13 like the caveman era, and you go back to like
14 broken down desks and it's completely different.
15 And another thing is, in Community Leadership,
16 when I was trying to go downstairs, there was a
17 lot of noise coming from their side. I looked in
18 their hallway, and they're having a dance party.
19 Okay, so they had their laptop, they had their
20 laptops, they had their speakers on, and every kid
21 in that school was dancing. And the teachers were
22 just standing there. And the other day, kids were
23 also having a freestyle contest, every kid over
24 there was seeing who can freestyle more. And
25

1
2 another thing is, we have to reuse our scantrons
3 [phonetic] 'cause we don't have enough money to
4 buy new scantrons, and we don't even have enough
5 money to buy paper.

6 FEMALE VOICE: Scantrons?

7 FEMALE VOICE: Tests - -

8 ALI HAWAJA: Yeah, and we don't
9 even have enough money to buy paper. And I asked
10 Superintendent Mendez, all he said was, "I sent, I
11 sent it." So.

12 FEMALE VOICE: Should I go? - -
13 I'll go last.

14 VASADAYA RAMSHROUP: Good evening,
15 everyone, my name is Vasadaya Ramshroup
16 [phonetic], and I'm a junior at Jamaica High
17 School. I want to talk a little about what I face
18 as a student in Jamaica High School due to the
19 result of the proposed phase out for our school.
20 I was told that my education would not be affected
21 and I would have a normal high school life, and
22 everything will just be as usual, and you would
23 just finish school and it will be phased out and
24 no effect whatsoever. But within this past year,
25 I cannot believe it has been, it has had so much

1
2 of an effect. We, myself and my fellow colleagues
3 of Jamaica High School, we have had an excess of
4 24 teachers. There is only one college advisors,
5 and our, we, we generally have like three guidance
6 counselors, and the ratio for guidance counselors
7 to student right now is like 1:400. And it is so
8 hard, it's, the social life and everything is just
9 so messed up within the school. It's so hard,
10 like the, it's so hard looking over at your
11 neighbor and they have all these fancy equipments
12 and decorative classrooms; and here we are with
13 our own teachers have to sometimes buy chalk off
14 of their own pockets just to teach us math or
15 teach us any other class. And it's a very sad
16 story. And so, I, I really do not approve of this
17 phase out. And this is a testimony of what we
18 experience every day in that school. Thank you.

19 CHAIRPERSON JACKSON: Thank you.

20 TIFFANY BORGIA: Hi, my name is
21 Tiffany Borgia, and I'm a junior at Jamaica High
22 School. I'm here today to tell you the effect
23 that this proposed phase out has on us. Due to
24 the other schools inhabiting our building, we
25 don't have proper lunch periods, like Kevin said.

1
2 We have lunch at 10:00 to 11:00 or at 1:00 to 2:00
3 p.m. At the rally we had last week, one of the
4 parents said that her son has abdominal pains,
5 because the lunch period is so late. Sometimes
6 I'm late to my classes because I get stopped by
7 the security guards or the other school's
8 principals, asking me "Why are you trespassing?"
9 but we're all under the same roof. And by being
10 late, I get a detention, so. Our social life is
11 damaged, because many of the friends we've made
12 over the years transferred to other schools, since
13 we're, you know, so dangerous, and we fail. Who
14 wants to be part of that? The gateway students
15 are forced to make a tough decision. We can
16 choose to go to the new gateway school that they
17 plan to open next year; or we could stay in
18 Jamaica High School and be enrolled to another
19 program. We've been in this school for three
20 years, and we don't want any other name on our
21 diplomas. And that's - -

22 CHAIRPERSON JACKSON: Thank you.
23 Tish James, Council Member from Brooklyn.

24 COUNCIL MEMBER JAMES: Thank you.
25 You were scheduled to phase out last year? What

1

2 happened?

3

GROUP: The lawsuit.

4

COUNCIL MEMBER JAMES: Do you

5

anticipate another lawsuit?

6

GROUP: Yes. - -

7

KEVIN GONZALEZ: We anticipate

8

another lawsuit because it may be a constitutional

9

lawsuit 'cause they're violating basically our

10

constitutional rights.

11

COUNCIL MEMBER JAMES: And they

12

plan on replacing Jamaica with what school is

13

that?

14

TIFFANY BORGIA: Gateway School,

15

'cause--

16

COUNCIL MEMBER JAMES: Is that a

17

charter school?

18

[background comments]

19

CHAIRPERSON JACKSON: Can you, if

20

you don't mind, just speak in the mic and just say

21

your name before you speak, if you don't mind.

22

TIFFANY BORGIA: Again?

23

CHAIRPERSON JACKSON: Thank you.

24

TIFFANY BORGIA: My name is Tiffany

25

Borgia, and they plan to open a new school called

1

2 the Gateway School, because we have a gateway
3 program. It's an on--yeah, it's the honors
4 program at our school. So they plan to take all
5 the kids in that honors program to form a new
6 school.

7

COUNCIL MEMBER JAMES: Mm-hmm,

8

ohhh.

9

TIFFANY BORGIA: And if you want to

10

stay in the Gateway Program, the honors program,

11

you'll have to go into that new school. But if

12

you want to stay in Jamaica High School, you have,

13

you'll be enrolled in another program.

14

COUNCIL MEMBER JAMES: So, your

15

school has been designated as a "dangerous"

16

school. How did that happen?

17

CHAIRPERSON JACKSON: Just identify

18

yourself, please.

19

COUNCIL MEMBER JAMES: How did you,

20

how did you get--

21

CHAIRPERSON JACKSON: Tish James,

22

speak into the mic, please.

23

COUNCIL MEMBER JAMES: Oh, sorry,

24

how--

25

JAMES ETERNO: It's on, okay.

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2

COUNCIL MEMBER JAMES: Why do you have that reputation?

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COUNCIL MEMBER JAMES: Anything, anything else besides metal detectors or a principal? Any other services or anything like that?

23

24

25

JAMES ETERNO: No, no, the DOE on their impact statement basically the supports that they say they provided are fiction.

1

COUNCIL MEMBER JAMES: Fiction.

2

3

JAMES ETERNO: They talked about smaller learning communities--

4

5

COUNCIL MEMBER JAMES: Right, right, right.

6

7

JAMES ETERNO: When did we ever have smaller learning communities?

8

9

MALE VOICE: 35 kids in one class.

10

JAMES ETERNO: No, small learning communities, with these little academies type things? We're not Hillcrest, which is down the block, is broken up like that. Jamaica isn't. And all of our programs, in fact, were, I guess we'd call houses, they don't exist for the freshmen. The Gateway Institute that they were talking about is gone for the freshmen, the Finance Academy is gone and phasing out already. Computer science, robotics, all of these things, gone.

11

12

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21

COUNCIL MEMBER JAMES: So since you brought these dangerous teenagers here [laughter]

22

23

JAMES ETERNO: They came on their, they're capable of coming on their own.

24

25

COUNCIL MEMBER JAMES: They came on

1

2 their own.

3

4

JAMES ETERNO: We all came together.

5

6

7

8

COUNCIL MEMBER JAMES: Yeah. So, I, the, so, and so since last year, has there been any improvement in terms of graduation rate scorecard, proficiency, etc., etc., etc.?

9

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19

JAMES ETERNO: Amazingly, we've gone up steadily since 2005, as our resources have been diminished, and our student enrollment has been filled with more of the over-the-counters. So, we now are 22 percent English language learners, and it ends up over a third either English language learners or special education. And yes, our, our graduation numbers have gone, have gone up significantly in, in that time, but it's, it's--no matter what Jamaica High School does, it's not good enough for the DOE.

20

21

COUNCIL MEMBER JAMES: They look kind of dangerous to me.

22

23

CHAIRPERSON JACKSON: Well, let me thank--

24

25

KEVIN GONZALEZ: We're no longer persistently dangerous, by the way.

1
2 CHAIRPERSON JACKSON: Let me thank
3 you all for coming in, and especially the
4 students, because as, as Ken Cohen indicated, said
5 earlier, that no one can speak better than the
6 students themselves, because you are in the
7 schools every single day, experiencing the
8 discrimination, the, all the other things that
9 you're experiencing, as students that are trying
10 to get a good, quality education. And obviously,
11 you are shining stars. And to just keep your
12 heads up, stay positive, work hard like obviously
13 you're doing. And whatever you're going to do in
14 your future after college, you're going to be very
15 successful. Just continue to be positive.

16 [applause]

17 MALE VOICE: Thank you.

18 CHAIRPERSON JACKSON: Thank you.
19 Next, Rudy Daly, from the New York City Coalition
20 for Educational Justice; Martin Congo from
21 Citywide Coalition of High Schools; Judith Defore,
22 New York City Coalition for Educational Justice;
23 Denise Sullivan, Citywide Council on High Schools;
24 and Orlinda McInnis, CB17 in Brooklyn.

25 [background noise] Without a doubt. Without a

1
2 doubt. Just identify yourself and you may begin
3 your testimony.

4 ORLINDA MCINNIS: My name is
5 Orlanda McInnis, I am a member of the Community
6 Board 17. But since I did not have the approval
7 to speak, approval for this measure, I'm going to
8 speak as a resident of my community, in East
9 Flatbush. As a matter of fact, Councilman James,
10 I really appreciate your testimony today, because
11 in fact, if you did not raise, and if you were not
12 knowledgeable of those issues, we would've been
13 given wrong information. One of the things that I
14 have against the Board of Education is that lack
15 of information. There is no feedback. They have
16 school, they have closed schools that we, Mr.
17 Daly's on my Committee, we were not aware of those
18 closings. As a matter of fact, we were only
19 advised when we saw it on the television. When
20 Tilden was closed, we did not know. And as a
21 community board, community residents, I am
22 appalled that this Board of Education makes
23 decision on behalf of a community. We weren't
24 aware. It's true that many parents are not
25 knowledgeable about the issues with the Board of

1
2 Education. And we need to take the time to
3 educate them, to enlighten them. So that when
4 information is given, they must know on what base
5 it was made. Many of, many of them don't know.
6 And I must say, as far as the issues that they
7 spoke about today, I found many flaws. In fact,
8 the GED program they spoke about, the job that I
9 had before I retired, dealt with that. And the
10 GED program, many times the kids could not get in,
11 they had to wait, they stayed at home, until they
12 could get in, because they tell us when I called
13 up, because the job I had, we had some kids who
14 dropped out. "Can you take them in GED?" "No,
15 they're not the right age, we don't have space."
16 So they stay at home and they don't participate.
17 Respect to discharge, one member said how they go
18 to the homes. They don't go to the homes. When
19 they have a report of absences, they call ACS, to
20 let ACS, they make a report to the State, that
21 the, she did not go to school, and then ACS had
22 now investigate, and bring allegations against the
23 parents. So they don't, they don't do that. And
24 so I find the statement flawed, with a lot of
25 mischar--misinformation. I think that what we

1
2 need to do, for example, is to educate the
3 community in terms of the decision. And why the
4 decision is based on these schools, because as we
5 heard, many young people, when the school is
6 closed, they're not going back to school. And we
7 have a problem in East Flatbush already, where
8 there are young people doing things that are not
9 acceptable. I'm a member of the Precinct Council
10 and I see these issues coming up all the time.
11 The crimes are coming, the gangs. And when I look
12 at the fact that China, the rate of education in
13 China, and when we pro--we say television, and
14 like we prod--and then we ourselves are playing
15 these games. I don't know what country they live
16 in. We are failing our kids. And I think, I
17 applaud you because not every person is aware and
18 take issues that you do. We need to educate our
19 community, the parents, we try. My Community
20 Board, I am on the Education Committee. Chair of
21 the Education Committee, Community Board 17. We
22 have tried everything to get parents to be--but
23 many of them work, they don't, they're afraid of
24 the school system, they don't participate as they
25 should. But I think that we have to do

1
2 everything, so that the issue that they're talking
3 about today, need to be fully investigated,
4 verified so that they don't give us these
5 rhetoric. They're so nice, but I mean, coming out
6 here today, when they couldn't answer your
7 question, they should've come prepared to answer
8 your questions. But statistics, they don't know.
9 They know, but they don't want to tell us. And so
10 I'm happy for this opportunity to give our input,
11 because my community is really at a loss, because
12 of these schools that are closing, they don't know
13 why. And I tell you, they've made [time bell]
14 some decisions that were really bad. Thank you.

15 CHAIRPERSON JACKSON: Thank you.

16 Next, please.

17 RODERICK RUDY DALY: Good evening.
18 My name is Roderick Rudy Daly, and I am a member
19 of the New York City Coalition for Educational
20 Justice. And for those of you, CEJ, Coalition for
21 Educational Justice, a parent led coalition of
22 community groups, organizing parents in poor and
23 working class communities of color to ensure high
24 quality education that prepares all kids for
25 college, and the careers. And what we also find

1
2 is that a lot of these phase out schools happen to
3 be within our community. I'm a parent, and a 16
4 year public school teacher. It has been a pain--
5 it has been painful to watch parents and children
6 suffer when neighborhood schools shut down. On
7 our part, teachers who work and struggle in
8 schools don't know when there might be, when their
9 school might be targeted for closure. That
10 creates a certain level of insecurity amongst the
11 teachers. What are you going to do next? Are we
12 next? What's going to happen? Am I going to
13 loses students? What's going on? I mean, just a
14 personal story, last year, we actually had kind of
15 a community even to solicit students to come to
16 our, to my former school. And as a result, they
17 always, they always worry about how long their job
18 will last. And end up, some of them after the
19 school get phased out, they wind up leaving the
20 system. So we're losing good teachers. Right?
21 It has created a strain on, on an already
22 struggling community. Another problem is that
23 the, the most, most new schools have smaller
24 numbers. Right? Which clearly leaves a number of
25 students out. And I hear that we talk about

1
2 discharge numbers and dropout numbers. Some of
3 these kids don't know where to go, and they can't
4 get into some schools, so they don't end up going
5 to schools. And I'm from East Flatbush, as Ms.
6 McInnis earlier stated. And I taught at South
7 Shore High School, I went next door to, to Tilden.
8 I went, I taught at - - first, right next door to
9 Tilden, you find that a lot of our kids, now you
10 have a school that was meant for 5,000 students,
11 now house 2,200. What happens to the other 2,700
12 students? So that's a problem, so they have
13 nowhere to go. The parents, the community and
14 students are left in a disarray. Additional,
15 earlier, the UFT Leo Casey spoke about an example
16 of poor practice by the DOE, when he spoke about
17 PS 114. Again, in District 18, in Brooklyn. It
18 almost seems like a conspiracy, they knew that the
19 school was going to the pits. But did nothing to
20 fix it. And I know that the, James attorney spoke
21 earlier about Jamaica High School, as well. So,
22 we continuously see this pattern. Lastly, large
23 schools, when they phase out, it places undue
24 burden on surrounding schools, as was evident by
25 the domino effect of the closing of Prospect

1
2 Heights, Wingate, South Shore, Rasmus [phonetic],
3 Tilden, and Canarsie High Schools in Brooklyn.
4 Now, Robeson and possibly Sheepshead Bay will be
5 next to go. So, in fairness to our community, we,
6 we at CEJ has fought for the past few years for
7 [time bell] the DOE to create a transformation
8 zone. It was passed unanimously by you guys last
9 spring, by the City Council last spring, that
10 would support the lowest improvement, improvement
11 school so that they don't have to close them. And
12 that is why we support bills 354 that's 2010 and
13 364 and that's 2010. Which will make the DOE more
14 accountable to keep track of the students in these
15 phase out schools. CEJ has set a, a number, ten
16 recommendations for how the DOE could support the
17 students. I'm only going to touch on a couple and
18 then my, my colleague Judith will finish them up
19 for me. Number one, create a monitoring
20 committee, create monitoring committees in each
21 school, that include parents, students, and
22 community organization, and meet regularly during
23 the school phase out to track the process and
24 support students. This will therefore, these
25 committees should receive regular reports from the

1
2 DOE about how students in phase out schools are
3 being supported, and the areas of need. These
4 committees should also pay attention to how the
5 phase out schools, how the phase out is framed to
6 students, teachers and parents in order to
7 diminish feeling of loss or being pushed aside.
8 That was clearly testified by the students from
9 Jamaica High School. This could be retention of
10 the school name as a building wide name, or other
11 creative approaches. Ensure funded supports for
12 students at phase out schools, to help them
13 graduate on time. Rigorous credit recover
14 programs, predictive assessment to ensure that
15 students are on track to get Regent's diploma on
16 time. Guaranteed continued funding for academic
17 and enrichment programs, including sports teams,
18 music teams, the art and so forth. And again, I'm
19 glad the students went before me. Intensive
20 support for students who have not, who are not on
21 track to graduate, so that they don't drop out
22 when the school closes. And the third point, and
23 then I leave the other seven points to Ms. Dalfor
24 [phonetic]. Create an office inside zoned high
25 schools that are phasing out. So that ninth

1
2 graders who did not go through high school choice
3 process, and show up on the first day of school at
4 the phase out high schools, can get oriented about
5 their high school options. And support in access
6 and options, including a seat at a good high
7 school, that is not too far from home. And again,
8 one of the things, in closing, one of the things
9 that we find in these close out schools, that
10 they're neighborhood schools. And if you don't
11 have the space to put the kids in neighborhood
12 schools, what's going to happen to these children?
13 And we're not, I know I sat through a couple of
14 closing, I sat through Canarsie and South Shore
15 and Tilden, and the community was not involved in
16 the process. They have no idea what's going on,
17 so CEJ is saying let's put the transformation, the
18 school transformation zone together, and just
19 don't close the schools without, without making
20 sure that all of the options are readily available
21 to all of, to the community and all the
22 stakeholders. And so, with that in mind, I just
23 want to say thank you for listening, and I thank
24 you for holding this hearing, Chairperson Jackson,
25 Tish James, :Council Member Tish James, and again

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2 we do support 354 and 364 2010. God bless.

3 CHAIRPERSON JACKSON: Thank you.

4 Next, please.

5 JUDITH DEFORE: Good afternoon, my
6 name is--

7 CHAIRPERSON JACKSON: Good evening.

8 JUDITH DEFORE: Good--good evening,
9 my name is Judith--it's so late, I was hoping to
10 be able to say good morning, actually. [laughter]

11 CHAIRPERSON JACKSON: Please, I
12 don't want to say good morning, but--

13 JUDITH DEFORE: - - for hour--

14 CHAIRPERSON JACKSON: Thank you all
15 for, for staying the course. I mean, obviously,
16 this is extremely important subject. [laughter]
17 Go ahead.

18 JUDITH DEFORE: Okay. I'm a member
19 of the NYC Coalition for Educational Justice, as
20 clearly explained by my colleague, it's a parent
21 led coalition of community group organizing
22 parents in the poor and working class communities.
23 Now, many CEJ members, I am a teacher, an
24 international teacher, and I'm a, a teacher in the
25 NYC public school, I teach mathematics. Many CEJ

1
2 members, of which I am also a member, have
3 experienced the negative impacts of a school
4 closing and school phasing out, first time, 'cause
5 their parents and they have to face the decision
6 when it is made. And we know that when a school
7 is slated to be phased out, it falls apart around
8 the students. Teachers and counselors flee for
9 their own other jobs, they do what they have to
10 do, even though they are under strain. Community
11 based programs are relocated and after school
12 programs, sports and arts disappear. Many
13 students therefore dropout, because their needs
14 are not met at, at any point in time. Now this is
15 why CEJ wants to support. Again, we want to
16 repeat this, we want to support the bills 354 and
17 346. And in addition to the five recommendations,
18 or three recommendations that was put forward to
19 you, I want to propose a few more. First of all,
20 we wish that you will, that in supporting phase
21 out schools, provision will be made for extra
22 support for eighth graders who are - - to these
23 middle schools and to the phase out high schools,
24 so that counselors, families and students become
25 familiar with the high school options before the

1
2 zone high school, so that they know what they're
3 getting into. - - if the phase out schools would
4 require elementary or middle schools students to
5 travel further to schools, transportation should
6 be provided. We know that we're dealing with many
7 of these low income groups, parents have problems
8 with transportation. Thirdly, we think that
9 ensuring adequate translation of all materials,
10 because people, the Board would say, and others
11 would say, that all the information is there, when
12 many times parents are not bilingual as their
13 children are, and therefore the materials should
14 be translated into the various languages, or the
15 language that is prominent for that community,
16 that you're talking about. Now, it is suggested,
17 we want to suggest, too, that before replacement
18 for the phase out schools is determined, that the
19 Board or the powers that may, that be, should
20 conduct community surveys and assessments to
21 determine what types of schools they're going to
22 be putting into those communities at that point in
23 time. Another thing that is very heart rendering,
24 is when we hear about [time bell] these hearings
25 and the PP [phonetic] meetings, and then we know

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2 that very little can be done. We want to suggest
3 that instead, a series of hearings should be
4 conducted in a participatory action research
5 method or model, if you like, where people can see
6 a growth of understanding of what is really
7 happening. And this certainly would give credence
8 and confidence. People to think that, yes, we
9 come out to these hearings and we do what we have
10 to do, and we are being heard. We also think to
11 that, we should, that provision should be made for
12 numerous opportunities for parents, students and
13 community leaders to participate in these decision
14 making situations. And lastly, we wish to ensure
15 that all students continue to be served
16 adequately, require that new schools entering the
17 building provide comparative specialized programs
18 to the phasing out schools, and not let schools,
19 yeah not let schools think that just down the
20 corridor we have a stone age school and up the
21 corridor we have modern technology schools.
22 Programs like correct technical programs should
23 be put in, bilingual programs should be put in,
24 programs for pregnant parenting teens or court
25 involved youths should also be considered. We

1
2 also would like that requirements be made that new
3 schools entering the building serve comparable
4 percentage of the ELL students, the special ed
5 students. CTT classes should be part of the new
6 schools or even the schools that are there.
7 Again, we want to thank you all very much for
8 putting forward this kind of situation, allowing
9 people to air their views and we hope that we will
10 be able to support the bill in a more positive
11 way.

12 CHAIRPERSON JACKSON: Well, thank
13 you.

14 JUDITH DEFORE: You're welcome.

15 CHAIRPERSON JACKSON: Next, please.

16 DENISE SULLIVAN: Good evening, my
17 name is Denise Sullivan, I'm from the Citywide
18 Council on High Schools.

19 CHAIRPERSON JACKSON: High schools.

20 DENISE SULLIVAN: Representing The
21 Bronx High Schools.

22 CHAIRPERSON JACKSON: All right.

23 DENISE SULLIVAN: After attending
24 all the hearings for phase out, Bronx, and The
25 Bronx high schools New Day Academy, Morel

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2 Business, Business School of Law, SCRL,
3 Christopher Columbus, Urban Assembly, Tomorrow--I
4 mean, Friday Kennedy High School, Global
5 Enterprise, Performance Conservatory, Sam Gumper,
6 Lehman High School, and Grace Dodge High School,
7 those two are being, will not be on the board.
8 They will be removed, they'll be removed from that
9 list.

10 CHAIRPERSON JACKSON: That's a long
11 list.

12 DENISE SULLIVAN: I know, I'm very
13 tired. Okay.

14 CHAIRPERSON JACKSON: [off mic] No,
15 that's okay. [laughter]

16 DENISE SULLIVAN: Okay. Absentees
17 are not acceptable grades in any educational
18 institution in the United States. I believe that
19 those failing schools are entitled to be
20 implemented and have assessments and be a--and the
21 available resources that are necessary to make
22 those corrections. When the Department cannot
23 make those correction, something is very wrong.
24 If closing the schools is the only way of getting
25 the necessary resources, to make the corrections,

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2 then so shall it be. Because when, because when
3 teachers are failing, and because our students are
4 losing their interest in school, and they're
5 leaving by the hundreds, restructuring is the only
6 thing we can do to save them. Thank you.

7

CHAIRPERSON JACKSON: Thank you.

8

Last but not least.

9

MARTIN KRONGOLD: I was actually
10 invited to meet with the Chancellor this evening,
11 and this meeting is much more important.

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CHAIRPERSON JACKSON: Well, thank,

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it is--and you--

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MARTIN KRONGOLD: So [laughs]

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that's, that's why I didn't run away.

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CHAIRPERSON JACKSON: You sat here,

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how long have you been here?

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MARTIN KRONGOLD: Well, I--

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CHAIRPERSON JACKSON: What time did

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you arrive?

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MARTIN KRONGOLD: --I did mental

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gymnastics. So it was an easy five hours. So,

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anyway.

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CHAIRPERSON JACKSON: Well, I hope

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that you heard a lot.

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MARTIN KRONGOLD: I enjoyed being here.

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CHAIRPERSON JACKSON: There you go.

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MARTIN KRONGOLD: 'Cause with, with Denise and ten other people--

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CHAIRPERSON JACKSON: Yes.

8

9

MARTIN KRONGOLD: --I'm a member of the Citywide Council on High Schools.

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CHAIRPERSON JACKSON: Yes.

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MARTIN KRONGOLD: And we really enjoy doing this as a public service, we like it, we all have kids in the system.

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CHAIRPERSON JACKSON: Thank you.

15

16

MARTIN KRONGOLD: We have family members, including my wife, who are teachers. So, we, we get a kick out of arguing and screaming about high schools and schools and we like this stuff. We support the, the two pieces of legislation, mainly because we have found, while we do support school closures and phase out on the Citywide Council, as Denise noted, there are some schools that stink, and have stunk for a long time, and they failed. We think a fresh start is a reasonable option in certain cases. The reality

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2 is, is that the Department of Education plays with
3 statistics. And while I love statistics, when you
4 play with them, you should be held accountable
5 eventually. And in this particular case, we've
6 asked for, I've been on the Council for three
7 years. A gentleman, you probably know a David
8 Bloomfield was on it for four years before that,
9 who I was in consultation with for a couple years.
10 We've always asked for what's the meaning of the
11 graduation rate for the New York City Department
12 of Education. And despite repeated requests and
13 myself and Dave are very, very comfortable with
14 numbers, very, we always got very bland, poor
15 answers. And as Ms. Ellwanger, the chief
16 statistician of the Department indicated, the
17 schools themselves don't have an incentive to get
18 rid of kids like they used to. If they have to
19 get rid of a kid for some reason, they too do have
20 to have their statistics counted between the two
21 school split. So that is an honest answer. What
22 was dishonest about it, was they're not telling
23 you how the statistics are calculated citywide for
24 dropout and for discharge. The citywide statistic
25 may well be still played with, and based on her

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2 response to your question, the difference between
3 the dropout rate and the discharge is about, at
4 maximum, two percent. And if you look at the
5 difference between 2002 and 2009, the increase in
6 graduation rate is 15 percent. So, seven years
7 times two percent is 14 percent, of the 15 percent
8 could be defined by her own admission on the
9 discrepancy in the discharge rate year to year of
10 [time bell] two percent. All right? That's
11 number one. Number two, and this is, I think,
12 most, most critical. The schools themselves, the
13 schools themselves are doing better, but the DOE
14 therefore may be playing with the denominator as
15 to what the graduation rate is. No one knows that
16 and you should always be pushing the, the
17 independent budget office that do the numbers.
18 You never want to trust the DOE. I handed out two
19 things. One is a resolution passed by the
20 Citywide Council on High Schools, indicating our
21 concern regarding the closure and phase out of
22 high schools. While we think it can and should be
23 done in certain instances, we think there are five
24 points that the DOE must address with school phase
25 outs, to do it well. One, the DOE's remediation

1
2 work at the school has been denied by several
3 principals where I have testified at school close
4 outs, school phase outs. They list everything
5 they do, but did they really happen? Whether or
6 not they did, the DOE needs to state on the EISs,
7 which are much better this year, much better than
8 last year. They need to state what they did, how
9 much money they spent, and what the results were.
10 Principals flat out have said, "No, they didn't do
11 those things." I've testified with Shale Soransky
12 [phonetic], I think it's - - Soransky, at Beach
13 Channel high school last week, and he flat out
14 stated, "Oh, at this school, we've spent much more
15 than almost any other school to improve it." The
16 next step has to be to reveal what they've done,
17 with the amount of money and the statistics for
18 the public to agree that what they're doing is not
19 hocus pocus playing with the numbers.

20 COUNCIL MEMBER JAMES: [off mic]

21 And when they did it.

22 MARTIN KRONGOLD: Correct, correct.

23 Students that are left behind require full support
24 and quality instruction and transfer
25 opportunities. :They deserve priority with new

1
2 school options just like teachers do, who have a
3 50 percent priority at all new opening schools.
4 Kids don't have a priority; teachers do, per UFT
5 contract. That's troubling. They're, teachers,
6 we don't represent the teachers, we represent the
7 kids and the parents, were elected by PTAs. We
8 think kids deserve similar opportunities for
9 opening schools in those districts, or at least in
10 the borough, just like teachers have a 50 percent
11 priority for all new school slots if their school
12 is closing down. Otherwise, the EISs are saying
13 that the kids are failures, but the teachers who
14 are part of this issue, too, get preferred
15 treatment. These students should get access at
16 least to the 12,000 unused high school seats
17 citywide, that the DOE has presented to the
18 Citywide Council on High Schools, at a minimum;
19 and at a maximum any charter school or any public
20 school that's being opened up in the district or
21 the borough, should have a certain priority level
22 for these kids being phased out of certain
23 schools. Three, the Children First Cluster as in
24 superintendents should work as much with the
25 school that is not failing as one that is failing.

1
2 It's quite likely, and this is my experience, I
3 represent Staten Island specifically, even though
4 we're a citywide council--the folks who used to be
5 in the district office that we had significant
6 problems with, are now some of the very top people
7 who run what's called the Children First Clusters.
8 They're the experts who were, they're broken down
9 into six or seven divisions, and they're the,
10 they're the, the support organizations that help
11 certain schools. Now, they only can help the
12 schools if the schools want to get the help, but
13 the harsh reality is many failing schools don't
14 know how to ask for help, and the hands off, the
15 hands off policy of the Children First Clusters to
16 be responsible for these failing schools, either a
17 couple years before they're failing or while
18 they're failing, is wrong. Fourth, and there's
19 only two more points, the Department of Education
20 needs to make sure the kids continue to get proper
21 instruction. If teachers are leaving for other
22 schools, and they do, the DOE needs to ensure that
23 all remaining teachers have at least five years of
24 experience. And there can only be a limited
25 number of F status or per diem teachers that can

1
2 be used in the school. Last, the tens of
3 thousands of kids that are affected by this phase
4 out policy, both in schools that are identified
5 for phase out and those that become newly
6 overcrowded, become the next candidates for school
7 closure. You've called it the domino policy.
8 It's a little bit harsh. The, the specific issue
9 is, is that while many of the schools that are,
10 are targeted for closure or phase out are the
11 schools that become overcrowded, while other
12 schools close, not all of them do close. And
13 that's because the quality of education and the
14 quality of leadership varies. When Park West
15 closed in Manhattan, Bergstrom did fail. When
16 Lafayette failed, and Dewey became more crowded,
17 Dewey was not closed. So the reality is, is that
18 if a school is pinpointed, targeted for phase out
19 or closure, the DOE as noted in our resolution
20 should be incumbent upon them that they have to
21 select, hire, an executive principal the moment
22 there's a whiff that a school is determined to be
23 a school at risk of failure. And the reason, the
24 reason this is really important, there is no doubt
25 about it, that what the DOE policy for phasing out

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2 school, schools, violates Brown v. Board and
3 Plessy. Ain't no doubt about it. I don't have
4 the bucks, maybe you do, to go to the Office of
5 Civil Rights to, to do this with certain schools.
6 But Jamaica's a perfect example. It flat out
7 violates Plessy v. Ferg, no doubt about it. Okay?
8 And what I, what I would suggest, and the people
9 on the Citywide Council of High Schools have
10 spoken about it, this ten percent policy is not
11 necessarily wrong, I don't deny that they're just,
12 I don't deny that they're looking for specific
13 schools for charters. I don't have a strong
14 opinion one way or the other on that. But if
15 that's the case, why don't we propose to the
16 Department of Education that some of these
17 schools, if they are such dogs, why don't we
18 simply close some of them, instead of making kids
19 go through for four years, this phase out policy,
20 that makes them feel like second class citizens,
21 and by definition they get fewer resources over
22 that phase out period. That's all I have to say,
23 and thank you.

24 CHAIRPERSON JACKSON: Let me, let
25 me thank both of you for staying the course and

1
2 listening to the testimony and, and giving
3 testimony. What about, now you're both high
4 school, the high school leadership, as far as
5 parents are concerned. What about the networks,
6 what do you think about other qualities of the
7 various networks, are the same, or what do you
8 really think about networks? Can you speak into
9 the mic, please, if you don't mind?

10 DENISE SULLIVAN: Actually, the
11 networks just came into place. So we've really
12 got to give them a little time to see what they
13 do. I figure by the end of June, we should have
14 an idea of what their qualifications are. We
15 can't just, well they just came in, so we have to,
16 we have to see how the, and they're phasing out
17 right now. And once they restructure these
18 network leaders have to bring this implement, and
19 these assessments, and then there's all the
20 resources into, to actually manipulate with the
21 failing areas, so they can progress. Then we can
22 say, we can all--we can evaluate that. Right now
23 it's just too early.

24 CHAIRPERSON JACKSON: But the
25 networks have been place for a couple years,

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2 haven't they?

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MARTIN KRONGOLD: Are you talking about the clusters that are run by Mr. Nadelstern [phonetic]?

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CHAIRPERSON JACKSON: Okay.

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MARTIN KRONGOLD: That were run by-

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CHAIRPERSON JACKSON: Clusters.

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MARTIN KRONGOLD: Are those what you're talking about? In my, in my opinion only, and I don't represent, I don't represent the Council, I disagree with her. I believe, I believe that every one of those clusters should have an analysis done of what level of success or failure they've had, because the peop--the specific people that I know, who came from my borough, the only reason they're there, was they made space for them to do analytical work. They should be put into schools, overseeing schools, because in my opinion, they don't have real responsibilities, and they represent some of the failures of the past that are very ugly.

CHAIRPERSON JACKSON: And who do you think, who do you suggest should do the audit?

1
2 If you have any opinions on that. Not the
3 Department of Education, right?

4 MARTIN KRONGOLD: Well, it's--I'm
5 trying to, I'm trying to think of something
6 that's--

7 CHAIRPERSON JACKSON: What about
8 the IBO? What about the City Comptroller's
9 Office?

10 MARTIN KRONGOLD: The, not, not the
11 Comptroller's Office, 'cause that's 100 percent
12 political, sorry. The IBO--

13 CHAIRPERSON JACKSON: You think so?

14 MARTIN KRONGOLD: Yes, I do. The
15 IBO, the, the IBO would be better. But it's, the
16 statistics would be very difficult.
17 Overwhelmingly, schools in the City do not fail.
18 Overwhelmingly. So, any statistic you're going to
19 show that says, "These are the clusters and these
20 are your schools you're responsible for--"

21 CHAIRPERSON JACKSON: But DOE says-

22 -

23 MARTIN KRONGOLD: 90 percent of
24 them will be successful.

25 CHAIRPERSON JACKSON: --their

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2 schools are failing.

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MARTIN KRONGOLD: Correct. About five to ten percent of the schools have problems, and then you can argue as to whether two percent, one percent, or five percent should be closed. But you're never going to therefore get more than five to ten percent of schools that a cluster's responsible for, that reflects failure.

CHAIRPERSON JACKSON: Okay.

MARTIN KRONGOLD: I just don't, I just don't see that, since the clusters have to respond to what the schools want--

CHAIRPERSON JACKSON: Right.

MARTIN KRONGOLD: --I don't see that the clusters have, they have true responsibility or accountability, to make a school succeed.

CHAIRPERSON JACKSON: Okay.

DENISE SULLIVAN: I'm, I'm sorry, I disagree, because I do believe that the clusters have the, the, they have the ability to retrieve those resources that are needed to, to implement each school. And correct those areas. And also, provide professional development to the

1
2 instructors, the teachers, in the school
3 environment.

4 CHAIRPERSON JACKSON: Okay. Well,
5 let me thank both of you for coming in. It is now
6 7:20. I think we're going to call it a day. And
7 considering there's no one else here to testify,
8 not unless the Sergeant-of-Arms or WNYC cameraman,
9 cameramen, or staff of the City Council, is going
10 to testify, it is now 7:20 p.m. This oversight
11 hearing on students, monitoring students--I'm
12 sorry, DOE's monitoring of schools--

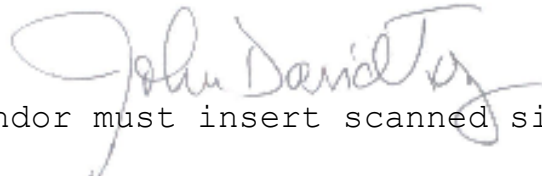
13 FEMALE VOICE: Students.

14 CHAIRPERSON JACKSON: --students--
15 [background noise] I'm sorry, I'm not tired.
16 [laughter] I'm not tired, just give me a moment
17 here. Thank you. This oversight hearing on the
18 Department of Education's monitoring of students
19 at closing schools, and the first hearing on
20 Introduction 354 and Introduction 364-A, this
21 hearing is hereby adjourned.

22 [gavel]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above the printed signature label.

Signature [Vendor must insert scanned signature]

Date February 14, 2010