

Report of the Independent Monitor
John M. Verre
For the First Semester of 2009-2010
(Plaintiff's Version)

In the matter of
D.S., et al., Plaintiffs,
vs.
NEW YORK CITY DEPARTMENT OF EDUCATION and
NEW YORK CITY BOARD OF EDUCATION, Defendants

Final First Semester 2009-10 Report
Submitted July 11, 2010

CONTENTS

Methodology

Focus of Monitoring

Monitoring Activities

Data Analysis

Reporting

Substantive Issues

Attendance in School

Procedural Protections and Due Process

Transfer and Discharges

Student Suspension

Complaints and Resolutions

Implications

METHODOLOGY

Focus of Monitoring

As the Independent Monitor, I have reviewed compliance by the New York City Department of Education (“DOE”) with paragraph 7 of the Stipulation of Settlement (the “Stipulation”) in the above matter at Boys and Girls High School (“B&G”) for the first semester of 2009-10.

The provisions of paragraph 7 are:

- 7. a. The program cards or notices of student programs for B&G shall inform students of their right to attend school full time until they receive a High School Diploma or until the end of the school year in which they turn 21, whichever comes first, and to have a program with at least five and one-half hours of instruction designed to lead towards Graduation, unless fewer hours of instruction are necessary for Graduation.
- 7. b. DOE shall not exclude a Current B&G Student from school or class at B&G unless the student is afforded the procedural protections set forth in New York Education Law 3214 and DOE Chancellor’s Regulations A-443 or any successor regulations, A-450 or any successor regulations, and the due process clause of the United States Constitution.
- 7. c. DOE shall not transfer or discharge a Current B&G Student from B&G under discharge codes 02, 34, 35, 36, 37, 38, 39, 41, 43 as they are written on the date of the signing of this agreement, unless the Student or Parent has been provided with (1) prior notice, (2) an opportunity for a meeting, and (3) review and approval for the transfer or discharge by a DOE Senior Youth Development Director working outside of B&G, or any successor to the role provided the successor works outside of B&G.

Monitoring Activities

I received and reviewed data reports submitted to me by DOE Counsel during January and February, 2010, and contacted relevant school administrators and DOE Counsel to seek clarification where I judged this to be necessary. I conducted an unannounced inspection of the school, on February 1, 2010 and a scheduled visit on March 5, 2010. During these visits, I observed school programs, and interviewed school administrators and other school personnel, including the Principal, and Assistant Principals for Organization, Guidance, and Security.

As part of my data collection for first semester, I provided to DOE a list of students and parents to be invited to interviews with me. DOE Counsel sent out the invitations, but no parents responded. As a result, I interviewed no parents again this year, and I have suggested that the parties should negotiate another approach to arranging these interviews.

Data Analysis

My review has included analyses of the interviews and discussions, the student line schedule, transfer/discharge reports, OORS incident reports, SOHO reports, various school programs and services, and student complaints.

In their general comments on the draft report, the Plaintiffs raised a number of concerns that are not addressed in my report:

Data provided during the fall semester

I reviewed the final semester version of all semester reports submitted to me in January and February.

Fight incident in January

When this issue was raised by the Plaintiffs, DOE indicated that they were investigating the incident. When I visited the school in February and March, I questioned administrators about this incident and found no issues that are related to the matters covered in the Stipulation.

Small learning communities

When I visited the school in February and March, I questioned administrators concerning the small learning communities and found no issues that are related to the matters covered in the Stipulation.

Credit Recovery Program and Exemplary Mentoring Program

I described these programs in a previous report and found no reason to address them again in this report.

Reporting

I received data reports from DOE in January and February, made visits to the school in February and March, submitted my Draft First Semester Report 2009-10 to the Parties on April 18, 2010, and I received their comments on the draft on May 21, 2010.

As with the previous reports, I have organized this third Report of the Independent Monitor around the three substantive issues addressed in the Stipulation: 1) attendance in school, 2) procedural protections and due process in transfers/discharges and student suspensions, and 3) complaints and resolutions. In the substantive section, I describe my findings and offer my concerns and recommendations. In this report, I have adopted all of definitions provided in the Stipulation.

In my data collection for this report, I pursued issues addressed in the Stipulation of Settlement as I understood them, and issues I raised in my Final Second Semester 2008-09 Report.

In the Final Second Semester 2008-09 Report, I made recommendations to DOE to address certain conditions that I found. DOE may choose to follow my specific recommendations or take other action to address these conditions. During 2009-10, I am following-up with DOE and the school to determine what actions have been taken.

ATTENDANCE IN SCHOOL

The Stipulation requires that the program cards or notices of student programs for B&G shall inform students of their right to attend school full time until they receive a High School Diploma or until the end of the school year in which they turn 21, whichever comes first, and to have a program with at least five and one-half hours of instruction designed to lead towards Graduation, unless fewer hours of instruction are necessary for Graduation.

Findings: Student Program Cards

I reviewed 12 student program cards, including the cards for randomly selected students on reduced schedules, discharged, and for whom a complaint was filed by a parent. All of the student program cards that I reviewed contained the required notice. The notice is pre-printed on the blue card stock used to print the individual student programs: "Note: Students have the right to attend school and receive a free public school education until the age of 21, and have a program with at least five and one-half hours of instruction designed toward graduation, unless fewer hours of instruction are necessary for graduation."

Findings: Student Line Schedule

I reviewed the School Master Schedule and the Student Line Schedule. I found no evidence of non-instructional classes or classes in which students remain for the entire day, with the exception of self-contained special education classes determined by Individual Education Plans.

The school schedule has been adjusted. The regular school day at B&G now starts at 8:20 and ends at 3:05, for a total of 6 hours and 42 minutes. A regular day includes seven 46-minute instructional periods (5.37 hours), and one 46-minute lunch period.

During first semester, there was an average enrollment of approximately 2200 active students at B&G. I reviewed the Student Line Schedules, a spreadsheet displaying the individual schedules of all active students, arrayed across the daily class periods. The Line Schedules indicate that, among the active students, 84 (4%) have less than eight class periods in their schedules. An analysis of these students with reduced schedules indicates the following:

73 students (87% of students on shortened school days) are on track to graduate this year, and appropriately attend school less than 8 periods

11 students (13% of students on shortened school days) are attending school less than 8 periods for other reasons:

3 students were discharged during first semester:

██████
██████
██████

In their comments on the draft report, DOE provided the following information on these students:

“Student [REDACTED] transferred into a YABC program, which affords overage students the flexibility to complete their course requirements at a different location. He does not attend Boys and Girls for his educational programming. In this student’s case, he had already earned over 39 credits, and only needed an additional 5 credits to complete graduation requirements. Upon completion of graduation requirements, [REDACTED] will be eligible to receive his diploma from Boys and Girls.”

“Students [REDACTED] and [REDACTED] were both transferred into drug treatment programs.”

7 students were “LTA” – long term absentees, and had not attended yet this school year:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

In their comments on the draft report, DOE indicated, “These students would not have an active program. If they attend school, they would be provided with a program that includes the requisite number of periods.”

1 student is in a Coop Tech Program, with a Coop Tech placement in the morning and B&G classes in the afternoon:

[REDACTED]

In their response to the 2008-09 first semester draft report, DOE stated, “The school is planning to change its start time for next school year. First period will begin at approximately 8:30, rather than 7:50. Students who have been unable to start school at 7:50 because of family circumstances will be able to start with the later start time.” In their comments to 2008-09 second semester draft report, DOE informed me that, “Due to various scheduling obligations, the school is unable to start the day at 8:30 as was reported in our comments to the last draft. The start time, however, is being moved from 7:50 am to 8:10 am.”

The 2009-10 “Bell Schedule” indicates that, for this year, Period 1 starts at 8:20, an adjustment in the promised direction.

According to the Line Schedules, no students are scheduled to start school late in the morning.

PROCEDURAL PROTECTION AND DUE PROCESS

Transfers and Discharges

Findings: Prevention and intervention services

Once again this year, a majority of the PIF's submitted by the school to the ISC indicate that tutoring and counseling were the "support services student received previously," and most of these students ultimately "decided to leave current school" and were approved for discharge. DOE has explained previously that, "The form used by Boys & Girls is a standard form used throughout the DOE. The choices on the form for the services offered/provided to the student do not reflect all of the various program options at the school." DOE pointed out that community-based organizations and Medgar Evers College provide support services to students. DOE also explained that they expected that, in smaller learning communities established in September 2009, staff will come to better understand the students, work together to meet their needs, and more effectively connect with students, resulting in improved outcomes in student performance.

DOE has revised the PIF to provide for recording more accurate information.

Using the list of discharges in the ATS Transfer/Discharge Summary for first semester of 2009-10, 85 students have been discharged from B&G under codes addressed in the Stipulation. While this is less than less than 4% of the estimated 2200 students enrolled, it compares with the 114 students discharged during the same period in the previous school year, approximately 4% of the 2600 students enrolled last year. At least thus far this year, the establishment of the smaller learning communities has not had a positive effect on the number transfers and discharges.

In their comments on the draft report, DOE explained that because the smaller learning communities were instituted for the first time in September 2009, "One would not expect to find a decrease in the drop out rate in such a short time." They further explained that, "many of the long term absences, which accounts for the bulk of the discharges from the school, are students who were not attending Boys and Girls last year. 49 of 85 discharges under codes for which planning interviews were required were effectuated as of September or October 2009."

Findings: Numbers of discharges, by discharge codes

There are three sources of data on transfers and discharges (ATS Transfer/Discharge Report, the ISC Spreadsheet, and the PIF Packets prepared by the school).

The ATS Transfer/Discharge Report listed 85 cases with "Discharge Dates" after 9/1/09 and before January 31, 2010, under codes addressed in the Stipulation:

- 1 student was discharged under Code 2 (Obtained full-time employment)
- 0 were discharged under Code 34 (Enrolled in business/trade/vocational training)
- 0 were discharged under Code 35 (Entered military service)
- 0 were discharged under Code 36 (Non-DOE full-time GED program)
- 0 were discharged under Code 37 (Enrolled in non-DOE part-time GED program)

11 were discharged under Code 38 (DOE part-time GED program)
32 were discharged under Code 39 (20 absent days)
0 was discharged under Code 41 (Pregnancy)
41 were discharged under Code 43 (DOE full-time GED program)

The ISC spreadsheet listed 41 cases with “Date PIF received” between 11/2/09 and 2/4/10:

2 students were discharged under Code 2 (Obtained full-time employment)
35 were discharged under Code 39 (20 absent days)
3 were discharged under Code 43 (DOE full-time GED program)

Among these 41 cases, 8 are identified as having IEP’s. Among these 8 cases with IEP’s, 7 are in-date, 1 is out-of-date (REDACTED).

47 cases were documented by PIF packets submitted to me by the school. These included the 41 cases listed on the ISC spreadsheet, plus 6 other cases not listed on the ISC Spreadsheet. The school could not explain why these cases would not be listed on the ISC spreadsheet. Among the 6 additional cases:

1 was discharged under Code 38 (DOE part-time GED program):
(REDACTED), PIF completed 9/10/09

1 was discharged under Code 39 (20 absent days):
(REDACTED), student with an IEP dated 9/29/08, with no PIF completion date

4 were discharged under Code 43 (DOE full-time GED program)
(REDACTED), PIF completed 9/11/09
(REDACTED), PIF completed 9/14/09
(REDACTED), PIF completed 9/14/09
(REDACTED), PIF completed 9/18/09

Concern: Variability in the numbers

Again this year, across the three sources of data on transfers and discharges, I found considerable variability in record keeping and reporting on the number of students discharged, and in the numbers discharged under each code. In my analysis for this report, I found that the ATS report lists 85 students discharged/transferred, the school prepared only 47 PIF’s for submission, and the ISC reviewed only 41 cases.

DOE had explained previously that, “It appears to us that the discrepancies cited in your report may be due to the fact that reports from different offices were run at different times using different date parameters.” It was my understanding that the reports and date parameters would be brought into alignment for 2009-2010.

The PIF process at the school and the ISC review process constitute the response by DOE to the requirements of the 7. c. of the Stipulation: “DOE shall not transfer or discharge a Current B&G Student from B&G under discharge codes 02, 34, 35, 36, 37, 38, 39, 41, 43 as they are written on the date of the signing of this agreement, unless the Student or Parent has been provided with (1) prior notice, (2) an opportunity for a meeting, and (3) review and approval for the transfer or discharge by a DOE Senior Youth Development Director working outside of B&G, or any successor to the role provided the successor works outside of B&G.” DOE has asserted previously that, “...the information that appears in the ATS (the official transfer/discharge report) is the official documentation of the reason for a discharge.”

It appears that, for the first semester of 2009-2010, the PIF process has not been completed for 38 students and ISC process has not been completed for 44 cases.

In their comments on the draft report, DOE submitted an updated report that provides information on the completion of 35 additional planning interviews:

32 under Code 39

1 under Code 2

“...and 2 relate to students who ultimately transferred to a DOE GED program” For these, the discharge process was cancelled.

Recommendations

DOE should share with the Plaintiffs the details of the revisions made to the PIF.

DOE should indicate in future reporting whether any of the transfers occurred as a result of drugs or arrests.

DOE should insure that the PIF process be completed immediately on the 38 students, and the ISC review process be completed immediately on the 44 cases.

DOE should develop and implement an approach to this record keeping and reporting that provides for the regular monitoring of data collection and entry, and on-going reconciliation of reports from the various sources.

In their comments on the draft report, as for previous reports, “...The information that appears in the ATS (the official transfer/discharge report) is the official documentation of the reason for discharge.”

Findings: Review and approval by official outside B&G

Paragraph 7.c. of the Stipulation requires, “Review and approval for the transfer or discharge by a DOE Senior Youth Development Director working outside of B&G, or any successor to the role provided the successor works outside of B&G.” The purpose of this provision appears to be to provide external oversight of the process to prevent inappropriate transfers and discharges by the school.

In many of these cases, there were significant delays between the dates on which the PIF's were completed by the school and the dates they were received by the ISC. Among 39 cases on which date information was available, I found the following ISC receipt timelines:

Within 1 weeks	1 case
Within 2 weeks	1 case
Within 3 weeks	1 case
Within 4 weeks	4 cases
Within 5 weeks	6 cases
Within 6 weeks	0 cases
Within 7 weeks	5 cases
Within 8 weeks	4 cases
Within 9 weeks	5 cases
Within 10 weeks	2 cases
Within 11 weeks	2 cases
Within 12 weeks	4 cases
Within 13 weeks	1 case
Within 14 weeks	2 cases
Within 15 weeks	1 case

Among 32 cases on which approval date information was available, 23 were approved within 1 week of receipt at ISC. In the other cases, however, there were delays between the dates on which the PIF's were received by the ISC and the dates on which they were approved. I found the following ISC review timelines:

Same day	13 cases
1 day	7 cases
4 days	3 cases
17 days	2 cases
20 days	1 case
31 days	1 case
36 days	1 case
50 days	2 cases
51 days	1 case
63 days	1 case

Eight (8) cases received and reviewed by ISC were not approved:

●, still pending, returned to the school on 5 dates (11/2/09, 11/24/09, 12/3/09, 12/3/09, 12/22/09 and 2/5/10. The explanation provided by ISC: "Parent signature alone is not allowed. You must obtain student's signature as well. If you are not able to obtain the student's signature, you must redo the PI and submit proof of outreach etc. PIF returned 2/4/10, however the discharge date needs to

be 1/11/10 and interview date should be 1/8/10.” The school explained that the PIF was finally signed by the student on 1/8/10 and has been resubmitted to ISC.

■■■■, PIF cancelled by the school because the student decided to remain enrolled at B&G.

■■■■, PIF cancelled by the school because the student transferred to a D79 alternative program.

■■■■, case closed because the student was discharged to School 13K553, Brooklyn Academy.

■■■■, still pending, returned to the school on 2/5/10. The explanation provided by ISC: “According to the date on the letter, the interview date should be 11/4/09. The school explained that the student did not show for the interview, and the PIF will be resubmitted after additional attempts to contact the student.

■■■■, per ISC not listed on the discharge screen. The school explained that they have not yet obtained the student’s signature on the PIF.

■■■■, still pending, returned to the school on 1/13/10, with the explanation that the location of the student signature was not indicated. The school has determined that the signature was obtained at the school on 11/30/09, and has resubmitted the packet to ISC.

■■■■, PIF cancelled by the school because the student decided to remain at B&G.

Concern: Delays in the external review and approval process

Among 39 discharge cases, I found significant delays in 36 cases – ranging from 1 to 4 months – between the dates on which the PIF’s were completed by the school, and the dates they were received by the ISC. In 9 cases, the ISC did not take action for extended periods of time, ranging from 3 weeks to 9 weeks.

Recommendations

DOE should develop and implement guidelines for completing and submitting the PIF’s, and insure the timely external review of PIF’s prepared by the school.

In their response to the draft report, DOE informed the Independent Monitor of the following change in process:

“By way of background, all DOE schools as of June 1, 2010 will be assigned to one of 58 CFNs. Each CFN has a team that provides support to approximately 20-25 schools. ISCs will no longer

exist. Boys and Girls has already transitioned into its CFN as of the beginning of April 2010. The CFN now has the responsibility for reviewing and approving planning interviews. The CFN now has the responsibility for reviewing and approving planning interviews. The CFN personnel with responsibility for reviewing and approving PIFs will be visiting the school on a regular (generally weekly) basis to review and approve PIFs. This will allow for a more prompt and regular review of the PIFs. It will allow the school to make adjustments to the forms as needed and have any questions or concerns answered.”

Findings: The discharge of students with disabilities

The ATS Transfer/Discharge Report for first semester 2009-10 did not indicate which students had disabilities.

Among the 41 cases listed on the ISC Spreadsheet and for whom the school prepared PIFs, 8 are identified as having IEP’s.

Seven (7) are in-date.

■■■■, Code 39 (20 days absent)

■■■■, Code 39

■■■■, Code 39

■■■■, Code 39

■■■■, Code 43 (DOE full-time GED program)

■■■■, Code 43

■■■■, Code 39

One (1) is out-of-date as of 6/14/09 (■■■■), and discharged under Code 39 (20 days absent).

Among the 6 cases for whom PIFs were prepared by the school but not listed on the ISC Spreadsheet, 1 student (■■■■) was discharged under Code 39 (20 absent days), with an IEP out-of-date as of 9/29/08.

Concern: The potentially inappropriate discharge of students with disabilities

The fact that a discharged student’s IEP is out-of-date brings into question the appropriateness of the discharge, specifically whether, when a student is being discharged for 20 days absent, the attendance problem could have been addressed more successfully with more powerful interventions and/or more appropriate IEPs and services.

Recommendations

DOE should investigate these cases, and report on the individual histories of special education planning and the interventions and services that were provided.

In their comments to the draft report, DOE asserted again their position on this issue:

“It is the Department’s view that any assessment of whether IEPs are up to date or whether additional services should have been provided is not part of (the Independent Monitor’s) mandate in this case...Accordingly, we do not agree with the recommendation to review and report on the individual interventions for special education students who were discharged.”

Student Suspensions

Findings: Removals and Suspensions

I reviewed the documents relating to student suspensions. These include:

Online Occurrence Reporting System (OORS) Reports, a year-to-date daily record of all Grade 6-12 Level 1 – Level 5 infractions, as described in Citywide Standards of Discipline and Intervention Measures, pp. 18-24.

SOHO Reports, a monthly and year-to-date summary of Principal's and Superintendent's suspensions, listing each suspension by student name, and including student id, grade level, type of suspension, infraction code, control #, start and end dates of suspension, number of days, and conference/hearing date.

I reviewed the reports and found data on teacher removals, Principal's suspensions and Superintendent's suspensions placed online in OORS and SOHO. Based on these reports, during the first semester, 9/09/09 through 1/13/10 (78 school days), the following actions were taken:

OORS Reports: 425 incidents reported for the period 9/9/09-12/16/09. For this same period in 2008-09, 218 incidents were reported. This year's reports are 95% higher than last year.

Teacher Removals: None were reported.

Principal's Suspensions:

The Suspension Report provided for the period 9/9/09-1/13/10 indicated 91 Principal Suspensions, including 30 Principal Suspensions of 29 students with disabilities, with [REDACTED] ([REDACTED]) receiving two separate 5-day suspensions.

A separate report on Principal Suspensions of students with disabilities indicated 34 Principal Suspensions of 31 students with disabilities, with [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) each receiving two separate 5-day suspensions. Three students were listed on the separate report but not listed on the Suspension Report: [REDACTED] ([REDACTED]), [REDACTED] ([REDACTED]), [REDACTED] ([REDACTED]).

Superintendent's Suspensions:

The Suspension Report provided for the period 9/9/09-1/13/10 indicated 30 Superintendent Suspensions, including 14 Superintendent Suspensions of 13 students with disabilities, with [REDACTED] ([REDACTED]) receiving a 6-day suspension on 10/15/09 and a 10-day suspension on 11/19/09.

A separate report on Superintendent Suspensions of students with disabilities indicated 14 suspensions of 13 students, including the two suspensions of (b) (6). One student was listed on the separate report Superintendent Suspensions but not listed on the Suspension Report: (b) (6).

A separate report for first semester indicated that MDR's were scheduled in 2 cases, both on Superintendent's Suspensions: (b) (6) and (b) (6). In both cases, the misconduct was found to be not a manifestation of the disability.

I interviewed Dr. Barnes, the AP for Security. Concerning behavioral interventions, he explained the following:

There are 6 full-time Deans of Discipline and 1 Cafeteria Dean.

There is a cadre of School Security Aides.

Room 181 serves as the AM Suspension Room, the school-day SAVE Room, the Holding Room, and the 3:00-5:00 Program Room.

The AM Suspension Program runs 9:00 to 1:00 or 1:30. Students do school work assigned by the classroom teachers and have lunch, for up to five days of suspension.

The SAVE Room is the program for Teacher Removals, documented on "Student Removal Form" indicating demographic information, "Teacher Measures Previously Taken," description of the event, a brief plan for work in the class, and signature by the Teacher, Assistant Principal for Security, and the Principal. The SAVE Room is staffed by a Teacher, with back up from a Dean.

The Holding Room started in operation on March 6, 2010, and is used as a temporary placement for students who arrive to school after 10:00. Students remain in the Holding Room for the remainder of the period during which they arrive late to school.

In preparation for this report, I observed in the 3:00-5:30 Program and interviewed the Dean covering the class during the absence of the regularly assigned Teacher. There were 2 students attending the program during my observation. The Dean showed me the log that is maintained, and explained the approach to providing students with appropriate class work on their days in the program.

Concern: There appears to be a significant increase in the number of reported incidents.

Recommendations

DOE should investigate the significant increase in reported incidents to determine the reasons for the increase and should take action to address the increase.

In their comments on the draft report, DOE reported that they have investigated the increase in reported incidents and found the following:

There were fewer than 425 incidents because this year's reporting format sometimes led to multiple reporting of a single incident. The actual number of unique incidents was 349.

The school implemented scanning at its entrance this year, resulting in reports of 40 incidents involving the confiscation of cell phones during scanning.

25 reports involved medical issues, a category not used last year.

These adjustments brought the comparative number down to 275, still significantly higher than the 218 reported last year. DOE explained this increase on the basis of more thorough and accurate reporting.

Concern: The school offers four separate intervention programs that do not have clearly defined program descriptions, policies and procedures.

Recommendations

DOE should direct the school to develop written guidelines for the operation of the four intervention programs.

In their comments on the draft report, DOE provided following additional information on the four intervention programs:

"Each of these programs currently uses the same classroom, although students who are late may be sent to an adjoining room.

The AM and PM suspension programs are for students serving a principal's suspensions. Because many of these suspensions are for fighting, the students involved in a particular fight may be assigned to different suspension times.

A teacher is assigned to the suspension room, students are provided instructional materials from their regular classroom teachers, and the teacher assigned to the classroom provides instructional assistance to them.

Likewise, student assigned to the room operating as a SAVE room would be given instructional materials.

(Concerning the Holding Room) This program has been instituted to manage students who arrive at school excessively late.”

RELEVANT COMPLAINTS AND RESOLUTIONS

Findings: Complaints and Resolutions

I assume DOE Counsel made specific requests of the same complaint sources as in 2008-09 for copies of complaints, responses to the complaints and status reports. These sources included:

311/Office of Family Engagement and Advocacy (OFEA): Melissa Harris
Office of Student Enrollment (OSE): Elizabeth Sciabarra
Integrated Support Center (ISC): Kathleen Petrycki and Zoe Calix
Integrated Support Center Counsel (ISC Counsel): Susan Dombrow and Lisa Becker
Chancellor's Strategic Response Unit (SRU): No named agents
Brooklyn High School Superintendent: Isabel DiMola
Community Learning Support Organization (CLSO): Elaine Goldberg, CEO
Boys and Girls High School (B&G)

At Boys and Girls High School, there continues to be no standardized or centralized complaint management system in place at the school, and no records are kept by the school on the complaints, actions taken, or resolutions.

I examined the reports provided to me by DOE Counsel on 11 complaints relevant to the issues addressed in the Stipulation:

Student: [REDACTED]

Source: Unspecified

Complaint: Parent refused entrance to the school and no assistance provided by administrators

Date: 8/17/09

Actions: None provided

Resolution: None provided

In their comments on the draft report, DOE asserts that "This was a complaint about a parent who was unable to enter the building when an incident happened outside the school. We do not believe that this bears on the issues in the stipulation."

Student: [REDACTED]

Source: Unspecified

Complaint: Student not registered or on the roster

Date: 9/9/10

Actions: No report provided

Resolution: No report provided

In their comments on the draft report, DOE explained that “This student began attending school as of 9/10/10. According to the school, because the student was enrolled at Boys and Girls over the summer, it is possible that this information did not appear on the school’s register on the first day of school. We have reminded the school that if a student appears with a letter from the Office of School Enrollment that he/she is enrolled in the school, s/he must be admitted and given a schedule.”

Student: [REDACTED]

Source: Unspecified

Complaint: Request options for over-age, under-credit student

Date: 10/1/09

Actions: None provided

Resolution: None provided

In their comments on the draft report, DOE explained that “This is not a complaint, but simple reflects a request for information about options for an over-age under-credited student and should not be included in the report as a relevant complaint. The P311 log indicates that the parent was provided the information.”

Student: [REDACTED]

Source: Unspecified

Complaint: Notice of suspension not compliant and student report not considered.

Date: 12/14/09

Actions: School and borough officials notified

Resolution: No report provided

This was a suspension appeal and was addressed through the appeal process.

Student: [REDACTED]

Source: 311

Complaint: Student not registered

Date: 1/5/10

Actions: Confirmed registration with ATS. Parent informed of confirmed registration and given instructions regarding bringing student to B&G next day.

Resolution: No report provided

In their comments on the draft report, DOE explained “This student was re-enrolled at Boys and Girls on December 14, 2009. Records of his attendance show that he has been absent since he was enrolled in the school. The P311 log indicates that the parent was advised that her son was enrolled at the school and that she should bring him to the school.”

Student: [REDACTED]

Source: 311

Complaint: Student removed from class and not allowed to remain in the school, and parent was informed that they should seek an alternative school placement. Parent wants B&G.

Date: 1/15/10

Actions: School contacted, reminded that student has a right to attend B&G, and informed that parent does not want student transferred.

Resolution: No report provided

In their comments on the draft report, DOE provided the following information: “The 311 log claims that the student was denied access to the school and told to attend a fair for alternative high schools. The 311 call indicates that the parent coordinator of the school was called. The student’s attendance records reflect that he was present on January 19, 2010, the next day of school after January 15. He has continued to attend school since then, although he has recently (as of the middle of April) begun a pattern of excessive absences.”

Student: [REDACTED]

Source: Unspecified

Complaint: Harassment of student, inaccurate incident report

Date: 1/15/10

Actions: BFA will follow up

Resolution: Pending

In their comments on the draft report, DOE reported the results of their investigation: "This was a call received by P311 in which the parent complained that the teacher was harassing the child. The caller claims that the teacher first said that the student was not involved in a fight, but thereafter indicated that the student was involved. This student was suspended for being involved in a fight. The student received a five day principal suspension. The parent had the opportunity for a conference with the principal. The principal met with the parent to discuss the incident. The student has been attending school this year."

Student: [REDACTED]

Source: 311

Complaint: Student not allowed to re-enter school after a suspension, and parent was informed that they should seek an alternative school placement. Parent wants B&G.

Date: 1/22/10

Actions: Parent informed of her right to have student continue at B&G.

Resolution: No report provided

In their comments on the draft report, DOE explained "The 311 complaint states that the student was not permitted to return to school after the completion of a suspension. She claims that she went to the school on January 25 with her son and was allegedly told that he was not allowed in school, because there were Regents exams. The school's records show that the student sat for four Regents exams at the end of the Fall term. He has been attending school regularly for this semester."

Student: [REDACTED]

Source: 311

Complaint: Student has few credits and school refuses to admit him

Date: 1/26/10

Actions: Parent provided with information.

Resolution: No report provided

In their comments on the draft report, DOE reported the following: “The 311 call indicates that the parent called and said that Boys and Girls would not admit her child to school. The school’s records show that this student has been a long term absent student. The school began attendance outreach in September, with a planning interview finally held on April 30, 2010. We are enclosing a copy of the ILOG Report for the student that lists the attendance outreach efforts made to reconnect this student with school, including scheduling multiple meetings with the student’s parent. We disagree with the assertion that he would not be permitted to attend school.”

Student: [REDACTED]

Source: 311

Complaint: Student “kicked out” of B&G because he is 17+ years old.

Date: 1/26/10

Actions: Parent provided with information.

Resolution: No report provided

In their comments on the draft report, DOE provided the details on this case: “...The school has sent attendance teachers to the student’s house because of his absences. The student’s attendance record shows that the student is a long term absent student. Following the phone call described in the 311 log, both parents met with the principal on a Saturday following this phone call. The student was given a program. He attended school for one day. The next day he left part way through the day. He has not been at school since then. (The ILOG) lists 10 outreaches to the student in an attempt to reengage him in school.” According to records, the student and parent were informed of his right to remain at B&G and also alternative options. The parent ultimately decided to keep the student at B&G.

Student: [REDACTED]

Source: 311

Complaint: Student refused entrance into the school and parent informed that they would need to enroll the student in an alternative school. Parent wants B&G.

Date: 2/1/10

Actions: Email communications among district/borough officials.

Resolution: No report provided.

In their comments on the draft report, DOE reported that “The 311 report indicates that the student was refused entrance to school. His attendance record...shows that he has been

attending school on an intermittent basis. The 311 report also indicates that the principal met with the parent. The student has 3 credits and is 17 years old. In fact, the principal discussed other educational options for the student, but the student ultimately decided to remain at Boys and Girls High School.”

Concern: Students being refused entrance into the school and parents being informed that they must enroll students in alternative schools

From the 311 reports, there appears to be a pattern of refusal to allow entrance of students and of parents being recommended to enroll students in other schools.

Recommendations

DOE should investigate and resolve the cases cited here, and review with the school the expectations for continuing enrollment of students and the appropriate process for discharge and transfer of students.

DOE investigated all of the complaints listed in the draft report and provided details of their findings.

Concern: Lack of complaint management system at the school

There is currently no standardized or centralized complaint management system in place at the school, and no records are kept by the school on the complaints, actions taken, or resolutions.

Recommendations

Given the requirement in the Stipulation for a review of all relevant complaints, and current inadequacy of complaint management for B&G, DOE should develop and implement a more appropriate approach at the school, designating one administrator at the school as the manager responsible for the system.

In their comments on the draft report, DOE reiterated their previous response: “The collection of complaints from various sources is solely a function of this settlement agreement. It is not the DOE’s general practice to aggregate reports or to mandate that offices gather and track complaints in any particular manner.”

Concern: Inadequacy of actions taken or reports on actions taken, and in resolutions or reports on resolutions

In the reports on most of the complaints, the reports on actions taken and the resolutions seem inadequate.

Recommendations

DOE should 1) develop and provide training for all relevant parties in how to appropriately investigate and address complaints at the school level and at other levels, 2) standardize the format for how complaints are recorded and reported by the various sources, and 3) implement a process for regular, on-going monitoring of the complaint management system.