

Report of the Independent Monitor

John M. Verre

For the First Semester of 2008-09

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 2008-09 Report

Submitted May 11, 2009

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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 2008-09.

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

Before I began substantive work, I met with the Class Representatives and Defendants separately, on December 3, 2008 and December 4, 2008 respectively, to obtain their views of the work to be done.

I conducted two announced inspections of the school, the first on December 17, 2008 and, after a delay caused by a serious injury that I suffered in January, a second on March 5, 2009. During these visits I toured the school, observed in many classes, activities, and transition periods, and I interviewed relevant school administrators and some other school personnel regarding the school’s relevant practices and procedures. I received and reviewed data reports from DOE between December 2008 and March 2009. I returned to the school on March 25, 2009, to clarify certain reports and obtain further explanation of certain data.

Data Analysis

My first semester review has included analyses of the interviews and observations, and the school’s student line schedule, discharge reports, OORS incident reports, SOHO entries, and various practices and procedures, and relevant student complaints.

Reporting

I have organized this first 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 each substantive section, I describe my findings and offer my commendations and concerns. Finally, I discuss the implications of my findings for subsequent monitoring. In this report, I have adopted all of definitions provided in the Stipulation.

In my data collection prior to the Draft Report, I pursued the issues addressed in the Stipulation of Settlement as I understood them. In their response to the Draft Report, the Plaintiff's raised questions that I had not pursued specifically in my data collection. Where I judged that further inquiry was warranted and data collection feasible, I included the issues and my analysis in this Final report

I formulated my concerns in the process of analyzing the data and I communicated them for the first time in the draft report. In their response to the draft report, DOE responded to some of the concerns. Where I judged their response to be helpful, I included an analysis of the information they provided in this Final Report.

As required in the Stipulation, I submitted my draft report to the parties simultaneously on April 6, 2009, a date agreed by both parties. Responses from both parties were received within ten (10) school days by April 29, 2009. This final report is issued within ten (10) days of the responses. In the interim, I analyzed the responses and made further inquiries.

In their response to the draft, the Plaintiff's requested that, if in my Final Report, I "changed (my) analysis so as to substantially alter the conclusions of the Draft First Semester 2008-09 Report based upon the DOE's comments," they be afforded an opportunity to respond regarding the DOE comments. The Stipulation of Settlement prescribes a draft report, responses by the parties, and a final report. The parties did not incorporate any subsequent responses in the settlement. This is a matter beyond my purview and probably should be addressed jointly by the parties.

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 a considerable number of student program cards. (Note: For future reports, when I am sampling student data, I will include the exact number.) All of the student program cards that I reviewed contained the required notice. The staff informed me that this is discussed with students and parents whenever there is a consideration of student programs, attendance, or discipline. No specific documentation was kept of these conversations.

Student Line Schedule

In my visits to the school and my interviews with administrators and staff, I reviewed the classes and programs offered at the school. 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 does offer a number of programs intended to support students placed at risk:

A “Credit Recovery Program during the afterschool hours and on Saturdays, to provide students opportunities to make up credit in courses that they have failed or missed (Note: I visited and observed in this program.)

A “3:00-5:00 Program” during the afterschool hours to provide students on Principal’s Suspensions for up to 5 days opportunities to continue instruction in basic academics (Note: I visited and observed in this program.)

A mentoring program, targeting incoming freshman, to encourage student-teacher-family engagement, providing small group experiences, rap sessions, and structured large group activities (Note: I will investigate this program in preparation for the second-semester report.)

The regular school day at B&G starts at 7:50 and ends at 2:32, for a total of 6 hours and 42 minutes. A regular day includes seven 45-minute instructional periods (5.25 hours), one 45-minute lunch period, and an 11-minute Academic Advisory period. I reviewed the Student Line Schedule, a spreadsheet displaying the individual schedules of all active students, arrayed across the daily class periods.

During first semester, there have been between 2838 and 2901 active students enrolled at B&G on a daily basis. The report provided by the school indicates that, among these active students,

77 have less than seven class periods in their schedules. An analysis of these students with reduced schedules indicates the following:

35 students (46%) are on-track 4th year seniors scheduled to graduate this year

31 students (40%) are 5th year seniors scheduled to graduate this year

4 students (5%) are 6th year seniors scheduled to graduate this year

7 (9%) students are attending school on “guidance schedules” (Note: A Guidance Schedule is a schedule constructed by a Guidance Counselor for an individual student to address the individual circumstances of that student.) including the following:

2 students attending periods #1-7

S.D., erroneously listed as attending periods #1-7, 6 instructional periods/day, plus lunch, actually attending a regular schedule of periods #1-8

J.P., on credit recovery, 6 instructional periods/day, plus lunch, plus “credit recovery” English, 1 hours/day on 2 extended days

4 students attending periods #2-8

S.A., drops off a child at child care, 7 instructional periods/day, no lunch (5.25 instructional hours)

C.C., drops off a sibling at child care, 6 instructional periods/day, plus lunch (4.5 instructional hours)

C.L., drops off sibling at school, 6 instructional periods/day, plus lunch (4.5 instructional hours)

J.M., drops off sibling at school, 7 instructional periods/day, no lunch (5.25 instructional hours)

1 student attending periods #1-6, 4.50 regular hours/day

R.E., erroneously listed as on “guidance schedule,” actually an on-track 4th year senior scheduled to graduate, 5 instructional periods/day, plus lunch, plus 2 hours/day on 2 extended days

Commendations

Only three of the over 2800 active students have reduced instructional schedules and are not yet on track to graduate.

Concerns

Two high school students (C.C. and C.L.), who are helping their families by taking their children or siblings to child care or school, miss instructional periods at B&G.

Upon my subsequent inquiry concerning J.P., one of the three students on a reduced instructional schedule, DOE indicated that he is now a “Long Term Absentee” and, as such, has been assigned an “LTA schedule” until he returns to school. For the second-semester report, I will investigate why a student like J.P., in need of “Credit Recovery,” would be placed on a reduced instructional schedule, and whether there is a link between his being placed on a reduced schedule and his ultimately dropping out.,

In their response to the draft report, DOE stated, “...School staff will work to add one instructional period to each student’s schedule for next year. For these students and other students who are behind in credit accumulation, B&G automatically will program them to attend summer school. The school also offers Saturday classes, which provides an additional means for a student to acquire credit.” Additionally, “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.”

PROCEDURAL PROTECTION AND DUE PROCESS

Transfers and Discharges

Findings

I reviewed the Transfer/Discharge Report for first semester and clarified the definitions of the discharge codes with the Assistant Principal for Administration. According to this report, during the period September through December 2008, 114 students were discharged. These are distributed across the nine discharge codes listed in the Stipulation as follows:

Code 2, Obtained full-time employment – None

Code 34, Enrolled in business, trade, or vocational training – None

Code 35, Entered military service – None

Code 36, Enrolled in non-DOE, full-time GED program – 3

Code 37, Enrolled in non-DOE part-time GED program – None

Code 38, Enrolled in DOE part-time GED program – 14

Code 39, Voluntary withdrawal or discharge after 20 consecutive days of absence – 37

Code 41, Voluntary withdrawal due to pregnancy – None

Code 43, Enrolled in DOE full-time GED program – 60

According to this report, no students were discharged under Codes 2, 34, 35, 37, and 41.

Seventy-four (74) students were discharged under Codes 38 and 43 (enrolled in DOE GED programs, part-time and full-time, respectively). The Assistant Principals for Administration and for Guidance reported that the Planning Interview process is not required for students who are discharged under these Codes 38 and 43. The reason they gave for this is that these discharges occur only after a student, either independently or in consultation with a Guidance Counselor, has entered a DOE GED program and attended enough to meet that program's entrance requirements. At that point, the GED program would enroll the student, automatically removing that student from the B&G enrollment.

Across the three sources of data on transfers and discharges (ATS Transfer/Discharge Report, PIF Packets prepared by the school, and ISC Spreadsheet), I found variability in record keeping and reporting on the number of students discharged, and on the number discharged under each code:

Among the 40 cases listed in the ATS Transfer/Discharge Report

3 were discharged under Code 36 (non-DOE GED program)

37 were discharged under Code 39 (20 absent days)

Among the 47 cases documented by PIF packets

- 1 was discharged under Code 34 (vocational program)
- 2 under Code 36 (non-DOE GED program)
- 44 were discharged under Code 39 (20 absent days)

Among the 49 cases listed by the ISC official

- 1 was discharged under Code 36 (non-DOE GED program)
- 48 were discharged under Code 39 (20 absent days)

Planning Interview (“PIF”) packets are prepared by the school to document the process. I reviewed all of these packets and found that they include some or all of the following, depending on the individual circumstances:

Individual Student Attendance Report

Attendance Investigation Form, containing notes of contacts with the student and/or the guardians

Form letters on the Principal’s letterhead: 1) early notice of attendance problems, 2) 20-day absence letter with invitation to meet, and 3) discharge warning letter, scheduling the Planning Interview.

Form 407- Attendance Follow-Up and Outreach Referral, completed and signed by an Attendance Teacher, and signed by the Assistant Principal for Administration

Planning Interview Form, completed by the Attendance Teacher and signed by the Assistant Principal for Administration

Student Permanent Record

Individualized Education Program (in the cases of students with disabilities)

The Stipulation requires that discharges be reviewed and approved 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. This person was originally Kampta Persaud and is currently Marsha Matthews-Friday, Sr. Youth Development Manager, Brooklyn ISC CBO Liaison, NYC Department of Education, Brooklyn Integrated Service Center.

Forty-seven (47) PIF packets were originally submitted by the school, and forty-nine (49) cases were reported by the ISC official. The two (2) missing PIF packets were provided with the DOE response to the Draft Report. My review of the packets and the report indicate the following:

45 PIF-documented discharges were approved

2 PIF-documented discharges were not approved and returned to the school

2 PIF-documented discharges were cancelled by the school

Commendations

From the data provided, it seems that many students and/or parents have been provided with prior notice, and an opportunity for a meeting, as required in the Stipulation.

Notes on the various forms indicate that many students participated in Planning Interviews at school or at their home, while others did not show for scheduled meetings.

Only 2 of the 49 cases listed by the ISC official were not approved and returned to the school for follow-up.

Concerns

As of the time of this submission, DOE was unable to provide the reasons for the 2 disapprovals. I will investigate this for the second-semester report.

As the Plaintiffs point out in their response to the draft report, a considerable number of Planning Interview Forms indicate that tutoring was the service that had been offered to prevent the transfer/discharge. There was no information provided about the effectiveness of this service or any other services offered prior to discharge. I will investigate this for the second-semester report.

There seems to be a relatively large number of cases (74 cases, 65% of the total) in the categories that reportedly did not require the Planning Interview process. This exception is not described in the Stipulation of Settlement. The Plaintiffs point out in their response to the draft report that this appears to be contrary to DOE policy that requires planning interviews prior to discharges under the codes targeted in the Stipulation of Agreement.

In their response to the draft report, DOE indicated that “27 of the 74 transfers using Code 43/38 for which there were no planning interview forms were for students admitted into Riker’s Island schools or drug rehabilitation programs. These admissions do not occur under circumstances that would result in a planning interview and there is no opportunity for a discussion with the school or the DOE about possible discharge.” (Note: With their response to the draft report, DOE provided a spreadsheet listing the 74 students discharged under codes 38/43, identifying 27 who were admitted to Riker’s Island schools and/or drug rehab programs, DOE explained that those admitted to school at Riker’s Island “are given information about their right to return to school upon discharge and to attend until the age of 21,” and pointed out that “12 students returned to B&G from Riker’s schools.”)

In their response to the draft report, DOE indicated that, while planning interviews may have been held in some of the other cases discharged under code 38 or 43, the school did not submit the forms to the ISC and did not retain the forms at the school. DOE described a number of steps being taken to address this:

“A review is underway to clarify the procedures for proposed transfers under codes 38 and 43.”

“...The school has been reminded that if a student discusses with a guidance counselor or an attendance officer that the student is considering enrolling in GED program, the school is required to conduct a planning interview with the student.”

“Any planning interview forms that are prepared must be retained by the school even if the student does not ultimately decide to leave school or if the school does not enter a pending discharge or transfer into ATF.”

“A meeting will take place with guidance counselors and attendance teachers to reinforce this obligation.”

“...Where Boys and Girls is not aware that a student has sought enrollment in a GED program, the DOE has in place other means to accomplish the critical goal of advising a student of his/her right to remain in school and reviewing a transcript and educational options.” (Note: With their response to the draft report, DOE provided a spreadsheet listing the 74 students transferred/discharged under code 38/43, indicating that in 59 of these cases, Central sent these students planning interview packets. For the second-semester report, I will investigate why the remaining 20% of these students received no communication.)

“For future monitoring periods, where the school has not conducted a planning interview for a student who is transferred under code 43 or 38, we will check with District 79 and Central staff to ascertain whether information was provided to the student.”

In 12 out of 49 ISC-listed cases (25%), there appear to have been significant delays in approval decision-making. These delays range from just under 2 months to over 3 months. DOE has explained that these delays may have been caused by the process. Currently, if the submission is not complete, it is returned to the school for correction and then resubmitted for a second review, and subsequently approved if complete. In all 12 delayed cases, the submissions were eventually approved, but DOE was not able provided information on the factors that may have contributed to the delays in the individual cases. I will investigate this for the second semester report.

In 14 out of the 49 ISC-listed cases (29%), no information was originally provided on the “received dates”, so no judgment could be made about timeliness of decision making. DOE subsequently provided the dates. The 14 cases had been reviewed and approved within approximately one month of receipt.

There are two discrepancies among the sources of information on transfers/discharges (the ATS Transfer/Discharge Report provided by the Assistant Principal for Administration, the PIF packets prepared by the school, and the report provided by the ISC official). Each source indicated a different number of transfers/discharges, and different numbers for each transfer/discharge code. In their response to the draft report, DOE indicated that the ATS report “is the official documentation of the reason for a discharge.” For future reports, I will consider this source first and check the other sources for confirmation.

The Transfer/Discharge Report that was provided by DOE does not identify the students with disabilities. In their response to the draft report, the Plaintiffs pointed out that in one case of students with disabilities who have been transferred/discharged, the IEP attached to PIF was expired, bringing into question to appropriateness of the transfer/discharge for the student. I will investigate this matter further for the second-semester report.

Student Suspensions

Findings

I reviewed the set of 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.

Principal's Suspension Pending Parent Conference Held Queue, a year-to-date listing of Principal's suspensions, including the case number, student name, student id, scheduled date of conference, and status.

Students on Prehearing Placement Rosters, a year-to-date listing of prehearing placements pending Superintendent's suspension hearings, including case id, student name, student id, gender, IEP status, home school, race, effective date of placement, hearing date, hearing outcome date, status, and placement sites.

Students on Continued Placement Rosters, a year-to-date listing of Superintendent's suspensions, including case id, student name, student id, gender, IEP status, home school, race, disposition, and placement sites.

I reviewed the reports and found data on guidance interventions, teacher removals, Principal's suspensions and Superintendent's suspensions placed online in OORS and SOHO. In their response to the Draft Report, the Plaintiff's requested that specific information on Teacher Removals be included in the Final Report.

Based on these reports, during the period September through December 2008 (73 school days), the following actions were taken:

OORS Reports	218 (approx. 3 per day)
Teacher Removals	0 (According to the Assistant Principal for Security, no Teacher Removals were given during first semester.)
Principal's Suspensions	128 (approx. 2 per day)
Superintendent's Suspensions	32 (less than 1 every 2 days)

I reviewed with the Assistant Principal for Security the process that is followed for removals and suspensions at B&G. He described the processes as follows:

Teacher Removal Process

Referral by the Teacher to the Assistant Principal for that subject area

Referral by the Assistant Principal to the Dean

OORS and SOHO reports entered by the Dean

Placement by the Dean in the SAVE Room for the remainder of the class period

Student returned to his/her regularly scheduled class at the beginning of the next period. (Note: I will observe in the SAVE Room in preparation for the second-semester report.)

Principal's Suspension Process

Incident

Decision by Dean to recommend Principal's suspension

Call to parent by Dean to inform of incident

OORS and SOHO reports entered by Dean

Parent comes to school, discusses the incident with the Dean, and takes the student home; or parent does not/cannot come to the school and student remains in class

Parent conference scheduled for next day

Up to 5-day suspension begins and the student attends the "3:00-5:00 Program" of instruction on days of suspension

Superintendent's Suspension Process

Incident

Decision by Dean to recommend Superintendent's suspension

Infraction reported by phone by Dean

OORS and SOHO reports entered by Dean

Call to parent by Dean to inform of incident

Parent comes to school, discusses the incident with the Dean, and takes the student home; or parent does not/cannot come to the school and student remains in class

Placement by DOE in "pending hearing" site within 2 days, usually an ALC, or return to school/class

Notices sent to parent by DOE

Suspension hearing and disposition by DOE within 5 days

Placement by DOE in short or long-term suspension site, or return to school/class

I reviewed the Brooklyn Integrated Service Center Student Discipline Procedures. This document defines due process as follows: “Every student has the right to be treated fairly in accordance with the rights set forth in the Citywide Standards of Discipline and Intervention Measures.” (p. 2) These rights include, in part, certain specific actions that must be taken by school staff:

The school must provide students with the *Discipline Code* and rules and regulations of the school

Members of the professional staff must provide *counseling* to students in matters related to their behavior as it affects their education and welfare within the school

The school must provide students with *written notice* of the reasons for disciplinary action taken against them in a timely fashion

School staff must be present in situations where there may be police involvement

The Assistant Superintendent for Security indicated that these features of due process are provided as a regular part of operations:

Discipline Code: The Boys and Girls High School Student Handbook contains a chapter entitled “Student Code of Conduct.” This chapter contains the materials from the Citywide Standards of Discipline and Intervention Measures that describe the five levels of infractions, the range of possible disciplinary responses, and the range of possible guidance interventions. The Student Handbook is given to every student at the beginning of the year, or when they first enroll in the school during any given year.

Counseling: Counseling relating to student behavior is provided primarily by Guidance Counselors on an as-needed, scheduled, and/or incident related basis. Guidance services are always the preferred interventions when these are appropriate and feasible.

Written notice: A copy of the OORS report is provided to the parents in the cases of Principal’s and Superintendent’s suspensions. In addition, DOE provides other notices in the cases of Superintendent’s suspension.

Presence of school staff in police situations: Whenever the police are involved in a school-related incident, the Assistant Superintendent for Security is present and involved.

When I asked the Assistant Principal for Security if the school keeps copies of documentation of due process, he said they do not. The Assistant Principal for Security also informed me that, at times, when a parent cannot come to the school for the conference and the student does not leave the school, he keeps the student with him for the remainder of the day.

Commendations

The school appears to be making serious efforts to meet the requirements of the Stipulation in the area of student discipline.

Concerns

It is reasonable to ask why there were no Teacher Removals whatsoever during all of first semester. I will investigate this matter for the second-semester report.

As described by the Assistant Principal for Security, the processes for Principal's and Superintendent's Suspensions does not include the Manifestation Determination Review (MDR) required by regulation in certain cases.

In their response to the draft report, DOE described the due process provisions:

“For superintendent suspensions, the SOHO report shows the infraction code(s) charged, the date the suspension was authorized (by the ISC), the disposition of the suspension hearing that was held by the suspension hearing office, including the length of the suspension. When this information is entered into SOHO, letters to parents are automatically generated.”

“For principal's suspension, the SOHO report indicates the effective date of the suspension, the date on which the principal's conference was held, the infraction code, the start and end date and length of time of the suspension. For a principal's suspension, due process requires the school to schedule a principal's conference.”

To address this issue, DOE stated, “The school has been reminded that it must enter into SOHO the result of the principal's conference in term of whether or not the suspension was upheld and the length of time of the suspension.”

I am concerned that no documentation is retained at the school of parents and students actually receiving the required notices.

Concerning parents taking the suspended students home after meeting with the Dean, in their response to the draft report:

DOE asserted that this is not required by school policy,

DOE explained, “...Parents typically take their children home with them to avoid further student confrontations that day.”

DOE stated, “The school will remind relevant school staff that students may not be sent home as part of the suspension or discipline process, nor may school staff suggest to a parent that a student be removed from school.”

This does appear to be a common practice at the school. I am concerned that there is no structured alternative to parents taking their children home for the remainder of the day.

In their response to the Draft Report, the Plaintiff's requested information on approaches to discipline other than teacher removals, Principal's suspensions, and Superintendent's

suspensions. In their response, DOE indicated that guidance counselors, student advisors, and social workers are available to assist students in disciplinary situations. Teachers and Deans are also available as needed. I will investigate this matter further for my second-semester repo

RELEVANT COMPLAINTS AND RESOLUTIONS

Findings

For the purposes of this report, I set out to examine complaints filed during first semester that are relevant to the issues addressed in the Stipulation.

Until recently, the process for receiving and resolving complaints filed by or on behalf of students at Boys and Girls High School has not been clearly defined. To provide any information for this report, DOE Counsel had to make specific requests of a number of sources and found that complaints may have been filed with any of four possible offices:

Office of Family Engagement and Advocacy (OFEA)
Office of Student Enrollment (OSE)
Integrated Support Center (ISC)
Chancellor's Strategic Response Unit

After a specific request from DOE Counsel to each of these four offices, a report was received from only OFEA. The report provided by OFEA listed 5 relevant complaints filed during first semester, with no information regarding follow-up and resolution. In response to the draft report, DOE obtained further information on some of the cases:

R.M., filed 10/7/08, student received a 5-day suspension without proper notice, for cutting class to attend gang-related activities

DOE responded: "The SOHO report for this school confirms that R. M. was given a principal suspension, and the parent was given the opportunity for a conference with the principal.

S.E., filed 10/17/08, student refused re-entry to school after suspension because the parent could not afford to come to school for a conference

DOE was unable to provide any further information.

R.H., filed 10/28/08, student being targeted for disciplinary action without cause

DOE was unable to provide any further information.

S.B., no date provided, student mistreated by security aide during disciplinary incident, and lack of notice regarding suspension

DOE responded: "The incident involving S.B. was reported to the Office of Special Investigations and investigated by the school. The allegation was unsubstantiated. The SOHO report for this school confirms that this student was given a principal's suspension and the parent was given the opportunity for a conference with the principal.

M.N., no date provided, student and parent treated with disrespect by a Dean during a disciplinary conference

DOE responded: "The incident involving M.N. was reported to the Office of Special Investigations and is being investigated by the school.

Upon my request for information on resolutions and follow-up by DOE Counsel, OFEA provided a second report in a different format with information on the follow-up and resolution on 2 complaints, but for different cases than those listed in the first report:

I.J., filed 10/16/08, student denied re-entry after sick leave, student transferred to another district

DOE responded: "For student I.J., the report from OFEA reflects that the student transferred.

No Name, filed 11/1/08, student received an unwarranted suspension for insubordination, suspension overturned by a high school superintendent

DOE responded: "Since the suspension for the unnamed student was overturned by the DOE as part of the suspension hearing process, there is no further investigation that is required. The report from OFEA reflects that the suspension was reversed."

In response to the draft report, DOE stated:

"We have...reminded OFEA that it is important that they track the resolution of complaints that are received by that office, either directly or through a referral from 311 or elsewhere, particularly to maintain information about followup communications with parents."

"For future reporting periods, we have reminded the following offices to retain complaints that are received concerning Boys and Girls, as well as information about action taken: OSE, ISC, ISC Senior Counsel, Chancellor's Strategic response Unit, the school itself, and the Superintendent."

Commendations

To address the inadequacy of current processing, record keeping, and reporting of complaints and resolutions, according to DOE Counsel, a new, on-line reporting system has been designed and became available in March 2009. I will investigate the reports available in this new system and report on my analysis in my second-semester report.

Concerns

It is unlikely that there have been only 7 relevant complaints during first semester.

In 2 of the 7 documented cases, no follow-up and resolution information has been provided.

No information is available concerning complaints that may have been filed with 3 out of 4 possible offices.

There was no information provided regarding complaints that may have been filed at the school, or the process for addressing and resolving complaints at the school. I will investigate this issue in preparation for the second-semester report.

IMPLICATIONS

During this first cycle of data collection and analysis, I have had the opportunity to become familiarized with the data sources, data collection formats, the locations of data, and the persons responsible for recording keeping and reporting. I have also begun to understand the relationship between the data, the work of administrators and staff, and the behavior of students. In preparation for the next cycle of data collection and analysis, with the assistance of school personnel and Defendants' Counsel, and review by Plaintiffs' Counsel, I will prepare a list of specific data reports I will need and identify the deadlines for the submission of these reports. This list will include specific requests for complaints and resolutions, and for documentation of due process in disciplinary processes.

In the first cycle, I learned that data on student transfers and discharges can be triangulated across the Transfer/Discharge Report, the PIF submission packets, and the report by the ISC official. For subsequent reports, I will seek similar triangulation on the issues of student attendance, student suspensions, and complaints and resolutions. This will require my conducting extensive interviews with staff, parents, and students. To check for patterns of individual student circumstances and school responses, I will compare information from the interviews with data from program cards, line schedules, student attendance records, transfer/discharge documentation, and disciplinary records for individual student cases.

This first report includes data that were generated during the first semester of 2008-09. To capture as much information as possible for my second report, I understand that the parties have discussed changing the due date for the second-semester report from May 1, 2009 to a date in June. To allow for 10 school days for responses from the parties, I would recommend a due date of June 12, 2009 for the second-semester report.

I would like to thank school personnel and the DOE Counsel for their cooperation and assistance in the providing access to critical data and in explaining the details of life and work at Boys and Girls High School. I would also like to express my appreciation to Plaintiff's Counsel for their insightful contributions to the Final Report.