



Advocates for Children of New York

ADVOCATES FOR CHILDREN OF NEW YORK

POLICY BRIEF

**DEAD ENDS: THE NEED FOR MORE PATHWAYS TO GRADUATION FOR
OVERAGE, UNDER-CREDITED STUDENTS IN NEW YORK CITY**

DECEMBER 10, 2007

ACKNOWLEDGMENTS

This policy brief would not have been possible without funding from the Rockefeller Foundation and the Donors' Education Collaborative. We thank them for their generous support.

We would also like to acknowledge and thank Dr. Luis O. Reyes, coordinator of the Coalition for Educational Excellence for English Language Learners (CEEELL), and Dr. Pedro Noguera, professor at the Steinhardt School of Education at New York University, both of whom provided Advocates For Children with expert advice and background information on the subject.

Special thanks to members and friends of the Out of School Youth Coalition for taking the time to speak with us about the students they work with on a daily basis and the challenges they face in trying to ensure that they receive quality and appropriate educational services.

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EXECUTIVE SUMMARY

The New York City Department of Education (DOE) has acknowledged that 138,000 high school students, more than a tenth of the students in the city's entire public school system, are "overage and under-credited" and therefore, at substantial risk for dropping out of school. According to the DOE, 48% of all entering freshmen will eventually become overage and under-credited (OA/UC), and nearly all high school dropouts in New York City have a history of being OA/UC.¹

To address this problem, the DOE created the Office of Multiple Pathways to Graduation (OMPG) to develop new options for OA/UC students to earn a high school diploma or a General Educational Development Diploma (GED). It also recently revamped the Office of Alternative Schools and Programs (District 79) to provide new referral centers and restructured GED programming for OA/UC students. In all of these reforms, the DOE is striving to recapture students who would previously have fallen through the cracks. To the extent that these programs help more students to complete school and obtain their diploma, we support their efforts. However, according to the most recent data available to date, the OMPG programs were available to only a limited number of the OA/UC population.² Now is the time for the DOE to take aggressive action to meet the broader needs of OA/UC students. The DOE should build on the momentum created by the OMPG to increase program offerings and importantly, develop programs that are accessible to the full range of OA/UC students.

This brief examines the ability of the OMPG schools to meet the instructional needs of English Language Learners (ELLs),³ students with special education needs, students who are older with few or no credits, and students who are pregnant and parenting. In an

effort to gauge the accessibility of OMPG programs to these populations, we surveyed all OMPG schools, successfully reaching 77% (17) of all Young Adult Borough Centers (YABCs) and 87% (26) of all Transfer High Schools. We found:

- **Fifty-nine percent of the YABCs and fifty percent of the transfer high schools reached in our survey did not provide any services for ELLs or provided services that do not meet minimum legal requirements.**
- **Services for special education students were very limited. Fifty-three percent of YABCs do not serve students with special education needs.**
- **Students who are severely under-credited are left with few options. YABCs require a minimum of 17 credits, and 58% of transfer high schools do not accept students with no credits.**
- **Childcare was lacking in YABCs and transfer high schools, despite the need among the OA/UC population. Fifty-nine percent of YABCs and 35% of transfer high schools did not offer childcare services and failed to offer referrals to outside childcare services or LYFE programs.**

While the DOE has taken an important first step in creating an array of alternative schools and programs for older, at-risk students, our findings highlight the need for initiatives that meaningfully include the broad range of the OA/UC population. We urge Chancellor Joel Klein and the DOE to address the dead ends in programming for OA/UC students so that all students in New York City may have a pathway to graduation.

¹ The Office of Multiple Pathways to Graduation, New York City Department of Education, *Multiple Pathways Research and Development: Summary Findings and Strategic Solutions for Overage, Under-Credited Youth 2* (Oct. 23, 2006), available at <http://schools.nyc.gov/NR/rdonlyres/BB8FE392-4B44-44D7-B893-242C87E1BE8A/15814/FindingsoftheOfficeofMultiplePathwaystoGraduation.pdf> [hereinafter OMPG Summary Findings].

² *Id.* at 39.

³ "ELLs are students who come from homes where a language other than English is spoken, and who score below a state-designated level of proficiency on a test of English language skills." The Office of English Language Learners, New York City Department of Education, *New York City's English Language Learners: Demographics and Performance 4-5* (Summer 2007), available at http://schools.nycenet.edu/offices/teachlearn/ell/DemoPerformanceFINAL_10_17.pdf [hereinafter Office of ELLs Summer 2007 Report].

I. CURRENT SCHOOL AND PROGRAM OFFERINGS FOR OA/UC STUDENTS

An estimated 138,000 of the 1.1 million New York City students are overage and under-credited (OA/UC) and are out of school or at-risk for dropping out of school.⁴ African-Americans and Hispanics are overrepresented in the OA/UC student population: there are 14% more African-Americans and Hispanics in the OA/UC student population than in the general population of New York City high schools.⁵ Based on their ages, OA/UC students are two or more years off-track in terms of the number of credits they should have earned toward a high school diploma.⁶ Without intervention, OA/UC students continue to fall behind and eventually drop out of school.⁷ Together with the students who have already dropped out of school, OA/UC students in New York City would comprise the second-largest high school district in the United States.⁸

In response to this problem, the New York City Department of Education (DOE), has begun creating new programming specifically for these students. The city has two divisions, the Office of Multiple Pathways to Graduation (OMPG) and District 79, that offer alternative educational options to meet the needs of the OA/UC population.

OFFICE OF MULTIPLE PATHWAYS TO GRADUATION

The OMPG was established in October 2005 with a mission to “significantly increas[e] the graduation rates and college readiness of overage and under-credited high school students.”⁹ The office implemented a

multifaceted strategy to respond to this need and is responsible for a new range of programs, including transfer high schools based on newly developed models, Young Adult Borough Centers (YABCs), and learning-to-work (LTW) programs located throughout the city. OMPG programs served approximately 13,107 students as of the 2006 – 2007 school year.¹⁰

Transfer high schools are small, academically rigorous programs designed to recapture students who have become disinvested from their studies. There are 30 transfer high schools in New York City, but several programs have multiple sites.¹¹ Transfer high schools focus solely on students who are overage and under-credited, admitting only students who have completed at least one year of high school and have too few credits to progress to the next grade level.

YABCs are full-time evening programs that take place at designated high school campuses. There are 22 YABC programs in New York City.¹² These programs are open to students who have been in high school for four years, are 17 ½ or older, and have earned a minimum of 17 credits.¹³ Each program is partnered with a community based organization (CBO), which provides services for the students ranging from college counseling to career placement.¹⁴ Students receive a high school diploma from their high school of origin when they fulfill their graduation requirements.

LTW programs are integrated with all of the programs above. There are 37 different LTW sites in New York City.¹⁵ LTW programs focus on developing skills for educational and professional success in the OA/UC

⁴ OMPG Summary Findings, *supra* note 1, at 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 3.

⁸ *Id.* at 10.

⁹ The Office of Multiple Pathways to Graduation, New York City Department of Education, *available at* <http://schools.nyc.gov/Offices/DYD/OMP/default.htm> [hereinafter OMPG].

¹⁰ This figure was based on the registration data available online from the DOE. We were unable to find information for new schools, as well as four transfer schools and this figure does not include them as a result.

¹¹ The Office of Multiple Pathways to Graduation, New York City Department of Education, *Location and Registration Information for Transfer Schools*, *available at* [http://schools.nyc.gov/NR/rdonlyres/378B1C73-3773-4531-9D12-](http://schools.nyc.gov/NR/rdonlyres/378B1C73-3773-4531-9D12-0C1522695CDF/27327/TransferSchoolList1.pdf)

0C1522695CDF/27327/TransferSchoolList1.pdf. For sites having multiple locations, only the Manhattan sites were contacted for this survey.

¹² The Office of Multiple Pathways to Graduation, New York City Department of Education, *Young Adult Borough Centers & Learning To Work Programs Fall 2007- Winter 2008*, *available at* <http://schools.nyc.gov/NR/rdonlyres/66DA4C64-308C-47A5-9C49-F1B0A4413DCB/28030/YoungAdultBoroughCenterLocations1.pdf>.

¹³ OMPG Summary Findings, *supra* note 1, at 4.

¹⁴ *Id.*

¹⁵ OMPG, *supra* note 9.

population by providing students with internship and employment opportunities. While enrolled in a LTW program, students participate in intensive skills training and internship or job placement opportunities.

OFFICE OF ALTERNATIVE SCHOOLS AND PROGRAMS (DISTRICT 79)¹⁶

District 79 is the alternative school district in New York City, and similar to OMPG, it serves students who have a history of academic struggle and who may be disengaged from the school system. Unlike OMPG, the primary offerings are not high-school credit-bearing programs, but are General Educational Development (GED) programs. District 79 is an important resource for students who are severely off-track, as enrollment data reveals that the students who are most in need are likely to find themselves in GED programs.¹⁷

District 79 was recently restructured, and in an effort to better connect students to the program offerings within District 79 as well as throughout the DOE's educational system, referral centers were opened in all of the boroughs this fall that serve as a central location where students can obtain "guidance and support to continue their education" and to learn about the options available to them.¹⁸ In addition, District 79's four citywide GED programs were closed and replaced this fall by a new citywide program called GED Plus, which runs 78 GED programs.¹⁹ These GED programs are organized on a "hub and spoke" model. The hubs are co-located with the referral centers and provide services to those students who need intensive help to prepare for the GED. The "spokes" are the satellite sites operated by community based organizations and are available to those students who are not in need of intensive remedial

help.

It should be noted that District 79 has a number of other programs for at-risk students unrelated to its GED classes. It is also responsible for providing educational instruction to students in involuntary settings due to a variety of reasons, including incarceration, drug treatment, and involvement in the social service system. District 79 also runs the city's long-term suspension sites. As a result of the recent restructuring, District 79 is now responsible for providing supportive services to pregnant and parenting teens, including overseeing the delivery of childcare through the Living for the Young Family through Education (LYFE) program. This district is also responsible for adult educational services provided by the DOE.

II. GAPS IN OPTIONS FOR OVERAGE, UNDER-CREDITED STUDENTS

A. ENGLISH LANGUAGE LEARNERS

In 2006-2007, approximately 139,842 or 13.4% of the 1.1 million students in New York City were classified as English Language Learners (ELLs) and over 35,000 of these ELLs were enrolled in high school.²⁰ Over half of current ELLs are foreign born,²¹ and of the traditionally school-age immigrant population in New York City, 34% are Hispanic, 24% are Black non-Hispanic, 10% are Asian, and 3% are of multiracial Non-Hispanic background.²² In 2006, the DOE placed four-year, on-time graduation rates for ELL high school students during the 2005-2006 school year at 26.2%, almost 35% lower than their English proficient counterparts.²³ The on-time graduation rate for ELLs actually decreased

¹⁶ At the time we conducted our surveys, District 79 was undergoing restructuring, and therefore, this report will focus exclusively on the OMPG.

¹⁷ OMPG Summary Findings, *supra* note 1, at 4.

¹⁸ The New York City Department of Education, *Referral Centers for Alternative Education*, available at <http://schools.nyc.gov/NR/rdonlyres/21C02654-FBC8-4740-BB77-E587D9D773F3/25993/ReferralCenterFAQandContactinfo.pdf>.

¹⁹ The Office of Alternative Schools and Programs, Special Programs, New York City Department of Education, at <http://schools.nyc.gov/OurSchools/District79/SpecialPrograms/default.htm>.

²⁰ Office of ELLs Summer 2007 Report, *supra* note 3, at 4-5.

²¹ *Id.* at 8.

²² New York City Department of City Planning, Population Division, *The Newest New Yorkers 2000 Briefing Booklet: Immigrant New York in the New Millennium* 41 (October 2004).

²³ The Office of Assessment and Accountability, New York City Department of Education, *The Class of 2006 Four-Year Longitudinal Report and 2005-2006 Event Dropout Rates* 20 (2006), available at <http://schools.nyc.gov/daa/reports/CLASS%20of%202006%204-Year%20Longitudinal%20Report.pdf>.

since the previous year, when it was 35.3%.²⁴ These low graduation rates indicate that ELLs are at an extremely high risk for dropping out of high school. In fact, 30% of ELLs in the class of 2006 dropped out.²⁵

Although the reasons why students drop out are complex, immigrant students and ELLs often need to work to support themselves and their families. According to a Pew Hispanic Center report entitled *The Higher Dropout Rate of Foreign-born Teens: The Role of Schooling Abroad*, immigrant students are particularly vulnerable to the factors that contribute to leaving school early, and foreign born teens make up a disproportionate number of high school dropouts.²⁶

The low graduation rate of current ELLs is also reflected in the overrepresentation of ELLs in the OA/UC student pool: in 2005, ELLs comprised 16% of that student population though they were only 11% of the general student population.²⁷ The fact that on-time graduation rates for ELLs have decreased since 2005 by 9.1%, as indicated above, suggests that the overrepresentation of ELLs in the OA/UC population

may be growing.

In New York City, ELLs are taught English through three main language acquisition models: English as a Second Language (ESL), bilingual education programs, and dual language programs.²⁸ Under state law, parents and students are entitled to choose which program best suits their needs. If no other option is chosen, ELLs must receive ESL.²⁹ Schools providing ESL, bilingual education, or dual language instruction must also provide support services to ELLs in the students' native language.³⁰

Charles, a 16-year-old student, was struggling at his large high school in the Bronx and had only 7 of the 44 credits needed for graduation. The school based support team recommended that in order for Charles to attain academic success, he needed bilingual instruction in a small, special education class. A YABC was not an option for Charles because of his low number of credits and age. His family thought that a transfer school would be a good fit, but were unable to find a transfer school that could provide Charles with bilingual and special education support.

Our survey revealed that the majority of YABCs are not

providing even the minimal level of mandated language acquisition support. As described earlier, YABCs are structured to assist older students who work or have other responsibilities or commitments during the day with completing the credits needed for a high school diploma. They also provide supportive social services to students through partnerships with community-based organizations. These types of programs may be especially attractive to ELLs who must work during the day to help support their family.

²⁴ The Office of Assessment and Accountability, New York City Department of Education, *The Class of 2005 Four-Year Longitudinal Report and 2004-2005 Event Dropout Rates* 19 (2005), available at http://schools.nyc.gov/daa/reports/Class%20of%202005_Four-Year_Longitudinal_Report.pdf.

²⁵ Office of ELLs Summer 2007 Report, *supra* note 3, at 26.

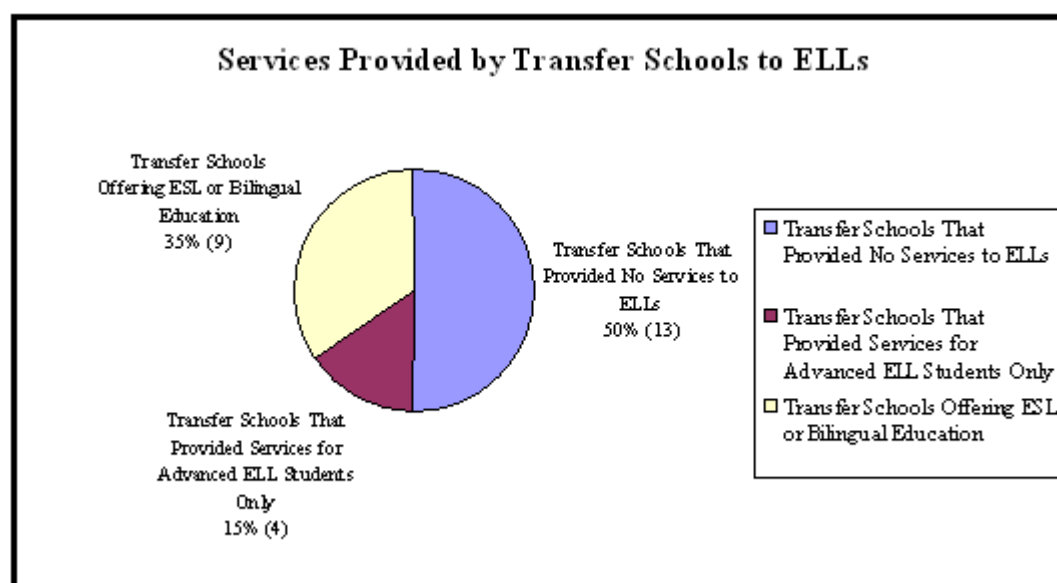
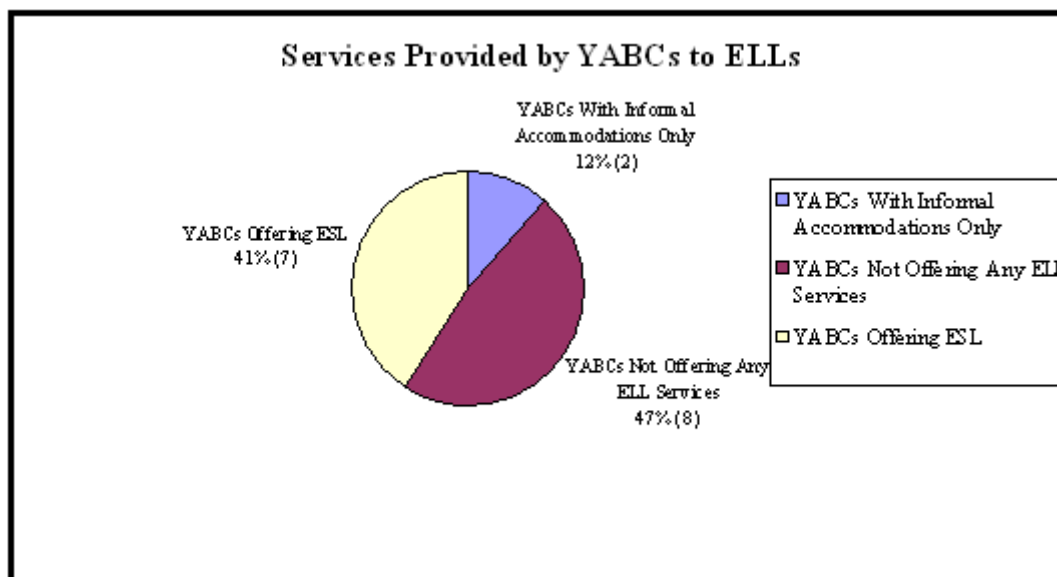
²⁶ Richard Fry, The Pew Hispanic Center, *The Higher Dropout Rate of Foreign-born Teens: The Role of Schooling Abroad I* (2005), available at <http://pewhispanic.org/files/reports/55.pdf>.

²⁷ OMPG Summary Findings, *supra* note 1, at 13.

²⁸ See The Office of English Language Learners, New York City Department of Education, *The ELL Parent Information Case (EPIC) Facilitator's Guide* (2005), available at <http://schools.nyc.gov/NR/rdonlyres/25950508-4922-4956-B869-5CB517E44C3A/9728/EPICFrontMatter.pdf>, which states that while all three programs are meant to teach students English, they differ in the amount of instructional time students spend on English and in the use of a student's native language as an instructional tool. Typically, students in most ESL programs are placed in general English language classrooms and are provided ESL instruction in English for a specified number of periods a day by a teacher who may or may not speak the student's native language. Bilingual education programs are comprised of students who all speak the same native language and are instructed in that language as they learn English. In a dual language model, the targeted native language is taught in an equal ratio to English, and half of the students enrolled in dual language programs are usually monolingual English speakers who also acquire the targeted native language.

²⁹ See 8 NYCRR Part 154.

³⁰ *Id.*



Forty-seven percent of YABCs surveyed did not offer any services for ELLs, 41% offered ESL services only, and 12% offered no ELL services but provided some type of informal accommodations, such as relying on an English Language Arts teacher to provide assistance with learning English. Thus, only 41% of YABCs were offering mandated services for ELLs, while the remaining 59% failed to offer the minimum required services for ELLs, in violation of state law.³¹

The 47% of YABC sites surveyed that did not have any ELL instructional services offered various explanations for the omission. One program simply stated that its YABC is not allowed to enroll ELLs. The remaining programs claimed that their programs were either too new or too small to have ELLs or to have the capacity to provide translated materials.

Transfer high schools are the DOE’s primary offering for OA/UC students who are at risk for dropping out because they have struggled in more traditional high school settings and are far behind their peers academically. They aim to offer more individualized and supportive learning environments for students to re-engage them in learning and allow them to work toward a regular high school diploma. Thus, for ELLs who have had academic difficulties and who have not succeeded in larger high school settings, transfer high schools may be an important educational option. Our survey revealed, however, that 50% of transfer high schools did not provide any instructional services for ELLs, and another 15% only offered services to ELLs with intermediate or advanced English language skills. Therefore, 65% (17) of transfer schools were not able to provide any instructional services to ELLs with beginner levels of English proficiency.

³¹ *Id.*

Transfer schools that responded to our survey gave various reasons for the failure to provide ESL services, including that the program's ESL teacher was out on maternity leave, that teachers were slated to come in the fall, or that they simply did not know why there were no services in place. At least 6 programs told us that they enrolled ELLs, but did not provide them with any ELL instructional services. Whatever the reason, the failure to provide ELLs with the minimally required language acquisition instruction violates state law.³²

The failure of many OMPG programs to provide language acquisition instruction and services to ELLs not only violates state law; it also leaves a significant portion of the OA/UC student population without a pathway to graduation. Data indicates that ELLs could benefit immensely from OMPG programs. While only 26.2% of current ELLs graduate on-time, former ELLs have a 69.1% graduation rate.³³ ELLs who are given the necessary supports to become proficient in English can therefore graduate at very high rates. Thus, OMPG programs that can address the needs of ELLs

Julia, a 17-year-old student, is out of school and looking for a school that can meet her special needs. She has 18 of the 44 credits she needs to graduate and is classified as emotionally disturbed. A DOE special education team determined that if she is to make progress she needs the support of a small special education class. Julia does not want to return to a large high school where she has had little success, and a GED program is not appropriate as her reading levels are too low. Her social worker has been trying to find a transfer school that will take Julia, but has repeatedly been told that transfer schools are unable to serve someone with Julia's special education needs.

and provide language acquisition instruction are a critical step in remedying the poor graduation rate of this student population.

B. STUDENTS WITH SPECIAL EDUCATION NEEDS

As of June 30, 2007, 145,655 students received special education services in New York City.³⁴ Nationally, students of color are overrepresented in the special education population,³⁵ and in New York City, African-American and Latino students comprise the majority of students receiving special education services.³⁶ In 2005, students receiving special education services comprised 31% of the OA/UC population, as compared to 12% of the general student population.³⁷

Research shows that students with disabilities drop out of school at higher rates than their non-disabled peers and are therefore in dire need of programming geared toward keeping them in school.³⁸ Indeed, the graduation rate of students with disabilities in New York City is low when compared with the nation and the state.³⁹

³² *Id.*

³³ Office of ELLs Summer 2007 Report, *supra* note 3, at 26.

³⁴ See The New York City Department of Education, *Statistical Summaries*, available at <http://schools.nyc.gov/Offices/Stats/default.htm>.

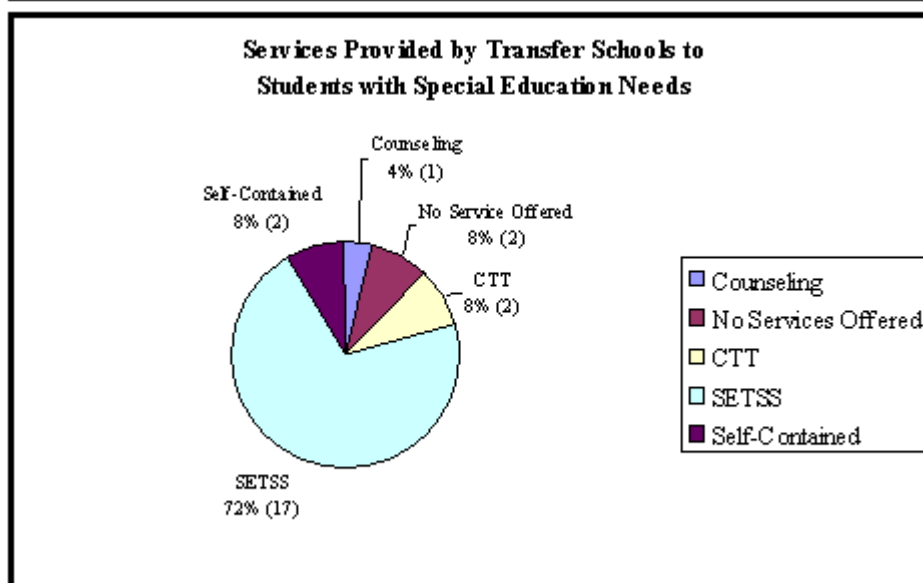
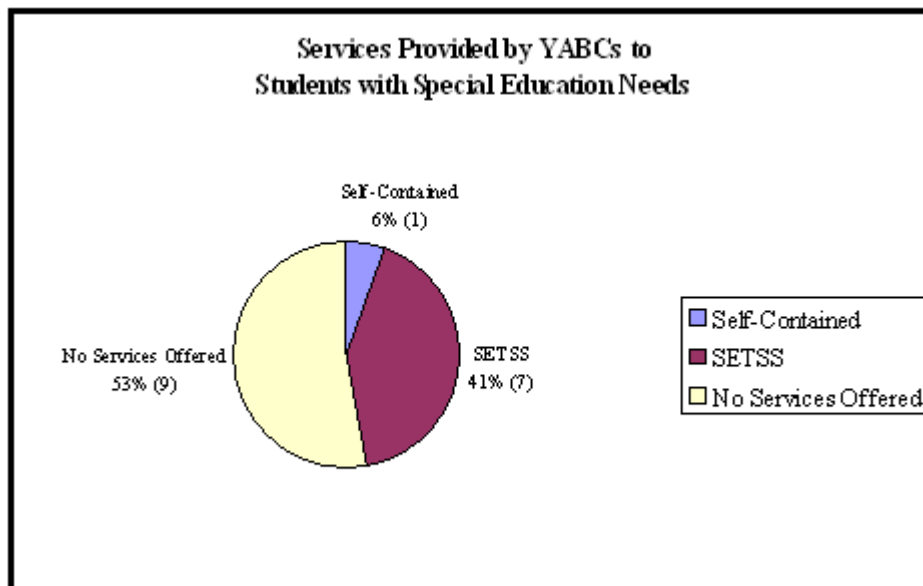
³⁵ Erin Dillon, Education Sector, *Charts You Can Trust: Labeled: The Students Behind NCLB's 'Disabilities' Designation* (July 17, 2007), available at http://www.educationsector.org/analysis/analysis_show.htm?doc_id=509392.

³⁶ Advocates For Children, *Leaving School Empty Handed: A Report on Graduation and Dropout Rates for Students who Receive Special Education Services in New York City* 25-26 (June 2005). In 2005, 50% of NYC's citywide special education district (District 75) were African-American students. *Id.*

³⁷ The New York City Department of Education, *NYC Secondary Reform: Selected Analysis* 12 (2006), available at http://ytfg.org/documents/Secondary_Reform_Selected_Analysis_Broad_Distribution.pdf. The most recent figures for the overage, under-credited population are from 2005.

³⁸ National High School Center, *Dropout Prevention For Students with Disabilities: A Critical Issue for State Education Agencies*, available at http://www.betterhighschools.org/docs/NHSC_DropoutPrevention_052507.pdf (citing The Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, *26th Annual (2004) Report to Congress on the Implementation of the Individuals with Disabilities Education Act*, vol. 1, Washington, DC. (2005), available at <http://www.ed.gov/about/reports/annual/osep/2004/26th-vol-1-front.pdf>); see also David Osher, et al., *Exploring the Relationship Between Student Mobility and Dropout Among Students with Emotional and Behavioral Disorders*, J. of Negro Educ. (2003).

³⁹ National and state graduation rates for students who receive special education services who earned a regular high school diploma were at least double that of New York City for the 2002-2003 school year. Thirty-one percent of students with special needs graduated with a regular diploma nationally, and 26% graduated with a regular diploma state-wide, while 13% graduated with a regular high school diploma in New York City. See New York Lawyers for the Public Interest, *Small Schools, Few Choices: How New York City's High School Reform Effort Left Students With Disabilities Behind* 6, FN 12 (2006).

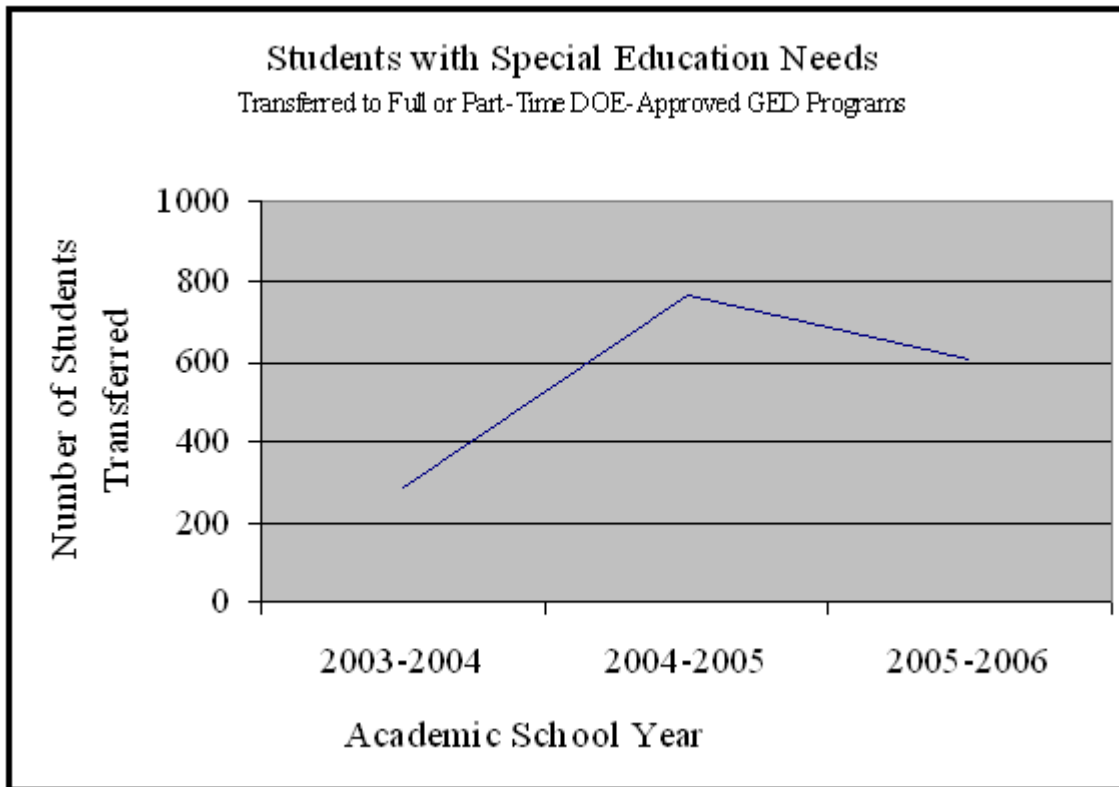


In New York City, special education services are delivered across a continuum. At one end of the continuum, there are services offered to keep students in a general education setting, and as students require more intensive educational support, they advance along the continuum to more restrictive settings (e.g., attending classes or schools that only serve students with disabilities).⁴⁰ The continuum includes Special Education Teacher Support Services (SETSS), which generally involves pulling the student out of his or her general education classroom for one or two periods a day, and Collaborative Team Teaching (CTT), where students are taught by both a general education and special education teacher in a special class comprised of up to 40% students with disabilities. For students who require smaller classes and more support, there are self-contained special education classes.

Overall, only 17% of YABCs and transfer schools serve special education students who require more than SETSS.⁴¹ In our survey, 53% of YABCs admitted that they did not accept students with special education needs at all. Seventy-two percent of transfer schools were able to accommodate only students whose classroom recommendation was a general education setting with SETSS. No YABCs reported being able to offer CTT, and only 8% of transfer schools could accommodate students who required a CTT setting. Only one YABC offered a self-contained class and two transfer schools were able to offer self-contained classes. Thus, only 18% of transfer schools (4 schools) offering special education services provided more than SETSS for students who need special education, and only one YABC can provide more than SETSS.

⁴⁰ The New York City Department of Education, *Getting Started: Special Education as Part of a Unified Service Delivery System*, available at <http://schools.nyc.gov/NR/ronlyres/69D78629-9B1B-4247-A23B-C09B581AFAB1/1199/GettingStartedPamphlet.pdf>.

⁴¹ Two transfer schools were unsure of their services at the time we called, but were planning to implement special education classes for the 2007-2008 school year and are not included in these results.



As a result of the shortage of options available for OA/UC students with significant special education needs, many look to GED programs as their only chance for a degree. Between the 2003-2004 and 2005-2006 school years, the number of students with special education needs who transferred to a part-time or full-time GED program more than doubled, with 286 students entering during the 2003-2004 school year and 608 students entering in the 2005-2006 school year.⁴² While obtaining a GED can be a useful way for some young people to gain entry to employment or higher education, research shows that students earning a GED are not likely to obtain the same benefits as a holder of a high school diploma, and it is important that students with special education needs are not unnecessarily forced into this option.⁴³ Moreover, there is little data available to indicate what percentage of students with special education needs who transfer to GED programs actually receive the support they need to obtain their GED.

C. STUDENTS WITH FEW CREDITS

In New York City, over half of the OA/UC students still enrolled in school, more than 27,000 students, have fewer than 11 credits,⁴⁴ and 84% of students who are 16 years old with fewer than eight credits end up leaving the system.⁴⁵ These statistics underscore the need to have viable options available for students with few credits. Although the current system provides some avenues for students who have few credits that would like to work toward earning their high school diploma, these limited options need to be expanded if they are to meet the need.

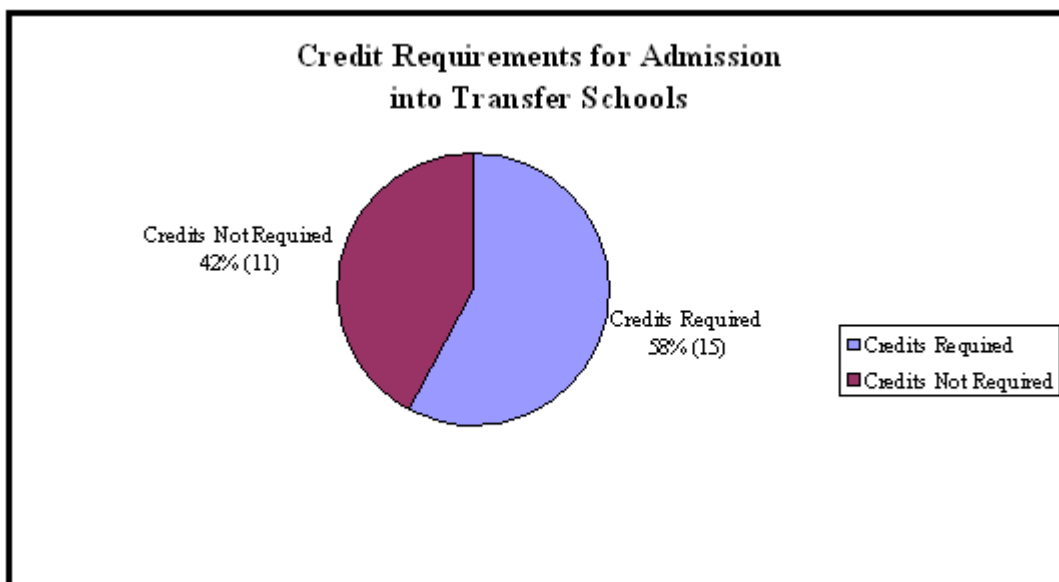
Willis, a youth in foster care, attended a large comprehensive high school until the age of 18, when he aged out of his foster care home. At 18, he had fewer than 10 of the 44 credits required for graduation, and none of the 3 required math credits. Two weeks later, Willis stopped attending his school. Months later, Willis attempted to enroll in several alternative programs, but was not accepted because he had fewer than 10 credits.

⁴² In order to calculate the statistics for transfer to GED programs, we used NYC DOE Transfer and Discharge code data, adding together numbers reported under codes 38 and 43. This data was provided by the NYC DOE and only includes DOE-approved GED programs.

⁴³ Gary Orfield, et al., The Civil Rights Project at Harvard University, *Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis* (Mar. 11, 2004), available at <http://www.civilrightsproject.harvard.edu/research/dropouts/LosingOurFuture.pdf>.

⁴⁴ OMPG Summary Findings, *supra* note 1, at 14.

⁴⁵ *Id.* at 19.



When asked if they ever accept students with no credits, 58% of the transfer schools contacted answered no. YABCs are not an option for students with low credits as by definition they only accept students who are 17 years old with at least 17 credits.⁴⁶

Students who are unable to attend an OMPG school due to credit requirements would likely find themselves returning to their old school where they had failed before, going to get their GED or leaving the system completely. However, recent changes in the alternative school district – District 79 – foreclose the GED option to students under 18, as the DOE no longer will allow students under age 18 to enroll in GED programs except in limited circumstances. It is critical that OMPG programs are developed to reach those students who have few or no credits, as these students have limited

options to engage in the system as it is currently structured.

D. STUDENTS WHO ARE PREGNANT AND/OR PARENTING

Between 2003 and 2005, 26,112 school-age teens gave birth to a child in New York City.⁴⁷ New York City’s teen pregnancy rate is 94.7 cases per 1000 girls aged 15-19.⁴⁸ This is more than double the Healthy People 2010 goal, which is 43 cases per 1000 girls aged 15-19.⁴⁹ The situation is especially troubling in minority communities where the pregnancy rate in 2005 for African-American and Latina youth between the ages 15-17 is 4.4 times and 4 times higher, respectively, than the pregnancy rate for white teens.⁵⁰ In light of the fact that New York City has one of the most troubling

⁴⁶ One YABC surveyed did say it would accept a student without any credits.

⁴⁷ The Bureau of Vital Statistics, New York City Department of Health and Mental Hygiene, *Summary of Vital Statistics 57* (2005), available at <http://www.nyc.gov/html/doh/downloads/pdf/vs/2005sum.pdf> [hereinafter Vital Statistics].

⁴⁸ *Id.* at 42.

⁴⁹ The Department of Health and Human Services, U.S. Public Health Service, *Progress Review: Family Planning ¶5*, available at <http://www.healthypeople.gov/Data/2010prog/focus09/default.htm> (reporting that the healthy people goal is 43 cases per 1000 for 15-19 year olds).

⁵⁰ Vital Statistics, *supra* note 47, at 42.

teenage pregnancy rates in the country, it is crucial that steps are taken to address the unique educational needs of this population. Teenage mothers are more likely to drop out of school,⁵¹ and “children of teen parents are 50% more likely to repeat a grade, perform poorly on standardized tests, and [are] ultimately less likely to complete high school.”⁵²

In the late 1960s, the New York City Board of Education began to establish schools for pregnant and parenting students, commonly referred to as “P-schools.”⁵³ These schools were designed to address the challenges and specialized needs facing students who were pregnant and/or parenting. However, over the years, problems developed within these schools, and instead of being a

voluntary place where students could choose to attend, reports began surfacing of students being forced to attend these schools in lieu of their regular schools.⁵⁴ In addition, the P-schools did not offer curriculum that would allow the students to acquire credits, and instead

Natalia has a 10-month-old daughter and is 9 months pregnant. The principal at Natalia’s previous school encouraged her to go to a P-school (a school exclusively for pregnant students) once he found out she was pregnant because he said his school could not be responsible for anything that happened to her in her condition. Natalia never attended the P-school, and instead left school completely. Recently, she decided to go back to school and was referred to a YABC in her neighborhood that supposedly offered childcare. However, once she arrived, she learned that the childcare was only offered during daytime hours and not in the evening. The program in the day was for GED students, and the evening program was for students who wanted to get their high school diploma. Natalia wants her high school diploma and needs a program that will provide her with that opportunity as well as childcare.

of doing math and science, students were sewing quilts.⁵⁵ With widespread concern developing in the advocacy community, the Office of Alternative Schools and Programs announced in June of this year that these schools were closing due to systemic failures in their programs. It remains to be seen how the regular school system will accommodate the needs of the approximately 300 students that were previously attending P-schools.⁵⁶

New York City law mandates that pregnant and parenting students have the right to participate “fully in school during their pregnancy and/or as a student parent.”⁵⁷ Having adequate access to childcare is an essential feature that students need in order to be able to “participate fully” in their schooling. All middle, junior high and high schools are required to have a faculty member who serves as the person

responsible for providing information about services available to pregnant and parenting students, including information about childcare.⁵⁸ The Living for the Young Family through Education (LYFE) program was created to provide childcare for student mothers and

⁵¹ The Office of Policy Management, Office of the Comptroller, City of New York, *Undercounted And Underserved: New York City’s 20,000 School-Aged Young Mothers* 4 (2003), available at http://www.comptroller.nyc.gov/bureaus/opm/reports/Teen_Mothers.pdf (estimating that in 1996, as many as 70 percent of teens who become mothers before the age of 18 will drop out of school) [hereinafter Undercounted and Underserved].

⁵² Campaign for Our Children, Inc., *The Effects of Teen Pregnancy*, available at <http://www.cfoc.org/EducatorRes/index.cfm?ID=2662&blnShowBack=True&idContentType=670>.

⁵³ See Undercounted And Underserved, *supra* note 51; see also Donna Lieberman, New York Civil Liberties Union, *Testimony before the Citywide Council on High Schools About Pregnant and Parenting Students* (Oct. 11, 2006) [hereinafter NYCLU Testimony].

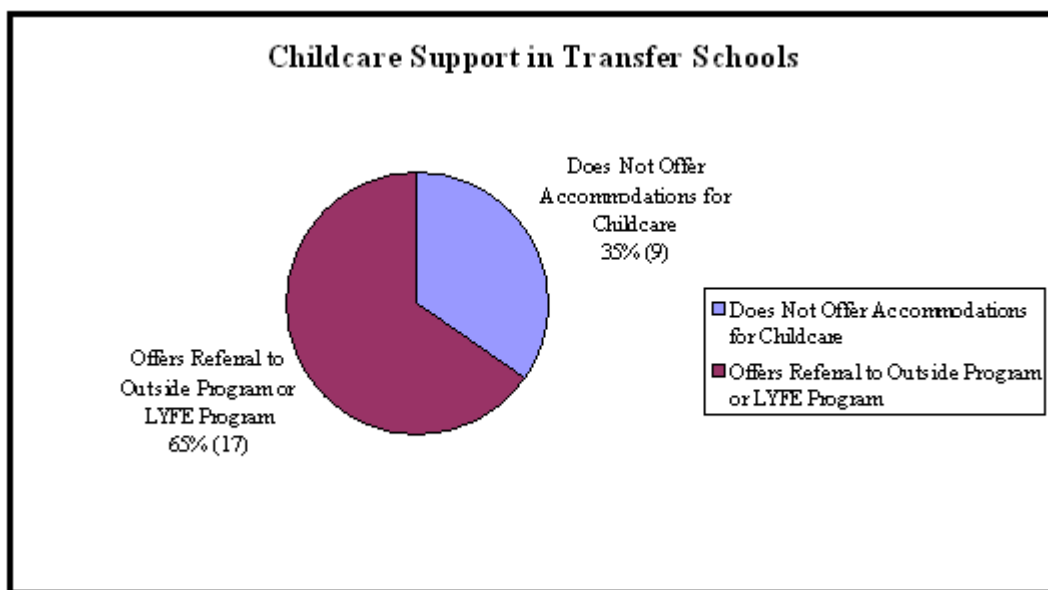
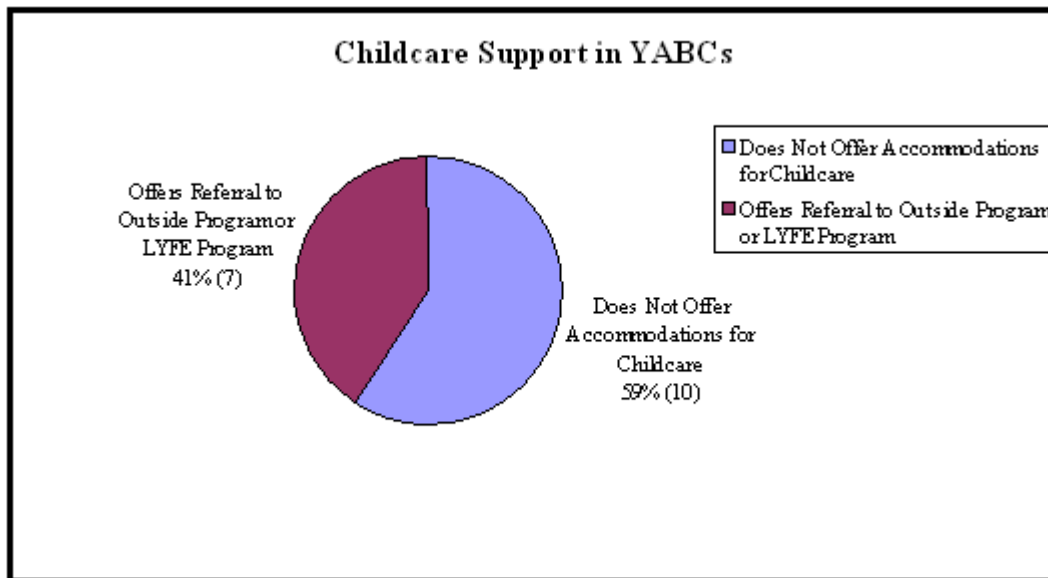
⁵⁴ See Julie Bosman, *Schools for Pregnant Girls, Relic of 1960s New York, Will Close*, New York Times, May 24, 2007 at A1; see also NYCLU Testimony, *supra* note 53.

⁵⁵ Julie Bosman, *Schools for Pregnant Girls, Relic of 1960s New York, Will Close*, New York Times, May 24, 2007 at A1.

⁵⁶ *Id.*

⁵⁷ New York City Department of Education, Regulation of the Chancellor A-740(3.1).

⁵⁸ *Id.* at A-740(1.1).



fathers, and the designated staff member at a school is supposed to assist the student in enrolling in such programs when needed.⁵⁹

The survey respondents' answers indicate that as a whole, transfer schools more readily offered accommodations for childcare needs. Thirty-five percent of transfer schools did not say they could provide referrals for students to programs that could possibly offer childcare services. In comparison, 59% of YABCs said they had no childcare available and did not offer to make referrals to outside childcare services. The inconsistency amongst YABCs and transfer schools in offering referrals to LYFE or other outside childcare programs is troubling when childcare may be the only

obstacle to a student returning to school.

It is critical that the OMPG programs strengthen their linkages to childcare services for parenting students who are overage and under-credited. In 2005, a report was done by the Community Service Society⁶⁰ examining New York City's disconnected youth population.⁶¹ Young women living at home with a child make up 34% of disconnected youth in New York City.⁶² High school is a critical period to reach these youth before they become even more disconnected from jobs and education. Further, the children of these youth are future New York City public school students, and it is imperative that we take care of their mothers and fathers, so that the cycle does not repeat itself.

⁵⁹ *Id.* at A-740(6).

⁶⁰ Mark Levitan, Community Service Society, *Out of School, Out of Work, Out of Luck? New York City's Disconnected Youth* (2005), available at http://www.cssny.org/pubs/special/2005_01_disconnectedyouth/2005_01_disconnectedyouth.pdf [hereinafter *Out of School, Out of Work, Out of Luck*].

⁶¹ This population is defined as youth ages 16-24 who are not in school and are unemployed.

⁶² *Out of School, Out of Work, Out of Luck*, *supra* note 60, at 18.

III. CONCLUSION AND RECOMMENDATIONS

As the DOE has acknowledged, it clearly needs to address the challenges of overage, under-credited youth if it is to turn around dismal graduation rates and meet the needs of this diverse, urban population. Students who leave school without a high school diploma have a higher risk of poverty, are more likely to end up in prison, and have children at younger ages.⁶³ Research has shown that students earning a high school diploma will dramatically increase their earning potential⁶⁴ and provide many economic benefits to their respective communities, including increased tax revenues and decreased use of public assistance programs.⁶⁵ As overage and under-credited youth stay in school, the city as a whole will benefit. We urge the DOE to take its initial OMPG reforms to the next level and to build more pathways for a broader range of students. In particular, we call upon the DOE to develop programming to fill the gaps in its OMPG portfolio as follows:

Recommendation #1: Assure that service and programmatic options include ELL students.

In order to fill the gaps identified by this report and ensure that ELLs have equal access to DOE programs, the OMPG should account for the number of ELL students served and ensure that students currently enrolled in OMPG schools and programs are provided with mandated instructional services and translated materials. The DOE should develop and disseminate accurate information on the ELL instructional services offered in all OMPG programs to parents, students, community groups and guidance counselors and also make this information accessible on the DOE website. Instructional services should also be developed in languages such as Spanish, Chinese, Haitian-Creole, Russian, and other commonly spoken languages in New York City within OMPG and other alternative schools and programs.

Recommendation #2: Expand offerings for students with significant special education needs.

The level of support available to OA/UC students needing special education services needs to be increased, and information on special education services offered at each program should be publicly disseminated. Entire segments of the special education population are currently unable to access certain programs and schools offered by OMPG, although they could benefit from the smaller class sizes, flexible schedules, support services, vocational training and individualized instruction found in some of these programs. Training should also be provided to staff at current programs on how to ensure that the needs of students with disabilities are being appropriately met.

Recommendation #3: Develop more programs that are geared toward students who have few or no credits.

Despite the potential promise of transfer schools, the youth most in need are finding themselves in GED programs instead. Programming options need to be expanded and developed to meet the needs of youth with few credits who would like to work toward their high school diploma.

Recommendation #4: Improve childcare opportunities for students in programs and schools within the OMPG.

Childcare opportunities need to be available to students in OMPG and other alternative school programs, as well as regular school settings. These childcare programs should be compatible with students' schedules for both day and evening classes.

⁶³ Jay P. Greene, *High School Graduation Rates in the United States* (revised April 2002), available at http://www.manhattan-institute.org/html/cr_baeo.htm#13.

⁶⁴ Alliance for Excellent Education, *Hidden Benefits: The Impact of High School Graduation on Household Wealth* (February 2007), available at <http://www.all4ed.org/files/archive/publications/hiddenbenefits.pdf>.

⁶⁵ Henry Levin, Clive Belfield, Peter Muennig, and Cecilia Rouse, *The Costs and Benefits of an Excellent Education for All of America's Children* (January 2007), available at http://www.cbce.org/media/download_gallery/Leeds_Report_Final_Jan2007.pdf.

APPENDIX

SURVEY METHODOLOGY

In June of 2007, we conducted a telephone survey of all the Transfer Schools and YABC programs in the city. We reached 17 out of 22 YABC programs and 26 out of 30 Transfer schools. For each program that we called, we asked to speak with an administrator or a guidance counselor.

LIST OF SCHOOLS CONTACTED

TRANSFER SCHOOLS

Bedford Stuyvesant Preparatory High School
Bronx Academy High School
Bronx Community High School
Brooklyn Academy High School
Brooklyn Bridge Academy
Brownsville Academy High School
Bushwick Community High School
Cascades High School
City As School High School*
Concord High School
Edward A. Reynolds West Side High School
Harlem Renaissance High School
Harvey Milk High School
Independence High School
Jill Chaifetz Transfer High School
Liberty High School Academy for Newcomers
Lower East Side Preparatory School
Manhattan Comprehensive Night & Day High School
Pacific High School
Providing Urban Leaders Success in Education High School (P.U.L.S.E.)
Queens Academy High School
Satellite Academy High School*
South Brooklyn Community High School
W.E.B. Dubois Academic High School
West Brooklyn Community High School
Wildcat Academy Charter High School*

YOUNG ADULT BOROUGH CENTERS (YABCs)

Abraham Lincoln High School YABC
Automotive High School YABC
Canarsie High School YABC
Christopher Columbus High School YABC
Erasmus Campus YABC
Flushing High School YABC
Grace Dodge High School YABC
Harry S. Truman High School YABC
High School for Arts and Business YABC
John Adams High School YABC
John F. Kennedy High School YABC
Louis D. Brandeis High School YABC
Monroe Campus YABC
Region 8 YABC
Tottenville High School YABC
Walton High School YABC
Washington Irving High School YABC

*Multiple sites. We contacted the Manhattan locations only.

Survey Instrument

1. What ages does your program serve?
2. What are the admission requirements for your program?
3. How many credits, if any, are required for entrance into your program?
 - a. Do you ever accept students with no credits?
4. Do you require students seeking admission to have passed any Regents exams?
5. Does your program serve students with a reading level below 8th grade?
 - a. If no: Do you know of any _____ programs that serve students with a reading level below 8th grade?
6. Do you accept students who have IEPs (students who receive special education services)?
 - a. If yes: What type of special education services do you provide?
 - i. Do you serve clients who are recommended to receive SETSS and/or related services?
 - ii. Do you serve clients who require CTT (collaborative team teaching) or whose recommendation is a self contained class?
7. Do you serve students who are pregnant and/or parenting?
 - a. If yes: How many students do you have now who are pregnant? Parenting?
8. Do you offer childcare in your facilities?
 - a. If a student has a child, what type of accommodations, if any, can be made for that student?
9. Where would you refer a student who is 17 years old with no credits?
10. What about a student who is 17 years old and who reads below an 8th grade level?
11. Does your program enroll English Language Learners?
 - a. If no:
 - i. Do you know where my students could go if they wanted a _____ program in another language?
 - ii. If a student who didn't speak English still wanted to enroll in your program, could you accommodate her?
12. Do you offer ESL or Bilingual Ed?
 - a. If yes to bilingual ed:
 - i. What language(s)?
 - b. For both models:
 - ii. Do students get translated materials?
 - iii. How many ELL students do you currently work with now?



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