



THE NEW YORK CITY DEPARTMENT OF EDUCATION

JOEL I. KLEIN, *Chancellor*

OFFICE OF THE CHANCELLOR

52 Chambers Street, New York, New York 10007

June 16, 2004

VIA EMAIL, FACSIMILE AND MAIL

Jill Chaifetz
Advocates for Children of NY, Inc.
151 West 30 Street, 5th Floor
New York, NY 10001

Re: Citywide Discharge/Transfer Policies and Procedures

Dear Ms. Chaifetz:

I am writing in response to your letter dated April 26, 2004, in which you request information concerning citywide policies and procedures on discharges and transfers of students from a New York City public school. This letter outlines the information the New York City Department of Education ("DOE") will provide Advocates for Children of New York, Inc. ("AFC") regarding discharges and transfers of public school students as well as the intent of DOE to obtain AFC's input on an expanded Planning Interview Guide. We do so with the understanding that AFC is not currently planning to commence citywide litigation on these issues and that the lawsuits already brought against Franklin K. Lane High School, Martin Luther King, Jr. High School and Bushwick High School have, or will shortly be, settled. If AFC institutes a new lawsuit, whether citywide or involving an individual school, the information and collaboration outlined in this letter will cease. If, however, AFC identifies problems with the discharge and transfer of students at an individual school or schools, we hope that AFC will raise its concerns with DOE before instituting litigation, and the DOE will meet with AFC to discuss its concerns.

Please be advised that DOE's agreement regarding the discharge and transfer of students in the context of settlement of *Ruiz v. Pedota, et.al.*, Civ. No. 03-1502; *RV v. Department of Education, et. al.*, Civ. No. 03-5649; and *SG v. Department of Education*, Civ. No. 03-5152 is limited to the explicit language within the relevant written settlement agreement in those cases and is not part of this letter except as stated above.

Training and Planning Interview Guide

As you know, the DOE has developed new policies and procedures designed to ensure that students who are eligible for and contemplating a discharge and/or transfer are provided with information regarding the continuum of educational options available to address their needs, and of their right to remain in school until the age of 21. More specifically, the policies and procedures require that a planning interview must be conducted prior to the discharge or transfer of a student to a program that does not provide the student with the opportunity to earn credits and take the examinations needed to obtain a local or Regents high school diploma.

The planning interview provides an opportunity for the student and parent to discuss the student's educational plans with a guidance counselor or school administrator and to review available options. At the planning interview, the student and parent are also provided with written information concerning alternative programs and are informed of the student's rights, including the right to attend school full-time through the end of the school year in which the student turns 21 (or receives a local or Regents high school diploma, whichever occurs first). After the planning interview, the Regional Director of Student Placement, Youth and Family Support Services must review and approve each discharge and transfer to a program that does not result in the granting of a high school diploma.

The new policies and procedures were first implemented in October 2003, and were revised and finalized in January 2004 with some of AFC's suggestions incorporated. Training of Regional Directors of Student Placement, Youth and Family Support Services, Attendance Supervisors, appropriate Assistant Principals, School Guidance Counselors, and Attendance Teachers began in January 2004 and continued through the spring. The trainings focused upon the new policies and procedures required for discharging or transferring public school students to a non-diploma granting program.

Per your request, by July 1, 2004, the DOE will provide AFC with the specific dates of the training sessions that have taken place, including the number of attendees and their job titles. In addition, the DOE will expand the Planning Interview Guide to provide more information and resources for guidance counselors to assist in addressing the educational needs of students. If there are important topics that AFC believes should be included, please submit a list to the DOE by July 1, 2004. The DOE will submit a draft of the revisions of the Planning Interview Guide to AFC by August 1, 2004 and ask that AFC provide their comments by August 15, 2004.

The DOE will continue to provide training and on-going technical assistance to school personnel to ensure full implementation of these procedures. By August 31, 2004, the DOE will provide AFC with agendas of professional development training sessions for guidance counselors, attendance teachers and other relevant school administrators for the 2004-2005 school year. By August 31, 2005, the DOE will provide the same for the 2005-2006 school year. Please note that, although re-enrollment and admission procedures may be discussed at these training sessions, the training sessions will not focus on the detailed procedures regarding re-enrollment and admission.

Reporting

Under DOE's new policies and procedures, regions are required to track the number of planning interviews conducted and discharges and transfers approved. The central Office of Attendance is monitoring ATS discharge reports and planning interview information to identify discharge and transfer patterns. As part of the October 31st Register Review for school year 2005, the Office of Auditor General will review a sample of the records of students who were discharged or transferred from school under a code requiring a planning interview to determine whether the records contain the appropriate supporting documentation.

Per your request, by July 15, 2004, the DOE will provide AFC with the total number of discharges and transfers citywide for the 2002-2003 and 2003-2004 school years. With respect to future reporting, by July 15, 2005 and July 15, 2006, the DOE will provide AFC with the total number of discharges and transfers citywide for the previous school year.

The DOE will also provide AFC with the total number of planning interviews conducted and their outcomes by Region as indicated by a discharge or transfer code or an indication that the student remained in school as listed in Section G of the Planning Interview Form. The following will be the periodic reporting schedule for this information, beginning July 1, 2004 and ending June 30, 2006. Since schools are closed during the summer months the first report will include the summer months.

Period of Time	Report Due Date
July 1, 2004 -November 30, 2004	December 15, 2004
December 1, 2004 - February 28, 2005	March 15, 2005
March 1, 2005 - June 30, 2005	July 15, 2005
July 1, 2005 -November 30, 2005	December 15, 2005
December 1, 2005 - February 28, 2006	March 15, 2006
March 1, 2006 - June 30, 2006	June 30, 2006

Results of Citywide Notice

In addition to implementing new citywide policies and procedures, the DOE conducted a citywide mailing to all New York City public school students who, during the period of July 2, 2003 through January 21, 2004, were discharged or transferred to a program that does not result in the granting of a high school diploma. The notice contains regional contact information and informs students of their right to attend a full-time public high school or high school program until the end of the school year in which they turn 21, as well as their right to refuse to be transferred to a part-time education program, such as a GED program. It was sent in English and Spanish and included a foreign language notice insert in 17 languages advising parents that they should have the notice translated. In addition, this notice was posted as an item in the "Parent Top 10" in the *Parents* section of the DOE website.

Also, in late January 2004, in order to reach students discharged or transferred from a public school earlier than July 2, 2003, the DOE placed advertisements in 27 English and foreign language newspapers encouraging students to return to school. The advertisements advised students of their right to attend a public school to work towards earning a high school diploma until the end of the school year in which they turn 21. The advertisements referred students to the "Notice to Parents and Former Students" on the DOE website and to 311 for information of how to re-enroll in school. Principals were informed of the notice and advertisement campaign through the Principals' Weekly of February 3, 2004.

As a result of the DOE's effort to invite students back to school, approximately 500 students/parents citywide contacted the Learning Support Centers. In general, parents and students contacted the Learning Support Centers for the following reasons: to obtain more information regarding the notice, to advise the DOE that the student had graduated with a high school diploma or GED diploma or that the student moved out of the state, to request a placement in a GED program, to request a vocational training program, to request information regarding taking Regent's examinations, or to request re-enrollment to a regular high school.

Per your request, by July 15, 2004, the DOE will provide the number of parents and students to whom the notice was mailed. In addition, the DOE will provide the number of parents and students who contacted the DOE for purposes of seeking educational services and the number of students who were re-enrolled in school or a GED program.

Working Group

The DOE has made a commitment to serving the needs of overage and under-credited students through an \$8 million dollar initiative designed to develop new programs and schools for Bronx students. Additionally, the DOE is in the process of restructuring Alternative High Schools and Programs to better serve this population of students. While we appreciate your suggestion that DOE include AFC in a formal working group to address issues concerning overage and under-credited students, the DOE does not believe it is necessary to do so. As part of DOE's commitment to addressing these issues, however, we intend to continue our dialogue with AFC on how to best serve the educational needs of these students. Meeting the needs of overage and under-credited students and making sure they have the opportunity to graduate is an important part of our reform agenda, which the DOE is committed to fulfilling.

I trust that this letter addresses your concerns. We look forward to continuing cooperation on this important matter.

Very truly yours,

Michael Best
General Counsel