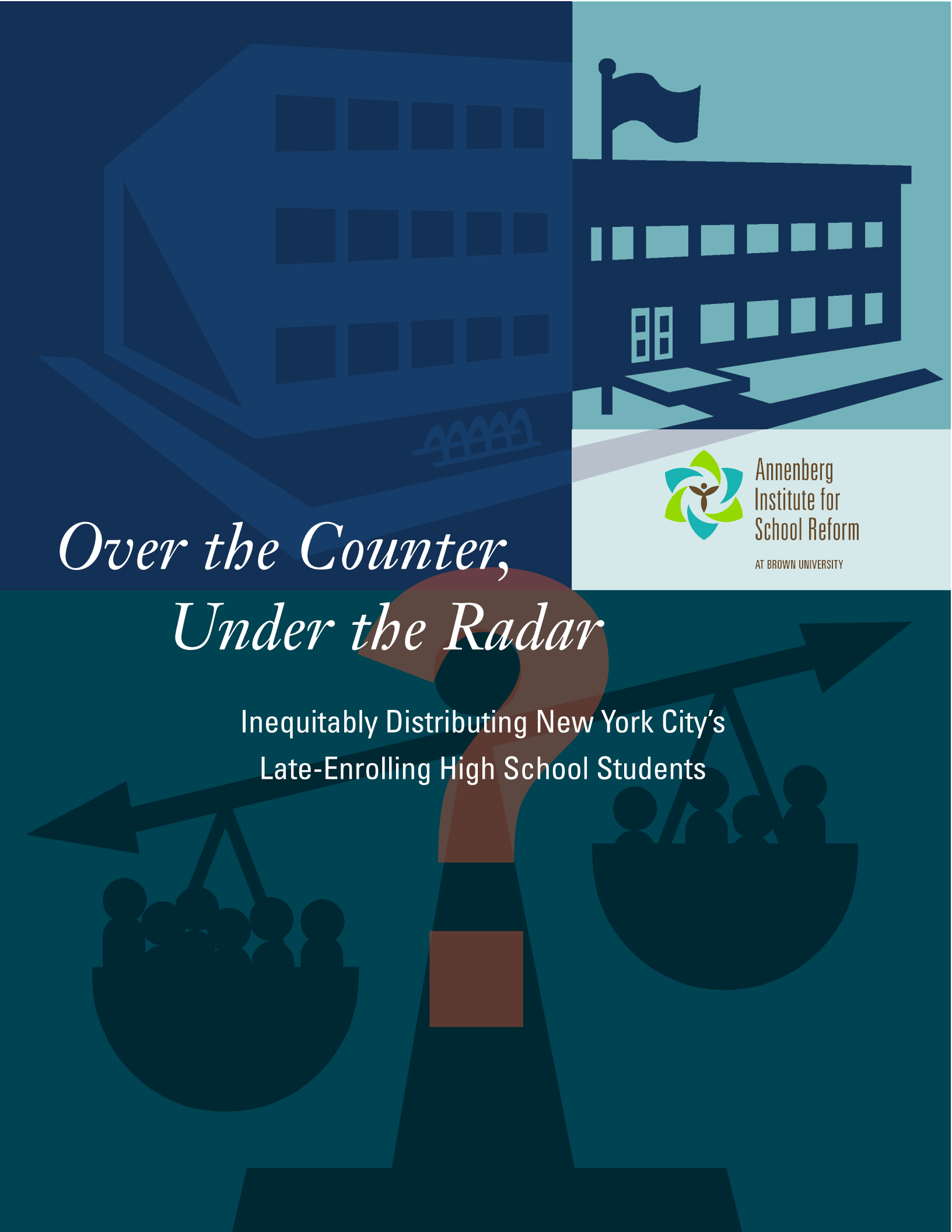

Over the Counter, Under the Radar

Inequitably Distributing New York City's Late-Enrolling High School Students

Annenberg Institute for School Reform
AT BROWN UNIVERSITY

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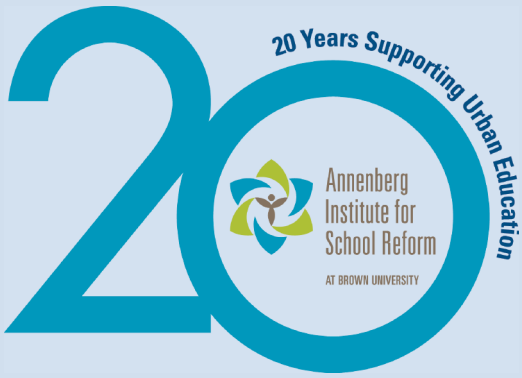


The Annenberg Institute for School Reform at Brown University proudly celebrates its 20th anniversary and reaffirms its commitment to urban public education reform and our mission to ensure equitable, high-quality learning opportunities for all children and communities.

EXECUTIVE SUMMARY

Over the Counter, Under the Radar

Inequitably Distributing New York City's Late-Enrolling High Schools Students

Every year, some 36,000 students who enroll in New York City high schools without participating in the high school choice process are labeled as "over-the-counter" or OTC students and are assigned a school by the New York City Department of Education (DOE). These young people are among the school system's highest-needs students – new immigrants, special needs students, previously incarcerated teens, poor or transient or homeless youth, students over age for grade, and students with histories of behavioral incidents in their previous schools. Recognizing the gap in research on this substantial population of students, as well as the need to increase public concern about the concentration of high-needs students in struggling schools, this report analyzes unique data on the assignment of OTC students to New York City high schools from 2008 to 2011 to determine whether those students are disproportionately assigned to particular high schools.

Our findings show that citywide:

1. OTC students are disproportionately assigned to high schools with higher percentages of low-performing students, English language learners (ELLs), and dropouts. The higher a high school's eighth-grade test scores for the incoming freshman class are, the lower their OTC assignment rate is.
2. OTC students are disproportionately assigned to struggling high schools. In 2011, large struggling high schools had an average OTC assignment of 20 percent of their student populations, compared with 12 percent at better-performing large high schools. John Adams High School in the Bronx, for example, was assigned 961 OTC students in 2011, out of a total student body of 3,201 students.
3. OTC students are disproportionately assigned to high schools that are subsequently targeted for closure or that are undergoing the closure process. While going through the closure process in 2011, for example, Christopher Columbus High School's student body comprised 37 percent OTC students, compared with 14 percent for similar size schools and the 16 percent system average for OTC students.
4. Some high schools are consistently assigned very small numbers of OTC students, whereas others are assigned very large numbers of such students. High-performing Midwood High School, for example, had an OTC assignment rate of 3 percent in 2011 (compared with the system average of 16 percent), whereas low-performing Jamaica High School had an OTC rate of 31 percent.

These findings demonstrate that OTC students are concentrated in the highest-needs schools that are often unequipped to serve them. This inequitable assignment may exacerbate a school's challenges and accelerate a downward spiral toward closure.

To remedy these disparities and bring equity to the assignment of these very high-needs students, we offer the following recommendations:

1) The DOE should commission a study of the demographics and academic performance of OTC students to identify high schools in which such students achieve significantly higher academic performance than systemwide averages and identify the exemplary practices of these "beat the odds" schools. The DOE should ensure that all high schools implement those exemplary practices to improve the academic performance of all OTC students.
2) The overall percentage of OTC students in the school system over the 2008–2011 school years was 17 percent. Therefore:
   - All New York City high schools should be assigned OTC students at an annual rate of between 12 and 20 percent of their total student populations. The DOE should develop the specific criteria governing the decision rules for OTC assignments below and above 17 percent.
   - Schools targeted for closing or going through the closure should not be assigned any OTC students.
   - Struggling high schools (identified by the state as persistently lowest achieving) should not be assigned any OTC students until their performances improve sufficiently to be removed from the state's list.

Implementing these recommendations would significantly reduce the disparities and inequities that have characterized OTC assignment policies. These recommendations would also encourage all high schools to reconfigure their instructional resources and support programs to meet the needs of a predictable rate of incoming OTC students, thereby contributing to the improvement of their performance throughout the city system.

Over the Counter, Under the Radar

Inequitably Distributing New York City's Late-Enrolling High Schools Students

Introduction

In recent years, the New York City school system's student assignment policies have been faulted for concentrating high-needs students in struggling high schools that are ill equipped to serve them. Perhaps the most opaque component of the system's assignment policy is the placement of students who do not participate in the high school choice process and who show up sometime during the school year without an assigned school. More than 36,000 of these late-enrolling students are annually assigned to New York City public high schools[1] and are labeled by the school system as "over-the-counter," or OTC, students.[2] These late-enrolling students are placed in high schools through processes that have frustrated advocates and policymakers trying to reduce inequities in student assignment to schools.

The New York City Department of Education (DOE) defines OTC placement as, "the method of enrolling students who need a school assignment because they were not part of any admissions process for entry grades and/or were not enrolled in a New York City school at the time school started. Most of those students fall into one of four categories:

- New to the New York City school system;
- Left the NYC school system and have returned;
- Are seeking transfers (based on the guidelines outlined in Chancellor's Regulation A-101);
- Did not participate in the High School Admissions Process for some other reason."[3]

OTC designees are among the school system's highest needs students – new immigrants, special needs students, teens who have been incarcerated or have come from correctional facilities or juvenile detention, students living in poverty or from transient families, homeless youth, students over age for grade or with skill levels significantly below grade, as well as students with histories of behavioral incidents in their

[1] Some additional 185,000 late-enrolling students are assigned to New York City public schools in pre-K through eighth grade. This report focuses on students who are late enrollees in New York City public high schools. These students are assigned by borough-based enrollment offices of the New York City Department of Education in systemic placement processes.

[2] It's not clear when or why this pejorative label, with its references to both direct stock trading and nonprescription drugs, was coined, but it has become standard system usage. "Late-enrolling students" might provide a more accurate and neutral descriptor.

[3] See: NYC DOE, "Educational Impact Statement. Proposed Phase-out of Manhattan Theatre Lab High School" (NYC DOE: 2011), http://schools.nyc.gov/NR/rdonlyres/442F7C27-FD97-4B1A-91EA-28D53BC9B394/116600/EIS03M283ManhattanTheatreLabPOvFINAL2.pdf. The DOE also defines over-the-counter students as all students who are not list noticed through an admissions process to a school: "If a student was admitted twice to the same school during a school year, they are only counted as one admit at that school. The total OTC admits for a school includes all new admit transactions from 7/2 to 7/1, so students may be counted as new admits at more than one school if they were an OTC admit and then transferred schools" (definition provided by the DOE in response to a freedom of information law (FOIL) request for OTC data).

previous schools.[4] Because many OTC students show up at their assigned schools without previous academic records, and because they often arrive after the school year has begun, these late-enrolling students often pose considerable instructional and operational challenges. Schools may have to rearrange class schedules, reassess how they deploy their teaching and counseling staffs, and improvise instructional and social/emotional support programs for newly arrived OTC students.

The assignment, or more precisely the distribution, of OTC students to high schools has raised issues of appropriateness of assignment for individual students and of equity of assignment at the system level since the high school choice process began. Moreover, how the school system assigns OTC students to particular high schools and how equitable those assignments are have thus far been debated in the absence of data. Researchers have amassed considerable anecdotal evidence, for example, that some high schools are assigned unusually high proportions of OTC students, but no data have heretofore been available to substantiate their claims.[5]

The unavailability of data about the placement of OTC students is matched by the paucity of research about what happens to OTC students after their high school assignment. We found no studies of how the OTC assignment/placement process operates. Nor could we identify studies of the results of that placement process in terms of the systemic or school-level performance of OTC students – their rates of graduation, dropout, credit achievement, Regents passes, or college readiness. We found no research that identifies particular high schools in which OTC students perform significantly above citywide OTC student outcomes. To our knowledge, this study represents the first effort not only to examine the issue of the equity of OTC student distribution but also to raise the question of why the academic performance of OTC students, who currently make up 17 percent of the city's high schools' annual enrollment, has not thus far been examined.

This report analyzes data on the assignment of OTC students to New York City high schools from 2008 to 2011 to determine whether OTC students are placed in disproportionate numbers to particular categories of high schools. Our analyses explore the following questions:

- Are OTC students assigned in higher proportions to high schools serving high-needs students?
- Are OTC students disproportionately assigned to high schools identified by the city and/or the state as struggling or persistently low achieving?
- Are OTC students disproportionately assigned to high schools subsequently targeted for closure or going through the closure process?
- Are some high schools consistently assigned very small or very large numbers of OTC students?

[4] We were unable to find studies specifying the academic or demographic characteristics of OTC students. However, in a recent report by the Research Alliance for New York City Schools and the New York University Institute for Education and Social Policy, the authors report that many of the city's low-achieving students are likely to be found among the students who "arrive late to the district [the NYC system] or otherwise do not participate in the high school admissions process during their 8th grade year. Latecomers visit a borough enrollment office in order to be assigned to a school with available seats." This passage clearly refers to OTC students. See: Lori Nathanson, Sean Corcoran, and Christine Baker-Smith, *High School Choice in New York City: A Report on the School Choices and Placements of Low-Achieving Students* (New York: Research Alliance for New York City Schools), p. 8, http://steinhardt.nyu.edu/scmsAdmin/media/users/ggg5/HSChoiceReport-April2013.pdf.

[5] See New York City Working Group on School Transformation, *The Way Forward: From Sanctions to Supports* (Providence, RI: Annenberg Institute for School Reform at Brown University, 2012), p. 6; Christine Rowland, "Christopher Columbus High School: A Context for Accountability," *Gotham Schools*, 2009 (December 11), http://gothamschools.org/2009/12/11/christopher-columbus-high-school-a-context-for-accountability/.

A Short History of OTC Placements

The state legislature's decentralization of the city school system in 1969 placed all high schools under the control of the central administration, rather than under the community school districts that the legislation created to govern the system's elementary and middle schools. High schools were organized by borough and administered by borough superintendents. Stephen Phillips, superintendent of the Alternative High School Division from 1987 to 1997, recalled that during his tenure, OTC students were sent almost exclusively to their zoned high schools.[6] The system's High School Admissions Office classified late arrivals or students who had not participated in the admissions process as OTCs and sent them to their zoned high schools. "If the high schools didn't know students were coming, those students were classified as OTCs. I remember horror stories of 200 to 300 OTC students stagnating in the auditoriums of zoned high schools for all of September and often not programmed into their classes until late in October," Phillips recalled.[7]

Middle schools and junior high schools were required to send a list to each high school identifying all new students expected to enroll each September. Any students not listed who showed up at their zoned high schools were classified as OTC. Phillips indicated that, in practice, middle schools and junior highs were often careless about their notifications and failed to include, for example, students the schools perceived as having aged out. So, when middle schools and junior highs failed to send the names and records of such students, the students showed up at their zoned schools as OTC students. "Before decent computerization," Phillips observed, "there wasn't much the high schools could do. Often it took weeks, if not months, before high schools discovered that those OTC students should never have been promoted in the first place – far too late to send them back."

Phillips explained that many OTC placements occurred midyear. Educational-option high schools and programs, as well as vocational/technical high schools, were allowed to dismiss whatever students they had accepted who didn't do well by the end of their first term. Through this policy, thousands of students were reassigned to their zoned schools in February. Thus an educational-option or a vocational high school might have an initial class of 600

[6] Zoned high schools were once neighborhood comprehensive high schools that all students living in the school's residence area could attend by right. A large number of zoned high schools evolved into such poor academic performers that they were informally dubbed "dumping ground" schools. So many zoned schools were closed or restructured that the concept of a neighborhood zoned high school currently has little reality. Through the high school admissions process, all students are required to make a series of choices of high schools rather than rely by default on being assigned to their zoned high school (if one still exists). The high school admissions process defines several categories of high schools or programs based on their admission processes: (1) Audition: Programs that require that students demonstrate proficiency in the specific performing arts/visual arts area for that program. (2) Educational Option (Ed. Opt.): Programs designed to attract a wide range of academic performers. Students applying to an educational-option program are categorized into one of three groups based upon the results of their seventh-grade state reading test scores: Top 16% – High; Middle 68% – Middle; Bottom 16% – Low. From the applicant pool, half the students are chosen by the school administration, and half are selected randomly. However, students who score in the top 2% on the seventh-grade English Language Arts reading exam will automatically be matched to the ed. opt. program if they listed it as their first choice. (3) Limited Unscreened: Programs that give priority to students who demonstrate interest in the school by attending a school's information session or open house events or visiting the school's exhibit at any one of the high school fairs. (4) Screened: Programs in which students are ranked by a school based on the student's final seventh-grade report card grades and state reading and math scores. Attendance and punctuality are also considered. There may also be other items that schools use to screen applicants, such as an interview, essay, or additional diagnostic test score. (5) Test: Schools or programs to which student admission is based on the results of the Specialized High Schools Admissions Test (SHSAT). (6) Unscreened: Programs in which students who apply are selected randomly. (7) Zoned: Programs that give priority to students who apply and live in the geographic zoned area of the high school. There are zoned high schools in Brooklyn, Staten Island, Queens, and the Bronx. Manhattan does not have zoned high schools. (Source: NYC DOE. Admission Process. http://schools.nyc.gov/ChoicesEnrollment/High/Admissions/default.htm.)

[7] Stephen Phillips, interview with author, April 21, 2013.

ninth-graders but might enroll only 400 in tenth grade because the other 200 were sent to their zoned schools as OTCs. Phillips recalled that borough high school superintendents also protected some of their schools from OTC placements. Thus a superintendent attempting to redesign a failing high school might limit the number of OTC assignments. "Those cases happened, as I recall, in virtually every borough, though most frequently in Brooklyn," he said. Through such processes, educational-option, vocational, and other high schools often improved their academic performance at the expense of zoned high schools. Many zoned schools' academic outcomes so severely deteriorated that they were often stereotyped as "dumping ground" schools.

The systemic creation of high school choice began with the development of educational-option high schools and programs in the 1960s and 1970s. Choice processes accelerated with the creation of small high schools in the 1990s and expanded enormously under the Bloomberg administration. As high school choice became almost universal, the pressure to provide enough good choices to students and their families, combined with the need to ensure equity in the choice process, proved an increasingly difficult balance. Larry Edwards, the school system's director of guidance and pupil personnel services during the 1990s, whose jurisdiction included the Office of High School Admissions, indicated that the high school choice process "was geared for articulated kids – kids coming to high school from eighth and ninth grade. As choice and choice pressures intensified, the problem of how to deal equitably with OTC kids also increased because the volume of OTCs changed from hundreds to thousands. There was no high school where we didn't place some OTC kids. Every school took some, but often not in equitable proportions."[8]

When school redesign and closure processes began to diminish the number of low-performing zoned high schools in the late 1990s, the remaining zoned schools faced increasing challenges. Phillips recalled that Julia Richman High School routinely took in large numbers of OTC students: "When Julia Richman was redesigned, all those students were deflected to other Manhattan zoned high schools – Washington Irving, Brandeis, Park West, Martin Luther King. I assumed that superintendents could cap a school based on an acceptable rationale, as long as they agreed to absorb any deflected students into their other zoned schools."[9]

Viewed historically, the placement of OTC students suggests a familiar pattern. OTC students tended to be assigned to predominantly low-performing, often zoned high schools, while higher-performing, more selective schools were often "protected" by being assigned limited numbers of OTC students. Critics of past high school administrations have charged that the creation and maintenance of "dumping ground" schools was aided and abetted by the disproportionate assignment of OTC students to them.

[8] Larry Edwards, interview with author, May 9, 2013.

[9] Phillips, op. cit.

OTC Placements under Mayoral Control

Currently, under the Bloomberg administration, an enrollment office in each of the five boroughs assigns OTC students to high schools. Students (often accompanied by family members) are sent to these borough offices for high school placement from whatever schools they initially present themselves. According to the DOE, "when a student arrives [at a borough enrollment office] for an over-the-counter placement, his/her high school assignment is determined by his/her interest, home address and which schools have available seats, and, where applicable, transfer guidelines."[10]

The criteria used to assign OTC students to particular high schools have never been publicly defined. As the DOE's definition indicates, the availability of seats in any high school plays a key role in determining how many OTC students a high school is assigned. High schools with few available seats for OTC students tend to be more selective, higher-performing schools that are oversubscribed in the high school choice process. The key problem the school system faces in seeking to place OTC students is that the high school choice process produces a situation in which the bulk of available seats are in underperforming or struggling high schools, which are less capable of meeting the needs of OTC students than the higher-performing schools that have relatively few seats available.

Many high schools struggling to serve high-needs students have protested the large numbers of OTC students assigned to them, arguing that such assignments, without the necessary supports, exacerbate their challenges. More recently, given the school-closure policy initiated by the Bloomberg administration, struggling schools targeted for closing, as well as numerous critics of the closing policy, have charged that assigning disproportionate numbers of high-needs students, including OTC students, to struggling schools sets those schools up for failure and closure.[11]

A recent set of communications between the city's DOE and the state education department reflects this tension. In the summer of 2012, John King, commissioner of the New York State Education Department, and Dennis Walcott, chancellor of the New York City DOE, exchanged letters in which King indicated concerns about the disproportionate numbers of high-needs students the DOE assigns to the New York City system's struggling schools. As King stated, "DOE, through the mixture of the type of seats it allocates to schools, the way in which it assigns Over the Counter (OTC) students, and the way in which it allocates funds to turnaround schools, has the capacity to delimit the degree to which a school's entering class is disproportionately comprised of high-needs students." King's letter indicated his worry "about the over-concentration of high-needs students in particular buildings without adequate supports to ensure success."[12]

[10] NYC DOE, "Educational Impact Statement. Proposed Phase-out of Manhattan Theatre Lab High School (03M283)," December 22, 2011. http://schools.nyc.gov/NR/rdonlyres/442F7C27-FD97-4B1A-91EA-28D53BC9B394/116600/EIS03M283ManhattanTheatreLabPOvFINAL2.pdf.

[11] See New York City Working Group on School Transformation, *The Way Forward: From Sanctions to Supports* (Providence, RI: Annenberg Institute for School Reform at Brown University, 2012). http://annenberginstitute.org/publication/way-forward-sanctions-supports.

[12] See Rachel Cromidas, "State Attaches Several Strings to City's Bid for 'Turnaround' Aid," *Gotham Gazette*, June 22, 2012, for Commissioner King's concerns. In its response to Commissioner King, the New York City DOE acknowledged that its "choice-based system may have been leading to an over-concentration" of high-needs students and indicated that, in 2011, it initiated a series of corrections to its student assignment policies to reduce the concentrations of high-needs students by adding "additional seats … to every high school's OTC projection." As a result, the DOE's letter indicated that "the number of OTC placements at persistently low achieving (PLA) high schools was reduced." But our analysis of the DOE's OTC data found that though the numbers of OTC students the DOE assigned to those PLA schools in 2011 were indeed reduced, the percentage of OTC students in those schools remained high (and sometimes higher than in 2010) because overall enrollment in those schools decreased, presumably because other students left. See also Phillissa Cramer, "City-state Schism Over Challenge of Needy Students Grows Wider," *Gotham Gazette*, March 6, 2013, for the DOE's responses to Commissioner King.

King's concern echoed a persistent criticism of the Bloomberg-era reforms – that the DOE intensifies the challenges for struggling schools by assigning disproportionate numbers of high-needs students to those schools without providing the supports and assistance those schools need, and that such assignment policies undermine struggling schools' instructional capacity, reduce staff confidence and morale, lower student achievement indicators, and increase suspensions and other measures of behavioral disorder, all of which contribute to the data the DOE uses to target those schools for closing.

In its response to King's letter, the DOE disclosed that "over the past 18 months, NYC has been working with the New York State Education Department to address its concerns about situations where our choice-based system may have been leading to an over-concentration of students with disabilities, English Language Learners, and/or students that are performing below proficiency in certain schools."[13] This statement is the DOE's first acknowledgment that its student assignment policies may have disproportionately concentrated high-needs students in "certain" schools.

Data and Methods

The Annenberg Institute for School Reform at Brown University (AISR) has long been interested in the issue of the assignment of OTC students to particular high schools. In 2012, Yoav Gonen from the *New York Post* provided us with data on all the New York City public schools to which OTC students were assigned for the 2008–2011 school years. He acquired these data through a Freedom of Information Law (FOIL) request to the New York City Department of Education. The original data included an average of 45,000 OTC students assigned to the system's high schools in the 2008–2011 school years.[14] New York City's Independent Budget Office provided us with the June 30th enrollment data for the 2008–2011 school years.[15]

From a total high school data set of 336 schools with ninth through twelfth grades, we excluded 62 high schools, including:

- specialized schools, which by state legislation can only admit students according to their exam results;
- transfer high schools, largely second-chance high schools, which admit students who originally enrolled in or dropped out of other high schools; and
- Young Adult Borough Centers, evening programs for high school students who are academically behind or have adult responsibilities that make succeeding in traditional high schools exceedingly difficult.

[13] Cromidas, op. cit., and Cramer, op. cit.

[14] Because the DOE's OTC count is not a single-incidence calculation, unlike enrollment data, an OTC student who changes schools during the same school year may be counted more than once. Such multiple counting affects a limited number of OTC students. Because our data include only raw counts of students assigned to each high school across the city system, we could not analyze individual students' backgrounds, demographic characteristics, academic outcomes, or other pertinent variables.

[15] The lists provided by Gonen included 1,573 schools. We eliminated 50 schools closed in 2010, 2 special education schools, 47 transfer schools, 23 Young Adult Borough Centers, 4 pre-Ks, 180 elementary/middle schools, 594 elementary schools, 265 middle schools, 80 middle/high schools, 9 specialized schools, 38 high schools that didn't have full grades 9–12 configurations, 4 high schools being phased out that contained only the twelfth grade in 2010, 2 K–12 schools, and 1 GED school. After these eliminations, our data set contained 274 grade 9–12 high schools.

We ended up with 274 high schools with an average of 36,000 students assigned. We divided the remaining 274 high schools in our data set into three groups based on school size – large (more than 1,500 students), medium (500 to 1500 students), and small (fewer than 500 students) high schools.[16] We calculated an OTC assignment rate for these 274 high schools by dividing their annual number of OTC students assigned by their June 30th enrollment for the 2008–2011 school years.[17] We correlated high school OTC assignments with high school student demographics: race/ethnicity, poverty, English language learner (ELL), and special education status. We then correlated the rates of OTC-assigned students across the 274 high schools with those schools' DOE progress report grades, eighth-grade proficiency scores, and graduation, dropout, and college readiness rates. We created a category of struggling high schools, using city and state criteria, and computed their OTC assignment rates. We also analyzed the OTC assignment rates for the high schools most recently targeted for closing or undergoing the closing or phasing-out process.

[16] There is no consensus method for defining small, medium-sized, and large high schools in New York City. Our school-size demarcations are roughly similar to those used by The Center for New York City Affairs at The New School in their 2009 report, *The New Market Place: How Small-School Reforms and School Choice Have Reshaped New York City's High Schools.* See: http://www.newschool.edu/milano/nycaffairs/documents/TheNewMarketplace_Report.pdf. This report defines small schools as having up to 600 students, medium-sized schools as having 601–1,400 students, and large schools as having 1,400-plus students. We chose to separate high schools by size in order not to overgeneralize the effects we found.

[17] We deleted from our data set any schools with OTC rates above 90 percent – five schools in 2008 and one school in 2009 – because we assumed that their very high OTC rates were inexplicable outliers or caused by data errors. After these deletions, the maximum OTC rate for any school in our remaining data set was 74 percent.

Findings

OTC students are disproportionately assigned to schools with higher percentages of low-performing students, ELLs, and dropouts.

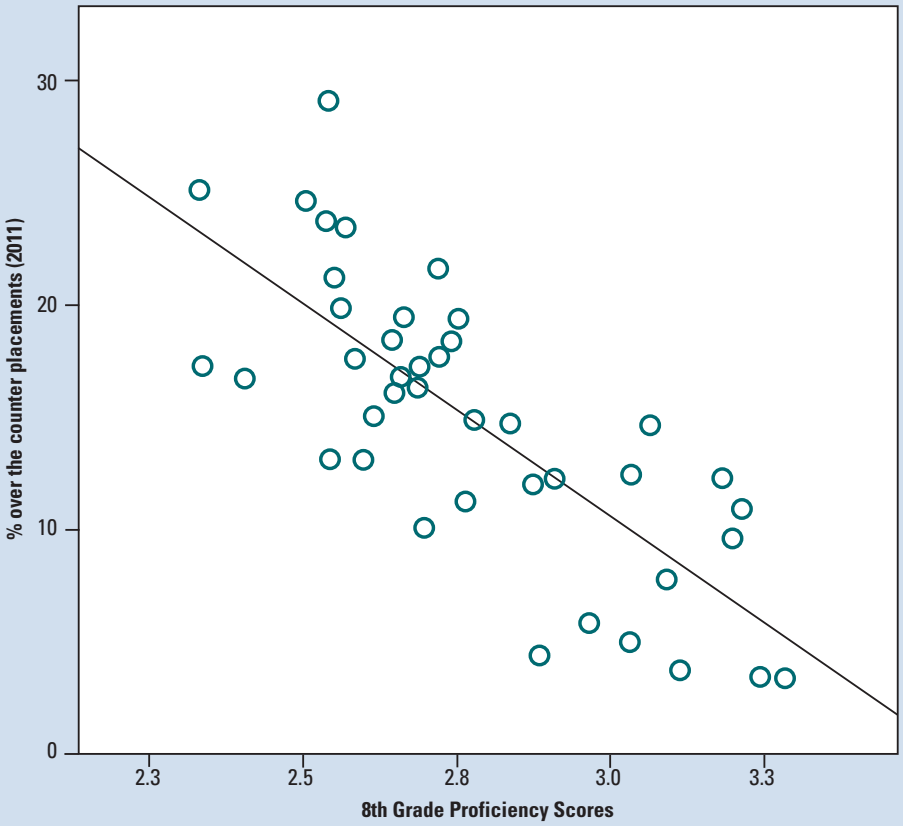
Given the high level of academic need of most OTC students, sending them to struggling high schools seems unlikely to help those students or improve the schools to which they are assigned, as Commissioner King's statement implies. Yet our analysis found that high schools with larger concentrations of high-needs students were assigned higher proportions of OTC students.

High schools whose incoming eighth-grade students had lower ELA/math proficiency scores[18] were assigned higher percentages of OTC students than other high schools. Additionally, large high schools with high percentages of ELL students were assigned higher percentages of OTC students, and large and medium-sized high schools with high dropout rates were also assigned higher percentages of OTC students.

Figure 1, which shows the strong correlation between eighth-grade proficiency scores and OTC placements in large high schools, illustrates the overarching pattern for both middle-sized and small high schools.[19] Across the city system, higher percentages of OTC students tend to be assigned to high schools with high percentages of low-scoring, high-needs students, though this trend is less pronounced for small and medium-sized high schools serving high-needs students than for large high schools.

FIGURE 1

OTC Placements in Large High Schools (more than 1,500 students) by Eighth-Grade ELA/Math Proficiency Scores (2011)



SOURCES: NYC DOE, FOIL Request on OTC Students; NYC DOE, Progress Reports (2011), IBO, June 30th enrollment figures.

OTC students are disproportionately assigned to struggling schools.

A 2008 analysis by the Parthenon Group, a consulting organization hired by the DOE to analyze patterns of student success and failure across the high school system, found that enrolling large percentages of low-performing students in a school reduced the graduation rate for all students in that school.[20] Our findings suggest that the DOE may exacerbate this pattern by assigning significantly higher percentages of OTC students to struggling high schools than to the rest of the system's high schools.

Our analysis defined struggling high schools as those identified by the state as persistently low achieving, or PLA, for the 2009, 2010, and 2011 school years.[21] We identified thirty-nine such high schools and compared their average rates of OTC student assignment with the average OTC assignment rates for the rest of the system's high schools. Each year from 2009 to 2011, these thirty-nine struggling schools had significantly higher rates of OTC assignment than the aggregate of the rest of the city's high schools. Large and medium-sized struggling high schools had, on average, a more than 50 percent higher rate of OTC student assignment than the rest of the high schools.

In 2011, for example, large struggling high schools had an average OTC population of almost 20 percent, whereas the rest of the school system's large high schools had an average OTC student population of only 12 percent. Medium-sized struggling high schools in 2011 had an average OTC population of 20 percent, whereas the rest of the system's medium-sized high schools had an average OTC population of only 11 percent.

As Table 1 demonstrates, both large and medium-sized struggling high schools were assigned significantly higher percentages of OTC students than the rest of the system's high schools. The differences for small

[18] Eighth-grade proficiency scores are defined on page four of the New York City DOE's Educator Guide to the New York City High School Progress Reports: http://schools.nyc.gov/NR/rdonlyres/EEE6AEBC-9576-4AED-A176-CE24FA43245B/0/EducatorGuide_HS_1104092.pdf.

[19] Although large high schools had the strongest relationship, medium-sized and small high schools also had strong correlations (r = above .5) and were statistically significant: small schools, r = -.640**; medium-sized schools, r = -.595**; large schools, r = -.763**.

[20] The Parthenon Group, "NYC Secondary Reform Selected Analysis," presentation to New York City Department of Education, 2005.

[21] 2009 was the first year the New York State Education Department (NYSED) used PLA designations. Prior to 2009, NYSED used SURR (Schools Under Registration Review) designations, which were based on different criteria. The PLA schools used in this analysis were drawn from the NYSED website.

TABLE 1

OTC rates (%) for struggling schools and for the rest of the system's high schools of similar size

School Size	Year	Struggling Schools	Non-struggling Schools
Small Schools	2008*	20	16
	2009	21	18
	2010	21	19
	2011	22	19
Medium-sized Schools	2008*	19	9
	2009*	20	11
	2010*	20	12
	2011*	20	11
Large Schools	2008*	18	12
	2009*	21	13
	2010*	21	13
	2011*	20	12

SOURCES: NYC DOE, FOIL Request on OTC Students; IBO, June 30th enrollment figures; NYSED, News Room Releases on PLA schools.

NOTE: Asterisk denotes statistically significant difference in OTC rates between struggling and non-struggling schools.

high schools, though mostly not statistically significant, showed a similar trend.[22]

These findings indicate that OTC students are disproportionately assigned to struggling high schools, especially to large and medium-sized high schools. The numbers of OTC students disproportionately assigned are sometimes strikingly large. The Fordham Leadership Academy for Business and Technology, for example, a small school in the Bronx, was assigned 110 OTC students in 2011 out of a total population of 424 students. The Unity Center for Urban Technologies, a small Manhattan school, was assigned 78 OTC students in 2011 out of a total population of 234 students. Christopher Columbus High School in the Bronx, a medium-sized school, was assigned 393 OTC students in 2011 out of a population of 1,060 students. And a large high school, John Adams in the Bronx, was assigned 961 OTC students in 2011 out of a total population of 3,301 students. Assignments of such massive numbers of OTC students can quickly destabilize schools' instructional efforts and dismantle long-established, supportive academic cultures.

OTC students are disproportionately assigned to high schools that are subsequently targeted for closure or that are in the process of being phased out through the closure process.

Eight high schools were among the twenty-six elementary, middle, and high schools that the DOE targeted for closure, and that scheduled their phase-out processes to begin in January 2013. From 2009 on, most of those high schools were assigned OTC students at higher rates than the citywide average for schools of similar size. Six of those eight high schools had OTC student assignment rates in 2011 that were higher than the citywide average OTC rate for schools of similar size. Sheepshead Bay High School, for example, had a 25 percent OTC student assignment rate, whereas the system's average OTC assignment rate for schools of similar size was only 15 percent, giving Sheepshead Bay a rate almost 70 percent higher than the citywide average.

Table 2 suggests a trend of annual increase in the percentage of OTC students assigned to struggling schools in the years before those schools were targeted for closure.

TABLE 2

OTC rates (%) for schools whose closures were announced in January 2013

School Size	Schools	2008	2009	2010	2011
Small Schools	**City average**	16	18	19	19
	Jonathan Levin High School for Media and Communications			34	32
	Business, Computer Applications and Entrepreneurship High School	13	21	23	24
	Freedom Academy High School	10	8	16	24
	Bread and Roses Integrated Arts High School	15	21	22	22
	Law, Government and Community Service High School	12	21	19	22
Large Schools	**City average**	14	15	16	15
	Sheepshead Bay High School	18	23	26	25
	High School of Graphic Communication Arts	13	14	14	13
	Herbert H. Lehman High School	13	16	15	13

SOURCES: NYC DOE, FOIL Request on OTC Students; IBO, June 30th enrollment figures.

NOTE: OTC assignment rates in bold font are higher than the citywide average for schools of similar size.

Whatever the validity of the measures the DOE uses to decide which schools to close, increasing the percentage of OTC students assigned to those struggling schools before the decision to close them exacerbates their challenges and lowers the performance indicators on which they are judged – and found wanting. It is difficult, from these data, to see how the DOE can rebut Commissioner King's concern that the city's OTC assignment policy is contributing to "the over-concentration of high-needs students in particular buildings without adequate supports."

The city school system closes high schools by phasing them out across a four-year time span. During each year of the phase-out process, teachers and support staff leave as the closing school's student population declines. As recent studies have shown,[23] phasing-out schools become increasingly less able to meet their students' needs as their staffs diminish. Thus it is counterintuitive to send significant percentages of OTC students to high schools that are phasing out, because those students desperately need the resources and supports that only a fully staffed high school can provide. Yet as Table 3 indicates, the DOE continues to assign OTC students to high schools in the process of phasing out.

As Table 3 shows, the DOE assigned high rates of OTC students to thirteen closing schools in 2011, the initial year of their phase-out process. In seven of these thirteen phasing-out schools, the OTC assignment rate was more than 25 percent. Because the last OTC data we received were from 2011, we cannot document whether this pattern of assigning large rates of OTC students to phasing-out schools continued in 2012 and beyond.

[22] The finding that small high schools tend to take on high proportions of OTC students may seem counterintuitive. But the current large numbers of small high schools (N = 170) may well produce a relatively high number of OTC placements for the small-school sector as a whole, even though many individual small schools may have only a small number of seats available for OTC students.

[23] See New York Urban Youth Collaborative, *No Closer to College: NYC High School Students Call for Real Transformation, Not School Closings* (New York: Urban Youth Collaborative, 2011).

TABLE 3
OTC rates (%) for schools undergoing closure whose phase-outs began in 2011

School Size	Schools	2011
Small Schools	**City average**	19
	School for Community Research and Learning	32
	Global Enterprise High School	29
	Metropolitan Corporate Academy High School	26
	Urban Assembly Academy for History and Citizenship for Young Men	24
	Academy of Environmental Science Secondary High School	23
	Monroe Academy for Business/Law	23
	Performance Conservatory High School	17
Midium Schools	**City average**	14
	Christopher Columbus High School	37
	Jamaica High School	31
	John F. Kennedy High School	29
	Beach Channel High School	28
	Paul Robeson High School	24
Large Schools	**City average**	15
	Norman Thomas High School	17

SOURCES: NYC DOE, FOIL Request on OTC Students; IBO, June 30th enrollment figures.

Some high schools are consistently assigned very small numbers of OTC students, whereas other high schools are consistently assigned very large numbers of such students.

Practitioners and advocates have long charged that the school system protects certain schools from OTC assignment while disadvantaging other schools by disproportionately assigning them large numbers of OTC students. We identified twenty-five schools that made up the lowest 20th percentile of the city-wide OTC distribution (see Table 4), meaning that these twenty-five schools were assigned relatively low numbers of OTC students each year from 2008 through 2011. In 2011, these schools with very low OTC assignment rates significantly exceeded the performance of the rest of the system's high schools on the indicators of college readiness scores,

TABLE 4

Schools within the lowest 20th percentile for OTC rates

Schools	Screened[24] Admissions	Other Admissions	2008 OTC (%)	2009 OTC (%)	2010 OTC (%)	2011 OTC (%)
City average			14	16	16	16
El Puente Academy for Peace and Justice		Ed. Opt.	7	7	8	9
Art and Design High School		Audition	3	7	8	9
Robert F. Kennedy Community High School		Audition	5	9	9	8
New Design High School		Audition	8	8	10	8
Millennium High School	YES		7	6	7	8
Aviation Career and Technical Education High School	YES		4	8	5	8
Manhattan/Hunter Science High School	YES		4	6	9	8
Transit Tech Career and Technical Education High School	YES	Ed. Opt. and Limited Unscreened	7	8	9	7
Eleanor Roosevelt High School	YES		4	4	6	7
High School of Economics and Finance		Ed. Opt.	6	9	7	7
High School of Telecommunication Arts and Technology		Ed. Opt.	8	5	6	7
High School of Computers and Technology		Limited Unscreened	8	9	7	6
High School for Health Professions and Human Services	YES	Ed. Opt.	4	4	5	6
Frank Sinatra School of the Arts High School		Audition	3	7	7	6
Edward R. Murrow High School		Ed. Opt. Screened for Language & Audition	4	5	4	5
N.Y.C. Lab School for Collaborative Studies	YES		5	5	7	5
Leon M. Goldstein High School for the Sciences	YES		1	5	4	5
Food and Finance High School		Limited Unscreened	6	6	8	5
Townsend Harris High School	YES		1	4	4	4
The High School of Fashion Industries		Audition	3	6	4	4
A. Philip Randolph Campus High School	YES	Ed. Opt.	6	4	4	4
Thomas A. Edison Career and Technical Education High School	YES	Ed. Opt.	5	4	5	4
Midwood High School	YES	Unscreened	2	5	4	3
Manhattan Center for Science and Mathematics	YES		6	5	4	3
Baruch College Campus High School	YES		2	2	1	0

SOURCES: NYC DOE, FOIL Request on OTC Students; IBO, June 30th enrollment figures.

graduation, and dropout rates. More than half of these twenty-five schools received A grades on their progress reports in 2011. In addition to very low rates of OTC students, the percentages of special education students, students eligible for free and reduced-price lunch, and ELL students in these 25 schools were significantly lower than the average of the rest of the high schools, and their students' eighth-grade proficiency scores were all significantly higher.

At the high end of the OTC distribution, we found twenty-eight high schools that consistently fell within the highest 20th percentile of OTC rates each year from 2008 through 2011 (see Table 5). These schools' average OTC rate was 29

[24] In Screened programs, students are ranked based on their final report card grades from the prior school year, as well as their state reading and math test scores. Attendance and punctuality are also considered. We classify a school screened if that is their sole admission method, or if it is one of their admission methods. For the purpose of this analysis, we do not consider a school "screened" if it's "screened for language" (geared towards ELL students).

[25] Zoned programs give priority to students who apply and live in the geographic area of the zoned high school. There are zoned high schools in the Bronx, Brooklyn, Staten Island, and Queens; Manhattan does not have any zoned high schools.

TABLE 5

Schools within the highest 20th percentile for OTC rates School

Schools	Screened	Other Admissions	2008 OTC (%)	2009 OTC (%)	2010 OTC (%)	2011 OTC (%)
City average			14	16	16	16
High School of World Cultures		Screened for Language	59	36	57	45
Holcombe L. Rucker School of Community Research		Limited Unscreened	33	35	40	41
High School for Youth and Community Development at Erasmus		Limited Unscrened	27	30	24	39
High School for Civil Rights		Limited Unscreedned	31	31	37	38
Christopher Columbus High School		Zoned[25]	39	40	32	37
Gateway School for Environmental Research and Technology		Limited Unscreedned	22	33	35	37
DreamYard Preparatory School		Limited Unscreened	26	30	26	36
New World High School		Screened for Language	26	40	46	34
Brooklyn Generation School		Limited Unscreened	53	52	28	33
Academy of Hospitality and Tourism		Limited Unscreened	35	33	25	33
Performing Arts and Technology High School		Limited Unscreened	25	24	25	32
School for Community Research and Learning		Limited Unscreened	36	30	26	32
Jamaica High School	YES	Ed. Opt. and Unscreened	23	31	37	31
Newcomers High School		Screened for Language	35	39	49	31
Kingsbridge International High School		Screened for Language	45	40	39	31
Queens Preparatory Academy		Limited Unscreened	21	29	39	30
John Adams High School		Zoned and Ed. Opt.	25	27	29	29
John F. Kennedy High School		Limited Unscreened	25	24	26	29
Beach Channel High School	YES	Unscreened	22	23	27	28
High School for Service and Learning at Erasmus		Limited Unscreened	32	32	34	27
Pablo Neruda Academy for Architecture and World Studies		Limited Unscreened	27	29	28	27
August Martin High School		Ed. Opt. and Limited Unscreened	24	30	24	26
Expeditionary Learning School for Community Leaders		Limited Unscreened	64	50	41	26
Fordham Leadership Academy for Business and Technology		Ed. Opt.	30	27	27	26
Urban Assembly Academy for History and Citizenship for Young Men		Limited Unscreened	34	29	26	24
Newtown High School	YES	Ed. Opt., Audition and Zoned	24	24	26	24
Academy of Environmental Science Secondary High School		Ed. Opt.	24	27	28	23
William Cullen Bryant High School	YES	Zoned	25	25	23	22

SOURCES: NYC DOE, FOIL Request on OTC Students; IBO, June 30th enrollment figures.

NOTE: Schools in bold font represent schools targeted for closure or schools that are on the state list of persistently low achieving (PLA) schools.

percent, significantly higher than the city average of 16 percent. Moreover, compared with the rest of the schools in the system, these twenty-eight high schools had significantly lower average eighth-grade proficiency scores, college readiness indicators, and graduation rates, as well as significantly higher dropout rates. Twelve of these twenty-eight schools with very high student OTC assignment rates were either targeted for closure or on the list of persistently low achieving (PLA) schools.

The twenty-five high schools with the lowest rates of OTC assignment seem well positioned to meet the needs of OTC students, as those schools mostly achieve high academic outcomes. But on average, these twenty-five high schools were assigned a less than 10 percent rate (and in several instances much less) of OTC students. Conversely, the twenty-eight high schools with the highest rates of OTC assignment were among the system's most academically struggling schools. Yet their OTC rates ranged from 22 percent to above 40 percent in 2011, with many having more than a third of their student bodies composed of OTC students. This disparity indicates that the DOE's assignment of OTC students does not consider which high schools might best meet their academic needs.

Conclusion and Recommendations

Our findings indicate that OTC students are disproportionately assigned to high schools serving a preponderance of students with low eighth-grade ELA/math proficiency scores, a high percentage of ELL students, and a high percentage of dropouts. We found that significantly higher percentages of OTC students are assigned to struggling or persistently low-achieving high schools. Significantly higher percentages of OTC students were also assigned to high schools targeted for closure in the years before their closures were announced, and higher percentages of OTC students were assigned to schools undergoing the phase-out process. Finally, our study identified a substantial group of high-performing high schools that are assigned very low percentages of OTC students and a similar-sized group of struggling high schools assigned very high percentages of OTC students.

This report suggests that, at least since decentralization, the school system has inequitably implemented OTC student assignments and has not developed placement policies based on OTC students' academic needs. Our analyses of the data on the DOE's distribution of OTC students from 2008 to 2011 suggests that the Bloomberg administration has continued this inequitable pattern of distributing OTC students. Worse, through the interrelationship of its OTC assignment and school closing policies, the current administration may have intensified the patterns of inequitable OTC distribution that have ill served OTC students and exacerbated the problems in the struggling schools to which they are predominantly assigned. Therefore we offer the following recommendations:

1) The DOE should commission a study – by the city's Independent Budget Office, the Research Alliance for New York City Schools, or another independent research entity – of the academic performance of several cohorts of OTC students after assignment to their respective high schools.

The study should determine the demographics of OTC cohorts, as well as OTC students' rates of graduation, dropout, credit accumulation, Regents passes, and college readiness at both system and individual-school levels. Other key performance and outcome variables, such as attendance, lateness, suspensions, and expulsions, should also be determined. These outcome results should be compared with students' and schools' demographic characteristics to identify and analyze any strong relationships.

The findings of these studies should be used to identify particular high schools whose OTC students achieve significantly higher academic performance than systemwide averages. If such "beat the odds" schools can

be identified, an additional research effort should identify the exemplary practices that characterize these effective schools for OTC students. The DOE should ensure that all high schools, and especially those high schools identified as producing poor outcomes for OTC students, implement those exemplary practices so that the academic performance of all OTC students can be significantly improved.

2) Our data indicate that the systemic rate of OTC assignment for the 2008–2011 school years was 17 percent. Therefore, the DOE should set the following policies for the assignment of OTC students:

- All New York City high schools should be assigned OTC students at an annual rate of between 12 and 20 percent of their total student populations.[26] The DOE should develop the specific criteria governing the decision rules for OTC assignments below and above 17 percent. Those criteria should include consideration of the specific nature, culture, levels of need, and academic performance of each high school. No high school should be assigned more than 20 percent or less than 12 percent of OTC students, relative to its total school population, in any given year.[27]
- Schools targeted for closure or going through the closure process should not be assigned any OTC students.
- Struggling schools, those high schools identified by the state as persistently low achieving (PLA), should not be assigned any OTC students until their performances improve sufficiently to be removed from the state's PLA list.

Implementing these recommendations would allow the DOE to tailor its OTC student placements to the academic outcomes and instructional needs of individual high schools while maintaining a rough equity of OTC assignment rates across the high school system. Implementing these recommendations would significantly reduce, if not eliminate, the disparities and inequities that have characterized both past and current OTC assignment policies. Finally, implementing these recommendations would encourage all high schools to reconfigure their instructional resources and support programs to meet the needs of an annually predictable rate of incoming OTC students, thereby contributing to the improvement of their performance throughout the city system.

[26] The exclusion of PLA schools and schools undergoing closure, called for in these recommendations, might require a recalculation of the systemwide OTC rate and a small upward adjustment in the 12–20 percent OTC bandwidth rate for all high schools.

[27] This past school year, the DOE initiated a policy of requiring many of the city's selective high schools to accept a certain percentage of special needs students, whether or not they meet schools' eligibility criteria. The policies we recommend build on this recent initiative.

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