

# *Within Our Reach*

Segregation in High  
Schools and What We  
Can Do About It:  
High School Choice

New York Appleseed<sup>®</sup>





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## About New York Appleseed

New York Appleseed advocates for equity of access and fair allocation of resources to schools and neighborhoods in New York City and its greater metropolitan area. We collaborate with volunteer lawyers, parent groups, demographers, real estate professionals, government officials, and community advocates to uncover regional disparities, develop practical solutions, and advocate for implementation of our recommendations. New York Appleseed is a non-partisan, independent voice for reform. For more information, visit: [ny.appleseednetwork.org](http://ny.appleseednetwork.org).

## About Appleseed

Appleseed, a nonprofit network of 17 public interest justice centers in the United States and Mexico, uncovers and corrects social injustices through legal, legislative, and market-based structural reform. Appleseed and Appleseed Centers bring together volunteers from the law, business, and academic professions to devise long-term solutions to problems affecting the underprivileged and underrepresented in such areas as education and financial access. For more information, visit: [www.appleseednetwork.org](http://www.appleseednetwork.org).



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## About This Series

*The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.*

New York State Constitution, Article XI, Section 1

This policy briefing is the third in a series addressing the issue of racial and economic segregation in the New York City system – the third most segregated school district in the country according to the *New York Times*. This series summarizes research and advocacy findings conducted by New York Appleseed and the global law firm Orrick, Herrington & Sutcliffe. From 2011 to the present, while actively engaged in advocacy with community partners, we have separately interviewed scores of experts in New York City and around the country – academics, parents, advocates, principals, teachers, government officials.

Our series of briefings advances a simple proposition: meaningful school diversity is possible and necessary in large areas of the city comprising multiple community school districts and hundreds of thousands of students. Our belief that school diversity is within our reach both logistically and politically derives from over 50 interviews conducted with experts across the city and also from successful advocacy conducted with parent groups.

It has not always been the case that school diversity was possible in New York City. In the late 1960s and early 1970s, integration efforts stalled in New York City due to large-scale white flight from the city. At the same time, many reasonably asked why integration was even necessary or desirable when merely equalizing resources among schools might accomplish the same goals.

Three things happened in the four decades that followed: First, in all the jurisdictions that have attempted it, achieving resource equity among schools in the absence of integration has proven difficult, if not impossible. We have learned yet again that separate is not equal. Second, social-science researchers have developed a far more sophisticated understanding of the benefits of diverse schools – benefits not easily replicated even under the most equitable conditions. Finally and more recently, in a historic demographic shift, middle class and white populations are returning to New York City in a process that one scholar has dubbed a “reversal of white flight.” In light of these realities, New York Appleseed believes we must return to the fundamental American project of the common school, where children of different backgrounds and income levels may attend school together.

Seizing today’s opportunity for promoting school diversity in New York City, however, requires an understanding of the complex and often surprising ways in which *segregation* currently plays out in the school system. Yes, housing segregation plays a key and – in some sectors of the city – dispositive role in perpetuating school segregation. The New York City metro region is the



second most segregated in the nation, and appropriate policies to affirmatively further fair housing and promote residential inclusion are more important than ever. Residential patterns do not explain much of the school segregation that we see in more diverse and rapidly gentrifying community school districts, however. In some cases, school segregation may be doing more to increase neighborhood segregation than the other way around.

This series is intended to uncover and demystify those formal structures beyond housing patterns that perpetuate racial and economic segregation in schools. We also wish to provide practical and achievable strategies to overcome those structures. Our hope is that this series will give parents and policy makers the analytic tools they need to understand the incidence of school segregation in their communities and workable strategies to address the underlying causes.

Please visit our website [ny.appleseednetwork.org](https://ny.appleseednetwork.org) for more information about New York Appleseed's work to promote school diversity and the scholarship demonstrating the educational benefits of diversity for all children.

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## Introduction

“For any school choice program, whether from elementary charters to the city’s universal high school program, the basic requirements to reduce segregation and inequitable opportunity are that first of all, it has a diversity goal; secondly, that there is a commitment and leadership behind that goal; thirdly, that it recruits actively to create a diverse student body; fourthly, that it provides transportation so that the students can get there; and finally, that it has no screening mechanism. These are crucial elements, and they are sadly lacking in New York City’s choice programs....”

The Civil Rights Project/Proyecto Derechos Civiles in *New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future*<sup>1</sup>

Every year nearly 80,000 students participate in New York City’s high-school choice process. They choose from almost 700 programs located within over 400 schools.<sup>2</sup>

While school choice was a focus of education reform under Mayor Michael Bloomberg at all levels of the NYC school system, nowhere was it more evident than in the administration’s policies with respect to high-school admissions. In 2004, the New York City Department of Education (DOE) put in place a “universal high-school choice policy.”<sup>3</sup> From the beginning and up until the very end of the Bloomberg administration, officials touted the opportunity offered by the policy for low-income students to escape low-performing neighborhood schools.<sup>4</sup> Other stated goals included requiring all students to engage in the process of choosing their school and facilitating the matching of student interests with schools offering programs in those areas.<sup>5</sup>

The Bloomberg DOE spoke less about its goals for the system as a whole and the intended benefits to administrators. Centralizing high-school admissions, according to one proponent, leads to “reliable and robust data on community demand for schools” and “enhanced transparency into access to ensure accountability for results.”<sup>6</sup> New York City’s high-school choice program consistently scores highest among large school systems on an index called the Education Choice and Competition Index (ECCI) used by the Brown Center on Education Policy. As suggested by its name, the index is principally concerned with the degree to which choice systems expose schools to competitive pressures that will in theory cause them to improve. The ECCI website indicates that “the prospect of closure or restructuring of an unpopular school is ... an anchor of choice-based competition.”<sup>7</sup>

There is, however, an inherent tension between serving the here-and-now needs (and rights) of students and using students as data points for future improvement of schools, that is, for providing administrators with an “unprecedented level of comfort in closing low performing schools.”<sup>8</sup>

For the purposes of this briefing, it is important to note that using competition as a foundation for school improvement necessarily requires proponents to place disproportionate emphasis on rewarding and punishing schools based on ex-ante parent preferences. Policies that serve other goals – worthy or not – must be removed to so as to preserve this direct relationship. As stated by the Brown Center, “A fundamental rationale for school choice is its effects in creating a vibrant marketplace for better schools. There is evidence that it presently does so, but its effects are muted by administrative and legislative requirements that reduce choice and buffer schools from the effects of competition.”<sup>9</sup> Through this kind of lens, policies that manage choice processes to ensure that students are able to attend diverse schools are regarded as intrusions on the marketplace.

As revealed by the technical details of the city’s high-school choice policy outlined in this briefing, the pursuit of diversity in NYC high schools was not a policy goal of the universal choice system. The preexistence and continuance of a highly stratified and selective system of high schools rendered notions of “choice” and “escape” impossible from the start. Coupled with the design and mechanics of New York City’s high-school choice process itself, the policy inevitably perpetuated the already high levels of segregation for all racial groups in New York City high schools.<sup>10</sup> At the conclusion of this briefing we offer concrete steps that the new administration can take to promote a system of high school choice that promotes diversity and equity.

## New York City's Specialized Schools:

This briefing is not about specialized high schools, which are public high schools with a separate admissions procedure. For excellent treatment of the issue of declining minority admission to specialized schools, see the Title VI complaint filed by NAACP LDF and the February 25, 2012 New York Times article, “To Be Black at Stuyvesant High.” We believe the problems of specialized schools – as they have historically existed – are better described as access issues than as segregation problems. As with G&T programs in elementary schools, specialized high schools are unlikely to represent the diversity of the city’s students even with significant and much needed changes to the admissions procedures. Nor is it clear that all of the specialized schools are able to offer the kind of school and classroom environment in which diversity can flourish.

In any event, because fixing the admissions problems at these schools would require state legislation, because these schools serve a very small percentage of the city’s total high-school students, and because the means by which they exclude have been thoroughly documented, we will not discuss these issues in this briefing. This briefing is about New York City’s system of high-school choice, which does not include specialized schools.

## Admissions Methods Used by New York City High Schools:

Each high-school program in NYC uses one of the following eight admissions methods to evaluate applicants. From the most recent high-school directory:

### 1. Audition

Students who apply to Audition programs are ranked and selected based on their performance in an audition assessing proficiency in a specific performing arts and/or visual arts area. Audition requirements, dates, and times are included on the school pages. Some Audition programs may consider students’ academic performance and attendance from the previous school year.

### 2. Educational Option (Ed. Opt.)

Educational Option programs are meant to serve a wide range of academic performers. Based on English Language Arts (ELA)

## The Mechanics of High School Choice in New York City

Although often presented as something novel, choice based systems of student assignment have existed for over half a century. As we discussed in our briefing on elementary schools, “freedom of choice” plans were first developed by Southern school districts intent on resisting court-ordered desegregation. Beginning in the 1970s, however, “controlled choice” plans incorporated equity and diversity in the program design. Over the last four decades, school districts and practitioners developed extensive expertise in using controlled choice plans to promote school integration. For reasons that are not well understood, however, the DOE chose to hire a program designer whose principal experience was with placing medical students to medical residencies and did not acknowledge the prior history or collective experience of designing K-12 choice plans in the United States.

The high-school admissions process in NYC is a “match” process.<sup>11</sup> Eighth grade students and first-time ninth graders who wish to attend a traditional public high school (i.e., not a charter school or private school) must fill out an application ranking up to 12 choices of programs. (Some schools host multiple programs with different curricular foci or specializations.)<sup>12</sup>

There are more than 700 programs – or choices – available throughout the City and roughly 80,000 students participate in the process each year.<sup>13</sup> According to DOE, the “high school admissions process is centered on two principles: equity and choice.”<sup>14</sup> Placements are ultimately made by the same computer program used by hospitals to select medical students.<sup>15</sup>

The high-school choice process is immensely complex. Applicants must choose among schools of different size, theme or specialization, and admission criteria.<sup>16</sup> (See the sidebar on admissions criteria.) Some schools require an admissions test, portfolio, or audition.<sup>17</sup> Small schools – those with enrollments under 600 students – increased significantly during the Bloomberg administration.<sup>18</sup> Small Learning Communities operate within larger schools, but are designed so that students have close relationships with a core group of teachers and students.<sup>19</sup> Career and Technical Education Schools offer workforce skills training in specific vocational areas. Transfer schools are available for students who have dropped out or fallen behind.<sup>20</sup> Notwithstanding this array of options, most City high-school students continue to attend large, comprehensive high schools that each serve more than 1400 students.<sup>21</sup>

According to DOE, every eligible student is assured entrance into a public high school. The problem is the huge range in school quality among the city’s high schools and the difficulties of navigating the application process.<sup>23</sup> As one researcher has explained:

“[New York City] schools and programs vary widely in terms of size, quality, and academic outcomes. Although the district has shown

gains on a number of educational indicators in recent years (including graduation rates and percentage of students reaching proficiency on the [National Assessment of Educational Progress]), there continues to be an undersupply of high performing high schools. According to an analysis conducted by researchers at the Center for New York City Affairs, only 38.8 percent of high schools with graduating classes in 2007 had a graduation rate of 75 percent or higher (Hemphill & Nauer). This figure includes students graduating with a Regents diploma as well as those who received the less rigorous local diploma. Starting with the entering 9th grade in the fall of 2008, all students are now required to pass five Regents exams with a score of 65 or better in order to graduate; local diplomas will no longer be awarded. If the Regents diploma is used as the threshold for graduation, Hemphill and Nauer's (2009) analysis shows that only 12.6 percent of high schools had a graduation rate of 75 percent or above in 2007.

"Graduation rates constitute only one measure of school quality; however, given the significance of obtaining a high-school diploma for lifetime earnings (U.S. Bureau of Labor Statistics, 2008), they are a particularly important metric to consider. Schools in New York City also vary dramatically in terms of size, concentration of low income students, safety record, teacher stability, and student satisfaction, among other characteristics. The unevenness in school quality is evidenced by the publicly available Progress Reports, Annual School Report Cards, Quality Reviews, and Learning Environment Surveys published by the NYCDOE."<sup>24</sup>

Ten percent of eighth graders in the 2013-2014 process were not matched to any of their choices and will have to reapply in a supplemental process to schools that were not filled during the first round.<sup>25</sup> Even for those students who were matched to one of their choices, as discussed below there are serious questions about the extent to which that choice is equally meaningful for all students and families.

standardized test scores from the prior school year, students will be matched to Ed. Opt. programs based on the following distribution: 16% from the high reading level; 68% from the middle reading level; and 16% from the low reading level. Half of the students matched to Ed. Opt. programs will be selected based on their rankings from the school; the other half will be selected randomly.

If you score in the top 2% of all students in the City on your previous year's ELA reading exam, and you list an Ed. Opt. program as your first choice on your application, you are guaranteed a match to that program.

**3. Limited Unscreened**

Limited Unscreened programs give priority to students who demonstrate interest in the school by attending a school's information session(s), open house event(s), or by visiting the school's table at any one of the High School Fairs. You must sign in at these events to receive priority to the school's Limited Unscreened program(s).

**4. Screened**

Students who apply to Screened programs are ranked and selected based on the following criteria: final report card grades from the prior school year, reading and math standardized test scores, and attendance and punctuality. There may be additional items that schools require to screen applicants such as an interview or essay. Review the Selection Criteria to determine what other criteria Screened schools use to rank applicants.

**5. Screened: Language**

Screened: Language programs provide services for students with a minimum level of English language proficiency. Admission to these programs is based on a student's proficiency in English and in some cases on home language.

**6. Unscreened**

Students who apply to Unscreened programs are randomly selected.

**7. Zoned**

Zoned programs admit students who live in a geographically designated area.<sup>22</sup>

### Hunter High School:

Hunter is administered by Hunter College / the City University of New York, not by DOE, but is nevertheless a tuition-free, publicly funded high school. In 1995, its seventh grade class was 12% black and 6% Hispanic. In 2009-10, it was 3% black and 1% Hispanic, with 8% identifying as multiracial. 47% of the 2009-10 class was Asian and 41% white.<sup>29</sup>

Those numbers have prompted considerable controversy at Hunter over the exam-only admissions policy, which many identify as an obstacle to a more diverse enrollment. “Faculty committees have recommended broadening the admissions process to include criteria like interviews, observations or portfolios of student work, in part to increase minority enrollment and blunt the impact of the professional test preparation undertaken by many prospective students.”<sup>30</sup> In 2010, a student graduation speaker stunned his audience when he admitted to feeling guilty because his admission to Hunter was the product of an upper-middle class upbringing, good schools, and tutoring, all of which he characterized as “circumstance and luck.”<sup>31</sup> “If you truly believe that the demographics of Hunter represent the distribution of intelligence in this city,” he said, “then you must believe that the Upper West Side, Bayside and Flushing are intrinsically more intelligent than the South Bronx, Bedford-Stuyvesant and Washington Heights. And I refuse to accept that.”<sup>32</sup> The following day Hunter’s principal resigned citing a number of factors, one of which was the administration’s anger that the principal did not stifle faculty calls for changes to Hunter’s admissions policy.<sup>33</sup>

The Dean of Diversity at Hunter College has stood by the test, arguing that it is integral to the high school’s success. Admission to Hunter remains by exam only.<sup>34</sup>

## Screened Schools and Exam-Based Admissions Policies

The principal limitation on “choice” of high schools in New York City is the fact that about thirty percent of high schools are screened.<sup>26</sup> In general, if a student does not meet the school’s selection criteria, she cannot obtain access to that school. The most elite schools – those that require a score of proficient or higher (a 3 or 4) on both the state math and reading exams and those that require a spectacular score on the specialized test – show a huge discrepancy in who is enrolled based on income. One reporter found that while 74 percent of all public high school students are eligible for free or reduced lunch, only 41 percent are eligible at the city’s most selective schools.<sup>27</sup>

In many instances, the school’s only or principal criterion for entry is a test score. Experts and educators have long argued that testing as a sole measure of educational achievement is likely to lead to segregation, particularly given the characteristics of NYC’s public school system.<sup>28</sup> That seems to have been the experience at Hunter College High School – an elite school on Manhattan’s Upper East Side that serves grades 7-12 – which also bases student admission entirely on a test and also enrolls very few black and Hispanic students. (See the sidebar.)

## Laissez Faire Choice and Segregation

For the same reasons we described in our briefing on segregation in elementary schools, choice systems not intentionally designed for equity and diversity are likely to produce the opposite. Not surprisingly, NYC’s extremely complex high-school choice process tends to work better for families whose children qualify for a screened school or program and who have more time, information, and resources. These families are more likely to complete the process correctly, to make strategic choices about which schools to choose and how to prioritize them, and to gain admission into one of the schools that they chose.

DOE views the choice process as a controlled market in which it plays the role of quasi-market facilitator.<sup>39</sup> The Office of Student Enrollment (OSE) produces and distributes some information about the choice process, but leaves much responsibility to families to take an active role. Descriptions of the choice process on the DOE website logically envision middle school guidance counselors as the contacts for middle school students participating in the process, but in practice, most middle schools have insufficient guidance counselors, and those counselors who are present do not prioritize choice-process counseling.<sup>41</sup> Some schools do not offer choice-process counseling at all. According to one researcher:

[OSE] does not require that middle school personnel attend trainings about high school choice, but they organize optional workshops and offer support for guidance counselors upon request. District administrators reported that they expect middle school guidance counselors to review

all of the high school applications before they are submitted. Yet there is negligible monitoring of school-based efforts around high school choice.<sup>42</sup>

One explanation for middle schools' general failure to counsel their students through the high-school choice process is that neither the provision of such counseling, nor the extent of school choice success, is a part of the schools' accountability framework.<sup>43</sup> It is therefore not part of guidance counselor evaluation metrics, either.<sup>44</sup> That leaves little incentive for counselors to take up what is an objectively difficult and time-consuming task.

Unfortunately, the lack of adequate counseling at the middle school level combined with the DOE's quasi-hands off approach to providing students and families with the information they need results in an uneven playing field. Families with the wherewithal and resources to devote substantial time and effort to mastering the process, or who belong to social networks that pass along such information, have a clear advantage. In contrast, parents who do not speak English, or who lack internet access, are at an enormous disadvantage. Translation services at information sessions (at those schools that actually conduct them) are often poor, and a host of information that is available through DOE's website is not distributed in print to students or their parents.<sup>45</sup> Moreover, cultural differences may be at play for families from outside the NYC system, whether they are new immigrants from another country or simply coming from outside of New York. For these newcomers, it is not necessarily intuitive that successful navigation of the City's school system will require zealous and sustained parental advocacy.<sup>46</sup>

In the absence of information and services, many students who qualify for a screened program base their choice of schools solely on factors such as safety and proximity to home.<sup>47</sup> While those may be important criteria, for children who come from segregated neighborhoods, basing school selection on those factors alone makes it more likely that they will end up in racially isolated schools.<sup>48</sup> For students who do not qualify for a screened school or program, it may not even matter how much time or resources they have: it is extremely difficult to make meaningful distinctions among the hundreds of unscreened schools based on the information provided online. Students in this situation would need to visit each of the schools to obtain enough information to make an informed decision. Under these circumstances, it comes as little surprise that students tended to attend school close to home, rather than "escape" their neighbourhood school as envisioned by DOE officials.

In apparent recognition of these problems, in 2013 DOE announced a small pilot project called Middle School Success Centers to support students and families in the high-school application process.<sup>49</sup> Two of these centers began running workshops this year to assist applicants in navigating the process.<sup>50</sup> Although small in scale, this admirable step represents a tacit acknowledgment by the outgoing administration that the "market" will fail without the provision of adequate information to its participants.

### High Schools That Accord Intra-District Preferences

Although forms of screening represent the most common limitation on the ability of low-income and minority students to "escape" their neighborhood high schools, school preferences also play a role. In addition to schools that offer preferences for continuing eighth graders and "feeder schools," some of the city's most desirable high schools use geographic preferences, including Millennium High School (Districts 1 and 2), Baruch College Campus High School (District 2), Eleanor Roosevelt High School (District 2), NYC Lab for Comparative Studies (District 2), NYC Museum School (District 2), School of the Future (District 2), Benjamin Banneker Academy (Districts 13, 14, 15, and 16), Benjamin Cardozo High School (D26), Frances Lewis High School (District 26), and Bayside High School (District 26). In District 2's case, the preference traces back to a former superintendent who received permission from DOE to set up an experimental intra-district K-12 system.<sup>35</sup>

DOE officials have not always been consistent on the reasons for the persistence of the geographic preferences. In one recent article DOE suggested that its hands were tied by the decisions made by previous administrations.<sup>36</sup> Yet in another article, a DOE official indicated that the DOE decided to keep these preferences "because the communities have invested in these schools."<sup>37</sup>

Although obviously inequitable to the high-performing low-income and minority students living in other community school districts, it is not clear that removing the preferences would cause the schools to become more diverse. As one District 2 parent pointed out, the schools would likely become more elite by screening applicants from across the city.<sup>38</sup> In any event, these school preferences demonstrate in stark terms the difference between the prior administration's rhetoric around school choice and the reality.



## “Over the Counter” Students

Lower income and immigrant parents are often disadvantaged if they participate in the choice process for all the reasons described above. Some students, however, for various reasons do not participate in the choice process. These students are labeled “over-the-counter” or OTC, since they are placed in schools through processes independent of the formal high-school choice process. This population is about 15,000 children each year and comprises a disproportionately high number of students at risk of academic failure.<sup>51</sup>

Choice systems, whether designed for diversity and equity or not, must anticipate and plan for OTC students. OTC students represented a conundrum for the DOE inasmuch as acknowledgement of their special issues requires acknowledgement that unbridled choice doesn’t serve all students equally well – or at all. In 2011 State Education Commissioner John King called attention to the fact that the high-school choice process was concentrating these students disproportionately in a small percentage of schools with already had high proportions of at-risk students. DOE struggled internally with how to characterize their response to this extreme example of “market failure” and – how to balance the here-and-now needs of students with the ideologies of choice-based competition.<sup>52</sup>

A 2011 DOE memorandum in response to the Commissioner’s concerns outlined an aggressive plan for intervention in the choice process to prevent the continued concentration of at-risk and OTC students (emphasis added):

In schools that serve a percentage of students in a subgroup that is greater than one standard deviation from the district or borough-wide average (as applicable) for that subgroup, **NYCDOE will aggressively pursue reducing the OTC enrollment** at those schools....The Department will do this **through limiting OTC placements** at the 24 schools, advising all OTC students of their school choices, including schools not proposed to implement the Turnaround model....

For the schools noted above which exceed one standard deviation in a subgroup, we will ... **take action to better balance** new admissions. The NYCDOE **will monitor** the school’s OTC admits to avoid exacerbating this concentration even further.<sup>53</sup>

Yet there appeared to be sharp divisions within the DOE around this issue, and one official continued to insist that “the recent changes were aimed at offering more choices to over-the-counter students and their families, not distributing high-need students more equitably” even as other officials in the DOE appeared to shift.<sup>54</sup> As with the Middle School Success Centers mentioned above, the key point is that the DOE conceded – however grudgingly – the necessity of “regulating” the high-school choice “market” to prevent inequity.

## Educational Option Schools

Educational Option schools stand in sharp contrast to the screened schools that increased under the Bloomberg administration. These programs are aimed specifically at attracting a representative academic cross-section of students from NYC. These programs do not focus specifically on racial diversity, but instead on academic performance.<sup>55</sup> Educational Option schools are required by formula to select 16% students performing above grade level, 68% students performing at grade level, and 16% students performing below grade level based on the 7th grade English Language Arts reading standardized exam. Further, the highest performing students—those scoring in the top 2% on the 7th grade standardized reading exam— are guaranteed admission to any Educational Option program that they list first on their application. Additionally, in order to work against any bias on the part of school administrators, school officials select half of the students from the applicant pool and the other half are randomly selected by computer.

Educational Option programs began in NYC in the 1970s as a response to the push for school desegregation.<sup>56</sup> The original goal of the Educational Option program was to establish themed schools—such as “communications”—that would be available to students from across the City and increase racial diversity through achievement diversity. In their original form, Educational Option schools were required to accept 50% of students reading at grade level, 25% reading above grade level, and 25% reading below grade level.<sup>57</sup> Within these parameters, school administrators were free to select students from among the applicant pool using whatever criteria they saw fit.

In 1985, Advocates for Children issued a detailed report criticizing the lack of transparency in the NYC high-school admissions process. The report pointed out that at the time there was “no consistent, clearly articulated citywide criteria for determining which of the three basic selection models (screened, unscreened, or educational option) [was] appropriate for a given high school.”<sup>58</sup> The report also noted that schools were not required to make any effort to publicize the criteria used for selection, and as a result could set standards that excluded entire feeder schools and populations.<sup>59</sup> Even within programs like Educational Option, schools were able to game the system by choosing students scoring at the top of each of the proficiency categories.<sup>60</sup> The report also identified problems with the rates of application among above grade level students and below grade level students: above grade level students were applying in much larger numbers than their below grade level counterparts for the same number of seats in Educational Option programs.<sup>61</sup> The majority of students applying for the 25% of seats reserved for students performing above grade level were white due to the fact that predominately white schools traditionally have higher average standardized test schools. This oversubscription by white students performing above grade level resulted in above grade level black and Latino students facing a more competitive applicant pool with lower chances of admission.<sup>62</sup>



On top of the structural problems faced by Educational Option programs, the report also pointed to widespread political and family influences that forced Educational Option schools to admit students outside of the official admissions process. This resulted in even fewer students of color gaining admissions to selective Educational Option programs. In order to eliminate this type of improper manipulation of the admissions process, the report called for a blind admissions system, in which the students from each category were selected at random by computer.

In response to the Advocates for Children report and widespread calls for uniformity, the DOE developed a uniform admissions process in 1986. The system created the current 16-68-16 bell curve based on students' 7th grade standardized test scores. The change was supposed to give average and low income students an equal chance at admission to Educational Option programs. The reform also instituted the blind admissions process called for by Advocates for Children. Post reform, half of the student body is now selected by school administration and the other half is randomly selected by a computer sorting program. Schools must hire and develop teachers who can teach successfully to a range of abilities and who understand and can incorporate into their pedagogical methods the reality that many of their students come from poverty-concentrated, racially isolated backgrounds.

Educational Option schools have remained popular to this day, and as of 2011 were in fact the second most popular type of school among participants in the choice process.<sup>63</sup> In apparent contradiction of the notion of “choice” and “markets,” however, the numbers of educational option schools decreased over the course of the Bloomberg administration even as the number of screened schools increased.<sup>64</sup> (Lower-income students were also more likely to obtain their first choice when it was an educational option school, and less likely when their first choice was a screened school.)<sup>65</sup> Some Educational Option schools have actually become screened schools.<sup>66</sup>

## Conclusion and Recommendations

In this briefing we have noted the inherent tensions under the prior administration between relying on *ex ante* preferences expressed in the high-school application process to provide competitive pressures on schools and the imperative of serving the immediate needs of high-school students – particularly the need to receive high-school education in a diverse setting. So long as “administrative and legislative” requirements that might elevate equity and civil rights values are regarded as reducing choice and buffering schools from competition, we will not see the diversity of our city represented in individual high schools.

We have also noted that these competitive pressures have not always resulted in offerings that reflect the applicants’ preferences: educational option schools, which integrate students by achievement level, have declined in number even as their popularity remains high in the choice process. In the case of “over the counter” students, even the Bloomberg DOE was forced to conclude that the market had failed and needed regulation. But the market is failing by over-concentrating other student populations, and these failures need also to be addressed.

We are greatly encouraged by Chancellor Fariña’s attention to many of the issues addressed in this briefing and want to work with the new administration to promote a system of high school that serves the goals of diversity and equity. In that spirit, we offer the following recommendations:

### *The Long Term Solution for the DOE*

**Given these realities, we first conclude that the ultimate goal of the Department of Education must be to engage in a complete and total overhaul of its high-school choice process.** Emerging evidence from scholarly research and from New York Appleseed’s own work suggests that parents across New York City of all backgrounds want diverse schools and crave leadership from the DOE. Half a century of experimentation with choice in other jurisdictions demonstrates that the benefits of the current system can be maintained – even enhanced – while incorporating intentional policies to promote diversity and equity. Successful models of “controlled choice” (as described in our first briefing) provide a starting point for the DOE to begin working with principals, parents, and students to envision a better system and better city.

This year 45 percent of the 77,043 applicants participating in high-school choice received their first choice, 84 percent made it into one of their top five choices, and 10 percent received no match.<sup>67</sup> Most controlled choice policies yield statistics at least as good and arguably better (with respect to the students who received no match) while preserving diversity and equity.

Yet consistent with the philosophy of controlled choice, DOE cannot implement a new program top down as it did ten years ago. The Department will need



to conduct a public planning process to solicit ideas from the local experts who encounter problems with the current system every day. The imperative of working with and listening to local community members, however, does not absolve the DOE of the responsibility of denying community demands when they conflict with the goals of equity for all students. DOE needs to balance community requests for schools offering preferences to residents of certain districts with the rights of all students to have access to educational opportunity.

As with all controlled choice plans, the DOE must provide “resource centers” to ensure that all parents and students have access to the information they need to make informed choices and to navigate the application process. Resource centers must offer one-on-one counseling, must be accessible to all communities, and must provide translation services and informational materials translated into common spoken languages. The DOE should look to the groundbreaking work done by the Legal Economic and Educational Advancement Project (LEEAP) at Fordham Law School’s Feerick Center for Social Justice as a model for counseling services. In 2012 LEEAP developed a promising pilot to assist low-income students navigate the high-school choice process.

### *Short Term Actions for the DOE*

**Second, we conclude that even before such an overhaul, DOE must begin significantly increasing the number of educational option schools and significantly reducing the number of screened schools.** Under the previous mayoral administration, the number of screened high schools increased while the number of educational option high schools decreased – the popularity of these schools notwithstanding. We will not make progress towards diversity in high schools unless both of these trends are reversed.<sup>68</sup>

Integration by achievement level is increasingly common and necessary in integration programs across the country. So long as screened schools represent a third of all high schools and disproportionately exclude low-income and minority students, our high schools will be segregated by race and income, and the notion of choice is illusory. Low-income and minority students will have less access to the schools regarded as gateways to college.<sup>69</sup> To some extent, the situation may be remedied through more holistic screening, rather than exam-only admission. As with Gifted & Talented programs in elementary school, however, middle-class students will always enjoy advantages in obtaining admission to screened schools no matter what the screening process.

### *Within the Next Year*

**Finally, as already called for in our briefing on elementary schools, the Department should immediately adopt and promote an official statement recognizing the importance of diverse learning environments**

**and announcing a policy that all elementary schools must foster an environment in which people of all races, cultures and economic backgrounds are genuinely welcome.** The DOE under the previous administration appeared conflicted on the issue; clear leadership starting with an official, widely circulated, and oft-repeated statement from the new administration is essential.

Pursuant to this official statement, the Department should gradually adopt implementing policies, including:

- Accountability standards for individual schools on progress towards diversity goals. Schools should be encouraged to implement programs that appeal to a wide range of parents in quality and subject matter and to use educational option admissions policies whenever possible. The DOE should initiate a public-relations campaign to educate the public about the benefits of educational option schools.
- The Department needs to work with Community School Districts to create parent-resource and -information centers to ensure that all parents have access to the information they need to make informed choices for their children's elementary, middle, and high schools and to navigate the application process. Parent centers need to be accessible to all communities and to provide translation services and informational materials translated into common spoken languages in each district.
- At the same time DOE should make student choice counseling part of the accountability framework of middle-school evaluation and middle-school guidance-counselor-evaluation metrics.

### *Individual Schools*

A school will only thrive and maintain its diversity when conditions within a school are right. Schools need to provide a genuinely open, caring and inclusive environment where a variety of norms can be accommodated and all parents and children feel welcome. Schools need to avoid internal segregation or tracking whenever possible. Strong and committed leadership from the principal and school leadership team is essential, but all teachers, parents and students must also play key roles. Our second briefing on elementary schools describes strategies and resources that are relevant to high schools as well.

- <sup>1</sup> John Kucsera with Gary Orfield, *New York State's Extreme School Segregation: Inequality, Inaction and a Damaged Future* (March 2014).
- <sup>2</sup> Lori Nathanson et al., *High School Choice in New York City: A Report on the School Choices and Placements of Low-Achieving Students*, (2013) 1, available at <http://steinhardt.nyu.edu/scmsAdmin/media/users/ggg5/HSChoiceReport-April2013.pdf>.
- <sup>3</sup> Sean P. Corcoran et al., *The Impact of High School Choice on Mediators of Student Success*, prepared for SREE Spring 2012 conference, available at <https://www.sree.org/conferences/2012s/program/downloads/abstracts/521.pdf>.
- <sup>4</sup> Marc Sternberg, "School Choice Liberates Students from Zip Codes," *SchoolBook*, May 28, 2013, available at <http://www.wnyc.org/story/302329-school-choice-liberates-students-from-zip-codes/>.
- <sup>5</sup> See Corcoran et al., *The Impact of High School Choice on Mediators of Student Success*, at 1.
- <sup>6</sup> Neil Dorosin, "The Elephant in the Classroom – School Choice Exists. We Just Manage it Poorly," guest blog on the Michael and Susan Dell Foundation website: <http://www.msdf.org/blog/2012/11/neil-dorosin-the-elephant-in-the-classroom-school-choice-exists-we-just-manage-it-poorly/>.
- <sup>7</sup> <http://www.brookings.edu/research/reports/2011/11/30-education-choice-whitehurst>.
- <sup>8</sup> Dorosin.
- <sup>9</sup> Grover J. Whitehurst, "The Education Choice and Competition Index: Background and Results 2011," available at <http://www.brookings.edu/research/reports/2011/11/30-education-choice-whitehurst>.
- <sup>10</sup> Asians became even more segregated. New York City Independent Budget Office, "Have NYC Schools Become More or Less Integrated Over the Last 10 Years?" available at <http://www.ibo.nyc.ny.us/iboreports/printnycbtn11.pdf>.
- <sup>11</sup> See generally NYC Department of Education, *Directory of NYC Public High Schools 2013-2014* (2013), available at <http://schools.nyc.gov/NR/rdonlyres/6C650E9E-C2B6-4B78-9D4F-927DF94E4012/0/Introduction.pdf>.
- <sup>12</sup> See Carolyn Sattin-Bajaj, "Communication Breakdown: Barriers to Success in Informing Immigrant Families about High School Choice" in *New York City, in School Choice and School Improvement: Research in State, District, and Community Contexts*, M. Berends et al. (Eds.).(2011) (hereinafter "Barriers to Success") at 14.
- <sup>13</sup> *Id.*; NYC DOE, *Directory of NYC Public High Schools*, at 1.
- <sup>14</sup> This former mantra of the DOE is now difficult to locate on its website. An example appears at NYC DOE, "Amended Public Comment Analysis," November 25, 2013, available at [http://schools.nyc.gov/NR/rdonlyres/B122F4F4-30A6-420E-9A0B-97FB288B216A/155116/CampusMagnetPCA\\_final.pdf](http://schools.nyc.gov/NR/rdonlyres/B122F4F4-30A6-420E-9A0B-97FB288B216A/155116/CampusMagnetPCA_final.pdf).
- <sup>15</sup> *High Stakes Decisions: How NYC Students Have Fared Under School Choice*, A Center for New York City Affairs and Insideschools.org forum (hereinafter "High Stakes Decisions"), presentation by Sean Corcoran (April 20, 2011); Interview with Michael Alves (the process is especially secretive and can result in a child being matched to his or her first choice then "bumped" to a lower choice based on which schools she ranked versus other children).
- <sup>16</sup> "Barriers to Success" at 15.
- <sup>17</sup> The Legal, Economic, and Educational Advancement Project (LEEAP) at Fordham Law School's Feerick Center for Social Justice, *New York City High School Application Assistance Program: Selecting and Ranking High Schools Volunteer Counselor Supplementary Memo, Spring 2014*, 9 (on file with NY Appleseed).
- <sup>18</sup> "Barriers to Success" at 15.
- <sup>19</sup> LEEAP at 13.
- <sup>20</sup> NYC DOE, *Directory of NYC Public High Schools*, at 8.
- <sup>21</sup> "Barriers to Success" at 15.
- <sup>22</sup> NYC DOE, *Directory of NYC Public High Schools*, at 5.

- <sup>23</sup> See High Stakes Decisions: Robert Sanft, the CEO of DOE's Office of Student Enrollment explained that supply lags behind demand because it takes several years for new schools to become schools that applicants seek out.
- <sup>24</sup> "Barriers to Success" at 14-15.
- <sup>25</sup> Sophia Rosenbaum and Erica Pearson, "45% of New York City 8th-graders got into top high school choice: Education Dept." *NY Daily News*, March 11, 2014, available at <http://www.nydailynews.com/new-york/education/45-city-students-1-high-school-choice-article-1.1717700#ixzz2vrL9VRtD>.
- <sup>26</sup> Liz Robbins, "Lost in the School Choice Maze," *NY Times*, May 6, 2011, available at [www.nytimes.com/2011/05/08/nyregion/in-applying-for-high-school-some-8th-graders-find-a-maze.html?scp=1&sq=The%20School%20Choice%20Maze&st=cse](http://www.nytimes.com/2011/05/08/nyregion/in-applying-for-high-school-some-8th-graders-find-a-maze.html?scp=1&sq=The%20School%20Choice%20Maze&st=cse).
- <sup>27</sup> Meredith Kolodner, "Do 'Screened' Schools Screen Out Poor Kids?," *Insideschools.org*, January 18, 2012, available at <http://insideschools.org/blog/item/1000219-do-screened-schools-screen-out-poor-kids>.
- <sup>28</sup> See, for example, Lazar Treschan *et al.*, *The Meaning of Merit: Alternatives for Determining Admission to New York City's Specialized High Schools*, 2013, available at [http://b3cdn.net/nycss/b72f6ba9554188f841\\_d3m6bzka.pdf](http://b3cdn.net/nycss/b72f6ba9554188f841_d3m6bzka.pdf).
- <sup>29</sup> Sharon Otterman, "Diversity Debate Convulses Elite High School," *NY Times*, August 4, 2010, available at <http://www.nytimes.com/2010/08/05/nyregion/05hunter.html?scp=1&sq=Diversity%20Debate%20Convulses%20Elite%20High%20School&st=cse>.
- <sup>30</sup> *Id.*
- <sup>31</sup> *Id.*
- <sup>32</sup> *Id.*
- <sup>33</sup> See *id.*
- <sup>34</sup> See *id.*
- <sup>35</sup> See High Stakes Decisions (discussion).
- <sup>36</sup> Beth Fertig, "In Era of High School Choice, One District Retains Elite Status," *SchoolBook*, November 20, 2013, available at <http://www.wnyc.org/story/era-high-school-choice-manhattan-district-retains-elite-status/>.
- <sup>37</sup> Sarah Kramer, "Matching Students With Schools," *NY Times*, April 12, available at <http://www.nytimes.com/2013/04/14/nyregion/interview-with-the-chief-of-enrollment-in-the-new-york-city-education-department.html>.
- <sup>38</sup> Fertig.
- <sup>39</sup> See High Stakes Decisions (discussion, Sean Corcoran and Robert Sanft).
- <sup>40</sup> See High Stakes Decisions, presentation by Carolyn Sattin-Bajaj.
- <sup>41</sup> See *id.*
- <sup>42</sup> "Barriers to Success" at 15-16.
- <sup>43</sup> See High Stakes Decisions, (discussion, Carolyn Sattin-Bajaj).
- <sup>44</sup> See *id.*
- <sup>45</sup> See High Stakes Decisions, presentation by Carolyn Sattin-Bajaj; "Barriers to Success" at 17-19.
- <sup>46</sup> See High Stakes Decisions, presentation by Carolyn Sattin-Bajaj.
- <sup>47</sup> Corcoran *et al.*, at 30.
- <sup>48</sup> Norm Fruchter *et al.*, *Is Demography Still Destiny: Neighborhood Demographics and Public High School Students' Readiness for College in New York City*, 2012, available at <http://annenberginstitute.org/sites/default/files/Demography%20is%20Destiny.pdf>.

<sup>49</sup> The DOE does not appear to have made any formal announcement of the pilot project, but DOE officials mentioned it at a meeting of the New York City Council’s Committee on Education on “Oversight – DOE’s Admissions and Transfer policies,” held December 11, 2013. Information on the meeting is available at <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=276388&GUID=72FD08BE-AD22-4DE3-BBA7-CE7DE00B2CA3&Options=info|&Search=>.

<sup>50</sup> Henry Street Settlement newsletter, “The Week of February 10, 2014,” available at <http://www.henrystreet.org/programs/youth/this-week/thisweek21014.pdf>.

<sup>51</sup> NYC DOE, “NYCDOE’s Response to NYSED’s May 31st Letter Regarding SIG,” undated, published by *GothamSchools* at <http://www.scribd.com/doc/97976994/NYCDOE-Response>.

<sup>52</sup> Philissa Cramer, “City-state schism over challenge of needy students grows wider,” Chalkbeat, July 26, 2012, available at <http://ny.chalkbeat.org/2012/07/26/city-state-schism-over-challenge-of-needy-students-grows-wider/>.

<sup>53</sup> NYC DOE, “NYCDOE’s Response to NYSED’s May 31st Letter Regarding SIG.”

<sup>54</sup> Cramer.

<sup>55</sup> The original goal was to spur integration; African American and Latino students tended to comprise a larger portion of those students performing below grade level.

<sup>56</sup> See Leslie Berger, “School Maze,” *NY Times*, December 1, 2002, available at <http://www.nytimes.com/2002/12/01/nyregion/school-maze.html>.

<sup>57</sup> See Advocates for the Children of New York, Inc., *Public High Schools: Private Admissions: A Report on New York City Practices* (1985) (hereinafter “Public High Schools: Private Admissions”) at 7, available at [http://www.advocatesforchildren.org/sites/default/files/library/public\\_hs\\_1\\_of\\_3\\_1985.pdf?pt=1](http://www.advocatesforchildren.org/sites/default/files/library/public_hs_1_of_3_1985.pdf?pt=1).

<sup>58</sup> Public High Schools: Private Admissions at 3.

<sup>59</sup> See *id.* at 41.

<sup>60</sup> See *id.* at 3.

<sup>61</sup> See *id.* at 11.

<sup>62</sup> See *id.* at 42.

<sup>63</sup> See High Stakes Decisions, presentation by Sean Corcoran.

<sup>64</sup> Nathanson *et al.*, at 6.

<sup>65</sup> *Id.*, at 36.

<sup>66</sup> Sean P. Corcoran and Henry M. Levin (2011) “School Choice and Competition in the New York City Schools,” in *Education Reform in New York City: Ambitious Change in the Nation’s Most Complex School System*, eds. Jennifer O’Day *et al.*, Good examples are The Beacon School and Frederick Douglass Academy in Harlem.

<sup>67</sup> Sophia Rosenbaum and Erica Pearson, “45% of New York City 8th-graders got into top high school choice: Education Dept.” *NY Daily News*, March 11, 2014, available at <http://www.nydailynews.com/new-york/education/45-city-students-1-high-school-choice-article-1.1717700#ixzz2vrL9VRtD>.

<sup>68</sup> We join the Civil Rights Project/*Proyecto Derechos Civiles*, the Research Alliance for New York City Schools, and the Annenberg Institute for School Reform in calling for expansion of educational option high schools: Kucsera; Nathanson *et al.*; Fruchter *et al.*; Nathanson *et al.*

<sup>69</sup> Kolodner.