



Public Schools, Public Oversight: Principles and Policy Recommendations During *COVID-19* and Beyond

**The New York City
High School Application
Advisory Committee
(HSAAC) Subcommittee
on Rubrics for
Screened Programs**

May 12, 2020

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I. Statement of Purpose and Policy

Since 2012, Fordham Law School's Feerick Center for Social Justice has convened the New York City High School Application Advisory Committee (HSAAC), which is composed of service providers, after-school programs, education advocates, researchers, and other stakeholders. HSAAC members gather every other month during the academic school year to discuss ways to improve the New York City (NYC) public high school admissions process and to provide feedback directly to New York City Department of Education Office of Student Enrollment (NYCDOE OSE). NYCDOE OSE officials regularly attend HSAAC meetings. After publication of the Feerick Center's October 2019 report, *Screened Out: The Lack of Access to NYC Screened Program Admissions Criteria*,ⁱ NYCDOE OSE invited HSAAC to convene a subcommittee on rubrics to gather feedback and provide recommendations on the admissions process for screened high school programs (Rubrics Subcommittee or Subcommittee).

While the members of the Rubrics Subcommittee represent diverse experiences and philosophies related to high school admissions in New York City, we share a common goal of increasing educational opportunity, as well as racial, ethnic, and socio-economic equity in New York City schools by addressing the structures that have made it among the most segregated school systems in the country.ⁱⁱ To this end, the Subcommittee aims to provide NYCDOE with fundamental principles to guide reform of the admissions process for screened programs in addition to policy recommendations.

COVID-19

The unprecedented crisis caused by COVID-19 has touched all students, families, and schools in NYC. The pandemic has already required NYCDOE to make extraordinary and unforeseen changes to almost all aspects of public education. Among these, NYCDOE must now consider how to proceed with the admissions processes for the 2020-2021 admissions cycle. For screened programs, the criteria traditionally used—such as attendance, punctuality, test scores, and grades—are unavailable or unreliable. Use of these traditional criteria would create a COVID-19 penalty for students most acutely impacted by the crisis. There is no doubt that school closures will exacerbate the inequities that already plague the system, and we implore NYCDOE to take advantage of every opportunity—including changes to admissions policies—to counteract those negative impacts.ⁱⁱⁱ

Recommendation for 2020-2021 Admissions Cycle and Beyond

Subcommittee members believe that screens are inherently unequal and are committed to efforts to eliminate academic screens altogether. Their use at schools for younger children is fundamentally inappropriate, and we encourage NYCDOE to eliminate the use of competitive admissions at the middle school level immediately.^{iv} Some Subcommittee members support eliminating the use of screens at the high school level immediately as well. Yet the Subcommittee acknowledges the special challenges associated with high school screens and recognizes that dismantling all aspects of screens in high school admissions in these unprecedented times without adequate planning and support may lead to instability and unintended consequences that disproportionately affect the most vulnerable students and schools. Accordingly, the Subcommittee believes that a considered, incremental approach that creates greater consistency across programs and that is led by NYCDOE would benefit students, schools, and the system at large.

We recommend, in line with the principles outlined below, that NYCDOE develop and provide screened programs with a set menu of criteria (“standard criteria”) to consider adopting for the 2020-2021 admissions cycle, including criteria that promote equity, and the option to abandon the use of screening

altogether.¹ During this unprecedented time, a lack of guidance could lead to individual programs developing their own *ad hoc* criteria, potentially relying more heavily on capricious methods of evaluation. To promote equity and transparency for families, NYCDOE should collect each screened program’s choices from the standard criteria and generate student rankings, if applicable, centrally based on the inputs chosen by each program, much as some middle school districts have done through the use of composite scores. NYCDOE must not permit screened programs to implement previously unused criteria by their own prerogative. NYCDOE must make the criteria selected by each program publicly available.

The Subcommittee’s recommended approach allows NYCDOE to advance the fundamental principles of transparency, accountability, and equity without the risks that come with dismantling screens entirely in a single, unprecedented admissions cycle. We posit that the unique factors at play in next year’s admissions cycle in fact present an opportunity for NYCDOE to pilot, oversee, and evaluate this new initiative in service of the outlined principles. The Subcommittee requests and welcomes the opportunity for continued dialogue as NYCDOE OSE develops and implements changes to the high school admissions process for this and following cycles.

¹ In special circumstances where screened programs need to consider factors beyond those listed by the NYCDOE, programs should be required to submit a request substantiating the need for the additional screen and a method for evaluating that screen. If approved, evaluation of individual students based on the additional screen would be submitted to NYCDOE and NYCDOE would incorporate the information into the ranking as appropriate. We note that to the extent NYCDOE approves additional screens for certain programs in the 2020-2021 admissions cycle, those measures will potentially have greater weight than they have been given in prior admissions cycles.

II. Members

The members of the HSAAC Rubrics Subcommittee represent significant and diverse expertise in education policy and New York City high schools. The members are:

Fordham Law School Feerick Center for Social Justice (Convenor)

Dora Galacatos, Executive Director

Karuna Patel, Deputy Director

Lauren Kanfer, Associate Director

Laura Petty, Amanda Rose Laura Foundation Education Law Fellow

Dilon Goncalves, AmeriCorps Vista Member, LEEAP Ed. Coordinator

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Michael Kraft, Panel for Educational Policy, Manhattan Borough President Appointee²

Parastoo Massoumi, Doctoral Candidate, Harvard Graduate School of Education and Founder, Middle School Student Success Center at Cypress Hills Local Development Corporation

2 The opinions expressed in this document are Mr. Kraft's and do not represent the views of the Panel for Educational Policy.

III. Definitions

We define the terms below for purposes of this document.

1. "Screened programs" are defined here as programs that rank students based on selection criteria. This term, as it is used here, includes audition and screened language programs only to the extent that they also rank students based on *other* selection criteria.
2. "Publicly available" means information posted on the NYCDOE website and in MySchools in a logical and accessible way, in addition to availability at Family Welcome Centers, 311 by mail or email, school websites, if applicable, and available by request from any school or public-facing NYCDOE office.
3. "Stakeholders" include students, families, school personnel, local government officials, community-based organizations, and the public and other interested parties (e.g., advocates, researchers, etc.).
4. "Language access" means compliance with NYCDOE's Language Access Plan.^v
5. We define "equity" as the ability of all students to have the opportunity and access to attend a school of their choosing that meets their educational needs, as promised by NYCDOE's Equity and Excellence agenda.^{vi}

IV. Guiding Principles for Reform of the Screened High School Program Admissions Process

The Subcommittee believes that the substantive and procedural principles outlined below must guide NYCDOE as it considers adopting policies for the upcoming 2020-2021 high school admissions cycle and beyond.³ The same principles guided the Subcommittee's policy recommendation outlined above.

1. High School Admissions Policies Must Be Transparent.

- a. *Make application and seat assignment process transparent.*
The high school application and seat assignment process must be navigable and effective (e.g., reflect clarity and ease of use) for the largest number of users, including students, families, school-based staff and guidance counselors, and community-based service providers, to promote informed choice.
- b. *Make policies and procedures transparent.* Policies and procedures must be written, understandable, and accessible to stakeholders to reflect true transparency and compliance with state and local laws.
- c. *Actions to advance transparency.*
 - i. *Make all written policies and procedures publicly available.* NYCDOE must make publicly available all written policies and procedures at the school, district, and system-wide level, including all policies that apply to seat assignment.
 - ii. *Make admissions criteria for all screened programs publicly available.* NYCDOE must make publicly available the admissions policies for each screened program described accurately and completely.^{vii}
 - iii. *Make admissions policy for the upcoming year publicly available by July 1.* NYCDOE must make changes to policies and procedures for the 2020-2021 admissions cycle publicly available by July 1, 2020, in order for students, families, and other stakeholders to receive, digest, and plan based on that information.

³ The Subcommittee is well aware that some of these principles may be in tension with one another when applied to particular policy decisions. The Subcommittee's policy recommendations have and will give different weight to these principles as they apply to particular policy decisions. Finally, we acknowledge that NYCDOE and other stakeholders in the process may be guided by other principles. Some or all members of this Subcommittee may not agree that such principles or interests are necessary, valuable, or appropriate in guiding policy decisions. For example, the Subcommittee does not believe that the preferences of individual schools in deciding the composition of the incoming 9th and 10th grade classes in their schools reflect a guiding principle that must be considered in the NYC public high school admissions process.

2. Seat Assignment Must Increase Equity.

- a. *Expand and promote diversity in admissions methods.* Seat assignment must increase equity in the short term through the expansion and promotion of diversity in admissions strategies for all screened programs.⁴
- b. *Require admissions priorities for the most marginalized students.* Screened programs must factor in admissions priorities that support and benefit NYC's most marginalized groups of students.
- c. *Actions to advance equity.*
 - i. *Include socioeconomic and demographic indicators in admissions.* NYCDOE must consider the following socioeconomic and demographic indicators and set admissions priorities to ensure representation of students with disabilities, different levels of academic achievement, English language learners (ELLs), Emerging Multilingual Learners (EMLs), who are in the child welfare system, who are in temporary housing, or who are low-income.
 - ii. *Let schools opt out of screening.* Permit and encourage individual programs to opt out of screened admissions for the 2020-2021 admissions cycle. Provide needed support and additional resources to programs interested in or choosing to opt out of screened admissions.

3. NYCDOE Must Standardize and Centrally Administer All Admissions Processes for Screened Programs to Ensure Consistency Across the System.

- a. *Standardize and centralize administration of screens.*
NYCDOE must develop standard academic screens and administer screens centrally, including ranking based on program input, in order to ensure consistency and compliance with policies.⁵

⁴ The Subcommittee recognizes and emphasizes that this is a short term adjustment in support of incremental change toward equity for screened programs. Real integration of many of the screened programs would require the removal of all screens; however, as we are not confident that such a sudden change would be able to be fully supported by NYCDOE without causing further trauma to populations most affected by this crisis, we have made the gradational recommendations herein.

⁵ In special circumstances where screened programs need to consider factors beyond those listed by the NYCDOE, programs should be required to submit a request substantiating the need for the additional screen and a method for evaluating that screen. If approved, evaluation of individual students based on the additional screen would be submitted to NYCDOE and NYCDOE would incorporate the information into the seat assignment process as appropriate. We note that to the extent NYCDOE approves additional screens for certain programs in the 2020-2021 admissions cycle, those measures will potentially have greater weight than they have been given in prior admissions cycles.

IV. Guiding Principles for Reform of Screened High School Program Admissions Process (continued)

- b. *Actions to advance standardization and consistency.*
- Develop a standard menu of permissible screening criteria.* NYCDOE must develop a standard menu of permissible screening criteria applicable to all programs, including the option not to use screening criteria.
 - Collect screen inputs from schools and administer centrally.* Programs choosing to use screens must choose from standard screening criteria. NYCDOE must then carry out seat assignment centrally, including ranking students based on criteria selected by the programs or assigning students randomly, if applicable. Otherwise, if programs continue to develop their own rubrics and rank students at the program level, screened programs must provide rubrics and criteria that are clearly defined, along with an educationally-based rationale for their use, to NYCDOE.
 - Require and make public rationale for each screening criterion.* NYCDOE must require programs to explain in writing the purpose or goal for each screening criterion a program applies in admissions and how it relates to the mission of its program. NYCDOE must make the explanations publicly available.

4. NYCDOE Must Exercise Oversight Over the High School Admissions Process.

- Maintain fairness through oversight.* It is NYCDOE's role to curtail inappropriate manipulation, favoritism, implicit bias, or fraud in high school admissions.^{viii}
- Ensure and document compliance with policy, procedures, and the law.* Whatever seat assignment rules, policies, and procedures are adopted by NYCDOE and are required by state and local law must be followed by decision-makers and gatekeepers. NYCDOE must ensure and document compliance.
- Actions to advance appropriate oversight.*
 - Hold all actors accountable.* NYCDOE must hold all actors in the high school admissions process accountable to ensure compliance with any and all applicable policies, procedures, regulations, or laws.
 - Conduct audits and make audit reports publicly available.* NYCDOE must routinely audit all internal processes, including processes implemented at the school and district level, and make audit reports publicly available in a timely manner.

5. Seat Assignment Policies and Procedures Must be Feasible and Efficient.

Seat assignment policies and procedures will necessarily have to be administratively feasible and consideration will need to be given to the exigencies created by the COVID-19 pandemic.

6. High School Seat Assignment Must Continue to Factor in the Preferences of Students and Families Based on Access to Reliable Information.

7. Students And Families Must Have Equitable Access and Support in Navigating the High School Admissions Process.

- Provide individualized and effective resources to vulnerable students.* NYCDOE must provide increased access to counseling and guidance on how to rank preferences to students and families, particularly to families who are low income and/or whose primary language is not English. The need for individualized guidance will be heightened during the 2020-2021 admissions cycle, particularly if students are required to remain at home in the fall, when guidance is typically provided at school.
- Actions to advance equitable access to support for the application process that results in optimum outcomes.*
 - Increase expert counseling in under-resourced middle schools.* As soon as fiscally practicable, NYCDOE must increase support and access to counseling for students in under-resourced middle schools with training and resources for students and counselors that allow for more optimal choices or matches of student and program.
 - Expand admissions support beyond guidance counselors.* During this period of significant fiscal constraints, NYC can pursue fiscally-neutral ways to expand and enhance capacity to better meet the needs of students and families to navigate high school admissions, including working with New York City Department of Youth and Community Development to include admissions assistance as a required deliverable with after-school funding streams and incorporating admissions-related topics and skills as part of the middle school academic curriculum.
 - Make access to tours more equitable.* NYCDOE must explore ways to improve access to tours for less-resourced students and families including virtual tours and standardizing times for tours.

Endnotes

- i. THE FEERICK CENTER FOR SOCIAL JUSTICE, FORDHAM LAW SCHOOL, SCREENED OUT: THE LACK OF ACCESS TO NYC SCREENED PROGRAM ADMISSIONS (2019), https://www.fordham.edu/download/downloads/id/13801/screened_out_the_lack_of_access_to_nyc_screened_program_admissions_criteria.pdf.
- ii. See THE CIVIL RIGHTS PROJECT, NEW YORK STATE'S EXTREME SCHOOL SEGREGATION: INEQUALITY, INACTION AND A DAMAGED FUTURE (2014), https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfl-et-report-placeholder/NYmetro_NY_CBSA_intrastate_tables_2014_March21_v2.pdf; see also <https://archive.nytimes.com/www.nytimes.com/interactive/2012/05/11/nyregion/segregation-in-new-york-city-public-schools.html>.
- iii. See, e.g., Reema Amin, Alex Zimmerman, and Christina Veiga, *Thousands Of NYC Students Won't Have Access To Computers Before Remote Learning Starts Next Week*, Chalkbeat (Mar. 19, 2020) <https://ny.chalkbeat.org/2020/3/19/21196077/thousands-of-nyc-students-won-t-have-access-to-computers-before-remote-learning-starts-next-week>.
- iv. See New York City Bar Association, Letter to Chancellor Carranza and Members of the School Diversity Advisory Group (May 1, 2019) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/eliminate-competitive-admissions-to-nyc-public-elementary-and-middle-schools>.
- v. N.Y.C. Dep't of Educ., Language Access Policy, <https://www.schools.nyc.gov/about-us/policies/language-access-policy>.
- vi. N.Y.C. Dep't of Educ., Equity and Excellence for All, <https://www.schools.nyc.gov/about-us/vision-and-mission/equity-and-excellence>.
- vii. See N.Y.C. Council, Local Law No. 2019/223, Expanding reports on demographic data in NYC public schools (Dec. 15 2019) <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3927504&GUID=5F1EAB4B-EF1B-489A-86A9-087A5C9460FB&Options=ID%7cText%7c&Search=school+diversity+report> (emphasis added); N.Y. State Archives, Adoption and Use of the Schedule, http://www.archives.nysed.gov/records/retention_ed-1_introduction.
- viii. Stefan Lallinger, *NYC Schools Should Drop Admissions Screens for Upcoming Year*, Century Foundation (May 8, 2020) (<https://tcf.org/content/commentary/nyc-schools-drop-admissions-screens-upcoming-year/>) (noting "little-known device that screened schools can (and do) employ that gives principals the power to selectively admit students in ways that have nothing to do with 'merit,' by selectively issuing a ranking to some students and not to others").

