

Student Assignment to Public Middle Schools in New York City

Advocacy Briefing

January 2019

ACADEMIC ASSESSMENT - FOR SCHOOL USE ONLY
Middle School Liaison: This section will be pre-populated with the student's academic information.
1) Please verify that the student biographical information (e.g. address) and the student attendance information are correct.
2) Please verify that the final June 2017 report card grades and academic and personal behaviors are correct.

COURSE NAME	Grade
Math	1
English Language Arts	4
Social Studies	3
Science	2
Art	3
Music	3
	2

ACADEMIC AND PERSONAL BEHAVIORS

Category	Grade
Time Management & Independence	1
Organization	3
Perseverance	4
Asks for help	2
Respects School Rules & Collaboration	3

Attendance in ATS: Days Absent: 7 Days Late: 0

Extenuating circumstances for absence and lateness? Yes No

If Yes, please check all that apply: Due to Illness Due to Family Circumstances Lateness Excused

Completed. Please note to NYSED Records

Introduction

Up until recently the conventional wisdom in New York City (mixed with no small amount of willful ignorance) held that public schools were segregated because neighborhoods were segregated. New York Appleseed exploded this myth five years ago with a groundbreaking briefing on elementary schools showing how the policies of school choice made residence far less determinative of school enrollment than the public had realized.¹ These insights were corroborated by two high-profile school “rezonings” occurring in the fall of 2015

¹ New York Appleseed, *Within Our Reach: Segregation in NYC District Elementary Schools and What We Can Do About It: School-to-School Diversity*, 2013, available at https://nyappleseed.org/wp-content/uploads/First-Briefing-FINAL-with-Essential-Strategies-8_5_13.pdf.

² Patrick Wall, *For Two Sharply Divided Manhattan Schools, an Uncertain Path to Integration*, CHALKBEAT (Oct. 19, 2015) <https://www.chalkbeat.org/posts/ny/2015/10/19/for-two-sharply-divided-manhattan-schools-an-uncertain-path-to-integration/>.

and early 2016. The death knell came this year with a comprehensive report from the Center for New York City Affairs finding that elementary schools would be slightly *less* segregated if all students attended their zoned schools.³

The relationship between residence and school attendance, however, is even more tenuous when it comes to our public middle schools. Without a doubt community-school-district (CSD) boundaries continue to play a major role in segregating our middle schools. But within the boundaries of these districts, middle schools depend far less on geographic zoning than is commonly understood. Data from the 2018 middle-school directories show that only 17% of New York City's public middle schools are zoned. CSD middle-school choice processes are famous for their complexity and perceived unfairness.⁴ Compounding the inherently segregative effects of school choice, even more pernicious policies of "screening" - largely absent from elementary schools - work to stratify further our public middle schools.

The community-designed District 15 Diversity Plan⁵ approved by Chancellor Richard A. Carranza and Mayor Bill De Blasio in September of 2018, offers an alternative system to screens, by removing them from all middle schools in the district, and setting enrollment priorities at each school for students classified as English Language Learners (ELL), Free and Reduced Lunch (FRLP), and in Temporary Housing (STH). Chancellor Carranza has publicly interrogated the value of screens in New York City schools, and the city's School Diversity Advisory Group will be making recommendations on a range of integration related issues in the coming months.

³ Nicole Mader, Clara Hemphill, and Qasim Abbas, *The Paradox of Choice: How School Choice Divides New York City Elementary Schools*, 2018, available at <http://www.centernyc.org/the-paradox-of-choice/>.

⁴ See, e.g., Christina Veiga, *Middle School Acceptance Letters Are Out. Here's Why Parents Say the Application Process Leads to Segregation*, CHALKBEAT (Apr. 20, 2017), <https://www.chalkbeat.org/posts/ny/2017/04/20/middle-school-acceptance-letters-are-out-heres-why-parents-say-the-application-process-leads-to-segregation/> (describing efforts to make the admission process "more fair"); Weaver, *supra* note 16 ("[I]t's up to each school to decide what they include [in admissions requirements] and whether or not to disclose them to families. So, in most cases, parents have had to blindly apply and hope for the best."); Julie Slotnik Sturm, *What About Middle School?*, HUFFPOST (Apr. 28, 2015, 4:57 PM, updated June 28, 2015), https://www.huffingtonpost.com/julie-slotnik-sturm/what-about-middle-school_b_7163332.html ("With no zoned middle schools in [District 15] and a complex algorithm for matching kids to schools - which includes parents ranking schools and schools ranking kids - the DOE will assign some students to schools not of their choosing."); Malesevic, *supra* note 16 (describing criticisms of the admissions process as used in District 2).

⁵ D15 DIVERSITY PLAN, Final Report 2018 (July 2018), available at http://d15diversityplan.com/wp-content/uploads/2018/10/180919_D15DiversityPlan_FinalReport.pdf.

To inform a public debate increasingly homing in on middle-school segregation in New York City, New York Appleseed worked with volunteers from our longtime partner Orrick, Herrington & Sutcliffe LLP to create this issue briefing.⁶ This document attempts to summarize the current use of screening and geographic zoning admissions methods by middle-school programs within the purview of the New York City Department of Education (“NYC DOE”).

Section I outlines the admissions methods, selection criteria and admissions priorities used by NYC DOE middle-school programs, excluding charter schools and “school-based application” schools that are not listed on the NYC DOE middle-school application and do not participate in the NYC DOE middle-school admissions process. Section II catalogs the citywide use of each admissions method, includes statistics for each borough and depicts the degree to which each district within each borough relies on zoning. Section III includes admissions-methods data at the CSD level.

The data presented in the tables and charts in this briefing are derived from a companion spreadsheet (available online⁷) containing data derived from the information available in the *2018 NYC Middle School Directory* for each district in each borough (referred to herein as the “Directories”). These Directories are publicly available on the NYC DOE’s website.⁸

⁶ New York Appleseed is grateful to Jill Rosenberg, Jennifer Grew, and Lauren Webb at Orrick for their work on this briefing. We are also grateful to Leonard Lubinsky for doing the initial research of this subject for New York Appleseed in 2014.

⁷ Available at <http://nyappleseed.org/wp-content/uploads/Middle-School-Admissions-Methods-Data-4132-6310-7857-5.xlsx>.

⁸ See <https://www.schools.nyc.gov/enrollment/enroll-grade-by-grade/middle-school>.

I. Admissions Methods

This section summarizes admissions methods used for middle schools in the 2018 admissions cycle.

Generally, students are eligible to apply to public middle schools in the district where they are zoned for middle school and the district where they attend elementary school, but there are borough- and city-wide programs as well. New York City middle school programs choose from among seven admissions methods to determine which applicants will match and be offered placement. Beyond the basic methods listed below, the Directories list each program's specific selection criteria and admissions priorities that also play a role in admissions decisions.

The seven basic admissions methods, as described in the Directories, are as follows:

1. Unscreened – Students are selected randomly.
2. Limited unscreened – Students are selected randomly, with priority to certain groups of students (i.e.: continuing students, students who sign in to show interest in the program, residents of the district, or some combination thereof).
3. Zoned – Students are guaranteed a match to their zoned program (based on either the zone in which they reside or the zone in which their current school is located), so long as they do not match to a program ranked higher on their middle school application.
4. Screened – Schools rank students based on specific factors, which typically includes academic and personal behaviors (e.g.: time management, organization, persistence, asking for help when needed, respecting school rules and working well in the school community), such as 4th grade report card, reading and math standardized test scores, attendance, punctuality, audition, writing sample or other assessments.
5. Screened language – Students are ranked based on language proficiency.
6. Composite score – Students are ranked based on a composite score calculated by assigning points to certain categories corresponding to an applicant's academic record; certain aspects may be weighted differently than others.
7. Talent Test – Students are matched based on their score on a particular program's Talent Test.

Programs that use screened, screened-language and composite-score admissions methods use a detailed set of factors in their admissions decisions. These factors are listed under “Selection Criteria” on each program’s page in the Directories. In addition, these programs have access to an applicant’s academic record, whereas programs using the unscreened, limited unscreened, zoned and talent test methods do not have access to an applicant’s academic record.

Some programs have admission priority groups. Programs drawing from multiple priority groups assign a rank to each group and use a randomized drawing to select students from each group, in order, until all seats are filled. The two most common first priority groups are continuing 5th grade students and students who have demonstrated interest in a program. “Continuing students” include students continuing from 5th grade at the same school where the middle school program is housed, students continuing from 5th grade at specific elementary schools, or students continuing from 5th grade at specific programs.⁹ Continuing students are guaranteed to match with their continuing school if they rank it on their application. “Interest” is determined by signing in at an event (i.e.: the school’s table at a middle school fair, open house or information session) and is sometimes combined with geographic residence—for example, “students residing in the zone who sign in at an event” and “students residing in the district who sign in at an event” are independent priority groups. Priority groups also may be based strictly on geography (i.e.: students who apply and live in the zoned area for a particular program or students who reside or attend public school in a particular district). All programs using the limited-unscreened admissions method also use priority groups.

⁹ For example, 30th Avenue School gives a priority to students in the P.S. 85 citywide Gifted & Talented Program. NYC DEP’T OF EDUC., DISTRICT 1 2017 NYC MIDDLE SCHOOL DIRECTORY 66 (2017), <http://schools.nyc.gov/NR/rdonlyres/42382929-0577-42F0-A336-78641DFD5A4D/0/2018NYCMSDirectoryDistrict1ENGLISH.pdf> (hereinafter “*District 1 Directory*”).

II. Use of Admissions Methods: Citywide and Borough Statistics

Looking at middle school programs across New York City’s five boroughs that use the NYC DOE’s middle school application, 32% of middle school programs admit eligible students randomly, 17% admit based on residence in zone, and 15% use limited-unscreened admission methods. Thirty-seven percent of middle-school programs use a form of competitive screening (i.e.: screened, screened: language, composite score and talent test admissions methods). This data includes district programs, borough-wide programs and citywide programs.

Admissions Methods Used in Non-Charter School, Non-School-Based Application Middle School Programs in New York City¹⁰

Admissions Method	NYC Total	% NYC Schools	Manhattan	Bronx	Brooklyn	Queens	Staten Island	Citywide
Unscreened	197	32%	20	73	53	47	3	1
Limited Unscreened	89	15%	22	25	26	14	2	0
Zoned	107	17%	2	24	31	40	10	0
Screened	132	21%	51	21	45	9	0	6
Screened: Language	44	7%	15	9	9	9	2	0
Composite Score	46	7%	0	2	29	9	4	2
Talent Test	7	1%	0	0	6	0	0	1

“Citywide schools,” which pull students from all boroughs, almost exclusively use competitive admission processes.¹¹ Of these, six programs are screened,¹² two programs use a

¹⁰ Total may not add to 100% due to rounding.

¹¹ The notable exception is The Ella Baker School on the Upper East Side, which is unscreened. However, this school is a Pre-K through 8th grade school that prioritizes continuing 5th grade students. Its description notes that “it is rare that there are spots open in the upper grades.” *District 1 Directory*, *supra* note 9, at 55.

¹² P.S. 347—“47” The American Sign Language and English Lower School, Institute for Collaborative Education, Professional Performing Arts School, The Anderson School P.S. 334 Middle School, Talented and Gifted School for Young Scholars, Manhattan East School for Arts & Academics (M.S. 224) are screened programs. *District 1 Directory*, *supra* note 9, at 56-58, 60, 62-63.

composite score¹³ and one program uses a talent test.¹⁴ The screened schools vary in their selection criteria—for example, some require a writing sample or consider attendance and punctuality—but all consider, at a minimum, the student’s final 4th grade report card and/or 4th grade state exam scores, and an interview or audition.¹⁵

There is greater variance in the admissions methods used by schools in different boroughs. Manhattan, for example, uses zoning for less than 2% of its middle school programs, whereas Staten Island uses zoning for 48% of its middle school programs. Overall, Manhattan has the greatest percentage of programs using competitive admission processes. A majority of the programs in each of the other boroughs use non-competitive admission processes, but the predominant non-competitive process varies between boroughs.

¹³ Brooklyn School of Inquiry and The 30th Avenue School (P.S./M.S. 300) use composite scores. *District 1 Directory*, *supra* note 9, at 64, 66.

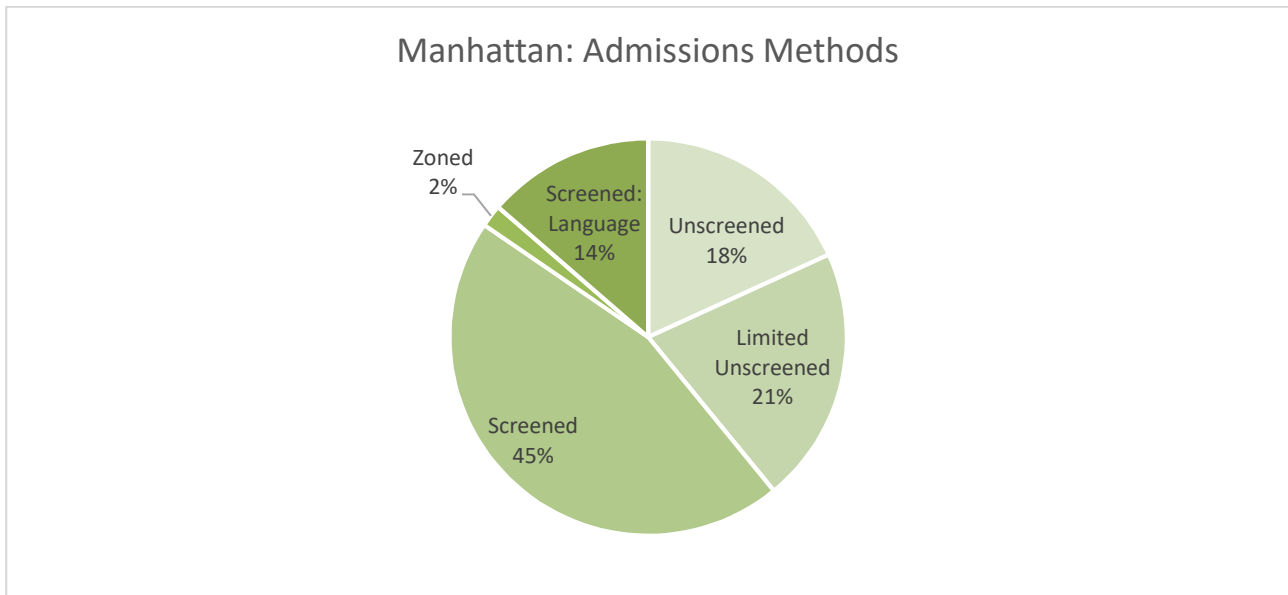
¹⁴ Mark Twain for the Gifted & Talented (I.S. 239) uses the District 21 Talent Tests. *District 1 Directory*, *supra* note 9, at 65.

¹⁵ *Supra* note 12.

A. Manhattan Middle School Admissions Methods

Manhattan middle school programs are the most likely to be screened and the least likely to be zoned, compared to programs in other boroughs. Although none of the programs use a talent test or composite score, 59% of middle school programs in Manhattan use a competitive admissions process. This includes 51 general screened programs and 15 language screened programs.

In contrast, only 20 middle school programs in Manhattan use a random unscreened process. Another 23 programs use a limited-unscreened process, which typically prioritizes either continuing students or students who demonstrate interest in the school by visiting. Only two programs are zoned.

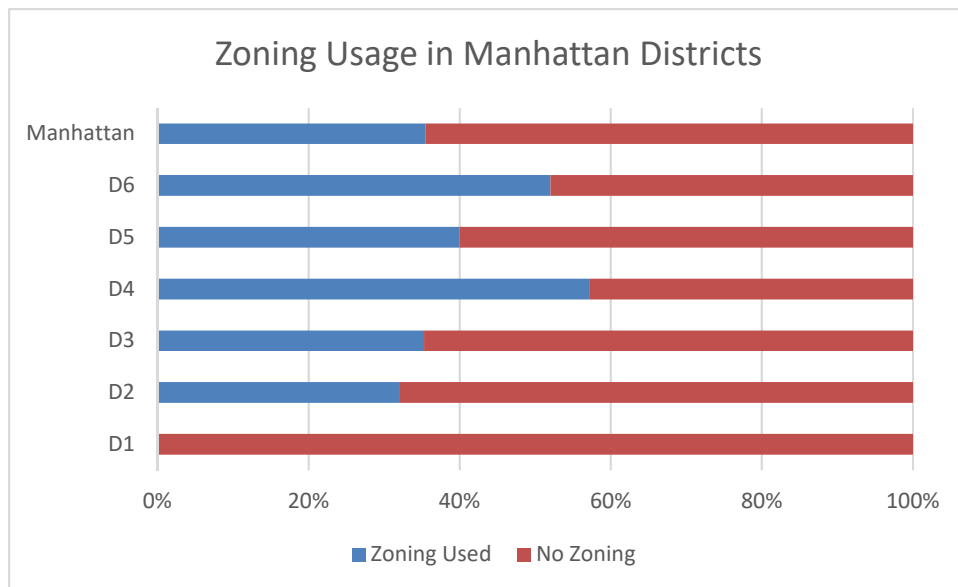


Manhattan District 2, where over 70% of its programs use a screened admissions process (18 of the district's programs will be screened in the 2018 application cycle), was sharply criticized in 2015 for the programs' opaque screening processes.¹⁶ Following a Freedom of

¹⁶ See, e.g., Shaye Weaver, *Mysterious Middle School Selection Process Forced Out by Open Records Law*, DNAINFO (Nov. 9, 2016, 5:12 PM), <https://www.dnainfo.com/new-york/2016/11/09/upper-east-side/district-2-middle-school-applications-rubrics-released> (describing movement by parents to force District 2 schools to release admission rubrics); Dusica Sue Malesevic, *Parents Look for Better Way to Apply to Middle Schools*, DOWNTOWN EXPRESS (Apr. 9, 2015), <http://www.downtownexpress.com/2015/04/09/parents-look-for-better-way-to-apply-to-middle-schools/> (describing criticisms of District 2's admissions process).

Information Law request, the Community Education Council for CSD 2 released the 2017 rubrics used for screened middle school programs, clarifying the way each school allocates points to rank students.¹⁷ However, the report notes that these same rubrics may not be used in future admissions seasons. More recently, the Community Education Council introduced a resolution to remove attendance from the admissions rubric for screened programs, arguing that awarding points based on attendance disadvantages students in poverty and students with unstable living situations.¹⁸

The following chart shows the percentage of programs using zoning (including programs using the zoned admissions method and programs using priority groups for students residing or attending public school in the zone) in each of the six districts in Manhattan. Note that the chart only includes borough-wide schools in the borough percentage. (District 1 does not include any zoned programs at both the elementary- and middle-school levels.)

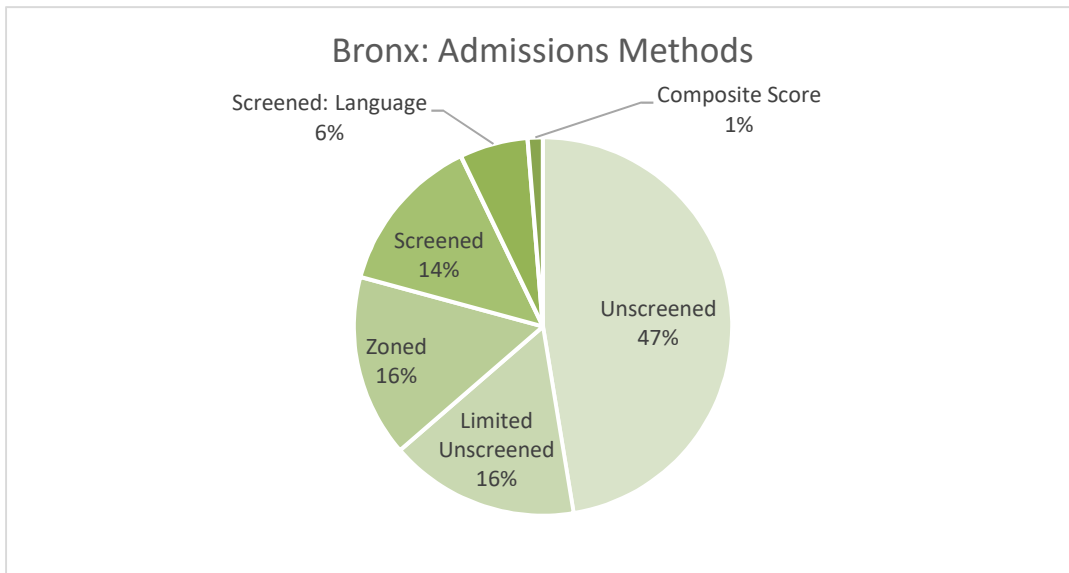


¹⁷ These rubrics are available at https://docs.wixstatic.com/ugd/779a12_8010608fd53d44b9bf8411b63769c50f.pdf.

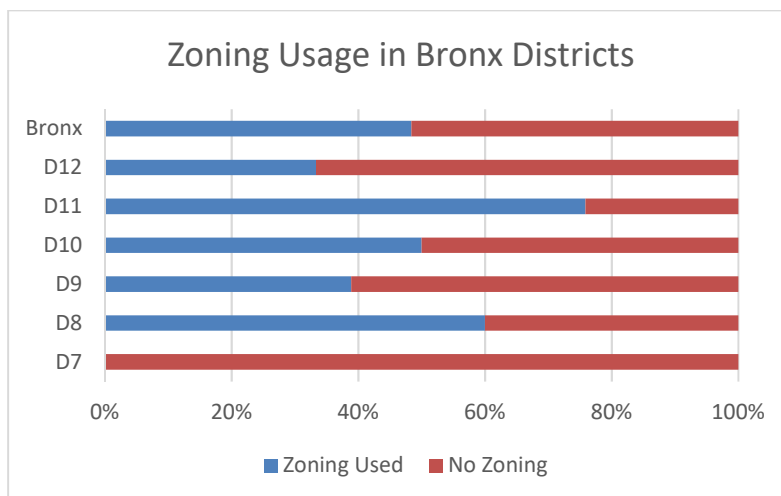
¹⁸ Christina Veiga, *Want to Make Middle School Admissions More Fair? Stop Looking at This Measure, Parents Say*, CHALKBEAT (Nov. 7, 2017), <https://www.chalkbeat.org/posts/ny/2017/11/07/want-to-make-middle-school-admissions-more-fair-stop-looking-at-this-measure-parents-say/>; *Resolution to Eliminate Attendance and Lateness from Middle School Admissions Rubrics*, Comm. Educ. Council District 2 (introduced Dec. 11, 2017), https://drive.google.com/drive/folders/0B97dEauFb_gXcTVwbnpCUDRMaG8.

B. Bronx Middle School Admissions Methods

The Bronx has the largest percentage of middle school programs using an unscreened admission process, at 73 programs (or approximately 47% of Bronx middle school programs). Another 49 schools (approximately 32% of Bronx middle school programs) also use non-competitive admissions programs, split between zoned and limited unscreened.

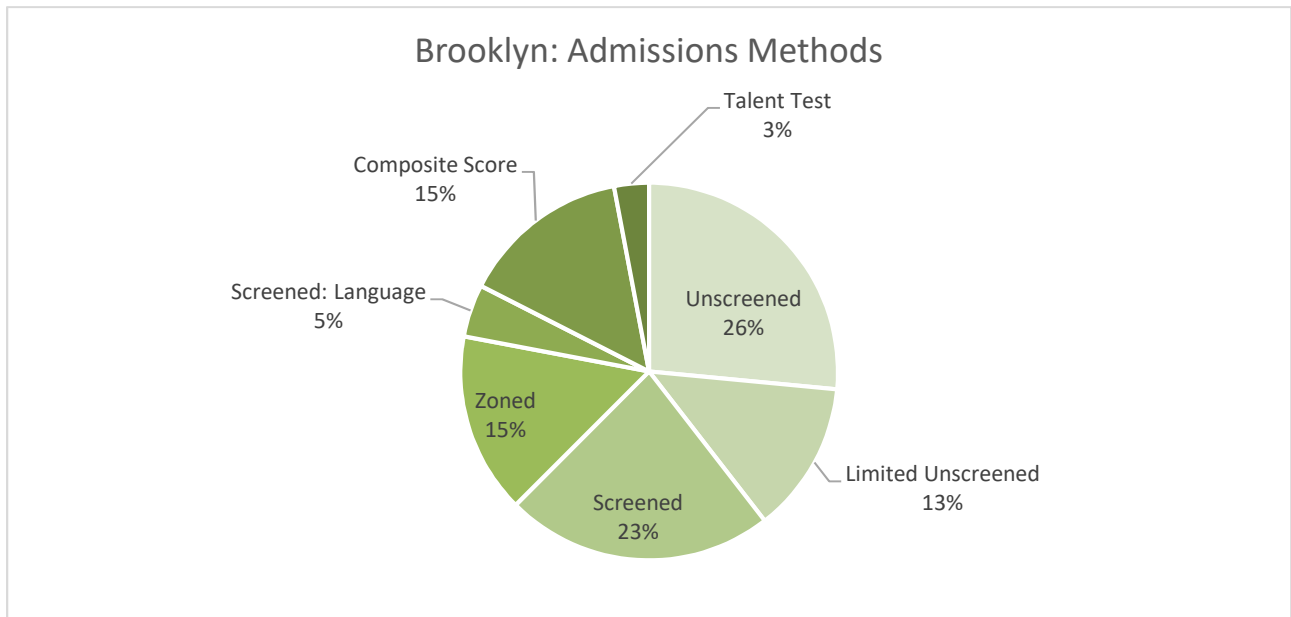


The following chart shows the percentage of programs using zoning (including programs using the zoned admissions method and programs using priority groups for students residing or attending public school in the zone) in each of the six districts in the Bronx. Note that the chart only includes borough-wide schools in the borough percentage.

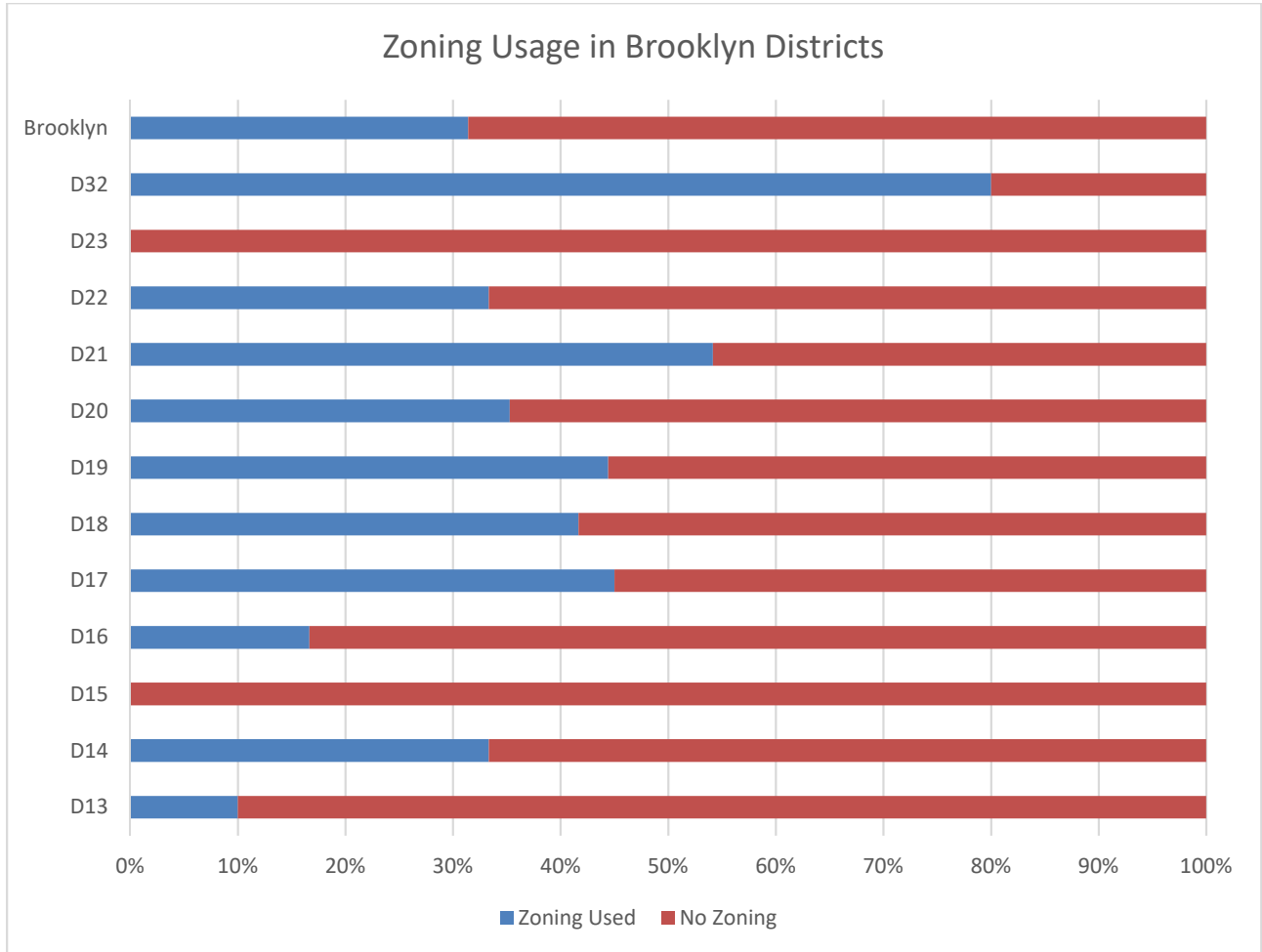


C. Brooklyn Middle School Admissions Methods

Most Brooklyn middle school programs use a non-competitive admissions process: 53 programs are unscreened; 26 programs are limited-unscreened; and 31 programs are zoned. This accounts for approximately 54% of all programs. Among the competitive programs, most (46 schools total) use a general screened process, and 29 schools use a composite score.

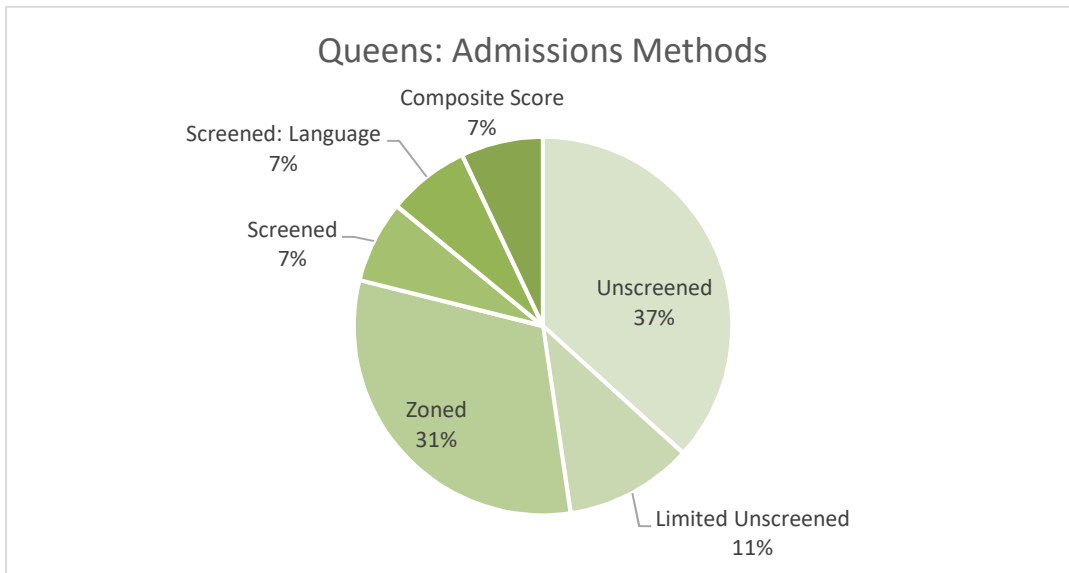


The following chart shows the percentage of programs using zoning (including programs using the zoned admissions method and programs using priority groups for students residing or attending public school in the zone) in each of the twelve districts in Brooklyn. Note that the chart only includes borough-wide schools in the borough percentage. (District 23 does not include any zoned programs at both the elementary- and middle-school levels.)

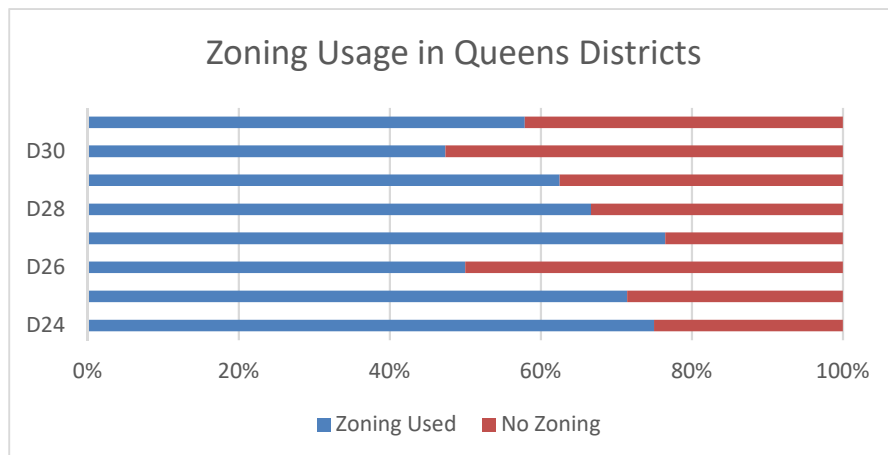


D. Queens Middle School Admissions Methods

Queens has the lowest percentage of middle school programs using non-competitive admissions processes overall. Approximately 79% of its programs use a non-competitive admissions process: 47 programs are unscreened, 40 programs are zoned, and 14 programs use a limited-unscreened process. The remaining 21% of programs use primarily general screening, language screening, and composite scores (9 schools each).

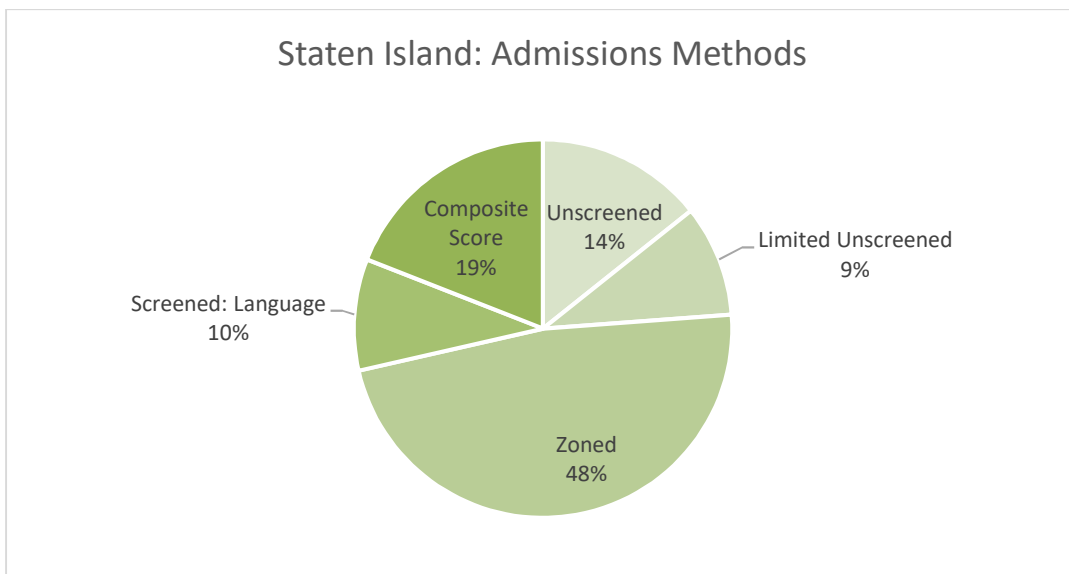


The following chart shows the percentage of programs using zoning (including programs using the zoned admissions method and programs using priority groups for students residing or attending public school in the zone) in each of the seven districts in Queens. Note that the chart only includes borough-wide schools in the borough percentage.

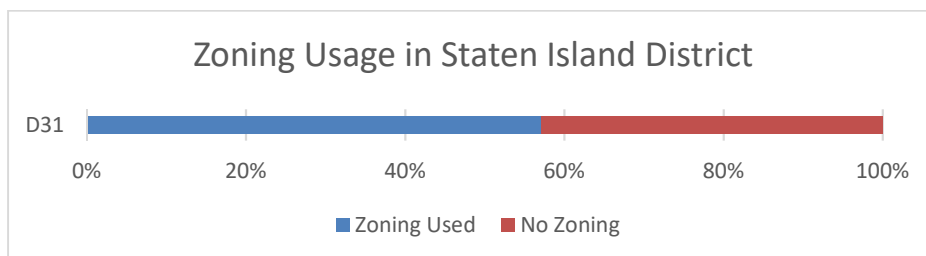


E. Staten Island Middle School Admissions Methods

Staten Island has significantly fewer middle school programs than the other boroughs, with only 21 programs total. Nonetheless, Staten Island has the greatest percentage of zoned programs (ten programs or 48% of all programs) and does not use a general-screened admissions process in any of its programs. The only competitive admissions processes used by Staten Island middle school programs are composite scores (four programs) and language screening (two programs).



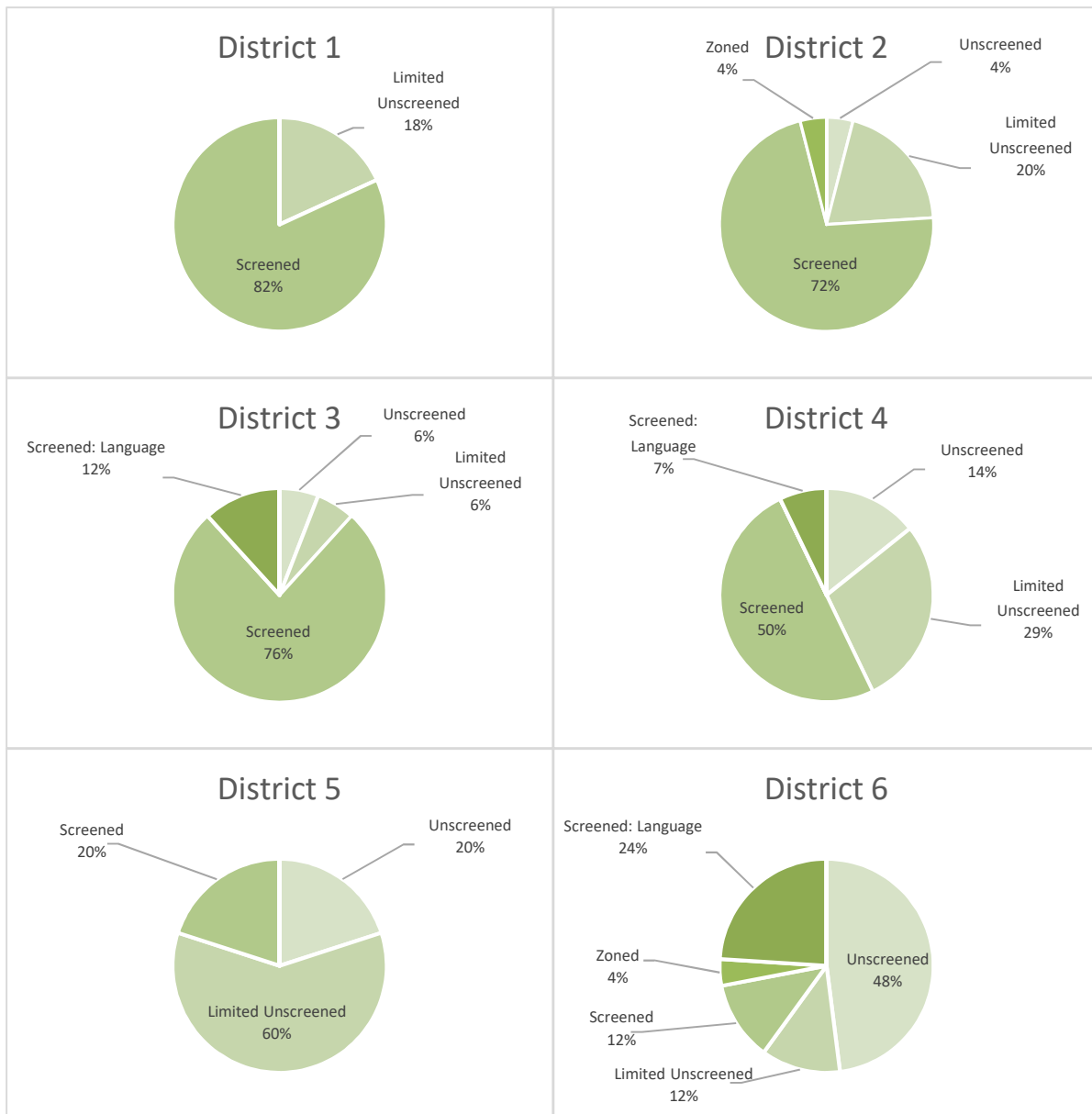
Staten Island consists of only one district (District 31), so the above chart reflects district-level data as well. The below chart shows the percentage of programs using zoning (including programs using the zoned admissions method and programs using priority groups for students residing or attending public school in the zone) in District 31.



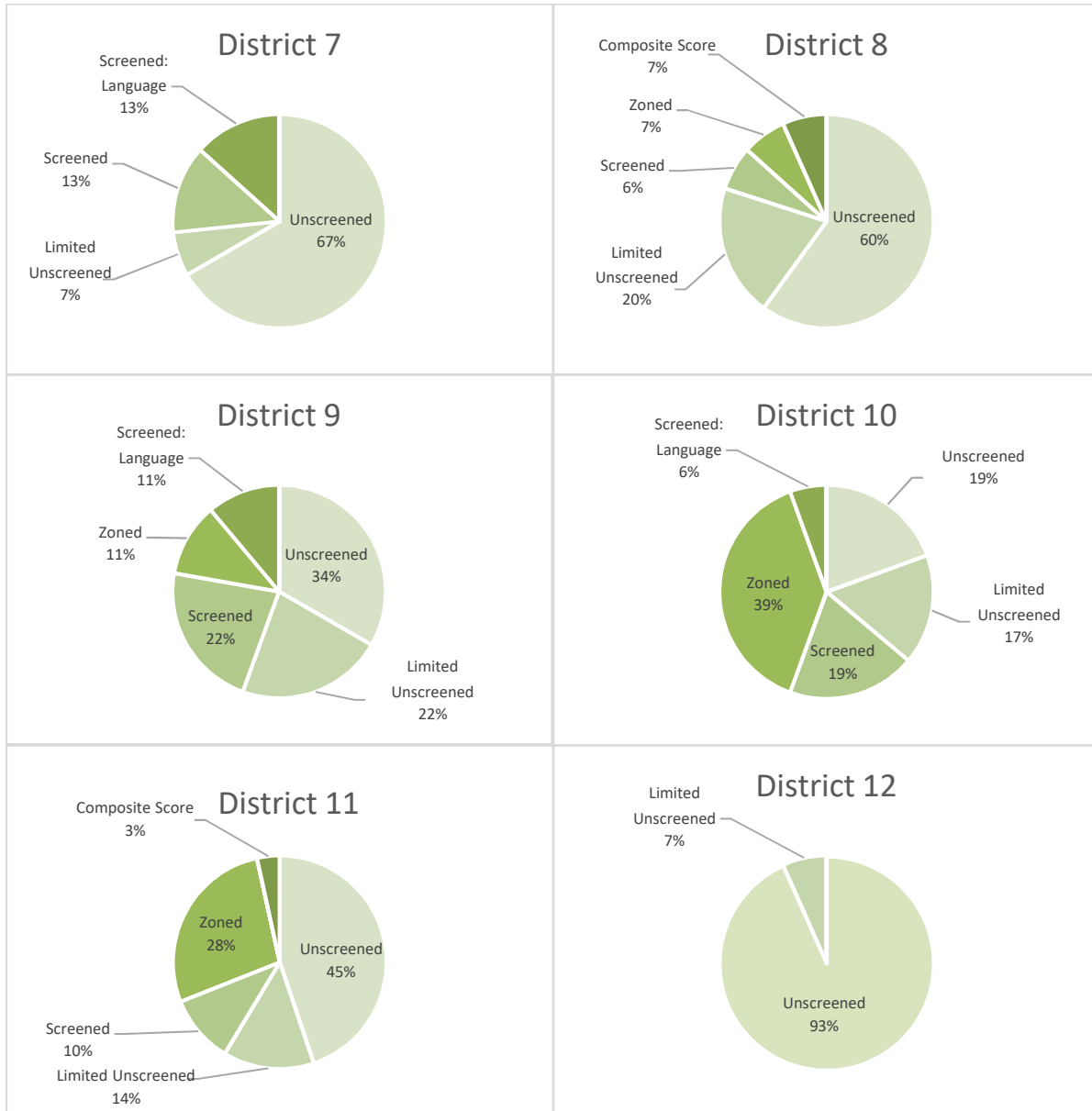
III. Use of Admissions Methods: Community School District Statistics

There are 32 community school districts in New York City. Districts are further subdivided by zone. The following charts are grouped by borough and illustrate the extent to which each district relies on the various admissions methods for its middle school programs.

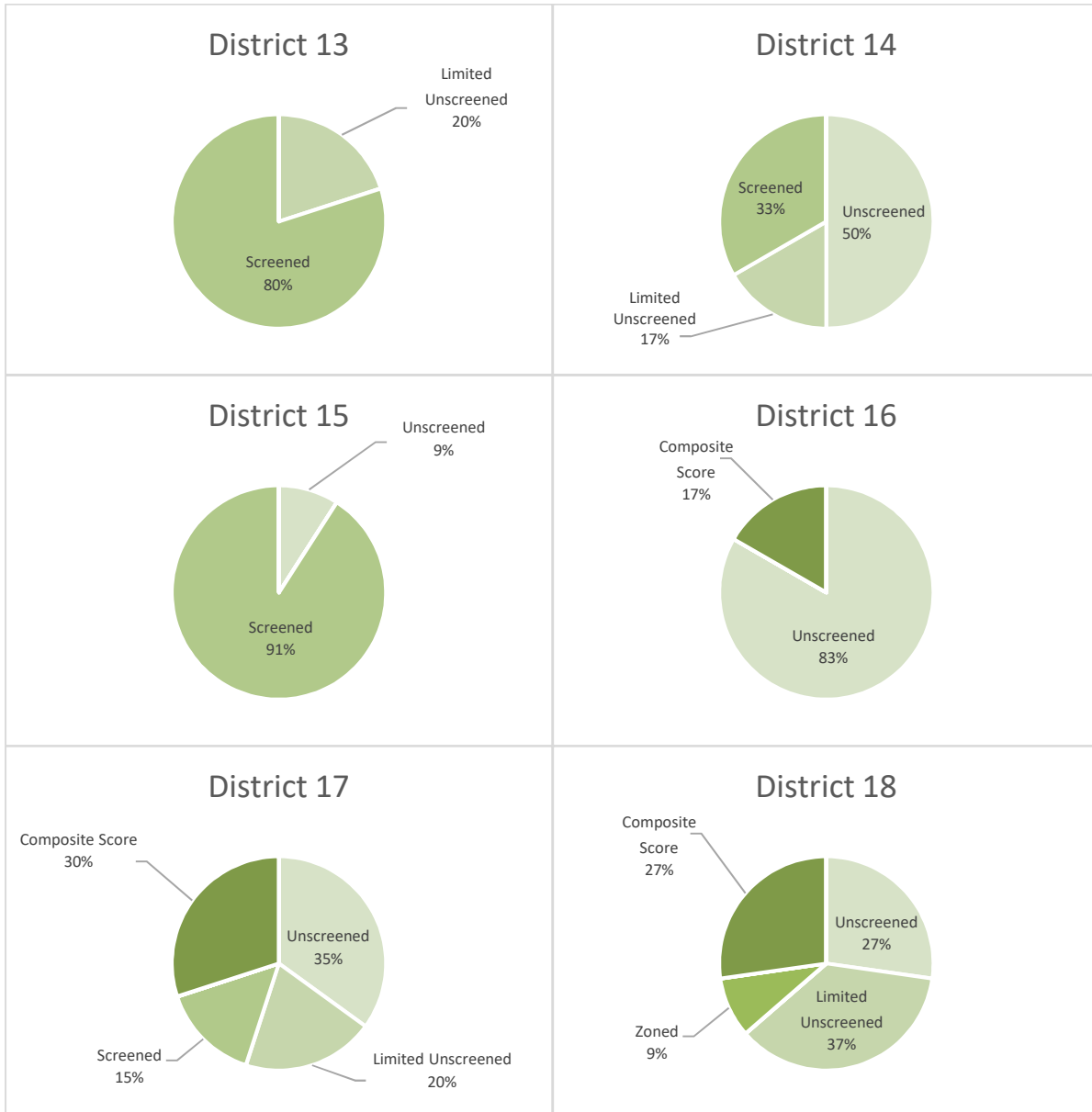
A. Manhattan District Middle School Admissions Methods

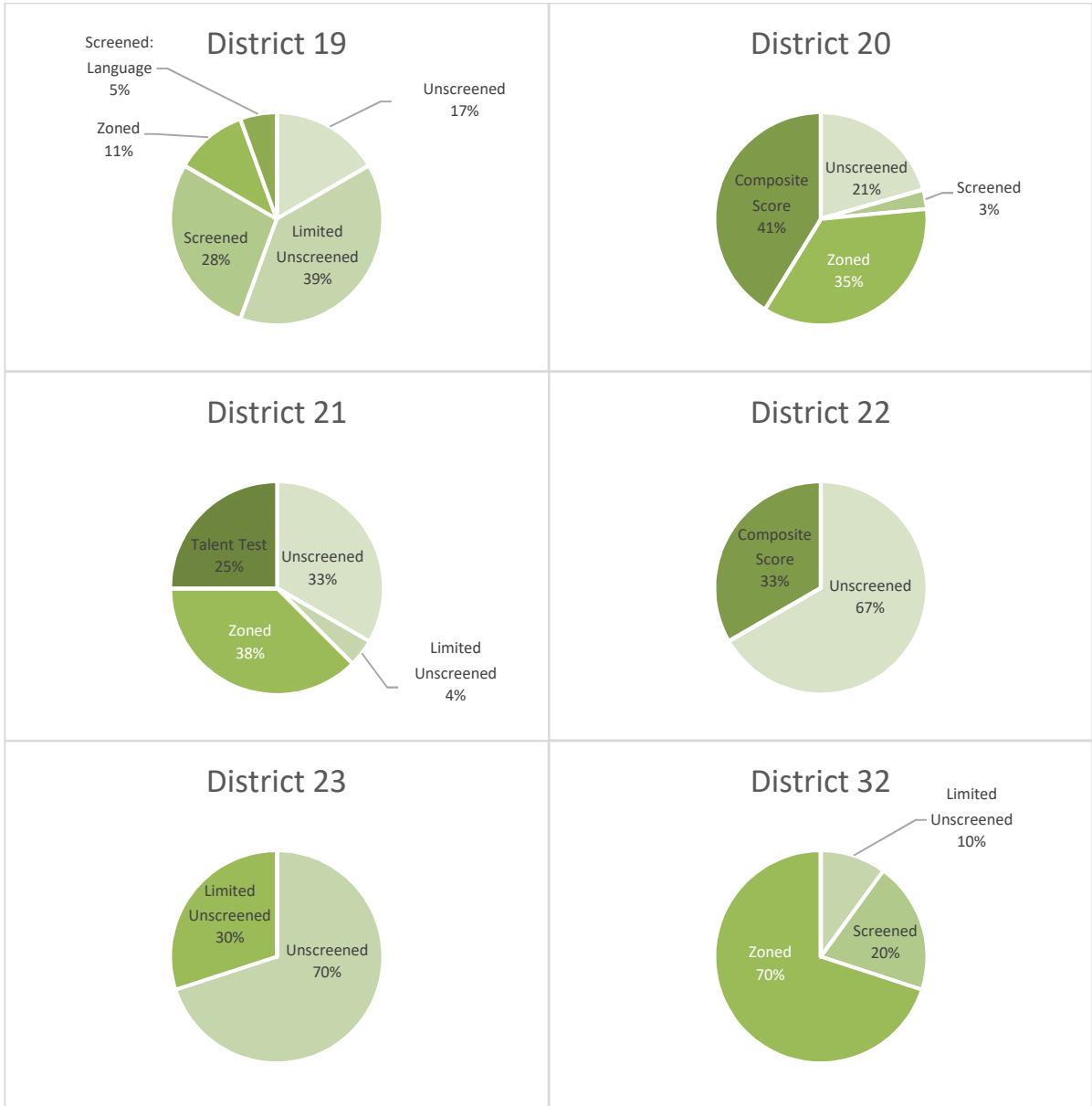


B. Bronx District Middle School Admissions Methods

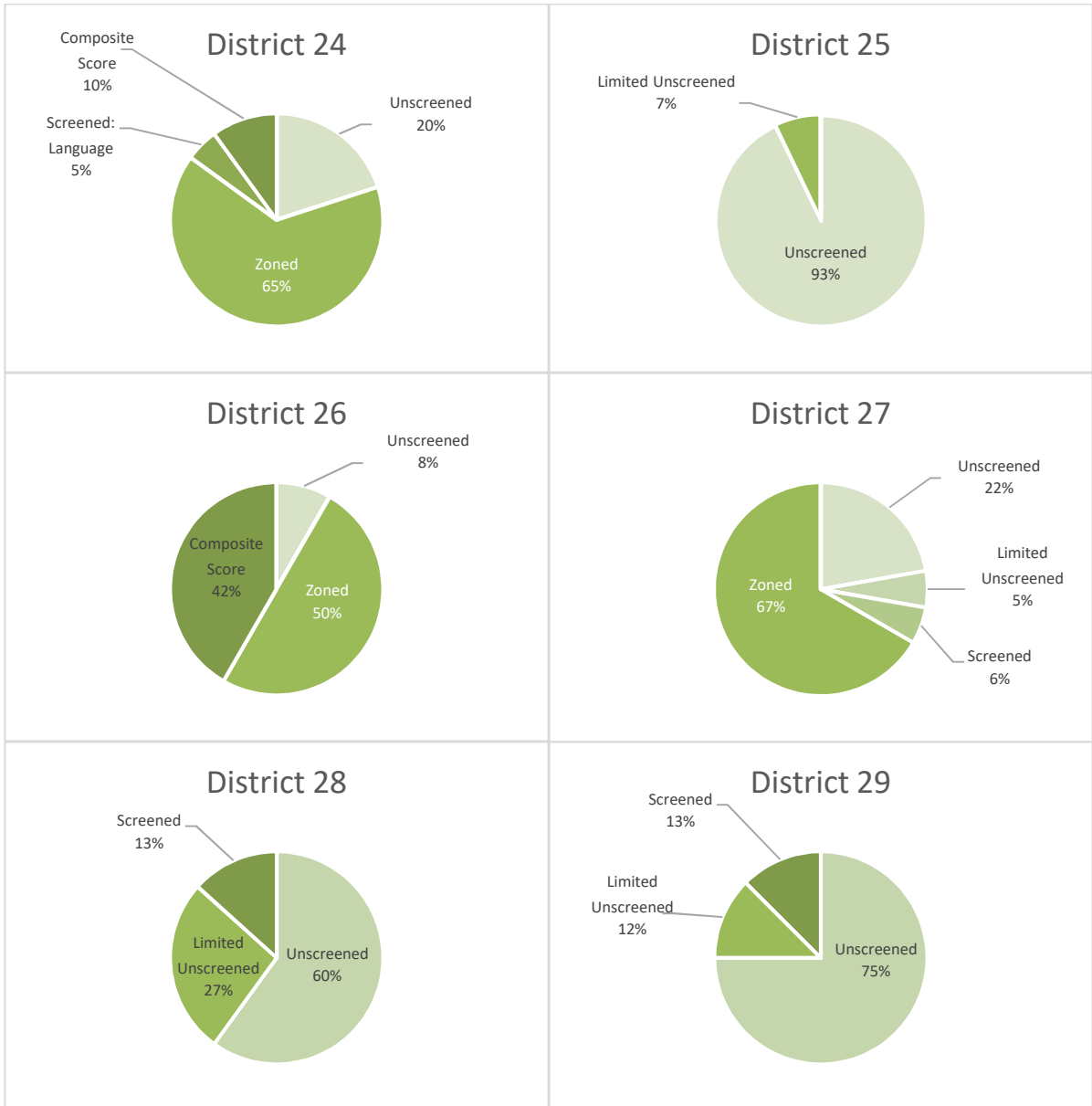


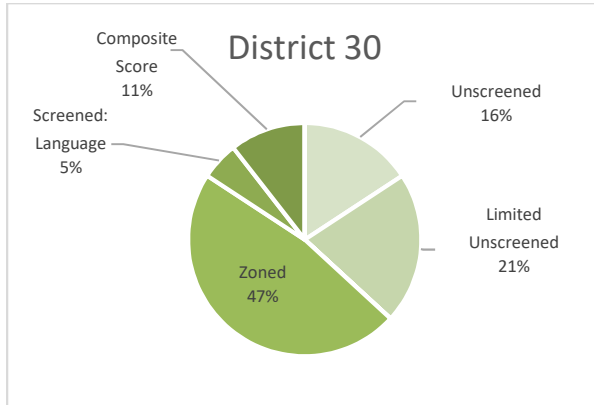
C. Brooklyn District Middle School Admissions Methods



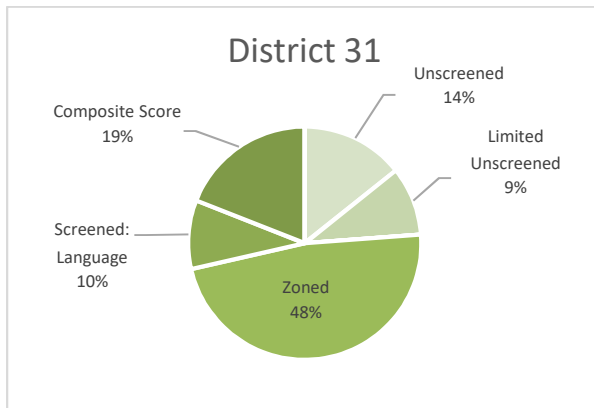


D. Queens District Middle School Admissions Methods





E. Staten Island Middle School Admissions Methods



IV. Observations and Recommendation

This briefing demonstrates that within New York City's CSDs, residential segregation is not the driving force behind middle-school segregation. In fact, only 17% of the city's middle schools rely entirely on a student's place of residence (or location of elementary school) for admission.

Rather, the segregation present in the city's most diverse CSDs (such as CSDs 2, 3, and 15) appears to be caused not by geography, but by an intentional policy of the NYC DOE -- that of allowing middle schools to judge the worthiness of individual students for their particular educational opportunities and then admit or reject accordingly. Such judgments are necessarily based on students' educational attainment and behavior during the *first nine years of their lives*. New York Appleseed believes that neither the most "objective" nor "subjective" assessments of these students can be responsibly separated from our city and nation's terrible history and current reality of racial hierarchy.

The resulting racial and economic segregation and inequality would be difficult to justify even if there were some social and educational benefits for all students in maintaining the status quo. Reams of social-science evidence suggests the opposite: Students benefit educationally and socially from racially and economically integrated schools. Society and our political systems benefit from the reduction in racial prejudice and cross-racial understanding associated with racially and economically integrated schools.

Trying to make middle-school screening "more fair" will not be successful, because, as we have noted, the unfairness of these policies is not merely inherent in the policies themselves but derives from larger systemic inequalities. A system of student assignment can either acknowledge these systemic issues or pretend that they do not exist, and for too long the policy of NYC DOE has been the latter. As a political matter, we do not believe that affluent and highly educated parents will ever consent to maintaining a binary system of "winner" and "loser" schools in which their own children do not benefit—the inevitable result of a truly fair system of screening. Finally, even if these other realities were not present, recent actions by the Trump administration strongly suggest that attempts by NYC DOE to increase representation of African American and Latinx students at schools with competitive admissions processes could invite investigation from the Departments of Education and Justice.

For all of these reasons, the only responsible and safe course of action is for NYC DOE to eliminate such competitive admissions processes from our middle schools entirely. And immediately. Although New York Appleseed believes strongly in the value of community

process, we also believe that there are some policies so inherently prone to segregation that they need to be removed from the table altogether. Middle-school screening is just such a policy.

Eliminating middle school screens is not radical; it is simply bringing New York City middle schools into alignment with nearly all public middle schools across the nation.¹⁹ It is also what New York City charter schools have always done.

Recommendations: *Remove all exclusionary screens from middle schools across New York City by the 2020 admissions cycle and encourage communities to develop CSD-wide diversity plans similar to that developed by the CSD 15 community and approved in September of 2018.*²⁰

¹⁹ Winnie Hu & Elizabeth A. Harris, *A Shadow System Feeds Segregation in New York City Schools*, N.Y. TIMES (June 17, 2018), <https://www.nytimes.com/2018/06/17/nyregion/public-schools-screening-admission.html>.

²⁰ The removal of exclusionary screens should allow for arts and dual-language programs to utilize some system of identification, as long as they are transparent and objective in determining eligibility. Dual-language programs in particular must serve the linguistic needs of surrounding communities.