

Ideas...Policies...Programs...Solutions

David Rubel Associates

We are pleased to post a newsletter covering project highlights from 2017 and 2018. Four new projects are making system wide improvements.

1. **Inclusion classroom in private schools:** *New York City Department of Education (NYC-DOE) approves guidance (based on new Federal regulatory guidance) allowing a DOE paid special education teacher to work with students inside the general ed classroom in a private school. This model is known as inclusion, collaborative team teaching or integrated co-teaching (ICT) has been recognized as the new standard for public school students across the country and can now be offered in private schools.*

2. **Workforce development for underserved populations:** *New York City Human Resources Administration (NYC-HRA) has awarded \$2.5 million extending the promise of Mayor de Blasio's Career Pathways workforce development Initiative to the Haredi Jewish communities.*

3. **Correcting government funding formulas for nonpublic school students:** *the New York State Smart Schools Bond Act (SSBA) and the Federal Title I program allocation formulas were both shortchanging nonpublic school students for millions of dollars. DRA undertook research showing the flaws in the funding formulas and then alerted the New York State Education Department and the New York City Department of Education. In both cases, the funding formulas were corrected.*

These three projects involve working closely with the staff and board of client organizations. I am grateful to all of my collaborators for the success of each project. I am especially grateful to Sam Sutton, president of the Sephardic Community Federation, for our close collaboration.

4. **NYS and NYC Public Schools:** *Shining a light on New York State and City public school issues that have not received the attention they deserve. DRA brought three issues to the attention of stakeholders: how the transition to the Common Core Regents Exams may cause a drop in the graduation rate; the distribution of screened high schools lacks geographic equity with none of the 50 top ranked screened high schools located in the Bronx; and thousands more students with Level 1 Math and ELA scores are entering NYS and NYC high schools. The big question is do our high schools have the resources and programs in place to help these struggling students pass the Regents and graduate.*

Sincerely,

David Rubel

718-768-2675

www.davidrubelconsultant.com

drubel@nyc.rr.com

1. New York City Department of Education approves new regulatory guidance allowing the inclusion model in private school classrooms

<p><i>Problem/ Solution</i></p>	<p>In our 2013-14 newsletter, there was a full write up on the launching of the classroom inclusion in private schools project. The first hurdle was overcome in 2014: convincing the Federal Department of Education to issue new regulatory guidance allowing government dollars to be used for the special education services in a general education classroom. In 2014, the United States Education Department issued regulatory guidance allowing school districts to use the inclusion model in nonpublic schools. Since the school district has the authority to decide on how to administer special education programs for its private schools, advocacy efforts were directed to the City elected officials and the New York City Department of Education (NYC_DOE). NYC Council Member Mark Treyger, having direct experience with the inclusion model from his days of working as a teacher at New Utrecht High School in Brooklyn, led the efforts to persuade the NYC-DOE of the importance of issuing its own guidance for private and parochial schools. When Council Member Treyger presented the idea to Chancellor Carmen Farina, she responded with an enthusiastic yes. DRA prepared a concept paper and worked closely with the Mayor’s Office and the NYC-DOE on preparing guidance language and ironing out implementation concerns.</p> <div data-bbox="987 436 1367 709" style="text-align: center;"> </div>
<p><i>Status and Results</i></p>	<p>In the fall of 2017, the NYC-DOE issued new guidance explaining how the inclusion/push in model can be offered in nonpublic schools. The new guidance language can be found in the revised NYC-DOE Standard Operating Procedures Manual (SOPM) dated October 2, 2017. All policy and program operations for the entire NYC-DOE special education system (including charters and nonpublic schools) are described in the SOPM. Here is the relevant language from the SOPM.</p> <div data-bbox="326 1220 1341 1713" style="border: 1px solid #f4a460; padding: 10px; margin: 10px 0;"> <p>“To promote inclusion of students with disabilities, private/religious schools are encouraged to allow related service and SETSS providers to provide “push-in” services — in the student’s <i>classroom</i>, in coordination with his/her teacher(s) — whenever feasible and appropriate for the student’s needs and goals, as documented in the IESP/SP. Classroom-based services allow for intervention to occur in the student’s natural learning environment. Related service and SETSS providers should plan together with private/religious schools and classroom teachers to integrate and align services with the student’s curriculum, and to schedule service delivery in order to maximize the amount of time students with IESPs/SPs spend in the same setting as their peers, including physical education and recess periods.” Source: page 107. NYC-DOE SOPM Oct. 2, 2017</p> </div> <p>Since the DOE issued the new guidance, the word has gone out to nonpublic schools. An article in Education Week reported on how the NYC-DOE is leading the country in showing how nonpublic schools can use government funded special education teachers, for the benefit of children with an IEP, in the general education classroom.</p>

2. Shining much needed light on NYSED and NYC-DOE public school issues and policies

Recent Discussion Papers

- [2017-18 NYS and NYC Regents Exams Results Policy Alert. December 2018](#)
- [New York State Common Core Algebra 1 and ELA Regents Exams Policy Alert. April 2018.](#)
- [How less than 1% of the NYC-DOE Renewal Schools Program Budget Could Transform the Lives of Thousands of Students. February 2018.](#)
- [Warning: NYS graduation rate may start dropping for the class of 2018 and future years.](#)
- [NYC-DOE Screened High Schools Equity and Diversity Discussion Paper 2017.](#)



Recent Press

- [Black, Hispanic students still struggling despite rising graduation rates.](#) New York Post 2-3-19
- [Five years after Common Core, a mysterious spike in failure rate among NY high school students.](#) Hechinger Report at Teacher's College, Columbia University. 1-14-19
- [Mayor de Blasio and Chancellor Carranza: NYC's Top 31 Screened High Schools Are ALREADY Diverse](#) New York School Talk 9-20-18
- ["Screened" The Story.](#) Manhattan Institute *The Beat* 8-16-18
- [Carranza just proved he doesn't understand NYC's schools](#) New York Post 7-23-18
- [Education boss' attack on school 'screens' doesn't add up.](#) New York Post 7-22-18
- [Eighth-graders are scoring 'well below proficient' in math](#) New York Post 8-27-17
- [Students taking Regents Math test only needed score of 32 to pass](#) New York Post 6-25-17
- [Lack of Elite Screened High Schools, Tough Call for Bronx Parents](#) Norwood News 5-10-17

Advocacy Efforts/ Results

The Discussion Papers address issues that directly affect the lives of thousands of children. All Discussion Papers offer NYSED and NYC-DOE practical recommendations that can be easily implemented and require little or no additional funding. The posting of the NYSED Common Core Regents Exams and NYC-DOE Screened Schools Discussion Papers were both the first time these issues entered the public sphere; they also received strong press coverage. The Discussion Papers are sent to all stakeholders including government agencies, elected officials and education policy/advocacy organizations. Over the last four years, in both instances, a government paper trail leading to positive policy changes can be found.

4. Correcting the New York State Smart Schools Bond Act (SSBA) allocation formula for nonpublic schools resulting in more than \$25 million in funding

Problem	<p>In November 2014, the voters of New York State approved a \$2 billion known as the Smart Schools Bond Act (SSBA). The purpose of SSBA is to help all public and nonpublic schools improve their technology infrastructure so that students can learn, thrive and be competitive in the 21st Century. In the State legislation, there was language allowing a maximum of \$250 per nonpublic school student or a total of around \$110 million for the 420,000 nonpublic school students statewide. With such a large amount of money being directed to nonpublic schools, and all of it new with no guidance as to how it would be spent, my client TeachNYS asked me to study how the funding would be implemented. Will nonpublic schools benefit as they were intended to under the law? How will the funding formula be constructed? Will it be faithful to the intent of the law?</p>
Action Strategy	<p>After carefully studying the newly regulatory guidance, and the first distributions of SSBA funds to school districts, it became apparent that the implementation was no longer consistent with original law. Over a period of 4 months, DRA exchanged emails with NYSED staff alerting them how the funding formula had no support from the law and was in effect shortchanging nonpublic school students for millions of dollars. DRA also alerted all of the other organizations that advocated on behalf of religious nonpublic schools. The findings were also brought to the attention of the Mayor’s Office and the Governor’s Office. Together, the nonpublic school advocates, led by TeachNYS, Agudath Israel and the Catholic Conference, worked to convince NYSED and the NYS State Legislature to correct the regulatory guidance and funding formula so that nonpublic school children would receive the SSBA funding amount intended under the law.</p>
Results	<p>New York State Education Department issued new guidance on June 1, 2018 with a correction so that nonpublic schools will now receive the amount of funds intended under the law. The new guidance was accompanied by an add on of \$25 million solely for school districts to use with nonpublic schools. In New York City, the NYC-DOE made its own correction and increased the amount of SSBA funds for nonpublic schools from \$92 per child under the old guidance to \$198 per child.</p>



5. Alerting NYC-DOE and NYSED to research showing a massive undercount of Title I funds for nonpublic school students

Problem	<p>Every year NYC public and nonpublic school students receive Federal Every Student Succeeds Act (ESSA) Title I funding to help with remedial math and English. The funding is based on a multi-level formula that involves two different definitions of poverty. In 2018, the number of public school students eligible to generate Title I funds increased by 21,000 due to the NYC-DOE using a new state database for identifying the number of students residing in households receiving SNAP and/or Medicaid. However, on the nonpublic school, there was no comparable effort to use the state database to match students. Consequently, nonpublic school students experienced a drop in their share of Title I funds.</p>
Action Strategy	<p>To demonstrate the urgency of using the same state database for nonpublic school students, DRA found two sources of comparable poverty data collected by the New York State Education Department (NYSED). Both data sources showed that there are between 10,000 to 15,000 nonpublic school students captured by NYSED; however, these students were not included in the NYC-DOE Title I count. Email exchanges with NYSED staff confirmed that the data provided a reliable source of comparable poverty data for the DOE to use. The Sephardic Community Federation shared the research <i>analysis and findings</i> with the NYC Standing Committee for Religious and Independent Schools and the NYC-DOE-Division of Non-Public Schools. A DRA prepared 18 page report was sent to the NYC-DOE Deputy Chancellor and NYSED Deputy Commissioner in November of 2018 (as part of a formal Complaint Letter process initiated by the Standing Committee). The findings were reviewed at several meetings with the NYSED Ombudsmen for the Title I program, other NYSED senior staff and NYC-DOE representatives.</p>
Results	<p>The main recommendation in the report, to use the State database for a new Title I count of students, was fully accepted by NYSED and implemented by the NYC-DOE. The NYC-DOE spend several months recalibrating its student poverty data collection system so it could get an accurate count of nonpublic school student eligible to generate Title I funding. In April, 2019, NYC-DOE announced that the new count using the State database resulted in an increase of 10,500 students nonpublic school students eligible to generate Title I funds. The 10,500 students will result in the Title I nonpublic school budget increasing by around \$9.2 million.</p>