

July 5, 2012

Zakiyah Ansari
Jorel Moore
c/o 260 East 93rd Street
Brooklyn, New York 11212
917 309 5742

U.S. Department of Education
Office for Civil Rights
Customer Service Team
400 Maryland Avenue, SW
Washington, D.C. 20202

To Whom It May Concern:

We are writing to file a complaint under Title VI of the Civil Rights Act of 1964 against Mayor Michael Bloomberg and the NYC Department of Education (DOE). Instead of intervening aggressively to help the lowest performing schools improve, the DOE has consistently neglected to provide the comprehensive guidance and supports that struggling schools need. In fact, the number of high needs students was actually allowed to increase, while supports remained the same or decreased, in the years preceding closings.

Since 2003 the DOE has closed 140 schools, serving large numbers of the city's highest needs students. These closed schools had higher percentage of students living in poverty, with disabilities and English Language Learners than the school system as a whole.

Demographics of the 117 schools closed since 2003

	117 closed schools	Citywide
Special Education	13%	9%
Free & Reduced Price Lunch	75%	65%
English Language Learners	18%	14%

SOURCES: New York City Board of Education, 2002–2006 Annual School Report Cards; New York City Department of Education (NYCDOE), Comprehensive Education Plan 2007; NYCDOE, Progress Reports 2008–2011.

NOTES: Figures above represent phase-out year 1 averages (2002–2011) across the 117 closed schools

Despite claims to the contrary, since 2003, there has been no significant reduction in the achievement gap separating New York City's African American and Latino students from white students on the National Assessment of Educational Progress (NAEP) testing program. In 2010 the New York State Regents reported that only 13% of Black and Latino students who had entered ninth grade four years earlier-were college ready compared to whites.

In addition, the mayor's discriminatory reforms have marginalized parent and community voice and eliminated educator and citizen participation in education decision making. Our organizations, along with many others have worked together through organizing and advocacy to

fight these actions. Parents and students have packed Panel for Educational Policy (Board of Education renamed by Mayor Bloomberg in 2002) meetings to denounce the lack of transparent criteria that led to the discriminatory decisions to close our schools. We have seen the impact similar actions have had on poor and working-class communities of color across the country. We have seen all of the harms that befall children whose educational lives are rendered unstable just as they so often face instability and upheaval in other aspects of their lives. Discharge rates in 21 of our closed high schools averaged 30%, compared to 19% citywide.

- At Taft High School, 70% of students dropped out in the school’s final year
- At Morris High School, 55% of students were discharged in the final year

By packing struggling schools with high-needs students and depriving those schools of the supports they need to succeed, the DOE has created conditions under which it is nearly impossible for these schools to succeed.

What is perhaps more disturbing is that we have not seen any improvement in the educational outcomes of our children in NYC or other cities across the country that have embraced the same set of reforms. Even though there is little to no research defending their actions, our administration insists that its reforms have produced dramatic gains in student outcomes. As parents and students it is not surprising to us that there is almost no evidence that closing down schools and displacing students has a positive impact on those students’ education.

Particularly egregious is the increase in high needs students in the years prior to closing in almost every category. Several schools targeted for closure experienced particularly dramatic increases in their high-needs student population in the five years prior to phase-out and the first year of phase out.

		5 Years Prior to Phase-out Announced (2006)	Year 1 of Phase-out (2011)
New Day Academy	Special Education	15.0%	22.0%
	Free and Reduced Price Lunch	81.0%	88.0%
	English Language Learners	7.0%	12.0%
Global Enterprise High School	Special Education	9.0%	17.0%
	Free and Reduced Price Lunch	77.0%	82.0%
	English Language Learners	8.0%	16.0%
IS 231 Magnetech 2000	Special Education	11.0%	17.0%
	Free and Reduced Price Lunch	63.0%	78.0%
	English Language Learners	2.0%	5.0%

SOURCES: New York City Board of Education, 2006 Annual School Report Cards; New York City Department of Education, Comprehensive Education Plan 2006 and 2011.

Actions such as these, which have such a disparate impact on people of color, special education students, and English Language learners, must be scrutinized. The DOE must be required to

provide an explanation for their drastic actions. Thus far, they have not. Generalized appeals to the notion that our schools are “failing” and we must try something to remedy this situation are simply not sufficient. The fact that public schools have already been providing a subpar education to children of color does not justify compounding that problem by closing schools – a tactic that has never worked. In other words, we take issue with experimental reforms such as these when it is only children of color who are the subject of the experiment, and *especially* when the experiment has already failed.

The U.S. Department of Education has the power and the *responsibility* to enforce Title VI and put an end to these actions. For these reasons, we request that the US Department of Education immediately launch an investigation into the NYC Department of Education’s activities and bring a legal action to stop these closures immediately.

We make our request in solidarity and conjunction with a number of other concerned parents, students, and community members from other cities that are part of an unprecedented trend of school closures in communities of color, students with disabilities, ELLs and overage students.

Sincerely,

Zakiyah Ansari
Zakiyah Ansari

Jorel Moore
Jorel Moore