



EXECUTIVE SUMMARY

Over the Counter,

Under the Radar

Inequitably Distributing New York City's
Late-Enrolling High School Students



Annenberg
Institute for
School Reform

AT BROWN UNIVERSITY

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Every year, some 36,000 students who enroll in New York City high schools without participating in the high school choice process are labeled as “over-the-counter” or OTC students and are assigned a school by the New York City Department of Education (DOE). These young people are among the school system’s highest-needs students – new immigrants, special needs students, previously incarcerated teens, poor or transient or homeless youth, students over age for grade, and students with histories of behavioral incidents in their previous schools. Recognizing the gap in research on this substantial population of students, as well as the need to increase public concern about the concentration of high-needs students in struggling schools, this report analyzes unique data on the assignment of OTC students to New York City high schools from 2008 to 2011 to determine whether those students are disproportionately assigned to particular high schools.

Our findings show that citywide:

1. OTC students are disproportionately assigned to high schools with higher percentages of low-performing students, English language learners (ELLs), and dropouts. The higher a high school’s eighth-grade test scores for the incoming freshman class are, the lower their OTC assignment rate is.
2. OTC students are disproportionately assigned to struggling high schools. In 2011, large struggling high schools had an average OTC assignment of 20 percent of their student populations, compared with 12 percent at better-performing large high schools. John Adams High School in the Bronx, for example, was assigned 961 OTC students in 2011, out of a total student body of 3,201 students.
3. OTC students are disproportionately assigned to high schools that are subsequently targeted for closure or that are undergoing the closure process. While going through the closure process in

2011, for example, Christopher Columbus High School’s student body comprised 37 percent OTC students, compared with 14 percent for similar size schools and the 16 percent system average for OTC students.

4. Some high schools are consistently assigned very small numbers of OTC students, whereas others are assigned very large numbers of such students. High-performing Midwood High School, for example, had an OTC assignment rate of 3 percent in 2011 (compared with the system average of 16 percent), whereas low-performing Jamaica High School had an OTC rate of 31 percent.

These findings demonstrate that OTC students are concentrated in the highest-needs schools that are often unequipped to serve them. This inequitable assignment may exacerbate a school's challenges and accelerate a downward spiral toward closure.

To remedy these disparities and bring equity to the assignment of these very high-needs students, we offer the following recommendations:

1) The DOE should commission a study of the demographics and academic performance of OTC students to identify high schools in which such students achieve significantly higher academic performance than systemwide averages and identify the exemplary practices of these "beat the odds" schools. The DOE should ensure that all high schools implement those exemplary practices to improve the academic performance of all OTC students.

2) The overall percentage of OTC students in the school system over the 2008–2011 school years was 17 percent. Therefore:

- All New York City high schools should be assigned OTC students at an annual rate of between 12 and 20 percent of their total student populations. The DOE should develop the specific criteria governing the decision rules for OTC assignments below and above 17 percent.
- Schools targeted for closing or going through the closure should not be assigned any OTC students.

- Struggling high schools (identified by the state as persistently lowest achieving) should not be assigned any OTC students until their performances improve sufficiently to be removed from the state's list.

Implementing these recommendations would significantly reduce the disparities and inequities that have characterized OTC assignment policies. These recommendations would also encourage all high schools to reconfigure their instructional resources and support programs to meet the needs of a predictable rate of incoming OTC students, thereby contributing to the improvement of their performance throughout the city system.



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