De Blasio has means, if not will, to reform specialized school admissions

By ELIZA SHAPIRO | 03/15/2018 07:13 PM EDT

Bill de Blasio has had a problem with the entrance exam for New York City's specialized high schools for a long time.

But despite his insistence that the state Legislature alone can reform the admissions structure he loves to hate, legal experts and the mayor's own staff say he has the power to change the system.

For de Blasio, there may be a way to reform the process, but little political will.
"It is disingenuous for the mayor to use legislative paralysis as an excuse for his own inaction," said David Bloomfield, a professor at CUNY's Graduate Center and Brooklyn College.

As a mayoral candidate in 2013, de Blasio said the exam created a "rich-get-richer phenomenon" through which families that can afford extensive test preparation get their children into the schools. The exam is currently the sole means of admission into the city's most prestigious public schools. During his first year as mayor in 2014, de Blasio vowed to "reform" what had by then become a familiar process: Dismal numbers of black and Latino students test into the schools each year.

"We cannot have a dynamic where some of our greatest educational options are only available to those of certain backgrounds," the mayor said then. On the first day of school in 2016, de Blasio said changing the admissions process was "a matter of fairness."

Last week, de Blasio declared: "We have to get rid of that test."

"Unfortunately, that can only be done through the legislature in Albany," he added. "I think that's idiotic to begin with."

The 1971 state law mandating that the city's specialized high schools use a standardized exam as the sole means of admission to those schools names only the first three test-in specialized schools: Stuyvesant High School, Bronx High School of Science, and Brooklyn Technical High School. The law, known as the Hecht-Calandra Act, leaves the city more
leverage over “further high schools which the Board of Education may designate from time to time.”

The city has since opened five new specialized high schools — Brooklyn Latin School, Staten Island Technical High School, Queens High School for the Sciences, High School of American Studies, and the High School of Mathematics, Science and Engineering — all of which were created according to the same state law. But Hecht-Calandra leaves the city leverage over the designation of those future schools, meaning the city can redesignate them at any point.

That would happen through the Panel for Educational Policy, known as the PEP, which replaced the Board of Education when former Mayor Michael Bloomberg took control of the city’s schools. De Blasio could direct the PEP, which has mostly served as a rubber stamp for City Hall over the last 15 years, to take up the issue of changing the five new schools’ designation as “special schools” and categorize them as something else.

If that happened, those five schools would be exempt from Hecht-Calandra, and would ostensibly be able to create their own admissions policies. Depending on the new admissions structure, the exam could still continue to factor into admissions, but it would not play the only role.

There are plenty of politicians and advocates calling on the mayor to change admissions for those five schools, particularly after recent data showed that some of the city’s specialized schools are enrolling even fewer black and Latino students than ever.

The Bronx borough president, Ruben Diaz Jr., and the Brooklyn borough president, Eric Adams, each of whom have an appointee on the PEP, both said they are pushing the mayor to use the panel to enact change. Diaz Jr. wrote the PEP a letter earlier this week to remind the panel that it is “within New York City’s sole power to change the admissions process for five of the specialized high schools.” Adams said the Department of Education was “tolerating a Jim Crow school system.”

Donna Lieberman, director of the New York Civil Liberties Union, said, “there’s no excuse” for the city to not take action through the PEP. “It doesn’t reflect well on New York values to perpetuate apartheid in reverse in our most selective schools,” she added.

City officials did not deny that the mayor could at least try to alter the admissions process.

“The state law does not outline a process for de-designating [the five new schools], and we expect that any efforts to de-designate would be challenged,” Toya Holness, a spokeswoman
for the Department of Education, said in a statement.

The city is sued frequently, and the mayor himself can be particularly litigious when he chooses. In recent months, he filed a lawsuit against drug companies over the opioid crisis and sued oil companies over climate change.

“Our focus is on supporting changes to the admissions process that would make it more equitable, not changing the status of the schools,” Holness said. “In the interim, we have been working to increase diversity at these schools through initiatives such as targeted recruiting efforts, expanded test-prep programs, and SHSAT testing at selected school sites during the school day.”

Recent data show that those efforts have had little to no impact in diversifying the schools. Last week, the mayor said he’d hoped those efforts would have had “more impact.”

This fall, 902 students will start their freshman year at Stuyvesant, which is considered the crown jewel of the city’s specialized schools. Home to a swimming pool and a symphony orchestra, the school stands apart from the city’s roughly 1,799 other schools in myriad ways.

Ten of those freshmen will be black, according to recent data released by the city.

At Staten Island Tech, two of the 326 incoming freshmen will be black and five will be Latino. At the High School of American Studies, five freshmen will be black and 11 will be Latino.

And only 207 black students received offers at the specialized schools, though 5,730 black students sat for the exam. 320 Latino students got into one of the 8 schools, down by 10 students from last year.

By contrast, 2,620 Asian-American students and 1,344 white students were accepted at one of the eight specialized schools this year. Just more than 5,000 students in total received an offer at one of the schools; more than 28,000 students overall took the test.

The specialized schools have long struggled to enroll a student body that resembles the city school population more broadly: Latino students currently comprise 40 percent of the city’s 1.1 million students, black students make up 27 percent of the population, and white and Asian students each comprise about 15 percent of America’s largest school system.

**Influential opposition**
Hecht-Calandra was originally passed to preempt an effort by educators in New York City to make the specialized schools more diverse.

According to news reports, the city schools chancellor at the time, Harvey Scribner, was planning to investigate whether the specialized school admissions exam was racially discriminatory. State legislators quickly drafted a bill they said would “protect the current status and quality of specialized academic high schools in New York City.” The bill's co-sponsors declared that Scribner’s “attempt to destroy these schools must be stopped immediately.”

“Many city parents look upon these schools as islands of educational excellence and opportunity in the problem-racked public school system,” a New York Times reporter observed at the time. “Some parents — particularly, but not exclusively, white parents — also view them as a last resort (some say 'refuge'), the alternative to sending their children to private schools, if they could afford them, or moving out of the city.”

Little has changed in the intervening half-century.

A recent report found that New York City's schools are the most segregated in the nation, and gaping enrollment disparities in the specialized high schools have only widened in recent years.

It's become a familiar ritual for politicians and advocates to declare the numbers of black and Latino students accepted into the schools year after year unacceptable. Sometimes, those condemnations come from the very same groups that have been most resistant to any change in admissions policy.

The original three schools' alumni organizations have been among the most vociferous opponents of change. Representatives for the Stuyvesant and Bronx Science alumni and parent organizations did not reply to multiple requests for comment for this story.

But the groups have consistently opposed the repeal of Hecht-Calandra, arguing that any other admissions policy would both be less fair and potentially reduce the schools' academic rigor.

One Stuyvesant alumni offered a blunt version of that perspective in a recent tweet. "Accepting people who don't get the grade on the test and dumbing down the school for the sake of 'diversity' is stupid,” wrote Collin Slattery, who launched a longshot bid for mayor last year.
In previous years, the alumni organizations have pushed the city to make the test and test preparation more widely available to students in what the groups have called “underrepresented” communities. But de Blasio has already done just that — to little avail.

The Brooklyn Tech Alumni Foundation supports a reform that would work within the current admissions system. Larry Cary, president of the Brooklyn Tech Alumni Foundation, said he wants the city to reinstate the Discovery program, which has for years enrolled mostly black and Latino students who just missed the exam cutoff for admission in a summer program to prepare them for the specialized schools.

That program has been phased out at most of the schools, but is still used by Brooklyn Tech, which is the only specialized high school that typically enrolls at least modest numbers of black and Latino students each year.

The best way to expand the program, Cary suggested, would be for the city to broaden the definition of “disadvantaged” students eligible for Discovery and enroll more deserving black and Latino students in the program without removing the exam as the sole means of admission.

It’s clear that test preparation is more widely available to white and Asian students than for black and Latino children. A 2016 survey done by the Stuyvesant school newspaper found that the school’s white and Asian students started studying for the exam months and in some cases years before their black and Latino peers, and also found that black and Latino students were more likely to study for the exam by themselves rather than taking prep classes.

Alumni hardly represent a united front on this issue.

Brooklyn Council Member Jumaane Williams said his years at Brooklyn Tech made him realize the extreme differences in resources between the city’s schools. Williams said he doesn’t want to eliminate the test, but wants to figure out how to make the process more fair.

“I want to add entry points to the schools, not take them away,” he said.

Geoff Hutchinson, who graduated from Bronx Science in 2006, said he was one of a small group of black students who took the subway from Brooklyn to the north Bronx everyday. That commute informed his whole social life in high school, and helped him adjust to the fact that he was in a small minority of black students at the school.
If you have 10 or 12 black students in a school, Hutchinson said, “you are not putting them in an environment to succeed because they’re going to feel so out of place.” Recently departed former Deputy Mayor Richard Buery said being one of a handful of black students at Stuyvesant left him with “identity issues” about being black.

Hutchinson said he remembers moments when his high school classmates would, as he said, “look at him funny, like ‘why are you here?’”

Hutchinson said he came to believe that the exam “doesn’t do a great job of identifying the best students.”

The picture from Albany

Though the alumni organizations represent some of the loudest opponents to change, there’s also little appetite for specialized school admissions reform in Albany.

But Cathy Nolan, the Assemblywoman from Queens who chairs the Assembly education committee, says it’s not fair to place all the blame on Albany for something the mayor at least partially controls.

“I was really annoyed that the mayor footballed it to Albany,” Nolan said. “With the stroke of a pen, the mayor could take those five specialized schools out and make them portfolio schools,” with multiple measures for admission, she said.

Nolan said she’ll start “exploring” some kind of bill to change admissions at the schools, but there’s “no interest on the Republican side.”

“We gave the city plenty of time and people have a right to want to see more diverse schools,” she said.

United Federation of Teachers President Michael Mulgrew, a particularly influential voice on the Assembly side, called the current diversity numbers “an outrage.”

“The Department of Education said they were on top of it, and clearly they were not,” Mulgrew said. “We made numerous recommendations, and they ignored them.”

Spokespeople for Assembly Speaker Carl Heastie and Senate Majority Leader John Flanagan could not make either official available for comment.

State Education Department Commissioner MaryEllen Elia typically shies away from controversial issues, but has been more outspoken on the city’s school integration issues.
Emily DeSantis, a spokeswoman for Elia, said the commissioner wants the city to do more to integrate the specialized schools.

"It's time for DOE to explore additional options to create opportunities to increase the diversity in NYC's specialized schools," DeSantis said, adding the state would continue pursuing initiatives to "foster equity" in schools throughout New York.

Gov. Andrew Cuomo has not made admissions reform a priority thus far, but Abbey Fashouer, a spokeswoman for the governor, said he "will review any proposed changes to further [the] important goal" of diversity.

Acknowledging that there's no indication the state will act on Hecht-Calandra anytime soon, de Blasio said last week there may be better chance of a repeal if Democrats take control of the state Senate in this year's midterm elections.

Nolan said there's no guarantee that a blue Senate will significantly increase political will to repeal Hecht-Calandra.

In 2012, the NAACP's Legal Defense and Educational Fund tried to force the Legislature to act by filing a federal civil rights complaint alleging that the current exam screens out deserving black and Latino students. But that case has now languished for six years. A spokesperson for the Legal Defense Fund did not reply to multiple requests for comment.

Barring a dramatic change of leadership or an eruption of new political will for admissions reform, de Blasio changing entry requirements for most of the specialized schools himself might spur Albany to action. It would be a rare and ostensibly welcome role reversal for the mayor, who has had to plead with state legislators to grant him extensions of mayoral control over city schools and funding for his pre-K initiative.

Routes to reform

Changing the schools' admissions requirements would be the easy part. Creating a new admissions process that would enroll more black and Latino students in the city's best schools is infinitely more complex than a PEP vote.

The current spectrum of proposals includes ideas to work with the existing exam without making it the sole means of admissions — and a system that would eliminate the test entirely.

De Blasio has suggested an admissions system more aligned with college applications. Multiple measures would be considered, including the exam score, student grades, state
tests, attendance and middle school work. The UFT has suggested a system that would use those factors to create a “power score” for each applicant.

That’s roughly the same model embraced by some prominent members of the City Council, although Council Education Chairman Mark Treyger said, “I don’t believe that simply changing the test or abolishing the test is the great game-changer that everyone is promising it to be.”

There is indeed little evidence to suggest that introducing multiple measures of admission would actually integrate the segregated schools. According to an NYU Steinhardt study, the only way to ensure that the schools enroll a student body that looks like the city itself would be to adopt a University of Texas-style system that guarantees admission to a top percentage of students at each of the city’s middle schools.

It’s an idea with support from union leaders, former Bloomberg officials, and education policy professors. The Steinhardt study found the top 10 percent-style system is the only “simulated admissions rule that would substantially change the demographic mix of the specialized high schools.”

Manhattan Council Member Keith Powers has suggested a process that would be a hybrid of the top 10 percent program and the current admissions structure: Admit half the specialized schools’ students through the current exam, and set aside the other half of the seats for top middle school students in each borough.

“It’s not often New York City can look to Texas for policy solutions, but fixing the admissions process for our specialized high schools is one such instance,” Powers wrote in a New York Daily News op-ed.

Texas’ top 10 percent system was the subject of the most influential anti-affirmative action lawsuit in the country; the Supreme Court upheld the university’s right to use its admissions system in the 2016 Fisher vs. University of Texas ruling.

Texas and New York are indeed political polar opposites. But despite New York City’s self-image as a progressive bastion, lack of sustained popular and political support for a top 10 percent-style program for specialized schools raises the question of whether the plan may find the same opposition among liberal New Yorkers as it does among political conservatives in Texas.