



Public Comment Analysis

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Chancellor

Date: February 29, 2012

Topic: Proposed Amendments to Chancellor's Regulation A-101

Date of Panel Vote: March 1, 2012

Summary of Chancellor's Regulation A-101

Chancellor's Regulation A-101 sets forth the policies concerning admission, discharge, and transfer of pupils in the New York City public school system.

Summary of Issues Raised in Written and Oral Comments and Significant Alternatives Suggested

Comments received are summarized as follows:

- 1) The Regulation A-101 should be amended to clarify that siblings of formerly-zoned students are treated for purposes of Kindergarten admissions the same as siblings of currently-zoned students.
- 2) Why is fifth grade the "cut off" grade for a sibling to be granted sibling priority, particularly when the DOE is converting more schools from K-5 to K-8 schools? Why can't the sibling priority be extended to include children who have siblings in higher grades (*e.g.*, grades 6-8)?
- 3) The Regulation should provide stricter requirements for proof of residency, as the existing requirements are too lenient and provide an opportunity for parents to falsify proof of residence, which can result in students gaining admission to schools they are not entitled to attend.
- 4) The admissions priorities for Kindergarten, set forth in Sections II.C.I & II.C.2 of the Regulation, should not apply to non-zoned districts.
- 5) The Pre-K and Kindergarten admission priorities given to out-of-zone siblings should not be changed, particularly where, as here, the DOE did not give adequate notice of these changes.

6) The DOE should dispense with Pre-K programs altogether, as these programs are not necessary and the money spent on Pre-K programs could instead be spent on Kindergarten programs, which might help decrease Kindergarten class size.

**Analysis of Issues Raised, Significant Alternatives Proposed
and Changes Made to the Proposal**

Comment 1 does not take into account the policy that zoned schools are obligated to serve all students residing in their zone, space permitting. Therefore, siblings of currently zoned students must be given priority over siblings of formerly-zoned students.

With respect to Comment 2, the “cut off” for sibling priority ends at grade 5 because it is believed that students who are in middle school (grades 6-8) are less dependent upon their parents for getting to and from school, and therefore, the younger sibling (who is presumed to need someone to transport him/her to school) need not be enrolled in the same school as the older sibling.

With respect to Comment 3, Regulation A-101 requires that families produce two valid proofs of residency before a student can be admitted to Kindergarten. This requirement is strict without being onerous. If any question arises concerning the adequacy of proof, the school is responsible for initiating an address verification investigation. Investigators conduct home visits to verify whether the address provided to register a student is authentic and whether the student is living there. These investigators report their findings to the Children’s First Network Attendance Point Persons, who are part of the Networks that support schools and who make appropriate recommendations, as further set forth in the Regulation (see Section VII.B.1-3).

With respect to Comment 4, following receipt of this comment, the DOE further amended this Regulation so that it expressly provides that the priority order for Admission to Kindergarten listed in Sections II.C.1 and II.C.2 of the Regulation does not apply to non-zoned districts.

With respect to Comment 5, the proposed Regulation amends the Pre-K sibling priorities to make them conform to the Kindergarten sibling priorities, but does not change the existing Kindergarten sibling priorities, apart from adding clarifying language. The DOE has given sufficient notice of the proposed changes and opportunity for public comment. The proposed amended Regulation was initially posted on the DOE website on December 22, 2011 – more than 60 days prior to the March 1st Panel for Educational Policy (PEP) meeting and vote. The DOE complied with legal mandates by posting the proposed amended Regulation on the DOE website more than 45 days in advance of the PEP meeting, and received public comment for more than 45 days in advance of the PEP meeting.

Comment 6 is not relevant to the proposed amendments of the Regulation and, therefore, requires no response.

A copy of the proposed Regulation can be obtained at:

<http://schools.nyc.gov//AboutUs/leadership/PEP/publicnotice/2011-2012/Feb2012PEPRegulations>