



## Public Comment Analysis

**Dennis M. Walcott**  
*Chancellor*

Date: December 19, 2012

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

Date of Panel Vote: December 20, 2012

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### **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 sibling policy referenced in the regulation and described in the 2012-13 Gifted and Talented Program Handbook was criticized for the following reasons:
  - a. The new sibling policy was improperly implemented, since the handbook with the new policy was published before the revision to the Regulation was approved by the Panel for Educational Policy. The public should have had an opportunity to provide feedback before the decision was made.
  - b. Families with children currently in Gifted & Talented programs have not had time to make alternate arrangements for their younger children seeking admission to the program. Incoming kindergarten students have been disadvantaged due to the timing of this decision and implementation of the policy should be delayed for one year.
  - c. Children whose older siblings are currently enrolled in Gifted & Talented programs should not be subject to the change in policy; rather they should be grandfathered in with the previous sibling policy applied.
  - d. The proposal will have a disparate impact on single parents and working families. The proposal imposes logistical challenges on families to get children to different schools simultaneously. Working and single-parent families, least able to manage these difficult logistics, will be driven out of G&T programs.

- e. The current sibling policy improperly balances eligibility concerns with the need to maintain diverse student bodies in G&T programs (especially citywide programs).
  - f. The new sibling policy will weaken parent partnerships with schools. Parents will be forced to split their time and resources between schools.
  - g. The new policy fails to address the real problem: an inadequate number of G&T programs and seats.
  - h. The new policy relies on an unsound interpretation of test results. The OLSAT and Naglieri tests are screening tests for giftedness, and nothing in the research suggests they are sensitive and accurate to a degree that differences between and within percentiles are statistically significant.
  - i. The proposed policy effectively eliminates any sibling priority due to the specificity of score groups; alternatively, siblings should have priority within percentile rank, not composite score. Sibling priority has long been recognized by the DOE as an important policy for keeping families together.
  - j. The proposed policy encourages more parents to engage in test prep services for their young children, since the proposal gives greater weight to test scores and less weight to sibling priority.
  - k. The proposed policy change is unfair because it only applies to G&T programs, while sibling policy remains the same for other types of programs.
2. The sibling policy described in the 2012-13 Gifted and Talented Program Handbook was praised for the following reasons:
    - a. The proposed policy change is more equitable because placements are made based on scores earned through the G&T assessments; this is the most appropriate policy for an achievement-based program.
    - b. Children without siblings were disadvantaged under the previous policy.
  3. One comment criticized the regulation provisions concerning determination and verification of residency, stating that the regulation should expressly state that providing false, forged, or altered documents violates the New York Penal Law.
  4. One comment expressed that the age cut-off date for kindergarten should be moved from December 31<sup>st</sup> to December 1<sup>st</sup>, as this is required by state law, and parents should have the option to decide whether they want their child to enroll in kindergarten at age 4 or 5.
  5. The DOE's decision to switch from a verbal to a non-verbal assessment for Gifted and Talented programs will not appreciably increase representation of lower income students in G&T programs. The purported advantages of the NNAT2 test in identifying gifted and talented children from underrepresented minority groups or lower socioeconomic status groups has been widely discredited.

6. One comment express dissatisfaction with the notice given concerning the proposed amendments, stating that the revised amendment posted fifteen days before the Panel meeting was not timely and that a red-lined version of the proposed additional changes should have been provided.

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

With respect to comments 1 and 2, in light of public comments received and upon further analysis, the DOE has decided not to implement the sibling policy change described in the 2012-2013 Gifted and Talented Program Handbook and, instead, will retain and implement the sibling policy described in the 2011-12 Gifted and Talented Program Handbook.

With respect to comment 3, the comment relates to provisions of the regulation that are not being amended, and therefore requires no response.

With respect to comment 4, the New York State Commissioner of Education has determined that a school district may adopt a policy of using December 31<sup>st</sup> as the cut-off date for admitting students to kindergarten. The amended regulation implements state law and has been revised to incorporate the new state law regarding mandatory kindergarten for children whose fifth birthday falls within the calendar year of admission, which takes effect in the 2013-14 school year.

With respect to comment 5, the comment addresses assessment changes that are not part of the proposed amendments to the regulation, and therefore requires no response.

With respect to comment 6, the notice of the proposed amendments was timely and conformed with legal requirements. According to Education Law 2590-g(8)(b), a proposed item may be substantially revised following the initial public notice provided a revised public notice is made available at least 15 days in advance of the Panel vote on the item. A revised public notice was issued on December 5, 2012, fifteen days in advance of the Panel vote. There is no legal requirement that red-lined versions of proposed changes be provided.

A copy of the proposed Regulation can be obtained at:

<http://schools.nyc.gov/NR/rdonlyres/E8EAB057-4FB6-4183-BB85-BB62621D16EE/136206/CRA101Amendmentpostedtrackchange121912.pdf>