



Our Students. Their Moment.

**Intervention in Struggling Schools
Through Receivership –
New York State**

May 2015

The Law - Education Law Section 211-f and Receivership



In April 2015, Subpart E of Part EE of Chapter 56 of the Laws of 2015 added a new section, 211-f, to Education Law.

Section 211-f requires that Persistently Failing Schools, schools that have been in the most severe accountability status since the 2006-07 school year, be given an initial one-year period under a Superintendent Receiver to improve student performance.

Failing Schools, schools that have been Priority Schools since the 2012-13 school year, will be given an initial two-year period under a Superintendent Receiver to improve student performance.

Should Failing Schools or Persistently Failing Schools not make demonstrable progress within the prescribed time frame, an Independent Receiver will then be appointed to the school for up to three years.

The Intent of School Receivership

Addressing Potential Barriers to School Turnaround

The intent of School Receivership is to address potential barriers to school turnaround in the following areas:



- Governance
- School Leadership and Staffing
- Collective Bargaining Agreements
- Parent and Community Engagement
- Social and Emotional Developmental Health of Students (Community Schools)
- District Support
- Fiscal Resources

Identification of Persistently Failing and Failing Schools



Failing Schools

Schools that are among the lowest achieving five percent of public schools in the state (Priority Schools) for at least three consecutive school years based upon measures of student achievement and outcomes.

Persistently Failing Schools

Schools that have been identified among the lowest achieving public schools in the state for ten consecutive school years, based upon identification as: a "Priority School" for each applicable year from the 2012-13 school year to the current school year and as a "School Requiring Academic Progress Year 5," "School Requiring Academic Progress Year 6," "School Requiring Academic Progress Year 7" and/or a "School in Restructuring," for each applicable year from the 2006-07 school year to the 2011-12 school year.

Receivership – Intervention in Struggling Schools

Section 211-f of Education Law establishes a new intervention authority for districts and the Department to turn around struggling schools through receivership.

Persistently Failing Schools: Schools that have been in the most severe accountability status since the 2006-07 school year.

Superintendent is given **1 year** with “receivership” powers to improve performance. School is eligible for state grant to support turnaround efforts.

If the school fails to demonstrate improvement, the school is placed in Independent Receivership for up to 3 years.

Failing Schools: Schools that have been Priority Schools since 2012-13.

Superintendent is given **2 years** with “receivership” powers to improve performance.

If the school fails to demonstrate improvement in 2 years, the school is placed in Independent Receivership for up to 3 years.

Superintendent as School Receiver



Timeline

In a Failing School, the Superintendent is given 2 years initially with “receivership” powers to improve performance.

In a Persistently Failing School, the Superintendent is given 1 year initially with “receivership” to improve performance.

Vested with the Powers of a Receiver, Including the Ability to:

- Review and make changes to the school budget.
- Create/change school program and curriculum.
- Supersede a decision made by the Board of Education.
- Require all staff to reapply for their positions.
- Implement professional development for staff.
- Expand the school day or year.
- Convert the school to a charter school, pursuant to the law.
- Request changes to the collective bargaining agreement.
- Convert the school to a community school.

Superintendent as School Receiver



Implementation of Department Approved Plan

- The Superintendent implements a Comprehensive Education Plan or Department-approved Intervention Model (e.g., School Improvement Grant).
- The Plan must incorporate specific “rigorous performance metrics and goals” specified in the law.

Evaluation

At the end of the one- or two-year period in which a Failing or Persistently Failing School is under Superintendent Receivership, and annually thereafter, the Commissioner must determine whether the school should be removed from designation, allowed to continue to be operated by the school district with the Superintendent Receiver, or be placed into Independent Receivership.

School Receivership: Governance

Ability to supersede policy, decision, or regulation

The School Receiver is authorized to manage and operate the Failing or Persistently Failing school and will have the power to supersede any decision, policy or regulation of chief school officer, or of the board of education or another school officer or the building principal that in the sole judgment of the Receiver conflicts with the school intervention plan; provided however, that the Receiver may not supersede decisions that are not directly linked to the school intervention plan.

Limitations on authority

Superintendent Receivers cannot override the Board of on decisions related to his or her own employment.





Process for Supersession in Proposed Regulation

In order for the School Receiver to supersede a decision, he or she must notify the board of education in writing, superintendent of schools or chief school officer, and the principal, not fewer than ten business days prior to the effective date of the supersession, of the:

- Specific decision, policy or regulation that the receiver plans to supersede;
- The reasons for supersession;
- The specific decision, policy, or regulation that will replace the one that shall be superseded; and
- The time period during which the supersession shall remain in effect.



Process for Supersession in Proposed Regulation

- The School Receiver must give the notified parties at least five business days from the receipt of the notice of supersession to respond in writing to the notice and the School Receiver must consider any response received before implementing the supersession.
- At any time subsequent to the supersession of a decision, policy or regulation, the superintendent or chief school officer, or the board of education may request in writing that the School Receiver terminate the supersession.
- Within 15 business days of receipt of any such request, the School Receiver must respond in writing with the School Receiver's decision and rationale.

School Leadership and Staffing



Ability to Restaff

The Receiver can abolish positions of members of the teaching and administrative and supervisory staff and terminate the employment of any building principal assigned to a Failing or Persistently Failing School.

Process of Restaffing

The Receiver can require staff to reapply for their positions in the school and the Receiver has full discretion in hiring, except that at least 50 percent of the newly defined positions must be filled with the most senior staff who are determined by the staff committee to be qualified.

No Right to Displace

Staff who are not rehired will not have any right to bump or displace any other person employed by the district, but will be placed on a preferred eligibility list.

Ability to Supersede Staffing Decisions

The Receiver has the right to supersede the employment decisions of the Board of Education.

Collective Bargaining Agreements



Ability to Request Negotiations

The Receiver may request that the collective bargaining unit or units representing teachers and administrators negotiate a Receivership agreement that modifies the applicable Collective Bargaining Agreement (CBA). Once negotiations are requested by the Receiver, the bargaining unit and the Receiver must negotiate in good faith.

Issues Subject to Negotiation

The Receivership agreement may address: the length of the school day or school year; professional development; class size; and changes to programs, assignments, and teaching conditions.

Timeline and Process for Negotiation

The CBA will be subject to ratification within ten business days by the bargaining unit members in the school. If the parties are unable to reach an agreement within thirty days, or if the agreement is not ratified by the union members within ten business days, the parties must submit any remaining unresolved issues to the Commissioner who will resolve the issues within five business days. For failing schools, there is an additional conciliation requirement prior to submission of unresolved issues to the Commissioner.

Parent and Community Engagement

Parent and Community Notification Requirements

- The district must provide annual notice to parents and guardians of the students of a school that may be placed into receivership. Notices must be translated in the native languages of the students.
- The district must also hold a public meeting or hearing annually for purposes of discussing the performance of the school and the concept of receivership. An interpreter must be present at the public meetings.



Community Engagement Team

- Upon the designation of a Failing School or Persistently Failing School, the district will establish a Community Engagement Team (CET), including, but not limited to, the school principal, parents and guardians, teachers and other school staff and students.
- The membership of the CET may be modified at any time. The CET must develop recommendations for improvement of the school and solicit input through public engagement. The team will present its recommendations periodically to school leadership, and to the Receiver, as applicable.

Parent and Community Engagement



Stakeholder Participation in the Creation of the School Intervention Plan

Each approved school intervention plan must be based on stakeholder input, recent diagnostic reviews and student achievement data, and include a process for converting the school into a community school.

Conversion to Community Schools

Requirement for Conversion

A Superintendent Receiver may convert a Persistently Failing or Failing School into a Community School. An Independent Receiver must convert a Persistently Failing or Failing School into a Community School.

Definition of Community School

A school that partners with one or more state, local or other agencies to:

- Address social service, health and mental health needs of students in the school and their families in order to help students arrive and remain at school ready to learn;
- Provide access to child welfare services and, as appropriate, services in the school community to promote a safe and secure learning environment;
- Offer access to career and technical education and workforce development services to students in the school and their families in order to provide students and families with meaningful employment skills and opportunities;
- Offer mentoring and other youth development programs.



Conversion to Community Schools



Process for Conversion

In order for the Independent Receiver to convert a Failing or Persistently Failing school into a Community School he/she should implement the following process and meet the following minimum requirements:

- *Partner* with families and relevant community agencies to integrate these partners into the community engagement team;
- *Designate* a full-time person who reports to the School Receiver and whose sole responsibility is to manage the development of the Community School framework for that school and subsequently ensure the maintenance and sustainability of the Community School;
- *Conduct* a comprehensive school and community needs assessment in such form and format and according to such timeline as may be prescribed by the Commissioner;
- *Complete* a thorough analysis of the needs assessment results;
- *Incorporate* into the school improvement plan, short-term strategies to improve student learning while establishing the Community School.

Independent Receiver



Determination Made

Independent Receivers must be appointed by the school board, subject to the Commissioner's approval.

Eligible Independent Receivers

Independent Receivers must be an individual, a non-profit entity, or another school district.

Appointment, Approval, and Contract

Independent Receivers must work under contract with the Commissioner.

Independent Receiver and the School Intervention Plan



Creation of a Three-Year School Intervention Plan

The Independent Receiver will submit the school intervention plan to the Commissioner for approval within 6 months of the Receiver's appointment.

Key Components of the Plan

Each approved school intervention plan must be based on stakeholder input, recent diagnostic reviews and student achievement data, and include a process for converting the school into a Community School.

Metrics for Success

- At the end of each school year, the Department will conduct a performance review in consultation and cooperation with the district and school staff to determine, based on the performance metrics in the school's plan, whether or not the school has made demonstrable improvement.
- At the end of the receivership period, the Commissioner may remove the school from Persistently Failing or Failing School status, renew the receivership or appoint a new receiver.

Turnaround Grants



Eligibility for Funding

The enacted budget includes \$75 million in grants for Persistently Failing Schools to be used over two years to support and implement turnaround plans. Subject to Department of Budget approval of the Department's expenditure plan, the Department may begin issuing grant awards as of July 1, 2015.

Intended Uses

Funds may be used for purposes that include, but are not limited, to:

- Use of school buildings as community hubs to deliver co-located or school-linked academic, health, mental health, nutrition counseling, legal and/or other services to students and their families.
- Expansion, alteration or replacement of the school's curriculum and program offerings.
- Extension of the school day and/or school year.
- Professional development of teachers and administrators.
- Mentoring of at-risk students.
- The expenses related to contracting with Independent Receivers.

Proposed Next Steps



Stakeholder Engagement

The Department will hold a statewide meeting for key stakeholders on Wednesday, May 27, 2015. Invitees include districts with Priority Schools and key stakeholders who will be asked to provide feedback after an overview of the School Receivership law, the draft regulations, and the \$75 million School Turnaround Grant Program for which Persistently Failing Schools are eligible.

Regulations for Emergency Actions in June 2015

The Department will propose that the Board of Regents consider adoption of a new section §100.19 of the Commissioner's Regulations by emergency action that would relate to implementation of receivership and governing how schools will be identified for this new intervention.

Changes to Part §100.18 (SURRE)

Commissioner's Regulation §100.18 will need to be revised, so that it aligns with Commissioner's Regulation §100.19 and Education Law 211-f.

Permanent Regulations in September 2015

The Department will propose that the Board of Regents permanently adopt Commissioner's Regulation 100.19.