



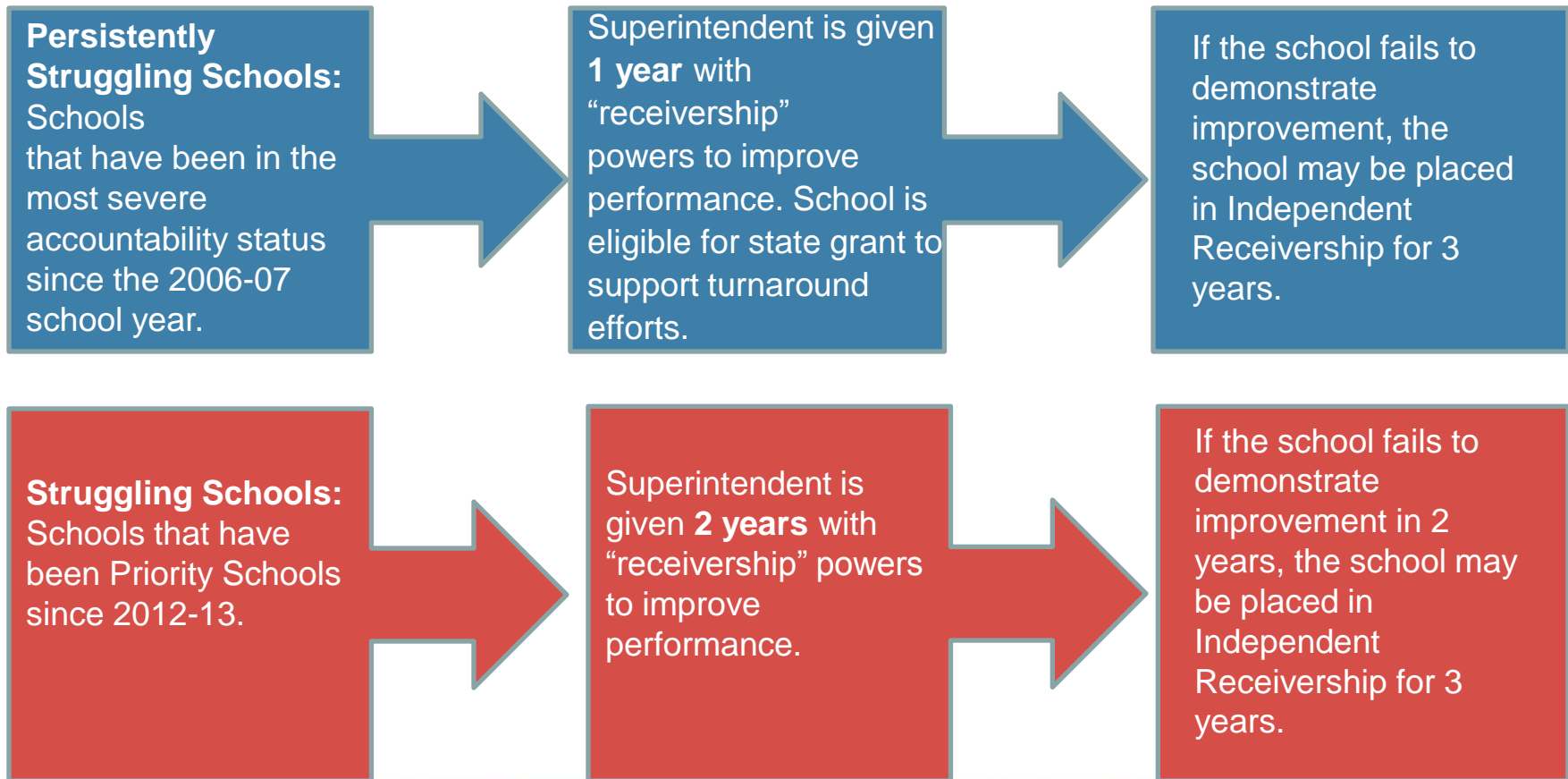
Our Students. Their Moment.

**Proposed Commissioner's Regulation 100.19 –
Establishment and Implementation of
Receivership in Persistently Struggling and
Struggling Schools**

September 16, 2015

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.



Powers of a Superintendent Receiver

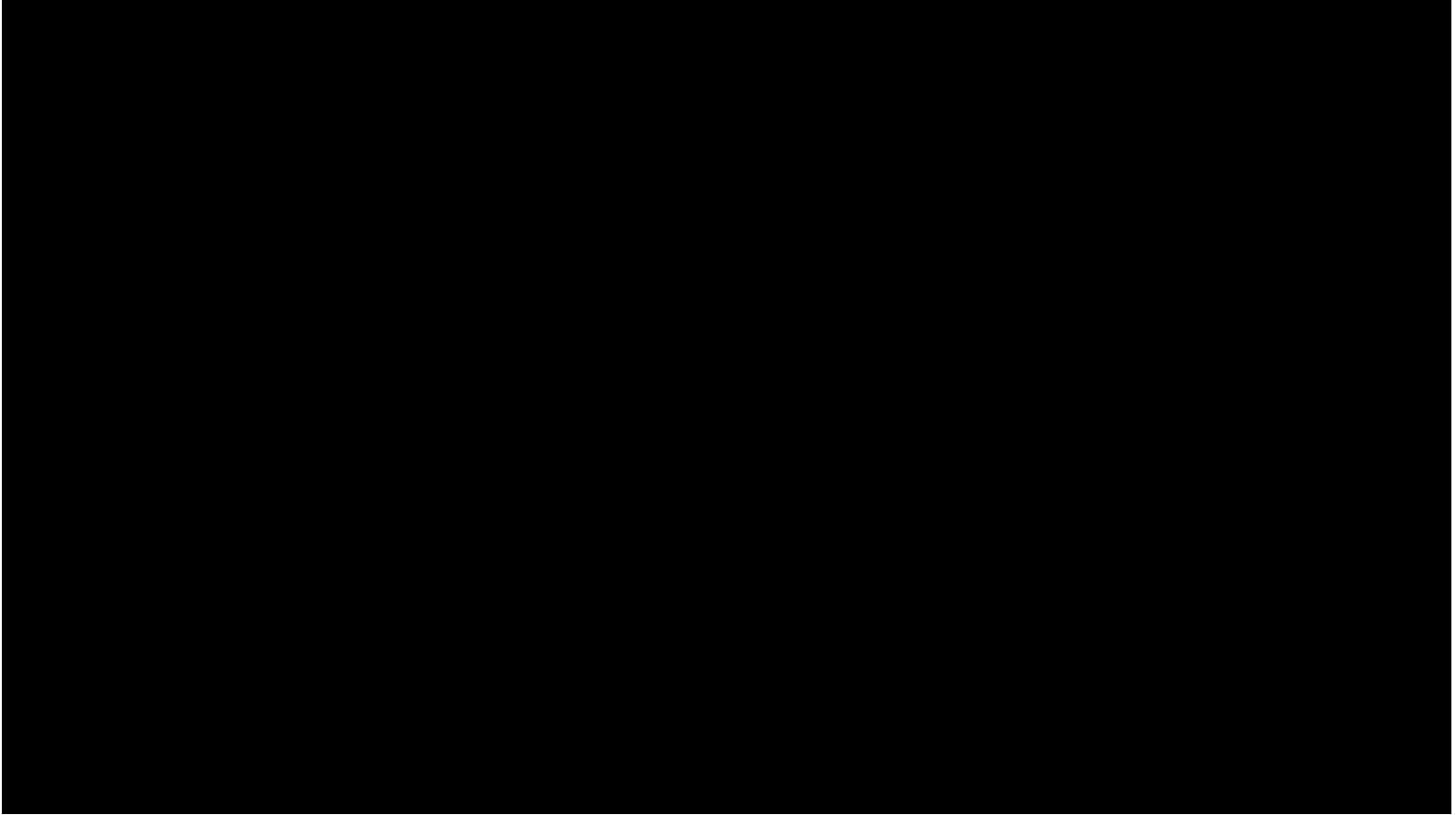
Superintendent Receivers Can:

- Review and make changes to the school budget.
- Create/change school program and curriculum.
- Create an intervention plan for approval by the Commissioner.
- 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 Receivers Cannot:

- Override the Board of Education regarding hiring decisions for the Superintendent.

East High School and Receivership



<https://www.youtube.com/watch?v=n2CxEjsA1bY>

Superintendent Receivership Underway

- Persistently Struggling and Struggling Schools were identified on July 16, 2015.
- As required by Education Law 211-f, in order to use the powers of the Receiver, Superintendents must have a department approved plan (1003(g) School Improvement Grant, School Innovation Fund or School Comprehensive Education Plan) in place for the 2015-16 school year.
- To date, a significant majority of plans have been provisionally approved by the Department, thereby allowing the superintendent to act as receiver for those schools.
- The plans will receive final approval once the Superintendent Receiver has submitted plans that have been reviewed by the Community Engagement Teams (CET) and demonstrable improvement metrics have been approved for the schools.
- The Superintendent Receiver must submit the revised plan to the Department, with the recommendations of the CET attached, and an explanation of why the Superintendent Receiver did or did not include each of the CET recommendations.

Work on Receivership Since June 2015

Since the June Board of Regents meeting, the Department has:

- Hosted a Receivership Conference on July 22-23, 2015, with stakeholder teams in attendance from each district, with a keynote speech by Commissioner Elia.
- Posted a Frequently Asked Questions document on its Receivership webpage.
- Produced a video that can be used by Superintendents to introduce the topic of Receivership to impacted communities.
- Conducted technical assistance conference calls with each district with identified schools.

Work on Receivership Since June 2015

- **Developed the baseline data and goals and targets for demonstrable improvement. This information has been shared with districts, and a webinar will be conducted on September 18 to explain the Demonstrable Improvement process.**
- **Worked to ensure that districts have completed the process of informing parents, holding public hearings and forming Community Engagement Teams.**
- **Received approval from the Division of Budget for the Department's expenditure plan for Persistently Struggling Schools funding.**

Guiding Principles of Demonstrable Improvement

- One or more indicator(s) shall be established for each Metric specified in legislation.
- For each indicator, a school can make progress by achieving either a “universal goal” or a school specific progress target.
- The school specific targets are designed to be modest at first and increase over the three-year period.
- Most indicators will be based on student performance; some indicators will be based on implementation of programs and/or processes.
- The State Education Department will select some of the school indicators, and the School Receiver in consultation with the Community Engagement Team shall select some.
- Selected indicators will be based primarily on where the school’s performance most needs improvement.
- School Receiver may seek to have local measures approved by the Commissioner.
- The result of the process shall be a judgment that the school made Demonstrable Improvement, did not make Demonstrable Improvement unless there are shown to be extenuating or extraordinary circumstances, or the Commissioner shall review the totality of the record to make a determination.

Public Comment on Draft Regulations

- **During the process of regulation development, the Department solicited comments and recommendations from:**
 - **School districts; district superintendents;**
 - **Statewide representatives of parents, teachers, principals, superintendents, School boards; Educational Partnership Organizations (EPOs);**
 - **Representatives of state agencies;**
 - **Representatives of organizations involved with the education of English language learners, students with disabilities and students in temporary housing;**
 - **Technical experts in school receivership, expanded learning, and community school models.**
- **More than 100 participants provided their feedback on the draft express terms that were presented to the Board of Regents in May.**
- **The Department made extensive revisions to the regulations based on feedback.**
- **Each of the districts and EPOs with Struggling and Persistently Struggling Schools as well as representatives from key stakeholder groups received an in-depth briefing on the provisions of the statute and the emergency regulations during a Receivership Conference held by the Department on July 22-23, 2015.**
- **The Department received comments from fewer than ten organizations or individuals on the emergency regulations.**
- **The Department believes that most of the comments have either already been addressed through guidance and/or the demonstrable improvement template issued to the field.**

Specific Changes to Regulations

The proposed amendment has been revised in response to public comment as follows:

The definition of a Persistently Struggling School found in section 100.19(a)(2) has been revised to parallel the language of Education Law §211-f(1)(b).

In order to conform to Education Law §211-f(8), section 100.19(5)(iii) has been revised to provide that collective bargaining shall be completed (instead of commenced) no later than 30 days following receipt of a written request from the school receiver.

Receivership Video

<https://vimeo.com/135014601>

Next Steps

Procedural:

The proposed rule adopted as an emergency measure at the June 15-16, 2015 Regents, will become permanent if adopted at the September 2015 Regents meeting taking effect on September 21, 2015. The proposed rule will be presented for adoption as a permanent rule at the November 16 - 17, 2015 Regents meeting, after publication of the Notice of Emergency Adoption and Revised Rule Making and expiration of the 30-day public comment period for revised rule makings.

Operational:

- Districts will be submitting evidence of Public Notification and Hearings, demonstrable improvement indicators and a Community Engagement Plan to the Department by September 30, 2015.
- Superintendent Receivers will be engaging the identified schools' Community Engagement Teams in a review of the provisionally approved plans.
- Superintendents will be submitting their Demonstrable Improvement indicators by October 2, 2015.
- The Department will be informing Superintendent Receivers of its performance management process, including providing them with a template for required Quarterly Reports.