

engage^{ny}

Our Students. Their Moment.

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

July 2015

engage^{ny}

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.

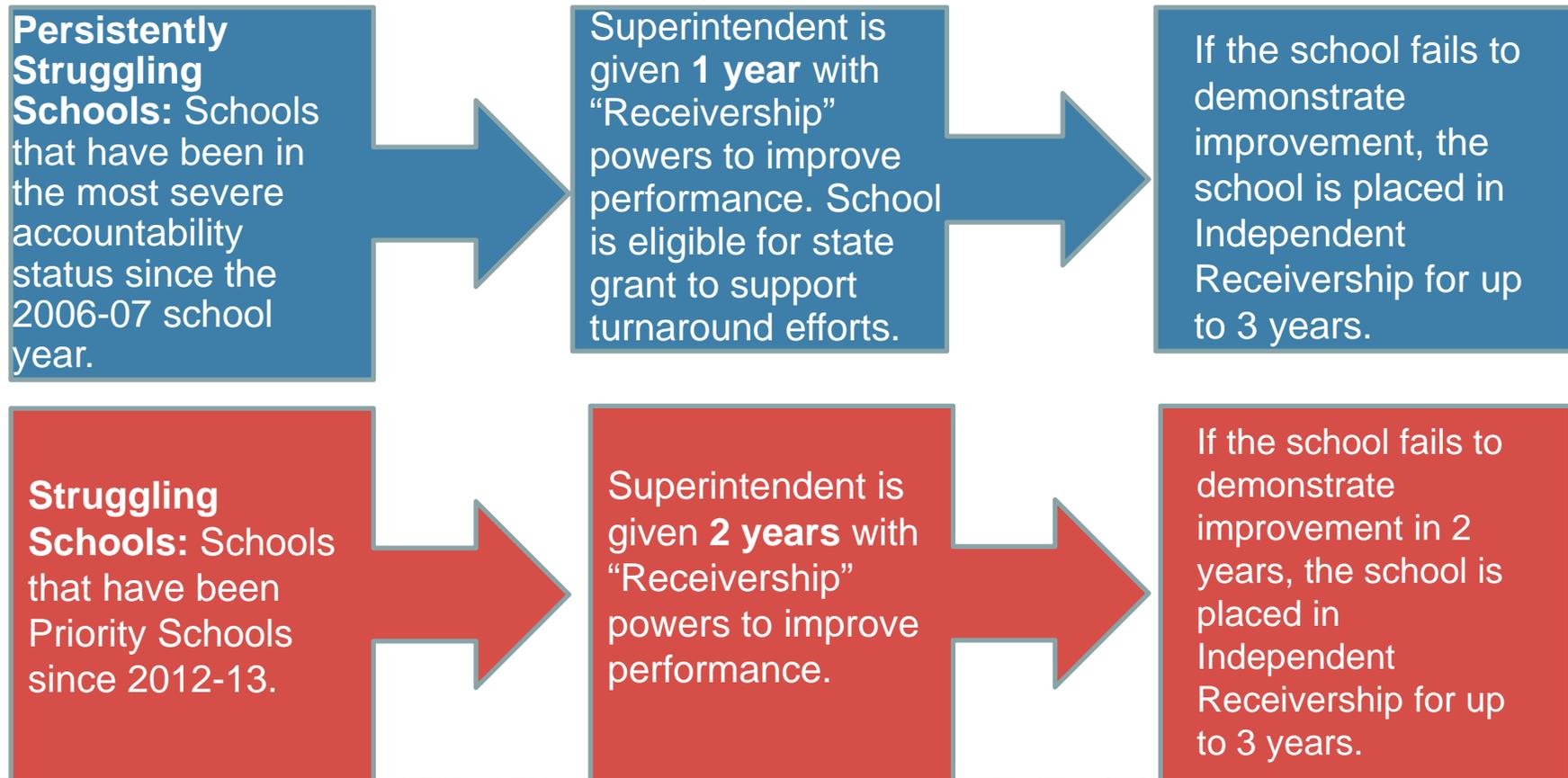
Section 211-f requires that Persistently Struggling Schools, schools that have been in the most severe accountability status since the 2006-07 school year, be given an initial one-year period under a Superintendent Receiver to improve student performance.

Struggling 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 Struggling Schools or Persistently Struggling 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.

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.



The Intent of Receivership

Addressing Potential Barriers to School Turnaround

The intent of 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 Struggling and Struggling Schools



Struggling 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 Struggling 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.

Superintendent as Receiver



Timeline

In a Struggling School the Superintendent is given 2 years initially with “Receivership” powers to improve performance.

In a Persistently Struggling School the Superintendent is given 1 year initially with “Receivership” to improve performance.

Vested with 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 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 Struggling or Persistently Struggling 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.

Superintendent Receiver



- Any board of education decision regarding employment of the Superintendent must be made consistent with applicable laws and regulations and the employment contract.
- The board of education cannot take employment decisions against the Superintendent in retaliation for actions taken as a School Receiver.
- The School District Superintendent Receiver shall not be required to create and implement a school intervention plan or to convert a struggling or persistently struggling school to a 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.

Appointment of an Independent Receiver



- The regulations now specify the minimum qualifications of an Independent Receiver.
- A district must submit evidence that an Independent Receiver not on the Commissioner's approved list meets the same qualifications as those on the list.
- In the event that the position of Independent Receiver is vacated or otherwise terminated, the Commissioner may appoint either a new Independent Receiver or an interim Independent Receiver.
- The Independent Receiver or the Independent Receiver's designee cannot attend executive sessions of the board of education pertaining to personnel and/or litigation matters involving the Receiver.
- The contract for an Independent Receiver may be terminated by the Commissioner for a violation of law, Commissioner's regulations, or neglect of duty.

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 Struggling or Struggling School status, renew the Receivership or appoint a new Receiver.

Receivership: Governance

Ability to supersede policy, decision, or regulation

The Receiver is authorized to manage and operate the Struggling or Persistently Struggling 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.



Governance



Process for Supersession

In order for the 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

- The 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 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 Receiver terminate the supersession.
- Within 15 business days of receipt of any such request, the Receiver must respond in writing with the Receiver's decision and rationale.

Powers of the Receiver – Collective Bargaining Agreements and Staffing

- Actions taken by the School Receiver must be consistent with collective bargaining agreements and Civil Service Law for those issues for which collective bargaining is required.
- The School Receiver may request that the collective bargaining units representing teachers and administrators negotiate a receivership agreement that modifies the applicable collective bargaining agreement(s) with respect to any schools in receivership applicable during the period of receivership. Collective bargaining must be conducted in good faith, and commence no later than thirty days following receipt of a written request from the School Receiver.
- The School Receiver must provide school staff, the superintendent or chief school officer, and the school board the results of the needs assessment that serves as the basis for any re-staffing of the school.
- Notified parties must have the opportunity to ask the Receiver to reconsider the decision to re-staff the school.
- Upon completion of the abolition and rehiring process, no further abolition of positions shall occur without the prior approval of the Commissioner.



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 is compelled to negotiate.

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 Struggling 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 which 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 Struggling School or Persistently Struggling 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 of a Persistently Struggling or Struggling School into a Community School. An Independent Receiver must convert a Persistently Struggling or Struggling 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 Persistently Struggling 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 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.

School Intervention Plan – Conversion to Community School



- A revised, more comprehensive definition of “community schools” has been added.
- The school intervention plan developed by the Independent Receiver shall be based upon a comprehensive school and community needs assessment and created in consultation with community based organizations (CBO) providing services in the school.
- In the first year of program implementation, a community school must implement at least three community school program elements.
- Independent Receivers must regularly consult with the CET, CBOs and the school community regarding implementation of the community school program.
- The person responsible for coordinating the conversion of a school to a community school must be a full-time staff member who participates in school leadership and community engagement team meetings, and reports to the School Receiver.
- Expanding the school day or school year or both may include establishing partnerships with community based organizations and youth development programs that offer appropriate programs and services in expanded learning time settings.

Expanded Role of Community Engagement Team



The role of the Community Engagement Team (CET) has been expanded:

- The CET will review, assess, and report on the implementation of the school's plan.
- The CET's recommendations must be attached to the school plan and the Receiver must attach such recommendations and identify which recommendations were incorporated in the plan and how; as well as, which recommendations were not incorporated in the plan and why.
- The district will consult with the CET before proposing to the Commissioner any plan modifications. The CET may hold hearings, which must be arranged by the district, to solicit feedback.
- The plan must be provided to the local school board, the Superintendent, and representatives of the collective bargaining units, CET, and elected representatives of the parent teacher association and/or parent association.
- The Commissioner will annually consult and cooperate with the district, school staff, and CET in determining whether the school has met its annual goals and in assessing the implementation of the plan.
- Upon expiration of the school intervention plan, the Commissioner will consult with the district and CET to determine whether to renew the plan, terminate the contract with the Independent Receiver, or remove the school from designation.

Turnaround Grants



Eligibility for Funding

The enacted budget includes \$75 million in grants for Persistently Struggling 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.

Next Steps for Districts with Persistently Struggling and Struggling Schools

Under §100.19, the Superintendent is provided with enhanced powers and responsibilities of a Receiver to support dramatic changes in the identified schools that will lead to increased student achievement. These powers include, but are not limited to, redesign of the school program, re-staffing of the school, and modification of the school budget. Next steps that districts with Struggling Schools and Persistently Struggling Schools must implement are:

- Establishment of a Community Engagement Team
- Public Notification and Hearing Requirements
- Department Approved School Comprehensive Education Plan or Intervention Model Plan



Next Steps for Districts - Establishment of a Community Engagement Team



No later than 20 business days following the identification of a school as Persistently Struggling or Struggling, the school district is required to establish a Community Engagement Team (CET). The CET must be composed of:

- Community stakeholders with direct ties to the school including, but not limited to,
- The school principal,
- Parents of or persons in parental relation to students attending the school,
- Teachers and other school staff assigned to the school, and
- Students attending the school.

The Community Engagement Team is charged with developing recommendations for improvement of the school and for soliciting input regarding their recommendations through public engagement.

Next Steps for Districts – Public Notification and Hearing Requirements

No later than 30 calendar days after a school has been identified as a Persistently Struggling or Struggling School, the school district is required to notify parents or guardians of students attending the identified schools in writing regarding the designation of the school(s) and provide an explanation for why it was designated Persistently Struggling or Struggling.

- The notices must be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication.
- The district must hold an initial public meeting to discuss the performance of the designated school and the concept of Receivership no later than 30 calendar days after a school has been identified.



Department Approved School Comprehensive Education Plan or Intervention Model Plan

In order to become vested with the powers of a School Receiver, the Superintendent Receiver must have, at minimum:

- A provisionally Department-approved School Comprehensive Education Plan (SCEP) or intervention model plan (i.e., a 1003(g) School Improvement Grant or a School Innovation Fund Grant) for the 2015-16 school year.



Department Approved School Comprehensive Education Plan or Intervention Model Plan

After receiving provisional approval of the plan, the Superintendent will have the powers of Receiver for 90 days, and is responsible for the following:

- Working with the Community Engagement Team to develop the Community Engagement Plan and reviewing the submitted SCEP, SIF, or SIG plan to determine if the plan needs revisions;
- Meeting the public notification and hearing requirements as outlined in Commissioner's Regulation §100.19(c) and providing evidence of meeting the requirements using the Public Notification and Hearing Requirements Template (Attachment D);
- Submitting any locally developed metrics for assessing demonstrable achievement.



Summary - Next Steps for Districts with Persistently Struggling and Struggling Schools

By no later than September 30, 2015, the Superintendent Receiver must submit:

- The Community Engagement Plan,
- The Public Notice and Hearing Requirements Template,
- Any locally developed metrics for demonstrable improvement, and
- Any revisions to the previously submitted SCEP, SIG, or SIF plan in order to obtain final Department approval of the plan and continue to have the powers of a Receiver.

