



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Elizabeth R. Berlin

SUBJECT: Amendment to Section 100.19 of the Regulations of the Commissioner of Education Relating to Community School Grants and the Definition of Community Schools to Implement Education Law § 211-f and Chapter 53 of the Laws of 2016

DATE: October 6, 2016

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendments to section 100.19 of the Commissioner's regulations, relating to community school grants and the definition of community schools, in order to implement Education Law §211-f and Chapter 53 of the Laws of 2016.

Reason(s) for Consideration

State Statute and Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as an emergency rule and at its October 2016 meeting. The proposed amendment is attached as Attachment A.

Procedural History

A Notice of Emergency Adoption was published in the State Register on August 10, 2016. Supporting materials are available upon request to the Secretary of the Board of Regents. A Statement of Facts and Circumstances is attached as Attachment B. Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received no comments on the proposed amendment.

Background

As part of the 2016-2017 budget appropriation bill (Chapter 53 of the Laws of 2016), the Legislature and Governor provided a \$75 million appropriation (\$50 million for operating costs and \$25 million for capital costs) to establish community school grants for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year (“designated schools”). The new law requires eligible school districts to apply to the Commissioner for such grants.

The proposed amendment implements these requirements and requires that all applications for funding pursuant to this subdivision include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

- holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;
- providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel, and community members as often as practicable through means that shall include but need not be limited to email and posting on the district’s internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient’s native language or mode of communication;
- ensuring that such meetings, notices, and communications provide parents, teachers, and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of

communication, such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and

- submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation, and operations of the community schools grant and the requirements of this subdivision.

Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families. If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services. The proposed amendment defines “feeder school” as a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designated school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designated schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into 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, which may include but need not be limited to the following:

- providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each such school who shall assist the school receiver in implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the school, ensuring the maintenance and sustainability of the community school, and consulting and

coordinating with any other community school site coordinators designated pursuant to this clause, if applicable. If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation of one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;

- improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child's education and school community, including participation on the school's community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; on the steering committee established by these regulations; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;
- providing early childhood education programs;
- offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to these regulations, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skills, use of principles of distributive leadership, and instructional supervision;
- conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the school has already been conducted, such needs assessment may be used for this purpose;
- creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community

stakeholders, which shall include but need not be 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; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement team established pursuant to section 100.19 may also serve as the steering committee; and

- constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

The proposed amendment also revises the current definition of community schools to require offering adult and/or community education opportunities and programs in community schools to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414. These revisions allow for a greater integrated focus on offering a range of school-based and school-linked programs and services leading to stronger families and healthier communities.

Related Regent's Items

<http://www.regents.nysed.gov/common/regents/files/716p12a3.pdf>

Recommendation

Staff recommends that the Board of Regents take the following actions:

VOTED: That section 100.19 of the Regulations of the Commissioner of Education be amended, effective October 24, 2016 as an emergency action upon a finding by the Board of Regents that such action is necessary in order to immediately establish the eligibility requirements for community school grants to implement Chapter 53 of the Laws of 2016 so that eligible school districts with schools designated by the Commissioner as persistently struggling and struggling throughout the 2016-2017 school year can apply, and receive monies, to establish community schools; and

VOTED: That section 100.19 of the Regulations of the Commissioner of Education be amended, effective November 2, 2016.

Timetable for Implementation

If adopted at the October meeting, the proposed amendment will become effective as an emergency rule on October 24, 2016 and as a permanent rule on November 2, 2016.

Attachment A

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305, and 211-f as added by Chapter 56 of the Laws of 2015, and Chapter 53 of the Laws of 2016.

1. A new subdivision (k) is added to section 100.19 of the Regulations of the Commissioner of Education, effective October 24, 2016, as follows:

(k) Community schools grants. Subject to the terms of an appropriation, community schools grant funds will be awarded by the Commissioner to eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year ("designated schools") pursuant to a plan developed by the Commissioner and approved by the director of the budget pursuant to this subdivision.

(1) Application for funding. Eligible school districts that seek a community schools grant fund award for a designated school or schools shall submit an application to the Commissioner on a form and pursuant to a timeline prescribed by the Commissioner and shall meet the requirements set forth this subdivision. Applications must set forth the need for such funds, whether the school district is seeking operating funds and/or capital funds, how the funds would be used and the number of students that would be served with such funds. If an eligible school district seeks both operating and capital funds, such application shall include separate budgets for the use of operating and capital funds. Funds shall be awarded in accordance with a formula developed by the Commissioner and approved by the director of the budget which shall take into account factors that include but need not be limited to the number of

designated schools in the district, the number of students enrolled in the designated schools, and the needs of such students for English language learner, special education and other enhanced services.

(i) Prior to submitting an application to the Commissioner, the eligible school district shall provide appropriate community partners and/or the community engagement team established pursuant to this section, as the school district deems appropriate, an opportunity to review and provide feedback on the application.

(ii) All applications for funding pursuant to this subdivision must include detailed plans and timelines for ensuring substantial parent, teacher, and community engagement in the planning, implementation and operations of the community school that shall include but need not be limited to the following:

(a) holding public meetings with parents, teachers and community members at least quarterly during the school year to provide information and solicit input regarding the planning, implementation and operations of the community school. Such meetings shall be held in accordance with the requirements of subparagraph (c)(1)(iii) of this section;

(b) providing written notices and communications regarding the planning, implementation and operations of the community school to parents, teachers, other school personnel and community members as often as practicable through means that shall include but need not be limited to email and posting on the district's internet website, if one exists. All such notices and communications shall be provided in English and translated, to the extent practicable, into the recipient's native language or mode of communication;

(c) ensuring that such meetings, notices and communications provide parents, teachers and community members with meaningful opportunities to provide input and feedback by providing a variety of widely accessible methods of communication such as email, telephone, and/or access to the community school site coordinator and/or the steering committee; and

(d) submitting quarterly written reports to the Commissioner in a form and format prescribed by the Commissioner containing specific information about the progress of the planning, implementation and operations of the community schools grant and the requirements of this subdivision.

(2) Eligibility for services provided under this grant. Each designated school that receives a grant to deliver co-located or school-linked services pursuant to this subdivision shall first provide such services to the students who are enrolled in such school and their families.

(i) If a designated school has additional unused capacity after making such services available to all enrolled students and their families (e.g., not all available times for health or dental screenings have been filled on a particular day after all students enrolled in the school have been given an opportunity for an appointment, or not all seats in a parenting workshop have been filled by parents of students who attend the school), the school may offer such services to students who attend feeder schools and their families so as to maximize effective and efficient use of available resources and/or students who are alumni of the school and their families in order to provide continuity of services.

(ii) For purposes of this subdivision, “feeder school” shall mean a school that receives Title I funds or is eligible for, but does not receive Title I funds, and from which at least 20 percent of the students in the designed school matriculated, provided that, for designated schools in which school choice, admissions lotteries, and/or open enrollment exist and in which feeder school patterns are therefore not consistent from year to year, the school district may request that a lesser percentage of students matriculating into the designed schools be considered or that up to three schools in the closest geographic proximity to the designated schools and from which students matriculate to such schools be feeder schools for purposes of this subdivision.

(3) Use of grant funds. Community schools grant funds shall be used to supplement and not supplant district expenditures and shall only be used for new expenditures on eligible operating and capital costs in accordance with this subdivision and subject to the terms of the appropriation. Community schools grant funds must be used to support the operating and capital costs associated with the transformation of designated schools into 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, which may include but need not be limited to the following:

(i) providing a community school site coordinator at each struggling or persistently struggling school receiving a grant pursuant to this subdivision. The school district shall designate a full-time staff person to serve as the community school site coordinator at each such school who shall assist the school receiver in implementing the grant, including but not limited to managing the development of the community school strategy for that school, coordinating and integrating service delivery at the

school, ensuring the maintenance and sustainability of the community school, and consulting and coordinating with any other community school site coordinators designated pursuant to this clause, if applicable. If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation or one full-time site coordinator for multiple schools would be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school district may apply to the Commissioner for a waiver from this requirement;

(ii) improving parent engagement, which may include but need not be limited to designating a family outreach coordinator, providing parents and families with information on and opportunities to participate in their child's education and school community, including participation on the school's community engagement team established pursuant to this section; in the process of local stakeholder consultation conducted pursuant to this section; in the community-wide needs assessment conducted pursuant to this section; on the steering committee established pursuant to subparagraph (vi) of this paragraph; and in family literacy programs, including early childhood education, interactive literacy activities between parents and their children, and training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

(iii) providing early childhood education programs;

(iv) offering professional development specific to the unique needs of students enrolled in a community school and their families. Such unique needs may be determined through measures including but not limited to surveys of students, families and teachers; focus group meetings with parents, students and teachers; and/or results of comprehensive school and community needs assessments, which may be the comprehensive school and community needs assessment conducted pursuant to subdivision (f)(8)(iii) of this section, if one has been conducted for the specific school. Such professional development shall include but not be limited to job-embedded professional development with an emphasis on strategies that involve teacher input and feedback as well as professional development for administrators at the school with an emphasis on strategies that develop leadership skill and use of principles of distributive leadership and instructional supervision;

(v) conducting community-wide needs assessments, provided that, if a comprehensive school and community needs assessment regarding the school has been conducted pursuant to subdivision (f)(8)(iii) of this section, such needs assessment may be used for this purpose;

(vi) creating a steering committee to provide feedback and guidance. Such steering committee shall be made up of various school and community stakeholders, which shall include but need not be 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; provided that, in the case of a designated school that does not serve students in grade seven or above, the steering committee need not include students; provided further that a community engagement

team established pursuant to this section may also serve as the steering committee;
and

(vii) constructing or renovating spaces within such school buildings to serve as health suites, adult education spaces, guidance suites, resource rooms, remedial rooms, parent/community rooms, and career and technical education classrooms, plus any other capital costs necessary to implement a community school.

2. Paragraph (8) of subdivision (a) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective October 24, 2016, to read as follows:

(8) Community School shall mean a school that partners with one or more agencies with an integrated focus on rigorous academics and the fostering of a positive and supportive learning environment, and a range of school-based and school-linked programs and services that lead to improved student learning, stronger families, and healthier communities. At a minimum, programs must include, but are not limited, to:

(i) addressing 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;

(ii) providing access to services in the school community to promote a safe and secure learning environment;

(iii) encouraging family and community engagement to promote stronger home-school relationships and increase families' investment in the school community;

(iv) providing access to nutrition services, resources or programs to ensure students have access to healthy food and understand how to make smart food choices;

(v) providing access to early childhood education to ensure a continuum of learning that helps prepare students for success; [and]

(vi) offering adult and/or community education opportunities, including but not limited to, access to career and technical education as well as workforce development services to students in the school and their families in order to provide meaningful employment skills and opportunities; [and]

(vii) offering expanded learning opportunities that include afterschool, summer school, Science, Technology, Engineering, Arts, and Math programs (STEAM) and mentoring and other youth development programs; and

(viii) providing members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.

3. Subparagraph (ii) of paragraph (8) of subdivision (f) of section 100.19 of the Regulations of the Commissioner of Education is amended, effective October 24, 2016, to read as follows:

(ii) designate a full-time staff person who participates in school leadership and community engagement team meetings and reports to the school receiver and whose sole job responsibility is to manage the development of the community school strategy for that school and subsequently ensure the maintenance and sustainability of the community school. If there are circumstances that do not justify the assignment of a full-time staff person to serve as the community school coordinator for each school (e.g., the designated school is a small rural school and a full-time coordinator is not needed), or if the designation or one full-time site coordinator for multiple schools would

be more effective (e.g., if the two schools designated in the district are small schools in close proximity and a full-time coordinator could serve both schools), the school may apply to the Commissioner for a waiver from this requirement;

8 NYCRR Subpart 100.19

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE
EMERGENCY ACTION

The purpose of the proposed amendment is to timely implement Chapter 53 of the Laws of 2016 to establish the requirements for eligible school districts with schools designated as struggling and persistently struggling by the Commissioner pursuant to Education Law section 211-f(1)(a) or (b) throughout the 2016-2017 school year that wish to apply for such grants in the 2016-2017 school year. The proposed amendment also revises the definition of the community schools to require programs in a community school to provide members of the community with access to services on school buildings and grounds consistent with all applicable laws and regulations including but not limited to Education Law section 414.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in State Administrative Procedure Act (SAPA) section 202(4-a), would be the October 17-18, 2016 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the October meeting, would be November 2, 2016, the date a Notice of Adoption would be published in the State Register.

Emergency action at the October 2016 Regents meeting is therefore necessary for the preservation of the general welfare in order to immediately establish the eligibility requirements for community school grants to implement Chapter 53 of the Laws of 2016

so that eligible school districts who have schools designated by the Commissioner as persistently struggling and struggling in the 2016-2017 school year can apply, and receive monies, to establish community schools and to ensure that the emergency rule adopted at the July Regents meeting remains continuously in effect until it can be adopted as a permanent rule. The emergency rule adopted at the July meeting expires on October 23, 2016. Therefore, emergency action is necessary to ensure that the emergency rule adopted at the July meeting does not expire before it is permanently adopted on November 2, 2016.