



TO: P-12 Education Committee
FROM: Elizabeth R. Berlin
SUBJECT: Update on the Implementation of School Receivership
DATE: April 12, 2016
AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Provide the Board of Regents with an update on the implementation of the first seven months of implementation by school districts of Section 211-f of Education Law, as added by Chapter 56 of the Laws of 2015 relating to school receivership.

Reason(s) for Consideration

Implementation of state statute.

Proposed Handling

This issue will come before the P-12 Education Committee for discussion at the April 2016 meeting.

Procedural History

The Regents first discussed school receivership at their May 2015 meeting. In order to implement school receivership, the Board of Regents in June 2015 adopted Section 100.19 of Commissioner's Regulations as an emergency rule. The Regents have subsequently taken action on the emergency rule at their September 2015, October 2015, December 2015, and January 2016 meetings to keep the emergency rule in effect, address public comment on the rule, and add procedures for the Commissioner's resolution of collective bargaining issues arising from a receiver's use of his or her special authority.

Background Information

In April 2015, Subpart H of Part EE of Chapter 56 of the Laws of 2015 created a new section of State Education Law pertaining to school receivership. Struggling Schools were identified in July 2015, because they had been Priority Schools since the 2012-13 school year. Priority Schools that had been in the most severe accountability status since the 2006-07 school year, as of July 2015, were identified as Persistently Struggling Schools.

Section 211-f of Education Law provides persons or entities vested with the powers of a receiver new authority to, among other things, develop a school intervention plan; convert schools to community schools providing wrap-around services; reallocate funds in the school's budget; expand the school day or school year; establish professional development plans; order the conversion of the school to a charter school consistent with applicable state laws; remove staff and/or require staff to reapply for their jobs in collaboration with a staffing committee; and negotiate collective bargaining agreements, with any unresolved issues submitted to the Commissioner for decision. The superintendent of the Buffalo School District has been notable for using his authority to seek site based collective bargaining agreements in receivership schools.

Commissioner's Regulations stipulate that since a school's history as a Priority School causes a school to be identified as Struggling or Persistently Struggling, a school's removal from Priority School status will cause the school to be removed from this status. In February 2016, in order to meet the requirements of New York's Elementary and Secondary Education Act (ESEA) flexibility waiver, the Commissioner promulgated a new list of Priority Schools. Of the 145 schools that had been identified as Struggling or Persistently Struggling, 70 were not re-identified as Priority Schools and consequently the special authority of the superintendent in regard to these schools will sunset on June 30, 2016, along with the schools' designation as Struggling or Persistently Struggling. The 11 Persistently Struggling Schools that remain identified as Priority Schools must now show Demonstrable Improvement on 2015-16 school year accountability indicators or an independent receiver will be appointed to operate these schools. The 64 Struggling Schools that were re-identified as Priority Schools must show Demonstrable Improvement by the end of the 2016-17 or an independent receiver will be appointed to operate these schools.

Staff will present an overview of the Persistently Struggling and Struggling Schools Performance Management process, including: quarterly reporting, on-site support and technical assistance, and oversight of the Persistently Struggling Schools' grants. Staff will also provide information on the process by which determinations will be made regarding whether a school has made Demonstrable Improvement.

Next Steps

Later this year, staff will report to the Board of Regents on the outcomes of the first year of the receivership initiative, including lessons learned, the degree to which schools were able to make Demonstrable Improvement, and the assignment of independent receivership to any schools for which the appointment of such receivers is determined to be necessary.