



Our Students. Their Moment.

Moving Forward with Receivership in New York State

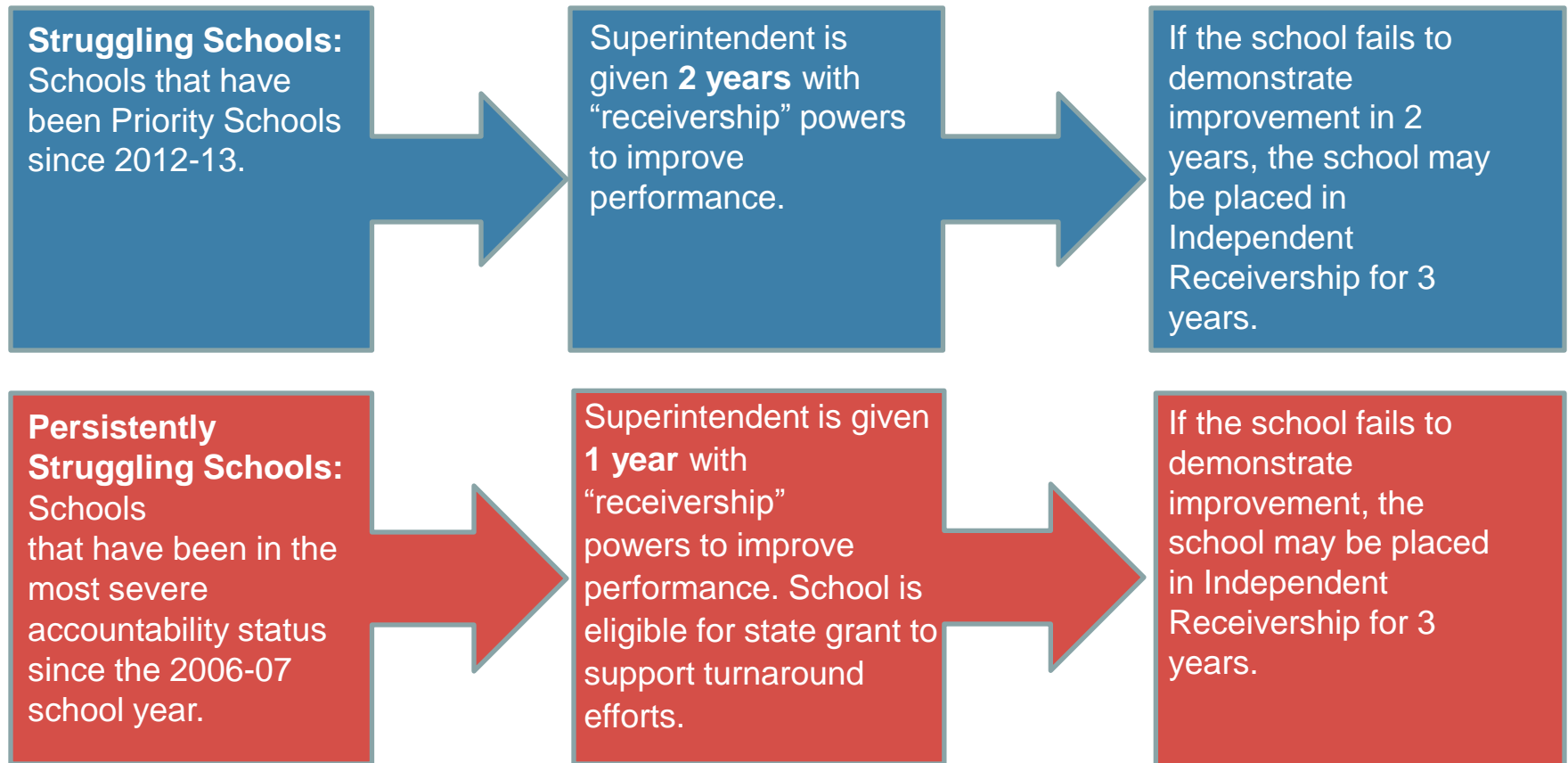
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Commissioner of Education and President of the University of the State of New York

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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.



SED's Completed Work on Receivership

Since the Receivership law was enacted, the Board of Regents and Department have:

- Engaged in extensive discussion with the field regarding school receivership:
 - Individual meetings with Key Stakeholders
 - May 27, 2015 Key Stakeholder meeting in Albany to discuss draft regulations
 - Individual conference calls with each district
 - July 22-23, 2015 Receivership Conference with stakeholder teams from each district
- Made extensive revisions to the regulations to reflect Stakeholder feedback.
- Adopted Commissioner's Regulation §100.19 as emergency action to implement §211-f.
- Created and maintained Receivership webpage:
<http://p12.nysed.gov/accountability/de/SchoolReceivership.html>
- Produced a video that can be used by Superintendents to introduce the topic of Receivership to communities.
- Provisionally approved for most schools the plans that allow Superintendents to serve as Receivers.

Public Engagement by SED

The Department solicited comments and recommendations from key stakeholders. More than 100 participants provided their feedback on the draft express terms that were presented to the Board of Regents in May.

In response to public comment from stakeholders, the following are among the changes made to the receivership regulations:

- Clarifying reasons for districts to appeal designation of schools;
- Clarifying public hearing requirements and significantly expanding the role of the Community Engagement Teams;
- Clarifying the process by which Demonstrable Improvement decisions are made;
- Providing protections for superintendents who exercise receivership powers;
- Adding minimum qualifications for independent receivers; and
- Adding new provisions regarding the process by which a receiver may restaff a school or make other employment decisions.

SED efforts to Enhance Public Involvement in Receivership Schools

- The notice to parents regarding Persistently Struggling Schools and Struggling Schools now requires that the reasons for the school's designation be specified.
- The regulations now require that the public hearing be held in the evening or on Saturday and at the school building. Members of the public who are not able to attend the public hearing must be afforded the opportunity to provide comments and feedback in writing and/or electronically.
- The timeline for creating the Community Engagement Team (CET) has been extended and the process for selection of parent representation on the CET has been modified to require it be done in accordance with the provisions of Commissioner's Regulation §100.11.
- Clarification has been added that specifies that the school intervention plan must be provided to the Community Engagement Team and elected representatives of the parent teacher association and/or parent association.
- The role of the Community Engagement Team (CET) has been significantly strengthened.

The Work Already Underway: Superintendent Receivership

- Persistently Struggling and Struggling Schools were identified on July 16, 2015.
- As required by state law, 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.
- Districts have:
 - Notified parents whose children attend schools in receivership
 - Held public hearings
 - Created Community Engagement Plans and formed Community Engagement Teams
 - Submitted Plans for Department Approval
 - Selected Demonstrable Improvement Indicators.
- At least one district has requested changes to a collective bargaining agreement.

Demonstrable Improvement

- Persistently Struggling Schools must annually make Demonstrable Improvement or they will be placed in Independent Receivership.
- Struggling Schools must make Demonstrable Improvement or after two years they will be placed in Independent Receivership.
- Schools that make Demonstrable Improvement continue under Superintendent Receivership.
- In deciding whether Demonstrable Improvement has been made, Commissioner shall consider:
 - Performance on Metrics
 - Number of Year Schools have been Identified
 - Superintendent's successful use of the powers of a School Receiver to implement the school's plan.

How Demonstrable Improvement is Determined

- The Department has identified Level 1 and Level 2 indicators (See Appendix).
 - A minimum of five Level 1 and five Level 2 indicators will be selected for a school; a school with elementary-middle and secondary grades will have to select seven Level 1 and seven Level 2 indicators, indicators from both grade levels must be included.
- The Demonstrable Improvement Index will generate a score from 0-100%.
 - Level 1 and Level 2 indicators will be weighted 50% in computing the Demonstrable Improvement Index.
 - Each indicator within Level 1 and Level 2 will be weighted equally.
- If a school achieves an index of 67% or higher, the school has made demonstrable improvement. If a school achieves below 40%, it has not, unless the school can demonstrate it would have achieved 67% of its goals absent extenuating or extraordinary circumstances.
- The Department will review the entirety of the record and after consulting with district and Community Engagement Team determine whether a school with an index of 40% or higher, but less than 67% shall be considered to have made Demonstrable Improvement.

Computing the Demonstrable Improvement Index: Example

Indicator	Level	Performance	Progress Target	Indicator Made	Weighting
Made Priority School Progress	Level 1	Did Not Make Progress	Make Progress	No	0%
Grades 3-8 math percent at or above Level 2	Level 1	42%	38%	Yes	10%
Grades 3-8 ELA all students SGP	Level 1	48%	46%	Yes	10%
Grades 4 and 8 Science percent at or above Level 3	Level 1	35%	39%	No	0%
Grades 3-8 Math SGP	Level 1	45%	47%	No	0%
Implement Community School Model	Level 2	First Year Implementation	First Year Implementation	Yes	7.14%
Expanded Learning Time	Level 2	Implement Program	Program Implemented	Yes	7.14%
DTSDE Family and Community Engagement	Level 2	Developing	Developing	Yes	7.14%
Grade 3-8 math percent Black students at or above Level 2	Level 2	35%	30%	No	0%
Grades 3-8 ELA low-income SGP	Level 2	52%	51%	Yes	7.14%
Chronic Absenteeism	Level 2 (Local Indicator)	Fewer than 29% of students chronically absent	30% Chronically Absent (For Example)	No	0%
ELL students gaining one Level on NYSESLAT	Level 2 (Local Indicator)	41%	50%	Yes	7.14%
Index Result					55.70%

Conversion to Community Schools

Requirement for Conversion

A Superintendent Receiver *may* convert 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; and
- 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; and
- *Incorporate* into the school improvement plan, short-term strategies to improve student learning while establishing the Community School.

Receivership: Next Steps

- Creating and issuing a Request for Qualifications for Independent Receivers, and approving Independent Receivers and contracting with them as required.
- Approving Demonstrable Improvement Indicators for schools under Receivership and making Demonstrable Improvement determinations.
- Conducting quarterly report meetings and performance management with districts.
- Conducting targeted webinars related to Receivership for 2015 – 16 and semiannual stakeholder meetings for 2016.
- Conducting visits to selected Persistently Struggling and Struggling schools.
- Making decisions on any unresolved issues pertaining to Receivership agreements.
- Monitoring use of Persistently Struggling School Grants.
- Provide adequate resources to districts, including the ability to conduct analysis of their budgets so they can identify areas in which strategic decisions with receivership funds can be made.

Implementation Challenges

- Based on the statutory guidelines, 144 schools in 17 school districts were identified as Struggling Schools or Persistently Struggling Schools.
 - **124 were identified as Struggling Schools**
 - **20 were identified as Persistently Struggling Schools.**
- The number of individuals and organizations ready, willing, and able to serve as independent receivers is unknown.
- Despite the significant new responsibility, no additional resources were provided to the Department to handle the implementation related to Receivership.
- Litigation regarding various aspects of receivership is likely and anticipated.
- In the fall 2016 the Department staff must determine whether or not schools in Receivership have made Demonstrable Improvement, a sharply accelerated time line for making such high stakes decisions.

Recommended Next Steps for the Legislature

The Department recommends that the Legislature consider the following changes to the Receivership law it enacted as part of last year's budget:

- Provide adequate resources to the Department to support implementation of receivership related tasks;
- Clarify for school districts what funding streams they should expect to receive to support work in Struggling Schools in 2016-17 and in Persistently Struggling Schools in 2017-18;
- Provide funding for Struggling Schools; and
- Consider revisions to timelines established in state law that create tensions between speedy implementation and quality of actions.

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Thank You.

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Appendix

Level 1 Indicators

- There are seven Level 1 indicators for elementary and middle schools and seven for high schools. A school with both elementary-middle and high school grades will have twelve indicators.
- If a school's performance is below a Level 1 goal for an indicator, that indicator will be assigned to a school. If there are five or more indicators for which the school is below the 2015-16 goal then all of these will be used.
- If there are fewer than five (seven for schools with EM & HS Grades), then the associated Level 2 indicators will be used as Level 1 indicators.
- If the combined Level 1 indicators and associated Level 2 indicators are still fewer than five (seven for schools with EM & HS Grades), then the Level 1 indicators for which the school is above the 2015-16 goal can be used.
- An associated Level 2 indicator is a Level 1 indicator used for a specific accountability group (e.g., the percentage of students with disabilities in Grades 3-8 math performing at or above Level 2 is an associated Level 2 indicator for the Level 1 Grades 3-8 math indicator.)
- After year 1, if a school's Level 1 indicator falls below the 2016-17 goal, then that indicator will be assigned as an additional Level 1 indicator to the school for 2016-17 and 2017-18.

The Level 1 Indicators

Elementary and Middle:

- Making Priority School Progress
- Percent of Students at or above Level 2 in ELA
- Percent of Students at or above Level 2 in math
- Mean Student Growth Percentile in ELA
- Mean Student Growth Percentile in math
- Percent of Students at or Above Level 3 in Science
- Serious Incidents (VADIR)

High School:

- Making Priority School Progress
- 4-year High School Graduation Rate
- 5-year High School Graduation
- Percent of Students Graduating with Regents Diploma with Advanced Designation
- Percent of 10th graders passing Math Regents
- Percent of 11th graders passing ELA Regents
- Serious Incidents (VADIR)

Level 2 Indicators

Level 2 Indicators include:

- Indicators for students subgroups (i.e., English language learners, low-income students, racial/ethnic groups and students with disabilities).
- Implementing a Community School Model, expanded learning time and other key system initiatives.
- School climate (e.g., attendance, suspensions).
- Gaps between a student group and students who are not members of the group (e.g., between students with disabilities and students without disabilities).
- Students passing courses.
- High School Student Promotion Rates (promoted from grades 9,10 & 11).
- College- and Career- Readiness.
- Developmentally Appropriate Child Assessments: Pre-K to Third Grades.
- Teachers Teaching out of Certification Area.
- Teacher Turnover.
- Post-graduation plans for students.
- Local measures approved by the Commissioner.