



Widening a path to success for New York's struggling schools

There are 72 New York schools, serving more than 47,000 students, still in a race against the clock as they seek to rapidly improve student performance and avoid being transferred to control of an external receiver.

The schools, located in 12 school districts across the state, have been identified as either “struggling” or “persistently struggling” by the New York State Education Department (SED). As such, these schools are subject to the requirements of a 2015 law that established a process for the potential appointment of an external receiver, approved or appointed by the state, who is empowered to make wide and commanding school decisions including those regarding curriculum, budget and staffing.

New York State has systemically underfunded high poverty school districts. All of the districts with schools on the receivership list are high-needs districts and are among the most impoverished in the state. The children in these districts deserve a quality education.

The New York State Educational Conference Board (ECB) – comprised of the seven leading educational organizations representing parents, classroom teachers, school-related professionals, school business officials, building administrators, superintendents, and school boards – identifies a path to success for receivership schools statewide by issuing this set of recommendations designed to help struggling and persistently struggling schools improve

student achievement in a comprehensive, supported and sustainable way.

This report recalls recommendations made as part of the 2016 ECB report “Supporting success in struggling schools,” and adds emphasis on providing timely support that is essential for these schools. The New York students who are served by these schools, many of whom face significant socio-economic and academic challenges, deserve nothing less.

Background

The receivership law was approved in April 2015 as part of the 2015-16 state budget agreement. The law establishes a process for the potential appointment of an external receiver for schools defined as “struggling” or “persistently struggling,” based on certain criteria, until the schools can show ongoing “demonstrable improvement” according to a set of metrics in a prescribed amount of time.

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For a school to make a lasting turnaround, more time, flexibility, and an adequate and reliable stream of state aid is needed to meet the needs of students and elevate academic achievement. The ECB recommends the following changes to the receivership model be made:

1. **Revise the timeline.** Create a more reasonable timeframe of at least five years before a school is eligible to be turned over to an external receiver.
2. **Ensure adequate and sustained state funding through full funding of Foundation Aid.**
3. **Provide additional funding for all struggling schools, not only schools deemed “persistently struggling.”**
4. **Expedite grant fund allocations to struggling schools to provide adequate support for meeting improvement benchmarks for which time is of the essence.**

Widening a path to success in struggling schools

February 2017

In July 2015, a total of 144 schools were designated by SED in accordance with the law as struggling or persistently struggling. The list was determined as follows: schools that were classified as Priority Schools by the Education Department for the previous three years and were among the state's lowest performing schools for the previous 10 years were deemed persistently struggling; those on the Priority Schools list in 2012-13, 2013-14 and 2014-15 were classified as struggling.

A Priority School is the term used for a school that has been identified as among the lowest-performing five percent of Title I schools in the state.

At the start of the 2015-16 school year, 20 persistently struggling schools were given *one year* to show demonstrable improvement or become eligible to be assigned to an external receiver. The remaining 124 struggling schools were given *two years* to make demonstrable improvement before an external receiver could be assigned.

External receivers would be appointed by the district and approved by SED. These receivers could be an individual, a not-for-profit organization, or another school district, and would have wide autonomy in making decisions regarding the future of school leadership, staffing, collective bargaining, the school budget and more. Before an external receiver could take control, struggling and persistently struggling schools are first assigned a "school receiver." The school receiver is the school district superintendent who is granted powers similar to an external receiver.

Before the 2015-16 school year ended, the number of schools designated as struggling or persistently struggling was cut in half when more than 70 schools were removed from the Education Department's Priority Schools list, through changes in status or as a result of a school closing or merger.

The remaining "receivership" schools - 10 persistently struggling and 62 struggling - continued with their Demonstrable Improvement Plans that include performance indicators jointly determined by the superintendent receiver in each school and SED. These indicators can include graduation rates, student attendance, suspension rates, student achievement and growth on state measures, parent and family engagement, among others.

In October 2016, SED officials announced that nine of the 10 persistently struggling schools had made enough improvement during the 2015-16 school year to avoid being turned over to

outside receiver. Of that group, eight had shown demonstrable improvement in 2015-16. One school, East Upper High School in Rochester, did not show demonstrable improvement according to state measures but was given a reprieve and special consideration because of its work with an educational partnership organization (EPO), the University of Rochester.

The determination means the nine schools will remain on the persistently struggling list and will continue improvement efforts for at least another year under the supervision of their local superintendents or educational partners. One of the 10, Junior High School 162 in the Bronx, did not meet its performance indicators for improvement. New York City will close the school under the guidance of an SED approved independent monitor selected by the Chancellor and will reopen a new school with a dual-language and STEM program.

A progress report released by SED in November 2016 on the 62 schools currently designated as struggling showed, on average, these schools met 68 percent of their performance indicators. Each school will be evaluated at the end of the 2016-17 school year to determine whether an independent receiver would be appointed to oversee the school.

Even if demonstrable improvement is shown by receivership schools in the assigned one- or two-year timeframes under leadership of the school receiver, schools on the list are required to demonstrate continued progress annually until they have improved enough to have the designation of persistently struggling or struggling removed by SED. Until the designation is discontinued, the threat of external receivership remains.

Schools on the receivership list face profound challenges. The 72 schools identified as struggling and persistently struggling schools are located in 12 high-needs school districts. They serve 47,176 students, of which 82 percent are economically disadvantaged.

Schools on the receivership list have a long record of being underfunded by the state; and lack the fiscal capacity to compensate for the state shortfall with local funds. Together, the 12 school districts represented on the list are owed a combined \$2.4 billion in Foundation Aid that was approved by the Governor and State Legislature and promised to be delivered between 2007-08 and 2010-11 in support of a sound, basic education for all students. These districts include the Big 5, Albany, Troy, Schenectady, Poughkeepsie, Wyandanch, Hempstead and Mount Vernon.

This amount is more than 56 percent of the \$4.3 billion in aid still due for full phase-in of the Foundation Aid formula enacted in 2007. Ten years later, these districts and many others are still waiting for these funds to be paid by the state.

There is little evidence to suggest takeovers and threats of punishment with the expectation of near-instant results will help these struggling schools achieve long-lasting success. The organizations represented by the ECB believe that with care and modification of the law in its current state, these schools can be transformed to better meet the needs of their students and raise academic performance.

Recommended Changes to the Receivership Law

Recommendation 1: Revise the timeline. Create a more reasonable timeframe of at least five years before a school is eligible to be turned over to an external receiver.

The scope of work and procedures assigned to school receivers in the 72 schools on these lists is onerous and the timeline assigned for turnaround is unreasonable.

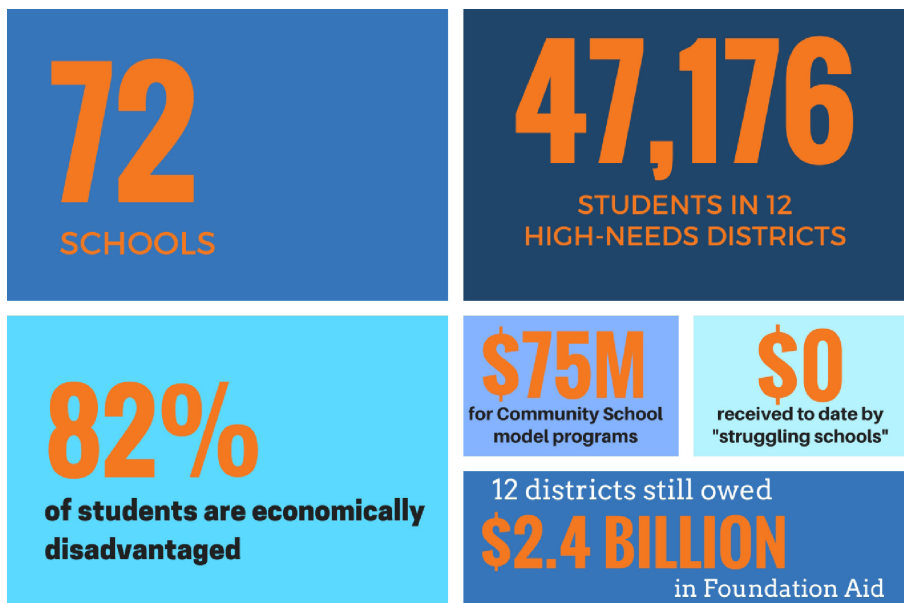
Within weeks of being notified of their receivership status in 2015, schools were required to have a Community Engagement Plan, public notice and hearing requirements, locally developed metrics for demonstrable improvement and revisions of previously submitted improvement plans approved by SED before beginning to turn around a school. These planning elements should represent important components of a strategy intended to create long-term positive outcomes. Instead, unrealistic due dates and a hastened timeframe turned these critical foundation pieces of a school's turnaround plan into compliance issues which consumed precious time and subverted meaningful dialogue among stakeholders.

Case studies suggest that a longer timeframe than the law's prescribed one or two years is necessary to implement systemic changes that support goals of sustained learning gains and continuous improvement.

When schools in Union City, New Jersey were facing a state takeover in 1989, education leaders there used research to

inform new methods of teaching and harnessed technology to differentiate instruction¹. The school district developed a five-year plan in which it invested in its teachers and tapped into the community's culture, where up to 75 percent of students speak Spanish at home, to help instill a sense of unity among students and higher expectations for student achievement. It was an overhaul that happened slowly and steadily over time and with local control. When district officials found something was not working, they would adjust the plan rather than scrap it and start over.

NEW YORK'S STRUGGLING SCHOOLS FACE GREAT CHALLENGES



In 1995, Union City students scored 27 percentile points above where students in other high-needs districts scored on a grade 8 proficiency assessment and the New Jersey State Department of Education ended its monitoring and fully certified the Union City School District. More than 25 years after dodging a state takeover, Union City is still a model of success for urban, high-needs districts and boasts a high school graduation rate 10 points higher than the national average.

Members of the ECB believe New York's receivership law must be amended to allow a more reasonable timeline of *at least five years* for schools to show demonstrable improvement before they are eligible to be turned over to an external receiver.

¹The Union City Story: Education Reform and Technology, Students' Performance on Standardized Tests, April 1998, CCT Reports, by Han-Hua Chang, Margaret Honey, Daniel Light, Babette Moeller and Nancy Ross

Recommendation 2: Ensure adequate and sustained state funding through full funding of Foundation Aid.

Districts with schools on the receivership list have noted in their School Comprehensive Education Plans that major barriers to improvement include a lack of capital and human resources. After years of aid losses and withheld funds, it is easy to see why.

Following the landmark *CFE v. State of New York* ruling, the State Legislature enacted a Foundation Aid formula in 2007 to provide adequate and equitable state funding to support a sound, basic education for all students as required by the state constitution. The formula was to be phased in over four years, but the state retreated from the formula at the height of the Great Recession and Foundation Aid for all school districts was frozen in 2009-10.

Students who are currently seniors in high schools deemed struggling or persistently struggling were in fourth grade when New York state abandoned its commitment to phasing in the Foundation Aid formula.

In the years that followed the aid freeze, the state undertook massive aid reductions and imposed an onerous, undemocratic tax cap. Despite modest Foundation Aid increases in more recent years, the state is \$4.3 billion behind in promised aid under the original phase-in schedule.

The ECB recommends full phase-in of the Foundation Aid formula for struggling and persistently struggling schools.

Recommendation 3: Provide additional funding for all struggling schools, not only schools deemed “persistently struggling.”

While persistently struggling schools were promised approximately \$70 million (of \$75 million) in grant funding allocated in the 2015-16 state budget to support their school turnaround efforts, to date, none of these schools have received any of these funds. Struggling schools were not provided any additional assistance to implement their plans when receivership was introduced.

In the 2016-17 budget, \$75 million in grant funding was earmarked to help both persistently struggling and struggling schools invest in programs modeled on Community Schools. With family engagement as a goal, Community Schools blend academics, health and social services, youth and community development and community engagement to foster improved student learning, stronger families and healthier communities.

The ECB supports continuation of the Community Schools grants in the 2017-18 state budget. However, given the intensity of student needs in these schools, ECB suggests an additional \$75 million of grant funding be allocated in the 2017-18 budget for struggling schools to be used by these schools with greater discretion to defray the costs of implementing their local improvement plans. This additional funding should supplement, not supplant, increased Foundation Aid and grant funding for persistently struggling schools.

Recommendation 4: Expedite grant fund allocations to struggling schools to provide adequate support for meeting improvement benchmarks for which time is of the essence.

Despite schools being held accountable to tight receivership deadlines, to date, *not one* of the initial group of 20 persistently struggling schools has received *any* of the approximately \$70 million allocated in the 2015-16 state budget.

In February 2016, shortly after nine schools were removed from the persistently-struggling list these funds were frozen for all schools on the original persistently-struggling list. Parents of students in the nine schools successfully sued the state for the money promised in 2015 to help those schools move toward success. As of February 2017, however, the funds are still being withheld from all 20 schools.

These are critical resources for implementing turnaround plans required of receivership schools and for supporting student success in schools with the greatest needs. Delaying access to these funds is a practice that promotes quick fixes above well-designed, sustainable improvement.

In addition, none of the \$75 million in grant funds for Community School model programs approved as part of the 2016-17 state budget has flowed to schools.

The ECB urges that all funds previously earmarked to aid receivership schools be released immediately. The group also recommends that future appropriations be automatically awarded through consistent, predictable, and formulaic grants, to be accessed *without delay* by any persistently struggling or struggling school with an approved turnaround plan. In addition, the state must comply with the December 2016 ruling on behalf of the schools removed from the persistently-struggling list. Timely assistance is essential in helping these schools improve and to prevent further decline.