

**MONITOR OF THE ROCHESTER CITY
SCHOOL DISTRICT PUBLIC HEARING**

June 25, 2020

WELCOME AND INTRODUCTIONS

- Moderator:
 - Kevin MacDonald, District Superintendent, Genesee Valley Educational Partnership
- State Monitor:
 - Shelley Jallow
- Rochester City School District Superintendent:
 - Lesli Myers-Small
- New York State Education Department Representative:
 - Ira Schwartz

AGENDA

- Virtual Meeting Protocols
- Presentation on State law and regulations regarding school district governance and intervention (Shelley Jallow)
- Opportunity For Public to Make Comments
- Next Steps in Process

VIRTUAL MEETING PROTOCOLS

- After Shelley has finished her presentation, the moderator, Kevin MacDonald; will open the meeting up for questions.
- Anyone who submitted a request to speak will be given 3 minutes to talk and will be called upon by name when it is his or her turn.
- Speakers will be called in the order their speaking request was received.
- Written comments can be submitted to:

statemonitor@rcsdk12.org

STATUTORY AUTHORITY OF THE ROCHESTER MONITOR

Chapter 56 of the Laws of 2020 requires the Commissioner to appoint a Monitor to the Rochester City School District to provide oversight, guidance and technical assistance related to the educational and fiscal policies, practices, programs and decisions of the District, the Board of Education, and the Superintendent.

RESPONSIBILITIES OF THE MONITOR

- Serve as a non-voting ex-officio member of the Board.
- Assist the Board to adopt a conflict of interest policy that ensures board members and administrators act in the District's best interest.
- Develop a proposed financial plan with the Board and Superintendent for the District no later than November 1, 2020 for the 2020-2021 school year and the four subsequent school years.
- Beginning with the 2021-22 school year budget, ensure that the budget is based on reasonable estimates of revenues and expenditures, is balanced, and is consistent with the District's academic improvement plan and financial plan.

RESPONSIBILITIES OF THE MONITOR- CONTINUED

- Provide semi-annual reports on the academic, fiscal, and operational status of the District.
- Assist in resolving any disputes and conflicts between the Superintendent and the Board and among members of the Board.
- Approve travel outside the State paid for by the District;
- Recommend, cost saving measures including, but not limited to, shared service agreements; and;
- Notify the Board in writing regarding violations of the academic improvement plan or the financial plan.

REQUIREMENT FOR PUBLIC HEARINGS

- Chapter 56 of the laws of 2020 requires that the Monitor of the Rochester City School District hold three public hearings within 60 days of their appointment.

REQUIREMENT FOR PUBLIC HEARINGS

- This is the first hearing, the purpose of which is to take public comment on the existing statutory and regulatory authority of the Commissioner of Education (“the Commissioner”), the State Education Department (“the Department”), and the Board of Regents (“the Regents”) regarding school district governance and intervention under applicable State law and regulations, including but not limited to, section 306 of the Education Law.
- The second hearing will take public comment on the academic performance of the District.
- The third hearing will take public comment on the fiscal performance of the District.

SCHOOL GOVERNANCE

- Elected boards of education oversee schools within specific geographic boundaries. These boards have primary responsibility for the management and operation of schools.
- Superintendents of schools are the chief executive officer of a school district. They enforce all provisions of law, rules, and regulations relating to the management of the schools and other educational, social, and recreational activities under the direction of the Board of Education.
- The State and Federal governments adopt laws and regulations that impact school governance.
- At this hearing we will focus on the authority of the State in regard to school governance and interventions.

GENERAL MANAGEMENT AND SUPERVISION (ED. LAW. §101)

- Section 101 of the Education law charges the New York State Education Department with the general management and supervision of all public schools and educational work of the State.

ADOPTION OF RULES AND REGULATIONS (ED. LAW §207)

- Section 207 of the Education law empowers the Regents to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

VISITATION AND REPORTS (ED. LAW §215)

- Section 215 of the Education Law provides that the Regents, or the Commissioner, or their representatives, may visit, examine into and inspect, any institution in the University of the State of New York (“University”) and any school or institution under the educational supervision of the state. Additionally, they may require, as often as desired, duly verified reports therefrom giving such information and in such form as the Regents or the Commissioner shall prescribe.
- The Regents may suspend the charter or any of the rights and privileges of any institution in the University who refuses or neglects to make any report required, or for violation of any law or any rule of the University.

COMMISSIONER POWERS AND DUTIES (ED. LAW §305)

- Section 305 of the Education Law enumerates the general powers and duties of the Commissioner, which include:
 - Being the chief executive officer of the State system of education and of the Board of Regents.
 - Enforcing all general and special laws relating to the educational system of the State and executing all educational policies determined upon by the Board of Regents.
 - Having general supervision over all schools and institutions in the University, or of any statute relating to education, and shall cause the same to be examined and inspected.
 - Advising and guiding the school officers of all districts and cities of the State in relation to their duties and the general management of the schools under their control.
 - Having authority to promulgate rules and regulations.

ACCOUNTABILITY (ED. LAW §211-A)

- Section 211-a of the Education Law requires the Regents to develop and implement an enhanced State accountability system to more fully implement the requirements of the accountability provisions of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015.
- Section 100.21 of the Commissioner's regulations implements these federal and State statutory requirements promulgating the State's accountability system.

ACCOUNTABILITY (ED. LAW §211-A)- CONTINUED

- Under this system, districts are designated as either in Good Standing or as Target Districts
- Schools are designated as either in Good Standing, Targeted Assistance and Improvement (TSI) Schools, or Comprehensive Support and Improvement Schools (CSI).
- Under this system, RSCD during the 2019-20 school year, the RSCD was identified as a Target District, 21 schools were identified as CSI because of the performance of all students in the school, and 13 schools were identified as TSI because of the performance of specific groups of students in the school.

DISTINGUISHED EDUCATORS (ED. LAW §211-C)

- Section 211-c of the Education Law and section 100.17 of the Commissioner's regulations permits the Commissioner to appoint a distinguished educator to a school district that has one or more very low-performing schools that have persistently failed to make progress.
- An appointed distinguished educator assesses the learning environment of schools in the district to which they are appointed and makes recommendations for improvement.
- In July 2018 Commissioner MaryEllen Elia appointed Jaime Aquino to be the Distinguished Educator to the district. He issued a report in November 2018 with 84 recommendations that the district has been working to implement.

EDUCATIONAL PARTNERSHIP ORGANIZATIONS (EPO) (ED. LAW §211-E)

- Section 211-e of the Education Law provides that the Board of Education of a school district, subject to the approval of the Commissioner, shall be authorized to contract, for a period of up to 5 years, with an educational partnership organization (EPO) to intervene in a school designated by the Commissioner as a persistently lowest-achieving school, consistent with federal requirements, or a school under registration review.
- The EPO assumes the powers and duties of the superintendent of schools for purposes of implementing the educational program of the school, including making recommendations to the board on budgetary decisions, staffing population decisions, student discipline decisions, decisions on curriculum and determining the daily schedule and school calendar, all of which must be consistent with applicable collective bargaining agreements.

EDUCATIONAL PARTNERSHIP ORGANIZATIONS (EPO) (ED. LAW §211-E)

- The contract with the EPO must include district performance expectations and/or benchmarks for school operations and academic outcomes, and failure to meet such expectations or benchmarks may be grounds for termination of the contract.
- There are currently two schools in Rochester that have been operating under an EPO:
 - East Upper
 - East Lower

RECEIVERSHIP (ED. LAW §211-F)

- Section 211-f of the Education Law and section 100.19 of the Commissioner's regulations provides that schools identified by the Commissioner as struggling and persistently struggling under the State's accountability system are subject to receivership.
- Schools are typically identified for receivership once they have been identified as a Priority School or for Comprehensive School Improvement for three consecutive years.
- During the 2019-20 school year there were 14 schools in Receivership in Rochester.

RECEIVERSHIP (ED. LAW §211-F)

- There are two types of receivership: Superintendent Receivership and Independent Receivership.
- To date, in all schools in the State placed in Receivership, the superintendent of the school district has initially served as the Receiver for the school.
- If after a specified period, which is typically one or two years, if the school does not make Demonstrable Improvement based on a variety of measures jointly selected by the State Education Department and the school district, the Commissioner will appoint an independent receiver to operate the school.
- Alternatively, the district may choose to close the school rather than have the district appoint an independent receiver, subject to the approval of the Commissioner.

RECEIVERSHIP (ED. LAW §211-F)

- Powers of Receivers:
 - An independent receiver has the authority to:
 - Manage and operate all aspects of the school;
 - Develop and implement a school intervention plan for the school that considers the recommendations of a statutorily established community engagement team; and
 - Supersede any decision, policy or regulation of the superintendent or chief school officer, school board, another school officer, or the building principal that, in the receiver's sole judgment, 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.
 - The superintendent receiver is vested with all the powers of an independent receiver, provided that the superintendent receiver is not allowed to override any decision of the Board of Education with respect to his or her employment status.

SCHOOLS UNDER REGISTRATION REVIEW (SURR) (ED. LAW §211-B)

- Section 100.21 of the Commissioner regulations implement section 211-b of the Education Law, which requires that the Commissioner place under Registration Review the lowest performing schools in the State that are most in need of improvement.
- Prior to the implementation of the Receivership program, the Department used the SURR program to provide these schools with additional support and assistance as they implemented improvement plans. When these schools did not improve, they would be closed and often replaced by new schools.
- Since 1989, more than 20 schools in Rochester have been identified as SURR.
- Since the implementation of the Receivership program, the SURR program has been largely subsumed by Receivership. Schools that are identified for Receivership are also identified as SURR, and these schools follow the requirements of the Receivership program.
- The Commissioner may also identify as SURR schools that are poor learning environments based on a variety of factors as well as any schools that have been identified for Comprehensive Support and Improvement for three consecutive years.
- 14 schools in Rochester are eligible for SURR identification.

REMOVAL OF SCHOOL OFFICERS; WITHHOLDING PUBLIC MONEY (ED. LAW §306)

- Section 306 of the Education Law provides that whenever it shall be proved to the Commissioner's satisfaction that any school officer is a member of an organization listed as subversive by the Regents pursuant to section 3022 of the Education Law, or has been guilty of any willful violation or neglect of duty under the Education Law, or any other act pertaining to common schools or other educational institution participating in state funds, or willfully disobeying any decision, order, rule or regulation of the Regents or of the Commissioner, the Commissioner, after a hearing at which the school officer shall have the right of representation by counsel, may remove such school officer from his office.
- Such section also provides that the Commissioner may withhold from any district or city its share of the public money of the State for willfully disobeying any provision of law or any decision, order or regulation.

OTHER POWERS (ED. LAW §308)

- Section 308 of the Education Law provides that the Commissioner shall also have the power and duty to cause to be instituted proceedings or processes as may be necessary to properly enforce and give effect to any provision in the Education Law or in any other law pertaining to the school system of the State or any part thereof or to any school district or city.

COMMENTS AND QUESTIONS

- Next we will allow persons who have signed up to speak a maximum of three minutes to make their comments and/or ask their questions.

NEXT STEPS

- A record of this public hearing will be made available on the district's website at <https://www.rcsdk12.org/>.
- Answers to any questions that were not addressed in this hearing that are relevant to the topic will also be available in the public record.
- A second hearing on the academic performance of the District will be held on July 8 from 5:00 to 6:30 p.m..
- A third hearing on the fiscal performance of the District will be held on July 22 from 5:00 to 6:30 p.m..
- Information about those hearings will also be available on the district's website.