

President PHILIP RUMORE



June 4, 2015

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MEMO TO: All Buffalo Teachers  
FROM: Philip Rumore, President, BTF  
RE: Receivership

You will soon, if you haven't already, hear about one of the Cuomo bills pushed through and opposed by NYSUT as part of the New York State budget that was approved in the middle of the night in April.

It establishes "Receiverships" for "priority schools" that are presently categorized as "persistently failing"/"struggling" and/or "failing"/"struggling" schools.

"Priority", sometimes called "failing" and/or "struggling" schools are identified as the schools in the lowest 5% state-wide on the New York State assessments.

Yes, that means there will always be "failing" schools as there will always be 5% with the lowest scores!

### ***OVERVIEW***

Receiver – In short, the Superintendent or outside individual with expanded powers and responsibilities to significantly improve student achievement at schools designated as "persistently failing"/"struggling" and schools designated as "failing/struggling".

There are two types of receivers:

- The Superintendent of the School district
- An Independent Receiver – "shall mean a non-profit entity or an individual with a proven track record of improving school performance or another school district in good standing appointed by a school district and approved by the commissioner to manage and operate all aspects of a school that the commissioner has determined shall be placed into receivership and to develop and implement a school intervention plan for such school, provided that, in the case of an independent receiver who is an individual, such individual shall not be an existing officer or employee of the school district at the time of such appointment."

"Persistently failing" (my definition – persistently, underfunded) schools are defined as being "priority schools" since the 2006-2007 school year.

**-O-V-E-R-**

These schools will have one (1) year to improve students' performance (as yet not defined) under the Superintendent's "receivership".

"Failing" schools are defined as schools that have been "priority" schools since the 2012-2013 school year.

These schools will have two (2) years to improve student performance (as yet undefined) under the Superintendent's "receivership".

If after the one (1) year (for persistently failing) or two (2) years (for failing) period or any year thereafter a school demonstrates that "improvement" has been made based upon the school district NYSED approved plan, NYSED, in consultation with the District and school staff (sure!) will determine whether; a) the designation is removed, 2) the school continues under the Superintendent's receivership, or, 3) a different receiver is appointed.

As of today, five (5) Buffalo schools may be identified as "persistently failing"/"struggling".

- Buffalo Elementary School of Technology (School #6)
- Marva J. Daniel Futures Preparatory School (School #37)
- West Hertel Academy (School #94)
- South Park High School (School #206)
- Burgard High School (School #301)

Twenty-two (22) may be identified as "failing"/"struggling"

- D'Youville-Porter Campus (School #3)
- Buffalo Public School #17
- Frank A. Sedita Academy (School #30)
- Harriet Ross Tubman Academy (School #31)
- Bilingual Center (School #33)
- Martin Luther King Multicultural Institute (School #39)
- Dr. Charles R. Drew Science Magnet (School #59)
- North Park Middle Academy (School #66)
- Hamlin Park Elementary School (School #74)
- Herman Badillo Bilingual Academy (School #76)
- Highgate Heights (School #80)
- Dr. Lydia T. Wright School of Excellence (School #89)
- Build Academy (School #91)
- Waterfront Elementary School (School #95)
- Harvey Austin School (School #97)
- Stanley M. Makowski Early Childhood Center (School #99)
- The International Preparatory School (School #198 @ #187)
- Bennett High School (School #200)
- Lafayette High School (School #204)
- Riverside Institute of Technology (School #205)

- McKinley High School (School #305)
- East High School (School #307)

### *TIMELINES*

June 2015 – Emergency Regulations voted on by Regents

July 2015 – Final list of “Persistently Failing” and “Failing” schools made public by NYSED

September 2015 – Final regulations voted on by Regents.

### *AUTHORITY/POWER OF THE RECEIVER*

The Receiver has the authority/power to:

- In consultation with other stakeholders develop a “School Intervention Plan”.
- Review and make changes to the school budget.
- Create/change school programs and curriculum.
- Supersede a decision made by the Board of Education (except for his/her own employment when the Superintendent acts as the Receiver).
- Require all staff to reapply for their positions.
- Implement professional development for staff.
- Expand the school day or year.
- Convert the school to a charter school pursuant to the law.
- Request changes to the collective bargaining agreement.
- Convert the school to a community school.

### *CLARIFICATION OF ABOVE AUTHORITY/POWER*

- **Require all staff to reapply for their positions.**
  - The language actually says “The receiver may abolish the positions of all teachers, pedagogical support staff, administrators, and pupil personnel services providers assigned” to the school and require them to reapply for “new positions if they so choose”, (emphasis added.)

However, at least 50% of the “newly defined” positions must be filled by the “most senior former staff who are determined by the “Staffing Committee” to be qualified”.

The “Staffing Committee” is composed of the Receiver, his/her two appointees and two appointed by the BTF/School Staff.

In addition to the above anti-teacher absurdity is the section of the law preventing teachers who are not “rehired” at their school from “bumping” a teacher at another school. Rather they are to be placed on a “preferred eligibility list”!

Yes, unless there is a vacancy, a teacher with 15 years of service would be laid off while a probationary or tenured teacher with 1 year at another school would have a job.

Be assured this will not stand!!

NYSUT and BTF will be challenging this in the courts and working to make changes to this as well as the other absurdities in the law.

- **Expand the school day or year and request changes to the collective bargaining agreement.**
  - Extension of the school year/day must be “proportionately” compensated for.
  - Other changes to the contract can only be for the identified schools for the period of receivership.
  - The areas of allowed requests for negotiations are a) length of school year/day, b) class size, c) teaching conditions, d) changes to programs, e) changes of assignments, f) professional development.
  - For BTF, there will be a vote of the school, Executive Committee and Council of Delegates for changes.

The definitions of some of the above have not been determined.

Issue: If negotiations on changes are not successful, a “conciliator” is selected by the parties from three (3) names submitted by the American Arbitration Association (AAA). If the parties cannot agree on one of the names, the AAA selects the conciliator. If there is still no agreement, the issue(s) are submitted to the Commissioner for a decision!

Obviously, we will be fighting to have this changed or ruled illegal by the courts.

- **Convert the school to a community school.**
  - The definition of a community school:

Community school shall mean a school that partners with one or more state, local or other agencies to:

- address social services, 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 mentoring and other youth development programs.

To convert to a community school, the Receiver must conduct a comprehensive community needs assessment and analysis for inclusion in the “school improvement plan”.

The Receiver must also hire a full-time person to administer the community school framework.

- **Convert the school to a charter school, pursuant to the law.**

Conversion to a charter school is usually called a “conversion charter school” as opposed to the creation of a new charter school and must be done in compliance with state law and regulations.

### ***SCHOOL INTERVENTION PLAN (SIP)***

A School Intervention Plan of no more than three years is developed by a “Community Engagement Team” (CET) including but not limited to teachers, the principal, parents, guardians, other school staff and students (no students for Pk-6).

How the CET members are selected is not clear in law or regulations.

The CET makes recommendations to the Receiver for the School Intervention Plan (SIP) based on input from the staff, school community, site-based management team (SBMT).

The School Intervention Plan must contain measurable goals and how said goals will be achieved. Some of the required SIP goals are student attendance, growth on state tests, student discipline, student promotion and graduation, family engagement, etc.

Developmentally appropriate assessments that are tailored to the school must be used in Pk-3. Why only Pk-3?

**We are advising that the staff include everything that your students need to succeed, regardless of cost, such as small class sizes, increased teachers in various tenure areas, increased support services (Attendance teachers, School Social Workers, Psychologists, School Counselors, ELL teachers, reading and math teachers, etc.) supplies, technology, equipment, special programs, ways to improve school climate, i.e. everything you and your students need.**

If for some reason the Community Engagement Committee does not concur with what you know is needed, teachers should still submit a list of what they say is needed to improve teaching and learning in their school to the Receiver, with a copy to me at BTF.

We will be collecting copies to present to NYSED, the Legislature, and media for possible use in court.

**THEY SAY “STUDENT GROWTH AND ACHIEVEMENT MUST IMPROVE”**

**WE SAY TO THEM, “FINE HERE IS WHAT IS REQUIRED TO IMPROVE STUDENT GROWTH AND ACHIEVEMENT. IF YOU DON’T PROVIDE THE NECESSITIES, YOU ARE RESPONSIBLE FOR THE LACK OF PROGRESS – NOT THE STUDENTS AND TEACHERS.”**

### ***FUNDING***

Seventy-five million dollars in grant money has been allocated to be divided among the “persistently failing”/“struggling” schools. That might be about a total of three million dollars per school.

Nothing has been allocated for the “failing”/“struggling” schools. Yes, you must improve in two years; however, you will not be provided with the additional resources to do so.

As stated above, we’ll see what the courts have to say about this.

**Two (2) meetings have been arranged to supplement the above; Wednesday, June 10, 2015 at 3:30 p.m. and Monday, June 15, 2015 at 4:00 p.m. at Grapevine Banquets – 333 Dick Road, Depew, 14043.**

These meetings are for the faculties at the five (5) schools that may be identified as “persistently failing”/“struggling” and the Delegates of the twenty-two (22) schools that may be identified as “failing”/“struggling”.

We will schedule more meetings, if necessary.

As always, we will be here to assist individual schools.

Be assured we, along with NYSUT will fight to undo this destructive legislation.

PR:su