

7013

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 17, 2015

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Introduced by M. of A. NOLAN -- read once and referred to the Committee  
on Education

AN ACT to amend the education law, in relation to the takeover and  
restructuring of struggling schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 211-f of the education law, as added by section 1  
2     of subpart H of part EE of chapter 56 of the laws of 2015, is amended to  
3     read as follows:

4     S 211-f. Takeover and restructuring [failing] OF STRUGGLING schools.  
5     1. Eligibility for appointment of an external receiver. (a) [Failing]  
6     STRUGGLING schools. The commissioner shall designate as [failing] STRUG-  
7     GLING each of the schools that has been identified under the state's  
8     accountability system to be among the lowest achieving five percent of  
9     public schools in the state (priority schools) for at least three  
10    consecutive school years, or identified as a "priority school" in each  
11    applicable year of such period except one school year in which the  
12    school was not identified because of an approved closure plan that was  
13    not implemented, based upon measures of student achievement and outcomes  
14    and a methodology prescribed in the regulations of the commissioner,  
15    provided that this list shall not include schools within a special act  
16    school district as defined in subdivision eight of section four thousand  
17    one of this chapter or schools chartered pursuant to article fifty-six  
18    of this chapter. Except as otherwise provided in paragraph (c) of this  
19    subdivision, and pursuant to regulations promulgated by the commission-  
20    er, a school designated as [failing] STRUGGLING under this paragraph  
21    shall be eligible for receivership under this section upon a determi-  
22    nation by the commissioner.

23    (b) Persistently [failing] STRUGGLING schools. Based upon measures of  
24    student achievement and outcomes and a methodology prescribed in the  
25    regulations of the commissioner, the commissioner shall designate as

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 persistently [failing] STRUGGLING each of the schools that have been  
2 identified under the state's accountability system to be among the  
3 lowest achieving public schools in the state for ten consecutive school  
4 years, based upon identification of the school by the commissioner as: a  
5 "priority school" for each applicable year from the two thousand twelve-  
6 -two thousand thirteen school year to the current school year, or iden-  
7 tified as a "priority school" in each applicable year of such period  
8 except one year in which the school was not identified because of an  
9 approved closure plan that was not implemented; and as a "School Requir-  
10 ing Academic Progress Year 5", "School Requiring Academic Progress Year  
11 6", "School Requiring Academic Progress Year 7" and/or a "School in  
12 Restructuring," for each applicable year from the two thousand six--two  
13 thousand seven school year to the two thousand eleven--two thousand  
14 twelve school year. This designation shall not include schools within a  
15 special act school district as defined in subdivision eight of section  
16 four thousand one of this chapter or schools chartered pursuant to arti-  
17 cle fifty-six of this chapter.

18 (c) Specific provisions. (i) For schools designated as persistently  
19 [failing] STRUGGLING pursuant to paragraph (b) of this subdivision, the  
20 local district shall continue to operate the school for an additional  
21 school year provided that there is a department-approved intervention  
22 model or comprehensive education plan in place that includes rigorous  
23 performance metrics and goals, including but not limited to measures of  
24 student academic achievement and outcomes including those set forth in  
25 subdivision six of this section. Notwithstanding any other provision of  
26 law, rule or regulation to the contrary, the superintendent shall be  
27 vested with all powers granted to a receiver appointed pursuant to this  
28 section for such time period; provided, however that such superintendent  
29 shall not be allowed to override any decision of the board of education  
30 with respect to his or her employment status. At the end of such year,  
31 the department shall conduct a performance review in consultation and  
32 cooperation with the district and school staff to determine, based on  
33 the performance metrics in the school's model or plan, whether (1) the  
34 designation of persistently [failing] STRUGGLING should be removed; (2)  
35 the school should remain under continued school district operation with  
36 the superintendent vested with the powers of a receiver; or (3) the  
37 school should be placed into receivership; provided, however, that a  
38 school that makes demonstrable improvement based on the performance  
39 metrics and goals herein shall remain under district operation for an  
40 additional school year and if such school remains under district opera-  
41 tion, it shall continue to be subject to annual review by the depart-  
42 ment, in consultation and cooperation with the district, under the same  
43 terms and conditions.

44 (ii) For schools designated as [failing] STRUGGLING, but not persis-  
45 tently [failing] STRUGGLING, the local district shall continue to oper-  
46 ate the school for two additional school years provided that there is a  
47 department-approved intervention model or comprehensive education plan  
48 in place that includes rigorous performance metrics and goals, including  
49 but not limited to measures of student academic achievement and outcomes  
50 including those set forth in subdivision six of this section. Notwith-  
51 standing any other provision of law, rule or regulation to the contrary,  
52 the superintendent shall be vested with all powers granted to a receiver  
53 appointed pursuant to this section; provided, however that such super-  
54 intendent shall not be allowed to override any decision of the board of  
55 education with respect to his or her employment status. At the end of  
56 such two years, the department shall conduct a school performance review

1 in consultation and cooperation with the district and school staff to  
2 determine, based on the performance metrics in the school's model or  
3 plan, whether (1) the designation of [failing] STRUGGLING should be  
4 removed; (2) the school should remain under continued school district  
5 operation with the superintendent vested with the powers of a receiver;  
6 or (3) the school should be placed into receivership; provided, however,  
7 that a school that makes demonstrable improvement based on the perform-  
8 ance metrics and goals herein shall remain under district operation for  
9 an additional school year and if such school remains under district  
10 operation, it shall continue to be subject to such annual review by the  
11 department under the same terms and conditions. For schools newly  
12 designated as [failing] STRUGGLING after the two thousand sixteen--two  
13 thousand seventeen school year, the school shall be immediately eligible  
14 for receivership upon such designation.

15 (iii) Nothing in this paragraph shall be construed to limit (1) a  
16 school district's ability to modify, subject to approval by the depart-  
17 ment, such department approved intervention model or comprehensive  
18 education plan, or (2) the commissioner's ability to require a school  
19 district to modify such department approved intervention model or  
20 comprehensive education plan and require his or her approval of such  
21 modifications.

22 (iv) The district shall provide notice to parents and guardians of the  
23 students of the school which may be placed into receivership pursuant to  
24 this subdivision and provided further that the district or the commis-  
25 sioner shall hold a public meeting or hearing for purposes of discussing  
26 the performance of the school and the construct of receivership.

27 1-a. Community engagement team. Upon designation as [failing] STRUGGL-  
28 ING or persistently [failing] STRUGGLING pursuant to subdivision one of  
29 this section, the district shall establish a community engagement team  
30 which shall include community stakeholders, including but not limited to  
31 the school principal, parents and guardians, teachers and other school  
32 staff and students. Membership of such team may be modified at any time.  
33 Such team shall develop recommendations for improvement of the school  
34 and shall solicit input through public engagement. The team shall pres-  
35 ent its recommendations periodically to the school leadership and, as  
36 applicable, the receiver.

37 2. Appointment of a receiver. (a) Upon a determination by the commis-  
38 sioner that a school shall be placed into receivership, the applicable  
39 school district shall appoint an independent receiver, subject to the  
40 approval of the commissioner, to manage and operate all aspects of the  
41 school and to develop and implement a school intervention plan for the  
42 school that shall consider the recommendations developed by the communi-  
43 ty engagement team when creating such plan. The independent receiver may  
44 be a non-profit entity, another school district, or an individual. If  
45 the school district fails to appoint an independent receiver that meets  
46 with the commissioner's approval within sixty days of such determi-  
47 nation, the commissioner shall appoint the receiver.

48 (b) The receiver shall be authorized to manage and operate the [fail-  
49 ing] STRUGGLING or persistently [failing] STRUGGLING school and shall  
50 have the power to supersede any decision, policy or regulation of the  
51 superintendent of schools or chief school officer, or of the board of  
52 education or another school officer or the building principal that in  
53 the sole judgment of the receiver conflicts with the school intervention  
54 plan; provided however that the receiver may not supersede decisions  
55 that are not directly linked to the school intervention plan, including  
56 but not limited to building usage plans, co-location decisions and

1 transportation of students. The receiver shall have authority to review  
2 proposed school district budgets prior to presentation to the district  
3 voters, or in the case of a city school district in a city having a  
4 population of one hundred twenty-five thousand or more, of the adoption  
5 of a contingency budget, prior to approval by the board of education,  
6 and to modify the proposed budget to conform to the school intervention  
7 plan provided that such modifications shall be limited in scope and  
8 effect to the [failing] STRUGGLING or persistently [failing] STRUGGLING  
9 school and may not unduly impact other schools in the district. A school  
10 under receivership shall operate in accordance with laws regulating  
11 other public schools, except as such provisions may conflict with this  
12 section.

13 (c) The commissioner shall contract with the receiver, and the compen-  
14 sation and other costs of the receiver appointed by the commissioner  
15 shall be paid from a state appropriation for such purpose, or by the  
16 school district, as determined by the commissioner, provided that costs  
17 shall be paid by the school district only if there is an open adminis-  
18 trative staffing line available for the receiver, and the receiver will  
19 be taking on the responsibilities of such open line. Notwithstanding any  
20 other provision of law to the contrary, the receiver and any of its  
21 employees providing services in the receivership shall be entitled to  
22 defense and indemnification by the school district to the same extent as  
23 a school district employee. The receiver's contract may be terminated by  
24 the commissioner for a violation of law or the commissioner's regu-  
25 lations or for neglect of duty. A receiver appointed to operate a  
26 district under this section shall have full managerial and operational  
27 control over such school; provided, however, that the board of education  
28 shall remain the employer of record, and provided further that any  
29 employment decisions of the board of education may be superseded by the  
30 receiver. It shall be the duty of the board of education and the super-  
31 intendent of schools to fully cooperate with the receiver and willful  
32 failure to cooperate or interference with the functions of the receiver  
33 shall constitute willful neglect of duty for purposes of section three  
34 hundred six of this title. The receiver or the receiver's designee shall  
35 be an ex officio non-voting member of the board of education entitled to  
36 attend all meetings of the board of education.

37 3. Before developing the school intervention plan, the receiver shall  
38 consult with local stakeholders such as: (a) the board of education; (b)  
39 the superintendent of schools; (c) the building principal; (d) teachers  
40 assigned to the school and their collective bargaining representative;  
41 (e) school administrators assigned to the school and their collective  
42 bargaining representative; (f) parents and guardians of students attend-  
43 ing the school or their representatives; (g) representatives of applica-  
44 ble state and local social service, health and mental health agencies;  
45 (h) as appropriate, representatives of local career education providers,  
46 state and local workforce development agencies and the local business  
47 community; (i) for elementary schools, representatives of local [prekin-  
48 dergarten] PRE-KINDERGARTEN programs; (j) students attending the school  
49 as appropriate; (k) as needed for middle schools, junior high schools,  
50 central schools or high schools, representatives of local higher educa-  
51 tion institutions; and (l) the school stakeholder team set forth in  
52 subdivision one-a of this section.

53 4. In creating the school intervention plan, the receiver shall (i)  
54 consider the recommendations developed by the community engagement team  
55 set forth in subdivision one-a of this section; (ii) include provisions  
56 intended to maximize the rapid academic achievement of students at the

1 school; and (iii) ensure that the plan addresses school leadership and  
2 capacity, school leader practices and decisions, curriculum development  
3 and support, teacher practices and decisions, student social and  
4 emotional developmental health, and family and community engagement. The  
5 receiver shall, to the extent practicable, base the plan on the findings  
6 of any recent diagnostic review or assessment of the school that has  
7 been conducted and, as applied to the school, student outcome data  
8 including, but not limited to: (a) student achievement growth data based  
9 on state measures; (b) other measures of student achievement; (c)  
10 student promotion and graduation rates; (d) achievement and growth data  
11 for the subgroups of students used in the state's accountability system;  
12 (e) student attendance; and (f) long-term and short-term suspension  
13 rates.

14 5. (a) The receiver shall include the following in the school inter-  
15 vention plan: (i) measures to address social service, health and mental  
16 health needs of students in the school and their families in order to  
17 help students arrive and remain at school ready to learn; provided that  
18 this may include mental health and substance abuse screening; (ii) meas-  
19 ures to improve or expand access to child welfare services and, as  
20 appropriate, services in the school community to promote a safe and  
21 secure learning environment; (iii) as applicable, measures to provide  
22 greater access to career and technical education and workforce develop-  
23 ment services provided to students in the school and their families in  
24 order to provide students and families with meaningful employment skills  
25 and opportunities; (iv) measures to address achievement gaps for English  
26 language learners, students with disabilities and economically disadvan-  
27 taged students, as applicable; (v) measures to address school climate  
28 and positive behavior support, including mentoring and other youth  
29 development programs; and (vi) a budget for the school intervention  
30 plan.

31 (b) As necessary, the commissioner and the commissioners of the  
32 department of health, the office of children and family services, the  
33 department of labor and other applicable state and local social service,  
34 health, mental health and child welfare officials shall coordinate  
35 regarding the implementation of the measures described in subparagraphs  
36 (i) through (iii) of paragraph (a) of this subdivision that are included  
37 in the school intervention plan and shall, subject to appropriation,  
38 reasonably support such implementation consistent with the requirements  
39 of state and federal law applicable to the relevant programs that each  
40 such official is responsible for administering, and grant [failing]  
41 STRUGGLING schools priority in competitive grants, as allowable before  
42 and during the period of receivership.

43 6. In order to assess the school across multiple measures of school  
44 performance and student success, the school intervention plan shall  
45 include measurable annual goals including, but not limited to, the  
46 following: (a) student attendance; (b) student discipline including but  
47 not limited to short-term and long-term suspension rates; (c) student  
48 safety; (d) student promotion and graduation and drop-out rates; (e)  
49 student achievement and growth on state measures; (f) progress in areas  
50 of academic underperformance; (g) progress among the subgroups of  
51 students used in the state's accountability system; (h) reduction of  
52 achievement gaps among specific groups of students; (i) development of  
53 college and career readiness, including at the elementary and middle  
54 school levels; (j) parent and family engagement; (k) building a culture  
55 of academic success among students; (l) building a culture of student  
56 support and success among faculty and staff; (m) using developmentally

1 appropriate child assessments from pre-kindergarten through third grade,  
2 if applicable, that are tailored to the needs of the school; and (n)  
3 measures of student learning.

4 7. (a) Notwithstanding any general or special law to the contrary, in  
5 creating and implementing the school intervention plan, the receiver  
6 shall, after consulting with stakeholders and the community engagement  
7 team, convert schools to community schools to provide expanded health,  
8 mental health and other services to the students and their families.

9 In addition, the receiver may: (i) review and if necessary expand, alter  
10 or replace the curriculum and program offerings of the school, including  
11 the implementation of research-based early literacy programs, early  
12 interventions for struggling readers and the teaching of advanced place-  
13 ment courses or other rigorous nationally or internationally recognized  
14 courses, if the school does not already have such programs or courses;  
15 (ii) replace teachers and administrators, including school leadership  
16 who are not appropriately certified or licensed; (iii) increase salaries  
17 of current or prospective teachers and administrators to attract and  
18 retain high-performing teachers and administrators; (iv) establish steps  
19 to improve hiring, induction, teacher evaluation, professional develop-  
20 ment, teacher advancement, school culture and organizational structure;  
21 (v) reallocate the uses of the existing budget of the school; (vi)  
22 expand the school day or school year or both of the school; (vii) for a  
23 school that offers the first grade, add pre-kindergarten and full-day  
24 kindergarten classes, if the school does not already have such classes;  
25 (viii) in accordance with paragraphs (b) and (c) of this subdivision, to  
26 abolish the positions of all members of the teaching and administrative  
27 and supervisory staff assigned to the [failing] STRUGGLING or persis-  
28 tently [failing] STRUGGLING school and terminate the employment of any  
29 building principal assigned to such a school, and require such staff  
30 members to reapply for their positions in the school if they so choose;  
31 (ix) include a provision of a job-embedded professional development for  
32 teachers at the school, with an emphasis on strategies that involve  
33 teacher input and feedback; (x) establish a plan for professional devel-  
34 opment for administrators at the school, with an emphasis on strategies  
35 that develop leadership skills and use the principles of distributive  
36 leadership; and/or (xi) order the conversion of a school in receivership  
37 that has been designated as [failing] STRUGGLING or persistently [fail-  
38 ing] STRUGGLING pursuant to this section into a charter school, provided  
39 that such conversion shall be subject to article fifty-six of this chap-  
40 ter and provided further that such charter conversion school shall oper-  
41 ate pursuant to such article and provided further that such charter  
42 conversion school shall operate consistent with a community schools  
43 model and provided further that such conversion charter school shall be  
44 subject to the provisions in subdivisions three, four, five, six, nine,  
45 ten, eleven, twelve and thirteen of this section.

46 (b) Notwithstanding any other provision of law, rule or regulation to  
47 the contrary, upon designation of any school of the school district as a  
48 [failing] STRUGGLING or persistently [failing] STRUGGLING school pursu-  
49 ant to this section, the abolition of positions of members of the teach-  
50 ing and administrative and supervisory staff of the school shall there-  
51 after be governed by the applicable provisions of section twenty-five  
52 hundred ten, twenty-five hundred eighty-five, twenty-five hundred eight-  
53 y-eight or three thousand thirteen of this chapter as modified by this  
54 paragraph. A classroom teacher or building principal who has received  
55 two or more composite ratings of ineffective on an annual professional  
56 performance review shall be deemed not to have rendered faithful and

1 competent service within the meaning of section twenty-five hundred ten,  
2 twenty-five hundred eighty-five, twenty-five hundred eighty-eight or  
3 three thousand thirteen of this chapter. When a position of a classroom  
4 teacher or building principal is abolished, the services of the teacher  
5 or administrator or supervisor within the tenure area of the position  
6 with the lowest rating on the most recent annual professional perform-  
7 ance review shall be discontinued, provided that seniority within the  
8 tenure area of the position shall be used solely to determine which  
9 position should be discontinued in the event of a tie.

10 (c) The receiver may abolish the positions of all teachers and peda-  
11 gogical support staff, administrators and pupil personnel service  
12 providers assigned to a school designated as [failing] STRUGGLING or  
13 persistently [failing] STRUGGLING pursuant to this section and require  
14 such staff members to reapply for new positions if they so choose. The  
15 receiver shall define new positions for the school aligned with the  
16 school intervention plan, including selection criteria and expected  
17 duties and responsibilities for each position. For administrators and  
18 pupil personnel service providers, the receiver shall have full  
19 discretion over all such rehiring decisions. For teachers and pedagog-  
20 ical support staff, the receiver shall convene a staffing committee  
21 including the receiver, two appointees of the receiver and two appoint-  
22 ees selected by the school staff or their collective bargaining unit.  
23 The staffing committee will determine whether former school staff reap-  
24 plying for positions are qualified for the new positions. The receiver  
25 shall have full discretion regarding hiring decisions but must fill at  
26 least fifty percent of the newly defined positions with the most senior  
27 former school staff who are determined by the staffing committee to be  
28 qualified. Any remaining vacancies shall be filled by the receiver in  
29 consultation with the staffing committee. Notwithstanding any other  
30 provision of law to the contrary, a member of the teaching and pedagog-  
31 ical support, administrative, or pupil personnel service staff who is  
32 not rehired pursuant to this paragraph shall not have any right to bump  
33 or displace any other person employed by the district, but shall be  
34 placed on a preferred eligibility list in accordance with the applicable  
35 provisions of section twenty-five hundred ten, twenty-five hundred  
36 eighty-five, twenty-five hundred eighty-eight or three thousand thirteen  
37 of this chapter. Teachers rehired pursuant to this paragraph shall main-  
38 tain their prior status as tenured or probationary, and a probationary  
39 teacher's probation period shall not be changed.

40 (d) For a school with English language learners, the professional  
41 development and planning time for teachers and administrators identified  
42 in clauses (vi) and (vii) of the closing paragraph of paragraph (a) of  
43 this subdivision, shall include specific strategies and content designed  
44 to maximize the rapid academic achievement of the English language lear-  
45 ners.

46 8. (a) In order to maximize the rapid achievement of students at the  
47 applicable school, the receiver may request that the collective bargain-  
48 ing unit or units representing teachers and administrators and the  
49 receiver, on behalf of the board of education, negotiate a receivership  
50 agreement that modifies the applicable collective bargaining agreement  
51 or agreements with respect to any [failing] STRUGGLING schools in  
52 receivership applicable during the period of receivership. The receiv-  
53 ership agreement may address the following subjects: the length of the  
54 school day; the length of the school year; professional development for  
55 teachers and administrators; class size; and changes to the programs,  
56 assignments, and teaching conditions in the school in receivership. The

1 receivership agreement shall not provide for any reduction in compen-  
2 sation unless there shall also be a proportionate reduction in hours and  
3 shall provide for a proportionate increase in compensation where the  
4 length of the school day or school year is extended. The receivership  
5 agreement shall not alter the remaining terms of the existing/underlying  
6 collective bargaining agreement which shall remain in effect.

7 (b) The bargaining shall be conducted between the receiver and the  
8 collective bargaining unit in good faith and completed not later than  
9 thirty days from the point at which the receiver requested that the  
10 bargaining commence. The agreement shall be subject to ratification  
11 within ten business days by the bargaining unit members in the school.  
12 If the parties are unable to reach an agreement within thirty days or if  
13 the agreement is not ratified within ten business days by the bargaining  
14 unit members of the school, the parties shall submit any remaining unre-  
15 solved issues to the commissioner who shall resolve any unresolved  
16 issues within five days, in accordance with standard collective bargain-  
17 ing principles.

18 (c) For purposes only for schools designated as [failing] STRUGGLING  
19 pursuant to subparagraph (ii) of paragraph (c) of subdivision one of  
20 this section, bargaining shall be conducted between the receiver and the  
21 collective bargaining unit in good faith and completed not later than  
22 thirty days from the point at which the receiver requested that the  
23 bargaining commence. The agreement shall be subject to ratification  
24 within ten business days by the bargaining unit members of the school.  
25 If the parties are unable to reach an agreement within thirty days or if  
26 the agreement is not ratified within ten business days by the bargaining  
27 unit members of the school, a conciliator shall be selected through the  
28 American Arbitration Association, who shall forthwith forward to the  
29 parties a list of three conciliators, each of whom shall have profes-  
30 sional experience in elementary and secondary education, from which the  
31 parties may agree upon a single conciliator provided, however, that if  
32 the parties cannot select a conciliator from among the three within  
33 three business days, the American Arbitration Association shall select a  
34 conciliator from the list of names within one business day, and the  
35 conciliator shall resolve all outstanding issues within five days. After  
36 such five days, if any unresolved issues remain, the parties shall  
37 submit such issues to the commissioner who shall resolve such issues  
38 within five days, in accordance with standard collective bargaining  
39 principles.

40 9. A final school intervention plan shall be submitted to the commis-  
41 sioner for approval and, upon approval, shall be issued by the receiver  
42 within six months of the receiver's appointment. A copy of such plan  
43 shall be provided to the board of education, the superintendent of  
44 schools and the collective bargaining representatives of teachers and  
45 administrators of the school district. The plan shall be publicly avail-  
46 able and shall be posted on the department's website and the school  
47 district's website, and the school district shall provide notice to  
48 parents of such school intervention plan and its availability.

49 10. Each school intervention plan shall be authorized for a period of  
50 not more than three years. The receiver may develop additional compo-  
51 nents of the plan and shall develop annual goals for each component of  
52 the plan in a manner consistent with this section, all of which must be  
53 approved by the commissioner. The receiver shall be responsible for  
54 meeting the goals of the school intervention plan.

55 11. The receiver shall provide a written report to the board of educa-  
56 tion, the commissioner, and the board of regents on a quarterly basis to



1 provide specific information about the progress being made on the imple-  
2 mentation of the school intervention plan. One of the quarterly reports  
3 shall be the annual evaluation of the intervention plan under subdivi-  
4 sion twelve of this section.

5 12. (a) The commissioner shall, in consultation and cooperation with  
6 the district and the school staff, evaluate each school with an  
7 appointed receiver at least annually. The purpose of the evaluation  
8 shall be to determine whether the school has met the annual goals in its  
9 school intervention plan and to assess the implementation of the plan at  
10 the school. The evaluation shall be in writing and shall be submitted to  
11 the superintendent and the board of education not later than September  
12 first for the preceding school year. The evaluation shall be submitted  
13 in a format determined by the commissioner.

14 (b) If the commissioner determines that the school has met the annual  
15 performance goals stated in the school intervention plan, the evaluation  
16 shall be considered sufficient and the implementation of the school  
17 intervention plan shall continue. If the commissioner determines that  
18 the school has not met one or more goals in the plan, the commissioner  
19 may require modification of the plan.

20 13. Upon the expiration of a school intervention plan for a school  
21 with an appointed receiver, the commissioner, in consultation and coop-  
22 eration with the district, shall conduct an evaluation of the school to  
23 determine whether the school has improved sufficiently, requires further  
24 improvement or has failed to improve. On the basis of such review, the  
25 commissioner, in consultation and cooperation with the district, may:

26 (a) renew the plan with the receiver for an additional period of not  
27 more than three years; (b) if the [failing] STRUGGLING or persistently  
28 [failing] STRUGGLING school remains [failing] STRUGGLING and the terms  
29 of the plan have not been substantially met, terminate the contract with  
30 the receiver and appoint a new receiver; or (c) determine that the  
31 school has improved sufficiently for the designation of [failing] STRUG-  
32 GLING or persistently [failing] STRUGGLING to be removed.

33 14. Nothing in this section shall prohibit the commissioner or a local  
34 district from closing a school pursuant to the regulations of the  
35 commissioner.

36 15. The commissioner shall be authorized to adopt regulations to carry  
37 out the provisions of this section.

38 16. The commissioner shall report annually to the governor and the  
39 legislature on the implementation and fiscal impact of this section. The  
40 report shall include, but not be limited to, a list of all schools  
41 currently designated as [failing] STRUGGLING or persistently [failing]  
42 STRUGGLING and the strategies used in each of the schools to maximize  
43 the rapid academic achievement of students.

44 17. The commissioner shall provide any relevant data that is needed to  
45 implement and comply with the requirements of the chapter of the laws of  
46 two thousand fifteen which added this section to any school district  
47 that has a school or schools designated as [failing] STRUGGLING or  
48 persistently [failing] STRUGGLING pursuant to this section by August  
49 fifteenth of each year, to the fullest extent practicable. Provided  
50 that the commissioner shall provide guidance to districts and may estab-  
51 lish a model intervention plan. And provided further, that the commis-  
52 sioner shall make available to the public any school intervention plan,  
53 or other department-approved intervention model or comprehensive educa-  
54 tion plan of a school or district provided that such measures are  
55 consistent with all federal and state privacy laws.

56 S 2. This act shall take effect immediately.