



Dr. Lesli Myers-Small, Assistant Commissioner  
Office of Innovation and School Reform  
89 Washington Avenue  
Albany, NY 12234  
EB Annex – Room 368  
Telephone: (518) 473-8852

**To:** School District Superintendent Receivers

**From:** Dr. Lesli Myers-Small, Assistant Commissioner *Lesli C. Myers-Small*

**Date:** May 8, 2020

**Re:** May 4, 2020 Changes to the Commissioner's Regulations 100.19

This memo is to inform you that on Monday, May 4, 2020, the Board of Regents and the New York State Education Department (NYSED or “the Department”) approved amendments to §100.19 of Commissioner's Regulations relative to schools in Receivership. The amendments were adopted by the Board of Regents as an emergency measure due to the unique circumstances that have arisen as a result of the COVID-19 pandemic. It is expected that the permanent adoption of these amended Regulations will occur at the September 2020 Board of Regents meeting after a 60-day public comment period. The implications of the amended regulations for schools in Receivership are outlined below.

### **Regulatory Changes**

The Department will *not* use the 2019-20 school year results to make demonstrable improvement determinations for schools under receivership, place any schools under independent receivership, or remove the designation of any school as struggling. Specifically:

- All schools identified as struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 school year.
- All schools that are operated under a school district superintendent receiver in the 2019-20 school year shall continue to operate under a school district superintendent receiver for the 2020-21 school year.
- Upon a finding of good cause, the Commissioner may modify for the 2019-20 through 2021-22 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by this section. A memo and modified templates will be sent under separate cover.

### **Accountability Status**

The proposed amendments to §100.19 of Commissioner's Regulations are consistent with those outlined in the April 17, 2020 the Office of Accountability (OA) a memo titled [2019-20 Accountability Implications Based on April 2020 United States Department of Education Waivers and Changes to Commissioner's Regulations §100.21 to Address the COVID-19 Crisis](#) which outlines the impact of the COVID-19 pandemic on the Accountability status of schools and districts for the 2020-21 school year.

### **Data Reporting Requirements**

Since the Department will not use the 2019-20 school year results to make the annual Demonstrable Improvement (DI) determinations for schools in Receivership in the fall of 2020, the Department is waiving the requirement for districts to submit the 2019-20 school year results for their DI indicators to the Office of Accountability. Please note that this waiver ***does not apply*** to any data that districts must submit to the Student Information Repository System (SIRS) in accordance with annual reporting requirements as directed by the Office of Information and Reporting Services (IRS).

Despite the waiver, the Department recognizes that districts with schools in Receivership may value an opportunity to reflect upon the performance of said schools for the 2019-20 school year and to help inform and guide strategic planning for the 2020-21 school year. To provide such an opportunity and better understand how the Department may support districts, the Office of Innovation and School Reform (OISR) and OA will collaborate to facilitate a summer convening to address any questions or concerns relative to expectations for the 2020-21 school year. If there is enough interest, the Department will convene interested schools/districts in July. ***Please email OISR at [OISR@nysed.gov](mailto:OISR@nysed.gov) no later than May 31, 2020*** if you are interested in participating in an online interactive webinar.

### **Available Resources**

For questions concerning the information contained in this memo, please contact OISR at [OISR@nysed.gov](mailto:OISR@nysed.gov). For questions concerning Accountability Identification and Status, please contact the Office of Accountability at [accountinfo@nysed.gov](mailto:accountinfo@nysed.gov). For questions concerning SIRS reporting requirements for the 2019-20 school year please contact the Office of Information Reporting Services at [DATASUPPORT@nysed.gov](mailto:DATASUPPORT@nysed.gov).

c: Dr. Kimberly Wilkins, Deputy Commissioner  
Jason Harmon, Assistant Commissioner  
Stephen Earley, Director of Field Support Services  
File