



# **LEA and School Improvement**

## **Non-Regulatory Guidance**

**REVISED**

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Student Achievement and School Accountability Programs  
Office of Elementary and Secondary Education  
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**PURPOSE OF THIS GUIDANCE**

This non-regulatory guidance updates and expands upon the "LEA and School Improvement Non-Regulatory Guidance" issued on January 7, 2004. The revised guidance addresses new issues raised by State and local officials in light of their experiences in administering and carrying out the *School Restructuring* provisions authorized in NCLB and provides additional clarification and rationale about *School Restructuring* for which the Department received inquiries from the field. This guidance does not impose any requirements beyond those that the law specifies and, where possible, it encourages varying approaches and focuses on what can be done rather than on what cannot be done.

The guidance in this document supersedes all prior non-regulatory guidance issued by the Department for LEA and School Improvement. Any requirements referred to in this guidance are taken directly from the statute and the Title I regulations, with citations provided throughout. Except for explicit statutory and regulatory requirements, State and local recipients are free to implement the *LEA and School Improvement* requirements based on their own reasonable interpretations of the law.

**SUMMARY OF NEW AND REVISED ITEMS**

This document includes a number of new questions to address issues that were undeveloped or did not appear in the previous guidance. Responses to other questions are revised for clarity or responsiveness to issues based on experience gained from the implementation of the Title I school improvement provisions.

The following are new questions that were not in the January 7, 2004 guidance: G-6, G-8, G-9, G-10, G-11, G-12, G-14, G-15, H-5, H-7, H-8, H-9, H-10, H-11, and J-2. Additionally, included in Appendix A is a chart that illustrates the relationship of school improvement, corrective action, and restructuring, and the possible consequences for a single school as it moves through the school improvement process.

In addition, the responses to the following questions include significant new information or changes from the 2004 guidance: G-1, G-2, G-3, G-5, G-7, G-13, G-16 and H-2. Questions C-14 and D-3 have been revised to be consistent with language in the restructuring questions that focuses attention on the use of AYP data to target *the needs of a school's students*.

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## **INTRODUCTION**

Research indicates, and educators know, that high-performing schools are complex institutions. At their core is a focus on academics and an unwavering expectation that all children can, and will, achieve academic proficiency. Surrounding this core focus are a dedicated staff with a sense of common purpose, strong instructional leadership from the principal, the confidence and respect of parents, and an allocation of resources that supports the school's mission. In high-performing schools, all members of the school community, both individually and collectively, hold themselves accountable for student success.

The No Child Left Behind Act of 2001 (NCLB) was designed to help create high-performing schools. Its cornerstone accountability provisions build upon rigorous academic content and achievement standards, and assessments based on those standards. NCLB expresses the ambitious, long-term goal of proficiency in reading and mathematics for all students by the 2013-14 school year, and delineates specific steps that States, local educational agencies (LEAs), and schools must take to reach that goal. Every State educational agency (SEA) has developed an approved system for implementing the accountability provisions of NCLB by creating a single definition of adequate yearly progress (AYP) for all schools and LEAs throughout the State. This definition includes annual targets for academic achievement, participation in assessments, graduation rates for high schools, and at least one other academic indicator for elementary and middle schools. NCLB requires SEAs and LEAs to review annually the status of every school, using these defined benchmarks, in order to ensure that the school is making adequate progress toward achieving the long-term proficiency goal.

In addition to detailing school accountability measures and consequences, NCLB focuses increased attention on the performance of LEAs, emphasizing their unique and important leadership role in school improvement. The law requires SEAs to conduct an annual review of LEAs to ensure that they, too, are making adequate progress and fulfilling their responsibilities.

Reaching or surpassing annual targets for two or more consecutive years merits recognition and rewards for LEAs and schools. The law prescribes increasing levels of intervention in LEAs and schools that do not make AYP, ensuring that struggling schools and school districts are provided with increasing amounts of assistance.

This guidance explains the school and LEA improvement provisions embedded in the NCLB legislation and Title I regulations. Consequences for not making AYP are also addressed at length in other guidance documents, specifically the Department of Education's *Public School Choice Non-Regulatory Guidance* and *Supplemental Educational Services Non-Regulatory Guidance*.

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**ANNUAL REVIEW OF SCHOOL PROGRESS**

In addition to creating student achievement standards that define what students should know and be able to do, and creating accountability systems to gauge the success of their implementation, States are responsible for monitoring the progress that schools and LEAs make in bringing all children to proficiency in at least the core academic subjects of reading/language arts and mathematics. Although the statute and regulations charge the LEA with reviewing each of its schools and identifying those that have not made sufficient progress, the SEA also plays an important role in this process and is ultimately accountable for it. The SEA gathers, analyzes, and maintains student academic assessment data, guaranteeing consistency in the application of accountability provisions across all LEAs and schools. The SEA is also charged with providing schools and LEAs with effective technical assistance, thus creating a platform for disseminating and reinforcing the use of effective, research-based instructional strategies and practices. Finally, the SEA fulfills an oversight function by monitoring the activities of LEAs with schools in improvement, corrective action, or restructuring status and making an annual judgment about whether or not the LEA is fulfilling its responsibilities and making adequate progress.

**A. REVIEW PROCESS****A-1. Why do the SEA and LEA conduct an annual review of school progress?**

The SEA and LEA use the annual review of school progress primarily to determine (1) if a school has made adequate progress toward all students meeting or exceeding the State's student academic achievement standards by 2013-14, and (2) if a school has narrowed the achievement gap. The results of the annual review also provide the SEA and LEA with detailed, useful information that they can use to develop or refine technical assistance strategies to schools.

**A-2. What data do SEAs and LEAs review?**

Each SEA has defined AYP in accordance with the Title I statute and regulations in its approved accountability plan. To determine whether or not a school has made adequate progress, the SEA reviews, at a minimum, the results of academic achievement measures in reading/language arts and mathematics and student participation rates in these assessments. For high schools, graduation rates are also considered, as are rates of progress for the one or more other academic indicators defined by the State for elementary and middle schools.

In conjunction with the LEA, the SEA also reviews the effectiveness of each school's actions and activities that are supported by Title I, Part A funds, including parental involvement and professional development.

**A-3. What is the timeline for the review of school progress?**

The SEA, in conjunction with the LEA, must conduct its review of school progress annually, in the period of time between the release of student results on the State academic assessments and the start of the school year following the administration of the assessments.

Meeting this timeline becomes especially important if the review results in a determination that the school has not achieved AYP for two or more years and will be identified for school improvement, corrective action, or restructuring. In that case, the timeline must accommodate: (1) the school's right to review the data that led to the determination; (2) the development and implementation of a school improvement plan; and (3) the need to provide parents with sufficient time to evaluate the public school choice and supplemental educational service options that may be available for their children. §1116(b)(1)(B); §200.32(a)(2)<sup>1</sup>

**A-4. What entity must ensure that this timeline is met?**

The SEA is responsible for ensuring that the results of academic assessments administered as part of the State assessment system in a given school year are available in sufficient time for LEAs to review and make school-level AYP determinations. As a part of its approved accountability plan each SEA has described how it intends to ensure the timely release of the results of assessments on which progress determinations will be made. §200.49

**A-5. Should officials in individual schools examine the data that the SEA and LEA review?**

Yes. Examining and analyzing the results of assessments and other data that the SEA and LEA use in their review are effective strategies for continuous school improvement. Assessment data provide schools with information about the academic performance of student subgroups; analyzing those data encourages the creation of strategies that specifically target the improved achievement of these subgroups. Schools can use the review data to further refine their instruction and other aspects of their school program to ensure that they meet the learning needs of all students. Analyzing results from the State assessment system and other relevant data is so important, in fact, that LEAs are required to provide this assistance to schools identified as in need of improvement. (See also D-2.)

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<sup>1</sup> Citations with four digits (e.g., §1111) reference the Elementary and Secondary Education Act, as reauthorized by the No Child Left Behind Act of 2001 (NCLB). Three digit citations (e.g., §200) reference the Title I regulations, published December 2, 2002.

**A-6. Does the SEA conduct an annual review of schools that do not receive Title I, Part A funding?**

Yes. The Elementary and Secondary Education Act (ESEA), as amended by NCLB, requires that the SEA annually review the progress of all public schools as part of their single, statewide accountability system.

**A-7. Do the requirements for the annual review apply to charter schools?**

Yes. Charter schools, like all public schools within a State, are subject to the State's accountability requirements, including its system of review, sanctions, and rewards. However, a State's charter school law determines the entity within the State that bears responsibility for ensuring that charter schools comply with these requirements, including making AYP. Typically this is the authorized public chartering authority, unless State law specifically gives the SEA responsibility for charter school accountability. Additional information regarding charter schools is available in the Department of Education's *Charter School Non-Regulatory Guidance* at <http://www.ed.gov/policy/elsec/guid/cspguidance03.doc>. §200.49(f)

**A-8. How must the LEA share the results of a school's annual review?**

An LEA must publicize and disseminate the results of the annual progress review of its schools to principals, teachers, parents, and the community. Whether or not their schools make AYP, principals and teachers can use these results to refine and improve their instructional program to help all children meet challenging academic achievement and performance standards. The results also provide parents and community members with a factual basis for judging the quality of their school and alert them to opportunities for increased involvement. Required LEA and school report cards provide one vehicle for LEAs to publicize the results of the annual reviews. §200.30(d)

**A-9. May the SEA reward schools that meet or exceed their annual AYP targets?**

Yes. As a part of its State accountability system, every SEA has developed an academic achievement award program to recognize schools that either significantly narrow the achievement gap between subgroups of students or exceed their AYP targets for two or more consecutive years. From these schools, SEAs must designate as distinguished those that have made the greatest gains in closing the achievement gap or exceeding AYP. These distinguished schools can serve as models for other schools, especially those that are identified for improvement, and provide them with support as appropriate. The State program may also recognize and provide financial awards to teachers in a school that consistently makes significant gains in academic achievement in the areas in which the teachers provide instruction. Awards may also be made to "distinguished" teachers or principals, those who have been especially successful in improving academic achievement. In addition to these rewards, States may create other awards and recognition programs as they deem appropriate.

**SCHOOL IMPROVEMENT PROCESS**

Every State accountability system articulates sanctions and rewards for schools that are tied to their performance relative to annual and long-term academic proficiency targets for all students. SEAs and LEAs are required to intervene in schools that persistently do not meet these targets. These progressively more comprehensive interventions are identified as “school improvement,” “corrective action,” and “restructuring.” Being identified as a school in need of any of these interventions allows the school to access assistance in identifying and addressing instructional issues that prevent students who attend that school from attaining proficiency in the core academic subjects of reading and mathematics. The school improvement process and timeline are designed to create a sense of urgency about reform and to focus identified schools on quickly and efficiently improving student outcomes.

## **B. SCHOOL IMPROVEMENT – YEAR ONE**

### **B-1. What causes a school to enter school improvement status?**

A school that does not make AYP for two consecutive years, as AYP is defined by the State’s accountability system, must be identified for school improvement.

### **B-2. What purpose is served by identifying a school for improvement?**

Identifying a school for improvement serves as a formal acknowledgement that the school is not meeting the challenge of successfully teaching all of its students. The identification marks the beginning of the school improvement process, a set of structured interventions designed to help a school identify, analyze, and address issues that prevent student academic success. The SEA and LEA will provide a school that is identified for improvement with extensive support and technical assistance in designing and implementing a plan to improve student achievement.

### **B-3. May a school appeal the SEA’s determination that the school has not made AYP for two consecutive years?**

Yes. If the SEA, after completing its review, determines that a school has not achieved AYP for two years in a row, it must provide the school with an opportunity to review the data, including academic assessment data, on which the proposed identification for school improvement is based.

Each SEA’s annual determination of school progress is based on the application of formulas defined and approved in its accountability system. Therefore, with rare exceptions, only statistical errors in the underlying data would provide cause for a reconsideration of the school’s status. However, if the principal or a majority of the school’s parents believe that the identification was made in error for statistical or other substantive reasons, the principal may provide supporting evidence to the LEA, and the LEA, in conjunction with the SEA, must consider it.

The LEA and SEA must make a final determination regarding the identification of the school no later than 30 days after the school is notified of the pending action.

§1116(b)(2); §200.31

**B-4. Are schools that do not receive Title I, Part A funding subject to consequences if they do not meet AYP targets?**

Yes. In its approved accountability system, each State has defined the sanctions and rewards that it will use to hold all LEAs and schools accountable for student achievement. Therefore, although the sanctions detailed in §1116 of the ESEA do not statutorily apply to schools that do not receive Title I, Part A funding, these schools are still subject to State-defined sanctions if they do not make AYP. §1111(b)(2)(A); §200.12

**B-5. How does a school exit from school improvement status?**

A school identified for improvement must make AYP as defined in its State's accountability system for two consecutive school years in order to exit school improvement status. That is, if a school does not make AYP for two consecutive years, and must undergo Year 1 of school improvement during the 2003-04 school year, then in order for the school no longer to be identified for school improvement, it must make AYP during that school year as well as during the 2004-05 school year. The table below illustrates this point.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
Beginning of 2003-04	Year 1, school improvement
By end of 2003-04	Y
By end of 2004-05	Y
Beginning of 2005-06	No longer identified for improvement

**B-6. When the LEA identifies a school for improvement, what information must it provide to parents?**

When one of its schools is identified for improvement, the LEA must promptly provide the following information to the parents of each child enrolled in the school:

- An explanation of what the identification means and how the school their child attends compares to other elementary and secondary schools served by the LEA and the SEA in terms of the academic achievement of its students;
- The reason(s) for the school being identified for improvement, such as insufficient participation in assessments or one or more subgroups not meeting academic proficiency targets;
- An explanation of how parents can become involved in addressing the academic issues that led to identification; and,

- An explanation of the parents' option to transfer their child to another school in the LEA that has not been identified for improvement. The notification must provide parents with enough relevant information to help them decide what school is best for their child and be made well before the beginning of the school year in which this option will be available, so that if parents choose to do so, they have sufficient time to exercise their choice option prior to the beginning of the school year.

*At a minimum*, the LEA must inform parents about the academic achievement level of students at the school or schools to which their child may transfer, but it may also choose to include other information, such as a description of special academic programs, facilities, before-or-after school programs, the professional qualifications of teachers in the core academic subjects, or parent involvement opportunities. The LEA must also explain to parents that it will provide their child with transportation to the schools that the LEA identifies as options, subject to certain cost limitations. §200.37

Additional information on public school choice is available in the Department of Education's *Public School Choice Non-Regulatory Guidance* accessible online at <http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.doc>.

**B-7. What information must the LEA provide to both parents and the public regarding schools identified for improvement?**

In addition to providing school improvement information to the parents of each student in the school, the LEA must publish and disseminate, to both parents and the public, information explaining –

- What the school is doing to address the problem of low achievement; and
- What the LEA or the SEA is doing to help the school address this problem. §1116(b)(6); §200.38

**B-8. What guidelines should SEAs, LEAs, or schools follow when communicating with parents and the public during the school improvement process?**

Meaningful parental involvement is one of the cornerstones of the reform initiatives contained in NCLB. Therefore, it is essential that SEAs, LEAs, or schools communicate with parents throughout the school improvement process and welcome them as key partners in addressing the academic issues that led to the school being identified for improvement. Clarity and timeliness of information are essential. The State, LEA, or school must ensure that required information is provided in an understandable and uniform format (including alternative formats upon request), regardless of the method or media used. To the extent practicable, written communication must be in a language parents can understand, with special attention given to parents of migratory and limited English proficient students. If that is not practicable, the information must be provided in oral translations for parents with limited English proficiency.

The SEA, LEA, or school must provide information to parents directly, through regular mail or by e-mail. However, if an SEA does not have access to individual student addresses, it may distribute information through the LEA or school. The same information must also be disseminated through broader means of communication, such as the Internet, the media, and through public agencies serving students and their families.

**B-9. What are the responsibilities of the LEA after a school is identified for improvement?**

When one of its schools is identified for its first year of school improvement, the LEA must:

- Ensure that public school choice is provided for children whose parents wish to transfer them from the school identified for improvement; and
- Ensure that the identified school receives technical assistance, both during the development or revision of its school improvement plan and throughout the plan's implementation. §200.39

**C. SCHOOL IMPROVEMENT PLAN**

**C-1. What must the school do when it is identified for improvement?**

The process of school improvement begins with the school developing a required two-year plan that addresses the academic issues that caused it to be identified for school improvement. The school may develop a new plan or revise an existing one, but in either case it must be completed no later than three months after the school has been identified. §200.41

**C-2. What is the purpose of the school improvement plan?**

The purpose of the school improvement plan is to improve the quality of teaching and learning in the school, so that greater numbers of students achieve proficiency in the core academic subjects of reading and mathematics. The school improvement plan provides a framework for analyzing problems, identifying underlying causes, and addressing instructional issues in a school that has not made sufficient progress in student achievement.

**C-3. What topics must the plan address?**

Together, the components of the school improvement plan should embody a design that is comprehensive, highly structured, specific, and focused primarily on the school's instructional program. Specifically, the plan must:

- Incorporate strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement;
- Adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(C)(v) and enrolled in the school will meet the State's proficiency level of achievement;
- Directly addresses the academic achievement problem that caused the school to be identified for school improvement;
- Establish specific, annual, measurable objectives for continuous and substantial progress by each group of students specified in section 1111(b)(2)(C)(v) and enrolled in the school;
- Specify the implementation responsibilities of the school, the LEA, and the SEA serving the school under the plan;
- Include strategies to promote effective parental involvement in the school;
- Incorporate, as appropriate, activities before school, after school, during the summer, and during the extension of the school year;
- Incorporate strategies to promote high quality professional development; and,
- Incorporate a teacher mentoring program. §1116(b)(3)(A); §200.41

**C-4. How must the plan address the school's core academic subjects and instructional strategies?**

The school improvement plan must demonstrate that the school will implement policies and practices grounded in scientifically based research that are most likely to bring all groups of students to proficiency in reading and mathematics. Included among these strategies, as appropriate, would be additional learning activities for students that take place before school, after school, during the summer, and during any extension of the school year. For schools in need of improvement, scientifically based research provides a standard by which the principal and teachers can critically evaluate the many instructional strategies and programs that are available to them and choose those with the greatest likelihood of producing positive results. §1116(b)(3)(A); §200.41

**C-5. What are examples of instructional strategies grounded in scientifically based research?**

Strategies grounded in scientifically based research are those that have demonstrated, over time and in varied settings, an effectiveness that is documented by high-quality

educational research. High-quality scientifically based research employs an experimental or quasi-experimental design and produces replicable results, confirmed by peer review, that can be applied to the general population. For example, scientifically based research has shown that explicit instruction in (1) phonemic awareness, (2) phonics, (3) vocabulary development, (4) reading fluency, and (5) reading comprehension is effective in teaching reading to students in grades K-3. Strategies that apply this research in a classroom setting would be grounded in scientifically based research.

Scientifically based research uses rigorous and systematic procedures to obtain reliable and valid knowledge about “what works.” The application of systematic, empirical methods, rigorous data analyses, and an experimental design using randomized trials ensures a high degree of confidence in the results. A complete definition of scientifically based research can be found in section 9101(37) of the reauthorized ESEA.

**C-6. What are examples of policies and practices with the greatest likelihood of ensuring that all student groups achieve proficiency?**

Policies and practices with the greatest likelihood of ensuring that all students achieve proficiency are those that affect the school’s teaching and learning program, both directly and indirectly. Policies and practices that have an impact on classrooms include those that build school infrastructures, such as regular data analysis, the involvement of teachers and parents in decision-making, and the allocation of resources to support core goals. Other policies and practices that have a more direct effect on student achievement include the choice of instructional programs and materials, the use of instructional time, and improved use of assessment results. Decisions about the specific policies and practices to be implemented should be based on a thoughtful review and analysis of the individual school’s needs.

**C-7. Can a school identified for improvement implement a comprehensive school reform model as a part of its school improvement plan?**

In calling for the use of strategies grounded in scientifically based research, the ESEA specifically states that a school can implement a comprehensive school reform model as a part of its improvement plan. Adopting a comprehensive reform model can be an effective strategy, especially if the school in improvement is in search of an external structure and technical assistance that will help it identify and address organizational and instructional issues. However, a model alone cannot address all of the identified needs of a school and cannot substitute for a coherent plan for systemic change. The implementation of a comprehensive school reform model, or any other program, must be viewed as one strategy, albeit an important one, in a school’s comprehensive plan for improvement.

**C-8. Why must the plan address professional development?**

The academic success of students correlates highly with the qualifications and skills of their teachers. Although by the end of the 2005-06 school year all teachers must

be highly qualified, ongoing professional development is crucial to ensure their continuous improvement in the instructional skills needed to help all students meet or exceed proficiency targets on State academic assessments.

**C-9. What kinds of professional development should be provided?**

The professional development component of the school improvement plan should directly address the academic achievement problems that caused the school to be identified. In most cases, this professional training will focus on the teaching and learning process, such as increasing content knowledge, the use of scientifically based instructional strategies, especially in core academic subjects, and the alignment of classroom activities with academic content standards and assessments. Another example of useful professional development would be training teachers to analyze classroom and school-level data and use it to inform their instruction. The professional development detailed in the school improvement plan must be provided in a manner that affords increased opportunity for teachers to participate, and must incorporate teacher mentoring activities or programs. §1116(b)(3)(A)(iii)(III) and (x); §200.41

**C-10. Why must the school improvement plan contain provisions for teacher mentoring?**

This requirement reflects statutory and regulatory support not only for recruiting and hiring highly qualified teachers, but also for strategies to retain them. Currently many teachers leave the profession within five years of beginning their teaching careers. Mentoring programs pair novice teachers with more experienced professionals who serve as role models and provide practical support and encouragement. High-quality, structured mentoring programs have a positive effect on the retention of qualified teachers.

**C-11. What is the source of funding for the professional development detailed in the school improvement plan?**

A school identified for improvement must spend not less than 10 percent of its allocation of Title I, Part A funds, for each fiscal year that the school is in improvement, for the purpose of providing high-quality professional development to the school's teachers, principal and, as appropriate, other instructional staff. The school improvement plan must provide an assurance that this expenditure will take place. §1116(b)(3)(iii)

**C-12. What is "high-quality" professional development?**

"High-quality" professional development is professional development as defined in section 9101(34) of the ESEA. In general, the definition recommends professional development that is sustained and classroom-focused. It must contribute to an increase both in teachers' knowledge of the academic subjects they teach and in their use of effective, scientifically based instructional strategies with a diverse range of students. It must be provided over time and not take the form of one-day or short-term

workshops. High-quality professional development is an integral part of effective improvement plans, at both the school and LEA levels.

**C-13. How must the school improvement plan address parental involvement?**

The school improvement plan must address parental involvement in two ways. First, it must describe how the school will provide the parents of each student enrolled with written notice about the school's identification for improvement. Second, the plan must specify the strategies that will be used to promote parental involvement.

Effective strategies will engage parents as partners with teachers in educating their children and will involve them in meaningful decision-making at the school.

§1116(b)(3)(A)(vi) and (viii)

**C-14. Why must a school improvement plan contain measurable goals?**

By establishing measurable goals, a school in improvement clearly articulates the purposes and intended outcomes of its improvement plan. In addition, the goals provide a means of tracking the school's progress over the two years of the plan.

Since schools identified as in need of improvement already have a history of not meeting the academic needs of all of their students, it is especially important in this plan that their goals are clear and are tightly focused on the fundamental teaching and learning issues that have prevented the school from making adequate progress. The measurable goals must promote continuous and substantial progress to ensure that students in each subgroup enrolled in the school meet the State's annual measurable objectives.

The ultimate purpose of setting and achieving measurable goals for the school is to improve its ability to teach *all* children and achieve annual academic performance targets. By achieving this purpose, the school is also removed from improvement status. §200.41(c)(4)

**C-15. If the school identified for improvement has an existing plan, must it create a new plan to meet the school improvement requirements?**

No. A school with an existing plan may use the three months after it is identified to review and revise it to ensure that the plan incorporates the required statutory elements. However, for any plan to serve as a useful tool for improvement, it must address the specific needs of the school and its students, contain realistic goals and strategies, and reflect the commitment of staff, students, parents, and community to its implementation. If the existing plan has not served as a functional tool for improving student achievement, the school and its students might be better served by initiating a new planning process, assessing school and student needs, and creating a realistic plan that can and will be implemented and has a high likelihood of increasing student achievement.

**C-16. Who must be involved in developing the school improvement plan?**

In developing or revising its plan, the school must consult with parents, school staff, the LEA, and outside experts. Ideally these outside experts will serve as technical assistants and partners with the school throughout the plan's implementation. §200.41

**C-17. What is the review process for the school improvement plan?**

Peer reviewers must consider a proposed plan for school improvement within 45 days of its submission, through a process established by the LEA. The LEA should involve as peer reviewers teachers and administrators from schools or districts similar to the one in improvement, but significantly more successful in meeting the learning needs of their students. Staff with demonstrated effectiveness and recognized expertise in school improvement will be able to evaluate the plan's quality and the likelihood of its successful implementation, and make suggestions for revisions. §1116(b)(3)(E)

**C-18. Under what timeline must the LEA approve the school improvement plan?**

Once the peer review of the proposed plan has been completed, the LEA must work with the school to make any necessary revisions and must approve the plan as soon as it satisfactorily meets the requirements detailed in the statute and regulations. It is essential that the school draft the plan, and the LEA review, suggest revisions if needed, and approve the plan, as expeditiously as possible since it provides the blueprint for changes designed to dramatically improve the academic achievement of all students.

**C-19. May the LEA condition its approval of a school improvement plan?**

Yes. Once the LEA has conducted a peer review of the proposed school improvement plan, it may approve the plan with conditions it deems necessary to ensure the plan's successful implementation. For instance, the LEA may condition its approval on feedback on the plan from parents and community leaders. The LEA may also choose to approve the plan on the condition that the school undergoes one or more corrective actions. These corrective actions can include implementing a new curriculum with appropriate professional development, significantly decreasing school-level management authority, or changing the internal organization of the school.

**C-20. According to what timeline must the school improvement plan be implemented?**

In order to realize improvement as quickly as possible, a school must implement its new or revised school improvement plan as soon as the LEA approves it, preferably during the school year in which the identification was made and no later than the beginning of the school year following its identification for improvement.

**D. SCHOOL IMPROVEMENT – TECHNICAL ASSISTANCE****D-1. What is the LEA’s responsibility for providing technical assistance to a school in improvement?**

The LEA bears the primary responsibility for ensuring that the school in improvement receives technical assistance as it develops or revises its school plan and throughout the plan’s implementation. Technical assistance is practical advice offered by an expert source that addresses specific areas for improvement.

The LEA is not required to provide the technical assistance directly, although it may choose to do so. Other acceptable technical assistance providers include the SEA; an institution of higher education; a private, not-for-profit or for-profit organization; an educational service agency; or another entity with experience in helping schools improve academic achievement.

**D-2. In what areas must the LEA assist a school in improvement?**

Technical assistance for a school identified for improvement must focus on strengthening and improving the school’s instructional program. It must help the school address the issues that caused it to make inadequate progress for two consecutive years. Specifically, the LEA must ensure that the school in need of improvement receives technical assistance based on scientifically based research in three areas:

- **Data analysis:** The LEA must help the school to analyze results from the State assessment system and other relevant examples of student work. The LEA must teach school staff how to use these data to identify and develop solutions to problems in (1) instruction; (2) implementing the requirements for parental involvement and professional development; and (3) implementing the school plan, including LEA and school-level responsibilities for carrying out the plan.
- **Identification and implementation of strategies:** The LEA must help the school choose effective instructional strategies and methods and ensure that the school staff receives high-quality professional development relevant to their implementation. The chosen strategies must be grounded in scientifically based research and address the specific instructional issues that caused the school to be identified for improvement.
- **Budget analysis:** The LEA must provide the school in improvement with technical assistance in analyzing and revising its budget to fund activities most likely to increase student achievement and remove it from school improvement status. Reallocating resources to support improved student achievement is crucial to the successful implementation of the initiatives contained in the NCLB. §1116(b)(4); §200.40(c)(1)

In all three of these areas, the LEA has the opportunity to support thoughtful analysis and capacity building at the local level, both of which will not only help schools to improve, but will also help them to sustain their improvements over time.

**D-3. What factors should the LEA take into account as it devises an assistance plan for a school in need of improvement?**

Assisting schools in need of improvement creates a major accountability challenge for LEAs. Because of the likelihood that many schools will be identified for improvement under the rigorous accountability provisions contained in the NCLB, LEAs may be tempted to consider formulating a single assistance plan for all of its schools so designated. To the extent feasible, the LEA should avoid taking this approach. Schools in need of improvement are more likely to be in need of individualized assistance comprised of strategies and interventions that recognize and address their unique student needs.

It is crucial that the LEA align its assistance with the improvement plan being developed by the school. Both the school improvement plan and the LEA assistance plan should be based on a close analysis of the school's demographic and achievement data, such as on subgroup performance, and a comprehensive needs assessment that identifies both strengths and weaknesses. This close analysis will enable the LEA to target more accurately available resources to address identified deficiencies. The goals, objectives, and action steps that result from the comprehensive analysis must realistically address the identified needs of the school's students and systematically move it toward improvement. Involving teachers, school administrators, and parents in this planning and decision-making is crucial to the successful design and implementation of the LEA's assistance.

**D-4. What is the SEA's responsibility for providing technical assistance to a school in improvement?**

The specific technical assistance responsibilities of the SEA are (1) to reserve and allocate Title I, Part A funds for school improvement activities; and (2) to create and sustain a statewide system of support that provides technical assistance to schools identified for improvement.

**D-5. How much funding must an SEA reserve to assist with school and LEA improvement efforts?**

The State must reserve two percent of its Title I, Part A total allocation for fiscal years 2002 and 2003, and four percent for fiscal years 2004 through 2007, to support local school improvement activities, provide technical assistance to Title I schools identified for improvement, and provide technical assistance to LEAs that the SEA has identified for improvement or corrective action. This reservation, however, must not reduce the amount of funding each LEA receives to a funding level below the amount the LEA received in the preceding fiscal year. §200.49(b)(1)(iii)

**D-6. How are these funds to be distributed?**

Of the amount it reserves, the SEA must allocate not less than 95 percent directly to LEAs that operate schools identified for improvement to support improvement activities. The SEA may, with the approval of the LEA, directly provide these improvement activities or arrange to provide them through such entities as school support teams or educational service agencies. §1003(b)

**D-7. How must the State prioritize the distribution of these funds?**

In prioritizing the distribution of these reserved funds, the SEA must give preference to LEAs that serve the lowest-achieving schools. However, in order to receive priority, these LEAs must also demonstrate the greatest need for assistance and the strongest commitment to ensuring that the funds will be used to enable their lowest-achieving schools to meet progress goals detailed in their school improvement plans. §1003(d); §200.49

**D-8. If a State does not need all of the funds it reserves for school improvement activities, how must the extra funds be used?**

If the SEA, after consulting with LEAs around the State, determines that the amount of funding it reserved to carry out school improvement activities is greater than the amount needed, the SEA must allocate the excess amount directly to LEAs. This allocation must be made on the same basis that Title I funds were distributed or on the basis of other criteria developed by the SEA. For example, the alternative criteria could include targeting the funds for LEAs and schools that have missed AYP for a single year, but are not yet in school improvement. §1003(d); §1126(c)

**D-9. What must the State do to assist schools identified as in need of improvement?**

A State must use a portion of its reserved Title I, Part A funds to create and maintain a statewide system of intensive and sustained support and improvement designed to increase the opportunity for all students and schools to meet the State's academic content and achievement standards. Within this statewide support system, the SEA must make technical assistance available consistent with the following priorities:

- The first priority must be (a) LEAs with schools in corrective action, and (b) schools for which an LEA has not carried out its statutory and regulatory responsibilities regarding corrective action or restructuring.
- The second priority must be LEAs with schools identified as in need of improvement.
- The third priority must be Title I LEAs and schools that need additional support and assistance. §§1116(b)(14); §1117(a)(2); §200.49(b)

**D-10. What actions must the SEA take to create a statewide system of sustained support and continuous improvement?**

To establish the required statewide system of support and improvement, the SEA must:

- Establish school support teams: The purpose of these teams is to work in schools throughout the State that are in corrective action status, school improvement status, or otherwise in need of support and assistance. The SEA must provide these teams with all of the support it deems necessary to ensure their effectiveness.
- Designate and use distinguished teachers and principals: The SEA must choose these participants from Title I schools that have been especially successful in improving academic achievement.
- Devise additional approaches: The SEA must draw on the expertise of other entities to provide assistance as needed, such as institutions of higher education, educational service agencies or other local consortia, or private providers of scientifically based technical assistance. To the extent practicable, the statewide support system must work with and receive assistance from the comprehensive regional technical assistance centers and regional educational laboratories funded under ESEA, or other providers of technical assistance. §1117(a)(3) and (4)(A)

A State may add more elements to its statewide support and improvement system that are congruent with a statewide technical assistance plan.

**D-11. Does the statute express a preference for one method of school support over another?**

The statutory provision outlining the statewide system of support requires that the SEA give priority to the creation of school support teams to assist schools that are in corrective action, in need of improvement, or in need of support and assistance. §1117(a)(4)(B)

**D-12. What is a school support team?**

A school support team is a group of skillful and experienced individuals charged with providing struggling schools with practical, applicable, and helpful assistance in order to increase the opportunity for all students to meet the State's academic content and student academic achievement standards. Each support team must be comprised of individuals who are knowledgeable about scientifically based research and practice and its potential for improving teaching and learning. In addition, support team members should be familiar with a wide variety of school reform initiatives, such as schoolwide programs, comprehensive school reform, and other means of improving educational opportunities for low-achieving students.

Typically, support teams will include some or all of the following: (1) highly qualified or distinguished teachers and principals; (2) pupil services personnel; (3)

parents; (4) representatives of institutions of higher education; (5) representatives of educational laboratories or regional technical assistance centers; (6) representatives of outside consultant groups; or (7) other individuals that the SEA, in consultation with the LEA, may deem appropriate. An extensive knowledge base, wide-ranging experience, and credibility are essential qualifications for support team members. §1117(a)(5)(a)

**D-13. What are the responsibilities of the school support team?**

The school support team has one primary responsibility: assisting the school in strengthening its instructional program to improve student achievement. Specifically, the school support team must:

- Review and analyze all facets of the school's operation, including the design and operation of the instructional program, using the findings from this review to help the school develop recommendations for improved student performance;
- Collaborate with school staff, LEA staff, and parents to design, implement, and monitor a meaningful and realistic school improvement plan that can be expected to help the school meet its improvement goals if implemented;
- Monitor the implementation of the school improvement plan and request additional assistance from the LEA or the SEA that either the school or the support team needs; and
- Provide feedback at least twice a year to the LEA, and to the SEA when appropriate, about the effectiveness of the personnel assigned to the school. The team must also identify outstanding teachers and principals.

Clearly, the overall charge of the support team is to help the school create and implement a coherent, efficient, and practical plan for improvement. Effective support team members will possess the knowledge, skills, experience, and interpersonal skills that will enable them to address and counter the chronic problems that are symptomatic of schools in need of improvement. §1117(b)

**D-14. How long should the school support team continue to work with a school in need of improvement?**

After one year of working with the school, the support team should consult with the LEA and make a "next-steps" recommendation to the SEA. The team should recommend either (1) that the team continue to assist the school or (2) that the LEA or the SEA, as appropriate, take alternative action with the school.

**D-15. What responsibility does the SEA have to assist schools in need of improvement?**

The LEA has primary responsibility for assisting its schools that do not make adequate progress toward meeting established student academic achievement targets.

However, if the LEA does not carry out its responsibilities in this area, the SEA must take the actions it determines to be appropriate, in compliance with State law concerning school governance. §200.49(d)

## **E. SCHOOL IMPROVEMENT – YEAR TWO**

### **E-1. What causes a school to enter year two of school improvement status?**

If a school in school improvement status for one school year does not make AYP during the course of that year, the LEA must identify it for year two of school improvement status. For example, if a school that implements year one of school improvement during the 2003-04 school year does not make AYP by the end of that year, it must implement year two of school improvement during the 2004-05 school year.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
Beginning of 2003-04	Year 1, school improvement
By end of 2003-04	N
Beginning of 2004-05	Year 2, school improvement

### **E-2. May an LEA delay implementing the second year of school improvement?**

An LEA may delay the implementation of year two of school improvement if, after undergoing one year of school improvement, (1) the school makes AYP or (2) the school does not make AYP due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the district or school. This delay is temporary (it may not exceed one school year), and it is not intended to reset the sequence of school improvement, corrective action, or restructuring that is detailed in the statute. The LEA may not take the delay into account in determining the number of years a school has missed its AYP targets and must, after the delay, subject the school to further actions as if the delay never occurred.

For example, if a school undergoes year one of school improvement during the 2003-2004 school year but meets its AYP targets on the basis of results of academic assessments administered during that year, the LEA may delay placing the school in year two of school improvement during the 2004-2005 school year. During this delay, the school must continue to implement its school improvement plan and provide public school choice. If the results of assessments administered during the 2004-2005 school year indicate that the school has once again not met AYP targets, then for 2005-2006 the school must implement the requirements of year two of school improvement. During this year the school must, in addition to continuing implementation of its improvement plan, provide both choice and, to eligible students, supplemental educational services.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
During 2003-04	Year 1, school improvement
By end of 2003-04	Y
During 2004-05	Delay; choice provided
By end of 2004-05	N
During 2005-06	Year 2, school improvement; choice and supplemental services provided

**E-3. Must the LEA continue to provide technical assistance during this delay?**

Since the school must continue to implement its improvement plan during the delay, and since the LEA is required to provide technical assistance throughout the implementation of the school improvement plan, the LEA must continue to provide technical assistance during the delay period.

**E-4. What notification requirements apply when a school enters year two of improvement?**

When a school is identified for year two of school improvement, the LEA must promptly notify the parents of each child enrolled in the school of –

- Their option to transfer their child to another public school that is making AYP and is served by the LEA. (See also B-6.)
- The availability of supplemental educational services for eligible children. The LEA must provide the names of approved providers of services available within the LEA or within a reasonable distance of that area, along with a brief description of the services, qualifications, and demonstrated effectiveness of these providers. For more detailed information on the provision of supplemental educational services, please see the Department of Education's *Supplemental Educational Services Non-Regulatory Guidance* at <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc>.

**E-5. What assistance is available to a school in year two of improvement?**

During its second year of school improvement, an LEA must ensure that the school continues to receive the technical assistance that was begun in year one; that assistance should be focused specifically on the continued implementation of the school improvement plan. Before year two begins, the school improvement support team (see D-12 and D-13) will have recommended to the LEA that the team continue

to work with the school or that some other kind of assistance be provided. The LEA and the SEA share the responsibility for monitoring the quality and appropriateness of the technical assistance that is provided. §200.39

## **CORRECTIVE ACTION FOR SCHOOLS**

If, after two years of undergoing school improvement, implementing a school improvement plan, and receiving extensive technical assistance, a school still does not make AYP, the SEA and LEA must identify it for corrective action. Identifying a school for corrective action signals the LEA's intention to take greater control of the school's management and to have a more direct hand in its decision-making. This identification signifies that the application of traditional school improvement methods and strategies has been unsuccessful and that more radical action is needed to improve learning conditions for all students. Taking corrective action is designed to increase substantially the likelihood that all students enrolled in the school will meet or exceed the State's proficient levels of achievement.

### **F. CORRECTIVE ACTION PROCESS**

#### **F-1. What is corrective action?**

Corrective action is a significant intervention in a school that is designed to remedy the school's persistent inability to make adequate progress toward all students becoming proficient in reading and mathematics. (See also F-5.)

#### **F-2. What causes a school to be identified for corrective action?**

If a school that receives Title I, Part A funds does not achieve its annual progress targets for four years, the LEA must identify the school for corrective action. For example, if a school does not make AYP by the end of the 2002-03 and the 2003-04 school years, the LEA must identify it for school improvement, to begin with the 2004-05 school year. At the end of that school year, if the school does not make adequate progress, it must be identified for a second year of school improvement, to be implemented during the 2005-06 school year. If by the end of the 2005-06 year the school still does not meet its annual target, the LEA must identify that school for corrective action, to be implemented during the 2006-07 school year.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2002-03	N
By end of 2003-04	N
Beginning of 2004-05	Year 1, school improvement
By end of 2004-05	N
Beginning of 2005-06	Year 2, school improvement
By end of 2005-06	N
Beginning of 2006-07	Corrective action

**F-3. What notification requirements apply when a school is identified for corrective action?**

If a school is identified for corrective action, the LEA must promptly notify the parents of each child enrolled in the school. The notification must explain –

- What the identification means, and how academic achievement levels at this school compare to those at other schools in the LEA and in the SEA.
- Why the school was identified and how they as parents can become involved in addressing the academic issues that led to the identification.
- The parents' option to transfer their child to another school in the LEA that has not been identified for improvement. The LEA must provide parents with information that helps them make an informed decision about whether or not to exercise this option. At a minimum, the LEA must tell parents about the academic achievement level of students at the school or schools to which their child may transfer, but the LEA may choose to include additional information as well. (See also B-6.)
- How parents of eligible children can obtain supplemental educational services for their child. This notice must include information about the availability of providers and brief descriptions of their services, qualifications, and effectiveness. (See also E-4.)

**F-4. What are the responsibilities of the LEA when the SEA and LEA identify a school for corrective action?**

If an SEA and LEA identify a school for corrective action, the LEA must –

- Continue to ensure that all students have the option to transfer;
- Continue to ensure that supplemental educational services are available to eligible students in the school; and
- Continue to provide or provide for technical assistance to the school.

In addition, the LEA must take at least one of the following corrective actions:

- Provide, for all relevant staff, appropriate, scientifically research-based professional development that is likely to improve academic achievement of low-performing students;
- Institute a new curriculum grounded in scientifically based research and provide appropriate professional development to support its implementation;
- Extend the length of the school year or school day;

- Replace the school staff who are deemed relevant to the school not making adequate progress;
- Significantly decrease management authority at the school;
- Restructure the internal organization of the school; or
- Appoint one or more outside experts to advise the school (1) how to revise and strengthen the improvement plan it created while in school improvement status; and (2) how to address the specific issues underlying the school's continued inability to make AYP. §1116(b)(7)(C); §200.42

**F-5. What technical assistance is available to a school in corrective action?**

The LEA must continue to provide technical assistance to a school in corrective action, either directly, through the statewide system of support, or through the use of other entities such as institutions of higher education, educational service agencies, or private organizations. Because being in corrective action is a sign of serious problems with the instructional program of a school, providing technical assistance for a school in corrective action demands a high degree of skill and expertise. The providers of technical assistance should have experience in complex problem analysis; effective, scientifically based curriculum and instruction; and working with teachers to create positive change. (See also D-1.)

**F-6. How does a school exit from corrective action status?**

An LEA may remove a school from corrective action if the school makes AYP, as defined by the State accountability system, for two consecutive years after it is identified.

School Year	School makes AYP (Y/N)
Beginning of 2006-07	Corrective action
By end of 2006-07	Y
Beginning of 2007-08	Corrective action
By end of 2007-08	Y
Beginning of 2008-09	No longer in corrective action

## **SCHOOL RESTRUCTURING**

In some cases, ensuring that all children have the opportunity to achieve requires that the LEA intervene extensively in the functioning of a low-performing school. A school that continues to miss its annual achievement targets for several years is a school where some students have not met state standards in the core academic subjects of reading and mathematics over a sustained

period of time. As a stage in the school improvement process, restructuring requires major changes in a school's operation.

## **G. SCHOOL RESTRUCTURING – YEAR ONE (PLANNING)**

### **G-1. What is restructuring?**

A school that misses its annual achievement targets for five or more years is identified for restructuring. If a school does not make AYP for five years, the LEA must create a plan to restructure the school. If the school does not make AYP for six years, the LEA must implement this plan.

Generally speaking, under NCLB when a school is in *restructuring* status, the LEA must take intensive and far-reaching interventions to revamp completely the operation and governance of that school. Restructuring means a major reorganization of a school's governance structure arrangement by an LEA that:

- Makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school;
- Has substantial promise to improve student academic achievement and enable the school to make AYP as defined by the State's accountability system; and
- Is consistent with State law.

### **G-2. What causes a school to be identified for restructuring?**

A school is identified for restructuring if it does not make AYP after one school year of corrective action.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
Beginning of 2003-04	Year 1, school improvement
By end of 2003-04	N
Beginning of 2004-05	Year 2, school improvement
By end of 2004-05	N
Beginning of 2005-06	Corrective action
By end of 2005-06	N
Beginning of 2006-07	Year 1 restructuring (planning)

### **G-3. What is the timeline for the restructuring process?**

As defined in NCLB, school restructuring is a two-step process. Under the first step, the LEA must prepare a restructuring plan and make arrangements to implement the plan if a school does not meet its AYP targets after one full year of corrective action (fifth year of not making AYP). The second step occurs if, during the school year in

which the LEA is developing the restructuring plan, the school does not make AYP for a sixth year. In this case, the LEA must implement the restructuring plan no later than the beginning of the following school year.

The following example illustrates this timeline: If a school is in corrective action during the 2005-06 school year and during that school year does not meet AYP, it will be identified for restructuring. The first year of restructuring (the planning year) will be the 2006-07 school year. If, once again during that year, the school does not meet AYP, the school will enter its second year of restructuring during the 2007-08 school year, in which the LEA will implement its restructuring plan. §1116(b)(8)

**G-4. What notification requirements apply when a school is identified for restructuring?**

When an LEA identifies a school for restructuring, it must –

- Provide both parents and teachers with prompt notice of the decision;
- Provide both groups with the opportunity to comment before it takes any restructuring action; and
- Invite both teachers and parents to participate in the development of the school’s restructuring plan. §1116(b)(8)(C)

Additional notification required for parents is similar to the notice required when a school enters corrective action. The LEA must notify the parents of all children enrolled in the school and explain –

- What the identification means, and how academic achievement levels at this school compare to those at other schools in the LEA and in the SEA;
- Why the school was identified and how they as parents can become involved in addressing the academic issues that led to the identification;
- Their option to transfer their child to another public school in the LEA that is not identified for improvement, corrective action, or restructuring; and
- The supplemental educational services that are available to eligible children.

**G-5. What action must an LEA take when it identifies a school for restructuring?**

When it identifies a Title I school for restructuring, an LEA must:

- Continue to ensure that all students have the option to transfer to another public school in the LEA that is not identified for improvement, corrective action, or restructuring;

- Continue to ensure that supplemental educational services are available to eligible students; and
- Prepare a plan to implement an alternative governance system for the school. §200.43(b)(1), (2), and (3).

**G-6. What responsibilities does an LEA have to parents of the children in a school that is planning for restructuring?**

The process for developing a restructuring plan must be open and collaborative. As noted in G-4, when a school is slated for restructuring, the LEA must promptly notify parents about both what is being done to improve the school and how parents can be involved in the development of any restructuring plan. The LEA must provide parents and teachers an opportunity to comment before the LEA develops the restructuring plan or takes any restructuring actions. Parents and teachers must also be provided the opportunity to participate in the development of any restructuring plan.

The parental notification requirements, along with the parental involvement provisions of NCLB, encourage LEAs and schools to explore strategies and tools to involve parents as meaningful and effective partners in their child's education. Successful parental involvement approaches develop parents as leaders and equal partners in the schooling process. These approaches do not begin and end when an LEA identifies a school for restructuring.

Parents need to be well informed about the school's progress so they can make good decisions about their child's education. If a school does not make AYP for a fifth year, parents will want to know why, and they should be given information about the extent of the problem and the types of restructuring options the LEA is considering to address the needs of students in the school. One approach is to hold collaborative, face-to-face community outreach meetings with parents to explain the restructuring options under NCLB and the data the LEA is using to make restructuring decisions. The LEA can use this outreach as an opportunity to establish a wider conversation about the school and invite greater parent participation in their child's education — including participation in activities that support the school's student achievement goals. The more transparent schools and LEAs are about student achievement and the overall condition of a school, the more likely that parents will be involved in the school and the public school system.

**G-7. What alternative governance arrangements must an LEA plan to implement?**

The restructuring plan that an LEA prepares must include one of the following "alternative governance" arrangements for the school, consistent with State law:

- Reopen the school as a public charter school;

- Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make AYP;
- Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the school as a public school;
- Turn the operation of the school over to the SEA if this action is permitted under State law and the State agrees; or
- Implement any other major restructuring of the school's governance arrangement that is consistent with the NCLB principles of restructuring. (See H-1.)

The list of available alternative governance arrangements are meant to afford an LEA multiple options so that the LEA can choose the best one to address the needs of students in each identified school. Each option leverages a significant shift in how the school is governed. The purpose of restructuring is for the school to improve its ability to teach *all* children and achieve annual academic performance targets. By achieving this purpose, the school is also removed from restructuring status.  
§1116(b)(8)(B)

**G-8. What constitutes “other major restructuring of the school’s governance” under §1116(b)(8)(B)(v) of NCLB?**

The focus of the school restructuring requirement is on the alternative governance arrangements that an LEA must carry out in a school that does not make AYP for five or more years. In preparing a restructuring plan, §1116(b)(8)(B)(v) permits an LEA to choose “*any other major restructuring of the school’s governance arrangement that makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress.*” This restructuring option provides the LEA the flexibility to choose additional reform solutions that best meet the needs of students in the school and community. Examples of such efforts may include:

- Change the governance structure of the school in a significant manner that either diminishes school-based management and decision making or increases control, monitoring, and oversight of the school’s operations and educational program by the LEA;
- Close the school and reopen it as a focus or theme school with new staff or staff skilled in the focus area (e.g., math and science, dual language, communication arts);
- Reconstitute the school into smaller autonomous learning communities (e.g., school-within-a-school model, learning academies, etc.);
- Dissolve the school and assign students to other schools in the district;

- Pair the school in restructuring with a higher performing school so that K-3 grades from both schools are together and the 4-5 grades from both schools are together; and
- Expand or narrow the grades served, for example, narrowing a K-8 school to a K-5 elementary school.

See G-10 for a broader discussion on non-governance issues that the LEA and school planners must address in planning for restructuring, including assessment, curriculum, professional development, etc.

**G-9. If the restructuring process results in the creation of a new school, may that restructured school be treated like any other new school in the State's accountability system?**

Yes, if in fact the restructured school is legitimately and legally a new school. While most of the restructuring options outlined in section 1116(b)(8)(B) of Title I would not result in the creation of a new school, it is possible that some restructuring options might. If, as a result of restructuring, a school is significantly reconfigured (for example, to serve different students and different grades) and accordingly meets the State's definition of a new school, that school may be treated like any other new school in the State. Depending on the State's operational rules, this may mean starting over on the school improvement timeline.

Some States, in their accountability plans, have indicated operational rules for determining AYP when a new school is created. In some cases, a State derives an AYP determination for the new school based on the scores of students feeding into the school or the AYP determinations of the schools from which the new school is created. In other cases, when an AYP determination cannot be derived, a State starts the new school afresh in the school improvement timeline. How a State treats a new school should depend on the extent to which the school has changed. For example, adding one grade, such as kindergarten, would likely not constitute a new school; however, adding three new grades out of six might. Whether a school is new depends on State law. A State must thus have a definition of what constitutes a new school and have adopted operational rules for how to make AYP determinations for new schools. For example, a State might conclude that a school is new if, among other things, the school attendance area is reconfigured so that the school serves more than 50 percent different students and/or the school serves significantly different grades. Similarly, a State might conclude that a school that converts to a charter school during restructuring is "new" because it has a significantly different population of students who gained admission through a lottery.

If a State has operational rules for determining AYP for new schools that differ from those applied to other schools, the State must amend its accountability plan to provide its definition of a new school and to describe how it determines AYP for new schools, including whether and under what circumstances a restructured school can be considered a new school. If a new school is created during the restructuring process,

we encourage States to require the school to continue to offer supplemental educational services to eligible students, in order to keep them on track to meet high standards.

**G-10. What process should an LEA follow to determine which “alternative governance” option is the right one and matches the reason the school is in year four of improvement?**

In determining which alternative governance option to employ, LEA leaders need to understand how and when each option works to improve student learning based upon the school’s strengths and weaknesses. The restructuring process must be substantial enough to transform and sustain change. The variety and rigor of restructuring options under NCLB allow an LEA to choose one or more “alternative governance” interventions that best address the identified needs of the school and school community. While these restructuring options can be described as discrete and can be categorized into particular types, none should be applied as an isolated quick fix (e.g., a principal change, a replacement of most or all staff, or contracting with an external education management provider). The restructuring intervention will likely not address all of the identified needs of a school and cannot substitute for a coherent plan for systemic change. The intervention the LEA chooses should be viewed as one strategy in a school’s comprehensive plan for improvement.

In choosing an alternative governance option, the LEA and school planners should consider what has occurred in the school that resulted in its being identified for restructuring. Also, the restructuring plan should take into account the actions initiated in prior years. In other words, the actions required under the restructuring plan might be seen as deeper, broader, or more targeted to meet identified needs. For example, the LEA should make distinctions between schools in restructuring status that have experienced some improvement in student achievement and those that do not, and tailor the restructuring interventions accordingly. The LEA should use AYP to target the unique needs of a school’s students to improve its ability to teach *all* children and achieve annual academic performance targets. By achieving this purpose, the school is also removed from restructuring status.

An LEA must also consider that governance changes alone will not likely produce significant changes in student performance without also considering such issues as staff development, curricula, instruction, use of technology, assessment, and other factors that are essential for success. Hiring and retaining qualified teachers and principals who are committed to restructuring can facilitate implementation. A highly skilled principal who is committed to restructuring is critical to authentic change; however, changing school leadership alone will likely not lead to significant change without the new principal being committed to restructuring and having the authority to make staffing and curricula changes. It has also become increasingly clear from research and practice that school leaders alone cannot bring about the desired improvement in the educational system in isolation - the restructuring plan will require the active support and involvement of school and district personnel, parents,

teachers, business and community organizations, State education personnel, governmental agencies and others.

**G-11. What type of “alternative governance option” should be chosen for a school that has been identified solely due to the performance of a specific student subgroup (i.e., students with disabilities, students with limited English proficiency, students who are economically disadvantaged) or solely due to insufficient participation?**

Under NCLB, schools must show AYP in making sure that all students achieve academic proficiency in order to close the achievement gap. Therefore, schools need to be accountable for all students. To achieve that goal, AYP is intentionally designed to identify those areas where schools need to improve the achievement of their students. The ESEA aims to improve the achievement of all students and recognizes that schools must ensure that all student groups receive the support they need to achieve to high standards. By including students with disabilities, students with limited English proficiency, students who are economically disadvantaged, and other student subgroups in the overall accountability system, the law makes their achievement everybody’s business in the school.

The primary goal of the NCLB is to improve academic achievement through high expectations and high-quality education programs. The statute works to achieve that goal by focusing on school accountability, teacher quality, parental involvement through access to quality information and choices about their children’s education, and the use of evidence-based instruction. In determining which alternative governance option the school should implement, LEA and school staff should analyze the causes of why individual students are not learning, identify barriers to learning that affect students, and seek solutions to correct the problems. Planning for restructuring does not necessitate a "one size fits all" response and is intended to stimulate new thinking about how to address such concerns as the professional development needs of teachers, using appropriate instructional approaches, and effective organization and management of instruction. For example, a school undergoing restructuring may not be able to improve instruction without attending to leadership, improve leadership without emphasizing parent involvement, or concentrate on high-quality programs and evidenced-based student interventions without identifying the specific problem areas and underlying causes.

Any Title I school in which any group of students fails to meet the AYP goal must be identified as in need of improvement, and all such schools that are identified are subject to the timeline for improvement required under Section 1116. Regardless of the degree to which a school is not making AYP, an LEA must take actions to address the needs of *all* the school’s students and improve achievement, provide public school choice for all students in any school that is identified for improvement, and provide supplemental educational services for eligible students in schools that continue to not make AYP, as required under Section 1116.

**G-12. NCLB states that small, rural school districts may contact the Secretary of Education for assistance in restructuring. What assistance will the Department provide for such requests?**

The Department has arranged for 21 comprehensive technical assistance centers (16 regional centers and five content centers) to provide technical assistance to small, rural school districts that request assistance from the Department in restructuring the schools that they serve. The new Regional Centers provide frontline assistance to States to help them implement the ESEA and other related Federal school improvement programs and help increase State capacity to assist districts and schools meet their student achievement goals. In addition, the Department funds five Content Centers (Center on Assessment and Accountability, Center on Instruction, Center on Teacher Quality, Center on Innovation and Improvement, and Center on High Schools) that will supply much of the common research-based information, products, guidance, analyses, and knowledge on certain key NCLB topics that the Regional Centers will use when working with States. Information about the comprehensive centers is available at <http://www.ed.gov/programs/newccp/awards.html>.

Further, a school district that meets the statutory requirements (a district that has an average daily attendance of fewer than 600 students and serves only schools with a National Center for Education Statistics locale code of 7 or 8) may participate in the Rural Education Achievement Program (REAP). Under REAP, these districts receive additional flexibility (REAP-Flex) in the use of formula funds they receive under the Improving Teacher Quality State Grants, Educational Technology State Grants, State Grants for Innovative Programs, and Safe and Drug-Free Schools and Communities State Grants programs. Under the REAP-Flex authority, an eligible school district may consolidate and use the funds from the programs mentioned above to carry out activities authorized under Part A of Title I, including school restructuring activities. In addition, rural school districts eligible to use REAP-Flex generally receive a formula allocation under the Small, Rural School Achievement (SRSA) program. An eligible school district could use its award under the SRSA program to support school restructuring activities.

**G-13. Must an LEA continue to provide technical assistance to a school in year one of restructuring?**

The purpose of the restructuring provisions under section 1116(b)(8) is to require an LEA to take strong actions to improve schools that have not made AYP for a number of years. Because the LEA has direct oversight and involvement in the restructuring process, it should provide a school being restructured with ongoing assistance that addresses the identified needs of the school's students and prepares the school and community to implement the restructuring options the LEA has selected to improve the educational opportunities for students. Thus, technical assistance from the LEA is imperative and implicit in the concept of restructuring, even though it is not explicitly required under the statute. The technical assistance provided to a school being restructured should focus on helping the school make substantive and significant changes in its approaches to teaching and learning by emphasizing the use of student

achievement data and research to inform instructional strategies. Additionally, the assistance should help the school with budget allocation, professional development for principals and teachers, and other strategies necessary to ensure the restructuring plan is implemented and sustained in the future.

**G-14. What effect do the school restructuring requirements have on an LEA's collective bargaining agreements?**

Section 1116(d) provides that none of the provisions for school improvement, corrective action, or restructuring for failure to make AYP may reduce the rights or remedies of employees under the terms of a collective bargaining agreement. That section specifically reads as follows:

(d) CONSTRUCTION – Nothing in this section [Title I, Academic Assessment and Local Educational Agency and School Improvement] shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

The provision must be implemented in concert with the purpose of Title I, which is quite clear: “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments.” [Section 6301]. The statement of purpose further declares that this purpose can be accomplished, in part, by “significantly elevating the quality of instruction” and by “holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such school to enable the students to receive a high-quality education.” [Section 6301(10)(4)].

Therefore, an LEA that accepts funds under Title I of the ESEA must comply with all statutory requirements, notwithstanding any terms and conditions of its collective bargaining agreements. Although section 1116(d) does not invalidate employee protections that exist under labor law or under collective bargaining and similar labor agreements, it does not exempt SEAs, LEAs, and schools from compliance with Title I, Part A. It is the Department's view that such agreements should not exempt school officials from any obligations related to the purpose of Title I, or the school improvement, corrective action, or restructuring requirements in section 1116.

State and LEA authorities, as well as State legislatures and local governing boards, need to ensure that changes in State and local laws are consistent with Title I requirements and that any changes to collective bargaining agreements or new agreements are also consistent with Title I.

**G-15. In light of collective bargaining agreements and employee protections, what are suggested alternatives to replacing staff that may be contributing to the school being identified for restructuring?**

Replacing all or most of the school staff is only one of several restructuring options available to an LEA, and there is a great deal of flexibility in how to implement this option. For example, in carrying out a restructuring plan, some LEAs, in conjunction with putting a new principal in place, require all staff to reapply for their positions and to be part of the restructuring process, or to apply for a position in another school in the district. In other districts, LEA staff and unions have worked together to include provisions in their contracts to compensate teachers for working longer school days and longer school years as part of a restructuring arrangement.

An LEA may also use Title I, Part A and Title II, Part A funds to provide financial incentives and rewards to teachers in schools in restructuring status. An LEA may provide, where appropriate under section 1113(c)(4) of the Title I statute, not more than five percent of its Part A allocation for financial incentives and rewards to teachers who serve students in Title I schools identified for school improvement, corrective action, and restructuring, for the purpose of attracting and retaining qualified and effective teachers.

An LEA may use Title II, Part A funds to develop and implement strategies and activities to recruit, hire, and retain highly qualified teachers and principals. These strategies may include (a) providing monetary incentives such as scholarships, signing bonuses, or differential pay for teachers in academic subjects or schools in which the LEA has shortages; (b) reducing class size; (c) recruiting teachers to teach special needs children, including students with disabilities; and (d) recruiting qualified paraprofessionals and teachers from populations underrepresented in the teaching profession, and providing those paraprofessionals with alternate routes to obtaining teacher certification. (See Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, August 3, 2005)

**G-16. How does a school that is planning for restructuring or implementing a restructuring action exit restructuring status?**

Under 34 C.F.R. 200.43(c)(2), a school that is in restructuring status (e.g. during the 2006-07 school year) and makes AYP for two consecutive years (e.g. based on achievement data for the 2006-07 and 2007-08 school years) may exit that status. This is the same rule that applies to Title I schools at any stage of the school improvement process.

The exception to this rule would be, as a result of restructuring, a school is significantly reconfigured to serve different students and different grades, and accordingly meets the State's definition of a "new school." This new school may be treated like any other new school in the State. Depending on the State's operational rules, this may mean removing the school from restructuring status and starting over on the school improvement timeline. (See also G-9.)

## **H. SCHOOL RESTRUCTURING – YEAR TWO (PLAN IMPLEMENTATION)**

### **H-1. What causes a school to enter year two of restructuring?**

If a school identified for restructuring does not meet AYP during the planning year, the school must be identified for year two of restructuring. During year two, the LEA must implement the restructuring plan it has created for the school.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
Beginning of 2003-04	Year 1, school improvement
By end of 2003-04	N
Beginning of 2004-05	Year 2, school improvement
By end of 2004-05	N
Beginning of 2005-06	Corrective action
By end of 2005-06	N
Beginning of 2006-07	Year 1 restructuring (planning)
By end of 2006-07	N
Beginning of 2007-08	Year 2 restructuring

### **H-2. What action must the LEA take when one of its schools is identified for year two of restructuring?**

If, after being identified for restructuring for one school year and continuing to receive technical assistance, a school still does not make AYP, the LEA must implement the restructuring plan no later than the beginning of the school year following the year in which the school was in the first year of restructuring. For example, if the school is in year one of restructuring during the 2006-07 school year and does not make AYP, the implementation of the restructuring plan must take place during the 2007-08 school year. §200.33(a)

During the implementation of the plan, the LEA must also –

- Continue to provide all students with the option to transfer to another school in the LEA that is not identified for improvement, corrective action, or restructuring; and
- Continue to make supplemental educational services available to eligible students. §200.43(b)(1), (2), and (3)

### **H-3. What notification requirements apply when a school is identified for year two of restructuring?**

Additional notification required for parents is similar to the notice required when a school enters corrective action or year one of restructuring. The LEA must notify the parents of all children enrolled in the school and explain –

- What the identification means, and how academic achievement levels at the school compare to those at other schools in the LEA and in the SEA;
- Why the school has been identified and actions taken by the school and the LEA to address the problems that led to the school's identification;
- How parents can become involved in addressing the academic issues that led to the identification and a description of the parental involvement opportunities available to parents;
- Options available to parents to transfer their child to another public school in the LEA that is not identified for improvement, corrective action, or restructuring; and
- The supplemental educational services that are available to eligible children. (See also E-3 and G-4) §200.37; §200.38; §200.43

**H-4. What technical assistance must the LEA provide, or provide for, while the school is in year two of restructuring?**

Because the restructuring options under NCLB are designed to change schools significantly, implementation is complex. All require adjustments to schools' financial operations, and some may require additional resources, particularly if the school must train staff to work together in new ways.

During year two of restructuring, while the LEA's plan is being implemented, the LEA should continue to provide the school with quality technical support and assistance that address the complexities of implementation. This assistance will be especially valuable in helping the school staff to remain focused on increasing student achievement while the school is adjusting to potentially radical alterations to its administrative and governance structures.

**H-5. Must a school identified for restructuring spend not less than 10 percent of its allocation of Title I, Part A funds for professional development?**

No. Section 1116(b)(3)(A)(iii) of the ESEA only requires a school identified for improvement to spend not less than 10 percent of its allocation of Title I, Part A funds for high-quality professional development for each fiscal year that the school is in improvement. The statute does not require a school identified for corrective action or restructuring to spend not less than 10 percent of its Title I, Part A funds for professional development. However, because professional development is another critical linchpin in the restructuring process, the LEA and school planners should consider how Title I funds, along with other Federal, State, and/or local resources,

can be used to support high-quality professional development that is directly connected to the reform efforts identified in the school's restructuring plan. As such, because it is permissible under ESEA for a school identified for restructuring to use part of its allocation of Title I, Part A funds for high-quality professional development, schools should be encouraged to do so.

**H-6. If a school completes two years of restructuring, what is its status relative to the school improvement timeline?**

A school that undergoes the restructuring process for two years (one year of planning and one year of implementation) continues to be accountable for the academic achievement of its students. Although it might have a changed curriculum, different staff, and/or a radically different governance structure, the restructured school must continue to offer choice and supplemental services until it makes AYP for two consecutive years.

The exception to this rule would be, as a result of restructuring, a school is significantly reconfigured to serve different students and different grades, and accordingly meets the State's definition of a "new school." This new school may be treated like any other new school in the State. Depending on the State's operational rules, this may mean removing the school from restructuring status and starting over on the school improvement timeline. (See also G-9.)

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
Beginning of 2003-04	Year 1, school improvement
By end of 2003-04	N
Beginning of 2004-05	Year 2, school improvement
By end of 2004-05	N
Beginning of 2005-06	corrective action
By end of 2005-06	N
Beginning of 2006-07	Year 1 restructuring (planning)
By end of 2006-07	N
Beginning of 2007-08	Year 2 restructuring
By end of 2007-08	Y
Beginning of 2008-09	Year 3 restructuring
By end of 2008-09	Y
Beginning of 2009-10	No longer in restructuring

**H-7. What are the expectations after a school has been restructured?**

Because restructuring is only one part of an integrated improvement process, best practices suggest that LEA and school planners should rigorously monitor the implementation and effectiveness of all the school's improvement activities and make changes as needed to ensure that the strategies are contributing to the desired outcome of improved and sustained student achievement. Schools that have been restructured must continue to offer choice and supplemental educational services until they exit restructuring status. (See also G-5.) Further, the LEA should continue to provide technical assistance to the school to ensure that the necessary support is available to increase the potential for sustained improvement and success.

**H-8. Does the LEA or school need to submit some type of report or a plan to the SEA describing how the school has been restructured?**

Under the statute, LEAs are responsible for implementing an alternative governance arrangement and therefore, are the first line in the decision-making process. The ESEA does not require the LEA or a school to submit to the SEA a restructuring plan or a report describing the alternative governance arrangements the LEA is implementing in a school identified for restructuring. However, the SEA, under its general authority to ensure that Title I of the ESEA is implemented according to the statute, has significant authority to ensure that alternative governance arrangements are implemented in ways that are most likely to get good results. Under this general authority, the SEA may choose to have more significant involvement in district decision-making, such as by collecting and reviewing plans or participating in plan development, modification, and monitoring.

Under specific circumstances, the SEA must intervene and take appropriate actions to carry out its responsibilities under section 1116(b)(14) of the ESEA. For example, should the SEA determine that the LEA failed to develop and implement a plan for a school identified for restructuring, as a corrective action the SEA could require the LEA to develop and submit the plan and related progress reports to the State for review and approval. (See also H-10.)

The SEA must also ensure that the LEA is implementing a restructuring plan that contains fundamental reforms that have substantial promise to improve student academic achievement and enable a school to make AYP.

**H-9. Are SEAs expected to monitor restructured schools through the State's compliance monitoring process?**

Yes. Section 9304(a)(1) of the ESEA requires that an SEA assure, as a part of its consolidated State application, that each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications. Section 9304(a)(3)(B) further states that States will adopt and use proper methods of administering such programs, including the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.

Section 80.40 of the Education Department General Administrative Regulations (EDGAR) states that grantees are responsible for managing the day-to-day operations of grants and of subgrant-supported activities. Grantees must monitor grants and subgrant-supported activities to ensure compliance with applicable Federal requirements and that performance goals are being achieved.

While the statute does not specifically identify the components of a monitoring system, including the methods to be used in conducting monitoring, the Department's expectation is that the most critical elements of the Title I program will be monitored. Since schools in restructuring are the schools in greatest need in an LEA, the SEA is expected to include a review of these schools in its monitoring process to help ensure that these schools make substantial progress in meeting NCLB accountability requirements.

**H-10. Are there consequences if an LEA does not undertake required planning for schools in Restructuring Year 1 or implementing restructuring plans for schools in Restructuring Year 2?**

Any Title I school in which any group of students fails to meet the AYP goal must be identified as in need of improvement, and all such schools that are identified are subject to the timeline for improvement, corrective action, and restructuring as required under Section 1116. Regardless of the degree to which a school is not making AYP, an LEA must take actions to address the needs of the school and improve student achievement. The statute stipulates specific actions an LEA must take when it identifies a school for restructuring. (See also H-1 and G-5.)

States are responsible for ensuring that LEAs with schools subject to restructuring begin planning for restructuring and implement their restructuring plan according to the timeline in the statute. Section 1116(b)(14)(B) of the ESEA specifies that if the SEA determines that an LEA fails to carry out its responsibilities under the statute, such as not beginning to plan or implementing its restructuring plan according to the required timeline, the SEA must intervene and take appropriate actions to correct the situation, in compliance with State law. As such, States have a wide range of tools to enforce the statute, including (1) the assignment of a State support team to the school, (2) collecting and reviewing plans and progress reports, and (3) withholding of funds.

**H-11. What information and resources are available to help district and State leaders choose the best restructuring option for each school? Where can LEAs and schools access information about school restructuring?**

States, LEAs, and schools may wish to consult the following resources sponsored by the Department to seek information and materials about school improvement interventions and the effectiveness of particular improvement strategies or designs. *The examples provided should not be viewed as the "only" or the "best" resources available.* They are provided to help SEAs, LEAs, and schools consider the range of options available and to stimulate thinking about school restructuring in the context of creating high-performing schools.

- The **[Center for Comprehensive School Reform and Improvement](http://www.centerforcsri.org/)** (<http://www.centerforcsri.org/>) houses an online research center that includes a database of useful articles and research reports on whole-school reform and improvement, and provides access to information about reform models, technical assistance providers, and program evaluation. The Center, in conjunction with the **[North Central Regional Educational Laboratory](#)**, has developed a series white papers identifying best research practices about the NCLB restructuring options. These resources, *School Restructuring Options Under No Child Left Behind — What Works When*, are available as follows:
  - *Reopening as a Charter School*  
(<http://www.ncrel.org/csri/resources/ncrel/knowledgeissues/Reopening.pdf>)
  - *Turnarounds with New Leaders and Staff*  
(<http://www.ncrel.org/csri/resources/ncrel/knowledgeissues/Turnarounds.pdf>)
  - *Contracting with External Providers*  
(<http://www.ncrel.org/csri/resources/ncrel/knowledgeissues/Contracting.pdf>)
  - *State Takeovers*  
(<http://www.ncrel.org/csri/resources/ncrel/knowledgeissues/Takeovers.pdf>)
- The Department has arranged for 21 **comprehensive technical assistance centers** (16 regional centers and five content centers) to provide technical assistance to States in their work with LEAs and schools to close achievement gaps in core content areas and raise student achievement in schools. The 16 Regional Centers provide frontline assistance to States to help them implement the ESEA and other related Federal school improvement programs and help increase State capacity to assist districts and schools meet their student achievement goals. In addition, the Department funds five Content Centers (Center on Assessment and Accountability, Center on Instruction, Center on Teacher Quality, Center on Innovation and Improvement, and Center on High Schools) that will supply much of the common research-based information, products, guidance, analyses, and knowledge on certain key NCLB topics that Regional Centers will use when working with States. The Center on Innovation and Improvement, for example, will gather data and other information on districts and schools that are making sustained gains to identify the strategies that are proving to be successful in improvement efforts. Information about the comprehensive centers program is available at <http://www.ed.gov/programs/newccp/awards.html>.
- The Department's Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA) provides national leadership in promoting high-quality education for the nation's population of limited English proficient students. OELA funds a **National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA)** that provides

resources about various elements of school reform in programs designed to assist language minority students. These include an emphasis on high academic standards, school accountability, professional development, family literacy, early reading, and partnerships between parents and the communities. For more information visit <http://www.ncela.gwu.edu/oela/>.

- The Technical Assistance Alliance for Parent Centers supports a unified technical assistance system for the purpose of developing, assisting and coordinating Parent Training and Information Projects and Community Parent Resource Centers under the Individuals with Disabilities Education Act (IDEA). This project is funded by the Department's Office of Special Education Programs and consists of one national center and six regional centers. The project is funded to strengthen the connections to the larger technical assistance network and fortify partnerships between parent centers and State education systems at the regional and national levels. The website has a link to scientifically based research resources. For more information visit <http://www.taalliance.org/>.
- The **What Works Clearinghouse (WWC)** (<http://www.whatworks.ed.gov>) provides access to comprehensive reports reviewing evidence of effectiveness of educational interventions. The WWC collects, screens, and identifies studies of the effectiveness of educational interventions (programs, products, practices, and policies).

## **ANNUAL REVIEW OF LEA PROGRESS**

Because LEAs are the primary conduits for implementing school-level accountability, it is especially important that the SEA monitor their progress, provide them with assistance, and intervene in their operation when necessary. The ESEA and its regulations provide a detailed description of the State's oversight role, which includes monitoring not only progress on measures of student academic proficiency, but also LEA activities regarding technical assistance, professional development, and parental involvement.

### **I. LEA REVIEW PROCESS**

#### **I-1. Why does the SEA annually review all LEAs in the State?**

The SEA must annually review the progress of each LEA in the State that receives funds under Title I, Part A to determine whether the schools served by the LEA are making adequate progress in meeting the State's student academic achievement standards. The SEA also considers the graduation rate for high schools and the one or more other academic indicators as defined by the State for elementary and middle schools.

This review focuses primarily on the results of State-administered academic assessments in each school and the LEA to determine whether all defined subgroups met annual measurable objectives and student participation targets. However, the SEA review also determines whether an LEA is carrying out its responsibilities with

respect to school improvement, technical assistance, parental involvement, and professional development. If the State determines that the LEA is not making adequate progress, it must identify the LEA for improvement. §200.50(a)(1)(i)

**I-2. Does the SEA review LEAs that do not receive Title I, Part A funding?**

Yes. The ESEA, as amended by the NCLB of 2001, requires that the SEA annually review the progress of all LEAs as a part of the State's single, statewide accountability system.

**I-3. Should an LEA examine the data that the SEA reviews?**

Yes. LEAs can and should analyze the data the SEA reviews and apply the findings to the development of improvement strategies. The data provide a consistent set of criteria by which an LEA can assess not only individual schools but also the LEA's overall performance. The findings can be used to shape LEA policies and procedures, especially those that affect curriculum, management, and budget allocation.

**I-4. If, after conducting its review, the SEA proposes to identify an LEA for improvement, must the LEA be given an opportunity to review the data?**

Yes. Before identifying an LEA for improvement, the SEA must provide the LEA with an opportunity to review the data on which it has based the proposed identification. If the LEA believes that the proposed identification is in error for statistical or other substantive reasons, the SEA must consider any supporting evidence that the LEA provides to refute the identification. The SEA must make a final determination regarding the identification of the LEA no later than 30 days after the LEA is notified of the pending action. §1116(c)(5)

**I-5. What notification requirements apply during the LEA review and after the results of the review are determined?**

Throughout the LEA review process the SEA must communicate with parents, ensuring that it provides information in an understandable and uniform format, including alternative formats upon request; and to the extent practicable, in a language that parents can understand. The SEA must provide information to the parents of each student enrolled in a school served by the LEA both directly, through regular or e-mail, and indirectly, using the Internet, the media, or public agencies serving the student population and their families. If the SEA does not have access to individual student addresses, it may distribute information through the LEA or schools.

Once the LEA review is completed, the SEA must promptly publicize and disseminate the results to the LEAs, school staffs, the parents of each student enrolled in a school served by the LEA, students, and the community. (See also J-3.)

**I-6. If, after conducting its review, an SEA determines that an LEA has exceeded its annual AYP objectives for two consecutive years, may it reward the LEA?**

Yes. A reward structure for LEAs and schools that make significant progress toward reaching the long-term goal of proficiency in core academic subjects of reading/language arts and mathematics by 2013-14 is an integral part of every State's accountability plan. Toward that end, the SEA may reserve funds to reward LEAs that have met their annual targets for two consecutive years. The SEA may reserve for these rewards up to five percent of the excess allocation it receives; this excess is defined as the positive difference between a State's Title I, Part A allocation in one fiscal year and its allocation for the previous fiscal year. §1116(c)(2), §1117(b), and (c)(2)

## **LEA IMPROVEMENT**

### **J. LEA IMPROVEMENT – YEARS ONE AND TWO**

**J-1. Which LEAs must an SEA identify for improvement?**

The SEA must identify for improvement any LEA that, for two consecutive years, does not make adequate progress as defined by the State's accountability system. §200.50(d)

**J-2. What approaches are States using to identify LEAs for improvement?**

There are five approaches that States are using to identify LEAs for improvement and to move LEAs forward in the school improvement timeline to corrective action. In each option, a "miss" of AYP could be by all students or students in any subgroup in either the proficiency target or participation rate. Additionally, when calculating safe harbor, the student group that did not make AYP must reduce the percentage of students scoring below proficient by 10 percent and make progress on the other academic indicator. Beginning on the next page, each of the five approaches is described, with examples.

The Department requests that each State ensure its accountability workbook clearly lays out the policy that it is implementing for identifying LEAs for improvement and, if necessary, submit an amendment to the Department to do so.

*Five Approaches to Identity LEAs for Improvement*

1. **Any Subject, Any Grade Span:** An LEA is identified for improvement when it misses AYP in **any** of its achievement targets (i.e., in reading/language arts, mathematics or the other academic indicator) in any grade span for two consecutive years.

*Example 1*

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1							X		
Year 2	X								
In Year 1, the LEA did not make AYP in the elementary other academic indicator. Under this approach, to be identified for improvement the LEA would have to miss <b>any</b> AYP target in <b>any</b> grade span the following year to be identified for improvement. Since the LEA missed the elementary reading target, the LEA is identified for improvement.									

NOTE: “x” indicates the LEA missed AYP in the category. “O.A.I.” is the other academic indicator.

*Example 2*

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1			X						
Year 2					X				
In Year 1, the LEA did not make AYP in high school reading. Under this option, to be identified for improvement the LEA would have to miss <b>any</b> AYP target in <b>any</b> grade span the following year to be identified for improvement. Since the LEA missed the middle school math target, the LEA is identified for improvement.									

2. **Same Subject, Any Grade Span:** An LEA is identified for improvement when it misses AYP in the *same subject in any grade span* for two consecutive years, or misses the other academic indicator *in any grade span* for two consecutive years.

*Example 3*

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1							X		
Year 2									X
In Year 1, the LEA did not make AYP in the other academic indicator at the elementary level. Under this option, to be identified for improvement the LEA would have to miss in the other academic indicator at any grade level or graduation rate. The second year, the LEA missed its other academic indicator target at the middle school level and is identified for improvement.									

*Example 4*

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1			X						
Year 2						X			
In Year 1, the LEA missed the AYP target in high school reading. To be identified for improvement, the LEA would have to miss its AYP target in any grade span in reading. In the second year, the LEA is reported as missing AYP, however the LEA is <b>not</b> identified for improvement.									

3. **Same Subject, Same Grade Span:** An LEA is identified for improvement only when it misses AYP in the *same subject and same grade span* for two consecutive years, or misses the other academic indicator in the *same grade span* for two consecutive years.

Example 5

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1									X
Year 2									X

In Year 1, the LEA missed the AYP target for graduation rate. To be identified for improvement, the LEA would need to miss the AYP target in the **same** subject and **same** grade span (graduation rate) in Year 2. In this example, the LEA missed AYP in graduation rate for two consecutive years, and thus, the LEA is identified for improvement.

Example 6

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1			X						
Year 2			X						

In this example, the LEA has missed AYP in the same subject (reading) and same grade span (high school) for two consecutive years. Thus, the LEA is identified for improvement.

Example 7

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1				X					
Year 2					X				

In Year 1, the LEA missed AYP in elementary mathematics. Under this option, the LEA would have to miss AYP in the **same** subject and **same** grade span (elementary mathematics) again in Year 2 to be identified for improvement. Since the LEA made the AYP target in elementary math during Year 2, it did miss AYP in the **same** subject, but not in the **same** grade span. Thus, while the LEA is reported as missing AYP, it is not identified for improvement.

4. **Same Subject, All Grade Spans:** An LEA is identified for improvement only when it misses AYP in the *same subject* and in *all grade spans* for two consecutive years, or the other academic indicator in *all grade spans* for two consecutive years.

Example 8

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1	X	X	X						
Year 2	X	X	X						

In this example, the LEA has missed AYP in the **same** subject (reading) across **all** grade spans for two consecutive years. Thus, the LEA would be identified for improvement.

Example 9

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1							X	X	X
Year 2							X	X	X

In Year 1, the LEA has missed AYP across all grade spans in the other academic indicator. In the following year, the LEA again missed the other academic indicator across **all** grade spans thus identifying the LEA for improvement.

Example 10

	Elem. Reading	Middle Reading	H.S. Reading	Elem. Math	Middle Math	H.S. Math	Elem. O.A.I.	Middle O.A. I.	Grad Rate
Year 1		X	X	X	X	X			X
Year 2	X		X		X			X	

In this example, the LEA missed AYP in mathematics across **all** grade spans. To be identified for improvement, the LEA would have to miss AYP across **all** grade spans in the **same** subject, mathematics, in Year 2. While the LEA missed AYP in middle school mathematics, it did not miss the AYP targets across **all** grade spans in mathematics for Year 2. The LEA made the elementary and high school math targets. Thus, under this option, the LEA is not identified for improvement, but will be reported as missing AYP.

5. A State may adopt some combination of the policies listed above to identify LEAs for improvement. For example, a State may identify LEAs for improvement that miss AYP in the same subject in all grade spans for two consecutive years. However, a State may believe that, if an LEA misses its graduation rate target for two consecutive years it should be identified for improvement, without having to miss AYP in the other academic indicator at the elementary and middle school levels. If a State desires to have such a policy it must submit an amendment to the Department and clearly articulate this policy.

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**J-3. Is it possible for an LEA to be identified for improvement even if none of its schools are so identified?**

Yes, it is possible for an LEA to be identified for improvement even if none of its schools is identified. Adequate yearly progress for an LEA is determined by aggregating the results of academic achievement measures in reading/language arts and mathematics, student participation rates in these assessments, graduation rates, and, for elementary and middle schools, rates of progress for at least one other State-determined academic indicator. Tested subgroups that are not large enough to meet the minimum group size at an individual school will, in many cases, reach or surpass that number at the LEA level, and thus be included in the calculation of whether or not the LEA has made adequate progress.

For example, a State may have decided on a minimum group size of 30 for any subgroup included in the accountability system. If an LEA within that SEA has two elementary schools, each of which has 20 limited English proficient (LEP) students, then neither school has enough LEP students for their assessment scores to be included in the school's accountability determination. However, when aggregated at the LEA level, there are assessment results for 40 LEP students (10 more than the minimum 30). In this case, the LEA would be held accountable for the progress of LEP students as a subgroup.

**J-4. What notification requirements apply if an SEA identifies an LEA for improvement?**

If an SEA identifies an LEA for improvement, the SEA must promptly notify the parents of each student enrolled in the schools served by that LEA. In the notification, the SEA must explain the reasons for the identification and how parents can

participate in improving the LEA. The SEA must also tell these parents, and the public, what corrective actions it will take to improve the LEA.

The SEA must notify parents of its action in clear and non-technical language, providing information in a uniform format, and in alternative formats upon request. When practicable, SEAs must convey this information to limited English proficient parents in written translations that they can understand. If that is not practicable, the information must be provided in oral translations for these parents. In addition to notifying those directly connected with the LEA, the SEA must broadly disseminate its findings, using means such as the Internet, the news media, and public agencies. §1116(c)(6); §200.51(c)(d)

**J-5. If the SEA identifies an LEA for improvement, what actions must the LEA take?**

If the SEA identifies an LEA for improvement, the LEA must develop or revise an improvement plan, no later than three months after the identification. In developing or revising this plan, the LEA must consult with parents, school staff, and others. §200.52

**J-6. What is the purpose of the LEA improvement plan?**

The purpose of the LEA improvement plan is to address the deficiencies in the LEA that prevent students in its schools from achieving proficiency in the core academic subjects of reading and mathematics. Improving the centralized leadership structure of a school district is difficult and complex work. The improvement plan must analyze and address LEA insufficiencies as they relate to leadership for schools, governance and fiscal infrastructures, and curriculum and instruction. The plan-writing process should result in a determination of why the LEA's previous efforts to improve were ineffective and a framework of detailed action steps to improve on those efforts.

**J-7. What components must the LEA improvement plan contain?**

The purpose of the LEA plan is to improve student achievement throughout the LEA. Therefore, the plan overall must identify actions that, if implemented, have the greatest likelihood of accomplishing this goal.

Specifically, the plan must:

- Address the fundamental teaching and learning needs of schools in the LEA, especially the academic problems of low-achieving students;
- Define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the State's definition of AYP;

- Incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic subjects;
- Include, as appropriate, student learning activities before school, after school, during the summer, and during any extension of the school year;
- Provide for high-quality professional development for instructional staff that focuses primarily on improved instruction;
- Include strategies to promote effective parental involvement in the schools served by the LEA; and
- Include a determination of why the LEA's previous plan did not bring about increased student academic achievement.

The plan must also specify the fiscal responsibilities of the LEA and detail the required technical assistance that the SEA will provide. §1116(c)(7)(A); §200.52

**J-8. What is the implementation timeline for the LEA improvement plan?**

The LEA must implement its improvement plan, whether new or revised, expeditiously, but no later than the beginning of the school year immediately following the year in which the assessments were administered that resulted in the LEA's identification for improvement by the SEA. For example, if the LEA does not make AYP during the 2002-03 and 2003-04 school years, it will be identified for improvement and enter improvement status beginning with the 2004-05 school year, at which time it must implement its improvement plan. §1116(c)(7)(B)

**J-9. What is the source of funding for the high-quality professional development required when the LEA is identified for improvement?**

When an LEA is identified for improvement, it must reserve not less than 10 percent of its Title I, Part A funds for high-quality professional development for instructional staff that is specifically designed to improve classroom teaching. The LEA must continue to reserve and use these funds for this purpose during each fiscal year it is identified for improvement.

LEAs may include in this 10 percent total the Title I, Part A funds that schools within the LEA reserve for professional development when they are in school improvement status. However, the LEA may not include in the total any part of the funds designated to help teachers who are not highly qualified become highly qualified, as specified in section 1119(l) of the ESEA. §1116(c)(7)(A)(iii)

**J-10. Must the SEA provide technical assistance to an identified LEA?**

Yes. If requested, the SEA must provide or arrange for the provision of technical or other assistance to the LEA identified for improvement. §1116(c)(9)(A)

**J-11 In what areas should the SEA provide technical assistance?**

The technical assistance provided by the SEA must apply effective methods and instructional strategies grounded in scientifically based research and be of the nature to help the LEA to:

- Develop and implement its required plan;
- Work more effectively with its schools identified for improvement; and
- Address problems the LEA may have with implementing parental involvement measures and providing high-quality professional development. §1116(c)(9)(B); §200.52

**J-12. How does an LEA exit from improvement status?**

If, after being identified for improvement, an LEA makes AYP for two consecutive years, the SEA need no longer identify the LEA for improvement. For example, if an LEA is in improvement status for the 2003-04 school year, but at the end of that year makes AYP and goes on to make AYP at the end of the 2004-05 school year, it will not be in improvement status during the 2005-06 school year. §200.50(h)

**K. LEA CORRECTIVE ACTION****K-1. What is corrective action as it applies to an LEA?**

Corrective action is the collective name given to steps taken by an SEA that substantially and directly respond to serious instructional, managerial, and organizational problems in the LEA that jeopardize the likelihood that students will achieve proficiency in the core academic subjects of reading and mathematics. (See also K-6.)

**K-2. What causes an LEA to be identified for corrective action?**

The SEA must take corrective action if an LEA does not make adequate progress by the end of the second full school year it has been identified for improvement. However, because the healthy functioning of the LEA is so crucial to school and student academic success, the SEA may, at any time during the improvement process, identify an LEA for corrective action. §1116(c)(10)

**K-3. Must the SEA provide prior notice and a hearing before it identifies an LEA for corrective action?**

If State law provides for a notice and hearing, the SEA that identifies an LEA for corrective action must notify the LEA and provide it with a public hearing no later than 45 days following the SEA's decision. §1116(c)(10)(D)

**K-4. Are there any circumstances under which the SEA can delay the implementation of corrective action in an LEA?**

An SEA may choose to delay LEA identification for corrective action if the LEA makes AYP for one year. Otherwise, only extreme circumstances justify a delay, such as a natural disaster, precipitous and unforeseen decline in the financial resources of the LEA, or other exceptional or uncontrollable circumstances. In any case, if the SEA chooses to delay identification, it may do so for only one year and in subsequent years must apply appropriate sanctions as if the delay never occurred. §1116(c)(10)(F)

**K-5. Must the SEA notify the public when an LEA is identified for corrective action?**

Yes. When it identifies an LEA for corrective action, the SEA must follow the same notification process it used when identifying the LEA for improvement. (See J-3.) §1116(c)(10)(E)

**K-6. What actions must the SEA take in an LEA that it identifies for corrective action?**

If the SEA identifies an LEA for corrective action, the SEA must: (1) continue to ensure that the LEA is provided with technical assistance; and (2) take at least one of the following corrective actions, as consistent with State law:

- Defer programmatic funds or reduce administrative funds;
- Institute and fully implement a new curriculum based on State and local content and academic achievement standards that includes appropriate, scientifically research-based professional development for all relevant staff;
- Replace LEA personnel who are relevant to the inability of the LEA to make adequate progress;
- Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision;
- Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board; and/or
- Abolish or restructure the LEA.

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In conjunction with at least one of the actions on this list, the SEA may also authorize parents to transfer their child from a school operated by the LEA to a higher-performing public school operated by another LEA that is not identified for improvement or corrective action. If it offers this option, the SEA must also provide transportation or provide for the cost of transportation to the other school.  
§1116(c)(10)(C)

**K-7. How does an LEA exit from corrective action status?**

An LEA may exit from corrective action status when it makes adequate progress for two consecutive years following its identification for corrective action.

**Appendix A**

The chart below illustrates the relationship of school improvement, corrective action, and restructuring, and the possible consequences for a single school as it moves through the school improvement process.

**AYP** = Adequate Yearly Progress; **SI** = School Improvement, Year 1 and Year 2; **CA** = Corrective Action; **R** = Restructuring, Year 1 and Year 2

