

## ***Requirements for Local Educational Agencies with Program Improvement Schools***

### **Year 3 Corrective Action Year**

The state educational agency (SEA) and the local educational agency (LEA) must identify for corrective action a Program Improvement (PI) school that for two consecutive years has not made Adequate Yearly Progress (AYP). According to the federal guidance, corrective action identification means that the LEA needs to take greater control of the school's management and that more radical action is needed to improve learning conditions and to increase the likelihood that all students enrolled in the school will become proficient in reading and math.

#### **A. LEA Notification Requirements**

Promptly notify the parents of each child enrolled in the school that the school has been identified for corrective action.

Explain to parents:

- What the identification means and how academic achievement levels at this school compare to those at other schools in the LEA and statewide.
- Why the school was identified and how they, as parents, can become involved in addressing the academic problems at the school.
- The parents' option to transfer their children to another non-PI school in the LEA, with paid transportation. The LEA must provide parents with information that helps them make an informed decision, including the academic achievement data for the schools to which a child can transfer.
- The availability of supplemental educational services for their children. The information must include a list of approved providers along with their contact information.
- What the school is doing to address the problem of low achievement.
- What the LEA or SEA is doing to address the problem of low achievement.
- The corrective action the LEA has chosen to take from the options available in law.

The notification must be written in a format that is easy to understand and, to the extent possible, in a language(s) that parents can understand.

#### **B. Continuing LEA Responsibilities**

- Continue to provide school choice with paid transportation for all students enrolled at the school.
- Continue to provide supplemental educational services for eligible students at the school.

### **C. Corrective Action to Be Taken By The LEA**

The LEA, with approval from the local school board, must take *at least one* corrective action as promptly as possible during Year 3. The options listed below are identified in *NCLB*, Title I, Part A, Section 1116(b)(7)(C) or in federal non-regulatory guidance. The LEA should select one or more corrective action(s) that will best address academic failure, lead to improved student achievement, and address the underlying staffing and curriculum problems at the school.

#### ***Possible corrective actions:***

1. **Implement a new curriculum** that is based on scientifically based research and aligned to the state content standards, and **provide appropriate professional development for all relevant school staff.**

Professional development activities can include training for teachers in areas such as:

- The alignment of classroom instruction to academic content standards and assessments
- Scientifically based instructional strategies in core academic areas
- The analysis and use of school- and classroom-level student data to inform instruction
- Effective strategies to engage parents as partners with teachers in the education of students.

Attachment B, "A Focus for Instructional Improvement in California," provides additional suggestions for implementing a new curriculum.

2. Significantly **decrease management authority at the school level** so that the LEA has more direct involvement in decisions such as:

- Staff assignments
- Selection of curriculum and instructional materials
- Use of instructional time
- Use of assessment results
- Reallocation of the school budget to fund effective improvement activities
- Selection of professional development activities.

LEAs may give direct technical assistance to school site councils on the development of school plans in these areas.

3. **Appoint an outside expert** to advise the school about how to address the academic failure and refine its school plan.
4. **Extend the school year or school day** so that students have more time with the curriculum.

5. **Restructure the internal organization** of the school. This may include:
  - The use of innovative and collaborative school leadership models that involve administrators, teachers, and parents in decision-making roles.
  - Teacher collaborative models that use teachers as instructional leaders, mentors, and/or coaches to other teachers.
  - Comprehensive parental involvement models.
  - Other restructuring that addresses the underlying staffing and/or instructional problems at the school.
6. **Reassign/replace the school staff** who are relevant to the school's failure to make AYP; this step may include the principal.

NCLB specifically provides that corrective action shall not *“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.”* (NCLB, Section 1116(d))

If the determination is made to replace an employee at a school identified for corrective action on the basis of unsatisfactory performance, the employee must be afforded all the rights of statutory and contractual due process.

In addition, the LEA should ensure that the school has a substantial number of fully credentialed teachers and has a plan for staffing all classrooms with credentialed teachers by 2005-06, although this is not considered to be a corrective action.

#### **D. LEA Technical Assistance**

The LEA must continue to provide technical assistance to a school in corrective action either directly, through the RSDSS, or through the use of other entities such as the Comprehensive Assistance Centers (CACs), institutions of higher education, county offices of education, SAIT providers, or private organizations.

The LEA may choose to contract with a School Assistance Intervention Team (SAIT) provider or work with a county office of education in their RSDSS region to assess and diagnose the problem areas at the school and determine the best corrective actions to take to improve teaching and learning. Schools in Years 3, 4, and 5 are to receive priority for services from RSDSS. A list of SAIT providers is located at: <http://www.cde.ca.gov/ta/lp/iu/saitproviders.asp>. A list of the Regional System of District and School Support (RSDSS), which provides the county-based school support teams, is at: <http://www.cde.ca.gov/ta/lp/ss/documents/rsdsscontacts.pdf>.

## **Year 4**

### **First Year of School Restructuring**

A school is identified for Year 4 restructuring if, after one full year of corrective action (Year 3), the school still does not make AYP. Restructuring requires major changes in a school's operation. The LEA undertakes fundamental reforms, such as significant changes in the school's staffing and governance. [NCLB, Title I, Part A, Section 1116(b)(8)(A)(B)].

***The LEA has one school year to prepare a restructuring plan that is approved by the local school board. The LEA must prepare to implement the plan in Year 5 if the school does not make AYP by the end of Year 4.***

#### **A. LEA Notification Requirements**

- Provide parents and teachers with prompt notice of the Year 4 status of the school.
- Notify and explain to parents:
  - a. What the Year 4 status means and the academic achievement levels at the school.
  - b. Why the school was identified and how parents can get involved.
  - c. The availability of supplemental educational services.
  - d. Parents' option to transfer their children to another public school in the LEA.
- Provide parents and teachers with the opportunity to comment on the Year 4 identification and options before the LEA takes any restructuring action.
- Invite teachers and parents to participate in the development of the school's restructuring plan.

#### **B. Continuing LEA Responsibilities**

- Provide the option to transfer to another school in the LEA.
- Provide supplemental educational services.
- Provide technical assistance to the school directly or through the use of other qualified entities.

#### **C. Restructuring Action to be taken by the LEA**

The LEA must prepare a restructuring plan that is approved by the local school board to implement one of the following actions:

1. **Enter into a contract with an entity**, such as a private management company, a university, or a county office of education, with a demonstrated record of effectiveness **to operate the school as a public school.**
2. **Reopen the school as a public school charter.** Information about how to become a charter school is located at <http://www.cde.ca.gov/sp/cs/>. The charter school will continue to be designated as a PI school.

3. **Implement any other major restructuring of the school's governance or staffing.**

This may include:

- Redefining leadership roles of all stakeholders, so that leadership and decision making extends beyond the traditional position of the principal to include teachers, parents, and the community.
- Building a system of instructional leadership at the school that includes not only principals but also teachers as instructional leaders, mentors, and/or coaches to other teachers. The instructional leaders would receive professional development in classroom observation, providing instructional feedback, using data to drive instruction, and encouraging teacher collaboration.
- Dividing the school into multiple small, autonomous schools at the same site or at another site, with generally the same student population but with separate administrations and staff.

4. **Reassign/replace the school staff** who are relevant to the school's failure to make AYP; this step may include the principal.

NCLB specifically provides that corrective action shall not *“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.”* (NCLB, Section 1116(d))

If the determination is made to replace an employee at a school identified for corrective action on the basis of unsatisfactory performance, the employee must be afforded all the rights of statutory and contractual due process.

It is recommended that, at the very least, the LEA make every effort to ensure that the school has 100 percent fully credentialed teachers at a Year 4 or 5 school and/or a plan for staffing all classrooms with credentialed teachers by 2005-06, although this is not considered to be a corrective action.

**D. Restructuring versus Reconfiguration**

*Restructuring* as conceived in Years 4 and 5 under NCLB refers to changes made at a PI school that reorganizes the staffing, governance, or other aspects of the school but maintains the school intact as an entity, with the same student population, usually located at the same school facility and with the same school code. Thus a restructured PI school, including a PI school converted to a charter school, will continue to retain its designation as a PI school and will exit PI only when the school has made AYP for two consecutive years.

*Reconfiguration* occurs at the local educational agency level and involves changes that often affect multiple schools. This approach may include school closures, school mergers, the opening of new schools, and the redrawing of attendance areas in an LEA. Reconfiguration may occur as a result of declining student enrollment, increases in student enrollment, or LEA-wide initiatives to improve student achievement.

Reconfigurations that affect or involve PI schools and that may result in the closure of a PI school, the break-up of a PI school into multiple small autonomous schools with open enrollment, and/or the retiring of a school code attributed to a PI school due to the aforementioned reasons, may result in the removal of the PI designation of the school. The LEA, however, must submit additional information if the reconfiguration affects its PI status. ***As PI schools are closed or reconfigured, the PI designations will be reviewed.***

The forms for a school closure or applying for a new school code are available at:  
<http://www.cde.ca.gov/ds/si/ds/>

***E. LEA Technical Assistance***

The LEA must continue to provide technical assistance to a school in the first year of restructuring, either directly or through the CACs, the RSDSS, or other entities (e.g., institutions of higher education, county offices education, and private organizations).

## **Year 5**

### **Second Year of School Restructuring**

If a school completes Year 4 and does not make AYP, it must be identified as a Year 5 school. Year 5 is the second year of restructuring. During Year 5, the LEA must implement at the start of the school year the restructuring plan it developed for the school during Year 4.

#### **A. LEA Notification Requirements**

- Provide parents and teachers with prompt notice of the Year 5 status of the school.
- Notify and explain to parents:
  - a. What the Year 5 status means and the academic achievement levels at the school.
  - b. The availability of supplemental educational services.
  - c. The parents' option to transfer their children to another public school in the LEA.
- Provide parents and teachers with a summary of the school's restructuring plan.
- Provide parents and teachers with the opportunity to comment on the Year 5 identification and options before the LEA takes any restructuring action.

#### **B. Continuing LEA Responsibilities**

- Provide parents with the option to transfer their children to another public school, and
- Provide supplemental educational services.

#### **C. LEA Technical Assistance**

While the restructuring plan is being implemented, the LEA must continue to provide the school with technical assistance. The LEA can provide technical assistance directly *or* through the CACs, the RSDSS, and other entities (e.g., institutions of higher education, county offices education, and private organizations).

#### **D. Exit from PI Status**

A restructured school will exit PI after it has made AYP for two consecutive years. The school must remain in PI and continue to offer school choice and supplemental educational services until it meets the exiting requirements.