

Bulletin No. 04.02

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TOPIC: Corrective Action and Restructuring for Schools Identified for Improvement

The federal Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) Act of 2001, requires Wisconsin public schools to show continued progress toward the goals of having all children proficient in mathematics and reading by 2014. In addition to meeting annual objectives in reading and mathematics, schools must test 95% of children enrolled in the grades in which state assessments are administered and meet an annual state objective for attendance or graduation. Schools that meet all four objectives yearly are considered to have made adequate yearly progress (AYP). If a school misses one or more objectives, a school has not made AYP. For more information on annual objectives, see <http://www.dpi.wi.gov/oea/acct/ayp.html>.

Schools that do not meet one or more objectives for two or more consecutive years are identified for improvement. Under Title I of the NCLB act, schools identified for improvement that receive Title I funding are subject to federal sanctions, which are cumulative. That is, a school that continues to be identified for improvement must add each additional sanction to the sanctions it already has. In accordance with NCLB requirements, schools that miss AYP for two or three years are in school improvement status. Schools that miss AYP for four years are in corrective action status. Schools that miss AYP for five or six years are in restructuring status.

This bulletin provides an overview of the corrective action and restructuring requirements of a school identified for improvement and the administering local educational agency (LEA). The U.S. Department of Education (USDE) may provide additional guidance in the future, which may change information in this bulletin. For more information on the requirements for schools in school improvement sanction status, see ESEA Information Update Bulletin No. 02.07, Supplemental Educational Services and Public School Choice, at http://www.dpi.wi.gov/esea/pdf/bul_0207.pdf.

Corrective Action

Title I schools that fail to make AYP by the end of the second full school year after being identified for improvement must implement the corrective action specified by the administering (LEA). Corrective action means action by the LEA that:

1. Substantially and directly responds to the consistent academic failure of a school that led to the school being identified for improvement and any underlying staffing, curriculum, or other problems in the schools.

2. Is designed to increase substantially the likelihood that the school will meet or exceed the state's annual objectives for AYP.
3. Is consistent with state law.

The LEA must impose on the school at least one of the following corrective actions:

- Replace school staff relevant to the school's failure to make AYP.
- Institute and fully implement a new curriculum, including the provision of appropriate professional development for all relevant staff that is grounded in scientifically based research and offers substantial promise of improving educational achievement for low-achieving students.
- Significantly decrease management authority in the school.
- Appoint one or more outside experts to advise the school on revising the school improvement plan to address the specific issue that prevented the school from making AYP.
- Extend school year or school day.
- Restructure the internal organization of the school.

In addition, the LEA must:

- Continue to make public school choice available within the district.
- Continue to make supplemental educational services available.
- Continue to offer technical assistance to the identified school(s).
- Publish and disseminate information regarding any corrective action to the public and the parents of each student enrolled in the school subject to corrective action.

The LEA has the responsibility to determine the most appropriate corrective action that will be taken by the schools. LEA actions on implementing corrective action in schools identified for improvement will not require prior approval from DPI. The state will monitor the implementation of corrective action by LEAs through onsite monitoring and end-of-year reporting requirements.

Restructuring

Schools that fail to make AYP after one full year of corrective action must begin the process to restructure the internal organization of the schools. Restructuring means a major reorganization of a school's governance structure arrangement by an LEA that:

1. Makes fundamental reforms, such as significant changes in the school's staffing and governance, to improvement school achievement in the school.
2. Has substantial promise of enabling the school to make AYP.
3. Is consistent with state law.

The LEA must prepare a plan to restructure the school and provide prompt notice to teachers and parents, with opportunity to comment and participate in developing any plan necessary to carry out the school's restructuring. The plan must include one of the following alternative governance arrangements*:

*Under federal NCLB, the school district may turn the operation of the school over to the state education agency. No provision under Wisconsin law exists for state takeover and thus is not authorized.

1. Reopen the school as a public charter school.

LEAs choosing this option must notify the state superintendent of the intention to open a charter school and follow Wisconsin charter school law found under s. 118.40, Wis. Stat., and applicable federal laws. A link to state charter school law and related resources can be found at <http://www.dpi.wi.gov/sms/csindex.html>.

2. Replace all or most school staff, including principal, who are relevant to the school's failure to make AYP.

Neither the federal law nor the subsequent guidance from USDE defines what percentage of a school building's staff is considered "all or most." LEAs choosing to implement this option should keep in mind that restructuring is defined as a "major reorganization of a school's governance structure arrangement such as significant changes in the school's staffing and governance, to improve school achievement in the school." The LEA should consider the impact of this provision on collective bargaining agreements. Use of this provision may be legally problematic in Wisconsin, since state law provisions must also be complied with. See s. 118.24, Wis. Stat., regarding principal contracts and s. 118.19 regarding teacher contracts. In addition, LEAs should carefully review s. 118.30 (2)(c), Wis. Stat., which states: "the results of examinations administered through state assessments under 118.30 may not be used to evaluate teacher performance, to discharge, suspend or formally discipline a teacher or as a nonrenewal of a teacher's contract."

3. 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.

LEAs choosing this option should review Wisconsin school board powers as defined under ss. 119.18, 120.10, 120.13, and 120.44, Wis. Stat.

4. Any other major restructuring of the school's governance arrangement that makes fundamental reforms.

These reforms should include significant changes in the school's staffing and governance to improve student academic achievement in the school that has substantial promise of enabling the school to make AYP. Examples of such efforts may include:

- a. Implement a comprehensive school reform model. For comprehensive school reform models, see <http://www.goodschools.gwu.edu/csr/index.html>.
- b. Close the school and reopen as a focus or theme school with new staff or staff skilled in the focus area.
- c. Expand or narrow the grades served, for example, expanding an elementary K-5 to a K-8 school.
- d. Other restructuring consistent with the NCLB principles of restructuring.

In addition to developing a plan for restructuring, the LEA must continue to make public school choice and supplemental educational services available.

If a school has not made AYP, the LEA must implement alternative governance arrangements by the beginning of the next school year. In addition, the LEA must continue to offer public school choice and supplemental educational services to eligible students.

Under NCLB 1116 (b)(9)(B), "if the State education agency determines that a local educational agency failed to carry out its responsibility under this subsection, it must take such corrective

action as the State education agency determines to be appropriate and in compliance with State law.” The state will monitor the development and implementation of LEA restructuring plans through onsite monitoring and end-of-year reporting requirements.

An LEA is no longer required to carry out the requirements of a restructuring plan if the restructured school makes AYP for two consecutive years.

Specific questions related to this bulletin should be directed to:

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