

20b. Schools Identified for Improvement

Statutory Requirement: Section 1116

Overview

The recently reauthorized federal Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) Act of 2001, includes expanded options for parents whose children attend schools that have been identified for improvement.

Under Title I of the reauthorized legislation, schools identified for improvement (SIFI) that receive Title I funds are subject to federal sanctions which are cumulative. Parents of children who attend Title I public schools, including public charter schools, that have not made adequate yearly progress (AYP) in reading and/or math for two consecutive years (SIFI Level 1) will have the option to send their children to another public school that has not been identified as needing improvement (including a public charter school) in the district. In Title I schools that have not made AYP in reading and/or math for three or more consecutive years (SIFI Level 2, 3, or 4) low-income parents (those whose children qualify for free and reduced lunch) may obtain supplemental educational services for their children. Schools that miss AYP for four years (SIFI Level 3) are in corrective action status. Schools that miss AYP for five or six years (SIFI Level 4) are in restructuring status.

Sanctions by Sifi Level

1. Sanctions at SIFI Level 1
 - a. The school must develop and implement a new or revised school improvement plan. The plan must include the following: scientifically based strategies; adoption of policies and practices concerning the school's core academic subjects to raise the achievement levels of all students; an assurance that the school will use not less than 10 percent of Title I dollars to provide high quality professional development; a rationale for how funds will be used to remove the school from improvement status; specific, annual, measurable objectives; a description of how the school will meet parent notification requirements; specify the responsibilities of the school, district and DPI in plan implementation; include effective parent involvement strategies; incorporate as appropriate, before, after, summer and extended school year activities and; incorporate a teacher mentoring program.
 - b. A Title I elementary or secondary SIFI must provide to all students enrolled in the school the option to transfer to another public school in the district-which may include a public charter school-that has not been identified for improvement.
 - c. If there is no other school available within the district, the school district may establish cooperative agreements with nearby school districts to permit transfers.
 - d. Unless a smaller amount is needed, school districts are required to spend an amount equal to 5 percent of Title I funds to provide transportation to students exercising the choice option. In addition, the district may satisfy the transportation obligation by using Title V, Part A funds or funds transferred to Title I from other federal education programs under ESEA, section 6123.
 - e. A school district also may spend state or local funds to pay for transportation. The school district's obligation to provide transportation for the student ends at the end of the school year if the school from which the student transferred is no longer identified for school improvement, corrective action, or restructuring.

2. Sanctions at SIFI Level 2

- a. In Title I schools that have not made AYP for three consecutive years in reading and/or math, the school district is required to continue offering choice plus arrange for the provision of supplemental education services for eligible students, beginning with the 2002-03 school year.
- b. Services may include such assistance as tutoring, remediation, and academic intervention and must take place outside the regular school day. Eligible children are from low-income families, as determined by eligibility for the free and reduced lunch program. Priority must be given to the lowest-achieving children whenever funds are insufficient to meet the requests of all eligible children and their parents.
- c. Local school districts are required annually to notify parents of the availability of the state-approved services within the district boundaries or in neighboring districts. The school district must work to ensure parents have good, easy-to-understand information about the services.
- d. Once a parent chooses a provider, school district staff will work with the parent and provider to develop a statement of specific achievement goals for the child, including how his or her progress will be measured and a timetable for improving achievement. If the child has disabilities, the agreement must be consistent with his/her individualized education program.
- e. The school district will pay for supplemental educational services for each participating child in an amount which is the lesser of the following: (1) the school district's Title I, Part A allocation, as determined by the Department of Public Instruction, divided by the number of children, ages 5-17, from families in the school district below the poverty line (based on Census poverty data); or (2) actual cost of the services received by each child (section 1116(e)(6)).
- f. The school district is not required to provide transportation for supplemental services, nor is it required to spend more than the amount equal to 5 percent of its Title I allocation on supplemental services. However, if a school district does not incur any choice-related transportation costs and there is sufficient demand for supplemental services to require the expenditure of the full amount equal to 20 percent of its Title I, Part A, allocation, a school district must spend the full 20 percent on supplemental services.
- g. The DPI is required to compile a list of service providers by school district. Eligible providers are nonprofit and for-profit entities and local education agencies, public and private schools, cooperative educational service agencies (CESAs), after-school learning centers, institutions of higher education, and faith-based organizations.

3. Sanctions at SIFI Level 3

- a. Title I schools that fail to make AYP by the end of the second full school year after being identified for improvement must continue to offer choice and supplemental education services and implement the corrective action specified by the administering local education agency(LEA).
- b. 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.
- c. In addition, the LEA must:
- 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.
- d. 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.
4. Sanctions at SIFI Level 4
- a. 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:
- Makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improving school achievement in the school.
 - Has substantial promise of enabling the school to make AYP.
 - Is consistent with state law.
- b. 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.
- **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 www.dpi.wi.gov/sms/csindex.html.
 - **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.”

- 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 sections: 119.18, 120.10, 120.13, and 120.44, Wis. Stat.
- **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.
 - a) In addition to developing a plan for restructuring, the LEA must continue to make public school choice and supplemental educational services available.

SANCTIONS FOR TITLE I SCHOOLS

NOT MAKING ADEQUATE YEARLY PROGRESS (AYP)

SCHOOLS IDENTIFIED FOR IMPROVEMENT (SIFI) STATUS—

Must make AYP for two consecutive years to be removed from SIFI status

Timeline	What schools must do	What districts must do
Miss AYP for one year	<i>No sanctions</i>	
<p style="text-align: center;">SIFI Level 1</p> <p style="text-align: center;">SCHOOL IMPROVEMENT STATUS</p> <p>Miss AYP for two consecutive years</p>	<ul style="list-style-type: none"> ■ Within three months, identified school must develop new or revise existing improvement plan. The plan must: <ul style="list-style-type: none"> ○ Cover a two-year period ○ Incorporate scientifically-based research strategies... ○ Adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of raising student achievement... ○ Assure that the school will spend not less than 10 percent of its Title I funds on high-quality professional development annually that addresses the academic achievement problem that caused the school to be SIFI ○ Specify how the funds...will be used to remove the school from school improvement status ○ Establish annual measurable objectives for continuous and substantial progress to ensure that each subgroup will meet proficiency within 12 years ○ Describe how the school will provide written notice about the identification to parents of each student enrolled in such school ○ Specify the responsibilities of the school, the district, and the state educational agency serving the school under the plan, including the technical assistance to be provided by the district ○ Include strategies to promote effective parental involvement in the school ○ Incorporate, as appropriate, activities before school, after school, during the summer, and during any extension of the school year ○ Incorporate a teacher mentoring program 	<ul style="list-style-type: none"> ■ Identify for school improvement any elementary school or secondary school that fails, for two consecutive years, to make adequate yearly progress... ■ Promptly provide notice to parents of their child's school's identification ■ Review school improvement plans, using a peer review process, within 45 days of receiving it and approve it if it meets the statutory requirements ■ Ensure that the school receives technical assistance, based on scientifically-based research, that includes: <ul style="list-style-type: none"> ○ Assistance in analyzing data... ○ Assistance in identifying and implementing professional development... ○ Assistance in analyzing and revising the school budget... ■ *Provide to parents of students eligible to transfer a choice of more than one school within the district (if available) that are not identified for improvement. ■ Set aside up to 20 percent of the district's Title I allocation, if needed, for purposes of providing transportation for students electing to transfer to another public school served by the district.

Timeline	What schools must do	What districts must do
	<ul style="list-style-type: none"> ■ Must receive technical assistance from the district ■ Must provide all students an option to transfer to another public school served by the LEA* ■ Must implement improvement plan by the beginning of the school year 	
<p>SIFI Level 2</p> <p>SCHOOL IMPROVEMENT STATUS</p> <p>Miss AYP for three years</p>	<ul style="list-style-type: none"> ■ Must make supplemental educational services available ■ Must continue to receive technical assistance from district ■ Must continue to provide school choice for parents within the district 	<p>If a school fails to make AYP by the end of the first full year after identification, the district must:</p> <ul style="list-style-type: none"> ■ Make supplemental educational services available and notify parents of such (the district may delay, for no more than one year, implementation of supplemental services if the school makes AYP for one year or if failure is due to exceptional or uncontrollable circumstances, such as natural disaster or precipitous and unforeseen decline in the financial resources of the LEA or school) ■ Continue to provide technical assistance based on scientifically-based research ■ Continue to provide all students in the school the option to transfer to another public school within the district not identified for improvement ■ Set aside up to 20 percent of district Title I funds, if needed, for the purpose of meeting the public school choice and supplemental educational services requirements: minimum 5 percent each if needed to meet demand; prioritize by neediest low-income.
<p>SIFI Level 3</p> <p>CORRECTIVE ACTION STATUS</p> <p>Miss AYP for four years</p>	<ul style="list-style-type: none"> ■ Implement the corrective action identified by the district ■ Must continue to receive technical assistance from district ■ Must continue to provide school choice for parents ■ Must continue to make supplemental educational services available 	<p>If a school fails to make AYP by the end of the second full school year after identification, the district must:</p> <ul style="list-style-type: none"> ■ Identify the school for corrective action and take at least one of the following actions: <ul style="list-style-type: none"> ○ Replace school staff relevant to the failure ○ Institute and implement a new curriculum ○ Significantly decrease management authority in the school ○ Appoint outside experts to advise the school ○ Extend school year or school day ○ Restructure internal organization of the school

Timeline	What schools must do	What districts must do
		<ul style="list-style-type: none"> ■ Continue to provide technical assistance based on scientifically-based research ■ Continue to make public school choice available ■ Continue to make supplemental educational services available ■ Publish and disseminate information regarding any corrective action to the public and parents of each student enrolled in the school subject to corrective action
<p>SIFI Level 4 RESTRUCTURING STATUS Miss AYP for five years</p>	<ul style="list-style-type: none"> ■ Implement the corrective action identified by the LEA ■ Must continue to provide school choice for parents ■ Must continue to make supplemental educational services available 	<p>If a school fails to make AYP after one full year of corrective action, the district must:</p> <ul style="list-style-type: none"> ■ Prepare a plan to restructure the school ■ By the beginning of the next school year, implement one of the following alternative governance arrangements, consistent with state law: <ul style="list-style-type: none"> ○ Reopen school as a public charter school ○ Replace all or most of school staff, including principal ○ Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the school ○ State takeover ○ Any other major restructuring of the school's governance arrangement ■ Continue to make public school choice available ■ Continue to make supplemental services available ■ Provide prompt notice to teachers and parents, with opportunity to comment and participate in developing any plan
<p>SIFI Level 5 RESTRUCTURING STATUS Miss AYP for six years</p>	<ul style="list-style-type: none"> ■ Implement district plan to restructure the school ■ Must continue to provide school choice for parents ■ Must continue to make supplemental educational services available 	<ul style="list-style-type: none"> ■ Implement plan to restructure the school ■ Continue to make public school choice available ■ Continue to make supplemental services available <p>The LEA is no longer required to carry out these requirements if the restructured school makes AYP for two consecutive years</p>

State Educational Agency Responsibilities

- Make technical assistance available to schools identified for school improvement, corrective action, or restructuring. A state **shall**:
 - First, provide support and assistance to LEAs with schools subject to corrective action...and assist those schools...for which an LEA has failed to carry out its responsibilities...
 - Second, provide support and assistance to other LEAs with schools identified as in need of improvement...
 - Third, provide support and assistance to other LEAs and schools...that need support and assistance
- If the state educational agency determined that an LEA failed to carry out its responsibilities..., take such corrective actions as the state educational agency determines to be appropriate and in compliance with state law;
- Ensure that academic assessment results...are provided to schools before any identification of a school make take place...
- For LEAs or schools identified for improvement..., notify the Secretary of major factors that were brought to the attention of the SEA, through collaboration with agencies providing services to children, youth, and families, that have significantly affected student academic achievement.

Notes

- Sanctions only apply to Title I schools
- If a school identified for improvement, corrective action, or restructuring makes AYP for two consecutive years, the school is no longer identified for improvement.

Resources

More information on **Wisconsin's School Accountability System** can be found at:

http://www.dpi.wi.gov/oea/acct_sch.html

Wisconsin Information Network for Successful Schools—**School Improvement Planning Tool** can be found at: <http://www.dpi.wi.gov/sig/improvement/tools.html>

ESEA Information Update Bulletin No. 04.02—Corrective Action and Restructuring for Schools Identified for Improvement http://www.dpi.wi.gov/esea/pdf/bul_0402.pdf

ESEA Information Update Bulletin No. 02.07—**Supplemental Educational Services and Public School Choice**: http://www.dpi.wi.gov/esea/pdf/bul_0207.pdf

Sample letters and templates: <http://www.dpi.wi.gov/esea/samples.html>

Wisconsin Department of Public Instruction's **No Child Left Behind Web site**:

<http://www.dpi.wi.gov/esea/index.html>