

Guidance for Schools in Need of Assistance (SINA)
Year 3:

Implementing Corrective Action

December 31, 2013

Iowa Department of Education



Purpose

The purpose of this guidance is to aid schools that have been designated a School in Need of Assistance (SINA) for three or more years in implementing the corrective action required of them under the Elementary and Secondary Education Act (ESEA) and Title I regulations.

The guidance in this document supersedes all prior guidance issued by the Iowa Department of Education related to implementation corrective action.

Introduction

The No Child Left Behind Act of 2001 (NCLB) requires all states to measure student achievement for all schools with the ambitious goal to have all students proficient in reading and mathematics by the 2013-14 school year. Iowa has an approved system to measure Adequate Yearly Progress (AYP) to fulfill the requirements of NCLB. Each year, the Iowa Department of Education reviews the status of all Iowa schools based on annual targets for academic achievement toward meeting the goal of proficiency in 2013-14.

Schools are categorized as in need of improvement if they do not meet the annual AYP targets towards the state academic annual measurable objectives (AMOs), test participation rate, and other academic indicator goals for two years in a row. Once a Title I building is identified as in need of assistance, schools are required to comply with federal NCLB sanctions.

Title I schools that have been in need of assistance for three years are required to implement a corrective action. Additional guidance for how to do this is provided within this document.

Corrective Actions

A school that misses its annual achievement targets for four years (SINA 3) is identified for corrective action. At this point the LEA must create a plan of corrective action for the school. See the following chart for the relationship between the number of years a school misses AYP, SINA status, and corrective action.

AYP Year	School Year	# of years not meeting AYP	SINA Status	Corrective Action Phase
By end of 2001-02	Beginning of 2002-03	1	-	-
2002-03	2003-04	2	SINA 1	-
2003-04	2004-05	3	SINA 2	-
2004-05	2005-06	4	SINA 3	Corrective Action

What is “corrective action”?

According to 34 C.F.R. § 200.42(a), “corrective action” means action by an LEA that—

- (1) Substantially and directly responds to—
 - (i) The consistent academic failure of a school that led the LEA to identify the school for corrective action; and
 - (ii) Any underlying staffing, curriculum, or other problems in the school;
- (2) Is designed to increase substantially the likelihood that each group of students described in § 200.13(b)(7) and enrolled in the school will meet or exceed the State's proficient levels of achievement as measured by the State assessment system; and
- (3) Is consistent with State law.

Identification of a school in corrective action

The first step in the corrective action process is for the LEA to identify the school for corrective action.

Certain notification requirements apply when this occurs. The LEA must:

- Provide parents and teachers with notice of the decision
- Provide parents and teachers with an opportunity to comment before corrective action is taken

The LEA must also:

- Notify the parents of all children enrolled in the school that the school has been identified for corrective action and explain:
 - What the identification means, as well as how academic achievement levels at the school compare to other schools in the LEA and in the SEA
 - Why the school was identified and how parents can help

- Their option to transfer their child to another public school in the LEA that is not identified for improvement, corrective action, or restructuring
- The supplemental education services that are available to eligible children
- Continue to provide technical assistance

LEA plan for corrective action

As noted above, the LEA must choose one of the following corrective actions, consistent with state law. 34 C.F.R. § 200.42(b).

- (i) Replace the school staff who are relevant to the school's failure to make AYP.
- (ii) Institute and fully implement a new curriculum, including the provision of appropriate professional development for all relevant staff, that—
 - (A) Is grounded in scientifically based research; and
 - (B) Offers substantial promise of improving educational achievement for low-achieving students and of enabling the school to make AYP.
- (iii) Significantly decrease management authority at the school level.
- (iv) Appoint one or more outside experts to advise the school on—
 - (A) Revising the school improvement plan developed under § 200.41 to address the specific issues underlying the school's continued failure to make AYP and resulting in identification for corrective action; and
 - (B) Implementing the revised improvement plan.
- (v) Extend for that school the length of the school year or school day.
- (vi) Restructure the internal organization of the school.

Implementation Timeline

All schools receiving Title I funds that were designated SINA 3 are required to submit a fully compliant plan for corrective action no later than November 1 for implementation during the school year submitted.

- Plans will be submitted via the C-Plan. Feedback on whether your plan meets the federal requirements will be provided by the department no later than January 1
- If your restructuring plan meets all the federal requirements, you will be expected to begin implementation immediately during the school year the plan was submitted
- If your plan does not meet the federal requirements, you will be given opportunity to correct and resubmit. All plans need to meet the federal requirements and reviewed by the state by the final deadline of March 1
- Funds will be withheld from schools that do not submit approved plans until the plan meets the federal requirements

Corrective Action Guidance

When choosing a corrective action to implement, LEAs must select an option that meets the needs of the school and that will positively impact student achievement. In addition to any technical assistance provided to an LEA by the Department or by an AEA, the LEA is advised to consult with local counsel in selecting a corrective action.

Replacement of staff

- (i) Replace the school staff who are relevant to the school's failure to make AYP.

If this option is chosen, the LEA would need to replace the staff that are relevant to the school's inability to make AYP. All collective bargaining contracts in place must be adhered to when choosing this option. Replacement of staff may include transfer of staff to other buildings or to other assignments within the LEA, to the extent that this is consistent with applicable state law and collective bargaining agreements.

For staff termination, LEAs must comply with the provisions in Iowa Code chapter 279 about teacher and administrator contracts. The current version of Iowa Code chapter 279 is at the following link:

<http://search.legis.state.ia.us/nxt/gateway.dll/ic/1/13/9250/10172/10310?f=templates&fn=default.htm>

A decision to replace school staff needs to be taken with great care, especially if that decision involves termination of a contract. Under NCLB, the district would have a great deal of flexibility in determining which staff members to replace. Under Iowa law, the decision to not renew a particular teacher's contract needs to be individualized and the teacher needs to be afforded rights under Iowa law and pertinent collective bargaining agreements. While the decision to terminate particular teachers must be individualized, it also must be consistent with NCLB's focus on improving student achievement and with the underlying causes of the school's identification for corrective action. While collective bargaining agreements must be followed, no collective bargaining agreement can insulate a school from NCLB's requirements: if a school decides to replace all or most of its staff, that staff targeted for replacement must be chosen based on factors related to NCLB, not on other considerations. For example, teachers may not be selected solely based on a seniority list. Factors relevant to the school's failure to make AYP must also be considered.

Whenever the Iowa Code requires "just cause" to terminate or not renew a teacher's contract, the LEA must be ready to prove "just cause" exists with respect to a particular teacher. The Iowa Supreme Court gives the following meaning to the term "just cause."

It must include the concept that a school district is not married to mediocrity but may dismiss personnel who are neither performing high quality work nor improving in performance.

Briggs v. Board of Directors, 282 N.W.2d 740, 743 (Iowa 1979). In addition to "faults attributable to the administrator or teacher," the *Briggs* court held that the term "just cause" includes "legitimate reasons relating to the district's personnel and budgetary requirements." *Id.* at 742.

The fault "attributable to the teacher or administrator" must relate to the root cause for the school's failure to make AYP. If the staff member is not "performing high quality work" or "improving in performance," and that work performance is relevant to the school's failure to make AYP, then this option may be available to an LEA. If the staff member is performing high quality work or improving in

performance, or if poor staff performance is not relevant to a school's failure to make AYP, then this option would not be in the interest of the LEA to pursue.

The United States Department of Education recommends that an LEA that is considering replacing staff members work collaboratively with the school's bargaining unit. The LEA and the bargaining unit's representatives may be able to come up with a plan that meets the need to improve student achievement while securing the rights of bargaining unit members and being responsive to local needs (such as the ability of the LEA to recruit and retain teachers).

New Curriculum

- (ii) Institute and fully implement a new curriculum, including the provision of appropriate professional development for all relevant staff, that—
 - (A) Is grounded in scientifically based research; and
 - (B) Offers substantial promise of improving educational achievement for low-achieving students and of enabling the school to make AYP.

This corrective action has great promise to improve student achievement.

The curriculum selected must be "new." It cannot be a revision of a currently existing curriculum. The requirement is met if a new curriculum is (1) adopted and (2) fully implemented. Improving implementation of a previously adopted curriculum is not "corrective action." Adopting a new curriculum without providing for its implementation is not "corrective action."

The curriculum must be grounded in scientifically based research. That term

(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that—

- (i) employs systematic, empirical methods that draw on observation or experiment;
- (ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- (iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- (iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- (v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

- (vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

20 U.S.C. § 7801(37). There must be a meaningful connection between the curriculum selected and the growing body of education science. It is not enough that the curriculum be grounded on theoretical possibility. It must be grounded on something that has been demonstrated to work. For more information on scientifically based research and teaching methods with demonstrated effectiveness, refer to the Iowa Department of Education's website -- <https://www.educateiowa.gov/early-literacy-implementation>.

When reviewing available curricula, the LEA is to ensure that the curriculum selected has "substantial promise" to improve the achievement of students with low achievement. It is not enough to determine that the curriculum "works" in general; it must "work" for children with low achievement.

This rule also requires the provision of appropriate professional development for relevant staff. For the ESEA's definition of professional development, see 20 U.S.C. § 7801(34). At a minimum, professional development would include the professional development required by the developer of the curriculum.

Decrease Management Authority

- (iii) Significantly decrease management authority at the school level.

This corrective action would be appropriate for buildings where the identified root cause would be the need for greater control by the central office. In this corrective action, decisions about staffing and curriculum, for example, are subjected to additional control and scrutiny by the LEA. For example, under this corrective action, the LEA could require the school to provide prior notice to the LEA's central office for any proposed changes in curriculum, staffing, scheduling, or assessment.

Outside Experts

- (iv) Appoint one or more outside experts to advise the school on—
 - (A) Revising the school improvement plan developed under § 200.41 to address the specific issues underlying the school's continued failure to make AYP and resulting in identification for corrective action; and
 - (B) Implementing the revised improvement plan.

This corrective action would be appropriate where the LEA determined that the school has sufficient capacity to implement a school improvement plan but requires additional assistance in revising and implementing the plan. Although no particular certification or license is required, the expert retained by the LEA would need to be responsive to the root cause for the school's failure to make AYP (consistency of implementation of curriculum, quality of formative assessment and progress monitoring, use of data to make decisions, etc.). The test of whether a person is an "expert" for this purpose is whether the person has knowledge and experience that would be of use to the building.

Extend School Year or Day

- (v) Extend for that school the length of the school year or school day.

This corrective action is self-explanatory. While the amount of time added to the school day or school year would be in the LEA's discretion, an LEA that chooses this corrective action would need to ensure that the additional length of the school day or school year is sufficient to make a difference in student learning. A one-minute extension of the school day, to use an extreme example, would provide negligible academic benefit to students.

Any corrective action under this option must comply with state law concerning length of school year, whether that is calculated based on days or hours.

Restructure Internal Organization

- (vi) Restructure the internal organization of the school.

This option also has promise for improving achievement. Under this option, an LEA would somehow change how the school does business. That may include providing the school with additional administrators, changing the school's schedule (converting to a block schedule, requiring that all literacy instruction be in the morning, etc.), creating or changing instructional teams, or providing for multiple-grade classrooms. The action selected must be evidence-based and must relate to the root cause of the school's failure to make AYP.

Additional Guidance

Additional guidance from the US Department of Education can be found at the following link:
[US Department of Education LEA and School Improvement Non-Regulatory Guidance](#)

Technical Assistance

Districts and schools planning for or implementing corrective action may contact Iowa Department of Education staff for assistance writing an approvable plan or implementing their plan. The following team members are available to assist LEAs and schools.

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