

Guidance for Schools in Need of Assistance (SINA)
Year 4 and Above:
Planning for and Implementing Restructuring

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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 four or more years in planning for and implementing the restructuring actions 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 planning for or implementation of restructuring.

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 four or more years are required to plan for and implement restructuring actions. Additional guidance for how to do this is provided within this document.

Restructuring Actions

A school that misses its annual achievement targets for five consecutive years (SINA 4) is identified for restructuring. At this point the LEA must create a plan to restructure the school. If the school does not make AYP the following year (SINA 5), the LEA must implement the plan for restructuring. See the following chart for the relationship between the number of years a school misses AYP, SINA status, and restructuring.

AYP Year	School Year	# of years not meeting AYP	SINA Status	Restructuring 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	-
2005-06	2006-07	5	SINA 4	Planning
2006-07	2007-08	6	SINA 5	Implementing
2007-08	2008-09	7	SINA 6	Implementing
2008-09	2009-10	8	SINA 7	Implementing
2009-10	2010-11	9	SINA 8	Implementing

What is “restructuring”?

According to 34 C.F.R. § 200.43(a), “restructuring” is defined as a “major reorganization of a school's governance arrangement by an LEA that”—

- “(1) Makes fundamental reforms to improve student academic achievement in the school;
- (2) Has substantial promise of enabling the school to make AYP ***;
- (3) Is consistent with State law;
- (4) Is significantly more rigorous and comprehensive than the corrective action [SINA 3] that the LEA implemented in the school under § 200.42, unless the school has begun to implement one of the options [Listed Below] as a corrective action; and
- (5) Addresses the reasons why the school was identified for restructuring in order to enable the school to exit restructuring as soon as possible.”

Identification of a school in need of restructuring

The first step in the restructuring process is for the LEA to identify the school for restructuring. 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 restructuring action is taken
- Invite parents and teachers to participate in the development of the school’s restructuring plan

The LEA must also:

- Notify the parents of all children enrolled in the school that the school has been identified for restructuring 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

LEA plan for restructuring

As noted above, the LEA must choose one of the following alternative governance options for the restructuring plan, consistent with state law. 34 C.F.R. § 200.43(b)

1. Reopen the school as a public charter school;
2. Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make AYP;
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;
4. Turn the operation of the school over to the SEA (not consistent with Iowa state law); or
5. Implement any other major restructuring of the school's governance arrangement that is consistent with the NCLB principles of restructuring.

LEA implementation of restructuring

The LEA must implement the restructuring plan if the school does not make AYP during the planning year. There are notification requirements that apply when this occurs, as well. The LEA must:

- Notify the parents of all children enrolled in the school that the school has been identified for restructuring 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

Implementation Timeline

All schools receiving Title I funds that were designated SINA 4 or above during or prior to the 2012-2013 school year are required to do one of the following:

Option A: Submit a fully compliant plan for restructuring no later than July 1, 2013 for implementation in the 2013-2014 school year.

or

Option B: Submit a fully compliant plan for restructuring no later than November 1, 2013 for implementation during the 2014-2015 school year.

If your LEA chooses Option A, please note:

- Plans will be submitted via the C-Plan for 2013-14
- Feedback on whether your plan meets the federal requirements will be provided by the department no later than July 15, 2013
- If your plan does not meet the federal requirements, you will still be required to submit a fully compliant plan by the November 1 deadline
- If your plan meets all the federal requirements, your plan will be considered complete for the 2013-2014 school year; you do not need to submit an additional plan on November 1 and you do not need to implement the prior year's restructuring plan. If your plan meets the requirements, you are still required to submit a SINA budget via the Title I application that aligns with your plan

If your LEA chooses Option B, please note:

- Plans will be submitted via the C-Plan for 2013-14. Feedback on whether your plan meets the federal requirements will be provided by the department no later than January 1, 2014
- If your restructuring plan meets all the federal requirements, you will be expected to begin implementation during the 2014-15 school year
- Even if your plan meets all the federal requirements, you are still required to implement your school's approved restructuring plan from the prior school year
- If your plan does not meet the federal requirements, you will be given opportunity to correct and resubmit it up to the final deadline of March 1, 2014
- Funds will be withheld from schools that do not submit approved plans by the final March 1, 2014 deadline

Restructuring Guidance

When choosing a restructuring 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 restructuring action.

Charter school

If your LEA chooses to close a school and reopen it as a charter school, the following are things you may wish to consider.

The Iowa Department of Education application for a charter school is available at:

http://educateiowa.gov/index.php?option=com_docman&task=doc_download&gid=11098&Itemid=1507. The deadline for submission is December 15 of the year prior to the year in which the LEA wishes to implement the charter. The Director of the Department of Education may waive this deadline for schools that were SINA 4 in 2012-2013 and are prepared to implement a charter in 2013-2014. For the waiver process, please consult Chapter 4 of the Department's administrative rules: <https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/03-06-2013.Chapter.281.4.pdf>.

The Department provides guidance for LEAs on their responsibilities as charter authorizers, available at: http://educateiowa.gov/index.php?option=com_content&view=article&id=487&Itemid=3383.

Applications for charters must go to the State Board of Education for approval. Because of the planning and approval time required for a charter, the department recommends the expedited process for implementation in 2013-2014 only for schools that have already been considering a charter.

State statute on charter schools is available at:

<http://search.legis.state.ia.us/nxt/gateway.dll/ic/1/13/9250/9251/9365?f=templates&fn=default.htm>

State administrative rules on charter schools are available at:

<https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/03-06-2013.Chapter.281.68.pdf>

For additional information about charter schools, please contact Isaiah McGee, Isaiah.mcgee@iowa.gov, (515) 725-2866 or Janet Boyd, janet.boyd@iowa.gov, (515) 281-3198.

Replacement of staff

If this option is chosen, the LEA would need to replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make AYP. All collective bargaining contracts in place must be adhered to when choosing this option.

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 all or most of school staff needs to be taken with great care. 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 restructuring. 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," if present for most or all of the school staff, must relate to the root cause for the school's failure to make AYP. If all or most of the school's staff 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 all or most of the school's staff 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 all or most of a school's staff 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).

Replacing the principal, standing alone, does not constitute restructuring. 34 C.F.R. § 200.43(b)(5).

Private management

The LEA may choose to 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.

For additional information on Education Management Organizations, please refer to the following link:

http://nepc.colorado.edu/files/EMO-profiles-10-11_0.pdf

The Iowa Department of Education does not endorse any of these entities.

If your LEA chooses to contract with a private manager, the contract must comply with the Iowa Code's assignment of responsibilities to certain school officials, such as those contained in Code chapter 279.

Your LEA may wish to consult with the Department for technical assistance in this process.

Other major restructuring

According to NCLB, “any other major restructuring of the school’s governance arrangement” is a major reorganization of a school’s governance that meets both prongs of the following two-part test.

- 1) “Makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school”
- 2) “Has substantial promise to improve student academic achievement and enable the school to make AYP as defined by the State’s accountability system”

The language is important: “major,” “fundamental,” and “substantial.” The LEA has discretion in designing this restructuring, so long as it meets these two items and is more rigorous than the corrective action implemented in Year 3.

The following actions are not “other major restructuring.”

- changes in assessment
- use of new technology
- use of new data systems
- providing professional development
- extending the length of school year or school day

Examples of Other Major Restructuring

Other restructuring action	Description
Advisory body takes on part or all of school governance	Elect or appoint a representative body of students, educators, and community members (eg. SIAC...charter advisory council) make decisions or share decision-making authority with principal; possible decisions re: curriculum, PD, scheduling, instruction, vision, mission, goals; monitor implementation
Turnaround Specialist	Hire/contract with an expert who is given decision-making authority, including decisions about teacher assignments, curriculum, assessments, data, professional development, instruction, monitoring and implementation.
Administrator(s) from higher performing districts	Hire/contract with a distinguished administrator or team of administrators from higher performing schools or districts; administrators must be given decision-making authority, including decisions about teacher assignments, curriculum, assessments, data, professional development, instruction, monitoring and implementation.

Other restructuring action	Description
District governance of the school	The central office takes over part or all of decision-making for the school, including decisions about teacher assignments, curriculum, assessments, data, professional development, instruction, monitoring and implementation.
District governance of the school’s implementation of the Rtl process	<p>The school will participate in statewide implementation of Rtl and takes over decision-making for the school in the areas of universal screening, progress monitoring, data-based decision-making, provision of evidence-based instruction at universal, targeted, and intensive levels of instruction, and fidelity of implementation. Simply indicating that you will be part of phase 2, 3 etc. of the statewide Rtl implementation is not sufficient for restructuring. Further, to be considered to be part of subsequent phases, you will need to be selected based on a statewide readiness survey, which is not yet available for completion. This would not preclude you from working on Rtl, developing the technology capacity to engage in state supported universal screening, progress monitoring and data-based decision-making, or working on any other areas described below.</p> <p>In order to have an approvable restructuring plan around the statewide Rtl implementation, your restructuring plan must also address the following two prongs:</p> <p>1) “Makes fundamental reforms, such as significant changes in the school’s staffing and governance, to improve student academic achievement in the school”</p> <p>Specifically:</p> <ul style="list-style-type: none"> a) Is the action a significant change from past practice? b) Is there evidence that the restructuring action is significantly more rigorous and comprehensive than the corrective action [SINA 3] that the LEA implemented in the school? c) How has the LEA taken intensive and far-reaching interventions to revamp completely the operation and governance of the building?

Other restructuring action	Description
District governance of the school’s implementation of the RtI process continued	<p>2) “Has substantial promise to improve student academic achievement and enable the school to make AYP as defined by the State’s accountability system”</p> <p>Specifically:</p> <ul style="list-style-type: none"> a) Is there evidence that the restructuring action has substantial promise to improve academic achievement and enable the school to make AYP? b) Is the data being utilized to track the progress of improvement? c) Are the goals of the action clear and tightly focused on the fundamental teaching and learning issues that have prevented the school from making AYP? d) How will the LEA monitor the implementation of the restructuring action to ensure implementation with fidelity? <p>Note: Volunteering to participate in an additional phase of the statewide RtI implementation does not constitute restructuring. There are specific requirements necessary around technology, consensus, etc. to be chosen to be included as part of the statewide implementation of RtI. For additional information, please refer to the IDE website: https://www.educateiowa.gov/iowas-response-intervention-rti</p>
Focus or theme school	Close the school and reopen; must have staff skilled in focus area; e.g. STEM, Spanish immersion
Smaller autonomous learning communities	Divide school into schools-within-a-school with administrator for each
Dissolve the school	Close the school and send students to other attendance centers

Other restructuring action	Description
Pair with higher performing school	<p>Two schools enter an agreement to share students between schools, e.g. send all K-2 students to one building, all 3-5 students to the others; shared</p> <p>INTRA-district: matter of local governance. INTER-district: must comply with whole-grade sharing statutes and rules. Iowa Code § 282.10 See below for more information.</p>
Expand or narrow the grades served	The grades served in the building are either expanded or narrowed; e.g. K-8 school becomes K-5 school

An LEA may have other options that meet the standard of “other major restructuring” or other ways to meet the examples listed above. For example, if an LEA determines that the school’s governance requires additional attention and involvement from the central administration, the LEA could contract with the AEA to provide for a period of superintendent services under Iowa Code section 273.7A. That would allow the superintendent to devote periods of concentrated attention to the school’s governance, while the AEA’s superintendent services would attend to other matters.

Note that all contracts must comply with Iowa Code chapter 279.

Whole grade sharing information:

http://educateiowa.gov/index.php?option=com_content&view=article&id=486:schoolreorganization-wholegradesharing&catid=61:accreditation-and-program-approvals&Itemid=2727

and

http://educateiowa.gov/index.php?option=com_content&view=article&id=1628:reorganization-dissolution-a-sharing&catid=48:school-business-a-finance&Itemid=2987

For additional information about whole grade sharing, please contact Barbara Byrd, Barb.Byrd@iowa.gov or (515) 250-4724.

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 restructuring 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.

Karla Day
Consultant, SINA/DINA
karla.day@iowa.gov

Geri McMahan
Administrative Consultant, Title I
geri.mcmahan@iowa.gov

Thomas Mayes
Attorney, Division of Learning and Results
thomas.mayes@iowa.gov

Amy Williamson
Chief, Bureau of School Improvement
amy.williamson@iowa.gov

Ryan Wise
Deputy Director, Division of Policy and Communications
ryan.wise@iowa.gov