

FLORIDA DEPARTMENT OF EDUCATION



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*Commissioner of
Education*



Technical Assistance Paper

School Restructuring

Summary:

This guidance describes each school district's responsibility to restructure schools that have been "Schools In Need of Improvement" for five years.

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BACKGROUND

A-1. What is restructuring?

Under No Child Left Behind, when a school is in *restructuring* status, the district must take intensive actions to revamp the operation and governance of that school, based on an analysis of the needs of that school and its level of progress. Restructuring means a major reorganization of a school's governance by a district that:

- Makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school;
- Has substantial promise to improve student academic achievement and enable the school to make AYP as defined by Florida's accountability system; and
- Is consistent with Florida law.

A-2. What is the legal authority for school restructuring?

School restructuring is a requirement under the No Child Left Behind Act of 2001. Section 1116(b)(8) spells out the responsibilities of the state and school districts.

A-3. What is the specific Federal language that addresses restructuring?

According to NCLB Section 1116, "the local educational agency shall implement one of the following alternative governance arrangements for the school consistent with State law:

- “(i) Reopening the school as a public charter school.
- “(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.
- “(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.
- “(iv) Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State.
- “(v) Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress as defined in the State plan.”

A-4. Do these requirements apply to non-Title I schools?

No.

REQUIREMENTS OF SCHOOL RESTRUCTURING

B-1. What action must a school district take when it identifies a school for restructuring?

When it identifies a Title I school for restructuring, a school district must:

- Continue to ensure that all students have the option to transfer to another public school in the district that is not identified for improvement, corrective action, or restructuring;
- Continue to ensure that supplemental educational services are available to eligible students; and
- Prepare a plan to implement an alternative governance system for the school.
See ESEA §200.43(b)(1), (2), and (3).

B-2. What responsibilities does a school district have to parents of the children in a school that is planning for restructuring?

The parental notification requirements, along with the parental involvement provisions of NCLB, encourage districts and schools to explore strategies and tools to involve parents as meaningful and effective partners in their child’s education.

As noted above, when a school is slated for restructuring, the district must promptly notify parents about both what is being done to improve the school and how parents can be involved in the development of any restructuring plan. The district must provide parents and teachers an opportunity to comment before the district develops the restructuring plan or takes any restructuring actions. Parents and teachers must also be provided the opportunity to participate in the development of any restructuring plan.

Parents need to be well informed about the school’s progress so they can make good decisions about their child’s education. If a school does not make AYP for a fifth year, parents will want to know why, and they should be given information about the extent of the problem and the types of restructuring options the district is considering to address the needs of students in the school.

B-3. When is the “planning” year?

The year in which schools are identified as SINI-4 is the planning year.

Year 1 – No AYP

Year 2 – No AYP = School in need of improvement, year 1 (SINI-1)

Year 3 – No AYP = SINI 2

Year 4 – No AYP = SINI 3 (also called Corrective Action)

Year 5 – No AYP = SINI 4 (also called Planning for Restructuring)

Year 6 – No AYP = SINI 5 (also called Restructuring)

B-4. When must restructuring take place?

The year in which a school is identified as SINI-5, it must restructure.

B-5. Must every school required to restructure take the same actions?

No. Florida is using a tiered system of restructuring. The requirements for restructuring are different depending on a school's grade and the percentage of AYP indicators missed. The following table provides the tiers:

Tier	School Status	Required Action
Tier 1	School grade A or B, AND 6 or fewer AYP indicators not met.	In area(s) the students are not meeting AYP targets, the school must enter into a contract with an entity, such as a private management company, educational consultant, or instructional expert, with a demonstrated record of effectiveness, to provide professional development to staff directly responsible for the area(s) where students are not making AYP, or to provide additional instruction to the students in these area(s).
Tier 2	School grade A or B, AND more than 6 AYP indicators not met.	Replace instructional staff responsible for the area(s) in which the school is not meeting AYP targets. These decisions must be data-driven. Instructional staff hired to replace those being removed must have evidence of effectiveness in increasing student academic achievement. And/or Where students are not making gains, enter into a contract with an entity, such as a private management company, educational consultant, or instructional expert, with a demonstrated record of effectiveness, to provide professional development to staff directly responsible for all area(s) where student are not making AYP, or to provide additional instruction to the students in all area(s).
Tier 3	School grade C or D AND 6 or fewer AYP indicators not met, OR school grade improved and maintained since SINI status began	In area(s) the students are not meeting all AYP targets, change the governance structure of the school in a significant manner that either diminishes school-based management and decision making or increases control, monitoring, and oversight of the school's operations and educational program by the LEA; And/Or Replace the principal with a principal who has a proven success record of leading a school with improved student achievement.

Tier	School Status	Required Action
Tier 4	<p>School grade C or D</p> <p>AND more than 6 AYP indicators not met,</p> <p>OR No school grade improved and maintained since SINI status began</p>	<p>ONE or more of the following:</p> <ul style="list-style-type: none"> • Replace school staff with responsibilities in the areas in which the school failed to make AYP, including replacing the principal with a principal who has a proven success record of leading a school with improved student achievement; • Reconstitute the school into smaller autonomous learning communities (e.g., school-within-a-school model, learning academies, etc.); • Combine the school in restructuring with a higher performing school, so that K-3 grades from both schools are together and the 4-5 grades from both schools are together, etc.; and/or • Expand or narrow the grades served, for example, narrowing a K-8 school to a K-5 elementary school.
Tier 5	School grade F	<p>ONE of the following:</p> <ul style="list-style-type: none"> • Implement <i>Assistance Plus 26</i> District Requirements as determined annually by the State Board of Education; • Dissolve the school and assign students to other schools in the district; • Reopen the school as a public charter school; or • 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. This entity will hire school staff including the principal.

B-6. How are Florida’s restructuring options aligned with NCLB’s options?

Florida’s restructuring options are completely aligned with NCLB. Federal law gives states discretion over which of the federal options for restructuring to use.

B-7. Who is responsible for completing the restructuring plan?

The District is responsible for developing the restructuring plan, and for ensuring that it is carried out.

B-8. How is the plan submitted?

The plan may be submitted on-line as part of the District Improvement and Assistance and Intervention Plan. (Items 24-27 under Restructuring must be completed.)

B-9. When are plans due?

Plans are due June 22, 2007.

B-10. How is the plan reviewed?

The plan is reviewed by the Florida Department of Education’s Bureau of School Improvement and Bureau of Student Assistance. Reviews will consider the Assistance Plus data submitted through April 26, 2007.

B-11. When will plans be approved?

Plans will be reviewed immediately upon receipt, and approved as quickly as possible.

B-12. Who is responsible for carrying out the plan?

The District is responsible for carrying out the approved plan.

B13. What public notification requirements apply?

If a district identifies a school for restructuring, it must:

- Provide both parents and teachers with prompt notice of the decision;
- Provide both groups with the opportunity to comment before it takes any restructuring action; and
- Invite both teachers and parents to participate in the development of the school’s restructuring plan. [ESEA§1116(b)(8)(C)]

Additional notification required for parents is similar to the notice required when a school enters corrective action. The district must notify the parents of all children enrolled in the school and explain:

- What the identification means, and how academic achievement levels at this school compare to those at other schools in the district and in the state;
- Why the school was identified and how they as parents can become involved in addressing the academic issues that led to the identification;
- Their option to transfer their child to another public school in the district that is not identified for improvement, corrective action, or restructuring; and
- The supplemental educational services that are available to eligible children.

B14. What if a district has already taken the actions outlined in the table, or substantially similar actions, for a school slated to be restructured?

Nothing in state or Federal law prevents a district from taking appropriate actions to improve a school ahead of the schedule specified in Federal law. If the district has already taken appropriate actions for a school scheduled to be restructured, it should provide that information in the restructuring plan and should additionally note any improvements due to those actions. If the restructuring does not result in the desired improvement in student achievement after the following school year, the district must take additional restructuring actions according to the table, above.

SCHOOL IMPROVEMENT

C-1. What if a school on the “restructuring list” makes AYP in 2007?

If a school scheduled to restructure makes AYP, its status is placed “on hold.” It must continue to meet all the requirements of a school in corrective action, but is not required to restructure. If the school makes AYP for two years in a row, it exits “improvement” status.

C-2. Does restructuring “restart the clock” for AYP?

Not unless a school is reconstituted. If a district chooses to reconstitute a restructuring school as a new school, including as a charter school, and that new school has substantially different leadership and staff, that school “restarts” the AYP clock, and that school has two years to make AYP before it is subject to any sanctions. Any action short of reconstituting as a new school does not restart the clock.

C-3. How much improvement is a restructured school expected to demonstrate?

A restructured school must meet the same expectations as all other schools: adequate yearly progress.

C-4. How does a school exit restructuring status?

A school exits any stage in “improvement” status the same way: by making AYP for two consecutive years.

C-5. If a district chooses to combine grade levels or reopen as a charter for Tiers 4 and 5 schools, will those schools be assigned a new school number?

New school numbers will be assigned to those schools that apply to the Department for new school numbers and that can demonstrate significant changes in leadership, staff, and school configuration equivalent to forming a new school.

RESOURCES AND ASSISTANCE

D-1. What resources are available to assist with restructuring?

Numerous resources are available to assist with restructuring. The following financial resources may be used for restructuring:

- Title I School Improvement Funds. The RFA for these funds, which prioritizes SINI-4 schools, will be released in early February.
- Regular Title I, Part A funds may be used for restructuring, but no school’s allocation may be reduced by more than 15 percent.
- Depending on the restructuring activity, other Federal program funds may be used where appropriate.

Staff in the Bureau of School Improvement and Student Assistance are available to assist with developing restructuring plans. Districts should contact their regional coordinator directly.

D-2. What assistance is available if a district wants to reconstitute a school as a charter school?

If a district wishes to reconstitute a school in planned restructuring as a charter school, the Office of Public School Choice will assist it directly. Districts should contact: Steven Adams, Steven.Adams@fldoe.org or 850-245-0502.

D-3. Will direct technical assistance, such as school support teams, be provided from the SEA during the implementation of the chosen restructuring option?

Yes. The Bureau of School Improvement’s SWAT teams will be available to assist with restructuring.