***Note:*** The following contains basic requirements under the No Child Left Behind Act (NCLB) for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds.

DISTRICT PLAN

The District may receive a subgrant under Title I, Part A for any fiscal year only if the District has on file a plan approved by TEA. The plan shall include the items listed at 20 U.S.C. 6312(b) and the required assurances under 20 U.S.C. 6312(c). The plan may be submitted as part of a consolidated application. *20 U.S.C 6312(a)–(c)*

The District shall develop its plan in consultation with teachers, principals, administrators, and other appropriate school personnel, and with parents of children in schools served under Title I, Part A. The plan shall remain in effect for the duration of the District's participation under Title I, Part A. The District shall periodically review and, as necessary, revise its plan. *20 U.S.C. 6312(d)(3)*

ANNUAL REVIEW

A district receiving federal funds under Title I, Part A shall:

1. Use the state academic assessments and other academic indicators described in the state plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making adequate yearly progress (AYP).

2. At the District's discretion, use any assessments or any other academic indicators described in the District plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making AYP.

3. Publicize and disseminate the results of the local annual review to parents, teachers, principals, schools, and the community.

4. Review the effectiveness of the actions and activities with respect to parental involvement, professional development, and other activities assisted under Title I, Part A.

*20 U.S.C. 6316(a)*

"AYP" DEFINED

All public school campuses and districts are required to meet AYP criteria on three measures: reading/English language arts, mathematics, and either graduation rate (for high schools and districts) or attendance rate (for elementary and middle/junior high schools).

The performance of the District or a campus is reported through indicators of AYP status established by the Commissioner. The specific criteria and calculations used in AYP are established annually by the Commissioner and communicated to all school districts. *19 TAC 97.1004*

TRANSFER OF DISCIPLINARY RECORDS

The state shall provide an assurance to the United States Secretary of Education that the state has a procedure in place to facilitate the transfer by districts of disciplinary records, with respect to a suspension or expulsion, to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school. *20 U.S.C. 7165(b)*

CAMPUS-LEVEL INTERVENTIONS AND SANCTIONS

A school that fails to make AYP is subject to identification by the District for school improvement, corrective action, or alternative governance, as described below. *20 U.S.C. 6316(b)(1), (b)(5), (b)(7), (b)(8)*

PRE-IDENTIFICATION REVIEW

Before identifying a school for improvement, corrective action, or restructuring, the District shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

If the principal of a school proposed for identification believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the District, which shall consider that evidence before making a final determination.

Not later than 30 days after the District provides the school with the opportunity to review such school-level data, the District shall make public a final determination on the status of the school with respect to the identification.

*20 U.S.C. 6316(b)(2)*

DURATION

If a school identified for improvement, corrective action, or restructuring makes AYP for two consecutive school years, the District shall no longer subject the school to the requirements of improvement, corrective action, or restructuring, or identify the school for improvement for the succeeding school year. *20 U.S.C. 6316(b)(12)*

GENERAL REQUIREMENTS

If a school is identified for school improvement, corrective action, or restructuring, the District shall:

1. Provide notice to parents, as described below;

2. Provide eligible students with supplemental services; and

3. Provide students enrolled in the school with an option to transfer to a higher performing school [see OPTION TO TRANSFER, below].

NOTICE TO PARENTS

The District shall promptly provide notice of identification to the parent or parents of each student enrolled in the school. The notice shall be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The notice shall provide:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the District and TEA.

2. The reasons for the identification.

3. An explanation of what the school identified for school improvement is doing to address the problem of low achievement.

4. An explanation of what the District or TEA is doing to help the school address the achievement problem.

5. An explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement.

6. An explanation of the parents' option to transfer their child to another public school or to obtain supplemental educational services for the child.

*20 U.S.C. 6316(b)(6), (b)(7)(E)*

SUPPLEMENTAL SERVICES

The District shall arrange for the provision of supplemental educational services to eligible children from a provider with a demonstrated record of effectiveness. The provider shall be selected by the parents and approved for that purpose by TEA. Nothing contained in this provision shall permit the making of any payment for religious worship or instruction.

An "eligible child" means a child from a low-income family, as determined by the District for purposes of allocating funds to schools under 20 U.S.C. 6313(c).

"Supplemental educational services" means tutoring and other supplemental academic enrichment services that are:

1. In addition to instruction provided during the school day; and

2. High quality, research-based, and specifically designed to increase the academic achievement of eligible children on academic assessments and attain proficiency in meeting the state's academic achievement standards.

The District shall continue to provide supplemental educational services to a child receiving such services until the end of the school year in which such services were first received.

The District may request that TEA waive, in whole or in part, the requirement to provide supplemental educational services.

*20 U.S.C. 6316(e)*

OPTION TO TRANSFER

Not later than the first day of the school year following identification, the District shall provide all students enrolled in the school with the option to transfer to another public school in the District that has not been identified for school improvement. *20 U.S.C. 6316(b)(1)(E)* [See CNA and FDB]

FAILURE TO MAKE AYP FOR TWO YEARS

The District shall identify for school improvement any elementary or secondary school served under Title I, Part A that fails, for two consecutive years, to make AYP. The identification shall take place before the beginning of the school year following such failure to make AYP. *20 U.S.C. 6316(b)(1)(A)–(B)*

SCHOOL PLAN

After the resolution of any pre-identification review, the school shall, not later than three months after being identified for improvement, develop or revise a school plan in consultation with parents, school staff, the District, and outside experts. The school plan shall cover a two-year period and address the items at 20 U.S.C. 6316(b)(3)(A).

The school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification for improvement. If a plan is not approved before the beginning of a school year, such plan shall be implemented immediately upon approval.

Within 45 days of receiving a school plan, the District shall:

1. Establish a peer review process to assist with review of the school plan; and

2. Promptly review the school plan, work with the school as necessary, and approve the plan if it meets requirements.

*20 U.S.C. 6316(b)(3)(E)*

TECHNICAL ASSISTANCE

For each school identified for school improvement, the District shall ensure the provision of technical assistance as the school develops

and implements the school plan. Such technical assistance shall include the items listed at 20 U.S.C. 6316(b)(4)(B) and shall be based on scientifically based research. *20 U.S.C. 6316(b)(4)*

FAILURE TO MAKE AYP FOR THREE YEARS

If the school fails to make AYP by the end of the first full school year after identification, the District shall:

1. Continue to provide students with the option to transfer to another school served by the District;
2. Make supplemental educational services available; and
3. Continue to provide technical assistance.

*20 U.S.C. 6316(b)(5)*

FAILURE TO MAKE AYP FOR FOUR YEARS

If the school fails to make AYP by the end of the second full school year after identification, the District shall identify the school for corrective action and take at least one of the following corrective actions:

1. Replace the school staff relevant to the failure to make AYP.
2. Institute and fully implement a new curriculum, including appropriate professional development, for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make AYP.
3. Significantly decrease management authority at the school level.
4. Appoint an outside expert to advise the school on its progress toward making AYP.
5. Extend the school year or school day for the school.
6. Restructure the internal organizational structure of the school.

*20 U.S.C. 6316(b)(7)(C)*

FAILURE TO MAKE AYP FOR FIVE YEARS

If, after one full school year of corrective action, a school continues to fail to make AYP, the District shall prepare a plan and make necessary arrangements to carry out alternative governance.

Not later than the beginning of the school year following the year in which the District implements restructuring, the District shall implement one of the following alternative governance arrangements for the school consistent with state law:

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 failure 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 public school.

4. Turn the operation of the school over to the TEA, if permitted under state law and agreed to by the state.

5. Execute 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 AYP.

*20 U.S.C. 6316(b)(8)(B)*

NOTICE TO TEACHERS AND PARENTS

The District shall provide prompt notice to teachers and parents of the identification for restructuring. The District shall provide the teachers and parents with an adequate opportunity to comment before the District takes action and to participate in developing any restructuring plan.

DISTRICT-LEVEL INTERVENTIONS AND SANCTIONS

A district that fails to make AYP is subject to identification by TEA for district improvement or corrective action. *20 U.S.C. 6316(c)*

PRE-IDENTIFICATION REVIEW

Before identifying the District for improvement or corrective action, TEA shall provide the District with an opportunity to review the data, including academic assessment data, on which the proposed identification is based. If the District believes that the proposed identification is in error for statistical or other substantive reasons, the District may provide supporting evidence to TEA, which shall consider the evidence before making a final determination not later than 30 days after any pre-identification review.

TEA shall promptly provide to the parents of each student enrolled in a school served by a district identified for improvement, the results of any pre-identification review and, if the District is identified for improvement, the reasons for that identification and how parents can participate in upgrading the quality of the District.

*20 U.S.C. 6316(c)(5)*

DURATION

If the District makes AYP for two consecutive school years beginning after the date of identification for improvement, TEA need no longer identify the District for improvement or subject the District to corrective action for the succeeding school year. *20 U.S.C. 6316(c)(11)*

IDENTIFICATION FOR IMPROVEMENT

TEA shall identify for improvement a district that, for two consecutive years, fails to make AYP. *20 U.S.C. 6316(c)(3)*

DISTRICT PLAN

A district identified for improvement shall, not later than three months after being so identified, develop or revise a District plan, in consultation with parents, school staff, and others. The plan shall address the items at 20 U.S.C. 6316(b)(7)(A). The District shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the District was identified for improvement. *20 U.S.C. 6316(c)(7)*

TEA shall provide technical or other assistance if requested to better enable the District to develop and implement its plan and work with schools needing improvement. The technical assistance shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing parental involvement and professional development activities. *20 U.S.C. 6316(c)(9)*

IDENTIFICATION FOR CORRECTIVE ACTION

After providing technical assistance, TEA may take corrective action at any time with respect to a district that has been identified for improvement.

TEA shall take corrective action with respect to a district that fails to make AYP by the end of the second full school year after the identification for improvement. TEA shall continue to provide technical assistance while instituting any corrective action.

If the District is identified for corrective action, TEA shall take at least one of the following actions:

1. Defer programmatic funds or reduce administrative funds.
2. Institute and fully implement a new curriculum.
3. Replace District personnel relevant to the failure to make AYP.
4. Remove particular schools from the jurisdiction of the District and establish alternative arrangements for public governance and supervision of such schools.
5. Appoint a receiver or trustee to administer the affairs of the District in place of the Superintendent and Board.
6. Abolish or restructure the District.
7. In conjunction with at least one of the actions listed above, authorize students to transfer to a higher-performing public school operated by another district.

*20 U.S.C. 6316(c)(10)*

TEA may delay, for a period not to exceed one year, implementation of corrective action if the District makes AYP for one year or its failure to make AYP is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the District. No such period shall be taken into account in determining the number of consecutive years of failure to make AYP.

HEARING

Before implementing any corrective action, TEA shall provide notice and a hearing to the affected district, if state law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action. *20 U.S.C. 6316(c)(10)(D)*

NOTICE TO PARENTS

TEA shall publish, and disseminate to parents and the public, information on any corrective action TEA takes, through such means as the Internet, the media, and public agencies. *20 U.S.C. 6316(c)(10)(E)*