

Instruction

Administrative Procedure - Consequences for a DISTRICT Missing Adequate Yearly Progress

This procedure covers the District's requirement to make AYP separate from that of its schools. It also covers the consequences to the District for its failure to make AYP. The administrative procedure 6:15-AP1, *Consequences for a SCHOOL Missing Adequate Yearly Progress*, must also be implemented if a school within the District misses AYP.

Introduction

"Adequate yearly progress" (AYP) represents the annual academic performance targets that the State, school districts, and schools must reach to be considered on track for 100% proficiency by school year 2013-14. See ISBE rules 1.50, 1.60, 1.70, and 1.80 in Title 23, for a complete explanation. All students and subgroups of 45 or more within schools, school Districts, and the State are calculated for AYP. The required subgroups are: White, Black, Hispanic, Asian, American Indian, multi-racial/ethnic, Limited English Proficiency, students with disabilities, and low income. Schools begin facing State and/or NCLB sanctions after failing to make AYP for 2 consecutive years.

In order for a District to make AYP:

1. Each of 10 student groups (a composite group and 9 subgroups) must meet the 95% participation rate for the math assessment.
2. Each of 10 student groups (a composite group and 9 subgroups) must meet the 95% participation rate for the language arts assessment.
3. Each of 10 student groups (a composite group and 9 subgroups) must meet/exceed the performance target for the math assessment.
4. Each of 10 student groups (a composite group and 9 subgroups) must meet/exceed the performance target for the language arts assessment.
5. Must meet targets for graduation at high schools or attendance rates at elementary or middle schools.

Special provisions apply to the calculation of AYP for Districts that serve students at more than one grade span (i.e., elementary school (grades 3-5), middle school (grades 6-8), and high school (grades 9-12)). Such a District shall fail to make AYP only if data for each of the grade spans served indicate that one or more applicable targets were not met by the students at that grade span.

To determine whether a District made AYP, ISBE combines all members of specific subgroups from all district schools [See Accountability Workbook for Ill. (revised June 2006); U.S. Dept. of Education's, "LEA and School Improvement," Non-Regulatory Guidance (1-7-2004)]. A safe harbor provision allows districts and schools to still make AYP if each subgroup that misses AYP reduces its percentage of students not meeting standards by 10% of the previous year's percentage, plus the subgroup meets targets for graduation at high schools or attendance rates at elementary or middle schools.

This procedure integrates State and federal consequences for missing AYP. Federal requirements are all beneath the heading, "**Federal Law.**" Another way to differentiate a State requirement from a federal one is to check the legal citation. A citation to either U.S.C. or C.F.R. is to a federal requirement. U.S.C. is the abbreviation for *United States Code*. This publication contains all federal laws; Title 20 contains the NCLBA. C.F.R. is the abbreviation for *Code of Federal Regulations*. This publication contains all regulations promulgated by a U.S. administrative agency; Title 34 contains the regulations promulgated by the U.S. Dept. of Education to implement the NCLBA. ILCS is the abbreviation for *Illinois Compiled Statutes*. This publication contains all Illinois statutes. Chapter 105 contains The School Code. The responsibilities listed in this procedure are not necessarily in chronological order.

Each Year that the District Misses AYP:

Actor	Responsibility
ISBE	<p>State Law:</p> <p>Makes available technical assistance, including, assistance with curriculum evaluation, the instructional process, student performance, school environment, staff effectiveness, school and community relations, parental involvement, resource management, leadership, data analysis</p>

Actor	Responsibility
	<p>processes and tools, school improvement plan guidance and feedback, information regarding scientifically based research-proven curriculum and instruction, and professional development opportunities for teachers and administrators. 105 ILCS 5/2-3.25h. ISBE also makes technical assistance available to assist the development of a School Improvement Plan (SIP). 105 ILCS 5/2-3.25f(a), as amended by P.A. 94-875.</p> <p>Prepares the school report card and provides it to the District. 105 ILCS 5/10-17a(3)(d).</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Prepares and implements an accountability plan for holding schools and Districts accountable for student performance on and participation in State assessments. Annually reviews whether the District is: (1) making AYP, and (2) carrying out its responsibilities with respect to school improvement, technical assistance, parental involvement, and professional development. 20 U.S.C. §6311, 34 C.F.R. §200.50(a).</p> <p>Prepares and disseminates an annual State report card. 20 U.S.C. 6311(h)(1).</p>
<p>Superintendent and/or School Board</p>	<p>State Law:</p> <p>Regardless of whether a school or the District makes AYP, disseminates the annual school report card. 105 ILCS 5/10-17a.</p> <p>Ensures when reporting achievements that no individual student can be identified and that the student record and privacy laws are followed.</p> <p>Verifies the data received from ISBE to eliminate the possibility that a data mistake caused the District to miss AYP.</p> <p>Within 30 days after receipt of data from ISBE, the Superintendent must notify ISBE of unresolved problems with the preliminary data. ISBE has an additional 15 days to make necessary corrections. If the areas of concern are not resolved, the School Board may use the §1.95 appeal procedure. 23 Ill.Admin.Code §1.30(e).</p> <p>Decides whether to request a waiver or modification of ISBE's rules or a modification of mandates contained in <u>The School Code</u>; the request may not pertain to compliance with NCLBA. 105 ILCS 5/2-3.25g.</p> <p>Investigates the reasons the District missed AYP. Identifies any underlying staffing, curriculum, or other problems in the District. The Superintendent should report the information to the School Board along with recommendations to increase the likelihood the District will make AYP next year. The Board acts, based on the Superintendent's recommendations, to increase the likelihood the District will make AYP next year.</p> <p>Monitors the possibility of missing AYP the next school year.</p>

After SECOND Consecutive Year of Missing AYP:

- District placed on State Academic Early Warning Status. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875.
- Federal District improvement 1 status. 34 C.F.R. §200.50.

Actor	Responsibility
ISBE	<p>State Law:</p> <p>Performs all tasks identified for ISBE in the first table, “Each Year that the District Misses AYP.”</p> <p>Acknowledges the District’s placement on State Academic Early Warning Status as provided in 105 ILCS 2-3.25d(b), as amended by P.A. 94-875.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs all tasks identified for ISBE in the first table, “Each Year that the District Misses AYP.”</p> <p>Provides the District with an opportunity to review the data on which the proposed identification will be made at least 30 days before ISBE will make a decision. 34 C.F.R. §200.50(c).</p> <p style="padding-left: 40px;">Before making a final determination, considers any evidence presented by the District. 34 C.F.R. §200.50(c). Promptly publicizes and disseminates to the District, staff, parents/guardians, and community its review results. 34 C.F.R. §200.51.</p> <p>Identifies the District for improvement. 34 C.F.R. §200.50(d).</p> <p>Provides technical assistance. 34 C.F.R. §§200.49(b), 200.50, and 200.52(b).</p>
Superintendent and/or School Board	<p>State Law:</p> <p>Performs all tasks identified for the Superintendent and/or School Board in the first table, “Each Year that the District Misses AYP.”</p> <p>Determines whether to request an appeal of the District’s status level, recognition level determined pursuant to 105 ILCS 5/2-3.25f, or corrective actions undertaken by ISBE pursuant to 105 ILCS 5/2-3.25f or the No Child Left Behind Act of 2001. 105 ILCS 5/2-3.25d(b), as amended by P.A. 94-875.</p> <p style="padding-left: 40px;">The District must submit its appeal within 30 days after receipt of notification from ISBE of a School’s or the District’s status level, recognition level, or corrective action, or by September 1, whichever occurs later. In the event of an appeal, the Superintendent shall send a written request to ISBE for consideration by the Appeals Advisory Committee. 105 ILCS 5/2-3.25m, 23 Ill.Admin.Code 1.95.</p> <p>Prepares a revised District Improvement Plan (DIP); the School Board</p>

Actor	Responsibility
	<p>must approve the DIP. 105 ILCS 5/2-3.25d(b), as amended by P.A. 94-875.</p> <p>The DIP must be prepared in collaboration with parents and staff. The DIP must address measurable outcomes for improving student performance so that such performance meets AYP criteria as specified by ISBE. 105 ILCS 5/2-3.25d(c), as amended by P.A. 94-875. The requirement to obtain ISBE’s approval of a DIP conflicts with subsequent legislation (P.A. 94-875) and is therefore unenforceable. All revised improvement plans must “be developed, submitted, and monitored pursuant to [ISBE rules].” By rule, ISBE has listed the required components of a DIP. 23 Ill.Admin.Code §1.85. The components are from federal law as listed below.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Reviews the data on which ISBE proposes to make an identification decision. If the proposed identification is believed to be in error for statistical or other substantive reasons, petitions ISBE for a review and provides supporting evidence. 34 C.F.R. §200.50(c).</p> <p>Develops or revises a District Improvement Plan (DIP) within 3 months. 34 C.F.R. §200.52(a)(1). The District must consult the parents, staff, and others in developing its improvement plan. 34 C.F.R. §200.52(a)(2). The DIP must include <i>all</i> of the following:</p> <ol style="list-style-type: none"> 1. Identifies actions that have the greatest likelihood of improving achievement. 34 C.F.R. §200.52(a)(3)(ii). 2. Addresses staff professional development needs by committing to spend the minimum amount required by federal law. 34 C.F.R. §200.52(a)(3)(iii). 3. Includes specific measurable achievement goals and targets. 34 C.F.R. §200.52(a)(3)(iv). 4. Addresses fundamental teaching and learning needs of the District’s schools and specific academic problems of low-achieving students. 34 C.F.R. §200.52(a)(3)(v). 5. As appropriate, incorporates activities before school, after school, during summer, and during any school year extension. 34 C.F.R. §200.52(a)(3)(vi). 6. Specifies the District and ISBE’s respective responsibilities. 34 C.F.R. §200.52(a)(3)(vii). 7. Includes strategies to promote effective parental involvement. 34 C.F.R. §200.52(a)(3)(viii). <p>Expediently implements improvement plan, 34 C.F.R. §200.52(a)(4).</p>

After THIRD Consecutive Year of Missing AYP:

- District remains on State Academic Early Warning Status, Year 2. 105 ILCS 5/2-3.25d(b), as amended by P.A. 94-875.
- Federal improvement 2 status. 34 C.F.R. §§200.50, 200.52.

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ISBE	<p>State Law:</p> <p>Performs all tasks identified for ISBE in the first table, “Each Year that the District Misses AYP.”</p> <p>Acknowledges the District’s placement on State Academic Early Warning Status, year 2, as provided in 105 ILCS 2-3.25d(b), as amended by P.A. 94-875.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs all tasks identified for ISBE in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Identifies the District for improvement. 34 C.F.R. §200.50(d).</p>
Superintendent and/or School Board	<p>State Law:</p> <p>Performs all tasks identified for the Superintendent and/or School Board in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs all tasks identified for the Superintendent and/or School Board in the second table, “After SECOND Consecutive Year of Missing AYP.”</p>

After FOURTH Consecutive Year of Missing AYP:

- District placed on State Initial Academic Watch Status. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875.
- Federal corrective action status. 34 C.F.R. §§200.50(e), 200.53.

Actor	Responsibility
ISBE	<p>State Law:</p> <p>Performs all tasks identified for ISBE in the first table, “Each Year that the District Misses AYP.”</p> <p>Acknowledges the District’s placement on State Initial Academic Watch Status, Year 1. 105 ILCS 2-3.25d(b), as amended by P.A. 94-875.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p>

Actor	Responsibility
	<p>Performs all tasks identified for ISBE in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Identifies the District for corrective action. 34 C.F.R. §200.50(d).</p> <p>After providing technical assistance under §200.52(b), takes corrective action if the District fails to make AYP by being in school improvement for 2 school years (after fourth consecutive year of missing AYP). 34 C.F.R. §200.50(e)(2).</p> <p>May delay corrective action if the District makes AYP for one year or the District’s failure to make AYP is due to exceptional or uncontrollable circumstances, e.g., a natural disaster or a precipitous and unforeseen decline in the District’s financial resources. 34 C.F.R. §200.50(f).</p> <p>Before implementing corrective action, must provide notice and a hearing to the District not later than 45 days following the decision to take corrective action. (Applicable only if State law provides for notice and hearing; thus, 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875 and 5/2-3.25m control.) 34 C.F.R. §200.53(b).</p> <p>Takes one of the following corrective actions:</p> <ol style="list-style-type: none"> 1. Defers programmatic funds or reduces administrative funds. 34 C.F.R. §200.53(c)(2)(i). 2. Implements new curriculum. 34 C.F.R. §200.53(c)(2)(ii). 3. Replaces District personnel who are relevant to the failure to make AYP. 34 C.F.R. §200.53(c)(2)(iii). 4. Removes particular schools from the District’s jurisdiction and establishes alternative arrangements for their governance and supervision. 34 C.F.R. §200.53(c)(2)(vi). 5. Appoints a receiver or trustee to administer the District. 34 C.F.R. §200.53(c)(2)(v). 6. Abolishes or restructures the District. 34 C.F.R. §200.53(c)(2)(vi). <p>In conjunction with one of the above options, authorizes students to transfer to a higher-performing school operated by another District and provides transportation. 34 C.F.R. §200.53(c)(2)(vii).</p>
<p>Superintendent and/or School Board</p>	<p>State Law:</p> <p>Performs all tasks identified for the Superintendent and/or School Board in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs all tasks identified for the Superintendent and/or School Board in the second table, “After SECOND Consecutive Year of Missing AYP.”</p>

After FIFTH Consecutive Year of Missing AYP:

- District remains on State Academic Watch Status Year 2. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875.
- Federal corrective action status. 34 C.F.R. §§200.50(e), 200.53.

Actor	Responsibility
ISBE	<p>State Law:</p> <p>Performs all tasks identified for ISBE in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Acknowledges the District’s placement on State Academic Watch Status, Year 2. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs same tasks as described for ISBE in the “After FOURTH Consecutive Year of Missing AYP” table.</p>
Superintendent and/or School Board	<p>State Law:</p> <p>Performs same tasks as described in the “After SECOND Consecutive Year of Missing AYP.”</p> <p>In addition, develops a District restructuring plan beginning with the next school year. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875. ISBE rule prescribes the mandated contents of a restructuring plan and a timeline for completion. 23 Ill.Admin.Code §1.85(d). 105 ILCS 5/2-3.25n protects existing employees’ rights.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs same tasks as described in the “After SECOND Consecutive Year of Missing AYP” table.</p>

After SIXTH Consecutive Year of Missing AYP

- District remains on State Academic Watch Status. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875.
- Federal corrective action status. 34 C.F.R. §§200.50(e), 200.53.

Actor	Responsibility
ISBE	<p>State Law:</p> <p>Performs all tasks identified for ISBE in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these ac-</i></p>

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	<p>tions.)</p> <p>Performs same tasks as described in the “After FOURTH Consecutive Year of Missing AYP” table.</p>
Superintendent and/or School Board	<p>State Law:</p> <p>Performs same tasks as described in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>Implements the approved District restructuring plan beginning the next school year, subject to State interventions. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875. 105 ILCS 5/2-3.25n protects existing employees’ rights.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs same tasks as described in the second table, “After SECOND Consecutive Year of Missing APY.</p>

After SEVENTH Consecutive Year of Missing AYP

- State Intervention Status. 105 ILCS 5/105 ILCS 2-3.25d(b), as amended by P.A. 94-875.
- Federal corrective action status. 34 C.F.R. §§200.50(e), 200.53.

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ISBE	<p>State Law:</p> <p>Performs all tasks identified for ISBE in the second table, “After SECOND Consecutive Year of Missing AYP.”</p> <p>After the District misses AYP for the seventh consecutive year (after 3 years on Academic Watch Status), takes one of the following actions [105 ILCS 5/2-3.25f(b)]:</p> <ol style="list-style-type: none"> 1. Authorizes the State Superintendent to direct the Regional Superintendent to remove School Board members using Section 3-14.28. Prior to such direction, ISBE shall permit School Board members to present written and oral comments to it. 2. Directs the State Superintendent to appoint an Independent Authority that shall exercise such powers and duties as may be necessary to operate the school or District for purposes of improving pupil performance and school improvement. 3. Changes the school’s or District’s recognition status to non-recognized. 4. Authorizes the State Superintendent to direct: (a) student reassignment; or (b) the reassignment or replacement of District personnel who are relevant to the failure to meet AYP criteria. 105 ILCS 5/2-3.25n protects existing employees’ rights.

Actor	Responsibility
	<p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs same tasks as described in the “After FOURTH Consecutive Year of Missing AYP” table.</p>
<p>Superintendent and/or School Board</p>	<p>State Law:</p> <p>Performs same tasks as described in the “After SIXTH Consecutive Year of Missing AYP” table.</p> <p>Federal Law: <i>(These provisions are applicable only if the District has a Title I school; State law provides the process for many of these actions.)</i></p> <p>Performs same tasks as described in the second table, “After SECOND Consecutive Year of Missing AYP.”</p>

DATED: October 10, 2007