

**NEW JERSEY DEPARTMENT OF EDUCATION**  
**TITLE I**  
**SCHOOL RESTRUCTURING PLAN**

**District Plan for Restructuring Year 5 Schools in September 2008**

**DUE DATE: MONDAY, APRIL 28, 2008**

**SUBMIT ONE ORIGINAL COPY TO:**  
NEW JERSEY DEPARTMENT OF EDUCATION  
CAPA UNIT  
7 GLENWOOD AVENUE, SUITE 202 – 2<sup>ND</sup> FLOOR  
EAST ORANGE, NJ 07017

**SUBMIT ONE ELECTRONIC COPY TO:**  
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## INTRODUCTION

The United States Department of Education's (USDE) *LEA and School Improvement Non-Regulatory Guidance* defines restructuring as the process wherein "the LEA undertakes a major reorganization of a school, making fundamental reforms, such as significant changes in the school's staffing and governance. The purpose of restructuring is to improve student academic achievement and enable the school to make AYP as defined by the State's accountability system." The New Jersey Department of Education (NJDOE) requires that districts select one of the following restructuring options for their Title I schools in need of improvement in Year 5 – Planning for Restructuring:

- Implement any major restructuring of the school's governance that is consistent with the principles of restructuring as set forth in the *No Child Left Behind Act*.
- Re-open the school as a public charter school as defined by and consistent with state statute and regulation (N.J.S.A. 18A:36A-1 et seq. and N.J.A.C. 6A).
- Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make adequate progress (consistent with existing contractual provisions and applicable statutory protections in Title 18A).

For New Jersey's schools subject to restructuring, this action comes after an extensive academic assessment known as the Collaborative Assessment and Planning for Achievement (CAPA) process. The CAPA review process enabled districts and schools to evaluate the effectiveness of their efforts to increase student achievement and identify successful, and not so successful, instructional and curricular approaches. Some districts went beyond this to begin making the necessary governance changes to facilitate the implementation of the CAPA recommendations for instruction, curriculum, assessment, school culture, professional development, and all areas of the CAPA standards.

All schools/districts planning for restructuring will have the option to participate in a status meeting that includes district leadership; school leadership; and NJDOE staff. During this meeting, which will also serve as the CAPA benchmark meeting for the district, the participants will review the content and implementation status of the CAPA recommendations and the Title I School and District Improvement Plans. Participants will also review the instructional improvements and governance changes already underway.

During the plan development, Year 5 schools must continue to implement their current improvement efforts as identified in the CAPA prioritized recommendations and the Title I School Improvement Plan. The district will be responsible for a continuous assessment of the school's needs to identify those strategies that are successful and those that need modification.

Each of the three restructuring options offers its own set of issues and possible successes. In order to make a decision, districts must be aware that the implementation of each option presents a unique set of challenges. Each option requires a yet undetermined level of commitment and effort from NJDOE staff, schools, districts, and other stakeholders. The selection of an option must take into account the capacity of the district, and the school, but most importantly, the decision must be based on which option will be most effective in helping students meet proficiency benchmarks.

Appendix C (page 28) contains an excerpt from the USDE's *Revised LEA and School Improvement Non-Regulatory Guidance*. The complete document can be found at <http://www.ed.gov/policy/elsec/guid/schoolimprovementguid.doc>.

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Districts should consult the Restructuring Plan component checklist on page 6 to determine which forms are required for completion of the plan. The Board of Education must approve all restructuring plans before the district submits the plan(s) to the NJDOE, as described in the "Timeline of Activities for NCLB School Restructuring (Year 1) 2007-2008."

#### For questions regarding the Restructuring Plan contact:

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# **PART I**

# **GENERAL INFORMATION**

**2007-2008 TIMELINE OF ACTIVITIES FOR NCLB SCHOOL RESTRUCTURING (YEAR 1)**

ACTIVITY	DATES
List of schools identified for NCLB Year 5 - planning for restructuring.	July 2007
District provides notification to teachers, and parents of each student enrolled in an identified school, of the school's new status.	Before the start of the 2007-2008 school year
NJDOE provides technical assistance through regional workshops and meetings with districts.	North – October 26 and November 2 Seton Hall University South – December 7 and 14 Cherry Hill HS West
District conducts comprehensive data and causal analyses of reasons for low student achievement in identified school(s).	November 2007-January 2008
District conducts public meetings with parents, guardians, stakeholders to determine the appropriate restructuring option(s) for each identified school.	October 2007-March 2008
District, with stakeholders, makes determination of the appropriate restructuring option(s) for each identified school and develops draft of restructuring plan for each school.	January 2008-April 2008
Board of Education approves school restructuring plan(s).	Before April 28, 2008
District submits school restructuring plans to NJDOE.	April 28, 2008
NJDOE reviews school restructuring plans and provides feedback to districts.	May 2008 – August 2008
District makes final revisions, if necessary, to school restructuring plan(s).	July 2008- August 2008
District submits final, board-approved school restructuring plan(s) to NJDOE.	July 2008 –August 2008
District prepares to implement school restructuring plan(s).	Summer 2008
Final approved restructuring plan posted on DOE Title I Website	September 2008
District implements school restructuring plan(s).	September 2008-August 2009
CAPA Three-Day Visits to Schools entering Restructuring	January 2010

## RESTRUCTURING PLAN COMPONENT CHECKLIST

FORM	PAGE(S)	REQUIRED	COMPLETED
District and School Information	7	Yes	
Approval/Signatures and Certification of Consultation	8	Yes	
Form A: Proposed Restructuring Option(s)	9	Yes	
Form B: Governance Staff in the Restructured School	10-11	Yes	
Form C: Impact of Restructuring on Student Subgroups	12-13	Yes	
Form D: Programmatic, Structural and Instructional Impact of Restructuring	14-17	Yes	
Form E: Option 2 – Re-open the School as a Public Charter School as Defined by and Consistent with State Statute and Regulation (N.J.S.A. 18A:36A-1 Et. Seq. and N.J.A.C. 6A)	18	Optional  Complete only if selecting this option	
Form F: Option 3 – Replace All Or Most Of The School Staff, Which May Include The Principal, Who Are Relevant To The School's Inability To Make Adequate Progress (Consistent With Existing Contractual Provisions And Applicable Statutory Protections In Title 18a)	19	Optional  Complete if selecting this option	
Form G: Specific Programmatic and Instructional Strategies to Implement the Plan	20	Yes	
Form D: Professional Development to Implement the Plan	21-22	Yes	
Appendix A: Examples of "Alternate Governance"	23-24	N/A	N/A
Appendix B: Code of Conduct for Restructuring Team Members	25	N/A	N/A

**DISTRICT AND SCHOOL INFORMATION**

District:	District Code:
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Chief School Administrator:

Contact Person:

Office Address:

Phone Number For Contact Person:

Fax Number For Contact Person:

E-Mail Address Of Contact Person:

**SCHOOL INFORMATION**

School Name:	School Code:
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School Type:     Elementary             Middle             Secondary

Current Grade Levels:

School Address:

School Phone Number:	Fax:
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Principal:

Principal's E-Mail Address:

Building Level Education Association Representative:

School Parent Representative:

School Leadership Council Chairperson (Abbott Districts):

School Improvement Committee Chairperson (Non-Abbott Districts/Charter Schools):

Board President/Representative:

**APPROVAL/SIGNATURES AND CERTIFICATION OF CONSULTATION**

TITLE	PRINT NAME	SIGNATURE	DATE
Chief School Administrator			
Board President			
Building Level Education Association Representative			
School Parent Representative			
School Leadership Council Chairperson (Abbott Districts)			
School Improvement Committee Chairperson (Non-Abbott Districts And Charter Schools)			
Board President/Representative			

**DATE APPROVED BY BOARD OF EDUCATION:** \_\_\_\_/\_\_\_\_/2008

The Chief School Administrator/Charter School Lead Person verifies that the representative from the stakeholder groups listed above had an opportunity to participate pursuant to Section 1116(b) of the *No Child Left Behind Act of 2001* in the development of the Title I Restructuring Plan for (School Name).

Chief School Administrator/Charter School Lead Person's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Note:** See Appendix B for The Code of Conduct for the Restructuring Team Members.

# **PART II**

# **PROGRAM DESCRIPTION FORMS**

FORM A

PROPOSED RESTRUCTURING OPTION(S)

**Directions:**

(1) Based on the district's analysis and planning process, place a check (✓) in the boxes to the left to indicate the proposed option(s) to be implemented to improve the academic performance of the students in the school. Depending upon the analysis of the school and its data, the district must choose one or more of the options listed below that best address the identified needs of the school and school community. These options are derived from 20 USC 6316(8)(B) and represent the alternative governance arrangements that may be accomplished consistent with state law. The purpose of restructuring is for the school to improve its ability to teach all children, achieve annual academic performance targets, and be removed from restructuring status.

- Option 1:** Implement any major restructuring of the school's governance that is consistent with the principles of restructuring as set forth in the *No Child Left Behind Act*.
- Option 2:** Re-open the school as a public charter school as defined by and consistent with state statute and regulation (N.J.S.A. 18A:36A-1 et seq. and N.J.A.C. 6A).
- Option 3:** Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make adequate progress (consistent with existing contractual provisions and applicable statutory protections in Title 18A).\*

(2) In a brief narrative statement, explain the process the district used to select the proposed NCLB restructuring option(s) for this school.

\* See Appendix A for examples of restructuring strategies.

**FORM B**

**GOVERNANCE STAFF IN THE ADMINISTRATIVE SCHOOL**

**Directions:** A key component of school governance is the administrative staff. In Table 1 list the school's current administrative staff by title and name during the present school year (2007-2008) Under the heading "Restructured Administrative Staff" list the positions and persons who will comprise the administrative staff in the restructured school (2008-2009).

***FORM B-TABLE 1: CURRENT AND RESTRUCTURED SCHOOL ADMINISTRATIVE STAFF***

Current Administrative Staff (2007-2008)		Restructured Administrative Staff (2008-2009)	
Title	Name	Title	Name
Principal		Principal	



FORM C

IMPACT OF RESTRUCTURING CHOICE ON STUDENTS

**Directions:** Completes Table 3 and 3A to indicate how the proposed Restructuring Plan will address those student subgroups that did not make Adequate Yearly Progress.

**FORM C-TABLE 3: RESTRUCTURING RESPONSE FOR STUDENT SUBGROUPS NOT MAKING AYP- LANGUAGE ARTS LITERACY**

LANGUAGE ARTS LITERACY					
Grade Level	Subgroup	Restructuring Strategies to Address This Subgroup	Implementation Timeline	Person Responsible	Evaluation Method(s)
<i>Example: Grade 8</i>	<i>Total Students</i>	<i>New Literacy Coach for grade 8</i>	<i>September 2008-June 2009</i>	<i>Vice-Principal for Instruction</i>	<i>8-week formative assessments Lesson Plans</i>

FORM C-TABLE 3A: RESTRUCTURING RESPONSE FOR STUDENT SUBGROUPS NOT MAKING AYP- MATHEMATICS

MATHEMATICS					
Grade Level	Subgroup	Restructuring Strategies to Address This Subgroup	Implementation Timeline	Person Responsible	Evaluation Method(s)
Example: Grade 8	Total Students	Required 9 <sup>TH</sup> Period Math Enrichment Class	September 2008-May 2009	Vice-Principal for Instruction	8-week formative assessments Lesson Plans

FORM D

PROGRAMMATIC, STRUCTURAL AND INSTRUCTIONAL IMPACT OF RESTRUCTURING

Directions: Provide a separate narrative response to questions 1-5.

**I. The impact of the restructuring plan on current school improvement efforts**

1. How will the governance changes positively impact the implementation of the CAPA recommendations?
2. How will the governance changes positively impact the implementation of the Title I Unified Plan?

**II. The impact of the restructuring plan on current instructional efforts**

3. How will the governance changes impact the instructional schedule, including **each** of the following:
  - a. time for language arts and/or mathematics instruction
  - b. common planning time among teachers
  - c. the introduction of new instructional materials including textbooks
  - d. Use of interim or formative benchmarks and assessments including the use of student performance evidence
  - e. Classroom and school professional development aligned to language arts and mathematics

**III. The impact of the restructuring plan on district support efforts**

4. What strategies will the district use to support for the school's new governance structure, including each of the following:
  - a. tailored professional development
  - b. academic supports
  - c. scheduled reviews of formative student assessments
  - d. supplemental curriculum materials, and
  - e. educational technology.

**IV. The impact of the restructuring plan on parent and community involvement efforts**

5. Describe the process the district will use to involve the school community (including, but not limited to, school leadership, instructional and non-instructional school staff, district/school union representatives, School Improvement Committee, parents, PTO, community leaders) in the (a) development and (b) implementation of the restructuring plan.



VI. **Stakeholder Involvement Meetings:** List the dates that the district met with the community to discuss the restructuring plan with stakeholders. Also, attach the *minutes* and *agenda* from each meeting.

**FORM D - TABLE 5: STAKEHOLDER INVOLVEMENT MEETINGS**

Stakeholder Group	PURPOSE	DATE	NUMBER ATTENDING	Plan Development or Implementation Activity
Examples <i>Parents</i>	<i>Initial discussion regarding restructuring</i>	<i>October 31, 2007</i>	<i>50</i>	<i>Survey completed</i>

**VII. Directions:** Table 5 requests information on how the restructuring plan will impact the organization and structure of the school. In column 1 list the number of classes in each grade level. In column 2 identify the number of students in the grade level and in column 3 indicate the average class size for each grade in the current school year (2007-2008). For the following school year (2008-2009), use column 4 to identify the number of students that will be in each grade and use column 5 to identify the average class size in each grade of the restructured school.

**FORM D-TABLE 6: CHANGES IN SCHOOL ORGANIZATION/STRUCTURE**

Changes in the School's Organization/Structure				
	Current School (2007-2008)		Restructured School (2008-2009)	
(1)	(2)	(3)	(4)	(5)
Number of Classes in Each Grade and Class Size:	Number	Size	Number	Size
Pre-K				
K				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
Self-Contained Special Education Classes (for high schools: total number, in all subject areas, of special education self-contained classes)				
Bilingual Classes				
ESL Classes				

**VIII. Directions:** Table 6 requests information on how the restructuring plan will impact the number of instructional staff assigned to each grade level. For each grade present in the school during the current school year (2007-2008) indicate the number of teachers assigned to that grade level. Complete this information for each grade level that will be present in restructured school (2008-2009) as well.

**FORM D-TABLE 7: CHANGES IN INSTRUCTIONAL STAFF ASSIGNED TO EACH GRADE LEVEL**

Number of Teachers Assigned to School			
Current School: 2007-2008		Restructured School: 2008-2009	
Grade	Number	Grade	Number
Pre-K:		Pre-K:	
Kindergarten:		Kindergarten:	
Grade 1:		Grade 1:	
Grade 2:		Grade 2:	
Grade 3:		Grade 3:	
Grade 4:		Grade 4:	
Grade 5:		Grade 5:	
Grade 6:		Grade 6:	
Grade 7:		Grade 7:	
Grade 8:		Grade 8:	
Grade 9:		Grade 9:	
Grade 10:		Grade 10:	
Grade 11:		Grade 11:	
Grade 12:		Grade 12:	

FORM E

OPTION 2 – RE-OPEN THE SCHOOL AS A PUBLIC CHARTER SCHOOL AS DEFINED BY AND CONSISTENT WITH STATE STATUTE AND REGULATION (N.J.S.A. 18A:36A-1 ET SEQ. AND N.J.A.C. 6A)

**Directions:** Under N.J.S.A. 18A:36A-4, conversion to a charter school requires:

- (1) At least 51% of the teaching staff in the school shall have signed a petition in support of the school becoming a charter school; and
- (2) At least 51% of the parents or guardians of pupils attending that public school shall have signed a petition in support of the school becoming a charter school.

Districts pursuing this option should immediately begin completing the New Jersey Charter School Application located at: <http://www.nj.gov/njded/chartsch/app/>.

FORM F

OPTION 3 – REPLACE ALL OR MOST OF THE SCHOOL STAFF, WHICH MAY INCLUDE THE PRINCIPAL, WHO ARE RELEVANT TO THE SCHOOL'S INABILITY TO MAKE ADEQUATE PROGRESS (CONSISTENT WITH EXISTING CONTRACTUAL PROVISIONS AND APPLICABLE STATUTORY PROTECTIONS IN TITLE 18A).

**Directions:** Provide a separate narrative response to questions 1-6 to address the replacement/reassignment of staff determined to be relevant to why the school did not make AYP.

**STAFF RECRUITMENT, SELECTION AND SUPPORT**

1. What is the current process that the school/district uses to recruit staff?
2. How did the district identify staff for replacement/reassignment.?
3. What steps does the district/school take to ensure that the most challenging classes are assigned to the most experienced teachers?
4. What are the unique qualifications for staff in the restructured school?
5. What is the district/school's timeframe for the selection of staff?
6. What supports will be in place to ensure the success of the newly reassigned staff in the restructured school?

**Note:** In addition to reviewing the provisions of the existing collective bargaining agreements for any limitations, districts selecting this option should consult with their legal counsel to determine the implications on tenure rights, collective negotiations agreements, and staff transfers.

FORM G

SPECIFIC PROGRAMMATIC AND INSTRUCTIONAL STRATEGIES TO IMPLEMENT THE PLAN

**Directions:** Table 7 requests information on the programmatic and instructional strategies that the school/district will implement to ensure a more effective educational program in the restructured school, based upon the analysis of the data and the planning process for restructuring. In column 1 indicate the specific strategy that the district will implement. In column 2 provide the source of the research that supports the effectiveness of this strategy in increasing student achievement and in column 3 indicate the data the school analyzed that supports the need for this strategy in the school. Use column 4 to show which CAPA standard and indicator recommends the implementation of the strategy. In column 5 specify the date the district will begin the implementation of the strategy and the date the district will complete the implementation of the strategy, as well as the evaluation method(s) the district will use to ensure the implementation of the strategy. Identify the district personnel responsible for the implementation of the strategy in column 6.

**TABLE 8: INSTRUCTIONAL STRATEGIES TO SUPPORT THE RESTRUCTURED SCHOOL**

(1) Name of the strategy	(2) Brief description of the research supporting the strategy	(3) School data analysis that supports implementation of the strategy	(4) Relationship to CAPA recommendations	(5) Starting Date and Completion Date & Evaluation Method(s)	(6) Name of Person Responsible for Implementation
<i>Example : Common planning time for math teachers</i>	<i>Research in Middle Level Education Quarterly, v18 n3 p41-58 Sum 1995</i>	<i>2007 Professional development survey</i>	<i>Standard 3 Indicator 3.1</i>	<i>September 2007-June 2008 Lesson plans</i>	<i>Math Supervisor</i>

**FORM H**

**PROFESSIONAL DEVELOPMENT TO IMPLEMENT THE PLAN**

**Directions:** Table 8 requests information of the professional development activities the district will provide for school staff to ensure effective implementation of the educational program in the restructured school, based upon the analysis of the data and the planning process for restructuring. In column 1 briefly describe the focus of the professional development activity. Specify the student/staff population the activity will target in column 2 and how often the activity will occur in column 3. In column 4 identify the person/organization that will provide the professional development activity. Use column 5 to show which CAPA standard and indicator recommends the implementation of the activity and use column 6 to describe the type and frequency of classroom follow-up that will complement the activity and the person responsible for the implementation of the classroom follow up.

**FORM H-TABLE 9: PROFESSIONAL DEVELOPMENT TO PREPARE INSTRUCTIONAL STAFF**

(1) Professional Development Topic	(2) Targeted Population	(3) Frequency	(4) Provider	(5) CAPA Standard and Indicator	(6) Method and Frequency of Classroom Follow-Up & Name of Person Responsible
<i>Example: Using rubrics to assess open-ended responses in math.</i>	<i>Grade 7-8 Math teachers All new math teachers</i>	<i>Monthly</i>	<i>Kean University – Department of Mathematics</i>	<i>Standard 2 Indicator 2.2</i>	<i>Modeling lessons on a monthly basis-Math Coach</i>

**Directions:** Table 9 requests information of the professional development activities the district will provide for the school's leadership staff to ensure effective implementation of the educational program in the restructured school, based upon the analysis of the data and the planning process for restructuring. In column 1 briefly describe the focus of the professional development activity and in column 2 specify how often the activity will occur. In column 3 identify the person/organization that will provide the professional development activity. Use column 4 to show which CAPA standard and indicator recommends the implementation of the activity. In column 5 identify the methods that the district will use to ensure effective implementation of the activity and in column 6 specify the person(s) responsible for implementation of the activity.

**FORM H - TABLE 10: PROFESSIONAL DEVELOPMENT TO PREPARE LEADERSHIP STAFF**

(1) Professional Development Topic	(2) Frequency	(3) Provider	(4) CAPA Standard and Indicator	(5) Evaluation Method(s)	(6) Name of Person Responsible
<i>Example:</i> Developing meaningful teacher evaluations	<i>Bi-Monthly</i>	<i>Princeton Leadership Academy</i>	<i>Standard 6 Indicator 6.2</i>	<i>Teachers' Evaluations</i>	<i>Assistant Superintendent for Curriculum &amp; Instruction</i>

## APPENDIX A

### EXAMPLES OF "ALTERNATE GOVERNANCE" STRATEGIES

According to limited research so far the most successful restructuring option is one that uses a multi-dimensional approach.

Governance can be positions or roles. It is the people and functions that affect the operations of a school.

- ❑ Replace the principal and/or other administrative leaders.
- ❑ Redistribute responsibilities among administrative staff
- ❑ Provide administrative support for the principal. This could include team leaders, department chairs, teacher leaders, coaches, etc.
- ❑ Look at policy and amend.
- ❑ Change the reporting structure of staff.
- ❑ Who makes key decisions and how are they communicated and implemented?
- ❑ Give the principal more responsibility over what was a district function.
- ❑ Give the principal less responsibility and report directly to central office.
- ❑ Analyze and change the interactions between key people (administration and teachers).
- ❑ Identify responsibilities of key people and assess their practices. Have written job expectations and evaluations. (Don't make assumptions that people are doing/can do what you think they're doing.)
- ❑ Institute structured accountability of key personnel.
- ❑ Hire a co-principal, parent involvement coordinator, department head, or facilitator.
- ❑ Give stakeholders more authority.
- ❑ Institute a peer mentoring program
- ❑ Bring in highly skilled professionals.
- ❑ Develop a new learning structure with academies/smaller classes with a defined chain of command/team teaching.
- ❑ Restructure schedules and/or functions: create a data office/build in more research time for teachers/etc.
- ❑ Identify department head functions (special education, bilingual, curriculum and instruction, assessment) and reporting responsibilities.
- ❑ Expand or narrow the grades served, for example, narrowing a K-8 school to a K-5 elementary school.
- ❑ Implement a comprehensive school reform model that impacts how the school is governed.
- ❑ Increase district oversight, decrease school-based management prerogatives, or some combination.

## APPENDIX B

### CODE OF CONDUCT FOR DISTRICT RESTRUCTURING TEAM MEMBERS

**1. Carry out school restructuring with integrity.**

- Treat school staff with courtesy and sensitivity. Try to minimize stress.
- Ease anxiety through mutual respect and valuing opinions.
- Focus attention and questions on topics that will reveal how well students are learning.

**2. Act with in the best interests of students and staff.**

- Do not put students or staff in a position where they may have conflicting loyalties.
- Emphasize that students come first and are at the center of the Restructuring effort.
- Wherever possible, work to others' convenience.
- Be supportive and enabling.
- Under no circumstances, criticize – within earshot of others – the work of a teacher or anyone else involved with the school.
- Individual classroom visits are confidential to the teacher and District Restructuring Team.
- Try to understand what teachers are doing and why. Be supportive.

**3. Be objective; base judgments on evidence, not opinion.**

- An individual's perception can be evidence, especially if supported by others' observations.
- Restructuring decisions must be robust, fully supported by evidence, defensible and must inform the key questions.
- Restructuring decisions must be reliable in that others would make the same judgment from the same evidence.
- Be prepared to ask questions to establish whether a view is based on opinion or evidence.  
This applies as well to District Restructuring Team members' judgments.
- If a given piece of evidence is not affecting students' learning, then it is irrelevant.

## APPENDIX C

### LEA and School Improvement Non-Regulatory Guidance

**REVISED**

July 21, 2006

Student Achievement and School Accountability Programs  
Office of Elementary and Secondary Education

**U.S. Department of Education**

## SCHOOL RESTRUCTURING

In some cases, ensuring that all children have the opportunity to achieve requires that the LEA intervene extensively in the functioning of a low-performing school. A school that continues to miss its annual achievement targets for several years is a school where some students have not met state standards in the core academic subjects of reading and mathematics over a sustained period of time. As a stage in the school improvement process, restructuring requires major changes in a school's operation.

### **G. SCHOOL RESTRUCTURING – YEAR ONE (PLANNING)**

#### **G-1. What is restructuring?**

A school that misses its annual achievement targets for five or more years is identified for restructuring. If a school does not make AYP for five years, the LEA must create a plan to restructure the school. If the school does not make AYP for six years, the LEA must implement this plan.

Generally speaking, under NCLB when a school is in *restructuring* status, the LEA must take intensive and far-reaching interventions to revamp completely the operation and governance of that school. Restructuring means a major reorganization of a school's governance structure arrangement by an LEA 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 the State's accountability system; and
- Is consistent with State law.

#### **G-2. What causes a school to be identified for restructuring?**

A school is identified for restructuring if it does not make AYP after one school year of corrective action.

<i>School Year</i>	<i>School makes AYP (Y/N)</i>
By end of 2001-02	N
By end of 2002-03	N
Beginning of 2003-04	Year 1, school improvement
By end of 2003-04	N
Beginning of 2004-05	Year 2, school improvement
By end of 2004-05	N
Beginning of 2005-06	Corrective action
By end of 2005-06	N
Beginning of 2006-07	Year 1 restructuring (planning)

**G-3. What is the timeline for the restructuring process?**

As defined in NCLB, school restructuring is a two-step process. Under the first step, the LEA must prepare a restructuring plan and make arrangements to implement the plan if a school does not meet its AYP targets after one full year of corrective action (fifth year of not making AYP). The second step occurs if, during the school year in which the LEA is developing the restructuring plan, the school does not make AYP for a sixth year. In this case, the LEA must implement the restructuring plan no later than the beginning of the following school year.

The following example illustrates this timeline: If a school is in corrective action during the 2005-06 school year and during that school year does not meet AYP, it will be identified for restructuring. The first year of restructuring (the planning year) will be the 2006-07 school year. If, once again during that year, the school does not meet AYP, the school will enter its second year of restructuring during the 2007-08 school year, in which the LEA will implement its restructuring plan. §1116(b)(8)

**G-4. What notification requirements apply when a school is identified for restructuring?**

When an LEA 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. §1116(b)(8)(C)

Additional notification required for parents is similar to the notice required when a school enters corrective action. The LEA 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 LEA and in the SEA;

- 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 LEA that is not identified for improvement, corrective action, or restructuring; and
- The supplemental educational services that are available to eligible children.

**G-5. What action must an LEA take when it identifies a school for restructuring?**

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

- Continue to ensure that all students have the option to transfer to another public school in the LEA 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. §200.43(b)(1), (2), and (3).

**G-6. What responsibilities does an LEA have to parents of the children in a school that is planning for restructuring?**

The process for developing a restructuring plan must be open and collaborative. As noted in G-4, when a school is slated for restructuring, the LEA 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 LEA must provide parents and teachers an opportunity to comment before the LEA 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.

The parental notification requirements, along with the parental involvement provisions of NCLB, encourage LEAs and schools to explore strategies and tools to involve parents as meaningful and effective partners in their child's education. Successful parental involvement approaches develop parents as leaders and equal partners in the schooling process. These approaches do not begin and end when an LEA identifies a school for restructuring.

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 LEA is considering to address the needs of students in the school. One approach is to hold collaborative, face-to-face community outreach meetings with parents to explain the restructuring options under

NCLB and the data the LEA is using to make restructuring decisions. The LEA can use this outreach as an opportunity to establish a wider conversation about the school and invite greater parent participation in their child's education — including participation in activities that support the school's student achievement goals. The more transparent schools and LEAs are about student achievement and the overall condition of a school, the more likely that parents will be involved in the school and the public school system.

**G-7. What alternative governance arrangements must an LEA plan to implement?**

The restructuring plan that an LEA prepares must include one of the following “alternative governance” arrangements for the school, consistent with State law:

- Reopen the school as a public charter school;
- Replace all or most of the school staff, which may include the principal, who are relevant to the school's inability to make AYP;
- 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;
- Turn the operation of the school over to the SEA if this action is permitted under State law and the State agrees; or
- Implement any other major restructuring of the school's governance arrangement that is consistent with the NCLB principles of restructuring. (See H-1.)

The list of available alternative governance arrangements are meant to afford an LEA multiple options so that the LEA can choose the best one to address the needs of students in each identified school. Each option leverages a significant shift in how the school is governed. The purpose of restructuring is for the school to improve its ability to teach *all* children and achieve annual academic performance targets. By achieving this purpose, the school is also removed from restructuring status. §1116(b)(8)(B)

**G-8. What constitutes “other major restructuring of the school's governance” under §1116(b)(8)(B)(v) of NCLB?**

The focus of the school restructuring requirement is on the alternative governance arrangements that an LEA must carry out in a school that does not make AYP for five or more years. In preparing a restructuring plan, §1116(b)(8)(B)(v) permits an LEA to choose “*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 academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress.*” This restructuring option provides the LEA the flexibility to choose additional reform solutions that best meet the needs of students in the school and community. Examples of such efforts may include:

- 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;
- Close the school and reopen it as a focus or theme school with new staff or staff skilled in the focus area (e.g., math and science, dual language, communication arts);
- Reconstitute the school into smaller autonomous learning communities (e.g., school-within-a-school model, learning academies, etc.);
- Dissolve the school and assign students to other schools in the district;
- Pair 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; and
- Expand or narrow the grades served, for example, narrowing a K-8 school to a K-5 elementary school.

See G-10 for a broader discussion on non-governance issues that the LEA and school planners must address in planning for restructuring, including assessment, curriculum, professional development, etc.

**G-9. If the restructuring process results in the creation of a new school, may that restructured school be treated like any other new school in the State's accountability system?**

Yes, if in fact the restructured school is legitimately and legally a new school. While most of the restructuring options outlined in section 1116(b)(8)(B) of Title I would not result in the creation of a new school, it is possible that some restructuring options might. If, as a result of restructuring, a school is significantly reconfigured (for example, to serve different students and different grades) and accordingly meets the State’s definition of a new school, that school may be treated like any other new school in the State. Depending on the State's operational rules, this may mean starting over on the school improvement timeline.

Some States, in their accountability plans, have indicated operational rules for determining AYP when a new school is created. In some cases, a State derives an AYP determination for the new school based on the scores of students feeding into the school or the AYP determinations of the schools from which the new school is created. In other cases, when an AYP determination cannot be derived, a State starts the new school afresh in the school improvement timeline. How a State treats a new school should depend on the extent to which the school has changed. For example, adding one grade, such as kindergarten, would likely not constitute a new school; however, adding three new grades out of six might. Whether a school is new depends on State law. A State must thus have a definition of what constitutes a new school and have adopted operational rules for how to make AYP determinations for new schools. For example, a State might conclude that a school is new if, among other things, the school attendance area is reconfigured so that the school serves more than 50 percent different students and/or the school serves significantly different grades. Similarly, a State might conclude that a school that converts to a charter school

during restructuring is “new” because it has a significantly different population of students who gained admission through a lottery.

If a State has operational rules for determining AYP for new schools that differ from those applied to other schools, the State must amend its accountability plan to provide its definition of a new school and to describe how it determines AYP for new schools, including whether and under what circumstances a restructured school can be considered a new school. If a new school is created during the restructuring process, we encourage States to require the school to continue to offer supplemental educational services to eligible students, in order to keep them on track to meet high standards.

**G-10. What process should an LEA follow to determine which “alternative governance” option is the right one and matches the reason the school is in year four of improvement?**

In determining which alternative governance option to employ, LEA leaders need to understand how and when each option works to improve student learning based upon the school’s strengths and weaknesses. The restructuring process must be substantial enough to transform and sustain change. The variety and rigor of restructuring options under NCLB allow an LEA to choose one or more “alternative governance” interventions that best address the identified needs of the school and school community. While these restructuring options can be described as discrete and can be categorized into particular types, none should be applied as an isolated quick fix (e.g., a principal change, a replacement of most or all staff, or contracting with an external education management provider). The restructuring intervention will likely not address all of the identified needs of a school and cannot substitute for a coherent plan for systemic change. The intervention the LEA chooses should be viewed as one strategy in a school’s comprehensive plan for improvement.

In choosing an alternative governance option, the LEA and school planners should consider what has occurred in the school that resulted in its being identified for restructuring. Also, the restructuring plan should take into account the actions initiated in prior years. In other words, the actions required under the restructuring plan might be seen as deeper, broader, or more targeted to meet identified needs. For example, the LEA should make distinctions between schools in restructuring status that have experienced some improvement in student achievement and those that do not, and tailor the restructuring interventions accordingly. The LEA should use AYP to target the unique needs of a school’s students to improve its ability to teach *all* children and achieve annual academic performance targets. By achieving this purpose, the school is also removed from restructuring status.

An LEA must also consider that governance changes alone will not likely produce significant changes in student performance without also considering such issues as staff development, curricula, instruction, use of technology, assessment, and other factors that are essential for success. Hiring and retaining qualified teachers and principals who are committed to restructuring can facilitate implementation. A highly skilled principal who is committed to restructuring is critical to authentic change; however, changing school leadership alone will likely not lead to significant change without the new principal being

committed to restructuring and having the authority to make staffing and curricula changes. It has also become increasingly clear from research and practice that school leaders alone cannot bring about the desired improvement in the educational system in isolation - the restructuring plan will require the active support and involvement of school and district personnel, parents, teachers, business and community organizations, State education personnel, governmental agencies and others.

**G-11. What type of “alternative governance option” should be chosen for a school that has been identified solely due to the performance of a specific student subgroup (i.e., students with disabilities, students with limited English proficiency, students who are economically disadvantaged) or solely due to insufficient participation?**

Under NCLB, schools must show AYP in making sure that all students achieve academic proficiency in order to close the achievement gap. Therefore, schools need to be accountable for all students. To achieve that goal, AYP is intentionally designed to identify those areas where schools need to improve the achievement of their students. The ESEA aims to improve the achievement of all students and recognizes that schools must ensure that all student groups receive the support they need to achieve to high standards. By including students with disabilities, students with limited English proficiency, students who are economically disadvantaged, and other student subgroups in the overall accountability system, the law makes their achievement everybody’s business in the school.

The primary goal of the NCLB is to improve academic achievement through high expectations and high-quality education programs. The statute works to achieve that goal by focusing on school accountability, teacher quality, parental involvement through access to quality information and choices about their children’s education, and the use of evidence-based instruction. In determining which alternative governance option the school should implement, LEA and school staff should analyze the causes of why individual students are not learning, identify barriers to learning that affect students, and seek solutions to correct the problems. Planning for restructuring does not necessitate a "one size fits all" response and is intended to stimulate new thinking about how to address such concerns as the professional development needs of teachers, using appropriate instructional approaches, and effective organization and management of instruction. For example, a school undergoing restructuring may not be able to improve instruction without attending to leadership, improve leadership without emphasizing parent involvement, or concentrate on high-quality programs and evidenced-based student interventions without identifying the specific problem areas and underlying causes.

Any Title I school in which any group of students fails to meet the AYP goal must be identified as in need of improvement, and all such schools that are identified are subject to the timeline for improvement required under Section 1116. Regardless of the degree to which a school is not making AYP, an LEA must take actions to address the needs of *all* the school’s students and improve achievement, provide public school choice for all students in any school that is identified for improvement, and provide supplemental educational services for eligible students in schools that continue to not make AYP, as required under Section 1116.

**G-12. NCLB states that small, rural school districts may contact the Secretary of Education for assistance in restructuring. What assistance will the Department provide for such requests?**

The Department has arranged for 21 comprehensive technical assistance centers (16 regional centers and five content centers) to provide technical assistance to small, rural school districts that request assistance from the Department in restructuring the schools that they serve. The new Regional Centers provide frontline assistance to States to help them implement the ESEA and other related Federal school improvement programs and help increase State capacity to assist districts and schools meet their student achievement goals. In addition, the Department funds five Content Centers (Center on Assessment and Accountability, Center on Instruction, Center on Teacher Quality, Center on Innovation and Improvement, and Center on High Schools) that will supply much of the common research-based information, products, guidance, analyses, and knowledge on certain key NCLB topics that the Regional Centers will use when working with States. Information about the comprehensive centers is available at <http://www.ed.gov/programs/newccp/awards.html>.

Further, a school district that meets the statutory requirements (a district that has an average daily attendance of fewer than 600 students and serves only schools with a National Center for Education Statistics locale code of 7 or 8) may participate in the Rural Education Achievement Program (REAP). Under REAP, these districts receive additional flexibility (REAP-Flex) in the use of formula funds they receive under the Improving Teacher Quality State Grants, Educational Technology State Grants, State Grants for Innovative Programs, and Safe and Drug-Free Schools and Communities State Grants programs. Under the REAP-Flex authority, an eligible school district may consolidate and use the funds from the programs mentioned above to carry out activities authorized under Part A of Title I, including school restructuring activities. In addition, rural school districts eligible to use REAP-Flex generally receive a formula allocation under the Small, Rural School Achievement (SRSA) program. An eligible school district could use its award under the SRSA program to support school restructuring activities.

**G-13. Must an LEA continue to provide technical assistance to a school in year one of restructuring?**

The purpose of the restructuring provisions under section 1116(b)(8) is to require an LEA to take strong actions to improve schools that have not made AYP for a number of years. Because the LEA has direct oversight and involvement in the restructuring process, it should provide a school being restructured with ongoing assistance that addresses the identified needs of the school's students and prepares the school and community to implement the restructuring options the LEA has selected to improve the educational opportunities for students. Thus, technical assistance from the LEA is imperative and implicit in the concept of restructuring, even though it is not explicitly required under the statute. The technical assistance provided to a school being restructured should focus on helping the school make substantive and significant changes in its approaches to teaching and learning by emphasizing the use of student achievement data and research to inform instructional strategies. Additionally, the assistance should help the school with budget allocation, professional development for principals and teachers, and other strategies necessary to ensure the restructuring plan is implemented and sustained in the future.

**G-14. What effect do the school restructuring requirements have on an LEA’s collective bargaining agreements?**

Section 1116(d) provides that none of the provisions for school improvement, corrective action, or restructuring for failure to make AYP may reduce the rights or remedies of employees under the terms of a collective bargaining agreement. That section specifically reads as follows:

(d) CONSTRUCTION – Nothing in this section [Title I, Academic Assessment and Local Educational Agency and School Improvement] shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

The provision must be implemented in concert with the purpose of Title I, which is quite clear: “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments.” [Section 6301]. The statement of purpose further declares that this purpose can be accomplished, in part, by “significantly elevating the quality of instruction” and by “holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such school to enable the students to receive a high-quality education.” [Section 6301(10)(4)].

Therefore, an LEA that accepts funds under Title I of the ESEA must comply with all statutory requirements, notwithstanding any terms and conditions of its collective bargaining agreements. Although section 1116(d) does not invalidate employee protections that exist under labor law or under collective bargaining and similar labor agreements, it does not exempt SEAs, LEAs, and schools from compliance with Title I, Part A. It is the Department’s view that such agreements should not exempt school officials from any obligations related to the purpose of Title I, or the school improvement, corrective action, or restructuring requirements in section 1116.

State and LEA authorities, as well as State legislatures and local governing boards, need to ensure that changes in State and local laws are consistent with Title I requirements and that any changes to collective bargaining agreements or new agreements are also consistent with Title I.

**G-15. In light of collective bargaining agreements and employee protections, what are suggested alternatives to replacing staff that may be contributing to the school being identified for restructuring?**

Replacing all or most of the school staff is only one of several restructuring options available to an LEA, and there is a great deal of flexibility in how to implement this option.

For example, in carrying out a restructuring plan, some LEAs, in conjunction with putting a new principal in place, require all staff to reapply for their positions and to be part of the restructuring process, or to apply for a position in another school in the district. In other districts, LEA staff and unions have worked together to include provisions in their contracts to compensate teachers for working longer school days and longer school years as part of a restructuring arrangement.

An LEA may also use Title I, Part A and Title II, Part A funds to provide financial incentives and rewards to teachers in schools in restructuring status. An LEA may provide, where appropriate under section 1113(c)(4) of the Title I statute, not more than five percent of its Part A allocation for financial incentives and rewards to teachers who serve students in Title I schools identified for school improvement, corrective action, and restructuring, for the purpose of attracting and retaining qualified and effective teachers.

An LEA may use Title II, Part A funds to develop and implement strategies and activities to recruit, hire, and retain highly qualified teachers and principals. These strategies may include (a) providing monetary incentives such as scholarships, signing bonuses, or differential pay for teachers in academic subjects or schools in which the LEA has shortages; (b) reducing class size;

(c) recruiting teachers to teach special needs children, including students with disabilities; and (d) recruiting qualified paraprofessionals and teachers from populations underrepresented in the teaching profession, and providing those paraprofessionals with alternate routes to obtaining teacher certification. (See Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, August 3, 2005)

**G-16. How does a school that is planning for restructuring or implementing a restructuring action exit restructuring status?**

Under 34 C.F.R. 200.43(c)(2), a school that is in restructuring status (e.g. during the 2006-07 school year) and makes AYP for two consecutive years (e.g. based on achievement data for the 2006-07 and 2007-08 school years) may exit that status. This is the same rule that applies to Title I schools at any stage of the school improvement process.

**The exception to this rule would be, as a result of restructuring, a school is significantly reconfigured to serve different students and different grades, and accordingly meets the State's definition of a "new school." This new school may be treated like any other new school in the State. Depending on the State's operational rules, this may mean removing the school from restructuring status and starting over on the school improvement timeline. (See also G-9.)**