

**North Dakota Department of Public Instruction
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Title I School/District Program Improvement

**Guidance and required documentation on
corrective action and alternative governance
options for schools and districts as outlined by the
*No Child Left Behind Act***

**Corrective Action—DUE July 1, 2009
Alternative Governance—DUE July 1, 2009
Plan for Alternative Governance—DUE November 3, 2009**

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Guidance and required documentation on corrective action and alternative governance options for schools and districts as outlined by the *No Child Left Behind Act*

I. Introduction

The *No Child Left Behind Act* of 2001 (NCLB) and the North Dakota State Accountability Plan outlines school/district restructuring requirements that begin when a school/district does not make Adequate Yearly Progress (AYP) for a fifth consecutive year or year three of program improvement. In North Dakota these school/district restructuring requirements are also known as corrective action and alternative governance requirements. Corrective action requirements apply to schools/districts in year three of program improvement. Alternative governance requirements apply to schools/districts in year five of program improvement. The charts entitled *Consequences for Schools NOT Making Adequate Yearly Progress* (located on page 15) and *Consequences for Districts NOT Making Adequate Yearly Progress* (located on page 16) help clarify when corrective action and alternative governance requirements are required for schools/districts not making AYP.

The purpose of this document is to provide guidance on the corrective action and alternative governance requirements, as well as outline the information that must be submitted to the State Title I office as part of these sanctions.

II. Corrective Action

a. Overview

When a school/district fails to make AYP for four consecutive years, it is required that corrective action measures are taken. These actions are in addition to those already in place including: writing a program improvement plan, using 10% of the district's Title I allocation for professional development purposes (optional), receiving technical assistance, offering school choice (if applicable), and offering supplemental services (if applicable). The details on each of these provisions must be outlined in the school's/ district's program improvement plan that is submitted or revised on an annual basis to the Department of Public Instruction's State Title I office. The charts entitled *Consequences for Consequences for Schools NOT Making Adequate Yearly Progress* (located on page 15) and *Consequences for Districts NOT Making Adequate Yearly Progress* (located on page 16) help clarify when corrective action requirements are required for schools/districts not making AYP. The chart below also outlines this situation.

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Does not make AYP (1)	WARNING	Does not make AYP (2)	Does not make AYP (3)	Does not make AYP (4)	Does not make AYP (5)	Does not make AYP (6)	Does not make AYP (7)
	Program Improvement •PI Plan •10% Set-aside •School Choice*	Program Improvement •PI Plan •10% Set-aside •School Choice* •Supplemental Services*	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Plan for Alternative Governance	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Alternative Governance	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Continue Alternative Governance
							Does not make AYP (infinite)

*Only pertains to SCHOOLS in program improvement.

b. Corrective Action Options

Immediately after a school/district finds out they have not made AYP for the fourth consecutive year and must, therefore, choose a corrective action option to implement, the school/district should begin planning. The district, school(s), and parents should be active participants in this planning process. If a district has multiple schools in program improvement and in corrective action, each school must choose the corrective action option that best addresses their unique needs. In addition to the corrective action options listed below, increased state oversight is a mandatory condition during the corrective action phase.

NCLB and the State of North Dakota clearly outline several choices that schools/districts have available to them during corrective action status. These include:

- **Implement a new curriculum**
- **Extend the school day or school year**
- **Operate under new management**
- **Replace key staff**
- **Restructure the school/district**

The corrective action choices listed above were designed to increase the likelihood that all students enrolled in the school/district will meet or exceed the proficient levels of achievement outlined by North Dakota.

Corrective action choices must be identified and implemented during the school's/district's entire duration in program improvement. If a school/district remains in program improvement and corrective action for several years, the school/district does have the ability to implement new corrective action measures if the one chosen has had no impact on student achievement.

Further details on each of the corrective action choices are provided below.

- **Implement a new curriculum**

The school district, school(s) identified for program improvement, and parents should closely examine data to determine if the failure to make AYP is the result of inadequate student achievement in reading and/or mathematics. Out-of-date or ineffective curriculum can also be a factor for students not achieving. Schools/districts may choose to implement a new curriculum if this is the issue at hand.

The new curriculum should focus on the core academic areas, such as reading and math. If the school/district chooses a curriculum that does not specifically focus on the core academic subject area, such as implementing a new behavioral curriculum, the school/district must be able to evidence how this curriculum will directly impact the core academic areas.

The school/district should be able to evidence how this new curriculum differs substantially from the old curriculum (such as differences in content or delivery) and how the new curriculum is more likely to result in success by ALL students, including EACH of the subgroups.

The school/district must be able to evidence that the curriculum is supported by research and that appropriate professional development will be provided to support its implementation.

Please keep in mind, the general curriculum is the responsibility of the local public school district. Although a school or district may implement/purchase a new curriculum as an alternative governance measure, federal funds (Title I, schoolwide, program improvement, etc.) can not be the funding source for the new curriculum as this would be supplanting. Federal funds may be used for supplemental materials/supplies, parental involvement pieces, or professional development to support the new curriculum.

- **Extend the school day or school year**

There are many things that schools/districts are responsible to teach during the school day. This may be a contributing factor to students not achieving. The school district, school(s) identified for program improvement, and parents should closely examine the school's/district's data to determine if extending the school day is feasible and would help increase student achievement.

If this is the case, schools/districts can add on to the school day (after- and/or before-school) or school year (summer school, Saturday school, year-round school) to address this issue. Some school districts have added additional instructional days to their school calendar or increased from half-day kindergarten programs to full-day programming to increase student achievement.

Prior to choosing to extend the school day or school year, the school/district should provide a meaningful opportunity for ALL parents to learn about and provide feedback on the proposed extension.

The school/district should be able to evidence that the proposed extension is of sufficient length and provides opportunities for ALL students in the school/district an extended learning opportunity. This extended learning opportunity may consist of expanded, enriched, or deepened curricular content or additional time to demonstrate proficiency through assessments.

- **Operate under new management**

Strong leadership and management are crucial elements to enhance student achievement. The school district, school(s) identified for program improvement, and parents should closely examine the school's/district's management to determine if changing the school's/district's leadership may have a positive impact on student achievement.

Operating under new management may include changes such as a new superintendent, principal, or transferring the school's decision making authority to the district level. This option may also delegate school/district management responsibilities, such as: hiring teaching staff, obligating and expending funds, determining curriculum and teaching practices, selection of curricular materials, or assessment of students to another source other than the building principal or district personnel.

- **Replace key staff**

The school district, school(s) identified for program improvement, and parents should closely examine data to determine if there are school/district staff that are relevant to the failure of the school/district to make AYP. If this is the case, it is the district's responsibility to ensure students are getting an adequate education and, through corrective action authority, can make instructional changes.

This option allows schools/districts to replace personnel that play a key role in whether or not students achieve. This may include replacing staff that have significant impact on the school/district not making AYP. This may include replacing teachers of core academic subject areas. This option would also support transferring or reassigning teachers to subject areas where they may be more effective.

The Department of Public Instruction strongly encourages schools/districts choosing this option to follow the correct process for replacing staff. This may consist of contacting the school's/district's legal representation prior to any decisions being made. Please be mindful that if the school or district decides to terminate an employee within a school/district identified for corrective action based on unsatisfactory performance, the employee must be afforded all the rights of statutory and contractual due process as in any other case of alleged incompetence. The mere fact that an employee has been working in a school/district identified for program improvement corrective action is not in and of itself sufficient cause for dismissal or denial of employment.

If this option is exercised, the district must be able to justify which staff were transferred or removed, the method used to identify such staff, and the rationale used in selecting replacements.

- **Restructure the school/district**

The intent behind this option is for schools/districts to significantly restructure their school/district. The school district, school(s) identified for program improvement, and parents should closely examine the school's/district's data to determine if internal reorganization will result in higher levels of student achievement.

Some options that a school/district may consider for this option are:

- Reducing class size (student/teacher ratio)
- Creating a school within a school

- Changing the organizational structure (restructuring a K-8 school into K-5 and 6-8 schools)
- Implementing block scheduling and joint teacher planning
- Participating in a joint powers arrangement with another district
- Making more course offerings available (through IVN or sharing teachers)
- Offering dual credit with a wider option of courses to choose from
- Implementing a new administrative structure where administrative and supervisory responsibilities are shared among properly qualified staff
- Altering the opening and closing hours of the school/district to allow students to attend classes in the early morning, late afternoon, or evening
- Reducing the school week in conjunction with extending the school day or year

c. Parent Notification

Once a school/district has been identified for program improvement and has chosen which corrective action measure is going to be implemented, the school/district must notify the parents of all children enrolled in the school/district and explain the school's/district's program improvement and corrective action status. The notification, often done through a letter, must be in a language that is understandable to parents and must meet specific requirements outlined in the NCLB Act. Sample letters are available at www.dpi.state.nd.us/title1/targeted/general/reauthoriz/notification.shtm.

d. Technical Assistance

While a school/district is in the corrective action phase, technical assistance must continue to be provided. This can be done through the district directly, through the Department of Public Instruction, or through the use of outside experts such as institutions of higher education, educational service agencies or other private organizations.

Being in the program improvement corrective action phase suggests that the application of traditional program improvement and school reform methods and strategies have been unsuccessful. Therefore, more extreme action is needed in order to improve the learning environment for all students and instructional practices for all teachers within the school/district. Being identified for corrective action is a serious issue; consequently, the technical assistance provided must also be taken seriously. The technical assistance provided to a school/district during corrective action demands a high degree of skill and expertise. Technical assistance providers should have experience in complex problem analysis; effective, scientifically based curriculum and instruction; and in working with teachers to create positive changes.

e. Dismissal from Corrective Action and Program Improvement

Program improvement and corrective action are not a life sentence. Schools/districts can be removed from program improvement, and consequently, removed from corrective action. In order to be dismissed from program improvement, the school/district must make AYP for two or more consecutive years.

f. Correspondence with the State Title I Office

Once a school/district has determined which corrective action option it has chosen and has a plan for implementation, documentation must be submitted to the State Title I office by June 25. The document that must be signed and submitted is located on page 17 of this

guidance packet. This must be accompanied by an additional document identifying the facts of how the chosen corrective action measure is being implemented within the school/district. This document should describe, in detail, the implementation of the corrective action measure selected at your school/district including:

- How the implementation of the corrective action option will raise academic scores of your students on the state assessment.
- How the corrective action measure will enable the school/district to make AYP.

Please note, if adequate information is not provided, schools/districts will be asked to resubmit their information.

III. Plan for Alternative Governance

a. Overview

Schools/districts that fail to make AYP for five consecutive years enter the sixth category of program improvement. In this category, it is required that the school/district spends time planning for alternative governance. These actions are in addition to those already in place including: writing a program improvement plan, using 10% of the district’s Title I allocation for professional development purposes (optional), receiving technical assistance, offering school choice (if applicable), offering supplemental services (if applicable), and the corrective action measures. The details on each of these provisions must be outlined in the school’s/district’s program improvement plan that is submitted or revised on an annual basis to the Department of Public Instruction’s State Title I office. The charts entitled *Consequences for Schools NOT Making Adequate Yearly Progress* (located on page 15) and *Consequences for Districts NOT Making Adequate Yearly Progress* (located on page 16) help clarify when planning for alternative governance requirements are necessary for schools/districts not making AYP. The chart below also outlines this situation.

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	
Does not make AYP (1)	WARNING	Does not make AYP (2) Program Improvement •PI Plan •10% Set-aside •School Choice*	Does not make AYP (3) Program Improvement •PI Plan •10% Set-aside •School Choice* •Supplemental Services*	Does not make AYP (4) Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action	Does not make AYP (5) Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Plan for Alternative Governance	Does not make AYP (6) Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Alternative Governance	Does not make AYP (7) Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Continue Alternative Governance	Does not make AYP (infinite)

*Only pertains to SCHOOLS in program improvement.

b. Planning for Alternative Governance Requirements

When a school/district has been identified as not making AYP for five consecutive years, the school, districts, and parents have one year to prepare an alternative governance plan (or restructuring plan) for the school/district and arrange for its implementation (if needed). This

plan is due to the State Title I office on November 3 of the subsequent school year; however, the school/district should begin planning immediately. If a district has multiple schools in program improvement and each is planning for alternative governance, each school must research the alternative governance options that best addresses their unique building needs. In addition to the corrective action and planning for alternative governance sanctions, increased state oversight is a mandatory condition during the corrective action and planning for alternative governance phases.

The school/district must also write a program improvement plan, use 10% of the district's Title I allocation for professional development purposes (optional), receive technical assistance, offer school choice (if applicable), offer supplemental services (if applicable), and implement a corrective action measure. The details on each of these provisions must be outlined in the school's/district's program improvement plan that is submitted or revised on an annual basis to the Department of Public Instruction's State Title I office.

If, during the school year in which the school/district is formulating the alternative governance plan, the school/district still does not make AYP, the school/district is required to implement the alternative governance plan during the start of the subsequent school year. The chart above illustrated a timeline of how this may look in a school/district.

c. Alternative Governance Options

North Dakota's alternative governance options the school/district is required to consider consist of:

- Defer administrative funds to program improvement schools
- Offer a signing bonus
- Offer school choice across district boundaries
- Contract with an outside expert
- Other form of major restructuring

You may notice that the alternative governance options listed in this document differ significantly from those outlined in the NCLB Act. The alternative governance options specified in the NCLB Act are not allowable under North Dakota state law. For this reason, the North Dakota legislature developed alternative options. These alternative options were passed into law through House Bill 1086 during the 58th Legislative Assembly (2003).

According to the NCLB Act and North Dakota State Accountability Plan, each school/district identified to plan for alternative governance must research and indicate how the school/district is planning to undertake one or more of the outlined alternative governance options. Further details on each of the alternative governance choices are provided below.

- **Defer administrative funds to program improvement schools**

This option allows for administrative budgets to be cut with the excess funding going to the school(s) identified as needing improvement. These funds would be taken off the top of the district's Title I allocation and would be awarded to the school(s) identified for program improvement in addition to their current allocation. Schools/districts exercising this option must have a specific plan for the use of these additional funds. These funds must be utilized to directly address the program improvement school's needs.

- **Offer a signing bonus**

If staff turnover is an issue, this option allows schools/districts to give incentives for staff. This option also allows schools/districts to offer signing bonuses to attract highly qualified personnel to their school/district. Schools/districts selecting this option must have a clear, uniformly applied definition and process defined in their plan.

North Dakota Century Code 15.1-09-33.1 provides further clarity on when and where signing bonuses can be given in North Dakota. Specifically, the law indicates that the employees employed as a classroom teacher by the board of a school district in North Dakota during the previous year can not be eligible to receive the bonus. Districts/schools choosing to this alternative governance measure will be required to demonstrate meeting the requirements of state law.

- **Offer school choice across district boundaries**

After a school's second year of not making AYP, they must offer school choice within the district boundaries (if available). This is not to be confused with this alternative governance option. During a school's/district's planning for alternative governance, program improvement schools are required to continue to offer school choice within the district; however, schools/districts could also choose to offer school choice across district lines as their alternative governance option. School choice across district lines would not be mandatory; rather, it would be left to parent's discretion. However, the sending school/district would be responsible for the costs associated with transporting the student to the chosen school district. Schools/districts selecting this option must have a clear, uniformly applied process in place for all students of the school/district identified for improvement.

- **Contract with an outside expert**

Schools/districts have many responsibilities and often seek advice from outside the school system when implementing new reforms or curriculums. Often times, an outside consultant who has expertise in school reform can pinpoint problem areas more easily than the school/district staff that are faced with these issues day in and day out. This option is for schools/districts that have examined and identified their needs and pursue contracting with an outside expert to assist them in addressing those needs.

Schools/districts choosing this alternative governance option should not be misled by the simplistic wording of this option. A school/district choosing this option must recognize, given the intensity of the other forms of corrective action and alternative governance, the recommendations made by the outside expert are not to be regarded as "suggestions." The recommendations must be implemented unless it can be demonstrated that they are contrary to what is indicated by the available data or scientifically-based research. It must be recognized that, in selecting this option, just as with reducing the management authority at the school/district, the control with regard to authority for identifying and requiring changes at the school/district is transferred outside of the school/district to the outside expert.

It is to be expected that the recommendations made by the outside expert may, and most likely will, include significant changes in curriculum, teaching practices, staff assignments, administration, and other areas. Many of these will involve a reordering of budget priorities. Rejection of an outside expert's recommendations solely on the

basis of finances is not acceptable. Schools/districts pursuing this option must allot the necessary resources to truly reform the school/district.

If the school/district chooses this option, qualified experts may require payment for services. These expenses can be lessened if the school/district participates in the 10% set-aside for program improvement or applies for additional funds for program improvement for outside expert expenses. Outside experts may include, but are not limited to, the following:

- Retired school/district administrators
- College or university professors with experience in the appropriate discipline
- Current or retired staff of educational laboratories
- Consultant with a professional institution or organization (public or private)
- Other individuals the school/district deems qualified through documenting expertise and experience
- Statewide System of Support (SSOS) Consultant Team

However selected and regardless of the expert's current affiliation, the school/district must be able to document and demonstrate that the individual selected as an outside expert has a proven track record of assisting with significantly increasing student achievement at schools with similar demographics to the school/district identified for improvement.

▪ **Other form of major restructuring**

Schools/districts have the option of researching other major alternative governance or restructuring measures to implement rather than those listed above. These restructuring efforts may include fundamental reforms of a school's/district's governance, management, financing, materials, resources, or staffing. Adequate documentation and proven effectiveness must be evident if this option is chosen.

Major forms of restructuring could include, but are not limited to:

- Self-selected school/district consolidation
- Restructure the organizational arrangement of the school/district (restructuring a K-8 school into K-5 and 6-8 schools)
- Align the school/district with an existing research-based school improvement model and implement accordingly (considering size of school/district and scope of program)
- Creating a school within a school or a smaller learning community model
- Participating in a joint powers arrangement with another district
- Implementing a new administrative structure where administrative and supervisory responsibilities are shared among properly qualified staff
- Altering the opening and closing hours of the school/district to allow students to attend classes in the early morning, late afternoon, or evening
- Reducing the school week in conjunction with, perhaps, extending the school day or year

The examples listed above are not meant to be inclusive. A school's/district's restructuring plan may identify other actions tailored to the conditions within the school/district and the needs of the school/district identified for improvement.

d. Parent Notification

Once a school/district has been identified for program improvement, it must notify parents of the action it is taking to rectify the situation. This notification must be distributed to the parents of all children enrolled in the school/district and must include information on the school's/district's program improvement status, the corrective action measure that is being implemented, as well as the school's/district's plan for alternative governance. The notification, often done through a letter, must be in a language that is understandable to parents and must meet specific requirements outlined in the NCLB Act. Sample letters are available at www.dpi.state.nd.us/title1/targeted/general/reauthoriz/notification.shtm.

e. Technical Assistance

The technical assistance content and structure that are available to schools/districts in program improvement and corrective action must also be available to schools/districts planning for alternative governance.

While a school/district is in the corrective action and planning for alternative governance phases, technical assistance must continue to be provided. This can be done through the district directly, through the Department of Public Instruction, or through the use of outside experts such as institutions of higher education, educational service agencies or other private organizations.

Being in the program improvement corrective action and planning for alternative governance phases suggest that the implementation of traditional program improvement and school reform methods and strategies have been unsuccessful. Therefore, more extreme action is needed in order to improve the learning environment for all students and instructional practices for all teachers at the school/district. Being identified for corrective action and planning for alternative governance is a serious issue; consequently, the technical assistance provided must also be taken seriously. The technical assistance provided to a school/district during corrective action and the planning for alternative governance demands a high degree of skill and expertise. Technical assistance providers should have experience in complex problem analysis; effective, scientifically based curriculum and instruction; and in working with teachers to create positive change.

The technical assistance provided to schools/districts planning for alternative governance should emphasize (1) the importance of improving instruction by using strategies grounded in scientifically based research so that all children in the school/district achieve proficiency in the core academic subjects of reading and mathematics; and (2) the importance of analyzing and applying data in decision making.

f. Dismissal from Planning for Alternative Governance

Program improvement, corrective action and planning for alternative governance are not a life sentence. Schools/districts can be removed from program improvement, and consequently removed from corrective action and alternative governance sanctions. In order to be dismissed from program improvement, the school/district must make AYP for two or more consecutive years.

g. Correspondence with the State Title I Office


Once a school/district has researched each of the alternative governance options available, documentation must be submitted to the State Title I office by November 3. The plan for alternative governance must be signed and submitted. This document is located on pages 18-23 of this guidance packet.

Please note, if adequate information is not provided, schools/districts will be asked to resubmit their information.

IV. Alternative Governance

a. Overview

Schools/districts that fail to make AYP for six consecutive years enter the seventh category of program improvement. In this category, it is required that the school/district implements the alternative governance option decided upon the previous school year. These actions are in addition to those already in place including: writing a program improvement plan, using 10% of the district's Title I allocation for professional development purposes (optional), receiving technical assistance, offering school choice (if applicable), offering supplemental services (if applicable), and the corrective action measures. The details on each of these provisions must be outlined in the school's/districts program improvement plan that is submitted or revised on an annual basis to the Department of Public Instruction's State Title I office. The charts entitled *Consequences for Schools NOT Making Adequate Yearly Progress* (located on page 15) and *Consequences for Districts NOT Making Adequate Yearly Progress* (located on page 16) helps clarify alternative governance requirements are necessary for schools/districts not making AYP. The chart below also outlines this situation.

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	
Does not make AYP (1) 	WARNING	Does not make AYP (2) Program Improvement • PI Plan • 10% Set-aside • School Choice*	Does not make AYP (3) Program Improvement • PI Plan • 10% Set-aside • School Choice* • Supplemental Services*	Does not make AYP (4) Program Improvement • PI Plan • 10% Set-aside (optional) • School Choice* • Supplemental Services* • Corrective Action	Does not make AYP (5) Program Improvement • PI Plan • 10% Set-aside (optional) • School Choice* • Supplemental Services* • Corrective Action • Plan for Alternative Governance	Does not make AYP (6) Program Improvement • PI Plan • 10% Set-aside (optional) • School Choice* • Supplemental Services* • Corrective Action • Alternative Governance	Does not make AYP (7)	Does not make AYP (infinite)

*Only pertains to SCHOOLS in program improvement.

b. Alternative Governance Requirements

When a school/district has been identified as not making AYP for six consecutive years, the school/district must implement the alternative governance option chosen during the previous school year. This alternative governance must be implemented no later than the beginning of the school year. (For example, if the school/district was planning for alternative governance during the 2005-2006 school year and does not make AYP, the implementation

of the alternative governance plan must take place during the start of the 2006-2007 school year.)

The school/district must also write a program improvement plan, use 10% of the district's Title I allocation for professional development purposes (optional), receive technical assistance, offer school choice (if applicable), offer supplemental services (if applicable), and implement a corrective action measure. The details on each of these provisions must be outlined in the school's/district's program improvement plan that is submitted or revised on an annual basis to the Department of Public Instruction's State Title I office.

c. Alternative Governance Options

No later than the beginning of the school year, the school/district identified for alternative governance must implement one of North Dakota's alternative governance options, including:

- Defer administrative funds to program improvement schools
- Offer a signing bonus
- Offer school choice across district boundaries
- Contract with an outside expert
- Other forms of major restructuring

You may notice that the alternative governance options listed above differ significantly from those outlined in the NCLB Act. The alternative governance options specified in the NCLB Act are not allowable under North Dakota state law. For this reason, the North Dakota legislature developed alternative options. These alternative options were passed into law through House Bill 1086 during the 58th Legislative Assembly (2003).

According to the NCLB Act and North Dakota State Accountability Plan, each school/district identified for alternative governance should have spent the previous school year researching each of the options listed above. It is only after a school/district fails to make Adequate Yearly Progress for another consecutive year that they are required to implement the alternative governance option.

Further details on each of the alternative governance choices were outlined on pages 8-10 of this document.

d. Parent Notification

Once a school/district has been identified for program improvement, it must notify parents of the action it is taking to rectify the situation. This notification must be distributed to the parents of all children enrolled in the school/district and must include information on the school's/district's program improvement status, the corrective action measure that is being implemented, as well as the school's/district's alternative governance option being implemented. The notification, often done through a letter, must be in a language that is understandable to parents and must meet specific requirements outlined in the NCLB Act. Sample letters are available at www.dpi.state.nd.us/title1/targeted/general/reauthoriz/notification.shtm.

e. Technical Assistance

The technical assistance content and structure that are available to schools/districts in program improvement and corrective action must also be available to schools/districts implementing alternative governance options.

While a school/district is in the corrective action and alternative governance phases of program improvement, technical assistance must continue to be provided. This can be done through the district directly, through the Department of Public Instruction, or through the use of outside experts such as institutions of higher education, educational service agencies or other private organizations.

The technical assistance provided to schools/districts in alternative governance will be especially valuable in helping the school/district staff remain focused on increasing student achievement while the school/district itself is adjusting to the alternative governance option.

f. Dismissal from Alternative Governance

Program improvement, corrective action and alternative governance sanctions are not a life sentence. Schools/districts can be removed from program improvement, and consequently removed from corrective action and alternative governance sanctions. In order to be dismissed from program improvement, the school/district must make AYP for two or more consecutive years.

g. Correspondence with the State Title I Office

Using information generated during the previous school year, the school/district is to submit documentation as to which alternative governance option it will be implementing to the State Title I office by June 25. The document that must be signed and submitted is located on page 24 of this guidance packet. This must be accompanied by an additional document identifying the facts of how the alternative governance measure is being implemented at the school/district. This document should describe, in detail, the implementation of the alternative governance measure selected at your school/district including:

- How the option was decided upon.
- How the implementation of this alternative governance option will raise academic scores of your students on the State Assessment.
- How the alternative governance measure will enable the school/district to make Adequate Yearly Progress.

Please note, if adequate information is not provided, schools/districts will be asked to resubmit their information.

h. The Future of Alternative Governance

Schools/districts that fail to make Adequate Yearly Progress (AYP) for seven or more consecutive years remain in the alternative governance category of program improvement. These schools/districts must continue to implement the alternative governance option as well as other program improvement sanctions decided upon in previous years including: writing a program improvement plan, using 10% of the district's Title I allocation for professional development purposes (optional), receiving technical assistance, offering school choice (if applicable), offering supplemental services (if applicable), and the corrective action measures. The details on each of these provisions must be outlined in the school's/district's program improvement plan that is submitted or revised on an annual basis to the Department of Public Instruction's State Title I office.

Schools/districts continuing to fail to make AYP will remain in this stage of program improvement until it makes AYP for two or more consecutive years.

The chart below also outlines this situation.

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Does not make AYP (1)	WARNING	Does not make AYP (2)	Does not make AYP (3)	Does not make AYP (4)	Does not make AYP (5)	Does not make AYP (6)	Does not make AYP (7)
		Program Improvement •PI Plan •10% Set-aside •School Choice*	Program Improvement •PI Plan •10% Set-aside •School Choice* •Supplemental Services*	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Plan for Alternative Governance	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Alternative Governance	Program Improvement •PI Plan •10% Set-aside (optional) •School Choice* •Supplemental Services* •Corrective Action •Continue Alternative Governance
							Does not make AYP (infinite)

*Only pertains to SCHOOLS in program improvement.

Corrective action and alternative governance choices must be identified and implemented during the school's/district's entire duration in program improvement. If a school/district remains in program improvement and corrective action for several years, the school/district does have the ability to implement new corrective action or alternative governance measures if the one chosen has had no impact on student achievement.

North Dakota Department of Public Instruction
Consequences for Schools NOT Making Adequate Yearly Progress

TIMELINE YEAR 1	TIMELINE YEAR 2	TIMELINE YEAR 3	TIMELINE YEAR 4	TIMELINE YEAR 5	TIMELINE YEAR 6	TIMELINE YEAR 7
		YEAR 1 OF PROGRAM IMPROVEMENT	YEAR 2 OF PROGRAM IMPROVEMENT	YEAR 3 OF PROGRAM IMPROVEMENT	YEAR 4 OF PROGRAM IMPROVEMENT	YEAR 5 OF PROGRAM IMPROVEMENT
Did not make AYP	Identified for School Program Improvement	10% of funds set-aside for Professional Development (PD) for all staff LEA must give school Technical Assistance (TA)	Continue School Choice, TA, and 10% set-aside for PD	Continue School Choice, TA, 10% set-aside for PD (optional), and Supplemental Services	Continue School Choice, TA, 10% set-aside for PD (optional), Supplemental Services, and Corrective Action	Continue School Choice, TA, 10% set-aside for PD (optional), Supplemental Services, and Corrective Action
	Within three months after identification, school is required to submit a Program Improvement Plan	Implement Program Improvement Plan	Update Program Improvement Plan	Update Program Improvement Plan	Update Program Improvement Plan	Update Program Improvement Plan
		School must provide option of School Choice	School must offer Supplemental Services	Corrective Action: New curriculum OR Extend year/day OR New management OR Replace key staff OR Restructure AND Increased State Oversight	Plan for Alternative Governance	In North Dakota, Alternative Governance Possible Options: Defer administrative funds to program improvement schools OR Offer signing bonus OR Offer school choice across district boundaries OR Contract with an outside expert
	Did not make AYP	Did not make AYP	Did not make AYP	Did not make AYP	Did not make AYP	Did not make AYP

North Dakota Department of Public Instruction
Consequences for Districts NOT Making Adequate Yearly Progress

TIMELINE YEAR 1	TIMELINE YEAR 2	TIMELINE YEAR 3	TIMELINE YEAR 4	TIMELINE YEAR 5	TIMELINE YEAR 6	TIMELINE YEAR 7
		YEAR 1 OF PROGRAM IMPROVEMENT	YEAR 2 OF PROGRAM IMPROVEMENT	YEAR 3 OF PROGRAM IMPROVEMENT	YEAR 4 OF PROGRAM IMPROVEMENT	YEAR 5 OF PROGRAM IMPROVEMENT
Did not make AYP	Identified for District Program Improvement	10% of funds set-aside for Professional Development for all District-wide Staff	10% of funds set-aside for Professional Development for all District-wide Staff	10% of funds set-aside for Professional Development for all District-wide Staff (optional)	10% of funds set-aside for Professional Development for all District-wide Staff (optional) and Continue District-wide Corrective Action	10% of funds set-aside for Professional Development for all District-wide Staff (optional) and Continue District-wide Corrective Action
	Within three months after identification, district is required to submit a Program Improvement Plan	Implement Program Improvement Plan	Update and Implement Program Improvement Plan	Update and Implement Program Improvement Plan	Update and Implement Program Improvement Plan	Update and Implement Program Improvement Plan
				District-wide Corrective Action: Replace key staff OR New curriculum OR New management OR Extend Year/Day OR Restructure AND Increased State Oversight	Plan for District-wide Alternative Governance	In North Dakota, Alternative Governance Possible Options: Defer administrative funds to program improvement schools OR Offer signing bonus OR Offer school choice across district boundaries OR Contract with an outside expert OR Other forms of major restructuring as identified by the district
Did not make AYP	Did not make AYP	Did not make AYP	Did not make AYP	Did not make AYP	Did not make AYP	

**North Dakota Department of Public Instruction
Title I School/District Program Improvement**

**Corrective Action Documentation
Due July 1, 2009**

School/District Name _____ **School Year** _____

Schools/districts that have failed to make Adequate Yearly Progress (AYP) for four consecutive years enter the fifth category on the sanctions timeline mandated by the *No Child Left Behind* (NCLB) Act. This category is referred to as the “corrective action” phase. During this phase, schools/districts must continue to offer school choice (if applicable), supplemental services (if applicable), and set-aside 10% of their Title I allocation for professional development of all staff (optional). In addition, schools/districts in this phase must also implement a corrective action measure. Corrective action requires schools/districts to implement at least one option from several fundamental reform methods. **Please note, corrective action measures must continue to be implemented through the remainder of the school’s/district’s duration of program improvement status.**

Below is the list of the corrective action options as specified in the NCLB Act. Please identify which action your school/district has chosen to implement during the corrective action phase of the program improvement.

Please select which corrective action your school/district has chosen:

- Implement a new curriculum**
Out-of-date or ineffective curriculum can also be a factor for students not achieving. Schools/districts may choose to implement a new curriculum to address this issue. Please keep in mind, the actual curriculum is the responsibility of the school district. Federal funds can only be used for supplemental materials and training.
- Extend the school day or school year**
There are many things that schools/districts are responsible for during the school day. This may be a contributing factor to students not achieving. If this is the case, schools/districts can add on to the school day (after- and/or before-school) or school year (summer school, Saturday school) to address this issue.
- Operate under new management**
Strong leadership and management are crucial to student achievement. Operating under new management, such as a new superintendent or principal, may be an option for the school/district to consider and implement.
- Replace key staff**
This option allows schools/districts to replace personnel that play a key role in whether or not students achieve. This may include replacing teachers of core academic subject areas.
- Restructure the school/district**
The intent behind this option is for schools/districts to significantly restructure their school/district. Some suggestions for schools/districts to consider for this category are reducing class size (student/teacher ratio), changing the organizational structure (restructuring a K-8 school into K-5 and 6-8 schools), participating in a joint powers arrangement with another district, making more course offerings available (through IVN or sharing teachers), or offering dual credit with a wider option of courses to choose from.

*In addition to the above action, increased state oversight is a mandatory condition of the corrective action phase.

Please attach an additional document identifying the details of how this corrective action measure is being implemented within your school/district. This document should describe, in detail, the implementation of the corrective action measure selected at your school/district including:

- How the implementation of the corrective action option will raise academic scores of your students on the State Assessment.
- How the corrective action measure will enable the school/district to make AYP.

*Please note, if adequate information is not provided, schools/districts will be asked to resubmit their information.

Title I Authorized Representative Signature: _____ **Date:** _____

ND Department of Public Instruction
Title I – Program Improvement

Plan for Alternative Governance Documentation
Due November 3, 2009

School/District Name _____ School Year _____

Schools/districts that have not made Adequate Yearly Progress (AYP) for five consecutive years enter the sixth category on the sanctions timeline mandated by the *No Child Left Behind* (NCLB) Act. This category is referred to as “Planning for Alternative Governance” phase. During this phase, schools/districts must continue to offer school choice (if applicable), supplemental services (if applicable), set-aside 10% of their Title I allocation for professional development for all staff (optional), and continue implementing their corrective action choice. According to the NCLB regulations, this phase of program improvement is to plan for specific actions that will be taken by the school district if AYP is not met in the subsequent school year.

The alternative governance options as specified in the NCLB Act are not allowable under North Dakota state law. Therefore, North Dakota developed alternative actions as passed in House Bill 1086 during the 58th legislative assembly.

Below is the list of the approved alternative governance options as specified in North Dakota law:

1. Defer administrative funds to program improvement schools.
2. Offer a signing bonus.
3. Offer school/district choice across district boundaries.
4. Contract with an outside expert.
5. Other form of major restructuring.

Plan (Timeline) for Alternative Governance

DIRECTIONS: *The questions on the following pages provide an outline of the process schools/districts need to complete during the required planning for alternative governance.*

By researching and recording information on each of the alternative governance options, schools/districts will better be able to select the alternative governance option that is appropriate for the school/district — i.e., which option will best meets the needs of your students to increase their academic achievement.

This timeline also provides documentation to the State Title I office regarding the preparations the school/district has made in choosing the most appropriate alternative governance participation.

Please complete the information requested for each of the items listed. Use this document to summarize your findings. You may gather more information than is required here. If more space is needed, please add attachments.

Part A. History

Student Achievement Information

What are the school's/district's specific areas of need in terms of not making AYP? A school/district may consider academic areas, grade levels, subgroups, secondary indicators, etc. that caused identification for program improvement.

Analyzing Current Programs

Identify the programs and activities the school/district has implemented since becoming a program improvement school/district. Identify their implementation date and success rate in terms of student achievement on the North Dakota State Assessment.

Program in place	Implementation date	Impact on student achievement	Strengths/weaknesses of program

Part B. Research on Alternative Governance Options

1. Deferring administrative funds.

Brief description of option: This option allows for administrative budgets to be cut with the excess funds going to the schools in program improvement. These funds would be taken off the top of a district's allocation and given to the program improvement school(s) above and beyond their current allocation. These funds could then be utilized to address the program improvement school's needs.

Please indicate the amount of administrative funds currently set-aside. How are administrative funds currently being used?

Please indicate the amount of non-administrative funds flowing to the school. How are non-administrative funds currently being used in the school?

If the administrative funds were cut and the excess funds flowed to the program improvement school, how would these funds be used?

Would deferring administrative funds be an option for your school/district to consider? Please explain why or why not.

2. Offering a signing bonus.

Brief description of option: This option allows schools/districts to give incentives for staff. This option also allows schools/districts to offer signing bonuses to attract highly qualified personnel to their school/district. Schools/districts selecting this option would have to have a definition and process to identify staff that qualify for this bonus.

North Dakota Century Code 15.1-09-33.1 provides further clarity on when and where signing bonuses can be given in North Dakota. Specifically, the law indicates that the employees employed as a classroom teacher by the board of a school district in North Dakota during the previous year can not be eligible to receive the bonus. Districts/schools choosing to this alternative governance measure will be required to demonstrate meeting the requirements of state law.

What is your current teacher turnover rate?

How would the school/district identify which staff are eligible for the bonus?

How could the school/district measure these activities to identify its relationship to student achievement?

Would offering signing bonuses be an option for your school/district to consider? Please explain why or why not.

3. Offer school choice across district boundaries.

Brief description of option: In a school's/district's third year of not making AYP, they must offer school choice within the district. During alternative governance, schools must continue to offer school choice within the district, but schools/districts could choose to open up school choice across district lines as an alternative governance option.

The following charts ask you to identify the student performance data, including AYP results, of the contiguous school districts in your surrounding area. Please complete each chart.

Name of school/district			
AYP results	Other student achievement data	Distance from your school/district	Estimated travel cost per student
Would allowing transfer to this school/district produce increased student achievement?			

Name of school/district			
AYP results	Other student achievement data	Distance from your school/district	Estimated travel cost per student
Would allowing transfer to this school/district produce increased student achievement?			

Name of school/district			
AYP Results	Other student achievement data	Distance from your school/district	Estimated travel cost per student
Would allowing transfer to this school/district produce increased student achievement?			

Would offering school/district choice across district boundaries be an option for your school/district to consider? Please explain why or why not.

4. Contract with an outside expert.

Brief description of option: Schools/districts have many responsibilities and often seek advice from outside the school/district system when implementing new reforms or curriculums. Often times, an outside consultant who has expertise in school reform can pinpoint problem areas more easily than school/district staff that are faced with these issues day in and day out. This option is for schools/districts that have examined and identified their needs and pursue contracting with an outside expert to assist them in addressing those needs.

Schools/districts are to find resources that address the school's/district's areas of need. Using these resources, as well as other research, identify possible consultants who have expertise in the area in which the school/district needs assistance. List possibilities and how they may meet your needs.

Research on how to improve our problem areas	Possible consultants	How would this research and consultant match your needs and raise academic achievement?

Would consulting with an outside expert be an option for your school/district to consider? Please explain why or why not.

5. Other form of major restructuring.

Brief description of option: Schools/districts have the option of researching other major restructuring measures to implement rather than those listed above. Adequate documentation and proven effectiveness must be evident. A major form of restructuring could include, for example, self-selected district consolidation.

Are there other major restructuring measures the school/district is examining in terms of identifying alternative governance for your school/district?

Part C. Summarize results

Please select which alternative governance option your school/district is planning to pursue for the subsequent school year if AYP is not made and the school/district enters the alternative governance phase of the program improvement timeline.

- Defer administrative funds to program improvement schools.**
- Offer a signing bonus.**
- Offer school/district choice across district boundaries.**
- Contract with an outside expert.**
- Other form of major restructuring.**

Please summarize the steps the school/district is going to take to ensure this alternative governance option is ready to be implemented at the start of the subsequent school year if AYP is not made and the school/district enters the alternative governance phase of the program improvement timeline.

*Please note, if adequate information is not provided schools/districts will be asked to resubmit their information.

Title I Authorized Representative Signature: _____	Date: _____
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**ND Department of Public Instruction
Title I – Program Improvement**

**Alternative Governance Documentation
Due July 1, 2009**

School/District Name: _____ **School Year:** _____

Schools/districts that have failed to make Adequate Yearly Progress (AYP) for six consecutive years enter the seventh category on the sanctions timeline mandated by the *No Child Left Behind* (NCLB) Act. During this phase, schools/districts must continue to offer school choice (if applicable), supplemental services (if applicable), set-aside 10% of their Title I allocation for professional development for all staff (optional), and continue implementing their corrective action choice. It is during this phase that the school/district must implement an alternative governance option. Alternative governance requires schools/districts to implement at least one of the options as passed by North Dakota House Bill 1086. **Please note, the alternative governance measures must continue to be implemented through the remainder of the schools/districts duration of program improvement status.**

Below is the list of the alternative governance options. Last year, your school/district was required to research these different options in the event you didn't make AYP and would be required to implement one of them. Please identify which action your school/district has chosen to implement for this phase of the program improvement process.

Please select which Alternative Governance option your school/district has chosen:

- Defer administrative funds to program improvement schools.**
This option allows for administrative budgets to be cut with the excess funds going to the schools in program improvement. These funds could then be utilized to address the program improvement school's needs.
- Offer a signing bonus.**
This option allows schools/districts to give incentives for positions if turnover is an issue. Schools/districts selecting this option would have to have a definition and process to identify staff that qualify and will be required to demonstrate meeting the requirements of state law.
- Offer school choice across district boundaries.**
In a school's third year of not making AYP, they must offer school choice within the district. During alternative governance, schools must continue to offer school choice within the district, but schools/districts could choose to open up school choice across district lines as an alternative governance option.
- Contract with an outside expert.**
Schools/districts have many responsibilities and often seek advice from outside the school/district system when implementing new reforms or curriculums. Often times, an outside consultant who has expertise in school reform can pinpoint problem areas more easily than school/district staff that is faced with these issues day in and day out. This option is for schools/districts that have examined and identified their needs and pursue contracting with an outside expert to assist them in addressing those needs.
- Other form of major restructuring.**
Schools/districts have the option of researching other major restructuring measures to implement rather than those listed above. Adequate documentation and proven effectiveness must be evidenced.

Please attach an additional document identifying the details of how this alternative governance measure is being implemented at your school/district. This document should describe, in detail, the implementation of the alternative governance measure selected at your school/district including:

- How the option was decided upon,
- How the implementation of this alternative governance option will raise academic scores of your students on the State Assessment, and
- How the alternative governance measure will enable the school/district to make Adequate Yearly Progress.

*Please note, if adequate information is not provided, schools/districts will be asked to resubmit their information.

Title I Authorized Representative Signature: _____ **Date:** _____