

## Accountability – Sanctions

### What the Law says...

The language of the Elementary and Secondary Act (ESEA) is quite extensive. The highlights of Title I, Part A, Section 1116 are listed below:

- There are three categories (existence under ESEA '94): school improvement, corrective action, and school restructuring.
- A school that fails two years in a row (Years one and two, or 2002-03 and 2003-04) to meet AYP – or the annual measurable objective set by the state for that academic year – for all subgroups of students will be placed in school improvement status (Year 3).
- **If the school fails to meet AYP during that year, it is placed in a second year of school improvement (Year 4).**
- In the first year of school improvement, a school will be required to:
  - Prepare a two-year improvement plan;
  - Use at least 10 percent of its Title I funds for professional development;
  - Provide public school choice (if allowable by state law); 5-15 percent of Title I funds to pay for transportation costs to implement public school choice;
  - Notify parents of the school's status;
  - Receive technical assistance from the school district; and
  - Receive federal school improvement funds.
- In the second year of school improvement, a school will be required to:
  - Continue activities from its first year of school improvement; and
  - Provide supplemental services (before or after-school tutoring in a program approved by the state); 5-15 percent of Title I funds can be used for supplemental services, but no more than 20 percent may be used for supplemental services and public school choice combined.
- **If the school fails to meet AYP in Year 4, it is placed in "corrective action" for Year 5.**
- In the first year of corrective action:
  - Schools must continue public school choice and supplemental services; and
  - School districts must do **at least one** of the following:
    - Implement a new curriculum;
    - Decrease local decision-making;

#### Lists...

**In June of 2002, PDE published a list of 256 Pennsylvania schools that at the time were considered to be in either School Improvement or Corrective Action.**

**The "watch list" published in December of 2002 was rescinded by the new state administration.**

**Also, the new administration reconsidered the criteria which placed the original 256 schools into sanctions. The AYP lists finalized in September of 2003 represent a clearer picture of how the state places schools into sanctions.**

- Appoint an outside expert;
  - Extend the school day or year;
  - Replace staff relevant to failure; and/or
  - Restructure the internal organization
- **If the school fails to reach AYP in Year 5, it is placed in a second year of corrective action for Year 6.**
- In the second year of corrective action, the following actions will be required:
  - o Schools must continue to provide public school choice and supplemental services; and
  - o A plan must be prepared and arrangements made for restructuring.
- **If the school is unable to reach AYP, it is subject to restructuring in Year 7.**
- **School Restructuring or Reconstitution – After chronic failure to meet AYP (six years in a row), a school must do at least one of the following:**
  - o Reopen as a charter school;
  - o Replace the principal and other staff deemed relevant to the failure;
  - o Turn the school over to a private management company;
  - o Turn the school over to the state; or
  - o Other major restructuring that constitutes making major reforms.

**States are subject to sanctions on the same timeline. However, the only sanction the State has to fear is the possible loss of funds.**

**Collective Bargaining Agreements (CBA), State and Federal labor protections may not be violated in applying sanctions.**

### **Pennsylvania and Sanctions**

Pennsylvania school **districts** have experience with sanctions under Act 16. The sanctions are not the same, nor are they on the same timeline. Pennsylvania **schools** which were identified in June of 2002 as being in one of the categories were required to provide public school choice and supplemental educational services. The 300 schools identified in September of 2003 as in School Improvement or Corrective Action are expected for the SY 03-04 to provide the public school choice, supplemental educational services, and corrective actions necessary to make AYP in the future.

Pennsylvania had a system of supplemental services with its Classroom Plus program. It is expected that there will be an educational assistance program sponsored by the state to assist students and districts with remedial education.

The most obvious concerns of Pennsylvania educators and to our members are those job security issues raised by school choice and restructuring. ESEA '01, like most other accountability initiatives, is willing to lay the blame on the professional employees in the schools and ignore the impact the larger system has on the school.