

160-7-1-.04 ACCOUNTABILITY SYSTEM AWARDS AND CONSEQUENCES.

(1) Awards.

(a) Each public school shall be eligible for Awards based on its Accountability Profile, including primarily its Performance Index determination. Awards may include public recognition, increased flexibility, with regard to state or federal requirements (to the extent permitted under state and federal law), and financial awards (subject to appropriation). Detailed information regarding Awards and criteria for Awards shall be included in the Accountability Plan presented annually to the State Board of Education, described in Rule 160-7-1-.03 Accountability Profiles.

(2) School-Level Consequences.

(a) In accordance with state and federal law, each public school identified as Needs Improvement shall be subject to consequences designed to help improve student achievement based on its Adequate Yearly Progress (AYP) determination. The Accountability Profile and Georgia Department of Education (GDOE) guidance will inform the nature and degree of the required improvement plans (i.e., school improvement, corrective action, or restructuring). The GDOE shall provide, in accordance with the NCLB Act of 2001, section 1117 (a), a system of intensive and sustained support and improvement for LEAs and schools identified as Needs Improvement.

1. A school shall be identified as in Needs Improvement status if the school has not made AYP in the same subject for two consecutive years.

2. A school shall be removed from Needs Improvement status if the school has made AYP for two consecutive years.

3. Escalation in levels of Needs Improvement status shall be based on the school's failure to make AYP in the same subject for two or more consecutive years. A school that fails to make AYP, but does not fail to make AYP in the same subject for two consecutive years, will remain in its existing Needs Improvement status for the following school year. A school that makes AYP for one year will also remain in its existing Needs Improvement status for the following year.

4. Pursuant to recommendations of the School Performance Review and needs assessment conducted by the GDOE, schools identified as Needs Improvement 7 or beyond may be, at any time, subject to escalating consequences to include, but are not limited to, an Improvement Contract, pursuant to paragraph (g) (2), or a Management Contract, pursuant to Section (i) (2).

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5. The LEA must promptly notify parents of each student enrolled in such schools of the school's classification. The notice must be in an understandable and uniform format and, to the extent practicable, in a language that parents understand. Additionally, it must honor the privacy of all students and their families. The notice must include:

(i) An explanation of a school's status under this rule and the school's performance relative to other schools in the LEA and the state.

(ii) Reasons the school is identified for improvement.

(iii) An explanation of actions by the school to improve student achievement.

(iv) An explanation of what the LEA and/or the GDOE are doing to improve student achievement.

(v) An explanation regarding the means for parent involvement in issues which contributed to the school's failure to make AYP.

6. The LEA shall provide technical assistance to the school identified as Needs Improvement.

(b) Needs Improvement Year 1. A school that has not made AYP for a period of two consecutive years in the same subject shall be identified as **Needs Improvement Year 1** and shall be subject to the following requirements:

1. The school shall develop, no later than 3 months after being identified as Needs Improvement, a School Improvement Plan. The School Improvement Plan shall be for a minimum of a two-year period. The plan shall be subject to a peer review process by the LEA within 45 days of receipt, shall be coordinated by the LEA, shall be approved by the local board of education, and shall be made available to the GDOE upon request. The School Improvement Plan shall meet the requirements of NCLB Act of 2001, section 1116, as applicable and as provided in the GDOE School Improvement Fieldbook. The school shall implement the School Improvement Plan upon approval by the LEA.

2. The LEA shall provide students enrolled in the school the option to transfer to another public school that has not been identified as Needs Improvement within the LEA.

(i) LEAs shall provide or ensure transportation to students exercising the option to transfer to another public school in the LEA that has not been identified as Needs Improvement. For the 2004-05 school year and any subsequent year in which the legislature does not appropriate funds for the provision of transportation to non-Title I

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students exercising the option to transfer to another public school pursuant to this rule, the parent or guardian assumes responsibility for the transportation of that student. The LEA shall provide transportation for students transferring from Title I schools in accordance with federal law.

(ii) For students transferring from non-Title I schools, the LEA is not required to exceed facility capacity when determining school choice options and shall give priority to the lowest achieving students. For students transferring from Title I schools, the LEA may not use lack of capacity to deny school choice to those students.

(c) Needs Improvement Year 2. A school identified as **Needs Improvement Year 2** pursuant to paragraph (2)(a)(3) shall be subject to all consequences applicable to schools in Needs Improvement Year 1 as well as to the following requirement:

1. The LEA shall offer students enrolled in the school access to instructional extension services in accordance with SBOE Rule 160-4-2-.14 Instructional Extension prioritizing the school's lowest achieving students. For Title I schools, Supplemental Educational Services shall be provided in accordance with federal law and State Board of Education Rule 160-4-5-.03 Supplemental Educational Services.

(d) Needs Improvement Year 3. A school identified as **Needs Improvement Year 3** pursuant to Section (2)(a)(3) shall be subject to all consequences applicable to schools in Needs Improvement Year 2 as well as to the following requirements:

1. The LEA shall develop and implement, no later than 3 months after being identified for corrective action, a School Corrective Action Plan. The Corrective Action Plan shall be approved by the local board of education, and shall be made available to the GDOE. The School Corrective Action Plan shall be in accordance with content, format, and procedures developed and disseminated by the GDOE in the GDOE School Improvement Fieldbook. The school shall implement the School Corrective Action Plan upon approval by the LEA. The LEA shall select at least one corrective action from the following:

(i) Replace the school staff who are relevant to the school not making AYP.

(ii) Institute and fully implement a new curriculum, including providing appropriate professional learning opportunities that are grounded in scientifically-based or evidence-based research and offer substantial promise of improving educational achievement for low-achieving students.

(iii) Significantly decrease management authority at the school level.

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(iv) Appoint an outside expert to advise the school on its progress toward meeting required achievement targets.

(v) Extend the school year and/or school day for the school.

(vi) Restructure the internal organizational arrangement of the school.

(e) Needs Improvement Year 4. A school identified as **Needs Improvement Year 4** pursuant to paragraph (2)(a)(3) shall be subject to all consequences applicable to schools in Needs Improvement Year 3 as well as to the following requirements:

1. The LEA shall continue to implement the corrective action selected the previous year.

2. The LEA shall develop a plan to restructure the governance arrangement of the school and shall assure that the School Restructuring Plan is received by the GDOE no later than six months after the school is identified for improvement and restructuring. The School Restructuring Plan shall be implemented for a minimum of a two-year period, shall be subject to a peer review process coordinated by the GDOE, and shall be approved by the GDOE. The School Restructuring Plan shall meet the requirements of NCLB Act of 2001, section 1116, as applicable and as provided in the GDOE School Improvement Fieldbook. The LEA shall implement the plan no later than the beginning of the school year in which the LEA/school is identified as Needs Improvement Year 5. The LEA shall include in its plan at least one of the restructuring options from the following:

(i) Reopening the school as a public charter school.

(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the school not making AYP.

(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.

(iv) Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make AYP.

(f) Needs Improvement Year 5. A school identified as **Needs Improvement Year 5** pursuant to paragraph (2)(a)(3) shall be subject to all consequences applicable to schools in Needs Improvement Year 4 in addition to the requirement that the LEA begin implementing the restructuring plan developed and approved the previous year.

(g) Needs Improvement Year 6. A school identified as **Needs Improvement Year 6** pursuant to paragraph (2)(a)(3) shall continue to implement the Restructuring Plan. The LEA and GDOE, through ongoing monitoring and evaluation, will determine appropriate updates and revisions to the Restructuring Plan during this second year of implementation.

1. The LEA and Needs Improvement Year 6 school shall be subject to a School Performance Review and needs assessment conducted by the GDOE. The GDOE School Performance Review team will make recommendations to the State Board of Education regarding school-level and/or LEA-level interventions needed to address the findings from the School Performance Review.

2. The Improvement Contract, outlining the LEA's commitment to implement the identified interventions with assistance from the GDOE, will be developed and signed by the LEA superintendent, the local board of education chair, the State Superintendent, and the State Board of Education chair. Failure of the LEA to enter into the Improvement Contract pursuant to this rule will result in a referral to the Office of Student Achievement (OSA) for non-compliance. The Improvement Contract must be implemented no later than the beginning of the school year the school is identified in Needs Improvement Year 7. The Improvement Contract shall be in effect for a minimum of a two-year period and shall be subject to ongoing review and evaluations conducted by the GDOE. The Improvement Contract shall be developed in accordance with content, format, and procedures developed and disseminated by the GDOE.

3. School-level interventions may include, but are not limited to the removal of personnel at the school level relevant to the school not making AYP; appointment of a Principal Master and/or Instructional Coach; management of the school budget; and utilization of Georgia Performance Standards (GPS) Learning Frameworks and nine-week Progress Monitoring.

4. LEA-level interventions may include, but are not limited to the removal of personnel at the LEA level relevant to the school not making AYP; appointment of an LEA Support Specialist to manage and approve the financial, personnel, and program resources of the school; redirection of resources (state and federal) to support improvements; plan for a local conversion charter.

(h) Needs Improvement Year 7. A school identified as **Needs Improvement Year 7** pursuant to paragraph (2)(a)(3) shall be classified as a Contract-Monitored School and shall implement the interventions outlined in the Improvement Contract developed and agreed upon no later than the beginning of the school year. The LEA and GDOE, through ongoing monitoring and evaluation, will determine appropriate amendments and revisions to the Improvement Contract during this first year of implementation to be approved by the State Board of Education.

(i) Needs Improvement Year 8. A school identified as **Needs Improvement Year 8** pursuant to paragraph (2)(a)(3) shall remain classified as a Contract-Monitored School and shall be subject to all consequences applicable to schools in Needs Improvement Year 7. The LEA and GDOE, through ongoing monitoring and evaluation, will determine appropriate updates and revisions to the Improvement Contract during this second year of implementation to be approved by the State Board of Education.

1. The LEA and Needs Improvement Year 8 school shall be subject to a System Performance Review and needs assessment conducted by the GDOE. The GDOE System Performance Review team will make recommendations to the State Board of Education regarding school-level and/or LEA-level interventions needed to address the findings from the System Performance Review.

2. The Management Contract, outlining the commitment to implement the identified interventions with assistance from the GDOE, will be developed and signed by the LEA superintendent, the local board of education chair, the State Superintendent, and the State Board of Education chair. Failure of the LEA to enter into the Management Contract pursuant to this rule will result in referral to OSA for non-compliance. The Management Contract must be implemented no later than the beginning of the school year the school is identified in Needs Improvement Year 9. The Management Contract shall be in effect for a minimum of a two-year period and shall be subject to ongoing review and evaluations conducted by the GDOE. The Management Contract shall be developed in accordance with content, format, and procedures developed and disseminated by the GDOE.

3. School-level interventions may include, but are not limited to school closure; mandated charter school; complete reconstitution of the school; site-based expenditure controls; specified maximum class sizes.

4. LEA-level interventions may include, but are not limited to a decrease of management authority for the superintendent and local board of education; assignment of a management team to operate all or part of the LEA; restructuring of the LEA's governance arrangement.

(j) Needs Improvement Year 9. A school identified as **Needs Improvement Year 9** pursuant to paragraph (2)(a)(3) shall be classified as a Contract-Managed School and shall be subject to all consequences applicable to schools in Needs Improvement Year 8. The LEA and GDOE, through ongoing monitoring and evaluation, will determine appropriate amendments and revisions to the Management Contract during this first year of implementation to be approved by the State Board of Education.

(k) Needs Improvement Year 10. A school identified as **Needs Improvement Year 10** pursuant to paragraph (2)(a)(3) shall remain classified as a Contract-

Managed School and shall be subject to all consequences applicable to schools in Needs Improvement Year 9. The LEA and GDOE, through ongoing monitoring and evaluation, will determine appropriate amendments and revisions to the Management Contract during this second year of implementation to be approved by the State Board of Education.

(3) LEA-Level Consequences.

(a) Each LEA identified as Needs Improvement shall be subject to consequences designed to help improve student achievement based on its AYP determination. The Accountability Profile and GDOE guidance will inform the nature and degree of the required improvement plans. The GDOE shall provide assistance to LEAs identified as Needs Improvement.

1. An LEA shall be identified as in Needs Improvement status if the LEA has not made AYP in the same subject for two consecutive years at both elementary/middle school and the high school levels.

2. An LEA shall be removed from Needs Improvement status if the LEA has made AYP for two consecutive years.

(b) An LEA that has not made AYP in the same subject for a period of two consecutive years at both elementary/middle school and the high school levels shall be identified as **Needs Improvement Year 1** and shall be subject to the following requirements:

1. The LEA shall develop, no later than 3 months after being identified as Needs Improvement, an LEA Improvement Plan. The LEA Improvement Plan shall be for a minimum of a two-year period and shall be reviewed and approved by the GDOE. The LEA Improvement Plan shall be in accordance with content and procedures developed and disseminated by the GDOE. The LEA shall implement the plan expeditiously, but not later than the beginning of the next school year after the school year in which the LEA was identified for improvement.

(c) An LEA identified as **Needs Improvement Year 2** shall implement the LEA Improvement Plan developed pursuant to subsection (3)(b), if not previously implemented.

(d) An LEA identified as **Needs Improvement Year 3** pursuant to subsection (3)(b) shall be subject to the following requirements:

1. The LEA shall develop, no later than 3 months after being identified for corrective action, an LEA Corrective Action Plan. The LEA Corrective Action Plan, shall be integrated with the LEA Improvement Plan, shall be for a minimum of a two

year period, and shall be reviewed by the GDOE and approved by the State Board of Education upon recommendation of the GDOE. The LEA Corrective Action Plan shall be in accordance with content, format, and procedures developed and disseminated by the GDOE. The LEA shall implement the Corrective Action Plan no later than the beginning of the school year following the school year in which the LEA was identified for corrective action.

2. The LEA Corrective Action Plan shall include at least one corrective action as defined in federal law, which may include major restructuring of the system's governance arrangement that makes fundamental reforms, consistent with the corrective action options, and has substantial promise of enabling the LEA to meet AYP.

(4) OSA Audit Function and Record Retention Requirements.

(a) Record Retention Requirements. In addition to all other records required to be maintained by federal and state law, LEAs and schools shall maintain current records of contact information for all teachers, parents, and school council members. Teacher contact information shall include subjects and grade level/s taught, class schedules, years of experience, and certificate level. Parent contact information shall include current school or schools attended by children and current grade levels of children. School council member contact information shall include name, title, and community relationship to the school.

(b) Right to Audit. OSA may, upon GDOE recommendation or upon its own initiative, audit or inspect a school or LEA at any time. Such investigation may include performing an on-site audit of any school or LEA.

(c) OSA Audit Procedures. OSA shall employ the audit procedures described in this section.

1. Procedure Prior to Detection of Noncompliance or Substantial Data Irregularities. OSA may conduct audits of schools or LEAs at any time to ensure compliance with this rule. OSA audits prior to detection of noncompliance or substantial data irregularities may include, but are not limited to, review of the school or LEA's academic records. If, during the audit, OSA detects substantial data irregularities or noncompliance with the requirements of this rule, OSA may employ the procedures described in (4)(c)(2) of this rule.

2. Procedure Upon Detection of Noncompliance or Substantial Data Irregularities. Upon detection of noncompliance with the requirements of this rule or substantial data irregularities, OSA shall employ the audit procedures described in this subsection.

(i) **Validation Review Then On-Site Audit.** Upon detection of noncompliance with the requirements of this rule or substantial data irregularities, OSA will provide notice identifying the incidence(s) of data irregularities or noncompliance to the identified school or LEA. When the school or LEA receives the notice from OSA, the school or LEA shall conduct an internal investigation of the irregularity or noncompliance identified by OSA. After conducting the internal investigation, the school or LEA shall provide a written explanation detailing the causes of the data irregularities or noncompliance to OSA. If OSA determines that the explanation is insufficient, OSA shall conduct an on-site audit of the school or LEA. The on-site audit may include, but is not limited to, review of the school or LEA's financial records, academic records, testing procedures, reporting procedures, and test security.

(ii) **On-Site Audit Without Validation Review.** Upon detection of noncompliance with the requirements of this rule or substantial data irregularities, OSA, upon its own determination, may conduct an on-site audit with or without notice to a school or LEA. The on-site audit may include, but is not limited to, review of the school or LEA's financial records, academic records, testing procedures, reporting procedures, and test security.

(d) **Reporting.** Upon conclusion of the on-site audit, OSA, where applicable, will prepare a draft audit report detailing the findings of its investigation. OSA will provide the affected LEA or school with a copy of the draft report and provide the school or LEA with thirty days to review and comment on the findings contained in the draft report. OSA will submit its final report to the SBOE.

(e) **Recommendations.** When applicable, OSA's final report may make a recommendation to the SBOE as to how to address the school or LEA's noncompliance with this rule. OSA may recommend sanctions including, but not limited to, withholding of federal and/or state funds pursuant to the procedures provided in State Board of Education Rule 160-5-2-.02 Withholding of Funds from Local Units of Administration.

Authority O.C.G.A. § 20-14-26; 20-14-37; 20-14-41.

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