

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

January 4, 2010

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: First Reading-School Accountability- Policy 6:15

This policy has been updated to show the requirements of No Child Left Behind and the subsequent changes in Illinois School Code as a result of that federal act. It adds in items such as adequate yearly progress, the requirements of SIP plans, School Report Cards, and school choice as a result of restructuring.

Instruction

School Accountability 1

According to the Illinois General Assembly, the primary purpose of schooling is the transmission of knowledge and culture through which students learn in areas necessary to their continuing development and entry into the world of work. ² To fulfill that purpose, the State Board of Education prepared State Goals for Learning with accompanying Illinois Learning Standards. ³

The School Board gives priority in the allocation of resources, including funds, time, personnel, and facilities, to fulfilling this purpose.

Quality Assurance

The Board continuously monitors student achievement and the quality of the District's work. The Superintendent shall supervise the following quality assurance components, in accordance with State statute and State Board of Education rules, and continuously keep the Board informed:

1. Prepare each school's annual recognition application and quality assurance appraisal, whether internal or external, to assess each school's continuous school improvement. ⁴
2. If applicable, implement a No Child Left Behind Act plan, including the completion of the NCLB Consolidated Application, and seek Board approval where necessary or advisable. ⁵
3. Continuously assess whether the District and its schools are making adequate yearly progress as defined by State law. ⁶
4. If applicable, develop District and School Improvement Plans, present them for Board approval, submit them to the State Superintendent for verification, and supervise their implementation. If applicable, develop a restructuring plan for any school that remains on academic watch status after a fifth annual calculation. ⁷
5. Prepare a school report card, present it at a regular Board meeting, and disseminate it as provided in State law. ⁸

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content.

² 105 ILCS 5/27-1.

³ 23 Ill.Admin.Code §1, Appendix D.

⁴ 105 ILCS 5/2-3.25 - 2-3.25b; 23 Ill.Admin.Code §§1.10(a) and 1.20.

⁵ Omit this item if the district does not receive Title I funds. Title I is part of the Elementary and Secondary Education Act (20 U.S.C. §6301 *et seq.*). It was amended by No Child Left Behind (NCLB) which was signed on 1-8-02 and officially expired on 9-30-07. NCLB remains in effect due to a continuing resolution but must be reauthorized.

⁶ 20 U.S.C. §6312 contains the required components of a NCLB plan. ISBE's *Grant and Programs* division administers the NCLB Consolidated Application. See Administrative Procedure 6:170-AP3, *No Child Left Behind Checklist*.

⁷ 105 ILCS 5/2-3.25a and 5/2-3.64; 23 Ill.Admin.Code §§1.40-1.70, 1.80 & 1.85.

⁸ State requirements for district and school improvement plans as well as restructuring plans are in 105 ILCS 5/2-3.25d and 5/2-3.63; and 23 Ill.Admin.Code §1.85.

⁸ 105 ILCS 5/10-17a. Districts must present the report card at a regular board meeting, post it on the district's website, make it available to newspapers of general circulation in the district, notify parents/guardians of its availability on the district's website, provide it to parents/guardians on request, submit it to the regional superintendent, and otherwise disseminate it as required by State law.

School Choice for Students Enrolled in a School Identified for Improvement, Corrective Action, or Restructuring ⁹

This section applies to only those students enrolled in a school identified by the Board for school improvement, corrective action, or restructuring as defined by federal law. ¹⁰ Those students may transfer to another public school within the District, if any, that has not been so identified. ¹¹ If there are no District schools available into which a student may transfer, the Superintendent or designee shall, to the extent practicable, establish a cooperative agreement with other districts in the area. ¹² A student who transfers to another school under this policy may remain at that school until the student completes the highest grade at that school. ¹³ The District shall provide transportation only until the end of the school year in which the transferring school ceases to be identified for school improvement

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⁹ The provisions in this section are required by §1116 of No Child Left Behind (20 U.S.C. §6316; 34 C.F.R. §200.44). Districts that do not receive Title I funds should omit this section. Sample policy 7:30, *School Assignment*, implements the State law requirement that **all** districts have a policy governing student transfers within the district.

Helpful resources with web links are listed in 6:15-AP, *Administrative Procedure - School Choice and Supplemental Educational Services*.

¹⁰ For a school identified for school improvement, see 20 U.S.C. §6316(b)(1)(E)(i) and 34 C.F.R. §200.32; for corrective action, see 20 U.S.C. §6316(b)(7)(C)(i) and 34 C.F.R. §200.42; for restructuring, see 20 U.S.C. §6316(b)(8)(A)(i) and 34 C.F.R. §200.43.

¹¹ Districts must attempt to reconcile State and federal law regarding schools of choice. 105 ILCS 5/10-21.3a limits transfers. These State law limitations are quoted below followed by citations to and comments on federal law.

“Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 ... must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law.”

The U.S. Dept. of Education’s Public School Choice Non-Regulatory Guidance, 2004, D-4, states that the LEA shall set a reasonable deadline by which parents must respond; the Illinois General Assembly took this responsibility upon itself.

“A student may not transfer to ... (1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.”

U.S. Dept. of Education regulations state: “An LEA may not use lack of capacity to deny students the option to transfer under paragraph (a)(1) of this section” [34 C.F.R. §200.44(d)]. It also states: “The LEA must offer the option to transfer described in this section unless it is prohibited by State law... .” [34 C.F.R. §200.44(a)(5), see also U.S. Dept. of Education’s Public School Choice Non-Regulatory Guidance, 2004, E-8]. Thus, the question is how to interpret Illinois law prohibiting transfers resulting in a school exceeding its attendance capacity. ISBE has not promulgated rules on this issue. In its “Overview of Public School Choice for Illinois Schools,” ISBE does not address capacity issues other than to state that local district procedures regarding attendance capacity should be consistent with “State law and data provided to ISBE on school construction.”

“A student may not transfer to ... (2) An attendance center to which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student’s grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act.”

The U.S. Dept. of Education’s Public School Choice Non-Regulatory Guidance, 2004, E-4 states that districts do not need to disregard academic entrance requirements.

“A student may not transfer to ... (3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.”

The U.S. Dept. of Education has not made this broad an exception to the requirement to provide choice. The closest pronouncement concerns desegregation plans [34 C.F.R. 200.44(c)].

¹² 20 U.S.C. §6316(b)(11). In its *Overview of Public School Choice for Illinois Schools*, ISBE suggests that a *good faith effort* requires a district to send a letter to superintendents of surrounding districts asking if they would be interested in participating in an intergovernmental agreement and to keep copies of the letter and any responses it receives.

¹³ 20 U.S.C. §6316(b)(13).

or subject to corrective action or restructuring. ¹⁴ All transfers and notices provided to parents/guardians and transfer requests are governed by State and federal law. ¹⁵

Students from low-income families shall be provided supplemental educational services as provided in federal law if they attend any District school that: (1) failed to make adequate yearly progress for 3 consecutive years, or (2) is subject to corrective action or restructuring. ¹⁶

LEGAL REF.: No Child Left Behind Act, §1116, 20 U.S.C. §6316.
34 C.F.R. §§200.32, 200.33, 200.42, and 200.43.
105 ILCS 5/2-3.25d, 5/2-3.63, 5/2-3.64, 5/10-21.3a, and 5/27-1.
23 Ill.Admin.Code Part 1, Subpart A: Recognition Requirements.

CROSS REF.: 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program), 7:10 (Equal Educational Opportunities)

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¹⁴ 20 U.S.C. §6316(b)(9) and (b)(13).

¹⁵ The lowest achieving children from low-income families must receive transfer priority (20 U.S.C. §6316(b)(1)(E)(ii). Federal law provides that transferring students “shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.”

¹⁶ 20 U.S.C. §6316(b)(5)(B), (b)(7)(iii), and (b)(8)(A)(ii). The definition of, and requirements for, supplemental education services are found in 20 U.S.C. §6316(e). Only students from low-income families must receive supplemental education services 20 U.S.C. §6316(e)(12)(A). ISBE’s rules for providers of supplemental educational services are at 23 Ill.Admin.Code Part 675, www.ilga.gov/commission/jcar/admincode/023/02300675sections.html.

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Quality Assurance

The Board of Education continuously monitors the quality of the District's work. The Superintendent shall supervise the following quality assurance components, in accordance with State Board of Education rules, by:

1. Preparing each school's annual recognition application and quality assurance appraisal, whether internal or external, to monitor each school's process for continuous school improvement.
2. Establishing school improvement plans that contain:
 - district student learning objectives,
 - assessment systems for measuring students' progress in the fundamental learning areas, and
 - reporting systems for informing the community and the State of assessment results.

The Superintendent shall regularly report the District's progress to the Board and seek Board approval for each School Improvement Plan.

LEGAL REF.: 105 ILCS 5/2-3.63, 5/2-3.64, and 5/27-1.
23 Ill. Admin. Code §§ 1.10, 1.20, and 1.30.

CROSS REF.: 6:340 (Student Testing and Assessment Program), 7:10 (Equal Educational Opportunities)

ADOPTED: May 20, 2002