

Superintendent's Recommendation: N/A

Impact on Resources: N/A

Timetable for Further Review/Action: N/A

No Child Left Behind Act of 2001

20 U.S.C. 6316(c)(3)
(P.L. 107-110 Sec 1116(c)(3))

(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.

A State shall identify for improvement any local educational agency that, for 2 consecutive years, including the period immediately prior to the date of enactment of the No Child Left Behind Act of 2001, failed to make adequate yearly progress as defined in the State's plan under section 111(b)(2).

20 U.S.C. 6316(c)(10)
(P.L. 107-110 Sec 1116(c)(10))

(10) CORRECTIVE ACTION.

In order to help students served under this part meet challenging State student academic achievement standards, each State shall implement a system of corrective action in accordance with the following:

- (A) **DEFINITION.**—As used in this paragraph, the term ‘corrective action’ means action, consistent with State law, that—
 - (i) substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the agency; and
 - (ii) is designed to meet the goal of having all students served under this part achieve at the proficient and advanced student academic achievement levels.

- (B) **GENERAL REQUIREMENTS.**—After providing technical assistance under paragraph (9) and subject to subparagraph (E), the State—
 - (i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);
 - (ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year after the identification of the agency under paragraph (3); and

- (iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).
- (C) CERTAIN CORRECTIVE ACTIONS REQUIRED.—In the case of a local educational agency identified for corrective action, the State educational agency shall take at least one of the following corrective actions:
- (i) Deferring programmatic funds or reducing administrative funds.
 - (ii) Instituting and fully implementing a new curriculum that is based on State and local academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for low-achieving students.
 - (iii) Replacing the local educational agency personnel who are relevant to the failure to make adequate yearly progress.
 - (iv) Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.
 - (v) Appointing, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.
 - (vi) Abolishing or restructuring the local educational agency.
 - (vii) Authorizing students to transfer from a school operated by the local educational agency to a higher-performing public school operated by another local educational agency in accordance with subsections (b)(1)(E) and (F), and providing to such students transportation (or the costs of transportation) to such schools consistent with subsection (b)(9), in conjunction with carrying out not less than one additional action described under this subparagraph.
- (D) HEARING.—Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.
- (E) NOTICE TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

- (F) DELAY.—Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.