



What's Happening

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# State policies for intervening in chronically low-performing schools: A 50-state scan

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## Summary

Recent federal initiatives such as School Improvement Grants and Elementary and Secondary Education Act flexibility emphasize the role of state education agencies in improving chronically low-performing schools. But state policies limit what actions state education agencies can take. As state education leaders and policymakers consider how best to intervene to improve these schools, they may wish to learn about the policies in other states. This report summarizes current policies in all 50 states related to state interventions in chronically low-performing schools. The policies describe the types of interventions that states are legally authorized to implement; however, states likely vary in the extent to which they actually implement the interventions.

Six categories of policies related to intervening in chronically low-performing schools were identified:

- Development or monitoring of school improvement plans.
- Changes in staffing.
- Closing a school.
- Financial incentives or interventions.
- Reforms to the day-to-day operation of the school.
- Changes related to the entity that governs or operates the school.

State policies show a great deal of consistency in approaches to supporting chronically low-performing schools, perhaps because many of the interventions align closely with federal guidance for improving these schools. Despite strong alignment of state policies with federal guidance, state policies vary in the breadth of interventions they allow states to implement. About a third of states have policies in all six categories of interventions. Seven states have more limited options, with policies allowing interventions in only two or three of the six categories. State policies also vary in the specific interventions allowed within each category.

This report can help state education leaders and policymakers learn how other states are approaching the challenge of turning around their chronically low-performing schools, which can facilitate communication among states that are considering similar approaches.

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## Why this study?

Current federal education policies promote a substantial role for state education agencies in school improvement. For example, the federal guidance for Elementary and Secondary Education Act (ESEA) flexibility requires that state education agencies “effect dramatic, systemic change in the lowest performing schools by publicly identifying ‘priority schools’ and ensuring that each local education agency with one or more of these schools implements, for three years, meaningful interventions aligned with the turnaround principles in each of these schools” (U.S. Department of Education, 2012, p. 2). However, Tannenbaum et al. (2015) suggest that the majority of state education agencies find the task of improving chronically low-performing schools challenging (see box 1 for definitions of key terms used in the current report).

While federal initiatives provide guidance to state education agencies (box 2), the ways that state education agencies seek to influence school performance are shaped by state policies, which vary widely. In some states, policies provide guidance for districts or schools; in other states, policies allow state education agencies to directly implement restructuring activities (Ziebarth, 2004).

Given these requirements, many states are considering changes to their policies. For example, in 2014 nearly a quarter of states considered legislation related to school improvement in general or to interventions or sanctions for low-performing schools (Education Commission of the States, 2015). As state policymakers continue to consider ways to intervene to improve their chronically low-performing schools, they may want to learn from the policies that guide efforts in other states.

*While federal initiatives provide guidance to state education agencies on improving chronically low-performing schools, the ways that state education agencies seek to influence school performance are shaped by state policies, which vary widely*

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### Box 1. Key terms

**Chronically low-performing schools.** Schools classified as “priority schools” in states with Elementary and Secondary Education Act flexibility and schools planning for restructuring or currently in restructuring under the No Child Left Behind Act because they have failed to make adequate yearly progress for four or more years. Within the parameters of these federal initiatives, states vary in their definitions of low-performing schools (Dillon & Rotherham, 2007; Perlman, 2013). This study focuses on interventions in the lowest performing schools as defined by each state.

**Interventions.** Actions taken directly by the state or its designees or actions that states require schools or districts to take to improve chronically low-performing schools. This report focuses on interventions in individual schools rather than on districtwide interventions.

**School improvement plan.** A general term for school plans that describe strategies to improve teaching and learning outcomes. States use a variety of terms for school improvement plans, including student achievement improvement plan, priority improvement plan, and corrective action plan.

**State.** In this report, the state education agency or, in some cases, the state board of education or the governor (or their designees) that can intervene directly in schools.

**State education agency.** A state governmental education agency or department of education responsible for the supervision of public elementary and secondary education.

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## **Box 2. Federal initiatives that describe state intervention in chronically low-performing schools**

**No Child Left Behind (NCLB).** Under the NCLB Act, states were required to define the amount of progress a school needed to make in one year, called adequate yearly progress, to enable the school to reach the goal of all students being academically proficient by school year 2013/14. Chronically low-performing schools that fail to make adequate yearly progress for four consecutive years must plan for restructuring. Options for restructuring under the NCLB Act include four primary interventions: converting the school to a charter school, replacing most of the staff related to the school's inability to make adequate yearly progress, contracting with another organization to run the school, and turning over operation of the school to the state. A fifth option allows for implementation of any other major restructuring that leads to a major change in the school's governance (U.S. Government Accountability Office, 2007).

**School Improvement Grants.** In 2010, the U.S. Department of Education provided guidelines for four intervention models for the "persistently lowest-achieving schools" that receive School Improvement Grant funding: turnaround, which requires that the principal and at least 50 percent of the staff be replaced; transformation, which requires the principal to be replaced but does not require staff to be replaced and requires that staff be evaluated using a rigorous evaluation system that takes into account student growth; restart, which involves closing the school and restarting it as a charter or contracting with an education management organization to operate the school; and school closure (U.S. Department of Education, 2010).

**Elementary and Secondary Education Act flexibility.** To receive flexibility in meeting the requirements of the No Child Left Behind Act, states must submit a request that addresses four principles: college- and career-ready expectations for all students; state-developed differentiated recognition, accountability, and support; supporting effective instruction and leadership; and reducing duplication and unnecessary burden. The requirements of principle 2 are most relevant to the topic of this report. Specifically, principle 2 requires state education agencies to identify priority schools—the lowest performing schools in the state—and ensure that local education agencies with these schools implement interventions that are consistent with turnaround principles in each of these schools (U.S. Department of Education, 2012). The seven turnaround principles are providing strong leadership; ensuring that the school has effective teachers who can improve instruction; increasing time for student learning and teacher collaboration by making changes to the school day or calendar; improving the instructional program at the school "by ensuring that it is research-based, rigorous, and aligned with state academic content standards" (p. 4); "using data to inform instruction and for continuous improvement" (p. 4); addressing nonacademic factors that may impact student achievement such as school safety, discipline, and students' social, emotional, and health needs; and engaging families and communities.

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Three states in the Regional Educational Laboratory (REL) Central Region—Colorado, Missouri, and Nebraska—were among those considering legislation related to school improvement, interventions, or sanctions for chronically low-performing schools in 2014. REL Central's governing board members indicated that one of their most pressing issues was how to improve chronically low-performing schools. Members stated that they had limited knowledge about how different states were addressing this issue. State education leaders in the region expressed a need for a national perspective on how other states are intervening with chronically low-performing schools. They indicated that such

information would be helpful as they considered new approaches in their own states. For example, knowing what other states are doing can inform education leaders about options they may not have previously considered. They also wanted to know which states were implementing policies or interventions similar to those being implemented in their own states and the effectiveness of the practices. This report provides information that allows state leaders to have conversations regarding current policies. It is related to another REL Central study, Klute, Cherasaro, and Apthorp (2016), which summarizes research on the relationship between state interventions and student achievement.

REL Central will support future conversations among state education leaders and assist these leaders in reviewing information from this report regarding differences from state to state, such as context, finances, demographics, and the evidence related to various policies.

This report seeks to answer the question: “What policies are in place in each of the 50 states related to state intervention with chronically low-performing schools?” The report summarizes state policies in place as of May 2015 related to state interventions in chronically low-performing schools that can inform education leaders about future policies, particularly in states where policies are changing, as they make decisions about how to support school improvement in their chronically low-performing schools.

### **What the study examined**

To gather information about how states can intervene in chronically low-performing schools, the study team examined laws, regulations, and other publicly available documents. The primary sources for this study were state requests for Elementary and Secondary Education Act (ESEA) flexibility submitted as of May 2015 and 1,370 state laws and regulations found through systematic online searches. If information from these primary sources was unclear, the study team consulted state websites for additional documents (for example, state guidance for Title 1 schools or state board regulations) that could provide clarification. The documents were imported into qualitative data analysis software and interventions were categorized using a coding system that represented the range of possible interventions identified across all documents. Detailed information about the search process and the development of the coding system is provided in appendix A.

### **What the study found**

Six categories of policies related to intervening in chronically low-performing schools were identified:

- Development or monitoring of school improvement plans.
- Changes in staffing.
- Closing a school.
- Financial incentives or interventions.
- Reforms to the day-to-day operation of the school.
- Changes related to the entity that governs or operates the school.

This report summarizes the policies and what was learned about interventions in each category based on information in policy documents that were examined. States likely vary in the extent to which they actually intervene in chronically low-performing schools in these ways.

***The report summarizes state policies in place as of May 2015 related to state interventions in chronically low-performing schools that can inform education leaders about future policies as they make decisions about how to support school improvement in their chronically low-performing schools***

## States vary in how many categories of interventions in chronically low-performing schools they have policies for

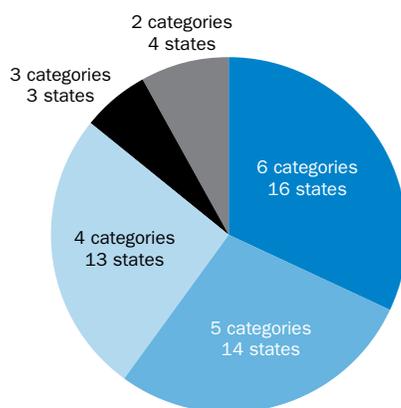
About one-third of states have policies in all six categories of interventions (figure 1). Slightly more than half the states have policies in four or five of the six categories. The remaining seven states have more limited options, with policies in only two or three of the six categories (see appendix B for the categories in which each state has policies). No state has policies in just one category. States vary in the types of interventions allowed in each category. The remainder of this report describes which of the 50 states have policies in each of the six categories and provides examples of the policies.

## Nearly all states have policies related to interventions in preparing or monitoring school improvement plans in chronically low-performing schools

All 50 states have policies that require at least some schools to prepare and submit school improvement plans. Policy documents for 49 states describe three interventions in school improvement plans that go beyond simply requiring or approving the plan (figure 2). The most common type of policy (in 41 states) allows a state to conduct an instructional audit or external evaluation of chronically low-performing schools, the results of which should inform the development of the school improvement plan. More than two-thirds of states can have input into the development of the school improvement plan by creating it for a school or requiring that changes be made prior to approval. Additionally, about two-thirds of states can closely monitor chronically low-performing schools' implementation of their school improvement plans. Examples of state policies related to school improvement plans are provided in box 3.

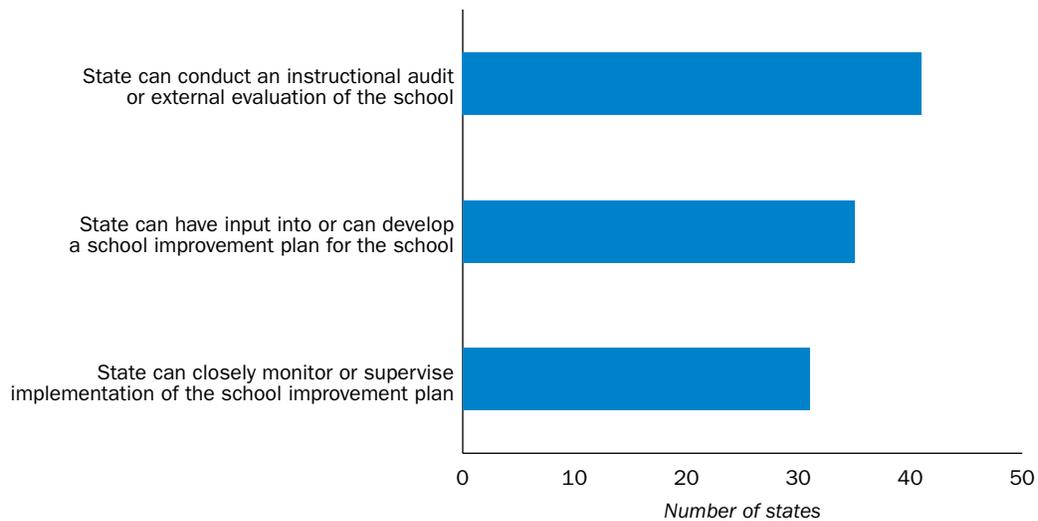
*About one-third of states have policies in all six categories of interventions, slightly more than half the states have policies in four or five of the six categories, and the remaining seven states have policies in only two or three of the six*

**Figure 1. About a third of states have policies in all six categories of interventions in chronically low-performing schools, and slightly more than half have policies in four or five categories**



**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix B).

**Figure 2. Policy documents for 49 states describe three interventions in preparing or monitoring school improvement plans in chronically low-performing schools that go beyond simply requiring or approving the plan**



**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix C).

### **Box 3. Examples of state policies related to interventions in preparing or monitoring school improvement plans in chronically low-performing schools**

#### **The state can conduct an instructional audit or external evaluation of the school.**

**Alabama.** The state superintendent of education designates a team of professionals to visit a school in need of assistance, conduct a study, consult with parents and students, analyze causes of poor student achievement, and make recommendations for the following year's school improvement plan (Ala. Code § 16–6B-3).

#### **The state can have input into or can develop a school improvement plan for the school.**

**Maine.** Low-performing schools engage in a process of self-evaluation and school improvement planning that is facilitated by a Maine Department of Education school improvement specialist. If, after two years, the school does not demonstrate sufficient growth, an external review team will conduct a new school assessment and “support and approve” the development of a new plan based on the results of the external review (Maine ESEA Flexibility Request, 2013).

**Texas.** The Texas Education Commissioner can assign a campus intervention team to low-performing schools to conduct an on-site needs assessment to identify “areas of insufficient performance” and make recommendations to address these areas. The campus intervention team also assists the school in developing a school improvement plan (19 Tex. Admin. Code § 97.1063).

#### **The state can closely monitor or supervise implementation of the school improvement plan.**

**Arkansas.** The Standards Assurance Unit in the Arkansas Department of Education can directly monitor and assist schools in the Arkansas Comprehensive School Improvement Plan process as needed. The monitoring is to determine compliance, provide technical assistance, and examine in-class practices and student learning results. Schools with the largest achievement gaps and chronically low-performing schools have the highest priority for monitoring (005–05–1 Ark. Code R. §9.00, 005–15–18 Ark. Code R. § 3.0, Ark. Code Ann. § 6–15–2701).

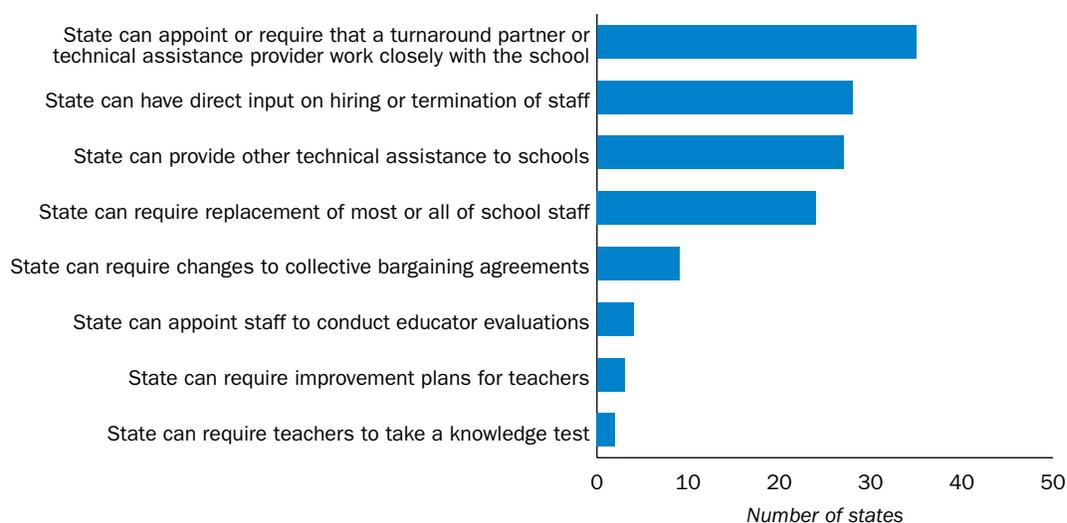
**Forty-seven states have policies related to interventions in staffing in chronically low-performing schools**

Policies in 47 states (all but Missouri, Nebraska, and North Dakota) describe a variety of ways states can intervene in the staffing of chronically low-performing schools (figure 3; box 4). A common approach uses turnaround partners or technical assistance staff. In some cases the state can appoint a turnaround partner; in others, schools must select from a list of approved technical assistance providers. About half the states can provide other technical assistance to chronically low-performing schools. Requiring that most or all of a school’s staff be replaced is included in policies for about half the states, possibly because this is a key part of the turnaround and transformation School Improvement Grant intervention models and one of the No Child Left Behind restructuring options (see box 2). About a fifth of the states have laws or regulations related to a state role in modifying collective bargaining agreements. In five states, replacing staff is one of a limited number of options from which the local education agency must choose or is required only if a local education agency selects a particular school improvement model (for example, School Improvement Grant intervention models). In 28 states the state can be directly involved in decisions about hiring, retaining, or terminating school staff.

*Requiring that most or all of a school’s staff be replaced is included in policies for about half the states, possibly because this is a key part of the turnaround and transformation School Improvement Grant intervention models and one of the No Child Left Behind restructuring options*

Policies for a handful of states describe interventions related to ensuring teacher effectiveness in chronically low-performing schools. These interventions include an option to require that state-appointed staff conduct educator evaluations, require improvement plans for teachers, or require teachers to pass a subject area knowledge test.

**Figure 3. A common approach to state intervention in staffing in chronically low-performing schools uses turnaround partners or technical assistance providers**



**Note:** In some cases replacement of most or all of a school’s staff is required only if a local education agency chooses a particular turnaround model. In other cases it is presented as one of a limited number of options from which local education agencies must choose.

**Source:** Authors’ review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix C).

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#### **Box 4. Examples of state policies related to interventions in staffing in chronically low-performing schools**

##### **The state can appoint a turnaround partner or technical assistance provider to work closely with the school**

**Georgia.** The state board of education can employ several interventions when a school receives an unacceptable rating on student achievement, achievement gap closure, or student progress. One such intervention is to appoint a school improvement team that will recommend actions including interventions for individual administrators or teachers (Ga. Code Ann. § 20–14–41).

**Idaho.** Customized support is provided to every One-Star school (the state’s lowest school performance category) and its local education agency. An external coach is provided through the Idaho Building Capacity Project. The state assigns capacity builders—recently retired, highly distinguished educators trained by the state to assist school and district leaders—to each Idaho Building Capacity network school. Capacity builders provide coaching and monthly training to the schools and work closely with school leaders and the leadership team to build local capacity. Capacity builders provide school improvement resources to assist with planning and implementing customized strategies for improvement (Idaho ESEA Flexibility Request, 2014).

##### **The state can provide other technical assistance to the school**

**Florida.** The Florida Department of Education hosts a Differentiated Accountability Summer Academy each year focused on implementation and support of research-based best practices, which staff of the state’s lowest performing schools are required to attend (Florida ESEA Flexibility Request, 2014). The department has also implemented a training program to develop facilitators of school improvement who assist schools and districts in conducting needs assessments and developing and implementing school improvement plans (Fla. Stat. Ann. § 1008.345).

##### **The state can require replacement of most or all of the school’s staff**

**New Jersey.** If a school does not use a staffing model that supports the implementation of its school improvement plan, the state can require the hiring or appointing of school staff to fill roles associated with school needs. The state can also reassign teaching staff (N.J. Stat. Ann. § 6A 33–2.5, New Jersey ESEA Flexibility Request, 2014).

##### **The state can require changes to collective bargaining agreements**

**Massachusetts.** The state’s lowest performing schools, designated as level five (chronically underperforming), receive direct state intervention, with state development of a school improvement plan. This plan may include limitations, suspensions, or changes to provisions of contracts or collective bargaining agreements, provided that any change in work hours is matched by a change in salary. Modifications to collective bargaining agreements are enforced only after the school and the applicable unions have had an opportunity to come to an agreement on their own during a 30-day bargaining period (Mass. Gen. Laws Ann. ch. 69, § 1J).

##### **The state can appoint staff to conduct educator evaluations, require improvement plans for teachers, and require teachers to take a knowledge test**

**North Carolina.** Low-performing schools in North Carolina may be assigned an assistance team that conducts evaluations of school personnel. If an assistance team determines that staff members are not performing well because they lack general knowledge, those staff members will be required to pass a test designated by the State Board of Education. Assistance teams may also develop improvement plans for the educators they evaluate (N.C. Gen. Stat. Ann. § 115C-105.38A, N.C. Gen. Stat. Ann. § 115C-288, N.C. Gen. Stat. Ann. § 115C-333, N.C. Gen. Stat. Ann. § 143B-146.9, 1 N.C. Admin Code 6G.0307).

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### Thirty-one states have policies related to closing chronically low-performing schools

Policies related to closing schools were identified in 31 states (map 1). These policies describe two approaches (figure 4; box 5). About half the states may close a traditional public school operated by a local education agency. In eight of these states, school closure is among a limited number of options from which local education agencies with chronically low-performing schools must choose. Other options include interventions described in other categories in this report, such as replacing staff or converting a school to a charter school. Policies in about a third of states focus on charter schools, allowing states to revoke a school's charter.

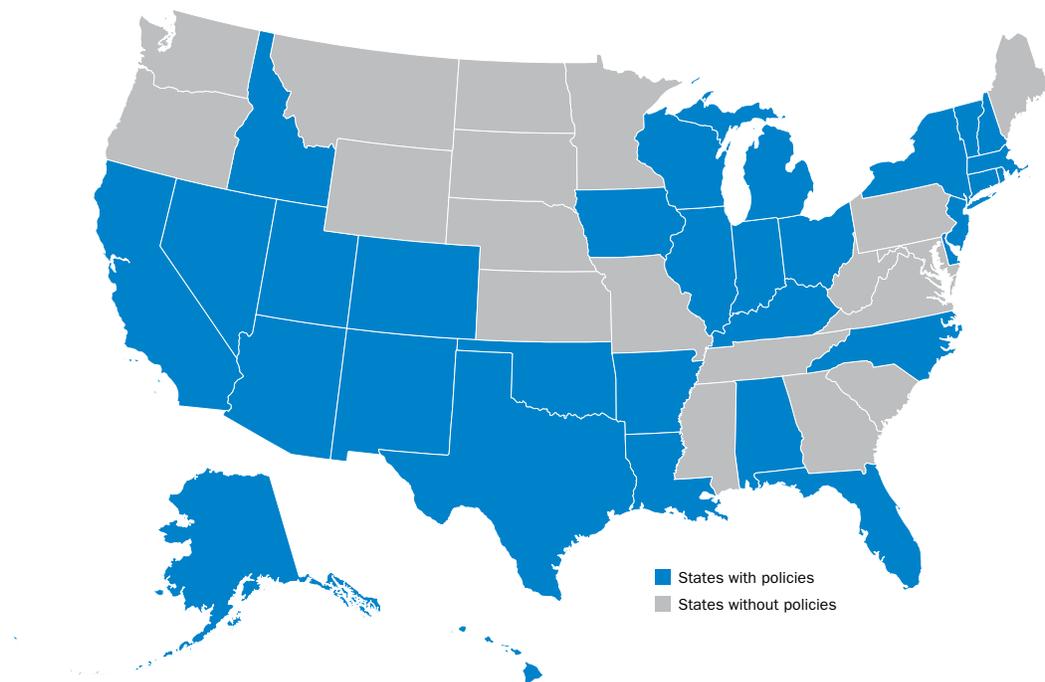
### Thirty-seven states have policies related to financial incentives or interventions in chronically low-performing schools

Thirty-seven states' policies describe financial incentives or interventions (map 2). The most common approach, seen in nearly half the states, is providing financial incentives to attract highly effective educators to chronically low-performing schools, often with state funding (figure 5; box 6). Three of these states require local education agencies to provide incentives if they adopt a particular school improvement model (such as certain School Improvement Grant intervention models). In two states the laws and regulations merely indicate that such incentives are allowed.

State policies describe three additional types of financial interventions for improving low-performing schools. Slightly over a third of states can direct how a school spends

*About half the states may close a traditional public school operated by a local education agency. In eight of these states, school closure is among a limited number of options from which local education agencies with chronically low-performing schools must choose*

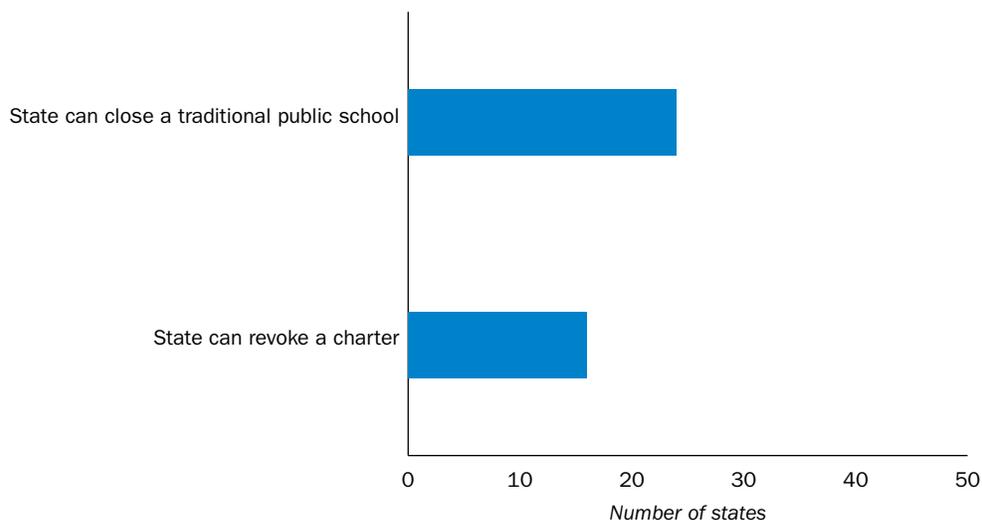
**Map 1. Thirty-one states have policies related to closing chronically low-performing schools**



**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix C).

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**Figure 4. State policies describe two types of interventions related to closing chronically low-performing schools**



**Note:** In some cases closing a traditional public school is one of a limited number of options from which local education agencies must choose.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix C).

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### **Box 5. Examples of state policies related to closing chronically low-performing schools**

#### **The state can close a traditional public school**

**Ohio.** If a school is ranked in the lowest 5 percent of schools statewide for three consecutive years and meets other criteria related to low academic performance, the district board must do one of the following: close the school, contract with another district or nonprofit or for-profit entity with demonstrated effectiveness to operate the school, replace the principal and all teaching staff of the school, or reopen the school as a community school. In Ohio the term *community school* refers to charter schools (Ohio Rev. Code Ann. § 3302.12).

**Rhode Island.** The state can elect to reconstitute schools that are chronically low-performing. In this case, the Board of Regents has the option of closing the school (21–2 R.I. Code R. 55 VI).

#### **The state can revoke a charter**

**California.** The superintendent of public instruction can recommend revoking a chronically low-performing charter school's charter to the school authorizer if the school has been in operation for at least five years. The school and authorizer have an opportunity to respond and provide information in support of retaining the school's charter. Poor student academic performance is one of the reasons that the state board of education has the authority to revoke a school's charter (Cal. Educ. Code § 47604.5, Cal. Code Regs. tit. 5, § 11968.5).

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## **Box 6. Examples of state policies related to financial incentives or interventions in chronically low-performing schools**

### **The state can provide or allow financial incentives to attract educators to low-performing schools**

**Colorado.** Given available appropriations, an additional annual stipend of \$3,200 will be awarded to any teacher or principal who is employed in a low-performing, high-needs school and who holds a certification from the National Board for Professional Teaching or Principal Standards (Colo. Rev. Stat. § 22–2-504).

### **The state can direct how funds are spent**

**Alaska.** The Alaska Department of Education may intervene in a school by redirecting how funds are spent if the school performance index score does not improve (Alaska Admin. Code tit. 4, § 06.872).

### **The state can provide funding to support school improvement efforts**

**Kentucky.** Kentucky can provide grants to low-performing schools through its Commonwealth school improvement fund. These grants support “new and innovative strategies to meet the educational needs of the school’s students and raise a school’s performance level” and must not supplant any other school improvement funding (Ky. Rev. Stat. Ann. § 158.805).

### **The state can withhold funding**

**Maryland.** Schools that have failed to make progress after appropriate measures to improve have been implemented are subject to the state withholding or redirecting funding (Md. Bd. of Educ. 13A.01.04.07: 56).

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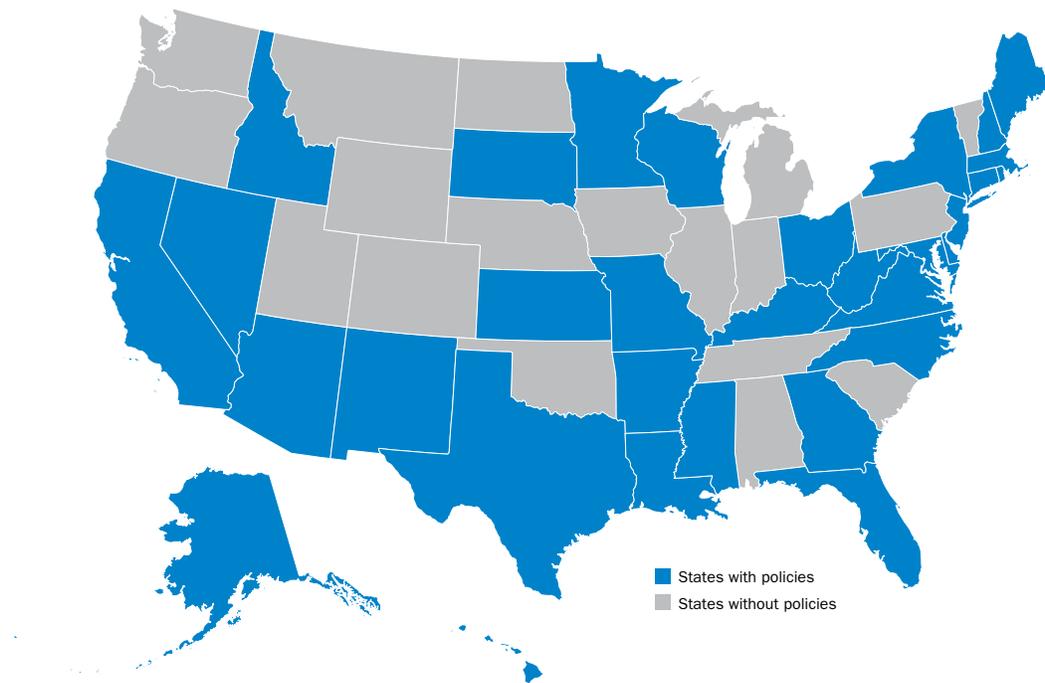
its funding. About a quarter of states can withhold state or federal funding from low-performing schools. Slightly over a quarter of states have policies in place that authorize state funding to support school improvement efforts.

## **Thirty-two states have policies related to interventions in the day-to-day operation of chronically low-performing schools**

Thirty-two states’ policies describe interventions related to the day-to-day operation of the school, many of which are aligned with federal turnaround principles (U.S. Department of Education, 2012; map 3). The most common intervention, seen in more than half of states, is requiring changes to curriculum or instruction or changes to the school calendar or school day (figure 6; box 7). More than two-thirds of states can require data-driven decisionmaking. One state can require a reduction in class size. In some cases these interventions are required only under certain school improvement models (such as School Improvement Grant intervention models) from which local education agencies with chronically low-performing schools are required to choose. This is the case for curriculum changes in three states, data-driven decisionmaking in four states, and changes in the school calendar or school day in three states. In two states, curriculum changes and changes in the school calendar or school day are offered as options on a list of interventions from which low-performing schools are required to choose.

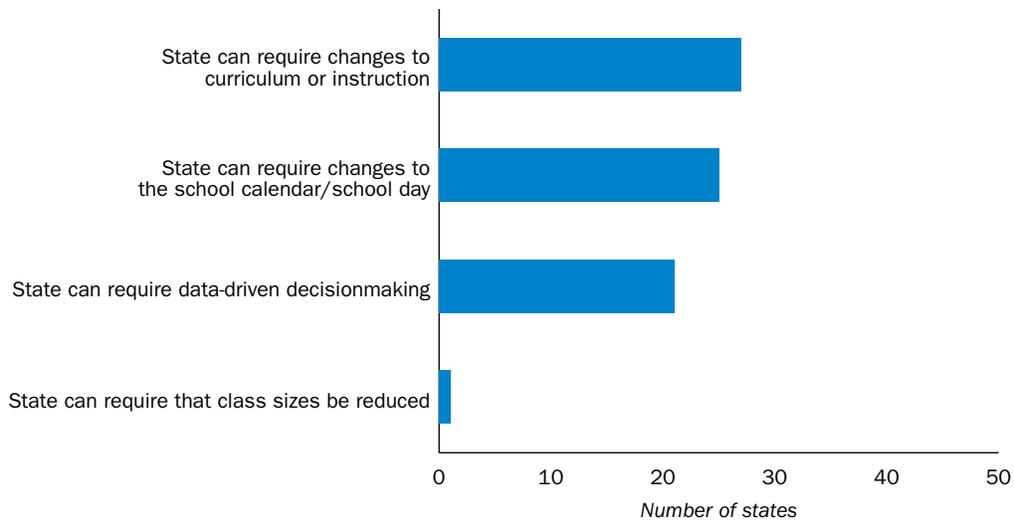
*The most common intervention related to the day-to-day operation of the school is requiring changes to curriculum or instruction or changes to the school calendar or school day*

**Map 3. Thirty-two states have policies related to intervention in the day-to-day operation of chronically low-performing schools**



Source: Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix C).

**Figure 6. State policies include four interventions in the day-to-day operation of chronically low-performing schools**



Source: Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015 (see appendix C).

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## Box 7. Examples of state policies related to interventions in the day-to-day operation of chronically low-performing schools

### The state can require changes to curriculum or instruction

**Connecticut.** The state can require the school to implement “model curriculum,” which may include textbooks, materials, and supplies that are approved by the state department of education. The state can also require that the school establish learning academies, in which teachers continuously monitor student performance. Schools that do not make adequate yearly progress for two years in a row may be required to offer summer school, weekend classes, and full-day kindergarten (Conn. Gen. Stat. Ann. § 10–223e).

**Virginia.** Any school that is rated accredited with warning in English or math must adopt a research-based instructional intervention that has been shown to improve student achievement in those areas, and the superintendent and principal must certify in writing to the state board of education that the intervention has been adopted and implemented (8 Va. Admin. Code 20–131–310).

### The state can require changes to the school calendar or school day and to curriculum and instruction

**Georgia.** When a school receives an unacceptable rating, the state board of education can employ several interventions, including recommending scientifically based instructional strategies, extending the instruction time for low-performing students, extending the school year, and setting maximum class sizes (Ga. Code Ann. § 20-14-41; Ga. Comp. R. & Regs. R 160-7-1-.01).

### The state can require data-driven decisionmaking, changes to the school calendar or school day, and changes to curriculum and instruction

**Kansas.** The Kansas State Department of Education has a menu of meaningful interventions from which districts with the lowest performing schools must choose. The menu includes interventions relating to curriculum and instruction, the school’s calendar and schedule, data use to inform instruction, leadership, teacher effectiveness, school safety, and family and community engagement (Kansas ESEA Flexibility Request, 2012).

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## Thirty-nine states have policies related to interventions in the entity that governs or operates chronically low-performing schools

Thirty-nine states’ policies describe interventions that involve the state in determining the entity that governs or operates a school (map 4). These interventions include three of the options for restructuring that were enumerated under No Child Left Behind: convert to a charter school, contract with another organization to run the school, or turn over operation of the school to the state (figure 7; box 8).<sup>1</sup> The last option, state operation of the school, can be carried out in a variety of ways, including assigning the school to a state-run school district or appointing school leadership that reports directly to the state board of education or state education agency. State policies describe other approaches, including annexing or consolidating low-performing schools with higher performing schools and requiring changes in the school board or charter school governing board.

*State operation of a school can be carried out in a variety of ways, including assigning the school to a state-run school district or appointing school leadership that reports directly to the state board of education or state education agency*

In some cases state policies describe state authority to implement these interventions directly. In other cases interventions are presented as part of a limited number of options from which schools or local education agencies with chronically low-performing schools



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## **Box 8. Examples of state policies related to interventions in the entity that governs or operates chronically low-performing schools**

### **The state can contract with another organization to run the school, operate the school, or convert it to a charter school**

*Louisiana.* All priority schools in Louisiana can be assigned to the Recovery School District. Once assigned, the state has several options for the school. It can be designated a “direct-run” school, which is operated by the state; converted to a charter school that reports to the Recovery School District; operated through a partnership with a university; operated through a management agreement with a service provider; or closed, in which case all students will be transferred to a higher performing school within the Recovery School District (La. Admin. Code 28 CXV.344, Louisiana ESEA Flexibility Request, 2014).

### **The state can contract with another organization to run the school or convert it to a charter school**

*Oklahoma.* The state can implement the restart model, which converts or closes an under-performing school and reopens it as a charter school run by an effective external entity or as a public school run under contract by an effective, external entity (Okla. St. Ann. tit. 70 § 1210.544).

### **The state can annex or consolidate the low-performing school with a higher performing school**

*Arkansas.* If a school fails to make adequate yearly progress for five years, the state board of education places the school into restructuring and may require that the school be annexed to another school that is not in improvement status (005–01–17 Ark. Code. R. §9.0).

### **State can require changes in the composition of the school board or charter school governing board**

*Hawaii.* When reconstituting a school, the state superintendent may change the school community board membership (Haw. Rev. Stat. Ann. § 302A-1005).

*Illinois.* The Illinois State Board of Education may authorize the state superintendent of education to direct the removal of any local school board member if a school remains in academic warning status for three years (105 Ill. Comp. Stat. Ann. § 5/2–3.25f, 105 Ill. Comp. Stat. Ann. § 5/3–14.28).

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are required to choose. This is the case for converting to a charter school in 9 states, contracting with another organization to run the school in 10 states, state operation of the school in 2 states, and annexation or consolidation in 1 state.

## **Limitations and suggestions for further research**

This study has three limitations. First, the policies reviewed describe the types of interventions that states are legally authorized to implement. The report does not provide any information about the extent to which states actually implemented the interventions. Future research might examine why states choose particular strategies, which strategies they choose most often from the available options, and the factors that influence decisions to use one strategy over another.

Second, the study does not provide information about the effectiveness of various strategies to improve chronically low-performing schools. Future research could examine the extent to which implementation of state interventions in chronically low-performing schools is associated with improved academic outcomes for students.

Third, state policies may have changed since this study was conducted, since this area is of considerable interest to policymakers.

Even in such a rapidly changing policy area, this report provides a summary of policies that can inform state education leaders and policymakers about the range of policies that states have in place related to interventions with chronically low-performing schools. As state leaders consider policy changes, this report can help them identify other states that have implemented similar policies so they can learn from the experiences of other states.

## Appendix A. Procedures used to search for and code state laws and regulations

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Regional Educational Laboratory (REL) Central conducted a systematic search of state laws, regulations, and other publicly available documents. The procedures used to search and summarize these materials are described in this appendix.

### Search procedures

The search protocol proceeded in three steps. First, from June to October 2014 the study team searched the Westlaw database of laws and regulations for each of the 50 states using 12 keyword combinations (box A1). Second, the study team scanned the section titles for each state's statutes and regulations to ensure that all relevant sections had been included. Third, when reading laws and regulations, the study team noted other legislation that was referenced. If not already located through the previous search steps, these laws and regulations were located and reviewed. The search retrieved 1,370 sections of state laws and regulations.

In May 2015 the study team searched the StateNet database of legislation for each of the 50 states to identify any legislation that had been enacted since the Westlaw searches in October 2014. StateNet was searched using the search terms listed in box A1, although StateNet uses a slightly different search syntax. This search resulted in 42 potentially relevant pieces of legislation.

### Coding

All laws and regulations were imported into MAXQDA qualitative analysis software. An initial coding scheme was developed based on the options for restructuring under No Child Left Behind and the allowed intervention models for School Improvement Grant funding. Two study team members independently read and coded the laws and regulations of two states. When they encountered a state intervention that did not fit within an existing code, they created a new code. The two study team members then discussed how they had coded each law or regulation as well as any discrepancies until they reached consensus. They presented their proposed new codes, and the coding system was modified to include them. This process was repeated with two additional states and then again with a fifth

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### Box A1. Search terms used in Westlaw

(school district) & takeover	(school district) & recovery
(school district) & insolven!	(school district) & "corrective action"
(school district) & interven!	(school district) & "state appoint"
(school district) & reconstitut!	(school district) & "turnaround"
(school district) & restruct!	"school improvement"
(school district) & "low perform!"	school & receiver

**Note:** When two words are enclosed in parentheses and separated by a space, Westlaw's search engine retrieves documents with either of those words. For example, (school district) will return documents that include the word school or district. An exclamation point is a wild card, which allows one to search for words with different endings. For example, interven! would return documents that include the word intervene or intervention. When words are enclosed in quotation marks, the search engine looks for the phrase.

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state. At that point the number of proposed new codes had diminished. The two coders then divided the remaining states. They continued to meet weekly to discuss progress and any new codes that should be added. To monitor the consistency of coding, once a month the two coders coded the same state and compared their coding. The two coders demonstrated strong agreement for the codes for these states. When additional codes were added to the system, each coder went back and re-read laws and regulations from states previously completed to determine if any text should be coded with the new code. The final coding system included each type of intervention described in this report. Policy documents in seven states were coded by both coders.

### **Examining requests for Elementary and Secondary Education Act flexibility**

The study team obtained approved requests for Elementary and Secondary Education Act (ESEA) flexibility from the U.S. Department of Education website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>). As of May 2015, 43 states had approved requests. The study team read principle 2 of these requests, which describes state systems of differentiated recognition, accountability, and support.

### **Summarizing policies for each state**

The study team examined coded legislation and ESEA flexibility requests and prepared a summary of policies for each state. The summaries included detailed information from these sources for each of the six categories of interventions. In cases where information from these primary sources was unclear, the study team consulted state websites for additional documents (for example, state guidance for Title 1 schools and state board regulations) that could provide clarification. Documents were located by browsing the section of the state education agency website focused on school improvement and by searching state education agency and state board of education websites using search terms that were related to topics that required clarification (for example, “Delaware partnership zone”). For four states, Alabama, Delaware, Montana, and Wyoming, information from additional sources obtained on state websites was incorporated into the report. References for all laws, regulations, and other documents for each category of state intervention are listed in appendix C.

## Appendix B. Policies in place in each state by intervention category

The policies in place by May 2015 for each state according to the six intervention categories identified in the study are shown in table B1.

**Table B1. Policies in place for each state, by intervention category, May 2015**

State	Development or monitoring of school improvement plans	Changes in staffing	Closing a school	Financial incentives or interventions	Reforms to the day-to-day operation of the school	Changes related to the entity that governs or operates the school
Alabama	✓	✓	✓			✓
Alaska	✓	✓	✓	✓	✓	✓
Arizona	✓	✓	✓	✓	✓	✓
Arkansas	✓	✓	✓		✓	✓
California	✓	✓	✓	✓	✓	✓
Colorado	✓	✓	✓	✓		✓
Connecticut	✓	✓	✓	✓	✓	✓
Delaware	✓	✓	✓	✓	✓	✓
Florida	✓	✓	✓	✓	✓	✓
Georgia	✓	✓		✓	✓	✓
Hawaii	✓	✓	✓		✓	✓
Idaho	✓	✓	✓	✓	✓	✓
Illinois	✓	✓	✓	✓		✓
Indiana	✓	✓	✓			✓
Iowa	✓	✓	✓			✓
Kansas	✓	✓			✓	✓
Kentucky	✓	✓	✓	✓	✓	✓
Louisiana	✓	✓	✓	✓	✓	✓
Maine	✓	✓		✓	✓	
Maryland	✓	✓		✓	✓	✓
Massachusetts	✓	✓	✓	✓	✓	✓
Michigan	✓	✓	✓	✓		✓
Minnesota	✓	✓			✓	
Mississippi	✓	✓		✓	✓	✓
Missouri	✓			✓	✓	✓
Montana	✓	✓		✓		✓
Nebraska	✓					✓
Nevada	✓	✓	✓	✓	✓	
New Hampshire	✓	✓	✓	✓	✓	
New Jersey	✓	✓	✓	✓	✓	
New Mexico	✓	✓	✓	✓	✓	✓
New York	✓	✓	✓	✓	✓	✓
North Carolina	✓	✓	✓	✓	✓	✓
North Dakota	✓			✓		
Ohio	✓	✓	✓	✓	✓	✓
Oklahoma	✓	✓	✓	✓		✓
Oregon	✓	✓				

(continued)

**Table B1. Policies in place for each state, by intervention category, May 2015** *(continued)*

State	Development or monitoring of school improvement plans	Changes in staffing	Closing a school	Financial incentives or interventions	Reforms to the day-to-day operation of the school	Changes related to the entity that governs or operates the school
Pennsylvania		✓		✓		
Rhode Island	✓	✓	✓	✓	✓	✓
South Carolina	✓	✓		✓		✓
South Dakota	✓	✓			✓	
Tennessee	✓	✓		✓		✓
Texas	✓	✓	✓	✓	✓	✓
Utah	✓	✓	✓	✓		✓
Vermont	✓	✓	✓			✓
Virginia	✓	✓		✓	✓	
Washington	✓	✓		✓		✓
West Virginia	✓	✓		✓	✓	✓
Wisconsin	✓	✓	✓		✓	
Wyoming	✓	✓				✓

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

## Appendix C. Sources of policies by intervention category and state

The tables in this appendix provide references to policies in each state that are related to one of the six identified categories of state interventions:

- Developing or monitoring school improvement plans (table C1).
- Changes in staffing (table C2).
- Closing a school (table C3).
- Financial incentives or interventions (table C4).
- Reforms to the day-to-day operation of the school (table C5).
- Changes related to the entity that governs or operates the school (table C6).

**Table C1. Sources of policies related to interventions in developing or monitoring school improvement plans in chronically low-performing schools, by state, May 2015**

State	Source
Alabama	Ala. Code § 16–6B-3 Alabama PLAN 2020 Alabama ESEA Flexibility Request, 2013
Alaska	Alaska Admin. Code tit. 4, § 06.872
Arizona	Ariz. Rev. Stat. Ann. § 15–241
Arkansas	005–01–17 Ark. Code R. § 10.0 005–01–17 Ark. Code R. § 9.0 005–05–1 Ark. Code R. § 9.00 005–15–18 Ark. Code R. § 3.0 Ark. Code Ann. § 6–15–2701 Ark. Code Ann. § 6–15–421 Ark. Code Ann. § 6–15–426
California	Cal. Educ. Code § 52059 Cal. Educ. Code § 52055.750
Colorado	1 Colo. Code Regs. § 301–1-2202-R-10.00 Colo. Rev. Stat. §22–11–210
Connecticut	Conn. Gen. Stat. Ann. § 10–223h Conn. Gen. Stat. Ann. § 10–223e Conn. Gen. Stat. Ann. § 10–153s Connecticut ESEA Flexibility Request
Delaware	Delaware 14–103 Del. Admin. Code Delaware ESEA Flexibility Request
Florida	Fla. Admin. Code Ann. r. 6A-1.099811 Fla. Stat. Ann. § 1008.33 Florida ESEA Flexibility Request, 2014
Georgia	Ga. Code Ann. § 20–14–41 Ga. Code Ann. § 20–14–35 Ga. Comp. R. & Regs. R. 160–7-1-.01
Hawaii	Hawaii ESEA Flexibility Request, 2013
Idaho	Idaho Code Ann. § 33–1616 Idaho Admin. Code r. 08.02.03.114 Idaho ESEA Flexibility Request, 2014
Illinois	105 Ill. Comp. Stat. Ann. § 5/2–3.25d 105 Ill. Comp. Stat. Ann. § 5/2–3.25f Illinois ESEA Flexibility Request, 2014

(continued)

**Table C1. Sources of policies related to interventions in developing or monitoring school improvement plans in chronically low-performing schools, by state, May 2015 (continued)**

State	Source
Indiana	Ind. Code Ann. § 20–31–4-8 Ind. Code Ann. § 20–31–4-10 Ind. Code Ann. § 20–31–4-11 Ind. Code Ann. § 20–31–9-2 Ind. Code Ann. § 20–31–9-3 511 Ind. Admin. Code r.6.1–1-11.5 511 Ind. Admin. Code r. 6.2–8-2
Iowa	Iowa Code Ann. § 256.11 Iowa Admin. Code r. 281–12.8(256)
Kansas	Kansas ESEA Flexibility Request, 2012
Kentucky	Ky. Rev. Stat. Ann. § 160.346 703 Ky. Admin. Regs. 5:180 703 Ky. Admin. Regs. 5:225
Louisiana	LAC 28 § LXXXIII.2101 LAC 28 § CXLV.503 Louisiana ESEA Flexibility Request, 2014
Maine	05–071 CMR Ch. 125 § 13 Maine Dept. of Ed. Reg. 127 Maine ESEA Flexibility Request, 2013
Maryland	Maryland ESEA Flexibility Request, 2014
Massachusetts	603 CMR § 2.05 Mass. Gen. Laws Ann. 69 § 1J
Michigan	Michigan ESEA Flexibility Request, 2014
Minnesota	Minnesota ESEA Flexibility Renewal, 2015
Mississippi	Miss. Code § 37–18–3 Miss. Code § 37–18–5 Miss. Admin. Code 7–21
Missouri	Mo. Ann. Stat. § 160.720
Montana	Revised Chapter 55 Standards of Accreditation, 2013, Appendix D
Nebraska	Neb. Rev. Stat. § 79–760.07
Nevada	Nev. Rev. Stat. § 385.581 Nev. Rev. Stat. § 385.589 Nevada ESEA Flexibility Request, 2014
New Hampshire	N.H. Rev. Stat. § 193-H:4
New Jersey	N.J. Stat. Ann. 6A 33–1.1 New Jersey ESEA Flexibility Request, 2014
New Mexico	ESEA Flexibility Part A Monitoring Report, 2012 New Mexico ESEA Flexibility Request, 2012
New York	N.Y. Educ. Law § 211-b 8 N.Y. Comp. Codes R. & Regs. § 100.2 8 N.Y. Comp. Codes R. & Regs. § 100.18 New York ESEA Flexibility Request, 2014
North Carolina	N.C. Gen. Stat. Ann. § 115C-105.38
North Dakota	N.D. Admin. Code 67–19–01–15
Ohio	Ohio R.C. § 3302.041 Ohio Admin. Code 3301–35–03 Ohio Admin. Code 3301–56–01 Ohio ESEA Flexibility Request, 2014

(continued)

**Table C1. Sources of policies related to interventions in developing or monitoring school improvement plans in chronically low-performing schools, by state, May 2015 (continued)**

State	Source
Oklahoma	70 Okla. Stat. Ann § 1210.541
Oregon	Oregon ESEA Flexibility Request, 2012
Rhode Island	R.I. Admin. Code 21–2-55 VI R.I. Admin. Code 21–2-55 VII Rhode Island ESEA Flexibility Request, 2012
South Carolina	S.C. Code Ann. § 59–18–1520 S.C. Code Ann. § 59–18–1560
South Dakota	S.D. Codified Laws § 13–3-67 S.D. Codified Laws § 13–3-69
Tennessee	Tenn. Comp. R & Regs. 0520–01–03–01
Texas	Tex. Educ. Code § 39.106 19 Tex. Admin. Code § 97.1063
Utah	Utah ESEA Flexibility Request, 2014
Vermont	Vt. Stat. Ann. tit. 16 § 165
Virginia	8 VAC 20–131–315 Virginia ESEA Flexibility Request, 2014
Washington	Washington RCWA28A.657.040 Washington RCWA28A.657.105
West Virginia	W. Va. C.S.R. § 126–13–13 W. Va. Code § 18–2E-5
Wisconsin	Wis. Stat. Ann. § 118.42 Wisconsin ESEA Flexibility Request, 2014
Wyoming	Wyoming W. S. 1977 § 21–2-204

**Note:** ESEA is the Elementary and Secondary Education Act.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

**Table C2. Sources of policies related to interventions in school staffing in chronically low-performing schools, by state, May 2015**

State	Source
Alabama	Ala. Code § 16–6B-3 Ala. Code § 16–6E-4 Alabama PLAN 2020 Alabama ESEA Flexibility Request, 2013
Alaska	Alaska Admin. Code tit. 4, § 06.872 Alaska ESEA Flexibility Request for Window 3, 2013
Arizona	Ariz. Rev. Stat. Ann. § 15–241
Arkansas	005–01–17 Ark. Code. R. § 9.0 Ark. Code Ann. § 6–15–430 Ark. Code Ann. § 6–15–207 Ark. Code Ann. § 6–15–2201 Ark. Code Ann. § 6–15–440 Ark. Code Ann. § 6–15–2504 005–15–2 Ark. Code. R. § 23.0 Ark. Code Ann. § 6–15–2701

(continued)

**Table C2. Sources of policies related to interventions in school staffing in chronically low-performing schools, by state, May 2015** *(continued)*

State	Source
California	Cal. Code Regs. tit. 5, § 4803 Cal. Code Regs. tit. 5, § 4806 Cal. Code Regs. tit. 5, § 11968.5 Cal. Educ. Code § 52059 Cal. Educ. Code § 53203 Cal. Educ. Code § 53202
Colorado	1 Colo. Code Regs. § 301-1-2202-R-10.00 Colo. Rev. Stat. § 22-11-209
Connecticut	Conn. Gen. Stat. Ann. § 10-223e Conn. Gen. Stat. Ann. § 10-223h Connecticut ESEA Flexibility Request
Delaware	14-103 Del. Admin. Code Delaware Partnership Zone, n.d. Delaware ESEA Flexibility Request, 2014
Florida	Fla. Admin. Code Ann. r. 6A-1.099811 Fla. Stat. Ann. § 1008.345 Florida ESEA Flexibility Request, 2014
Georgia	Ga. Code Ann. § 20-14-41 Ga. Comp. R. & Regs. R. 160-7-1-.01
Hawaii	Haw. Rev. Stat. § 302A-1005 Hawaii ESEA Flexibility Request, 2013
Idaho	Idaho Admin. Code r. 08.02.03.114 Idaho ESEA Flexibility Request, 2014
Illinois	105 Ill. Comp. Stat. Ann. § 5/2-3.25f 105 Ill. Comp. Stat. Ann. § 5/2-3.25h Ill. Admin. Code tit. 23, pt. 1.85 Illinois ESEA Flexibility Request, 2014
Indiana	Ind. Code Ann. § 20-29-6-4.5
Iowa	Iowa Code Ann. § 256.9 Iowa Code Ann. § 256.10A Iowa Admin. Code r. 281-12.8(256)
Kansas	Kan. Admin. Regs. § 91-31-36 Kan. Admin. Regs. § 91-31-38 Kan. Admin. Regs. § 91-31-40 Kansas ESEA Flexibility Request, 2012
Kentucky	Ky. Rev. Stat. Ann. § 158.6455 Ky. Rev. Stat. Ann. § 160.346 703 Ky. Admin. Regs. 5:225
Louisiana	LAC 28 § LXXXIII.2101 Louisiana ESEA Flexibility Request, 2014
Maine	Maine ESEA Flexibility Request, 2013
Maryland	Md. Code Educ. § 6-116: 16-21 Md. Bd. of Educ. 13A.01.04.08: 7-57 Md. Bd. of Educ. 13A.01.04.07
Massachusetts	Mass. Gen. Laws Ann. 69 § 1J 603 CMR § 2.05 603 CMR § 2.07
Michigan	Mich. Comp. Laws Ann. § 380.1280 Michigan ESEA Flexibility Request, 2014
Minnesota	Minnesota ESEA Flexibility Renewal, 2015

*(continued)*

**Table C2. Sources of policies related to interventions in school staffing in chronically low-performing schools, by state, May 2015** *(continued)*

State	Source
Mississippi	Miss. Code § 37-18-5 Miss. Code § 37-18-7 Miss. Code § 37-167-1 Miss. Admin. Code 7-21
Montana	Montana Title I School Improvement Plan Title I Intervention Summary, 2013
Nevada	Nev. Rev. Stat. § 385.589 Nevada ESEA Flexibility Request, 2014
New Hampshire	N.H. Rev. Stat. § 193-E: 3-e
New Jersey	N.J. Stat. Ann. § 6A 33-1.1 N.J. Stat. Ann. § 6A 33-1.3 N.J. Stat. Ann. § 6A 33-2.5 New Jersey ESEA Flexibility Request, 2014
New Mexico	N.M. Stat § 22-2C-7 New Mexico ESEA Flexibility Request, 2012
New York	N.Y. Educ. Law § 211-c N.Y. Educ. Law § 3641-b 8 N.Y. Comp. Codes R. & Regs. § 100.2 8 N.Y. Comp. Codes R. & Regs. § 100.17 8 N.Y. Comp. Codes R. & Regs. § 100.18 New York ESEA Flexibility Request, 2014
North Carolina	N.C. Gen. Stat. Ann. § 115C-105.20 N.C. Gen. Stat. Ann. § 115C-105.37B N.C. Gen. Stat. Ann. § 115C-105.38A N.C. Gen. Stat. Ann. § 115C-288 N.C. Gen. Stat. Ann. § 115C-325.13 N.C. Gen. Stat. Ann. § 115C-333 N.C. Gen. Stat. Ann. § 143B-146.9 N.C. Admin. Code tit. 1, r. 6G.0307 North Carolina ESEA Flexibility Request, 2014
Ohio	Ohio R.C. § 3302.04 Ohio R.C. § 3302.041 Ohio R.C. § 3302.042 Ohio Admin. Code 3301-35-03 Ohio Admin. Code 3301-56-01
Oklahoma	70 Okla. Stat. Ann. § 1210.541 70 Okla. Stat. Ann. § 1210.544
Oregon	Oregon ESEA Flexibility Request, 2012
Pennsylvania	Pennsylvania 24 P. S. § 1-116 Pennsylvania 24 P. S. § 11-1195 Pennsylvania ESEA Flexibility Request, 2013
Rhode Island	R.I. Gen. Laws § 16-7.1-5 R.I. Admin. Code 21-2-55 IV R.I. Admin. Code 21-2-55 VII Rhode Island ESEA Flexibility Request, 2012
South Carolina	S.C. Code Ann. § 59-18-1520 S.C. Code Ann. § 59-18-1530 S.C. Code Ann. § 59-20-65
South Dakota	S.D. Codified Laws § 13-3-67 S.D. Codified Laws § 13-3-69 South Dakota ESEA Flexibility Request, 2014

*(continued)*

**Table C2. Sources of policies related to interventions in school staffing in chronically low-performing schools, by state, May 2015** (continued)

State	Source
Tennessee	Tenn. Code Ann. § 49–1-614
Texas	Tex. Edu. Code § 39.106 19 Tex. Admin. Code § 97.1061 19 Tex. Admin. Code § 97.1064 19 Tex. Admin. Code § 97.1065
Utah	Utah Code Ann. § 53A-1–1204 Utah Code Ann. § 53A-1–1205 Utah Code Ann. § 53A-1–1206 Utah ESEA Flexibility Request, 2014
Vermont	Vt. Stat. Ann. tit. 16 § 165
Virginia	Virginia ESEA Flexibility Request, 2014
Washington	Washington RCWA28A.657.050 Washington RCWA28A.657.105 Washington RCWA28A.657.005
West Virginia	W. Va. C.S.R. § 126–13–13 W. Va. C.S.R. § 126–72–2
Wisconsin	Wis. Stat. Ann. § 118.42 Wisconsin ESEA Flexibility Request, 2014
Wyoming	WY Rules and Regulations EDU GEN Ch. 6 s 10 Title I School Restructuring Guidance and Policy, 2014

**Note:** ESEA is the Elementary and Secondary Education Act.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

**Table C3. Sources of policies related to closing a chronically low-performing school, by state, May 2015**

State	Source
Alabama	Ala. Code §16–6F
Alaska	Alaska Stat. § 14.07.030
Arizona	Ariz. Rev. Stat. Ann. § 15–241 Ariz. Admin. Code § R7–5-304
Arkansas	Ark. Code Ann. § 6–15–207
California	Cal. Educ. Code § 53202 Cal. Code Regs. tit. 5, § 4805 Cal. Code Regs. tit. 5, § 11968.5 Cal. Educ. Code § 47604.5
Colorado	1 Colo. Code Regs. § 301–1-2202-R-10.00 Colo. Rev. Stat. § 22–11–210 1 Colo. Code Regs. § 301–1-2202-R-8.00 Colo. Rev. Stat. § 22–11–209
Connecticut	Conn. Gen. Stat. Ann. § 10–66bb
Delaware	14–103 Del. Admin. Code
Florida	Fl. Admin. Code Ann. r. 6A-1.099811 Florida ESEA Flexibility Request, 2014
Hawaii	Haw. Rev. Stat. § 302A-1005 Hawaii ESEA Flexibility Request, 2013

(continued)

**Table C3. Sources of policies related to closing a chronically low-performing school, by state, May 2015** (continued)

State	Source
Idaho	Idaho Admin. Code r. 08.02.04.303 Idaho ESEA Flexibility Request, 2014
Illinois	105 Ill. Comp. Stat. Ann. § 5/2–3.25f 105 Ill. Comp. Stat. Ann. § 5/27A-7.10 105 Ill. Comp. Stat. Ann. § 5/27A-9
Indiana	Ind. Code Ann. § 20–24–2.2–3 Ind. Code Ann. § 20–31–9-4 511 Ind. Admin. Code r. 6.1–1-13.5
Iowa	Iowa Admin. Code r. 281–68.15 Iowa Admin. Code r. 281–68.7
Kentucky	Ky. Rev. Stat. Ann. § 160.346 703 Ky. Admin. Regs. 5:180
Louisiana	LAC 28 CXLV.505
Massachusetts	603 CMR § 1.12 Mass. Gen. Laws Ann. 71 § 89
Michigan	Mich. Comp. Laws Ann. § 380.1280
Nevada	Nevada ESEA Flexibility Request, 2014
New Hampshire	N.H. Rev. Stat. § 194-B
New Jersey	New Jersey ESEA Flexibility Request, 2014
New Mexico	New Mexico ESEA Flexibility Request, 2012
New York	N.Y. Educ. Law § 211-b 8 N.Y. Comp. Codes R. & Regs. § 100.2 8 N.Y. Comp. Codes R. & Regs. § 100.18 New York ESEA Flexibility Request, 2014
North Carolina	N.C. Gen. Stat. Ann. § 115C-105.37B
Ohio	Ohio R.C. § 3302.12
Oklahoma	70 Okla. Stat. Ann. § 1210.544
Rhode Island	R.I. Admin. Code 21–2-55 VII
Texas	Tex. Edu. Code § 12.115 19 Tex. Admin. Code § 97.1065 19 Tex. Admin. Code § 100.1021
Utah	Utah Code Ann. § 53A-1–1207
Vermont	Vt. Stat. Ann. tit. 16 § 165
Wisconsin	Wis. Stat. Ann. § 118.42 Wisconsin ESEA Flexibility Request, 2014

**Note:** ESEA is the Elementary and Secondary Education Act.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

**Table C4. Sources of policies related to financial incentives or intervention in chronically low-performing schools, by state, May 2015**

State	Source
Alaska	Alaska Admin. Code tit. 4, § 06.872 Alaska ESEA Flexibility Request for Window 3, 2013
Arizona	Ariz. Rev. Stat. § 15–185 Ariz. Rev. Stat. § 15–241
California	Cal. Code Regs. tit. 5, § 4803 Cal. Code Regs. tit. 5, § 4806
Colorado	Colo. Rev. Stat. § 22–2-504
Connecticut	Conn. Gen. Stat. Ann. § 10–223e Conn. Gen. Stat. Ann. § 10–223h C.G.S.A. § 10–66bb
Delaware	14–103 Del. Admin. Code Delaware ESEA Flexibility Request, 2014
Florida	Fla. Stat. Ann. § 1012.2315 Fla. Stat. Ann. § 1008.345
Georgia	Ga. Code Ann. § 20–2-328 Ga. Code Ann. § 20–2-214.1 Ga. Code Ann. § 20–14–41 Ga. Comp. R. & Regs. R. 160–1-4-.281
Idaho	Idaho ESEA Flexibility Request, 2014
Illinois	105 Ill. Comp. Stat. Ann. § 5/2–3.154 105 Ill. Comp. Stat. Ann. § 5/2–3.25f 105 Ill. Comp. Stat. Ann. § 5/21B-70 Illinois ESEA Flexibility Request, 2014
Kentucky	Ky. Rev. Stat. Ann. §158.805 Ky. Rev. Stat. Ann. § 158.6455
Louisiana	LSA-R.S. 17 427.3
Maine	Maine ESEA Flexibility Request, 2013
Maryland	Md. Code Educ. § 6–116: 16–21 Md. Code Educ. § 6–306: 8–31 Md. Bd. of Educ. 13A.01.04.07: 56
Massachusetts	Mass. Gen. Laws Ann. 15 § 65 Mass. Gen. Laws Ann. 69 § 1J 603 CMR § 1.12
Michigan	Mich. Comp. Laws Ann. § 380.1280
Mississippi	Miss. Code § 37–18–5 Miss. Admin. Code 7–21
Missouri	Mo. Ann. Stat. § 160.540
Montana	Mont. Code Ann. §20–9-344
Nevada	Nev. Rev. Stat. § 385.589 Nev. Rev. Stat. § 385.626
New Hampshire	N.H. Rev. Stat. § 193-E:3-e
New Jersey	N.J. Stat. Ann. 6A 33–1.1 N.J. Stat. Ann. 6A 33–2.5
New Mexico	ESEA Flexibility Part A Monitoring Report, 2012 New Mexico ESEA Flexibility Request, 2012
New York	N.Y. Educ. Law § 3612 8 N.Y. Comp. Codes R. & Regs. § 100.2 New York ESEA Flexibility Request, 2014

(continued)

**Table C4. Sources of policies related to financial incentives or intervention in chronically low-performing schools, by state, May 2015** *(continued)*

State	Source
North Carolina	N.C. Gen. Stat. Ann. § 115C-105.26 North Carolina ESEA Flexibility Request, 2014
North Dakota	N.D. Admin. Code 67.1-04-03-01
Ohio	Ohio R.C. § 3333.391 Ohio Admin. Code 3301-56-01
Oklahoma	70 Okla. Stat. Ann. § 5-141.4
Pennsylvania	Pennsylvania 24 P. S. § 11-1104-B
Rhode Island	R.I. Gen. Laws § 16-7.1-5 R.I. Admin. Code 21-2-55 IV R.I. Admin. Code 21-2-55 VII
South Carolina	S.C. Code Ann. § 59-18-1530 S.C. Code Ann. § 59-18-1550 S.C. Code Ann. § 59-18-1590
Tennessee	Tenn. Code Ann. § 49-4-212 Tenn. Comp. R & Regs. 0520-01-03-01
Texas	Tex. Edu. Code § 7.024
Utah	Utah Code Ann. § 53A-1-401 Utah Code Ann. § 53A-1-1209 Utah Admin. Code r. 277-114
Virginia	VA Code Ann. § 22.1-318.2
Washington	Washington RCWA 28A.657.105 Washington RCWA 28A.415.265
West Virginia	W. Va. Code § 18-2E-5 W. Va. Code § 18-4-2c

**Note:** ESEA is the Elementary and Secondary Education Act.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

**Table C5. Sources of policies related to interventions in the day-to-day operation of chronically low-performing schools, by state, May 2015**

State	Source
Alaska	Alaska Admin. Code tit. 4, § 06.864
Arizona	Ariz. Rev. Stat. § 15–241
Arkansas	Ark. Code Ann. § 6–15–207
California	Cal. Code Regs. tit. 5, § 4803 Cal. Code Regs. tit. 5, § 4806 Cal. Educ. Code § 48200.7
Connecticut	Conn. Gen. Stat. Ann. § 10–223e
Delaware	14–103 Del. Admin. Code
Florida	Fla. Admin. Code Ann. r. 6A-1.099811 Florida ESEA Flexibility Request, 2014
Georgia	Ga. Code Ann. § 20–14–41 Ga. Comp. R. & Regs. R. 160–7-1-.01
Hawaii	Hawaii ESEA Flexibility Request, 2013
Idaho	Idaho ESEA Flexibility Request, 2014
Kansas	Kansas ESEA Flexibility Request, 2012
Kentucky	703 Ky. Admin. Regs. 5:180
Louisiana	Louisiana ESEA Flexibility Request, 2014
Maine	Maine ESEA Flexibility Request, 2013
Maryland	Md. Bd. of Educ. 13A.01.04.08 Md. Code Educ. § 7–103.1: 9–11
Massachusetts	Mass. Gen. Laws Ann. 69 § 1J
Minnesota	Minnesota ESEA Flexibility Renewal, 2015
Mississippi	Miss. Admin. Code 7–21
Missouri	Mo. Ann. Stat. § 160.720
Nevada	Nev. Rev. Stat. § 385.581 Nev. Rev. Stat. § 385.589 Nevada ESEA Flexibility Request, 2014
New Hampshire	N.H. Rev. Stat. § 193-E:3-e
New Jersey	N.J. Stat. Ann. 6A 33–1.1 N.J. Stat. Ann. 6A 33–2.5
New Mexico	N.M. Stat § 22–2C-7
New York	8 N.Y. Comp. Codes R. & Regs. § 100.2 8 N.Y. Comp. Codes R. & Regs. § 100.18 New York ESEA Flexibility Request, 2014
North Carolina	N.C. Gen. Stat. Ann. § 115C-105.37A
Ohio	Ohio R.C. § 3302.04 Ohio ESEA Flexibility Request, 2014
Rhode Island	R.I. Admin. Code 21–2-55 IV R.I. Admin. Code 21–2-55 VII
South Dakota	S.D. Codified Laws § 13–3-67 S.D. Codified Laws § 13–3-69
Texas	Tex. Edu. Code § 39.106 19 Tex. Admin. Code § 97.1063
Virginia	8 VAC 20–131–310 Virginia ESEA Flexibility Request, 2014
West Virginia	W. Va. C.S.R. § 126–13–13 West Virginia ESEA Flexibility Request, 2013
Wisconsin	Wis. Stat. Ann. § 118.42 (West) Wisconsin ESEA Flexibility Request, 2014

**Note:** ESEA is the Elementary and Secondary Education Act.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

**Table C6. Sources of policies related to interventions in the entity that governs or operates chronically low-performing schools, by state, May 2015**

State	Source
Alabama	Ala. Code § 16–6B-3 Ala. Code § 16–6E-4 Ala. Code § 16–6E-6 Alabama PLAN 2020 Alabama ESEA Flexibility Request, 2013
Alaska	Alaska Stat. § 14.07.030
Arizona	Ariz. Rev. Stat. § 15–241
Arkansas	Ark. Code Ann. § 6–15–207 005.01.17 Ark. Code R. § 10.0 005.01.17 Ark. Code R. § 9.0 005.01.17 Ark. Code R. § 11.00 005.15.2 Ark. Code R. § 25.0
California	Cal. Educ. Code § 53202 Cal. Code Regs. tit. 5, § 4802.2 Cal. Code Regs. tit. 5, § 4802 Cal. Code Regs. tit. 5, § 4804 Cal Educ. Code § 47605 Cal. Code Regs. tit. 5, § 4803 Cal. Educ. Code § 48200.7 Cal. Code Regs. tit. 5, § 11968.5 Cal. Code Regs. tit. 5, § 4806 Cal. Code Regs. tit. 5, § 4807
Colorado	1 Colo. Code Regs. § 301–1-2202-R-10.00 1 Colo. Code Regs. § 301–52:2207-R-2.00 1 Colo. Code Regs. § 301–1-2202-R-8.00 Colo. Rev. Stat. § 22–11–209 Colo. Rev. Stat. § 22–30.5–307
Connecticut	Conn. Gen. Stat. Ann. § 10–223e Conn. Gen. Stat. Ann. § 10–223h
Delaware	14–103 Del. Admin. Code Delaware ESEA Flexibility Request, 2014
Florida	Fla. Admin. Code Ann. r. 6A-1.099811
Georgia	Ga. Code Ann. § 20–2-84.1 Ga. Code Ann. § 20–14–41 Ga. Comp. R. & Regs. R. 160–7-1-.01
Hawaii	Haw. Rev. Stat. § 302A-1005 Haw. Rev. Stat. § 302D-14 Hawaii ESEA Flexibility Request, 2013
Idaho	Idaho ESEA Flexibility Request, 2014
Illinois	105 Ill. Comp. Stat. Ann. § 5/2–3.25f 105 Ill. Comp. Stat. Ann. § 5/3–14.28 105 Ill. Comp. Stat. Ann. § 5/27A-10.5 Ill. Admin. Code tit. 23, pt. 1.85 Illinois ESEA Flexibility Request, 2014
Indiana	Ind. Code Ann. §20–31–9-4 Ind. Code Ann. § 20–31–9.5–1 Ind. Code Ann. § 20–31–9.5–2 Ind. Code Ann. § 20–31–9.5–5 Ind. Code Ann. § 20–31–9.5–7 511 Ind. Admin. Code r. 6.2–9-5 511 Ind. Admin. Code r. 6.2–9-6

(continued)

**Table C6. Sources of policies related to interventions in the entity that governs or operates chronically low-performing schools, by state, May 2015** *(continued)*

State	Source
Iowa	Iowa Code Ann. § 256.11
Kansas	Kansas ESEA Flexibility Request, 2012
Kentucky	Ky. Rev. Stat. Ann. §160.346
Louisiana	La. Admin. Code. 28CXV.344 Louisiana ESEA Flexibility Request, 2014
Maryland	Md. Bd. of Educ. 13A.01.04.07: 39–44
Massachusetts	Mass. Gen. Laws Ann. 69 § 1J
Michigan	Mich. Comp. Laws Ann. § 380.1280c Executive Order 2015–9 Michigan ESEA Flexibility Request, 2014
Mississippi	Miss. Code § 37–18–7 Miss. Code § 37–17–6 Miss. Code § 37–17–13 Miss. Admin. Code 7–24
Missouri	Mo. Ann. Stat. § 160.400 Mo. Ann. Stat. § 160.1100
Montana	Montana Title I School Improvement Plan
Nebraska	Neb. Rev. Stat. § 79–760.07
New Mexico	N.M. Stat § 22–2C-7 New Mexico ESEA Flexibility Request, 2012
New York	N.Y. Educ. Law § 211-e 8 N.Y. Comp. Codes R. & Regs. § 100.2
North Carolina	N.C. Gen. Stat. Ann. § 115C-105.37B N.C. Gen. Stat. Ann. § 115C-105.39
Ohio	Ohio R.C. § 3302.04 Ohio R.C. § 3302.12 Ohio R.C. § 3302.042 Ohio Admin. Code 3301–102–07
Oklahoma	70 Okla. Stat. Ann. § 1210.544 70 Okla. Stat. Ann. § 1210.541
Rhode Island	R.I. Gen. Laws § 16–7.1–5 R.I. Admin. Code 21–2-55 VII Rhode Island ESEA Flexibility Request, 2012
South Carolina	S.C. Code Ann. § 59–18–1520
Tennessee	Tenn. Code Ann. § 49–1-614 Tennessee ESEA Flexibility Request, 2014
Texas	Tex. Edu. Code § 12.116 Tex. Edu. Code § 12.155 Tex. Edu. Code § 39.107 19 Tex. Admin. Code § 97.1065
Utah	Utah Code Ann. § 53A-1–1207 Utah ESEA Flexibility Request, 2014
Vermont	Vt. Stat. Ann. tit. 16 § 165
Washington	Washington RCWA 28A.657.005
West Virginia	W. Va. Code § 18–2E-5
Wyoming	Title I School Restructuring Guidance and Policy, 2014

**Note:** ESEA is the Elementary and Secondary Education Act.

**Source:** Authors' review of state laws and regulations, Elementary and Secondary Education Act flexibility requests, May 2015.

## **Note**

1. In some states (for example, Massachusetts and New Jersey), the state can take over entire school districts. Because this report is focused on interventions with individual schools, districtwide interventions were not included.

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