§ 30.115
through twelve who are enrolled in a
Bureau-funded school must be assessed.

§ 30.115 Which students' performance
data must be included for purposes
of AYP?

The performance data of all students
assessed pursuant to §30.114 must be in-
cluded for purposes of AYP if the stu-
dent is enrolled in a Bureau-funded
school for a full academic year as de-
defined by the Secretary or by an ap-
proved alternative definition of AYP.

§ 30.116 If a school fails to achieve its
annual measurable objectives, what
other methods may it use to deter-
mine whether it made AYP?

A school makes AYP if each group of
students identified in §30.107(b)(6)
meets or exceeds the annual measur-
able objectives and participation rate
identified in §§30.107(b)(9) and
30.107(b)(12) respectively, and the
school meets the other academic indi-
cators identified in §30.107(b)(11). If a
school fails to achieve its annual meas-
urable objectives for any group identi-
ﬁed in §30.107(b)(6), there are two other
methods it may use to determine
whether it made AYP:

(a) Method A—‘‘Safe Harbor.’’ Under
‘‘safe harbor,’’ the following require-
ments must be met for each group ref-
enced under §30.107(b)(6) that does
not achieve the school’s annual meas-
urable objectives:
(1) In each group that does not
achieve the school’s annual measurable
objectives, the percentage of students
who were below the ‘‘proficient’’ level
of academic achievement decreased by
at least 10 percent from the preceding
school year; and
(2) The students in that group made
progress on one or more of the other
academic indicators; and
(3) Not less than 95 percent of the
students in that group participated in
the assessment.
(b) Method B—Uniform Averaging Pro-
cedure. A school may use uniform aver-
ing. Under this procedure, the school
may average data from the school year
with data from one or two school years
immediately preceding that school
year and determine if the resulting av-
erage makes AYP.

Subpart C—Failure To Make Adequate Yearly Progress

§ 30.117 What happens if a Bureau-funded school fails to make AYP?

<table>
<thead>
<tr>
<th>Number of yrs of failing to make AYP in same academic subject</th>
<th>Status</th>
<th>Action required by entity operating school for the following school year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st year of failing AYP</td>
<td>No status change</td>
<td>Analyze AYP data and consider consultation with outside experts.</td>
</tr>
</tbody>
</table>
| 2nd year of failing AYP                                       | School improvement, year one. | Develop a plan or revise an existing plan for school improvement in con-
|                                                              | School improvement, year two. |  | tigation with parents, school staff and outside experts. |
| 3rd year of failing AYP                                       | Corrective Action | Continue revising or modifying the plan for school improvement in consulta-
|                                                              |                                  | tion with parents, school staff and outside experts. |
| 4th year of failing AYP                                       | Planning to Restructure | Implement at least one of the six corrective actions steps found in 20 |
| 5th year of failing AYP                                       |                     | Prepare a restructuring plan and make arrangements to implement the plan. |
| 6th year of failing AYP                                       |                     | Implement the restructuring plan no later than the beginning of the school |
| 7th year (and beyond) of failing AYP.                        | Restructuring | year following the year in which it developed the plan. |
|                                                              |                     | Continue implementation of the restructuring plan until AYP is met for two |

§ 30.118 May a Bureau-funded school present evidence of errors in identi-
ﬁcation before it is identiﬁed for
school improvement, corrective ac-
tion, or restructuring?

Yes. The Bureau must give such a
school the opportunity to review the
data on which the bureau would iden-
tify a school for improvement, and
present evidence as set out in 20 U.S.C.
6316(b)(2).