

SCOMM

125:16

Notes of Meeting Regarding Proposed Regulations for Correspondence Schools
January 29, 2002

Present: Ed McLain, Rep. Dyson, Senator Leman and Rep. Coghill, Rep. Bunde
Staff from various offices

1. Question about requirement for immunization:
 - Rep. Dyson heard there may be stricter requirements for home school kids to be immunized. What's happening here?
 - H&SS sets requirements for immunization and DEED writes and enforces the regs. H&SS is working on reviewing those requirements. DEED is pushing for their decision. Some home school kids go to school part time. Ed McLain believes that H&SS is concerned about non-immunized kids going into classrooms and spreading diseases.
2. What problem is DEED trying to solve with regulations about correspondence schools?
 - Proposed regs address current expectations for students that study via correspondence and cyber schools, and include part-time public school, charter school and home school students.
 - Currently, school boards must review and approve curriculum materials. DEED is supportive of charter and home schooling. Their intent is to clarify existing expectations, not require more hoops for districts or parents.
 - Their effort is to clarify expectations for parents who want public money. Four courses are required for full time student credit.
 - The teacher involvement requirement is a current regulation.
 - The "core four" classes, such as English, math, history have to have school board approved curriculum materials to qualify for public funding. Outside those four, districts have reviewed work for credit.
 - Bible study type courses can receive credit but not reimbursement. DEED will not fund cost of Bible study, partisan and similar curricular materials. However, a math course provided by a religious institute may be approved by a school board.
 - Teachers would have to approve courses counted toward the "core four" and publicly funded.
 - The intention of DEED is not to be proscriptive. It is the school board's ultimate responsibility to provide a good education to each student enrolled.
3. Regarding the proposed requirement to align curriculum to standards, Rep. Dyson asked why DEED needs to get involved?
 - Ed McLain replied that Page 4 (1) of the proposed regs just clarifies current regs re: "program quality". It's just a requirement that the district says "core four" curriculum materials they've approved will prepare students to learn the standards to the proficient level.
 - Dyson expressed concern that parents may think it's not the government's business what they teach.
 - Ed McLain replied that the big gorilla in the room is the ultimate responsibility for correspondence students needs to be statutory. For whom are school boards responsible? Are correspondence kids subsidizing in-district programs? DEED want to prevent these programs being minimally educational just to subsidize other programs.
4. Jim Pound from Rep. McGuire's office noticed that the definition section does not define "curriculum."

- Ed McLain agreed and said that the intent of the meaning is any program of study that is publicly funded and approved by the local school board. Outside of the "core four" courses, districts make decisions about what counts for credit.
 - Attendees mentioned that districts could get around prohibition on religious materials by saying they are comparative studies.
 - Under the proposed regs parents could still provide religious materials to their kids (they wouldn't be reimbursed for them but students could earn transfer credits for the course).
 - Concern was expressed that teachers might hesitate to approve study from a religious curriculum. Ed said that if a school board approved a curriculum as available for credit, teachers could sign off on work relating to it. The state cannot get involved in determining appropriateness of religious/partisan curriculum.
 - Karen of Rep. Bunde's office suggested that the proposed regs be amended to add "publicly funded" before "curriculum" wherever it pertains to religious/partisan materials since that is DEED's intent. Ed McLain said he had no problem with that; Wes from Rep. Dyson's office said he'd have to study the regs to determine if that would satisfy his concerns.
5. Wes asked if a special education student who enrolls in a correspondence school generate the same amount of money as a non-spced student.
- Ed McLain answered no, by statute. His suspicion is that these schools want increased funding (from 80% to 100%) because they are using the program to subsidize another program. Federal law requires schools to accept all kids and a lack of funding is not just cause to exclude special ed kids. Most programs can generate enough funds to run the correspondence/cyber/home school program and subsidize needs. Ed thinks there's no substance to the complaint that 80% funding for correspondence schools isn't fair because it doesn't cover extra needs students. Could the extra 20% provide a better program? Yes, but there's no need to give it to them just for special ed kids.
6. Karen asked about Page 8 at (1) where the regs require the social security number of sped students where cooperative agreements are used.
- Ed McLain replied that this is required by the federal government and there's a box for it on the forms. This is intended to be an interim measure until the student ID numbers are up and running. Hopefully, the feds only require a unique identifying number that would allow a transition.

Detailed review of changes to correspondence school regulations and new enactment clauses.

What is being proposed: changes to the Alaska Statute Chapter 33.420 – 33.490.

Who is proposing the changes: Board of Education and the State of Alaska's Department of Education, charged with enacting the will of the legislature by providing regulations implementing laws that have been passed by a majority of the legislators in each house and signed into law by the Governor.

Why are changes being proposed: (Written from the point of view of the Department of Education) Some correspondence school families are not receiving an education equal to the State assessment standards. These regulations are meant to assist these families as quickly as possible and as soon as warning signs appear as judged by a certified teacher. Secondly, these regulations make a change to the agreement that is formed to allow a student to participate, by taking it out of a district to district agreement, and bringing it down to each individual student. Additionally, there is some indication that the monies expended through these programs need a more thorough review. All curriculum, expenditures, some grading, and all goal assessments are to be in the jurisdiction of the certified teacher that this agreement is formed with.

What is the basis for opposition: Correspondence schools work well as they are. Home schooled children nationally are the highest scoring group of students on standard achievement tests. Here in the State of Alaska, they rank second behind ABC educated students. Districts that have chosen to implement a correspondence school have implemented a least cost, greatest convenience method of assisting these students in pursuing their academic excellence, while protecting the State from invalid expenditures relating to religious materials. As the law States, this is 'in the best interest of the State,' as it minimizes cost, while still allowing for the Constitutional guarantee of a publicly funded education system. These regulations are opposed when they require a change in the ease at which students are home-schooled, when the monetary support is reduced to allow for non-troubled home-schools to receive teaching assistance which at best is unnecessary, and at worst is disruptive to a very successful method of education.

How this document is laid out: I reference the existing law, what its section number is and then its replacement section. Copies are given for both the original and replacement sections. Finally, a step by step analysis of each significant change that is proposed.

A full reading of the proposed changes as well as the current law can be found at:

<http://www.eed.State.ak.us/regs/4AAC33specialschools.pdf>

CHAPTER 33 SPECIAL SCHOOLS.

Proposed changes to 4 AAC 33.420. - 4 AAC 33.490.

A new section is added:

(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the

student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.

The word 'partisan' here is remarkable. From *Websters New Universal Unabridged Dictionary*, Second Edition, Partisan is defined as "One who takes the side of or strongly supports a side, a party, or another person: often said of an unreasoning, emotional adherent.

I only ask that the word partisan be reviewed by those judging these regulations, and that every school program be held to the same standard of non-partisan support.

Item 3 is expanded as follows:

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

Is expanded as follows:

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:

(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the certified teacher's review;

(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;

(3) a transcript that denotes curricula material origin for any course other than a district developed course.

Comments:

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

This critical sentence is the basis upon which many of the remaining changes are proposed. The suggested implementation, wildly differing from what is currently in place in correspondence schools, is to replace the parents judgment, method, preferred environment, and technique with those of a certified teacher. While the DOE deems this as the proper vehicle to guarantee quality assessment, a review of the additional research material provided clearly establishes that home schools outperform traditional public schools, which establishes the parent as the proper primary judge of the work product in the home school setting. The current implementation is to have the parents as both instructor and work product judge in the home school setting with certified teachers as verifiers of the work product. The result is a supportive environment that allows parents access to additional teaching resources when needed without denying the parent as teacher relationship that makes the model successful.

Evidence suggests that the misunderstanding of the home schooling method, and the certified-teacher-only approach of the Board of Education in this section will effectively upend the home-

school, canceling its benefits and replacing a perfectly valid teaching method with a duplication of the traditional public school's method, but operating even less effectively at a distance. As I indicated in the Executive Summary, the boards mistaken impression of 'an assessment plan of the same quality' will cause widespread abandonment of this inexpensive method of providing a system of education to a State already saturated with budget overruns.

(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the certified teacher's review;

Given the academic progress of other students in the enrolled district, I suggest that the State not attempt to fix a system that is not broken except in the specific cases where it is. Home school students are Alaska's second highest achieving group, after ABC students. Regulators should remember that every teacher they have spending time reviewing a third grader reading at a seventh grade level in a home or correspondence school, is one less teacher to help a third grader reading at a second grade level in a local public school.

I do not believe that this can be implemented without an attached legislative fiscal note (Requiring legislative approval). Unless the amount destined for students is decreased below its \$1400 / year (e.g. For IDEA students in early grades), then this monetary expenditure must be approved by the legislature as the governmental body empowered to open the public purse. The Department of Education cannot elect to spend additional public money.

If this is a monetary reduction of correspondence school expenditures to increase the number of bureaucrats and teachers, then please be more clear in the language, and indicate that the current disbursements will be reduced and by what amount. Reducing the expenditures will of course bring a different reaction by the people who receive education bound money to assist the State in its duty to provide a system of public education as the Constitution specifies in section 8.

Estimated yearly costs of correspondence student review by a certified teacher:

Number of students allocated to each teacher:	80
Encumbered cost of teacher operating year round:	\$80,000.00
Estimated average teacher time used in Administrative functions:	40%
Estimated Cost of communication, copying, shipping required by regulations	???
Estimated overhead for homeschoolers required by regulations	25%
Estimated Yearly cost of teacher per student (Teacher Cost / # Students)	\$ 1,000.00
Estimated Additional cost to districts for Administration	\$ 200.00
Example amount allocated per student	\$ 1,400.00
New amount you have to spend (After teacher and administrative reductions)	\$ 200.00

Note: This cost estimates that a teacher will dedicate full time to grading and reviewing work, 4 students per day, 20 days per month. Administrative overview is assessed to form the contracts, review purchased materials, fill out paperwork for the student and document the students progress. Teachers would be required to work year round as most homeschoolers do as well. Cost of communication and shipping cannot be accurately calculated without more

information. If these costs do not come out of the student account, then a fiscal note must be attached and the State legislature must vote on the proposal.

- (2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;

The original law does not reference this type of requirement. Standardized testing and teacher review are already heavily relied upon to assess the student generally, with the parent usually being an excellent judge of student progression. If the Board would indicate its reasoning for this, perhaps a specific solution could be created for a specific problem. The main point is that the appropriate fix to the occasional problem home school, is not to drown all of them in regulations that would remove the benefit of the educational model.

- (3) a transcript that denotes curricula material origin for any course other than a district developed course.

This may assist the district in assessing whether or not the materials meet AS 14.03.090 AND AS 14.18.060. Again, this needs to be measured against a demonstrated problem with the current method of judgement that the districts use to guarantee the State compliance with these laws. I do not suggest manufacturing burdens for either correspondence schoolers or administrations to operate under unless there is a systemic problem that cannot be corrected with any less burdensome regulation.

Section F has been expanded as follows:

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;

Now reads:

- (f) The district must require enrolled students to participate in the Statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must**
- (1) have staff inform parents of State testing requirements and the consequences of non-compliance under 4 AAC 33.450; and**
 - (2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all State mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow Statewide correspondence program students to participate in State required testing;**
 - (3) have available to the department, data documenting student participation rates in State required assessments within 10% points of the State average for the prior year's spring test administration.**

Comments:

- (1) have staff inform parents of State testing requirements and the consequences of non-compliance under 4 AAC 33.450; and

I expect that regulation number 1 is acceptable to correspondence schoolers. The results of not testing are described in 33.450 and are essentially denial of eligibility for the following year in a correspondence school. In other words, if you don't take the assessment exams, you do not participate in the program. As long as some safeguards are in place for extraordinary situations, I

also agree with this, as we need to measure all correspondence schoolers to help identify home schools that are in trouble and need additional help or resources.

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all State mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow Statewide correspondence program students to participate in State required testing;

I expect the districts themselves to comment on the financial impact of 2

(3) have available to the department, data documenting student participation rates in State required assessments within 10% points of the State average for the prior year's spring test administration.

This is another critical sentence. I am not presently aware of what the participation rates were for standardized testing, but previously, the schools had no recourse when students did not participate. It is quite likely that there WILL be a 10 % variance of participation in standardized testing for correspondence schools for a variety of reasons, not the least of which was there was no penalty (i.e. you would still be eligible for participation next year even if you missed the test). This provision sound fishy and is unnecessary. If schools advise parents of the consequences of failure to participate as suggested in (1), then they have met the requirements and why punish the school? **Those parents will be out the following year anyway.** A re-eligibility requirement should be given that allows parents to participate if they have been kept out of the correspondence school after they have successfully completed the standardized tests for one year.

I strongly suggest that provision (3) not be accepted.

Section 5 is rewritten and expanded resulting in a completely new set of ideas and requirements initially indicated in Section e. This is a continuation of the improperly understood assessment plan of the same quality.

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;

is remade as follows:

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the Statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are aligned to State standards and comply with AS 14.03.090, and appropriate for the student;

(2) must document the process used to ensure curriculum materials are aligned to State standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

Comments:

Item (1) is duplicative and unnecessary.

I suggest the rejection of this modification in its entirety. This section, more than any other is a clear remaking of the will of the Legislature as laid down in the initial law. This section changes an empowerment act for parents into an empowerment act for the certified teacher and creates the new power shifting agreement between the parents and the teacher.

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.

Is removed.

Comments:

I do not suggest that this section of the law be removed.

A new section is proposed which changes internal procedures in the districts regarding the use of the students accounts and expenditures from it:

(h) A Statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

(1) expenditures from Statewide correspondence fund accounts must be for the student's instructional needs only;

(2) materials purchased with State funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;

(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;

(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and

(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.

(h) A Statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

Since districts are performing this service already, it is reasonable to create regulations in order to ensure that proper safeguards are in place for its designated use. I suggest that this section be accepted with the following revisions:

(1) expenditures from Statewide correspondence fund accounts must be for the student's instructional needs only;

This is satisfactory, though I am not sure how parental administrative expenses (shipping, copying, printing ink, etc) will be classified.

- (2) materials purchased with State funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

I would suggest leaving this housekeeping to the district that is running the program. Some non-consumables (texts, rulers, etc) are not cost justified in returning, housing, and disposing of. Currently, the school will set a lower limit on either the expenditure they will reimburse for, or for what must be returned to the school. This system is a workable solution and ensures the State that students families are not receiving undue personal wealth/benefit from the programs. Again, I suggest that the State not unnecessarily burden the districts that run these programs, and run them with very little funding. Regulations like this may need to have a fiscal note attached to them and may also reduce the students allocation. I suggest removing this from the proposed changes or accepting a replacement such as:

"(2) Correspondence school students must follow correspondence school guidelines when purchasing materials with State funding. When the student exits the program for any reason, such purchased materials must be returned to the school as the guidelines dictate. Schools may establish a maximum reimbursable amount, and may elect to not require the return of materials purchased under this system."

(3) is duplicative of several other similar restrictions. It does not hurt to mention it again, though the word partisan is questionable.

- (4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;

This is appropriate.

- (5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan;

This type of administration is overburdensome and unnecessary. This will limit the ingenuity of the home school and stifle much of its adaptiveness. The current method of approval after the fact works well, and should not be changed. I suggest that this be rejected. A fiscal note should also accompany this section if it is approved.

- (6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.

This sounds like an issue relating to Federal funding.

Changes to 33.430:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,

is changed to read:

(a) To enroll out-of-district students in a Statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district either before enrolling an out-of-district student in a Statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.

Comments:

33.430 is deleted from the law. This deletes the ability of districts to make district to district agreements, and sets up the new agreement method in 33.440. I suggest this change be rejected as a change in the intent of the law. The additional information in (a) may in fact be necessary and could stand without the deletion of the original language in 33.430.

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 : (2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];

Deletion of:

[, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT

Comments:

This change is a significant bureaucratic burden. If the Department of Education's assertion that homeschools are incapable of being the primary judge of the students work product is judged to be valid, then this change is made necessary to change the authority from the parent to the signing teacher. I strongly suggest rejecting this change along with all other changes that undermine the proven structure of the home-school.

A new section 33.450 is added to address failures to participate in the standardized assessments.

4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) If a student fails to participate in a State mandated assessment test the student will be ineligible for enrollment in the Statewide correspondence program and denied enrollment in any other Statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the State mandated assessment.

Comments:

I agree in theory with this section, though I would like to see additional language that will ensure that correspondence school students are given the same ability to have alternative testing dates in the case of illness, family emergency etc, that traditional public school students enjoy. In a form that allows for these cases, it is a good addition and corrects a problem that has haunted the administrations of the correspondence schools. This increases accountability without burdening parents who do participate properly.

Suggested additional language:

"Districts offering correspondence schools must either arrange in their district to district agreements or in some other way, the ability for students who have an excused absence from the assessment tests to retake them. This arrangement should be similar to the options that other students in the sponsoring district receive."

With this additional language, I think there will be broad agreement that this is an good solution to a general problem with correspondence schools and their standardized testing requirements.

A new section, 33.460 is added that significantly follows 33.440:

- 4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district Statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.
- (b) Upon request by the department, the district shall provide
- (1) a list of all students enrolled in the Statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;
 - (2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and
 - (3) any other information required by the department.

Comments:

This appears to be significantly similar to a previously existing section 33.440. If it is duplicative, I suggest it be removed. I expect that the districts will question (3) for themselves.

Thanks very much. Please contact me at 360-2674 if you wish discuss this or wish for me to present this information at any State, district, or town-hall meetings.

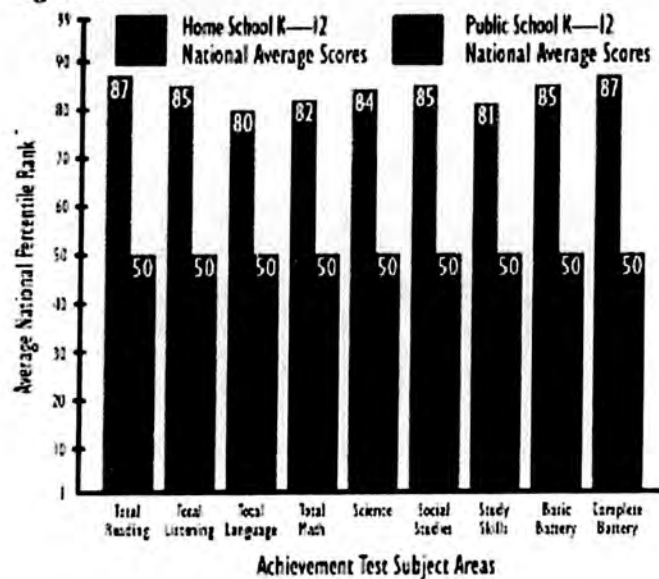
Glen Biegel

Supporting information regarding the performance and assessment capabilities of home schools

<http://www.hslda.org/docs/study/1997/04.asp>

How Do Home School Students Score?

Figure 2.0



<http://www.nheri.org/98/research/fact1.html>

- A nationwide study (Ray, 1990), using a random sample of 1,516 families from one organization's membership, found home educated students to be scoring, on average, at or above the 80th percentile in all areas on standardized achievement tests. Note: The national average on standardized achievement tests is the 50th percentile.
- Wartes (1989) found that home school students in Washington consistently score at the 66th percentile on the Stanford Achievement Test, with their strongest scores in science, listening, vocabulary, and word reading.
- Home education students in Montana scored at the 72nd percentile on standardized achievement tests (Ray, 1990).
- The State of Tennessee (1988) reported that the home educated in that State averaged about the 83rd percentile in reading and about the 77th percentile in math on standardized achievement tests.
- The State of Oregon (1988) found that 73% of the home school students who were tested scored above average. Note: The national average is for 50% to score above average.
- The research findings are consistent that the home educated do equal to or better than conventional school students on achievement tests.

Various research supporting the established pattern of homeschooled excellence, both academically and socially.

Research that supports the claim that homeschoolers do as well as or better than their schooled peers academically:

Greene, S. (1985); Home study in Alaska: A profile of K-12 students enrolled in the Alaska Centralized Correspondence Study. Resources in Education. (ERIC document Reproduction Service No. ED 255 494)

Rakestraw, J. (1987); An Analysis of Home Schooling for Elementary School-age Children in Alabama. Doctoral Dissertation, University of Alabama, Tuscaloosa, AL.

Ray, B.D. & Wartes, J. (1991); Academic Task and Socializing.

In J. Van Galen and M.A Pittman (Eds.); Home Schooling: Political, Historical, and Pedagogical Perspectives.

Norwood, NJ: Ablex. Richman, Howard. (1988); Homeschoolers Score Higher - A Replicable Result. (available from Pennsylvania Homeschoolers, RD 2, Box 117, Kittanning PA 16201)

Wartes, J. (1990). The Relationship of Selected Input Variables to Academic Achievement Among Washington's Homeschoolers, [16109 NE 169th Place,] Woodinville, WA: Washington Homeschool Research Project.

Research that supports the claim that homeschoolers are not deprived of social skills or experiences:

Delahooke, M.M. (1986). Home educated children's social/emotional adjustment and academic achievement: a comparative study. Doctoral dissertation, California School of Professional Psychology, Los Angeles. Dissertation Abstracts International, 47 475A.

Montgomery, L. (1989). The effect of home schooling on the leadership skills of home schooled students. Home School Researcher, Vol. 5 (1), 1-10.

Taylor, J.W. (1986). Self-concept in home-schooling children. Doctoral desertation, Andrews University, Berrien Springs, MI.

Research that supports the claim that homeschooling parents do not need to be certified teachers to help their children learn:

Rakestraw, J. (1987). An Analysis of Home Schooling for Elementary School- age Children in Alabama. Doctoral Dissertation, University of Alabama, Tuscaloosa, AL.

Ray, B. (1990). A Nationwide Study of Home Education: Family Characteristics, Legal Matters, and Student Achievement. The National Home Education Research Institute. 25 W. Cremona St. Seattle, WA 98119

Wartes, J. (1990). The Relationship of Selected Input Variables to Academic Achievement Among Washington's Homeschoolers, [16109 NE 169th Place,] Wodinville, WA: Washington Homeschool Research Project.

Research that supports the claim that the number of homeschoolers is increasing in the United States:

Lines, P. (1987). An Overview of Home Instruction. Phi Delta Kappan, March 1987.

Lines, P. (1990). Home Instruction: Characteristics, Size and Growth. In Home Schooling: Political, Historical, and Pedagogical Perspectives. Norwood, NJ: Ablex Publishing.

Research that supports the claim that homeschoolers encounter no special difficulty in getting into college or finding employment:

Barnaby, L.(1984). American university admission requirements for home schooled applicants, in 1984. Doctoral dissertation, Brigham Young University, Provo, UT. Dissertation Abstracts International, 47(3), 798A.

Webb, J. (1989). The Outcomes of Home-based Edcation: Employment and Other Issues. Educational Review, 41(2).

States With Education Options Reap Academic Results

Daily Policy Digest

Education Issues / School Choice

Wednesday, January 23, 2002

[EMAIL TO A FRIEND](#)

Evidence presented in a new Manhattan Institute 2001 Education Freedom Index verifies that students in States with greater education choices have significantly higher test scores.

Source: Jay P. Greene (Manhattan Institute for Policy Research), "School Choice = Higher Test Scores," *Wall Street Journal*, January 23, 2002; Jay P. Greene, "2001 Education Freedom Index," Civic Report No. 24, January 2002, Manhattan Institute.

District: Anchorage Schools

School Year: 1999-2000

School: Family Partnership Charter School (Anchorage)

Grades: KG - 12

Accreditation: Not Accredited

School Enrollment: 690

Attendance Rate	100.0%	Grades KG-8 Retention Rate	0.0%
Graduation Rate	54.5	High School Graduates	6
Grades 7-12 Dropout Rate	0.5	Grades 7-12 Dropouts	1
Enrollment Change	35.8%	Enrollment Change Due to Transfers	31.0%
Students Survey Return Rate	15.6%	Parents Survey Return Rate	29.6%
Students Commenting	47	Parents Commenting	36
School/Business Partnerships	1	Community Members Commenting	10
Average Volunteer Hours Per Week	20		

- Notes:
- 1) When three or fewer students are tested in a grade, an asterisk (*) is printed to protect student confidentiality.
 - 2) Percentages reported are based on the number of students tested, not the number of students enrolled in the grade.
 - 3) For the 1999-2000 school year, 7th grade CAT5 scores are reported at the district level only.

HSGQE Results	Reading				Writing				Math	
		%	Not	% Not		%	Not	% Not		%
	Proficient	Proficient	Proficient	Proficient	Proficient	Proficient	Proficient	Proficient	Proficient	Proficient
Grade 10	21	95.5	1	4.5	11	57.9	8	42.1	8	38.1

Benchmark Results	Reading				Writing				Math			
	Adv.	Prof.	Below	Not	Adv.	Prof.	Below	Not	Adv.	Prof.	Below	Not
Grade 3	24.1	69.0	3.4	3.4	0.0	61.3	29.0	9.7	36.4	36.4	12.1	15.2
Grade 6	80.0	10.0	6.7	3.3	44.1	47.1	2.9	5.9	51.5	27.3	9.1	12.1
Grade 8	69.6	30.4	0.0	0.0	20.8	58.3	20.8	0.0	4.5	31.8	50.0	13.6

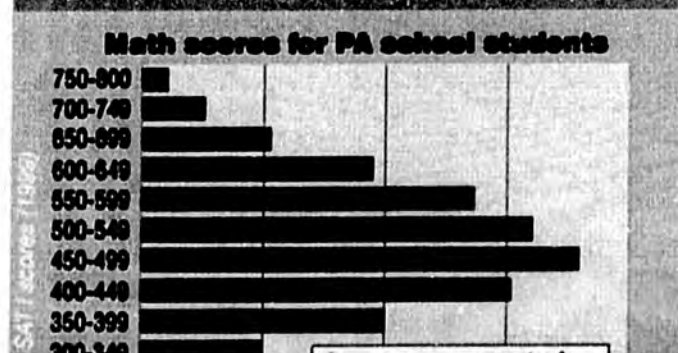
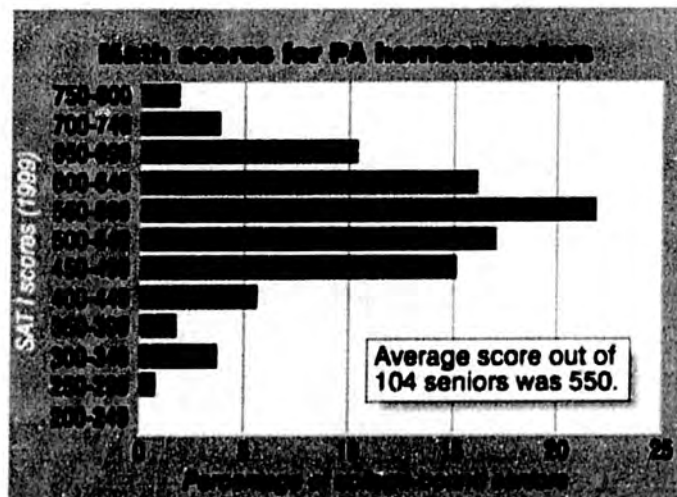
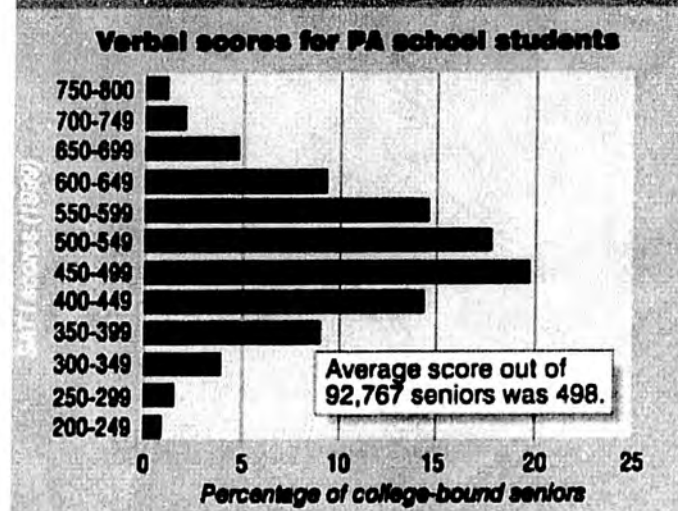
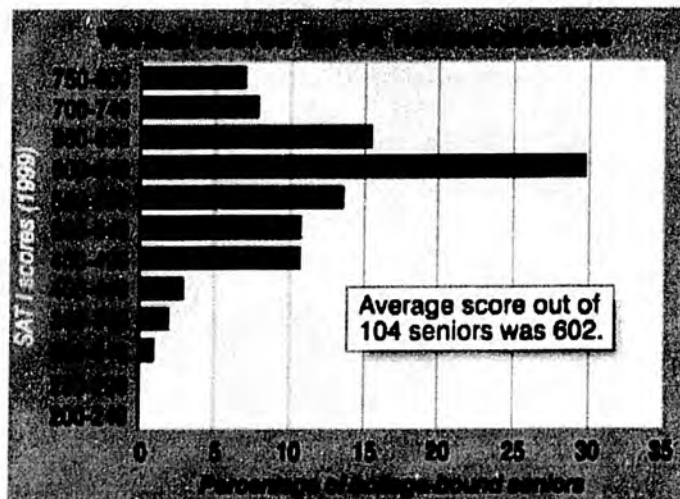
CAT5 Results	Reading			Language			Math		
	Top Quart.	Bottom Quart.	Percentile Rank	Top Quart.	Bottom Quart.	Percentile Rank	Top Quart.	Bottom Quart.	Percentile Rank
Grade 4	47.8	7.5	75	37.3	14.9	60	53.7	13.4	71
Grade 7									

<http://www.post-gazette.com/regionState/20000501homeschoolchart9.asp>

Online charts: PA homeschoolers score well on 1999 SATs

Monday, May 01, 2000 Pittsburgh Post-Gazette

According to statistics reported to Pennsylvania Homeschoolers by the College Board, homeschooled students appear to have an edge over scoring well above Pennsylvania's school-educated students.



The comprehensive study of homeschoolers, reviewing 26,000 students to be found at:

<http://epaa.asu.edu/epaa/v7n8/>

Table 3.3
Median Scaled Scores (corresponding national percentile)
by Subtest and Grade for Home School Students

Grade	N	Composite	Reading	Language	Math	Soc. Stud.	Science	National Median
1	1504	170 (91)	174 (88)	166 (82)	164 (81)	166 (80)	164 (78)	150 (50)
2	2153	192 (90)	196 (89)	186 (80)	188 (85)	189 (81)	195 (86)	168 (50)
3	2876	207 (81)	210 (83)	195 (62)	204 (78)	205 (76)	214 (83)	185 (50)
4	2625	222 (76)	228 (83)	216 (67)	220 (76)	216 (68)	232 (81)	200 (50)
5	2564	243 (79)	244 (83)	237 (69)	238 (76)	236 (71)	260 (86)	214 (50)
6	2420	261 (81)	258 (82)	256 (73)	254 (76)	265 (81)	273 (84)	227 (50)
7	2087	276 (82)	277 (87)	276 (77)	272 (79)	276 (79)	282 (81)	239 (50)
8	1801	288 (81)	288 (86)	291 (79)	282 (76)	290 (79)	289 (78)	250 (50)
9	1164	292 (77)	294 (82)	297 (77)	281 (68)	297 (76)	292 (73)	260 (50)
10	775	310 (84)	314 (89)	318 (84)	294 (72)	318 (83)	310 (79)	268 (50)
11	317	310 (78)	312 (84)	322 (83)	296 (68)	318 (79)	314 (77)	275 (50)
12	66	326 (86)	328 (92)	332 (85)	300 (66)	334 (84)	331 (82)	280 (50)

It is readily apparent from Table 3.3 that the median scores for home school students are well above their public/private school counterparts in every subject and in every grade. The corresponding percentiles range from the 62nd to the 91st percentile; most percentiles are between the 75th and the 85th percentile. The lowest percentiles are in *Mathematics Total with Computation* subtest (labeled *Math* in the tables); the highest in *Reading Total*. While the grade-to-grade increase in national medians is 13 DSS points in the lower grades, the annual increase for home school students is about 16 points. These are exceptional scores and exceptional grade-to-grade gains.

As shown in Table 3.4, the same superiority of median scaled scores holds when comparing home school students to students enrolled in Catholic/Private schools. The Catholic/Private school percentiles corresponding to median scaled scores range from the 53rd percentile to the 89th percentile; most are between the 65th to 75th percentile. In every area and every grade, the median scores for home school students exceed the median scores of students enrolled in Catholic/Private schools.

Table 3.4
Median Scaled Scores of Home School Students
(Corresponding Catholic/Private School Percentile)
by Subtest and Grade

Grade	Composite	Reading	Language	Math	Soc. Stud.	Science
1	170 (89)	174 (86)	166 (80)	164 (80)	166 (73)	164 (75)
2	192 (88)	196 (84)	186 (74)	188 (81)	189 (81)	195 (85)
3	207 (74)	210 (74)	195 (55)	204 (71)	205 (69)	214 (80)
4	222 (72)	228 (72)	216 (58)	220 (69)	216 (56)	232 (76)
5	243 (71)	244 (72)	237 (60)	238 (68)	236 (60)	260 (82)
6	261 (71)	258 (71)	256 (58)	254 (65)	265 (72)	273 (77)
7	276 (72)	277 (77)	276 (63)	272 (70)	276 (68)	282 (73)
8	288 (72)	288 (75)	291 (65)	282 (68)	290 (68)	289 (67)
9	292 (63)	294 (70)	297 (61)	281 (56)	297 (63)	292 (59)
10	310 (71)	314 (81)	318 (71)	294 (57)	318 (72)	310 (66)
11	310 (63)	312 (72)	322 (69)	296 (56)	318 (67)	314 (63)
12	326 (74)	328 (81)	332 (71)	300 (53)	334 (74)	331 (72)

The relationship between median composite scaled scores for home school students, Catholic/Private school students, and the nation is shown in the Figure 1. At each grade level, the test performance of Catholic/Private school students is above the national performance levels, especially in the higher grade levels. Also at each grade level, the performance of home school students is above the performance levels of students enrolled in Catholic/Private schools. The differences between these groups are considerable. For example, the median score for 7th graders nationwide is 239; for Catholic/Private school students the median is 257; for home school students the median is 276. Another way to look at this chart is to examine the grades corresponding to a given composite score. A composite scale score of 250, for example, is typical of a home school student in Grade 6, a Catholic/Private school student in Grade 7 and students nationwide in the later stages of grade 8.

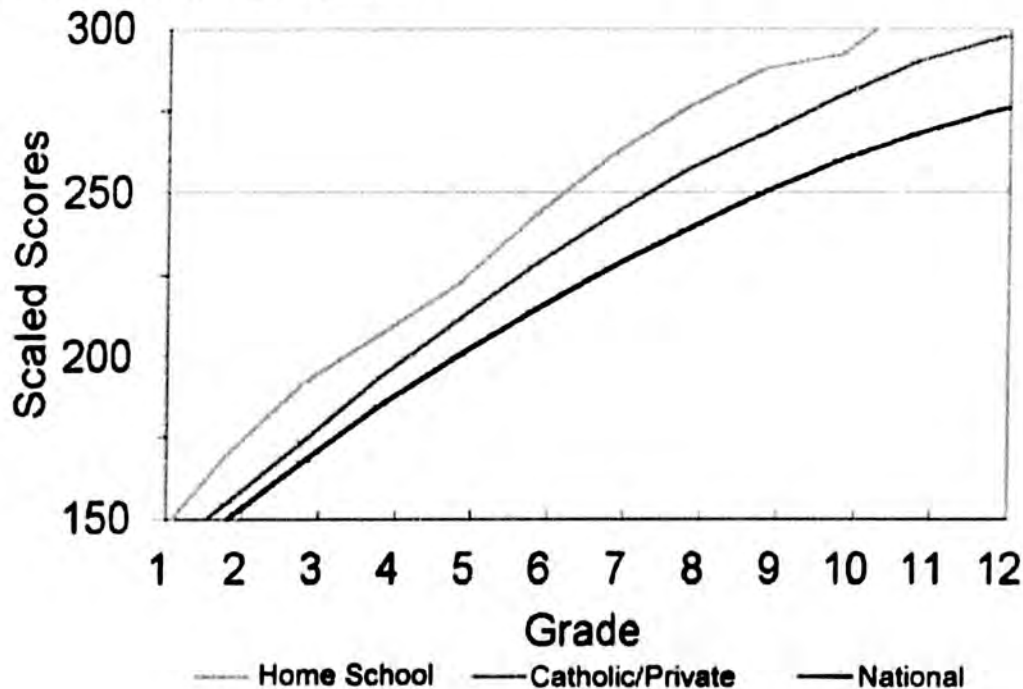


Figure 1. Academic Achievement of Home School, Catholic/Private and the Nation's Students

The Grade Equivalent Scores (GES) corresponding to the median DSS scaled scores for home school students are shown in Table 3.5. These GES scores indicate the performance levels of home school students in terms of student grade placement nationwide. The median composite scaled score for fourth-grade home school students, for example, is 217. This is comparable to the median score expected of students nationwide in the ninth month of fifth grade. Compared to students nationwide, the median fourth-grade home school student test performance is 1.1 grade equivalents above his public/private school peers. By 8th grade, the median performance of home school students on the ITBS/TAP is almost four grade equivalents above that of students nationwide. Similar trends hold for all subject areas.

The reader should recognize that the grade equivalent scale tends to magnify differences at the high school level and that the percentile scale is more meaningful in these higher grades. While 50% of eighth grade home school students have scores that are 4 grade equivalents above the public school median, so do some 20% of eighth grade students in public schools. The revealing statistics are the percentiles which are consistently high across grade levels and subject areas.

Table 3.5
Median Scaled Scores (corresponding Grade Equivalent Scores)
by Subtest and Nominal Grade
for Home School Students

Grade	Composite	Reading	Language	Math	Soc. Stud.	Science	National Median
1	170 (2.9)	174 (3.1)	166 (2.6)	164 (2.6)	166 (2.7)	164 (2.6)	150 (1.8)
2	192 (4.1)	196 (4.5)	186 (3.8)	188 (4.0)	189 (4.0)	195 (4.5)	168 (2.8)
3	207 (5.1)	210 (5.5)	195 (4.4)	204 (5.2)	205 (5.1)	214 (5.8)	185 (3.8)
4	222 (6.2)	228 (6.9)	216 (5.9)	220 (6.4)	216 (5.9)	232 (7.3)	200 (4.8)
5	243 (8.3)	244 (8.3)	237 (7.6)	238 (7.7)	236 (7.6)	260 (9.8)	214 (5.8)
6	261 (10.1)	258 (9.6)	256 (9.4)	254 (9.1)	265 (10.4)	273 (11.6)	227 (6.8)
7	276 (11.9)	277 (12.0)	276 (11.9)	272 (11.3)	276 (11.9)	282 (12.5)	239 (7.8)
8	288 (12.9)	288 (12.9)	291 (-)	282 (12.5)	290 (-)	289 (-)	250 (8.8)
9	292 (-)	294 (-)	297 (-)	281 (12.4)	297 (-)	292 (-)	260 (9.8)
10	310 (-)	314 (-)	318 (-)	294 (-)	318 (-)	310 (-)	268 (10.8)
11	310 (-)	312 (-)	322 (-)	296 (-)	318 (-)	314 (-)	275 (11.8)
12	326 (-)	328 (-)	332 (-)	300 (-)	334 (-)	331 (-)	280 (12.8)

(The - sign indicates the scaled scores are beyond the effective range for GES conversion.)

The grade equivalent score comparisons for home school students and the nation are shown in Figure 2. In grades one through four, the median ITBS/TAP composite scaled scores for home school students are a full grade above that of their public/private school peers. The gap starts to widen in grade five. By the time home school students reach grade 8, their median scores are almost 4 grade equivalents above their public/private school peers.

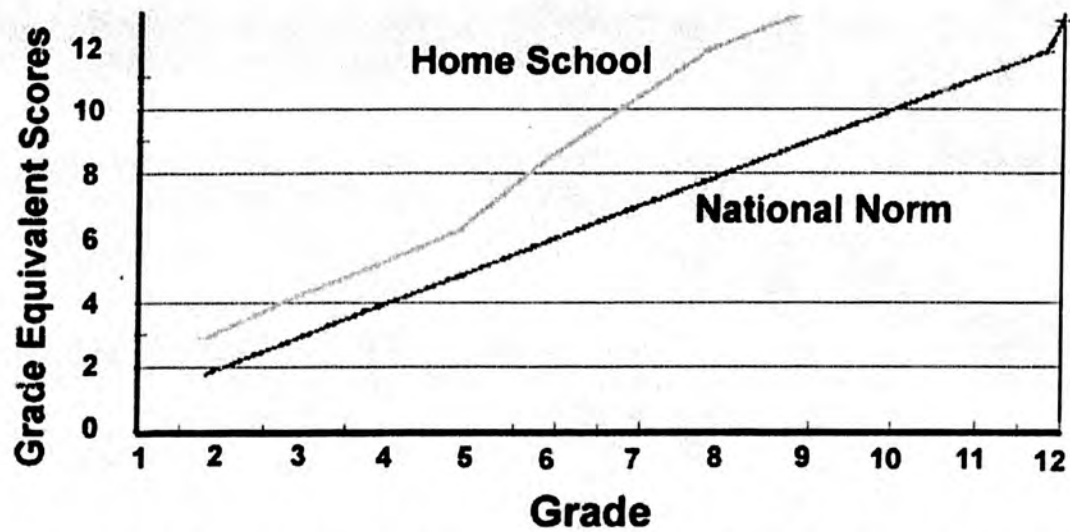
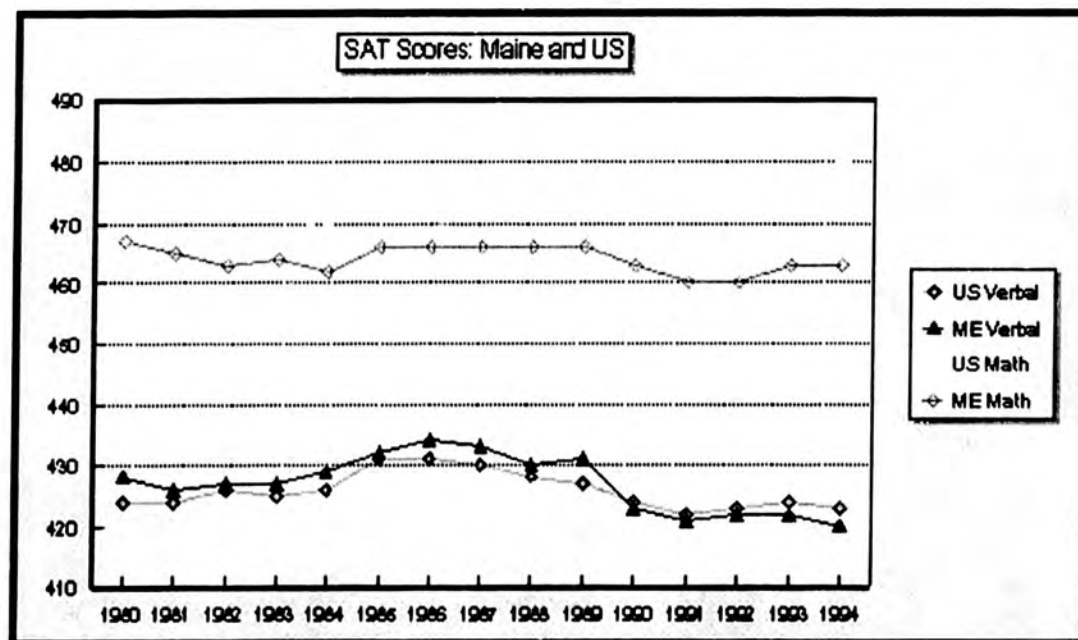
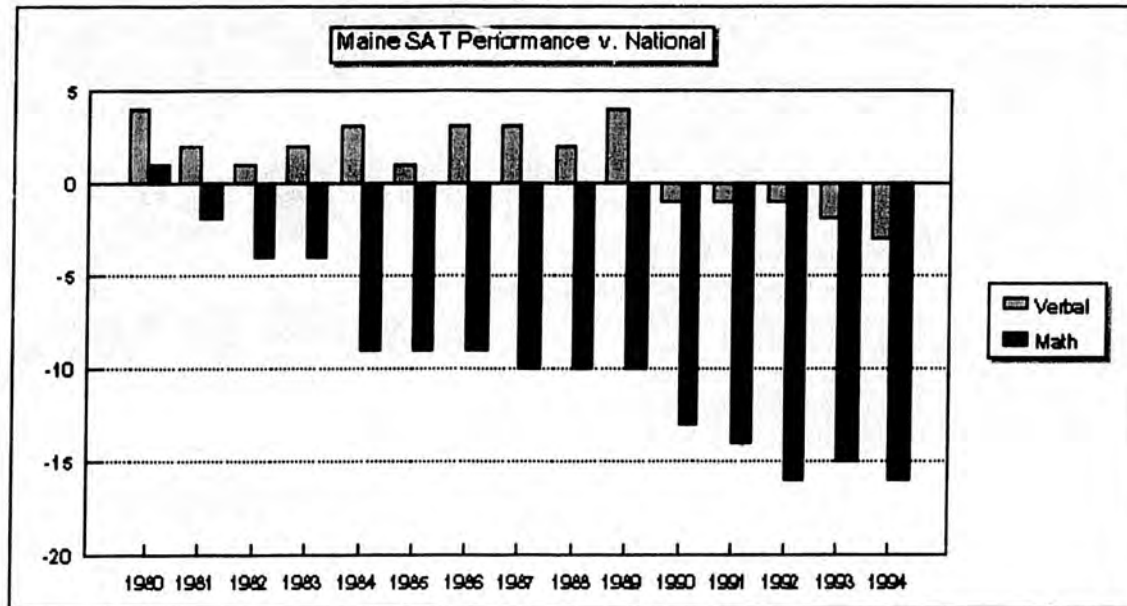


Figure 2. Home School Students Compared to the National Norm Group in Grade Equivalent Units

Other reference material, establishing the averages without homeschool additions:

Scholastic Aptitude Test Results





	National Verbal						Maine Verbal					
	National Math						Maine Math					
	Men	Women	All	Men	Women	All	Men	Women	All	Men	Women	All
				Men	Women	All						
1980	428	420	424	428	427	428	491	443	466	488	447	467
1981	430	418	424	430	423	426	492	443	467	489	444	465
1982	431	421	426	428	426	427	493	443	467	489	440	463
1983	430	420	425	428	426	427	493	445	468	486	444	464
1984	433	420	426	432	427	429	495	449	471	487	440	462
1985	437	425	431	434	430	432	499	452	475	488	446	466
1986	437	426	431	434	433	434	501	451	475	488	445	466
1987	435	425	430	438	429	433	500	453	476	494	440	466
1988	435	422	428	434	427	430	498	455	476	488	446	466
1989	434	421	427	437	426	431	500	454	476	490	444	466
1990	429	419	424	427	420	423	499	455	476	484	444	463
1991	426	418	422	424	418	421	497	453	474	482	437	460
1992	428	419	423	425	419	422	499	456	476	481	442	460
1993	428	420	424	422	421	422	502	457	478	484	444	463
1994	425	421	423	420	421	420	501	460	479	484	446	463

Source: Maine Department of Education

The verbal and math mean for Tulsa Public Schools' students taking the Scholastic Aptitude Tests (SATs, also known as "the college boards") exceeded the national mean for both tests. TPS students' mean was 573 for verbal, 67 points higher than the national mean, and 537 points for math, 23 points higher than the national mean.

Subject: [Fwd: 4 AAC 33.420-490]

Date: Tue, 26 Feb 2002 10:20:59 -0900

From: Sue Gullufsen <Sue_Gullufsen@legis.state.ak.us>

Organization: Alaska State Legislature

To: Karen McCarthy <Karen_McCarthy@legis.state.ak.us>

hi karen, i am forwarding this to you as the education queen! thanks,
sue

Subject: 4 AAC 33.420-490

Date: Tue, 26 Feb 2002 10:00:54 -0800

From: ier@ideafamilies.org

To: <Webmaster@legis.state.ak.us>

D-8

Dear Sirs,

I am writing about the proposed changes in the statewide correspondance programs through the school stateboard-4 AAC 33.420-490.

I have sent the following letter to the state school board and am asking your help to see that there are changes made in the proposal.

"I am asking you not to pass this the way it is written now. The way this is written has some areas that need further clarification.

Our state has allowed freedom in homeschooling. We appreciate that.

We feel this bill will limit some of those freedoms.

As it stands now, there are areas that greatly concern us.

One of those is that a certified teacher have to check over the student's work regularly. In public school, many times it's the student next to you checking your work.

Also, the fact that we would all have to have the same textbooks. Many of us have found that the textbooks used overall is not a method that works for everyone. We are very aware that each year there are areas that need to be covered for each grade and buy materials accordingly.

I have two other concerns. One is that statewide correspondance programs have to file yearly when none of the other schools have to do that.

Galena's methods have worked well enough that even the military has chosen it to use with their families.

The other is that we wouldn't be allowed to teach our children with Christian based materials. We use secular materials but supplement with Christian.

We have chosen homeschooling for several reasons. Our main one is our work schedule. If our children attended public school we would not have time to spend with them, as we work evenings. It fits our schedule because my mother homeschools them while she watches them. It has worked well!

We have also chosen homeschooling because we had noticed a family closeness in homeschooling families that we did not see in public school families. There was a respect to adults and a respect for other children which we liked that was many times lackly elsewhere.

Our children have done well with homeschool. Even our 3 year old has benefited, as she listens to the materials covered she retains much of it!

We would continue to homeschool even if funding was not provided. Having funds to do it will ensure a better education but we are sold on homeschooling for us either way.

Thank you for listening and considering our concerns."

Laura Meier

Sue Gullufsen

Manager

Legislative Information & Teleconferencing

Legislative Affairs Agency

Questions and Answers

About Proposed Regulations For Correspondence Schools (4 AAC 33.420-.490)

**Alaska Department of Education & Early Development
February 25, 2002**

A Summary:

The State Board of Education & Early Development on November 28, 2001, proposed amendments to 4 AAC 33.420-.490, regulations the board first enacted in 1999. The November amendments further define the requirements for the operation by publicly funded school districts of correspondence programs that enroll students from outside a school district's legally defined geographical boundaries. Currently 10 of Alaska's 53 school districts offer such programs and enroll students from outside their districts.

The major features of the proposal:

- requires the school district's certified teaching staff to be involved in grading student homework and in assigning the student's grades,
- sets out required student participation rates on state-mandated assessments,
- sets out consequences for students failing to participate in state mandated assessments,
- sets out responsibilities of parents and students in regards to participation in state-mandated assessments,

14.30.010(12)]. Home schools under AS 14.30.010 are exempt from all the laws and regulations that affect public schools. These home schools do not receive any state education funding.

Q: Does the Department of Education & Early Development have plans to regulate home schools that operate under AS 14.30.010?

A: No. The State does not intend to regulate home schools that do not receive state education funding, that is, those that operate under AS 14.30.010.

Q: Are students enrolled in school district correspondence programs considered home schools?

A: The State considers all students enrolled in a public school district program as public school students. This is so whether the students attend classes in a school district building or whether they study at home.

Q: May students enrolled in correspondence study programs also enroll in other school programs?

A: Yes. A state law (AS 14.03.095) allows children enrolled in private, home and correspondence programs to enroll as part time students in a public school to enroll in one or more courses. These students are considered public school students while taking their public school classes.

Q: Do the proposed regulations apply to part time public school students?

A: The regulations would apply to the students only when they are taking public school courses. They would not apply when they are taking courses from their private, home, or non-public correspondence study program.

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Central Microfilm Services
Department of Education & Early Development
State of Alaska

Questions and Answers

About Proposed Regulations For Correspondence Schools (4 AAC 33.420-.490)

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The major features of the proposal:

- requires the school district's certified teaching staff to be involved in grading student homework and in assigning the student's grades,
- sets out required student participation rates on state-mandated assessments,
- sets out consequences for students failing to participate in state mandated assessments,
- sets out responsibilities of parents and students in regards to participation in state-mandated assessments,

- requires local school boards to be involved in selection of curricular materials, and
 - gives school districts guidance on appropriate instructional expenditures for parents.
-

Q: Why is the state regulating school district correspondence programs?

A: School district correspondence programs that enroll students from outside a school district boundary are a relatively new phenomenon that have relatively few rules placed on them. The state regulates public schools to make certain students get the best education possible and so that all children obtain equitable treatment in public schools.

Q: Are correspondence programs the only non-traditional alternative public school program in Alaska?

A: Correspondence programs are only one type of alternative public school program available in Alaska. Charter schools are another. Other examples of alternatives are Mt. Edgecumb High School, a boarding school in Sitka, and Alyeska Central School, a statewide correspondence study program operated by the State of Alaska since 1939. The state regulates each program to make sure that students enrolled in the programs receive a high quality education and equitable treatment.

Q: Do these proposed regulations affect all correspondence programs?

A: These proposed regulations affect only correspondence programs operated by Alaska public school districts that enroll students from outside the enrolling school district's boundary.

Q: Does this proposal affect home schools?

A: These proposed regulations do not cover home schools that are exempt from the Compulsory School Attendance Act [AS

14.30.010(12)]. Home schools under AS 14.30.010 are exempt from all the laws and regulations that affect public schools. These home schools do not receive any state education funding.

Q: Does the Department of Education & Early Development have plans to regulate home schools that operate under AS 14.30.010?

A: No. The State does not intend to regulate home schools that do not receive state education funding, that is, those that operate under AS 14.30.010.

Q: Are students enrolled in school district correspondence programs considered home schools?

A: The State considers all students enrolled in a public school district program as public school students. This is so whether the students attend classes in a school district building or whether they study at home.

Q: May students enrolled in correspondence study programs also enroll in other school programs?

A: Yes. A state law (AS 14.03.095) allows children enrolled in private, home and correspondence programs to enroll as part time students in a public school to enroll in one or more courses. These students are considered public school students while taking their public school classes.

Q: Do the proposed regulations apply to part time public school students?

A: The regulations would apply to the students only when they are taking public school courses. They would not apply when they are taking courses from their private, home, or non-public correspondence study program.

Q: Are school districts required to administer state mandated exams to part time public school students?

A: Yes. All public school students, including part-time students, are administered the state-mandated exams (AS14.03.075, 4AAC 06.730 and .738).

Q: Under the proposed regulations, what happens if a correspondence student does not take a state-mandated exam?

A: The student may be excused from taking the exam by the school district for good cause, as determined by the district. However, if the district does not excuse the student, the student will not be allowed to enroll in that school district's, or any other school district's, correspondence program the following year. The correspondence program is an alternative to the regular public school setting. As an alternative, correspondence programs likely do not meet the needs of every student. If a student cannot demonstrate adequate progress in reading, writing and math on state exams, then perhaps correspondence is not an appropriate alternative for the student. The student may need more attention and supervision that is available in a regular public school, or in a different kind of alternative school setting.

Q: How will parents know when their children are supposed to take a state-mandated assessment?

A: School districts under the proposed regulation will be required to inform parents and students of the dates for student assessments, and the consequences for not taking the exam.

Q: What else will school districts be required to do about assessments under the proposed regulations?

A: The proposed regulation requires school districts to maintain the confidentiality of all test questions on state-mandated exams. This is the same requirement that already has been set for regular school district programs (4 AAC 06.765). To maintain confidentiality, students will need to take state-mandated exams in secure test sites, just like other students. This means correspondence students have to go to a site that has been declared secure by the school district.

Q: How will the state know whether correspondence students are participating in state-mandated exams?

A: Under the proposed regulations, school districts will need to show that the participation rates for students in the prior year's spring administration of state-mandated exams was within 10 percent of the statewide average for all students. If a district's participation rate does not meet that standard, the district risks losing its state approval to operate a correspondence study program that enrolls students outside its boundaries.

Q: Why has the state set such a drastic penalty for non-participation in state exams?

A: Alaska's policy makers have set a goal that all public school students will meet state academic performance standards in reading, writing and math. The progress of students is measured by state exams beginning in the third grade. In addition, students, beginning in 2004, may not receive a high school diploma if they do not pass the Alaska High School Graduation Qualifying Exam. It is important for schools to know whether a student is meeting standards in earlier grades so that students get the help they need early to assure they meet standards, pass the high school exam and earn a diploma.

Q: Are there any other reasons?

A: Publicly funded correspondence programs are alternatives to the regular public school. If a correspondence program cannot demonstrate adequate academic progress of its students in the core skill areas of reading, writing and math on state exams, the effectiveness of the program cannot be judged, nor can the performance of its students.

Q: How will school districts and parents know if students are making adequate academic progress?

A: Each school district needs to develop an assessment plan for its correspondence study program. Both current and proposed regulations require that the plan needs to be of the same quality as the assessment plans for regular district programs.

Q: What is in the assessment plan?

A: The proposed regulation provides further definition for the assessment plan: monitoring of the enrolled student by a certified teacher; a monthly review of student work; documentation of a teacher's review; a record of grades or standards the student has met as determined by a certified teacher and the student's parent; a transcript that denotes the origin of curricular materials for any course other than a district developed course.

The requirement for teacher involvement only applies to the public school correspondence program component of a student's home-school education.

Q: How will the parents of correspondence students be assured of a voice in their children's education?

A: The proposed regulation requires school districts to develop a plan for receiving the advice and involvement of parents in the planning, development and evaluation of the correspondence study program.

Q: What's included in the parent plan?

A: The plan needs to include a signed agreement between the correspondence teacher and the parent of the student. The plan will verify and document that the course of study and curriculum materials are aligned with state academic standards. The plan needs to document the process used to ensure that the curriculum and materials meet state standards. The plan also needs to show that a certified teacher will review curriculum materials for each student's public school correspondence courses.

A: How will textbooks and curriculum materials be selected for statewide correspondence study programs?

Q: A regulation currently in force requires local school boards to review and select texts and materials, and they need to be of the same quality as materials selected in other school district programs. This requirement does not change with the proposed regulations. As with all parts of these regulations, the requirement applies only to a publicly funded and managed correspondence program. The regulation in force and the proposed changes place no restrictions on private courses and materials or instruction by parents or others that are not part of the public school correspondence program.

Q: Why do local school boards have to get involved in selecting textbooks and materials?

A: Alaska statute [AS 14.14.090(7) and AS 14.08.111(9)] requires all local school boards to be involved in the selection of texts and curriculum materials for all of their school programs. This includes public school correspondence programs.

Q: Can correspondence study students use texts, instructional aids and other materials that parents select?

A: Yes, if the materials are on the school board's approved list, or are approved by the school district through a district-established process.

Under both the current and proposed regulations, districts are required to assure that "curriculum materials are reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs..." This proposed regulation does not change this requirement.

Q: What about materials not on the school board's approved list. May parents use them?

A: They may use them, but not during the hours the correspondence school is in session, nor may parents or public schools use state funds to purchase them. Parents may purchase these materials only with their own funds.

Q: What about religious materials. May parents use them?

A: Yes, parents may use religious materials without restriction when used in a non-public school correspondence program.

If used in a public school correspondence program, such material may be used provided the material is not used to advocate a religious point of view. Examples of allowable uses of religious material include as curriculum materials in literature, comparative religion, philosophy and social studies.

The Alaska Constitution (Article VII, Section I) requires all public schools "be free from sectarian control." Also, a state law (AS14.03.90) prohibits public schools from advocating partisan, sectarian or denominational doctrines during the hours a school is in session. The law also states: "A teacher or school board violating this section may not receive public money."

Because of this, the proposed regulation prohibits correspondence teachers and other staff from providing instruction using religious, partisan, sectarian or denominational curricula even if purchased privately by the student's parent.

Q: May parents buy religious texts and materials with their personal money?

A: Yes. And they can instruct their children with these materials provided that the instruction is not part of the public school correspondence program, and provided that public school teachers are not involved in that instruction.

Q. May a student receive credit for a course or educational program taken outside of the public school correspondence program?

A: As in any district, parents can apply to the local district for review and acceptance of a learning experience or course taken outside of the district. A district may use criteria and a process of its own design to review and evaluate such work and award appropriate credit. The proposed regulation requires that the source of such course or academic work should be indicated on the student's transcript. This is comparable to current practice in districts when a student transfers

from another school and the courses accepted for transfer are listed on the transcript with the name of the school or program identified.

Q: Can public school correspondence programs give money to parents to pay for instructional expenses for their child's education?

A: Yes. School districts generate \$3,200 for each out-of-district correspondence student. And, under current rules, they may allot all or part of that amount for parents. Under the proposed regulation, school districts need to distribute those funds from a fund account.

Q: What rules will apply to funds spent through the fund accounts?

A: The proposed regulations will require that monies from the funds be spent only for the instructional needs of the enrolled child; non-consumable materials purchased are the property of the school district and need to be returned to the school district when the student exits the correspondence program; and religious, partisan, sectarian or denominational materials may not be purchased.

Under the proposed regulations, the correspondence school will need to provide written guidance to parents and students on what constitutes appropriate and allowable fund expenditures. All expenditures from fund accounts will need the approval of a certified teacher.

In addition, the district may not use the funds from the account to supplant funds for students enrolled in the program under an Individualized Educational Plan (IEP).

NOTE: The Department of Education & Early Development is recommending that the state board further amend the proposed regulation to allow approval by the district as well as - or in place of - approval by the certified teacher signing the agreement.

Q: Why doesn't the State require school districts to spend the whole \$3,200 on the correspondence program?

A: This subject is not addressed in the current or proposed regulations. However, the State Board of Education & Early

Development is investigating this issue now. The reason the board is interested in this matter is because current state law places no requirement on districts to spend the funds generated by out-of-district students in correspondence programs on the correspondence program. Local boards are required by statute to work for the best interest of the students residing within their district boundaries. While some districts may create parent councils for correspondence programs, there is no statutory requirement for such oversight. Further, parents of out-of-district students may have little or no influence over how state money is spent on their child's program, since parents who reside outside a school district boundaries cannot vote for the school board that sets policies for the correspondence school in which their children are enrolled. The state board may ask the Legislature to become involved in this issue. The state board may ask the Legislature to require districts to spend the funds generated by the statewide correspondence program on the correspondence program in which the child is enrolled.

Q: Does the state have any other responsibility for assuring the quality of public school district correspondence programs?

A: The Department of Education & Early Development under the proposed regulation will have the authority to monitor school districts to make sure they are meeting the provisions of the proposed regulation on correspondence programs that enroll out-of-district students.

Q: Can members of the public comment on the proposed regulation?

A: Yes. Any person may offer comments to the State Board of Education & Early Development.

Q: How can the public comment?

A: You can submit formal comments one of three ways.

- You may make oral comments at the next meeting of the state board on April 4 from 8:30 to 9:30 a.m. in Juneau, State Board Room, Goldbelt Building, 801 W. Tenth St., Juneau. Or you can participate by going to your Legislative Information Office.

- You may submit written comments no later than 4:30 p.m., on March 4, 2002. Send them to Department of Education & Early Development, Regulations Review, 801 W. Tenth St., Juneau, AK 99801-1894.
- You may also make comments on the web no later than 4:30 p.m., March 4, 2002. You can find the online form at **www.eed.state.ak.us/regs**. You can also find the proposed regulation at the same online address.

If you need further assistance on making your comments, contact Sheila Box (907) 465-2801, or e-mail Sheila_Box@eed.state.ak.us.

Final 2/25/02 - 9:45 a.m.

Subject: InfoExch 03.01.02

Date: Fri, 1 Mar 2002 14:57:34 -0900

From: "Harry Gamble" <Harry_Gamble@eed.state.ak.us>

To: "EED - All dept 05" <alldept05@eed.state.ak.us>, "Info Exchange Listserv" <info_exchange@list.state.ak.us>

INFORMATION EXCHANGE

Newsletter Of The Alaska Department Of Education & Early Development

March 1, 2002

To contact most Department of Education & Early Development staff by email:

first name_last name@eed.state.ak.us; or webmaster@eed.state.ak.us

Web site <http://www.eed.state.ak.us>

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INSIDE THIS EDITION:

--Knowles Proclaims School Breakfast Week

--Q & A's About Proposed Correspondence School Regulations

Knowles Proclaims School Breakfast Week

Governor Tony Knowles has proclaimed March 4 to March 8 as Alaska School Breakfast Week. In the proclamation signed February 25, Knowles said, "Alaska has long recognized that the

future wealth of its resources lies in its children's health. The School Breakfast Program helps teach children healthy eating habits."

He continued: "Alaskans realize that children who eat balanced meals learn more readily, play more actively, are able to attend to daily tasks more easily, and learn better if they start their day with a nutritious breakfast. It is important for Alaska's children to understand that a person's well being is affected by their eating habits."

Knowles urged Alaskans to become acquainted with the National School Breakfast program.

For more information on the program, contact Kathleen Wayne, program coordinator for Child Nutrition Services, Department of Education & Early Development, at 465-8708.

Q & A's About Proposed Correspondence School Regulations

The State Board of Education & Early Development on November 28, 2001, proposed amendments to 4 AAC 33.420-.490, regulations the board first enacted in 1999. The November amendments further define the requirements for the operation by publicly funded school districts of correspondence programs that enroll students from outside a school district's legally defined geographical boundaries. Currently 10 of Alaska's 53 school districts offer such programs and enroll students from outside their districts.

The major features of the proposal:

- requires the school district's certified teaching staff to be involved in grading student homework and in assigning the student's grades,
- sets out required student participation rates on state-mandated assessments,
- sets out consequences for students failing to participate in state mandated assessments,

--sets out responsibilities of parents and students in regards to participation in state-mandated assessments,

--requires local school boards to be involved in selection of curricular materials, and

--gives school districts guidance on appropriate instructional expenditures for parents.

Q: Why is the state regulating school district correspondence programs?

A: School district correspondence programs that enroll students from outside a school district boundary are a relatively new phenomenon that have relatively few rules placed on them. The state regulates public schools to make certain students get the best education possible and so that all children obtain equitable treatment in public schools.

Q: Are correspondence programs the only non-traditional alternative public school program in Alaska?

A: Correspondence programs are only one type of alternative public school program available in Alaska. Charter schools are another. Other examples of alternatives are Mt. Edgecumbe High School, a boarding school in Sitka, and Alyeska Central School, a statewide correspondence study program operated by the State of Alaska since 1939. The state regulates each program to make sure that students enrolled in the programs receive a high quality education and equitable treatment.

Q: Do these proposed regulations affect all correspondence programs?

A: These proposed regulations affect only correspondence programs operated by Alaska public school districts that enroll students from outside the enrolling school district's boundary.

Q: Does this proposal affect home schools?

A: These proposed regulations do not cover home schools that are exempt from the Compulsory School Attendance Act [AS 14.30.010(12)]. Home schools under AS 14.30.010 are exempt from all the laws and regulations that affect public schools. These home schools do not receive any state education funding.

Q: Does the Department of Education & Early Development have plans to regulate home schools that operate under AS 14.30.010?

A: No. The State does not intend to regulate home schools that do not receive state education funding, that is, those that operate under AS 14.30.010.

Q: Are students enrolled in school district correspondence programs considered home schools?

A: The State considers all students enrolled in a public school district program as public school students. This is so whether the students attend classes in a school district building or whether they study at home.

Q: May students enrolled in correspondence study programs also enroll in other school programs?

A: Yes. A state law (AS 14.03.095) allows children enrolled in private, home and correspondence programs to enroll as part time students in a public school to enroll in one or more courses. These students are considered public school students while taking their public school classes.

Q: Do the proposed regulations apply to part time public school students?

A: The regulations would apply to the students only when they are taking public school courses. They would not apply when they are taking courses from their private, home, or non-public correspondence study program.

Q: Are school districts required to administer state mandated exams to part time public school students?

A: Yes. All public school students, including part-time students, are administered the state-mandated exams (AS14.03.075, 4AAC 06.730 and .738).

Q: Under the proposed regulations, what happens if a correspondence student does not take a state-mandated exam?

A: The student may be excused from taking the exam by the school district for good cause, as determined by the district. However, if the district does not excuse the student, the student will

not be allowed to enroll in that school district's, or any other school district's, correspondence program the following year. The correspondence program is an alternative to the regular public school setting. As an alternative, correspondence programs likely do not meet the needs of every student. If a student cannot demonstrate adequate progress in reading, writing and math on state exams, then perhaps correspondence is not an appropriate alternative for the student. The student may need more attention and supervision that is available in a regular public school, or in a different kind of alternative school setting.

Q: How will parents know when their children are supposed to take a state-mandated assessment?

A: School districts under the proposed regulation will be required to inform parents and students of the dates for student assessments, and the consequences for not taking the exam.

Q: What else will school districts be required to do about assessments under the proposed regulations?

A: The proposed regulation requires school districts to maintain the confidentiality of all test questions on state-mandated exams. This is the same requirement that already has been set for regular school district programs (4 AAC 06.765). To maintain confidentiality, students will need to take state-mandated exams in secure test sites, just like other students. This means correspondence students have to go to a site that has been declared secure by the school district.

Q: How will the state know whether correspondence students are participating in state-mandated exams?

A: Under the proposed regulations, school districts will need to show that the participation rates for students in the prior year's spring administration of state-mandated exams was within 10 percent of the statewide average for all students. If a district's participation rate does not meet that standard, the district risks losing its state approval to operate a correspondence study program that enrolls students outside its boundaries.

Q: Why has the state set such a drastic penalty for non-participation in state exams?

A: Alaska's policy makers have set a goal that all public school students will meet state academic performance standards in reading, writing and math. The progress of students is measured by state exams beginning in the third grade. In addition, students, beginning in 2004, may not receive a high school diploma if they do not pass the Alaska High School Graduation Qualifying Exam. It is important for schools to know whether a student is meeting standards in earlier grades so that students get the help they need early to assure they meet standards, pass the high school exam and earn a diploma.

Q: Are there any other reasons?

A: Publicly funded correspondence programs are alternatives to the regular public school. If a correspondence program cannot demonstrate adequate academic progress of its students in the core skill areas of reading, writing and math on state exams, the effectiveness of the program cannot be judged, nor can the performance of its students.

Q: How will school districts and parents know if students are making adequate academic progress?

A: Each school district needs to develop an assessment plan for its correspondence study program. Both current and proposed regulations require that the plan needs to be of the same quality as the assessment plans for regular district programs.

Q: What is in the assessment plan?

A: The proposed regulation provides further definition for the assessment plan: monitoring of the enrolled student by a certified teacher; a monthly review of student work; documentation of a teacher's review; a record of grades or standards the student has met as determined by a certified teacher and the student's parent; a transcript that denotes the origin of curricular materials for any course other than a district developed course.

The requirement for teacher involvement only applies to the public school correspondence program component of a student's home-school education.

Q: How will the parents of correspondence students be assured of a voice in their children's education?

A: The proposed regulation requires school districts to develop a plan for receiving the advice and involvement of parents in the planning, development and evaluation of the correspondence study program.

Q: What's included in the parent plan?

A: The plan needs to include a signed agreement between the correspondence teacher and the parent of the student. The plan will verify and document that the course of study and curriculum materials are aligned with state academic standards. The plan needs to document the process used to ensure that the curriculum and materials meet state standards. The plan also needs to

show that a certified teacher will review curriculum materials for each student's public school correspondence courses.

Q: How will textbooks and curriculum materials be selected for statewide correspondence study programs?

A: A regulation currently in force requires local school boards to review and select texts and materials, and they need to be of the same quality as materials selected in other school district programs. This requirement does not change with the proposed regulations. As with all parts of these regulations, the requirement applies only to a publicly funded and managed correspondence program. The regulation in force and the proposed changes place no restrictions on private courses and materials or instruction by parents or others that are not part of the public school correspondence program.

Q: Why do local school boards have to get involved in selecting textbooks and materials?

A: Alaska statute [AS 14.14.090(7) and AS 14.08.111(9)] requires all local school boards to be involved in the selection of texts and curriculum materials for all of their school programs. This includes public school correspondence programs.

Q: Can correspondence study students use texts, instructional aids and other materials that parents select?

A: Yes, if the materials are on the school board's approved list, or are approved by the school district through a district-established process.

Under both the current and proposed regulations, districts are required to assure that "curriculum materials are reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs..." This proposed regulation does not change this requirement.

Q: What about materials not on the school board's approved list. May parents use them?

A: They may use them, but not during the hours the correspondence school is in session, nor may parents or public schools use state funds to purchase them. Parents may purchase these materials only with their own funds.

Q: What about religious materials. May parents use them?

A: Yes, parents may use religious materials without restriction when used in a non-public school correspondence program.

If used in a public school correspondence program, such material may be used provided the material is not used to advocate a religious point of view. Examples of allowable uses of religious material include as curriculum materials in literature, comparative religion, philosophy and social studies.

The Alaska Constitution (Article VII, Section I) requires all public schools "be free from sectarian control." Also, a state law (AS14.03.90) prohibits public schools from advocating partisan, sectarian or denominational doctrines during the hours a school is in session. The law also states: "A teacher or school board violating this section may not receive public money."

Because of this, the proposed regulation prohibits correspondence teachers and other staff from providing instruction using religious, partisan, sectarian or denominational curricula even if purchased privately by the student's parent.

Q: May parents buy religious texts and materials with their personal money?

A: Yes. And they can instruct their children with these materials provided that the instruction is not part of the public school correspondence program, and provided that public school teachers are not involved in that instruction.

Q. May a student receive credit for a course or educational program taken outside of the public school correspondence program?

A: As in any district, parents can apply to the local district for review and acceptance of a learning experience or course taken outside of the district. A district may use criteria and a process of its own design to review and evaluate such work and award appropriate credit. The proposed regulation requires that the source of such course or academic work should be indicated on the student's transcript. This is comparable to current practice in districts when a student transfers from another school and the courses accepted for transfer are listed on the transcript with the name of the school or program identified.

Q: Can public school correspondence programs give money to parents to pay for instructional expenses for their child's education?

A: Yes. School districts generate \$3,200 for each out-of-district correspondence student. And,

under current rules, they may allot all or part of that amount for parents. Under the proposed regulation, school districts need to distribute those funds from a fund account.

Q: What rules will apply to funds spent through the fund accounts?

A: The proposed regulations will require that monies from the funds be spent only for the instructional needs of the enrolled child; non-consumable materials purchased are the property of the school district and need to be returned to the school district when the student exits the correspondence program; and religious, partisan, sectarian or denominational materials may not be purchased.

Under the proposed regulations, the correspondence school will need to provide written guidance to parents and students on what constitutes appropriate and allowable fund expenditures. All expenditures from fund accounts will need the approval of a certified teacher.

In addition, the district may not use the funds from the account to supplant funds for students enrolled in the program under an Individualized Educational Plan (IEP).

NOTE: The Department of Education & Early Development is recommending that the state board further amend the proposed regulation to allow approval by the district as well as – or in place of – approval by the certified teacher signing the agreement.

Q: Why doesn't the State require school districts to spend the whole \$3,200 on the correspondence program?

A: This subject is not addressed in the current or proposed regulations. However, the State Board of Education & Early Development is investigating this issue now. The reason the board is interested in this matter is because current state law places no requirement on districts to spend the funds generated by out-of-district students in correspondence programs on the correspondence program. Local boards are required by statute to work for the best interest of the students residing within their district boundaries. While some districts may create parent councils for correspondence programs, there is no statutory requirement for such oversight.

Further, parents of out-of-district students may have little or no influence over how state money is spent on their child's program, since parents who reside outside a school district boundaries cannot vote for the school board that sets policies for the correspondence school in which their children are enrolled. The state board may ask the Legislature to become involved in this issue. The state board may ask the Legislature to require districts to spend the funds generated by the statewide correspondence program on the correspondence program in which the child is

enrolled.

Q: Does the state have any other responsibility for assuring the quality of public school district correspondence programs?

A: The Department of Education & Early Development under the proposed regulation will have the authority to monitor school districts to make sure they are meeting the provisions of the proposed regulation on correspondence programs that enroll out-of-district students.

Q: Can members of the public comment on the proposed regulation?

A: Yes. Any person may offer comments to the State Board of Education & Early Development.

Q: How can the public comment?

A: You can submit formal comments one of three ways.

1. You may make oral comments at the next meeting of the state board on April 4 from 8:30 to 9:30 a.m. in Juneau, State Board Room, Goldbelt Building, 801 W. Tenth St., Juneau. Or you can participate by going to your Legislative Information Office.

2. You may submit written comments no later than 4:30 p.m., on March 4, 2002. Send them to Department of Education & Early Development, Regulations Review, 801 W. Tenth St., Juneau, AK 99801-1894.

3. You may also make comments on the web no later than 4:30 p.m., March 4, 2002. You can find the online form at www.eed.state.ak.us/regs. You can also find the proposed regulation at the same online address.

If you need further assistance on making your comments, contact Sheila Box (907) 465-2801, or e-mail Sheila_Box@eed.state.ak.us.

**Explanation of Proposed Regulations of Correspondence Study Programs
4 AAC 33.421 - 4 AAC 33.490**

1) DEED's Viewpoint:

- a) Additional language clarifies existing regulation's intent.
- b) DEED does not want to be proscriptive.
- c) It is ultimately the school districts' responsibility, under the department's oversight, to make sure all their students receive an adequate education. It is DEED's responsibility to make sure public money is spent appropriately.

2) 4 AAC 33.420 Requirements: (Department Approval)

- a) A district must file an annual application to provide a statewide correspondence study program and have that application approved by the department to operate a correspondence program
- b) The department will approve the application if it demonstrates compliance with 4 AAC 33.421.

3) 4 AAC 33.421 Requirements: (Statewide Correspondence Study Program Requirements)

- a) The correspondence program must meet all requirements to be approved
- b) The program must conform with state performance standards
- c) Materials used by the program must be reviewed and approved by the school board and they must be same quality as those offered to other district students. Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A school or district violating this section may not receive public money. School boards shall use educationally sound, unbiased texts and other instructional materials as they become available. Nothing in this section prohibits use of literary works.
- d) Program staff and teachers shall not provide instruction using religious, partisan, sectarian or denominational curricula purchased privately by the parent/guardian/student if it teachers particular religious beliefs as true. (DEED's intent is that this section only applies to those credits necessary to maintain full time student status (that is the core four classes) and only applies to publicly funded curricula.)
- e) Correspondence program must contain an assessment plan of the same quality as other district programs **and must include monthly review of student's work by certified teacher, grades or standards met, determined and assigned by a certified teacher with review and consideration by parents, with transcript noting source of curriculum for any course not developed by a district.** (DEED's intent is that the certified teacher will check to ensure the student's course of study and academic progress are objectively comparable with those of other students with the same grades. DEED believes it is a district's responsibility to ensure that a correspondence program student's grade is objectively comparable to a non-correspondence student's grade and achievement.)
- f) Districts must require students to participate in all statewide assessments (Benchmark tests, Norm referenced tests, and High School Graduation Qualifying Exam), inform parents of requirements and consequences of non-compliance, and provide testing facility and provide DEED with participation rates.
- g) The program must provide for receiving parents' advice and involvement in all phases of program **and include signed agreement between certified teacher and parents that the curriculum materials are aligned to the standards and how they are aligned.**
- h) **The program may provide a fund account to parents to pay for only instructional expenses. Materials bought with state funding are the program's property; non-workbook materials must be returned if student leaves program; public funds can't pay for religious, partisan, sectarian or denominational materials. The program must provide written guidance on what allowable expenditures are. All expenditures must be approved by the certified teacher (this approval may be done by the district.) The fund account may not replace district funds or obligations for Individualized Education Plan (IEP).**

4) 4 AAC 33.430 Requirements: (Enrollment of Out-of-District Students)

- a) **Districts must provide DEED with a list of enrolled students and the percentage of time they are enrolled either prior to enrolling the student or by the date required for the Fall or Spring Student Count required by statute.**
- b) Repealed in 2000
- c) Alyeska Central School will be considered to be an enrolling district.
- d) **Deletes requirement that districts and correspondence programs enter into cooperative agreements for all students.**
- e) **Deletes requirement that districts and correspondence programs enter into cooperative agreements for all special education students.**
- f) Repealed in 2000
- g) Repealed in 2000
- h) A student may not be counted for state funding as more than one student when enrolled in both a school district and a correspondence student. The district will count first based on student's enrollment. The remaining portion may be allocated to the correspondence program based on class enrollment.

5) 4 AAC 33.432 Requirements: (Enrollment of Special Education Students)

- a) **The correspondence program must enter into an individualized cooperative agreement with the residence district if the special education student is enrolling at less than 100% time. The cooperative agreement will outline how the special education services will be provided and how they will be financed.**
- b) The correspondence program will ensure that all special education students are identified and located in order to establish their need for special services that all of the "Education for Exceptional Children" regulations (4 AAC 52) are met. **Correspondence programs will ensure that the requirements of 4 AAC 33.442(c)(5) are met for special education students when an individualized cooperative agreement is not required under 4 AAC 33.432(a).**
- c) When a cooperative agreement is required, it must include the name, address and social security number of the student, the entity providing special services, if applicable; the plan for receipt and payment of funds; the plan of services to be provided including the names of the IEP team(s) and how the teacher(s) will participate; and provision for confidentiality of the student.
- d) Repealed in 2000
- e) Repealed in 2000
- f) Alyeska Central School may be a correspondence school
- g) **Correspondence programs providing all or part of a special ed student's services may provide them before an individualized cooperative agreement is finalized.**

6) 4 AAC 33.440 Requirements: (Reporting Requirements: Correspondence and Part-time Students)

- a) Each correspondence study district shall send a student count report to the department that contains the number of out of district students enrolled, the name, address, phone number and social security number of each part-time student and the percentage of full-time equivalency for those students.
- b) Districts of residents shall send a student count report to the department containing the above information plus the name of correspondence schools with which the district has a cooperative agreement and the amount of money received as reimbursement or payment from each correspondence district.
- c) The reports will be sent in electronic format or other format as required by the department. The department will ensure that no student is counted as more than one full-time equivalent.

- 7) **4 AAC.33.450 Requirements: (Failure to participate in state mandated assessment tests)**
- a) If a student fails to participate in a state assessment, the student will be ineligible to enroll in any statewide correspondence program for the following year unless the correspondence program has excused the student from the assessment.
- 8) **4 AAC 33.460 Requirements: (Program Review)**
- a) The department will monitor correspondence programs to ensure compliance with the requirements of this chapter and with assurances given in applications.
- b) Upon request by the department, the district shall provide a list of all students enrolled in the correspondence program including the name, age, entry date, exit date, category of disability and the type of special education services provided, if appropriate. The district will also provide a list of all administrators, teachers, aides and special education services personnel with their teacher certificate numbers where appropriate and any other information requested.
- 9) 4 AAC 33.490: Definitions

SUGGESTED AMMENDMENT to HB 464:

3

Delete: (3)

Add: (3) must provide that the school district conducting the correspondence program has the duty and authority to establish procedures for the purchase of correspondence curriculum materials, and to establish procedures for approving or disapproving individual education plans and home designed courses.

①

adopted HES 3/14

SUGGESTED AMMENDMENT to HB 464:

Title change to:

"An act relating to statewide school district correspondence study programs."

SUGGESTED AMMENDMENT to HB 464:

(2) adopted HES
3/14

Delete (b)

Add:

(b) In this section, "statewide school district correspondence study programs" do not apply to charter schools, Alyeska Central School, or to school district correspondence study programs that enroll only students within its district of residence.

22-LS1494\O

Ford

3/4/02

CS FOR HOUSE BILL NO. 464(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to statewide school district correspondence study and state supported**
2 **home schooling programs."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 14.07 is amended by adding a new section to read:**

5 **Sec. 14.07.175. Powers relating to statewide school district**
6 **correspondence study. (a) The board may adopt regulations regarding statewide**
7 **school district correspondence study programs. A regulation applicable to a statewide**
8 **school district correspondence study program**

9 **(1) may not require that the correspondence study program be**
10 **approved by the department more than once every 10 years; this paragraph does not**
11 **apply to a statewide school district correspondence study program if the statewide**
12 **school district correspondence study program is designated as deficient or in crisis**
13 **under AS 14.03.123(a);**

14 **(2) must provide that an enrolled student shall be monitored at periodic**

1 intervals as established by the school district; and

2 (3) must provide that the school district conducting the correspondence
3 program has the duty and authority to approve or disapprove correspondence
4 curriculum materials.

5 (b) In this section, "statewide school district correspondence study program"
6 includes a state supported home-schooling program.



GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741
PHONE (907) 656-1205

SUPERINTENDENT'S
OFFICE

February 22, 2002

Ed McLain, PhD
Deputy Commissioner of Education
801 W 10th Ste 200
Juneau, AK 99801-1894

Dear Dr. McLain:

I want to thank you for the opportunity to meet with you on February 21, 2002. The discussion that we had concerning the proposed state board regulations governing the operation of correspondence and state supported home school programs was informational.

John Billings, Galena School Board President, Tom Johnson, Galena School Trustee, Jim Smith, Assistant Superintendent, and Carl Knudsen, Superintendent also want to convey their gratitude for their attendance and participation in the meeting.

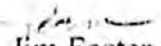
We felt that there was certainly common ground between you and the Galena City School as we discussed our home school program (Interior Distance Education of Alaska).

Attached is a copy of our official positions as they relate to the current proposed regulations. We remain willing to discuss our positions with you at any time you request.

Further, we are requesting an opportunity to present to the State Board a comprehensive overview of our home schooling program prior to the board's final decision concerning the proposed regulations. We are inviting all board members, the commissioner, and any of your staff members to visit any of our field offices and our two programs in Galena: Project Education Residential School and the Galena City School.

Again, thank you for meeting with us and the opportunity to present to you the attached document.

Sincerely,


Jim Foster
Assistant Superintendent

IDEA

Galena City School District ~ Interior Distance Education of Alaska

With Field Offices in Anchorage (562-4332), Fairbanks (374-2200),
Wasilla (357-4850), Kenai (260-7555), and Juneau (789-6106)

PROPOSED	SUGGESTED
4 AAC 33.420(a) A district that proposes to enroll out-of-district students in a state-wide correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program. (b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421.	4 AAC 33.420(a) A district that proposes to enroll out-of-district students in a state-wide correspondence study program, including a correspondence study program operated by a charter school, must file an initial application and receive written approval from the department to operate a statewide correspondence study program. (b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. (c) Once the initial application is approved, the district's program will be reviewed every ten years.
4 AAC 33.421(a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.	4 AAC 33.421(a) A statewide correspondence study program offered by a district must meet the requirements of this section before its initial application will be approved by the department.
4 AAC 33.421(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC	4 AAC 33.421(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC

Rep James' bill



04.010 – 4 AAC 04.200	04.010 – 4 AAC 04.200
4 AAC 33.421(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060. <i>no religious materials</i> <i>no discriminatory materials</i>	4 AAC 33.421(c) The district school board must establish procedures for the review and selection of all textbooks and instructional materials that are used within the statewide correspondence program to meet the standards. These materials must be of the same quality as those materials that the district offers in the district's other programs, and are in compliance with state law.
4 AAC 33.421(d) <i>The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.</i>	Delete this section because this is already covered in law. <i>State statute says, "Partisan, sectarian or denominational doctrines may not be advocated in a public school during the hours school is in session. A teacher or school board violating this section may not receive public money."</i> <i>(AS 14.03.090)</i>
4 AAC 33.421(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include: <i>(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the</i>	4 AAC 33.421(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; this assessment plan will include: (1) assistance and approval by the districts certified contact teacher in the development of an Individual

<i>certified teacher's review;</i> <i>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;</i> <i>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</i>	Learner Plan for each student. (2) monthly contact by the districts certified contact teacher reviewing the parent/ student progress with the Individual Learner Plan. The district certified contact teacher will maintain a record of the contact. (3) the district certified contact teacher will review all grades submitted by the parent for all courses delineated in the student's Individual Learner Plan. (4) the district certified contact teacher will review the required student progress reports submitted by the parent. (5) a transcript that denotes curricula material origin for any course other than a district developed course.
4 AAC 33.421(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; <i>the program must</i> <i>(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and</i> <i>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer</i>	4 AAC 33.421(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790 Delete (1) <i>Deletes parental notification of testing requirements & consequences for not testing.</i> Delete (2)

"contact" is an awfully loose concept.

"review" all grades - district approval of easy "A"

<i>all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</i> <i>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</i>	Delete (3) <i>Deletes documentation of participation & basis for student consequences.</i>
4 AAC 33.421(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; <i>the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement (1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</i> <i>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with</i>	4 AAC 33.421(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program the district certified contact teacher and the parent, or parents, of each student; the agreement must include the planned course of study and a plan for evaluating student progress, as agreed upon by the parent and the district certified contact teacher.

typo?

Deletes requirement for program to be aligned w/ standards & non-denominational.

Deletes proof curr. materials are aligned.

<i>AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</i>	<i>Deleted.</i>
<i>4 AAC 33.421(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</i> <i>(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs <u>only</u>;</i> <i>(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</i> <i>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</i> <i>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</i> <i>(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and</i> <i>(6) the fund account may not be used</i>	4 AAC 33.421(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account: (1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs; as referenced on the learning plan agreed upon by the parent and the district certified contact teacher. (2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason; (3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; (4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts; (5) each district must develop a process by which approval for expenditures from the fund account is given

Developing a process doesn't mean approving expenditures.



<i>either by the district or the parent to supplant district funds or obligations for IEP services.</i>	(6) Drop; already law. I'm not sure where to verify that it's law.
4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) <i>If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment.</i>	Delete this section or treat correspondence or state supported home school students the same as you do all other public school students attending traditional schools. This is really nonsense, considering they advocate little or no oversight or accountability.



GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741
PHONE (907) 656-1205

SUPERINTENDENT
OFFICE

February 22, 2002

Ed McLain, PhD
Deputy Commissioner of Education
801 W 10th Ste 200
Juneau, AK 99801-1894

Dear Dr. McLain:

I want to thank you for the opportunity to meet with you on February 21, 2002. The discussion that we had concerning the proposed state board regulations governing the operation of correspondence and state supported home school programs was informational.

John Billings, Galena School Board President, Tom Johnson, Galena School Trustee, Jim Smith, Assistant Superintendent, and Carl Knudsen, Superintendent also want to convey their gratitude for their attendance and participation in the meeting.

We felt that there was certainly common ground between you and the Galena City School as we discussed our home school program (Interior Distance Education of Alaska).

Attached is a copy of our official positions as they relate to the current proposed regulations. We remain willing to discuss our positions with you at any time you request.

Further, we are requesting an opportunity to present to the State Board a comprehensive overview of our home schooling program prior to the board's final decision concerning the proposed regulations. We are inviting all board members, the commissioner, and any of your staff members to visit any of our field offices and our two programs in Galena: Project Education Residential School and the Galena City School.

Again, thank you for meeting with us and the opportunity to present to you the attached document.

Sincerely,

Jim Foster
Assistant Superintendent

IDEA

Galena City School District ~ Interior Distance Education of Alaska

With Field Offices in Anchorage (562-4332), Fairbanks (374-2200),
Wasilla (357-4850), Kenai (260-7555), and Juneau (789-6106)

PROPOSED	SUGGESTED
4 AAC 33.420(a) A district that proposes to enroll out-of-district students in a state-wide correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program. (b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421.	4 AAC 33.420(a) A district that proposes to enroll out-of-district students in a state-wide correspondence study program, including a correspondence study program operated by a charter school, must file an initial application and receive written approval from the department to operate a statewide correspondence study program. (b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. (c) Once the initial application is approved, the district's program will be reviewed every ten years.
4 AAC 33.421(a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.	4 AAC 33.421(a) A statewide correspondence study program offered by a district must meet the requirements of this section before its initial application will be approved by the department.
4 AAC 33.421(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC	4 AAC 33.421(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC

04.010 – 4 AAC 04.200	04.010 – 4 AAC 04.200
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<i>certified teacher's review;</i> <i>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;</i> <i>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</i>	Learner Plan for each student. (2) monthly contact by the districts certified contact teacher reviewing the parent/ student progress with the Individual Learner Plan. The district certified contact teacher will maintain a record of the contact. (3) the district certified contact teacher will review all grades submitted by the parent for all courses delineated in the student's Individual Learner Plan. (4) the district certified contact teacher will review the required student progress reports submitted by the parent. (5) a transcript that denotes curricula material origin for any course other than a district developed course.
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<i>all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</i> <i>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</i>	Delete (3)
4 AAC 33.421(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; <i>the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement (1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</i> <i>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with</i>	4 AAC 33.421(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program the district certified contact teacher and the parent, or parents, of each student; the agreement must include the planned course of study and a plan for evaluating student progress, as agreed upon by the parent and the district certified contact teacher.

<i>AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</i>	
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<i>either by the district or the parent to supplant district funds or obligations for IEP services.</i>	(6) Drop; already law.
4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. <i>(a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment.</i>	Delete this section or treat correspondence or state supported home school students the same as you do all other public school students attending traditional schools.

March 1, 2002

To Whom It May Concern,

I am a homeschooling parent in a statewide correspondence program, writing to you with grave concerns about the Department of Education & Early Development's proposed regulations affecting homeschooling in Alaska. *Please do not approve the regulations as written*, which would greatly restrict my ability to responsibly educate my children.

My children are currently enrolled in the I.D.E.A. Program. I have a number of valid reasons to homeschool, the most important being safety. We reside in Willow, Alaska which has no middle (or high) school nearby. I am aware that there are schools available for my children to attend but we do not wish to place them on a bus, under the care of a total stranger, traveling nearly 30 miles (one way) on the ice & snow covered, construction-riddled, roads in the cold, dark Alaskan Winter to attend school. We have considered other alternatives as well; I've spent 4 years driving my children to a private Christian school in Wasilla. In that time we became weary of the drive; not to mention the hours commuting that could have been spent more productively. Programs like I.D.E.A., provide an opportunity for families such as ours, to educate our children with a quality (Christian-based is our preference) education without the hazardous commute.

I.D.E.A. is very important to our family! The proposed regulation changes will seriously restrict or eliminate our families enrollment with I.D.E.A. Without IDEA we will be left with two choices, 1.) up-root our family and move to Anchorage or Wasilla to place my children in school, either Public or (most-likely) Christian, 2.) commute from Willow to Wasilla or Anchorage, daily, as I have in the past to ensure the safe transport of my children where valuable time will be lost in the commute.

Although I personally disagree with the majority of the proposed regulations, I will keep my comments to the topics which are of most concern to us. Which are the regulations that change the way state-programs like I.D.E.A. operate.

The proposed changes to reg. 4 AAC 33.421(d), 4 AAC 33.421(e)(1), 4AAC 33.421(g)(2) and 4AAC 33.421 (e), places restrictions on the use of curricular materials *privately purchased*. Meaning that we parents will no longer be able to educate our children with privately purchased, Christian-based material. Furthermore, I do not understand how DEED, believes it has the right to mandate what we spend our own, personal money on. Is it necessary to repeat 4 times in the proposed regulations that religious, partisan, sectarian, or denominational materials may not be purchased....? The point was made in it's first appearance in the regulations. Why flog a dead horse?

I believe this going way beyond what is necessary. The proposed changes reflect a state law that already exists; where by public-funded schools cannot purchase doctrinal material, which is fine. However, I see no educational advantage in barring Christian

curricular materials and resources from these programs or further mandating that the contact teacher shall not discuss or review the curriculum simply because it is faith-based! What is there to gain by making these changes to the law? These students have to reach a state standard to in order to do well on state tests. Why is it even an issue what curricula, when privately purchased, is used to meet these standards?

4 AAC 33.421(h)(5) requires contact teacher approval for all expenditures. Again this has been covered in another law that already exists. This is cumbersome and unnecessary if the proper guidelines (already in place) are followed. The contact teachers already have a massive workload. If DEED continues to add to their duties, the quality of teacher-student relationship will decline. Or more teachers will need to be hired. And where would that funding come from? I suspect, the students allotment would decline as a result.

4 ACC 33.421(a) requires "state-wide" correspondence programs to submit an application each year. "Districts" don't have to apply, and "charter schools" apply every 10 years. Why not trust the "state-wide" programs and have them apply equal to their counterparts?

4 ACC 33.421(f)(1) again applies to only "state-wide" correspondence programs like I.D.E.A. Restated, it says that teachers must inform parents of state-testing, the requirements and consequences of non-compliance. Which is fine, but I am concerned that the proposed regulation does not clearly define what is an "excused" absence. I feel that is important and should be specified and clearly stated.

I commend DEED on their effort and understand that the proposed regulations are being made to clarify already-existing regulations. However, instead of feeling more informed, I am actually left with more questions. I urge you *not to approve these regulations as written.*

Thank You in advance for consideration and for your efforts on behalf of our children. I am confident that a more appropriate re-write of the regulations can be accomplished with more thought and input from homeschoolers and successful programs like I.D.E.A.

Sincerely,
Kelly R. Larson

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Lot 7 Florence Lake
Willow, Alaska 99688

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ALASKA STATE LEGISLATURE

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Sen. Robin Taylor, Vice-Chair
Sen. Lyda Green
Sen. Georgianna Lincoln
Rep. Jeannette James
Rep. Joe Hayes



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Administrative Regulation Review Committee

Memo

TO: Rep. McGuire

FM: Jim Pound 

Date: February 8, 2002

RE: 04 AAC 33. Special Schools

There are several concerns that you have asked me to look into regarding the proposed regulations governing special/correspondence schools.

These regulations clearly overstep the bounds of authority of the central board. They are designed to micro-manage new programs and do not provide a grandfather clause. Additionally, they broadly interpret the Establishment Clause.

4 AAC 33.420 requires a district wishing to create a correspondence study program to first apply and receive written approval from the Department. This is in conflict with AS 14.07.20 **General Duties of the Department (1) exercise general supervision over the public schools of the state. And (3) provide advisory and consultative services to all public school governing bodies.**

The religious controversy comes up in 04 AAC 33.421- It too oversteps the bounds in paragraph (c) specifying curriculum materials that comply with AS 14.30.90.

The parent must now sign an agreement that allows the Department to dictate what the parent will or will not teach.

AS 14.03.90 Partisan, sectarian, or denominational doctrines prohibited.

Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money.

This statute is more than likely not a legal. In researching court decisions there are at least two U.S. Supreme Court decisions, Board of Education v. Allen, 392 U.S. 236 (1968) and Witters v. Wash. Dept. of Services For the Blind, 474 U.S. 481 (1986). Both of these cases refer to religion and the use of state funds. The first is a New York case in which state statute required the state to provide free books for students to use in grades 7-12. That statute applied to parochial schools as well as public ones. The court ruled that those funds did not violate the Establishment Clause because the books were used for the betterment of the student and that the books purchased were ultimately property of the state. The proposed regs. **Paragraph (h)(2)** requires that material be returned to the state after usage. Therefore BOE v. Allen applies. The ruling also puts into question **Paragraph (h)(3)** where the state refuses to pay for religious material.

In the second case Witters v. Wash., A blind individual was denied vocational rehab funds because he wished to attend a Christian College. The court ruled that because the money was given directly to Witters who in turn handed it to the college that again the Establishment Clause had not been violated. Paragraph (h) appears to violate this ruling because **...program may provide a fund account to parents for the purpose of meeting instructional expenses....**

Further in this area, curriculum, which falls into two areas: The End Result i.e. Graduation and How you get there.

Current Reg. and Statute

4 AAC 04.020. SKILLS FOR GRADUATING STUDENTS

A goal of the state public school system is to graduate students who will

(1) communicate effectively; (2) think logically and critically; (3) discover and nurture their own creative talents; (4) master essential vocational and technological skills; (5) be responsible citizens; (6) be committed to their own health and fitness; and (7) accept personal responsibility for sustaining themselves economically.

A goal of the state public school system is to provide a working knowledge of

(1) English; (2) mathematics; (3) science; (4) geography; (5) history; (6) skills for a healthy life; (7) government and citizenship; (8) fine arts; (9) technology; and (10) world languages.

4 AAC 05.080. SCHOOL CURRICULUM AND PERSONNEL

(a) The curriculum of a local school may be supplemented through the use of correspondence course materials approved by the commissioner. This use is not grounds for shortening the day in session, as prescribed by AS 14.03.040 , for any student.

(b) The governing body of a district shall comply with the statutes and regulations of the state in providing the educational program described in the plan developed under 4 AAC 05.070(a) .

The Proposal has left curriculum somewhat open, however there is language that through the purse strings places strict requirements on the local departments.

Under the enrollment requirements the regulations appear to violate the Departments statutes.

Current

AS 14.17.430. State funding for correspondence study.

Except as provided in AS 14.17.400 (b), funding for the state centralized correspondence study program or a district correspondence program, including a district that offers a statewide correspondence study program, includes an allocation from the public school account in an amount calculated by multiplying the ADM of the correspondence program by 80 percent.

Proposed

04 AAC 33.430 (h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide.

Another point that could be of concern is the requirement that each District provide a social security number for Students.

There is also another requirement on the books regarding education regulations.

AS 14.07.020 (6) accredit those public schools that meet accreditation standards prescribed by regulation by the department; these regulations shall be adopted by the department and presented to the legislature during the first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house;

CHAPTER 33 SPECIAL SCHOOLS.

4 AAC 33.420 is amended to read:

4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.

(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. [MEETS THE FOLLOWING CRITERIA:

(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL

ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND
EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING]
THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND
ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff.

5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

4 AAC 33 is amended by adding a new section to read

4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM

REQUIREMENTS. (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.

(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;

(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .

(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:

(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the certified teacher's review;

(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;

(3) a transcript that denotes curricula material origin for any course other than a district developed course.

(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must

(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;

(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the

selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;

(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs only;

(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;

(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;

(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and

(6) the fund account may not be used either by the district or the parent to supplant

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district funds or obligations for IEP services.(Eff. ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.050
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.03.090	AS 14.08.111
	AS 14.14.090		

4 AAC 33.430 is amended to read:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.

(b) Repealed 6/15/2000.

(c) For the purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

This section does not apply to students who enroll in Alyeska Summer School Program.

(d) **Repealed** / / . [COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:

(1) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL

SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE
STATEWIDE CORRESPONDENCE STUDY PROGRAM;

(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING
ALLOCATION.]

(e) **Repealed** / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER
INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-
DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.]

(f) Repealed 6/15/2000.

(g) Repealed 6/15/2000.

(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state
funding purposes. If a student is enrolled in both the student's district of residence and in a
statewide correspondence program of another district, the district of residence shall count the
student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's
enrollment in classes of the district of residence. Any remaining student count may be allocated
to the enrolling district based on the student's enrollment in classes of the statewide
correspondence study program. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am
___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.08.101	AS 14.14.110	AS 14.17.430
	AS 14.30.010		

4 AAC 33.432 is amended and new paragraphs are added, and a new subsection is added to read:

4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS. (a) **For a**

[A]district **that** [MAY] enrolls an out-of-district student who is entitled to special education and related services under 4 AAC 52.090 in the district's statewide correspondence study program, **an individualized cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent-count;** if the district enrolls **a** [EACH] special education student through an individualized cooperative agreement with the district of residence, [.] **the** [THE] cooperative agreement must provide that the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.

(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and located for the purpose of establishing their need for special education and related services **and that all provisions of 4 AAC 52 are met.** **For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the**

requirements of 4 AAC 33.432(c)(5) are met.

(c) **When an** [AN] individualized cooperative agreement for **a** [EACH] special education student **is required by (a) of this section, the agreement** must include, at a minimum, the following information:

(1) the name, address, telephone number, and social security number of the student;

(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;

(3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;

(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;

(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

(d) Repealed 6/15/2000.

(e) Repealed 6/15/2000.

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(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized. (Eff. 5/1/99, Register 150;

am 6/15/2000, Register 154; am ___/___/___, Register ___)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.08.101	AS 14.14.110	AS 14.17.430
	AS 14.30.010	AS 14.30.186	

4 AAC 33.440 is amended to read

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-

TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :

(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;

(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.

(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600 :

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(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;

(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];

(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.

(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. (Eff. 5/1/99, Register 150)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.30.010	<u>AS 14.07.170</u>	

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment. (Eff. __/__/__, Register __)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.17.430		

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.

(b) Upon request by the department, the district shall provide

(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;

(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and

(3) any other information required by the department. (Eff. __/__/__, Register __)

Authority:	AS 14.07.020	AS 14.07.030	AS 14.07.060
	AS 14.07.170	AS 14.17.430	

4 AAC 33.490 is amended to read

4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,

(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;

(2) "board" means the state Board of Education;

(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR]

4 AAC 33.432;

(4) "department" means the Department of Education and Early Development;

(5) "district" means a city or borough school district or a regional educational attendance area;

(6) "district of residence" means the school district in which a student is a resident;

(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 – AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;

(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;

(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;

(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 – 4 AAC 52.990;

(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling program, that provides

(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;

(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under

Register _____, _____ 2002 EDUCATION AND EARLY DEV.

AS 14.20.020 and each full-time equivalent elementary student. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)

Authority:	AS 14.03.040	AS 14.07.020	AS 14.07.030
	AS 14.07.060	AS 14.14.110	AS 14.17.430
	AS 14.20.010	AS 14.30.010	AS 14.30.186

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.



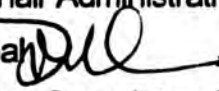
CyberLynx Correspondence Program

Nenana CyberLynx Correspondence School
P.O. Box 599
Nenana, Alaska 99760
Telephone: 907.832.1070 Fax: 907.832.5468

"Providing Professional Educational Support for Home School Parents"

RECEIVED
JAN 11 2002

Ans'd.....

To: Senator Robin Taylor, Chair Administrative Regulation Review Committee
From: Thomas Klever, Principal 
cc: Dr. Ken Eggleston, Acting Superintendent
Date: December 27, 2001
Re: Proposed Regulation Changes Statewide Correspondence Programs

I send this information to you for your information. The Alaska Department of Education is requiring our program to submit to an application with requirements tied to regulatory changes that have yet to be approved and/or adopted?

The State Board of Education proposes to adopt regulation changes in the Alaska Administrative Code that will directly impact statewide correspondence programs in a profound fashion. It appears that the Alaska Department of Education has decided to circumvent the regulatory process and by doing so has placed unapproved language into the SY2003 Statewide Correspondence School Application. The department circulated their statewide application on December 4, 2001 with a due date of January 31, 2002. The proposed regulations were presented at the regular session of the State Board of Education on November 27. This opened a period public comment that will end on March 28, 2002. The Department of Education assumes that their regulatory changes will be approved as they are presently written. I feel that what they have done mocks what seems to me to be a very good process. Please let me know who or where I can go to get this dilemma worked out.

Thank you so much for your attention to this concern.

Attachments

Notice to Districts Application
Deadline

Application 1/3

STATE OF ALASKA

Department of Education & Early Development

TONY KNOWLES, GOVERNOR

Goldbelt Place
801 West 10th Street, Suite 200
Juneau, Alaska 99801-1894
(907) 465-8727
(907) 465-6780 Fax
Barbara_Thompson@eed.state.ak.us



Teaching & Learning Support

To: Superintendents

From: Barbara Thompson, Deputy Director *Bat*

Date: December 4, 2001

Subject: FY2003 Statewide Correspondence Program Application

RECEIVED
Nonana

DEC 11 2001

CyberLynx Office



School districts intending to operate a correspondence program to students outside their district boundaries in school year 2002-2003 must submit an application to the Alaska Department of Education & Early Development by January 31, 2002 that includes the information below in items 1-14.

Applications will not be accepted after the January 31, 2002 due date.

1. School district and statewide correspondence program names.
2. The expected enrollment, the number of certified staff and FTE, the number of support staff and FTE.
3. Evidence documenting that the program conforms with statewide goals and performance standards, as set out in 4 AAC 04.010-200.
4. Evidence documenting that the program is using, or will use, curriculum materials, including textbooks and other instructional aids that: a) have been reviewed and selected by the district school board; b) are of the same quality offered by the district in its other programs; and c) are in compliance with AS 14.18.060 and AS 14.03.090. Documentation that clearly explains how the curricula review occurred, which curricula are used in district programs and how the program is in compliance with AS 14.18.060 and AS 14.03.090 must be submitted.
5. Evidence documenting that the statewide correspondence program staff, including certified teachers, have not or shall not provide instruction using religious, partisan, sectarian, or denominational curricula and materials purchased privately by the parent, guardian of the students, or by the student if the curricula or materials teach particular religious beliefs, or a particular religion, as true. The process that is in place for guaranteeing this provision must be submitted.
6. Evidence documenting that the program includes an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs is in place to ensure the academic progress of enrolled students. Documentation submitted must address a) monitoring of the enrolled student by a certified teacher, including at least monthly review of the student's work and documentation of the



certified teacher's review; (b) grades that are determined and assigned by a certified teacher after review and consideration of any recommendations submitted by the student and parents; and (c) a report card that denotes curricula material origin for any course other than a district developed course.

7. Evidence documenting that the district requires all enrolled correspondence students participate in state required assessments. Documentation with regard to this item must (a) show how program staff inform parents of the state testing requirements and the consequences of non-compliance; (b) demonstrate how a secure testing facility is provided, in compliance with 4 AAC 06.765, to administer all state required assessments – or how the district has entered into agreements with local school districts and site-based schools to allow statewide correspondence program students to participate in state required testing; and (3) that the program will have data available documenting participation rates of statewide correspondence students in state required assessments.
8. Evidence documenting that a certified teacher or staff member, trained in test security, will administer the High school Graduation Qualifying Examination.
9. Evidence documenting that the district intends to apply the same state achievement measures to correspondence students as the district applies to students enrolled in other district programs.
10. A copy of the plan for receiving parental advice and involvement in planning, development and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers and administrators. The plan must also include a process for securing a signed agreement between the statewide correspondence study certified teacher and the parent, or parents, of each student. The agreement (a) must verify that curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090 and appropriate for the student; and (b) document the process used to ensure curriculum materials are aligned to state standards and comply with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.
11. A copy of the program's policies and procedures if the program provides a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program. Areas that must be address in the fund account policies and procedures include (a) ensuring that expenditures from the fund account is used only for the student's instructional needs; (b) materials purchased with state funding are property of the program and that non consumable materials must be returned to the program when the student exits the program for any reason; (c) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; (d) written guidance on what constitutes appropriate and allowable expenditures of the fund account; (e) a process detailing how all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and (f) that the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.
12. A copy of the plan, specific to the statewide correspondence program, to identify and locate all children with disabilities for the purpose of establishing needs for special education and related services (Child Find).
13. For each special education student enrolled in the correspondence program, a plan of service must be provided to the student. The program must provide evidence

documenting how these student plans will be created and implemented and include (a) the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140; (b) a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; and (c) identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

- ✓ 14. List the steps the correspondence program will take to ensure that a signed cooperative agreement with the student's district of residence is in place prior to enrolling a student who is eligible for special education and/or related services. An individual cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent count. Students for whom the statewide correspondence program will provide a portion or all of the special education and related services to the student may provide the services to the student prior to the individualized cooperative agreement being finalized.

The department will review district applications to:

1. Ensure that the applications are in compliance with state statute and regulation.
2. Issue written approval or disapproval by March 31, 2002, for the operation of statewide correspondence study programs, if any and all negotiations are completed in a timely fashion, based on the district's responsiveness to submitting additional information.

Please submit the application, due on January 31, 2002, to:

Barbara Thompson, Deputy Director
Department of Education & Early Development
Division of Teaching and Learning Support
801 West Tenth Street, Suite 200
Juneau, Alaska 99801

If you have any questions, please call me at (907) 465-8727 or contact me at Barbara_Thompson@eed.state.ak.us.

Ms. Susanne D Badilla
Juneau AK,

SUBJECT: EDUCATION

MESSAGE: R.E. Proposed changes by the Department of Education to the regulations governing the statewide correspondence programs. I am a homeschooling parent with the IDEA program. The program (as is) is proving to be a good educational choice for many families. Please support a rewrite with more input from the correspondence programs and the homeschool families.

Mrs. Lori J Stenberg
Douglas, AK

SUBJECT: EDUCATION

MESSAGE: Dear Legislators I am concerned about proposed regulation changes by the Board of Education regarding Statewide Correspondence Programs. We appreciate the support and guidance of the IDEA program. Success is validated by test scores seen on the DOE's website. The new regs over-regulate and restrict freedom for private religious curriculum. Help.

Mrs. Betty M Phillips
Fairbanks AK

SUBJECT: EDUCATION

MESSAGE: Reg. 4 AAC 33.420-.490 Statewide Correspondence Programs are burdensome and unnecessary. We already abide by law take state tests submit learning plans and progress reports. Our results are also outstanding.

Mrs. Shirley M Johnsrud
Soldotna AK,

SUBJECT: EDUCATION

MESSAGE: Dear Legislatures; My comments address the regulations proposed for correspondence programs. After 30 years teaching and counseling the best teacher our children can have is the parent. Homeschoolers win State contests and have strong family values. Compare the cost of one homeschooler to one student flying to play one ball game. Thank you.

Mrs. Helen F Buckwalter
Homer AK,

SUBJECT: EDUCATION

MESSAGE: I am very concerned about the newest proposals from the DEED that regulate statewide correspondence programs in Alaska. IDEA is an excellent program which my son has been enrolled in from its beginning and should not be stymied by unnecessary and overly intrusive rules. Please do not approve these regulations as currently written.

Linda E Sisson
Soldotna AK

SUBJECT: EDUCATION

MESSAGE: The proposed regulations by D.E.E.D. regarding restrictions on the use of privately purchased curricular material[4AAC33.421(d) 4AAC33.421(e)(1)and 4AAC33.421(g)(2)] NEED TO BE RE-WRITTEN! We have a constitutional right to use Christian curriculum purchased with private funds. This regulation would prohibit this freedom.

Jeffrey A Sisson

Soldotna AK,

SUBJECT: EDUCATION

MESSAGE: I oppose the D.E.E.D proposed regulations affecting homeschooling in Alaska.

These regulations if allowed to pass would devastate I.D.E.A. and other homeschooling programs in Alaska. THESE REGULATIONS NEED TO BE RECONSIDERED.

Homeschooling is a wonderful alternative educational system and it would be too bad to loose it.

Mr. Michael D Dammeyer

Wasilla AK

SUBJECT: EDUCATION

MESSAGE: Thank you for your support of homeschooling legislation. It is appreciated.

However these excellent laws are being radically manipulated by the Department of Education and Early Development (DEED) to destroy popular homeschooling correspondence programs like IDEA. Please consider legislation stopping DEED from manipulating statutes we work so hard to pass.

Ms. Cheryl Chelsea Cowan

Homer AK,

SUBJECT: EDUCATION

MESSAGE: Please consider that existing and proposed regulations regarding statewide correspondence programs are unfairly biased against statewide programs as opposed to districtwide programs. Statewide programs have to apply annually whereas charter schools only apply per ten years and districtwide do not need to apply at all. Thank-you

Ms. Justine B Emerson

Juneau AK

SUBJECT: EDUCATION

MESSAGE: The proposed changes in DEED regulations concerning Statewide Correspondence Programs if approved as written will greatly restrict the ability to responsibly educate children at home. Please encourage the State Board of Education to rewrite these (4 AAC 33.421) to protect and not diminish the freedom we have to home school in Alaska.

Ms. Cheryl Chelsea Cowan

Homer AK

SUBJECT: EDUCATION

MESSAGE: Please do not support proposed regulations regarding statewide correspondence study programs. The proposed regulations will siphon money away from my childrens" education. 4AAC 33.421 and 4 AAC 33.421 proposals mandate monthly meetings with a contact teacher. We already have teacher oversight in place. Monthly meetings will sipon money away from student allotments.

Mrs. Farrah K Collver

Soldotna AK,

SUBJECT: EDUCATION

MESSAGE: The proposed regulations affecting homeschooling in Alaska will not only greatly restrict the ability of parents to responsibly educate their children but they will also infringe on our personal rights. They make correspondence programs cumbersome inefficient and ineffective. They should not be approved as written.

Mr. Brett J Collver

Soldotna AK

SUBJECT: EDUCATION

MESSAGE: The regulations effecting homeschooling in Alaska should not be approved as written. They will restrict the ability of homeschooling parents to tailor education for their children and inflict unnecessary and unfair burdens on the correspondence programs. This will greatly hinder the programs as well as parents in educating children.

John M Rathbun

Fairbanks AK,

SUBJECT: REGULATIONS

MESSAGE: Constitutional liberties are under attack. Revisions to 4AAC.33.420 Chapter 33 will effectively destroy private and home schools by removing the reason for their existence. If congress shall make no law establishing religion or free exercise thereof then why should we allow any lesser government authority to do so. Please help keep home and private schools independent.

Cheryl K Beckley

North Pole AK,

SUBJECT: REGULATIONS

MESSAGE: I am concerned about the proposed regulations affecting home schooling in Alaska. The main regulation I must protest is 4AAC 334.31 (d)(e)(g). Together these will eliminate my choice to use a faith based curriculum. I ask you to help see that these regulations are not approved as presently written.

Ann C Ward

Salcha AK

SUBJECT: REGULATIONS

MESSAGE: Please do not approve the proposed regulations for state correspondence programs. These proposals would create unnecessary bureaucracy. Parents and correspondence teachers would spend more time with DEED paperwork and less time educating children.

Harry A Eaton

Nikiski AK,

SUBJECT: REGULATIONS

MESSAGE: Please disapprove proposed changes to 4AAC 33.420-.490 Statewide Correspondence Programs. I am offended by the proposed reduction in my freedom. The proposed changes do not add value nor prove to be cost/benefit justified. The changes do no clarify the regulations but only add burdensome details to program staff and parents.

James D Frey Sr

Gakona AK

SUBJECT: REGULATIONS

MESSAGE: I am happy you are doing well in school with arithmetic reading and the Golden Rule. I want you to study politics I know it is a sham for it can destroy everything from Prudhoe Bay to Ketchikan. I guess I will close that old arthritis is crimping my fingers and toes.

DISTRIBUTION: 60

Subject: 4AAC 33.421 Statewide Correspondence Study Program Requirements

Date: Sun, 13 Jan 2002 16:19:52 -0900

From: "Terri Terreault"

To: <Representative_Lesil_McGuire@legis.state.ak.us>

Dear Representative Lesil McGuire,

I am a parent involved in the Cyberlynx Correspondence Program and I write to you in opposition of the proposed regulations presently out for public comment that directly relate to the operation of Statewide Correspondence Study Program Requirements.

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

The proposed regulations are written by the Department of Education with little or no input from the home school population. The proposed regulations will severely limit parental choice and have a devastating impact on student opportunity.

A small percentage of children learn in "the box." Our public school system has failed the rest of our children miserably, which shows clearly in the AK Standards Bench Mark and High School Qualifying exam results. Classes are overcrowded, teachers have neither the time nor the resources to help these children, no matter how many regulations the school board institutes.

My daughter was one of these children. She began her public school career as an open, self-confident child, willing and excited about the prospect of learning. By the time she was in the 5th grade, she was convinced she was "stupid" because she continued to fall farther and farther behind. Her grades were acceptable; the teachers loved her because she was a manageable student. She was quiet, sat at her desk as she had been taught and didn't disrupt the class. By the time she was in the 6th grade she had become invisible. Although still very well behaved, she no longer attempted to participate or learn because she was convinced she wasn't capable of learning.

Public Comment

When the state and federal mandated testing results came in, they showed that she was at a 2-percentile level nationwide. I still believed in the school system and felt as though all my daughters' problems could be resolved. I approached Colony Middle School with my concerns and due to her grades being average, they attempted to assure me that she was doing "fine". I insisted on additional testing and by the middle of 6th grade she was placed in the special education program at 4th grade level. She was devastated, now not only did she know she was "stupid" but so did the rest of her peers. Her social life began following her academic life down the drain. As parents, we felt this was a small price to pay to insure her academic success, as we were confident that she would finally start making progress with the extra assistance. Life at home was greatly affected; our daughter who started out being self-confident and open had become a stranger who we could barely recognize. She was sullen, overly emotional and although she worked on her studies and maintained average grades by doing homework from the time she got off the bus until she went to bed, she didn't appear to us to be making much progress.

My frustration level now matched hers. I began exploring other educational possibilities and was told about the home schooling options available. I felt amazed that I lived in a state that cared so much about their children that they were given opportunities to succeed when they would fail if forced to learn the same as all other children. As both my husband and I worked full time, I couldn't see a way to participate and felt that I would be an inadequate teacher because I only had a high school education myself. Surely the teachers who had a degree in education were much more capable of teaching my child. I postponed making a decision until my daughters annual I.E.P. at the end of the 1st semester in 7th grade.

At the meeting, my daughters "team" proudly announced to me that she had progressed to the 4th grade level. When I pointed out that she started the program at the 4th grade level, they still attempted to assure me that she was still doing well. I decided to pull her out of the public school to home school her. They attempted to dissuade me by telling me that it would be detrimental to her education. My response at that point was a question. "How can I possibly do any worse than you have, when you haven't made any progress at all with her for the last year?"

For the rest of the 7th grade, we did little more than build her confidence and work on basics. In the meantime, I did a lot of research on home schooling and discussed our options with both my husband and daughter. My daughter was able to take part in her life by picking out curriculums that she believed would be geared towards her learning style. She had started smiling again and once more was looking forward to a positive learning experience. My fears receded as well and by the end of 8th grade, she not only tested out of the special education program, she had gained 5 grade levels in one year. If this seems to be unusual, compare it to Sylvan Learning Centers who can bring a child up 1 to 3 grade levels in one summer, with the children attending 1 to 2 hours a week. My daughter isn't an exception to the rule; it can be accomplished with all children unless they have severe mental handicaps.

My daughter participated in the Alaska Benchmark exams in the 8th grade. She tested above the proficiency level in all three tests. An example would be: Reading; a proficient score is 265 and my daughter scored a 409. Not bad for a child that 1 ½ year's prior was in the special educational program

and at a 4th grade level. We were able to accomplish this by using different curriculums, based upon my child's needs, not a curriculum "approved" by a school board that suits mainstream children. If she were mainstream, she would be in public school! My daughter is now in the 9th grade and loves learning. She developed a four year plan based on her career choice and will have a minimum of 29 high school credits as well as 18 college credits by the time she graduates. The cost to the state will be minimal compared to her public school counterparts.

This has all been accomplished by the very things the school board is determined to change. Cyberlynx has told us that the Alaska Department of Education has not acted in good faith. Please do not pass regulations until we know that the regulations are written in an open, constructive and inclusive fashion.

The proposed regulations listed under 4 AAC 33.421 Statewide Correspondence Study Program Requirements should be shelved in their entirety until we can be certain that they are not unfairly biased against those of us that choose to take responsibility for educating our children.

Sincerely,

Terri L Terreault

Wasilla, AK. 99654-3625

HOUSE BILL NO. 464

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES JAMES, Dyson

Introduced: 2/19/02

Referred: House Special Committee on Education, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to statewide school district correspondence study programs."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.07 is amended by adding a new section to read:

4 **Sec. 14.07.175. Powers relating to statewide school district**
5 **correspondence study.** (a) The board may adopt regulations regarding statewide
6 school district correspondence study programs. A regulation applicable to a statewide
7 school district correspondence study program

8 (1) may not require that the correspondence study program be
9 approved by the department more than once every 10 years; this paragraph does not
10 apply to a statewide school district correspondence study program if the average
11 student assessment in reading, writing, and mathematics for all students in the
12 statewide school district correspondence study program falls below the corresponding
13 statewide average student assessment for two consecutive school years;

14 (2) must provide that an enrolled student shall be monitored at periodic
15 intervals as established by the school district;

1 (3) that implements AS 14.03.090 may not impose limits on the use of
2 teaching materials if the limits are more stringent than limits imposed by this section
3 on teaching materials used by public school students; and

4 (4) may not be imposed if the regulation is not imposed on public
5 school students.

6 (b) In this section, "statewide school district correspondence study program"
7 includes a state supported home-schooling program.

**To: Members of the State Board of
Education & Early Development**

March 28, 2002

From: Shirley J. Holloway, Commissioner

Agenda Item: 23

◆ **ISSUE**

The board is being asked to extend public comment on regulations 4 AAC 33.420-490 regarding Statewide Correspondence Programs.

◆ **BACKGROUND**

The amended Statewide Correspondence Program regulations were posted for public comment after the State Board meeting, in November 2001. Since then, the department received hundreds of public comment messages, mostly from parents whose students are enrolled in a statewide correspondence program. Many of the comments reflected misunderstandings of the proposed regulations, a lack of awareness of any previous Statewide Correspondence Regulations, and the opinion that the state was trying to interfere with parents and the home schooling their children.

After reviewing all comments, including those submitted by school districts, department staff have amended language in some sections of 4 AAC 33.420-490. Amended language for the State Board to consider at its April meeting is found in column three of the Side by Side Comparison of Old and New Chapter 33 Special Schools.

Highlights of the amended language are listed below:

- Of great concern to many parents was the belief that the proposed regulations would prohibit parents from purchasing their own curriculum and materials and providing instruction with their own personal funds. Amended language in several places [for example see 4 AAC 33.421(d) and (h)(3)] clarifies that parents are allowed to purchase their own materials with their own funds and provide instruction using those materials.
- Another concern raised by parents was the requirement of an annual application approval process for Statewide Correspondence Programs. Amended language in 4 AAC 33.420 (a), (b), and (c) allows for an application approval process every five years, instead of annually, if the program is designated as distinguished or successful, under AS 14.03.123(a). Further, if the successful or distinguished program is also accredited by the Northwest Accreditation Association, the application period may be extended to ten years.
- Many parents objected to the consequences for a student who did not participate in state mandated assessments (the student would not be allowed to enroll in a Statewide Correspondence Program in the coming year.) In the amended

*Con-let
me know if you
have problems
w/ accountability in
revised reg.
these highlights
look ok to me.*

proposed regulations, the penalty for individual students not participating has been deleted as the placement of correspondence programs in the school designator process contains incentives for programs to encourage participation and contains consequences for the program for student non-participation.

- Many respondents objected to the department requiring Statewide Correspondence Programs to have student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration. Based on public comment and the inclusion of correspondence programs in the school designation program, this language in 4 AAC 33.421(f)(3) has been deleted.
- Many parents objected to monthly teacher review of student work. The amended regulations restate the requirement to be a minimum of monthly teacher-student or teacher-parent contact and quarterly review of work and progress. The monthly contact may be as brief or as detailed as appropriate or needed for each student. Quarterly review of work and progress is analogous to standard report card or progress report requirements. The monthly contact and quarterly review provide documentation that the student is involved in an ongoing instructional or educational program. This documentation will be helpful in ensuring acceptance of coursework and credits by other institutions.
- Some respondents expressed concern regarding the identification of curriculum and material source for courses. The amended regulations require identification of curriculum or materials for those courses that are NOT district courses. This is consistent with standard practice for districts and accredited schools that accept and award credit for courses or learning acquired from other than district sources.
- Many letters stated that requiring the certified teacher to sign off on purchases would be too burdensome. The amended regulations allow for pre-approval for purchases to be provided by district personnel following procedures established by the district.
- Many parents objected to certified teachers providing or approving the student's final grades. To remove this role from the certified teacher in a public Statewide Correspondence Program would jeopardize the ability to receive or maintain school accreditation status and would jeopardize acceptance of student transcripts and credits by other schools and institutions. To address these issues, the amended regulations do require certified teachers employed by the district approve or provide final grades.

Deputy Commissioner Ed McLain will be present to brief the board.

♦ **OPTIONS**

Extend public comment on the proposed regulation.
Amend the proposed regulation and extend public comment.
Adopt the regulation
Seek more information.

♦ **ADMINISTRATION'S RECOMMENDATION**

Extend public comment.

♦ **SUGGESTED MOTION**

I move the State Board of Education & Early Development extend public comment on
4 AAC 33.420-490 regarding Statewide Correspondence Programs, as printed.

CHAPTER 33 SPECIAL SCHOOLS.

*The devil's
in the details.
Any concerns?*

4 AAC 33 is amended by adding a new section to read

4 AAC 33.405. Scope, findings and purpose. (a) 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.

Strong language.

(b) The Board finds that

- (1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs
- (2) students enrolled in such programs are public school students;
- (3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;
- (4) the state expends over 30 million dollars annually supporting these programs;
- (5) by law district board members are only bound to provide an education to students that reside within the school district;
- (6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;
- (7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and
- (8) some statewide correspondence students have received no academic support from their enrolling districts and as a result the quality of their education has fallen below

acceptable standards.

(c) The purpose of 4 AAC 33.405 — 4 AAC 33.990 is to regulate the delivery of statewide correspondence programs to assure

(1) that students enrolled in statewide correspondence programs operated by public school districts receive a quality education;

(2) that students meet state standards in reading, writing and math, and

(3) that students obtain an education comparable to students enrolled in regular public school programs. (Eff. __/__/__, Register __)

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|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.03.090 | AS 14.08.111 |
| | AS 14.14.090 | | |

4 AAC 33.420 is amended and a new subsection is added to read:

4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an initial [ANNUAL] application and receive written approval from the department to operate a statewide correspondence study program.

(b) The department will approve a district's initial application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421, [MEETS THE FOLLOWING CRITERIA:

(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND

PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY

4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

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| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

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(c) Once the initial application is approved, the district will not be required to submit a new application

(1) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or

(2) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

4 AAC 33 is amended by adding a new section to read

4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM

REQUIREMENTS. (a) A district that proposes to offer a statewide correspondence study program must demonstrate that the program meets the requirements of this section before the department will approve the application.

(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;

(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .

(d) Certified staff shall not advocate partisan, sectarian, or denominational doctrine as

part of their instruction or duties as certificated staff in the correspondence program. Nothing in this section prevents a parent from providing instruction to their child using materials of their choice, provided such material was not purchased with program funds.

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; this assessment plan will include:

(1) assistance and approval by the district's certified contact teacher in the development of an Individual Learning Plan for each student;

(2) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly teacher-student or teacher-parent contact, and quarterly review of the student's work or progress in the Individual Learning Plan; the district will maintain a record of this contact;

(3) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;

(4) a transcript that denotes curricula or material origin for any non-district course.

(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must

(1) require parents to sign an affidavit indicating that they understand the state testing requirements and that they will abide by them; and

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing.

religious

contact of student

grades

testing requirements

parental involvement

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are appropriate for the student, aligned to state standards, and comply with AS 14.03.090; and

(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

funding

(1) expenditures from fund accounts must be for the student's instructional needs as referenced on the learning plan agreed upon by the parents and the district certified contact teacher;

(2) materials purchased with state funds are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; nothing in this paragraph, or section, prevents a parent, or child, from purchasing such materials with their own money;

(4) the program must provide written guidance, consistent with this chapter, on

what constitutes appropriate and allowable expenditures of the fund accounts; the district must include this policy with its application;

(5) all expenditures from the fund account must be approved by the district according to a written process established by the district; the district's process may include pre-authorization for items identified by the district in its written process; and

(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services. (Eff. ___/___/___, Register ___)

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| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.03.090 | AS 14.08.111 |
| | AS 14.14.090 | | |

4 AAC 33.425 is repealed:

4 AAC 33.425 APPLICATIONS. Repealed.

4 AAC 33.430 is amended to read:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.

student count

(b) Repealed 6/15/2000.

(c) For the purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

This section does not apply to students who enroll in Alyeska Summer School Program.

(d) Repealed / / . [COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:

(1) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE STATEWIDE CORRESPONDENCE STUDY PROGRAM;

(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING ALLOCATION.]

(e) Repealed / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.]

(f) Repealed 6/15/2000.

(g) Repealed 6/15/2000.

(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated

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to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

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|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.08.101 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

4 AAC 33.432 is amended, and a new subsection is added to read:

4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS. (a) **For a** [A]district **that enrolls** [MAY ENROLL] an out-of-district student who is entitled to special education and related services under 4 AAC 52.090 in the district's statewide correspondence study program, **an individualized cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent-count;** if the district enrolls **a** [EACH] special education student through an individualized cooperative agreement with the district of residence, [.] **the** [THE] cooperative agreement must provide that the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable

Special ed students

state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.

(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and located for the purpose of establishing their need for special education and related services **and that all provisions of 4 AAC 52 are met. For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the requirements of 4 AAC 33.432(c)(5) are met.**

(c) **When an** [AN] individualized cooperative agreement for **a** [EACH] special education student **is required by (a) of this section, the agreement** must include, at a minimum, the following information:

(1) the name, address, telephone number, and social security number of the student;

(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;

(3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;

(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;

(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4

AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

(d) Repealed 6/15/2000.

(e) Repealed 6/15/2000.

(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized. (Eff. 5/1/99, Register 150;

am 6/15/2000, Register 154; am ___/___/___, Register ___)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.08.101 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.30.186 | |

4 AAC 33.440 is amended to read

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :

(1) the number of out-of-district students enrolled in the district's statewide

student counts

correspondence study program, by district of residence;

(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.

(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600 :

(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;

(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];

(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.

(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. (Eff. 5/1/99, Register 150)

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|------------|--------------|---------------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.30.010 | <u>AS 14.07.170</u> | |

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district

statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.

(b) Upon request by the department, the district shall provide

(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;

(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and

(3) any other information required by the department. (Eff. __/__/__, Register ____)

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|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.07.170 | AS 14.17.430 | |

4 AAC 33.490 is amended to read

4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,

(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;

(2) "board" means the state Board of Education;

(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR] 4 AAC 33.432;

(4) "department" means the Department of Education and Early Development;

(5) "district" means a city or borough school district or a regional educational attendance area;

(6) "district of residence" means the school district in which a student is a resident;

(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 – AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;

(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;

(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;

(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 – 4 AAC 52.990;

(11) "statewide correspondence study program" means any educational program, including a charter school program[OR A STATE SUPPORTED HOME-SCHOOLING PROGRAM], that [PROVIDES]

(A) enrolls out-of-district students;

(B) [(A)] provides for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class; and

(C) [(B)] provides for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student. (Eff. 5/1/99,

Register _____, _____ 2002 EDUCATION AND EARLY DEV.

Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.03.040 | AS 14.07.020 | AS 14.07.030 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.20.010 | AS 14.30.010 | AS 14.30.186 |

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|---|---|
| <p>CHAPTER 33. SPECIAL SCHOOLS</p> | <p>CHAPTER 33 SPECIAL SCHOOLS.</p> | <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.405. SCOPE, FINDINGS, AND PURPOSE. (a)
 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.</p> <p>(b) The Board finds that</p> <p>(1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs</p> <p>(2) students enrolled in such programs are public school students;</p> <p>(3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;</p> <p>(4) the state expends over 30 million dollars annually supporting these programs;</p> <p>(5) by law district board members are only bound to provide an education to students that reside within the school district;</p> | <p>This new section was created in response to the comments received by the public about the proposed regulations. Opening language clarifies that these regulations apply only to district correspondence programs that enroll out-of-district students. This language also clarifies that the regulations apply to students only when the student enrolls in a public school course, and they apply only to that part of their program that is publicly funded.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|------------------------|--|------------------|
| | | <p>(6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;</p> <p>(7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and</p> <p>(8) some statewide correspondence students have received no academic support from their enrolling districts and as a result the quality of their education has fallen below acceptable standards.</p> <p>(c) The purpose of 4 AAC 33.405 — 4 AAC 33.990 is to regulate the delivery of statewide correspondence programs to assure</p> <p>(1) that students enrolled in statewide correspondence programs operated by public school districts receive a quality education;</p> <p>(2) that students meet state standards in reading, writing and math, and</p> <p>(3) that students obtain an education comparable to students enrolled in regular public school programs.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050, AS 14.07.060, AS.14.110, AS</p> | |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--|--|---|--|
| <p>4 AAC 33.420. DEPARTMENT APPROVAL. a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program meets the following criteria:</p> <p>(1) The program conforms with statewide goals and performance standards, as set out in 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>4 AAC 33.420 is amended to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program <u>complies with the requirements in 4 AAC 33.421.</u> [MEETS THE FOLLOWING CRITERIA:
(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>14.17.430, AS 14.30.010, AS 14.03.090, AS 14.08.111 AS 14.14.090</p> <p>4 AAC 33.420 is amended <u>and a new subsection is added</u> to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL. a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an <u>initial</u> [ANNUAL] application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's <u>initial</u> application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program [MEETS THE FOLLOWING CRITERIA:] <u>complies with the requirements in 4 AAC 33.421.</u></p> | <p>Based on a review of the annual statewide correspondence program applications that have been submitted, the on-site program reviews conducted in 2001, and the 9/24/01 meeting in Anchorage with program representatives, it was determined that more detail and clarification related to the understandings and expectations related to statewide correspondence programs would be helpful</p> <p>The insertion of the word "initial" changes the application from an annual requirement to an initial requirement</p> <p>Subsection (b) was re-worded and refers to a new section that will more clearly line out program requirements. (b) (1)-(5) are repealed because the new section, 4 AAC 33.421 now addresses program requirements. While the proposed regulations move the requirements in 4 AAC 33.420 (b)</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|---------------------|--|
| <p>(2) curriculum materials, including textbooks and other instructional aids, have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060;</p> <p>(3) the program includes an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs;</p> <p>(4) the district requires enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790;</p> <p>(5) the program includes a plan for receiving parental advice and</p> | <p>(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;</p> <p>(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;</p> <p>(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;</p> <p>(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING,</p> | | <p>(1)-(5) to a new section, those requirements are contained in both the current as well as the proposed regulations.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|--|--|
| <p>involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators;</p> <p>(6) the program is in the best interests of the state.</p> <p>History: Eff. 5/1/99, Register 150; am 6/15/2000, Register 154</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050 ,AS 14.07.060 ,AS 14.14.110, AS 14.17.430, AS 14.30.010</p> | <p>DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;</p> <p>(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.]</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)</p> <p>Authority: AS 14.07.020 AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, S 14.30.010</p> | <p><u>(c) Once the initial application is approved, the district will not be required to submit a new application</u></p> <p><u>(1) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or</u></p> <p><u>(2) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges.</u></p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)</p> | <p>(c) is a new subsection. Many of the public comments requested that program applications not be submitted annually. This new section ties the statewide correspondence programs into the state's school designation system.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|---|
| | <p>4 AAC 33 is amended by adding a new section to read</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS.
 (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.</p> <p>(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;</p> <p>(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .</p> | <p>Authority: AS 14.07.020 AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, S 14.30.010</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS.
 (a) A district that proposes to offer a statewide correspondence study program must <u>demonstrate that the program</u> meets the requirements of this section before the department will approve the application.</p> <p>(b) remains the same.</p> <p>(c) remains the same.</p> | <p>This is the new section that more clearly lines out Statewide Correspondence Study Program requirements for those districts wishing to offer such a program. Previous language from 4 AAC 33.420 is incorporated into this new section along with new language. Items containing new language will have notations in this column.</p> <p>(b) was in current regulation. Its location was moved in the proposed regulations in November.</p> <p>(c) was in current regulation. Its location was moved in the proposed regulations in November. AS 14.07.050 requires that "textbooks... shall be selected by district boards for district</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|---|--|---|
| | <p>(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.</p> <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:</p> <p>(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least</p> | <p><u>(d) Certified staff shall not advocate partisan, sectarian, or denominational doctrine as part of their instruction or duties as certificated staff in the correspondence program. Nothing in this section prevents a parent from providing instruction to their child using materials of their choice, provided such material was not purchased with program funds.</u></p> <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; <u>this assessment plan will include</u> [ASSESSMENT MUST INCLUDE]:</p> <p><u>(1) assistance and approval by the district's certified contact teacher in the development of an Individual Learning Plan for each student;</u></p> <p>(2) [(1)] monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly <u>teacher-student or teacher-</u></p> | <p>schools."</p> <p>(d) Provides clarification on the role and restrictions on certificated staff related to religious, partisan, sectarian and denominational curricula and materials. This is in compliance with AS 14.03.090.</p> <p>(e) was in current regulation. Its location is being moved.</p> <p>(1) This addition was recommended in public comment.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|---|
| | <p>monthly review of the student's work and documentation of the certified teacher's review;</p> <p>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;</p> <p>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</p> <p>(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC</p> | <p><u>parent contact, and quarterly review of the student's work or progress in the Individual Learning Plan; the district will maintain a record of this contact [AND DOCUMENTATION OF THE CERTIFIED TEACHER'S REVIEW];</u></p> <p>(3) [(2)] grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;</p> <p>(4) [(3)] a transcript that denotes curricula <u>or</u> material origin for any non-district course</p> <p>(f) remains the same.</p> | <p>(2) addresses certified teacher requirements related to reviewing student work. Change is in response to responses received in public comment. The monthly contact requirement is analogous to the requirement for attendance at least once every 10 days in site based school. The quarterly review of work or progress is analogous to standard report card / progress requirements. The monthly contact may be as brief or as detailed as appropriate or needed for the particular student.</p> <p>(3) addresses required grading by the certified teacher.</p> <p>(4) Identification of curriculum and material source are required only for those courses that are NOT district-developed courses. This allows for the identification, inclusion and granting of credit for non-district developed courses. This is consistent with standard practice for districts and accredited schools that accept and award credit for courses or learning</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|---|---|---|
| | <p>06.710 - 4 AAC 06.790; the program must</p> <p>(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and</p> <p>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</p> <p>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</p> <p>(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and</p> | <p><u>(1) require parents to sign an affidavit indicating that they understand the state testing requirements and that they will abide by them; and</u></p> <p>(2) remains the same.</p> <p>[(3) HAVE AVAILABLE TO THE DEPARTMENT, DATA DOCUMENTING STUDENT PARTICIPATION RATES IN STATE REQUIRED ASSESSMENTS WITHIN 10% POINTS OF THE STATE AVERAGE FOR THE PRIOR YEAR'S SPRING TEST ADMINISTRATION.]</p> <p>(g) remains the same.</p> | <p>acquired from other than district sources.</p> <p>(f)(1) and (2) provide new language related to student participation in state mandated assessments and the responsibility the district has for maintaining student participation rates in state mandated assessments. This is consistent with requirements in all public schools in the state and with the requirements for secure and comparable testing facilities and procedures.</p> <p>New language in (1) is from recommendations received in public comment.</p> <p>(3) is being deleted based on comments from the public.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|--|
| | <p>evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement</p> <p>(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</p> <p>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</p> <p>(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</p> <p>(1) expenditures from statewide correspondence fund accounts must</p> | <p>(1) must verify that the curriculum materials and course of study are <u>appropriate for the student</u>, aligned to state standards, and comply with AS 14.03.090, and [APPROPRIATE FOR THE STUDENT;]</p> <p>(2) remains the same.</p> <p>(h) remains the same.</p> <p>(1) expenditures from [STATEWIDE CORRESPONDENCE] fund accounts</p> | <p>(g)(1) through (6) provide clear guidance to Statewide Correspondence Programs on the use of parent/student fund accounts.</p> <p>New wording reflects clarification based on public comment letters. The requirement for materials to be aligned to state standards is contained in current regulation.</p> <p>(h) clarifies that the fund account</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|---|---|---|
| | <p>be for the student's instructional needs only;</p> <p>(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</p> <p>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</p> <p>(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and</p> | <p>must be for the student's instructional needs; <u>[ONLY] as referenced on the learning plan agreed upon by the parents and the district certified contact teacher;</u></p> <p>(2) materials purchased with state <u>funds</u> [FUNDING] are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; <u>nothing in this paragraph, or section, prevents a parent, or child, from purchasing such materials with their own money;</u></p> <p>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts; <u>the district must include this policy with its application;</u></p> <p>(5) all expenditures from the fund account must be approved by the <u>district according to a written process established by the district;</u></p> | <p>must be used for instructional expenses for the child enrolled in the program.</p> <p>Deleted words weren't needed.</p> <p>Wording added is from recommendations received in public comment.</p> <p>Word change does not change intent.</p> <p>New wording in (3) reflects clarification sought in public comment letters on the issue of purchasing curricula or materials with personal, family funds.</p> <p>New wording in (4) reflects clarification on what is to be included in the program</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--|---|---|--|
| <p>4 AAC 33.425. APPLICATIONS.</p> <p>(a) A district application for department approval of a statewide correspondence study program must be received by the department on or before the January 1 preceding the school year in which the program is to be initiated.</p> <p>(b) The department will review each application and issue a written approval or denial of the application before the July 1 preceding the school year in which the program is to be initiated.</p> <p>(Eff. 5/1/99, Register 150)
Authority: AS 14.07.020,AS</p> | <p>(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.050 AS 14.07.060 AS 14.14.110 AS 14.17.430AS 14.30.010, AS 14.03.090AS 14.08.111AS 14.14.090</p> <p>4 AAC 33.425 APPLICATIONS
This remains the same.</p> | <p><u>the district's process may include pre-authorization for items identified by the district in its written process</u> [CERTIFIED TEACHER SIGNING THE STUDENT'S PLAN]; and</p> <p>(6) Remains the same.</p> <p>4 AAC 33.425 Repealed;</p> | <p>application.</p> <p>New wording in (5) reflects changes sought in public comment letters. Many letters stated that requiring the certified teacher to sign off on purchases would be too burdensome.</p> <p>(6) clarifies existing federal restrictions and requirements regarding district obligations related to IDEA / IEP plans and services.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|--|--|
| <p>14.07.030, AS 14.07.060 ,AS 14.17.430, AS 14.30.010</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS.
 (a) Before enrolling an out-of-district student in a statewide correspondence study program, a district shall enter into a cooperative agreement with the student's district of residence.</p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this</p> | <p>4 AAC 33.430 is amended to read:</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) <u>To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district</u> [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] <u>either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.</u></p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this section, the department will consider</p> | <p>All sections of 4 AAC 33.430 remain the same.</p> <p>(b) remains the same.</p> <p>(c) remains the same.</p> | <p>Requirements of the program application are located in other sections of these regulations; therefore, this section was no longer needed. The amended proposed regulations change the timeframe for the application to a five-year timeframe versus an annual process.</p> <p>The revised language in (a) streamlines the enrollment process and removes the burdensome cooperative agreement process as it relates to Statewide Correspondence Programs.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|--|--|--|
| <p>section, the department will consider Alyeska Central School to be an enrolling district. Alyeska Central School shall enter into a cooperative agreement with the district of residence to cover all students from that district whom Alyeska Central School enrolls. This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Cooperative agreements must include, at a minimum, the following information and provisions:</p> <p>(1) the names, addresses, telephone numbers, and social security numbers of out-of-district students enrolled in the statewide correspondence study program;</p> <p>(2) an allocation of each student's state funding allocation.</p> | <p>Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.] This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Repealed / / .
[COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:</p> <p>(1) THE NAMES, ADDRESSES, SOCIAL SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE STATEWIDE CORRESPONDENCE STUDY PROGRAM;</p> <p>(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING ALLOCATION.]</p> | <p>(d) remains the same.</p> <p>(1) remains the same.</p> <p>(2) remains the same.</p> | <p>Deleted language in (c) removes the cooperative agreement language as it related to Alyeska Central School.</p> <p>This subsection is no longer needed.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|--|-----------------------|--------------------------------------|
| (e) The enrolling district shall prepare and enter into a separate individual cooperative agreement for each out-of-district student who is eligible for special education services. | (e) Repealed / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.] | (e) remains the same. | This subsection is no longer needed. |
| (f) Repealed 6/15/2000. | (f) Repealed 6/15/2000. | (f) remains the same. | This subsection is no longer needed. |
| (g) Repealed 6/15/2000. | (g) Repealed 6/15/2000. | (g) remains the same. | |
| (h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c), based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. | (h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. | (h) remains the same. | This subsection is no longer needed. |
| (Eff. 5/1/99, Register 150; am | (Eff. 5/1/99, Register 150; am | | |

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| O. ' Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|--|--|------------------|
| <p>6/15/2000, Register 154; am
 ____/____/____, Register ____)
 Authority: AS 14.07.020
 ,AS14.07.030,
 AS 14.07.060. AS 14.08.101, AS
 14.14.110,AS 14.17.430,AS
 14.30.010</p> <p>4 AAC 33.432. ENROLLMENT
 OF SPECIAL EDUCATION
 STUDENTS.
 (a) A district may enroll an out-of-
 district student who is entitled to
 special education and related
 services under 4 AAC 52 in the
 district's statewide correspondence
 study program, if the district
 enrolls each
 special education student through
 an individualized cooperative
 agreement with the district of
 residence. The cooperative
 agreement must provide that the
 district that receives the larger
 share of the student's full-time
 equivalent count for state funding
 purposes under 4 AAC 33.430(h)
 and 4 AAC 09.040(c) shall be
 responsible for the coordination of
 and payment for special education
 services, without respect to the
 cost of those services, as required
 by the student's individualized</p> | <p>6/15/2000, Register 154; am
 ____/____/____, Register ____)
 Authority: AS 14.07.020 AS
 14.07.030AS 14.07.060 AS
 14.08.101 AS 14.14.110 AS
 14.17.430 AS 14.30.010</p> <p>4 AAC 33.432 is amended and new
 paragraphs are added, and a new
 subsection is added to read:</p> <p>4 AAC 33.432. ENROLLMENT
 OF SPECIAL EDUCATION
 STUDENTS. (a) <u>For a [A]district
 that enrolls [MAY ENROLL]</u> an
 out-of-district student who is entitled
 to special education and related
 services under 4 AAC 52.090 in the
 district's statewide correspondence
 study program, <u>an individualized
 cooperative agreement is required
 with the district of residence if the
 student is enrolling at less than
 100 percent full-time-equivalent-
 count;</u> if the district enrolls <u>a</u>
 [EACH] special education student
 through an individualized
 cooperative agreement with the
 district of residence, [.] <u>the [THE]</u>
 cooperative agreement must provide
 that the district that receives the
 larger share of the student's full-time</p> | <p>All sections of 4 AAC 33.432 remain
 the same.</p> <p>(a) remains the same.</p> | |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|------------------------------|---|
| <p>education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790.</p> <p>(b) An enrolling district shall ensure that all special education students enrolled in the district's</p> | <p>equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790.</p> <p>(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and</p> | <p>(b) remains the same.</p> | <p>The new language in (a) clarifies that an individualized cooperative agreement is required with the district of residence for children with disabilities if the student is enrolling less than 100% of the time in the Statewide Correspondence Program.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|--|---|--|
| <p>statewide correspondence study program are identified and located for the purpose of establishing their need for special education and related services.</p> <p>(c) An individualized cooperative agreement for each special education student must include, at a minimum, the following information:</p> <p>(1) the name, address, telephone number, and social security number of the student;</p> <p>(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h);</p> <p>(3) the name, address, and telephone number of the private</p> | <p>located for the purpose of establishing their need for special education and related services <u>and that all provisions of 4 AAC 52 are met. For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the requirements of 4 AAC 33.432(c)(5) are met.</u></p> <p>(c) <u>When an</u> [AN] individualized cooperative agreement for <u>a</u> [EACH] special education student <u>is required by (a) of this section, the agreement</u> must include, at a minimum, the following information:</p> <p>(1) the name, address, telephone number, and social security number of the student;</p> <p>(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;</p> <p>(3) the name, address, and telephone number of the private provider or</p> | <p>(c) remains the same.</p> <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(3) remains the same.</p> | <p>New language in (b) clarifies what is required for serving a special education student, including one who doesn't require an individualized cooperative agreement. The result of the proposed regulations is that districts serving correspondence students have the same requirements to meet the needs of students with disabilities as do districts serving students in site-based programs.</p> <p>The new, opening language in (c)</p> |

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| <p>provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;</p> <p>(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;</p> <p>(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.</p> | <p>school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;</p> <p>(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;</p> <p>(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.</p> <p>(d) Repealed 6/15/2000.</p> <p>(e) Repealed 6/15/2000.</p> | <p>(4) remains the same.</p> <p>(5) remains the same.</p> <p>(d) remains the same.</p> <p>(e) remains the same.</p> | <p>is a lead in for what information must be in an individualized cooperative agreement for a child with disabilities, when an agreement is required. The required information has not changed.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| <p>(d) Repealed 6/15/2000.</p> <p>(e) Repealed 6/15/2000.</p> <p>(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. Alyeska Central School shall enter into an individualized cooperative agreement with the district of residence for each student whom Alyeska Central School enrolls.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.08.101, AS 14.14.110, AS 14.17.430, AS 14.30.010, AS 14.30.186</p> | <p>(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]</p> <p><u>(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized.</u></p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.060 AS 14.08.101 AS 14.14.110 AS 14.17.430 AS 14.30.010 AS 14.30.186</p> | <p>(f) remains the same.</p> <p>(g) remains the same.</p> | <p>(f) identifies Alyeska Central School as an enrolling district. The deletion removes the requirement for Alyeska Central School to enter into individualized cooperative agreements with the district of residence for each student enrolled.</p> |

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| <p>4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS.(a)
Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600:</p> <p>(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;</p> <p>(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.</p> <p>(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS</p> | <p>4 AAC 33.440 is amended to read</p> <p>4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS. (a)
Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :</p> <p>(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;</p> <p>(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.</p> <p>(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600:</p> | <p>All sections of 4 AAC 33.440 remain the same.</p> <p>(a) remains the same.</p> <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(b) remains the same.</p> | <p>(g) is a new subsection that allows Statewide Correspondence Programs to provide services to children with disabilities prior to an individualized cooperative agreement being finalized. This will ensure that the student is not kept waiting for educational and related services while the program paperwork is being processed and finalized.</p> |

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| <p>14.17.600:</p> <p>(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;</p> <p>(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement, and the number of students covered by that cooperative agreement;</p> <p>(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.</p> <p>(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent.</p> <p>(Eff. 5/1/99, Register 150)</p> | <p>(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;</p> <p>(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];</p> <p>(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.</p> <p>(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent.</p> <p>(Eff. 5/1/99, Register 150)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.060 AS</p> | <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(3) remains the same.</p> <p>(c) remains the same.</p> | <p>This continues current practice.</p> <p>Deleted language in (2) reflects there is no need to report the number of students covered by the cooperative agreement.</p> |

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| Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.30.010 | <p>14.30.010 <u>AS 14.07.170</u></p> <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.060 AS 14.17.430</p> | <p><u>4 AAC 33.450, a new section, is deleted.</u></p> | <p>4 AAC 33.450 is being deleted based on comments from the public.</p> |
| | <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district statewide correspondence programs to insure</p> | <p>All sections of 4 AAC 33.460 remain the same</p> | <p>This new section establishes the program review and monitoring process the department will use for Statewide Correspondence Programs.</p> |

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|--------------|--|---------------------|------------------|
| | <p>compliance with the requirements of this chapter and with assurances given upon application for program approval.</p> <p>(b) Upon request by the department, the district shall provide</p> <p>(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;</p> <p>(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and</p> <p>(3) any other information required by the department.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020 AS
14.07.030 AS 14.07.060 AS
14.07.170AS 14.17.430</p> <p>4 AAC 33.490 is amended to read</p> | | |

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| <p>4 AAC 33.490. DEFINITIONS.
In 4 AAC 33.410 - 4 AAC 33.490,</p> <p>(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;</p> <p>(2) "board" means the state Board of Education;</p> <p>(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with 4 AAC 33.430 or 4 AAC 33.432;</p> <p>(4) "department" means the Department of Education and Early Development;</p> <p>(5) "district" means a city or borough school district or a regional educational attendance area;</p> <p>(6) "district of residence" means the school district in which a student is a resident;</p> | <p>4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,</p> <p>(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;</p> <p>(2) "board" means the state Board of Education;</p> <p>(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR] 4 AAC 33.432;</p> <p>(4) "department" means the Department of Education and Early Development;</p> <p>(5) "district" means a city or borough school district or a regional educational attendance area;</p> <p>(6) "district of residence" means the school district in which a student is a resident;</p> <p>(7) "enrolling district" means the school district that is operating an approved statewide correspondence</p> | <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(3) remains the same.</p> <p>(4) remains the same.</p> <p>(5) remains the same.</p> <p>(6) remains the same.</p> <p>(7) remains the same.</p> | <p>Deleted language in (3) removes a regulatory citation that is incorrect.</p> |

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| <p>(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 - AS 14.03.290, and that seeks or intends to enroll out-of-district students in that district's program;</p> <p>(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;</p> <p>(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;</p> <p>(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 - 4 AAC 52.990;</p> <p>(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling</p> | <p>study program, including a program established under AS 14.03.250 - AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;</p> <p>(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;</p> <p>(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;</p> <p>(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 - 4 AAC 52.990;</p> <p>(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling program, that provides</p> | <p>(8) remains the same.</p> <p>(9) remains the same.</p> <p>(10) remains the same.</p> <p>(11) "statewide correspondence study program" means any educational program, including a charter school program [OR A STATE SUPPORTED HOME-SCHOOLING PROGRAM], that [PROVIDES]</p> | <p>Wording and formatting changes are intended to clarify and do not change the intent.</p> |

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| <p>program, that provides</p> <p>(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;</p> <p>(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040 AS 14.07.020 AS 14.07.030 AS 14.07.060 AS 14.14.110 AS 14.17.430, AS 14.20.010 AS 14.30.010 AS 14.30.186</p> | <p>(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;</p> <p>(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040 AS 14.07.020 AS 14.07.030, AS 14.07.060, AS 4.14.110 AS 14.17.430, AS 14.20.010, AS 4.30.010 AS 14.30.186</p> <p>Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125(b)(6) to reflect the</p> | <p><u>(A) enrolls out-of-district students;</u></p> <p><u>(B) [(A)] provides</u> for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class; <u>and</u></p> <p><u>(C) [(B)] provides</u> for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040 AS 14.07.020 AS 14.07.030, AS 14.07.060, AS 4.14.110 AS 14.17.430, AS 14.20.010, AS 4.30.010 AS 14.30.186</p> <p>Editor's note: As of Register 151 (October 1999), the regulations attorney</p> | <p>(A) clarifies that statewide correspondence programs are those that enroll out-of-district students.</p> <p>(B) and (C) contain the language that was in (A) and (B) in the regulations proposed in November 2001.</p> |

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| | name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education | made technical revisions under AS 44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education | |

Public Comment
Agenda Item # 23 – Statewide Correspondence

Due to the amount of public comment received on this issue, it was shipped to the board under separate cover, and is available from the department upon request.

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| <p>CHAPTER 33. SPECIAL SCHOOLS</p> | <p>CHAPTER 33 SPECIAL SCHOOLS.</p> | <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.405. SCOPE, FINDINGS, AND PURPOSE. (a)
 4 AAC 33.405—4 AAC 33.990 apply only to district correspondence programs that enroll out-of-district students; thus, they apply to students only when a student enrolls in a public school course and do not apply to students when a student enrolls in courses from a private school, a home school under AS 14.30.010(12), or a non-public correspondence study program.</p> <p>(b) The Board finds that</p> <p>(1) district provided statewide correspondence study programs are a viable alternative to site-based public school programs</p> <p>(2) students enrolled in such programs are public school students;</p> <p>(3) the state has approximately 9,000 school age children enrolled in district run statewide correspondence programs;</p> <p>(4) the state expends over 30 million dollars annually supporting these programs;</p> <p>(5) by law district board members are only bound to provide an education to students that reside within the school district;</p> | <p>This new section was created in response to the comments received by the public about the proposed regulations. Opening language clarifies that these regulations apply only to district correspondence programs that enroll out-of-district students. This language also clarifies that the regulations apply to students only when the student enrolls in a public school course, and they apply only to that part of their program that is publicly funded.</p> |

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| | | <p>(6) under current law, parents of out-of-district correspondence students have no statutory mechanism to affect the governance of the enrolling district;</p> <p>(7) there is currently no accountability for the delivery of educational services offered by district run statewide correspondence programs; and</p> <p>(8) some statewide correspondence students have received no academic support from their enrolling districts and as a result the quality of their education has fallen below acceptable standards.</p> <p>(c) The purpose of 4 AAC 33.405 — 4 AAC 33.990 is to regulate the delivery of statewide correspondence programs to assure</p> <p>(1) that students enrolled in statewide correspondence programs operated by public school districts receive a quality education;</p> <p>(2) that students meet state standards in reading, writing and math, and</p> <p>(3) that students obtain an education comparable to students enrolled in regular public school programs.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020, AS 4.07.030, AS 14.07.050, AS 14.07.060, AS.14.110, AS</p> | |

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| <p>4 AAC 33.420. DEPARTMENT APPROVAL. a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program meets the following criteria:</p> <p>(1) The program conforms with statewide goals and performance standards, as set out in 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>4 AAC 33.420 is amended to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program <u>complies with the requirements in 4 AAC 33.421.</u> [MEETS THE FOLLOWING CRITERIA:</p> <p>(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>14.17.430,AS14.30.010,AS 14.03.090, AS 14.08.111AS 14.14.090</p> <p>4 AAC 33.420 is amended <u>and a new subsection is added</u> to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL. a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an <u>initial</u> [ANNUAL] application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's <u>initial</u> application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program [MEETS THE FOLLOWING CRITERIA:] <u>complies with the requirements in 4 AAC 33.421.</u></p> | <p>Based on a review of the annual statewide correspondence program applications that have been submitted, the on-site program reviews conducted in 2001, and the 9/24/01 meeting in Anchorage with program representatives, it was determined that more detail and clarification related to the understandings and expectations related to statewide correspondence programs would be helpful</p> <p>The insertion of the word "initial" changes the application from an annual requirement to an initial requirement</p> <p>Subsection (b) was re-worded and refers to a new section that will more clearly line out program requirements. (b) (1)-(6) are repealed because the new section, 4 AAC 33.421 now addresses program requirements. While the proposed regulations move the requirements in 4 AAC 33.420 (b)</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|---------------------|--|
| <p>(2) curriculum materials, including textbooks and other instructional aids, have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060;</p> <p>(3) the program includes an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs;</p> <p>(4) the district requires enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790;</p> <p>(5) the program includes a plan for receiving parental advice and</p> | <p>(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;</p> <p>(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;</p> <p>(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;</p> <p>(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL ADVICE AND INVOLVEMENT IN PLANNING,</p> | | <p>(1)-(5) to a new section, those requirements are contained in both the current as well as the proposed regulations.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| <p>involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators;</p> <p>(6) the program is in the best interests of the state.</p> <p>History: Eff. 5/1/99, Register 150; am 6/15/2000, Register 154</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050 ,AS 14.07.060 ,AS 14.14.110, AS 14.17.430, AS 14.30.010</p> | <p>DEVELOPMENT, AND EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING] THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND ADMINISTRATORS;</p> <p>(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.]</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> <p>Authority: AS 14.07.020 AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, S 14.30.010</p> | <p><u>(c) Once the initial application is approved, the district will not be required to submit a new application</u></p> <p><u>(1) more frequently than every five years if the program is designated as distinguished or successful under AS 14.03.123(a); or</u></p> <p><u>(2) more frequently than every ten years if the program is designated as distinguished or successful under AS 14.03.123(a), and the program is accredited by the Northwest Association of Schools and Colleges.</u></p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> | <p>(c) is a new subsection. Many of the public comments requested that program applications not be submitted annually. This new section ties the statewide correspondence programs into the state's school designation system.</p> |

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| | <p>4 AAC 33 is amended by adding a new section to read</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS.
 (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.</p> <p>(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;</p> <p>(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .</p> | <p>Authority: AS 14.07.020 AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, S 14.30.010</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS.
 (a) A district that proposes to offer a statewide correspondence study program must <u>demonstrate that the program</u> meets the requirements of this section before the department will approve the application.</p> <p>(b) remains the same.</p> <p>(c) remains the same.</p> | <p>This is the new section that more clearly lines out Statewide Correspondence Study Program requirements for those districts wishing to offer such a program. Previous language from 4 AAC 33.420 is incorporated into this new section along with new language. Items containing new language will have notations in this column.</p> <p>(b) was in current regulation. Its location was moved in the proposed regulations in November.</p> <p>(c) was in current regulation. Its location was moved in the proposed regulations in November. AS 14.07.050 requires that "textbooks... shall be selected by district boards for district</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| | <p>(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.</p> <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:</p> <p>(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least</p> | <p><u>(d) Certified staff shall not advocate partisan, sectarian, or denominational doctrine as part of their instruction or duties as certificated staff in the correspondence program. Nothing in this section prevents a parent from providing instruction to their child using materials of their choice, provided such material was not purchased with program funds.</u></p> <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; <u>this assessment plan will include</u> [ASSESSMENT MUST INCLUDE]:</p> <p><u>(1) assistance and approval by the district's certified contact teacher in the development of an Individual Learning Plan for each student;</u></p> <p>(2) [(1)] monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly <u>teacher-student or teacher-</u></p> | <p>schools.”</p> <p>(d) Provides clarification on the role and restrictions on certificated staff related to religious, partisan, sectarian and denominational curricula and materials. This is in compliance with AS 14.03.090.</p> <p>(e) was in current regulation. Its location is being moved.</p> <p>(1) This addition was recommended in public comment.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|--|---|
| | <p>monthly review of the student's work and documentation of the certified teacher's review;</p> <p>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;</p> <p>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</p> <p>(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC</p> | <p><u>parent contact, and quarterly</u> review of the student's work <u>or progress in the Individual Learning Plan; the district will maintain a record of this contact</u> [AND DOCUMENTATION OF THE CERTIFIED TEACHER'S REVIEW];</p> <p>(3) [(2)] grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents;</p> <p>(4) [(3)] a transcript that denotes curricula <u>or</u> material origin for any non-district course</p> <p>(f) remains the same.</p> | <p>(2) addresses certified teacher requirements related to reviewing student work. Change is in response to responses received in public comment. The monthly contact requirement is analogous to the requirement for attendance at least once every 10 days in site based school. The quarterly review of work or progress is analogous to standard report card / progress requirements. The monthly contact may be as brief or as detailed as appropriate or needed for the particular student.</p> <p>(3) addresses required grading by the certified teacher.</p> <p>(4) Identification of curriculum and material source are required only for those courses that are NOT district-developed courses. This allows for the identification, inclusion and granting of credit for non-district developed courses. This is consistent with standard practice for districts and accredited schools that accept and award credit for courses or learning</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| | <p>06.710 - 4 AAC 06.790; the program must</p> <p>(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and</p> <p>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</p> <p>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</p> <p>(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and</p> | <p><u>(1) require parents to sign an affidavit indicating that they understand the state testing requirements and that they will abide by them; and</u></p> <p>(2) remains the same.</p> <p>[(3) HAVE AVAILABLE TO THE DEPARTMENT, DATA DOCUMENTING STUDENT PARTICIPATION RATES IN STATE REQUIRED ASSESSMENTS WITHIN 10% POINTS OF THE STATE AVERAGE FOR THE PRIOR YEAR'S SPRING TEST ADMINISTRATION.]</p> <p>(g) remains the same.</p> | <p>acquired from other than district sources.</p> <p>(f)(1) and (2) provide new language related to student participation in state mandated assessments and the responsibility the district has for maintaining student participation rates in state mandated assessments. This is consistent with requirements in all public schools in the state and with the requirements for secure and comparable testing facilities and procedures.</p> <p>New language in (1) is from recommendations received in public comment.</p> <p>(3) is being deleted based on comments from the public.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---|--|
| | <p>evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement</p> <p>(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</p> <p>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</p> <p>(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</p> <p>(1) expenditures from statewide correspondence fund accounts must</p> | <p>(1) must verify that the curriculum materials and course of study are appropriate for the student, aligned to state standards, and comply with AS 14.03.090, and [APPROPRIATE FOR THE STUDENT;]</p> <p>(2) remains the same.</p> <p>(h) remains the same.</p> <p>(1) expenditures from [STATEWIDE CORRESPONDENCE] fund accounts</p> | <p>(g)(1) through (6) provide clear guidance to Statewide Correspondence Programs on the use of parent/student fund accounts.</p> <p>New wording reflects clarification based on public comment letters. The requirement for materials to be aligned to state standards is contained in current regulation.</p> <p>(h) clarifies that the fund account</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| | <p>be for the student's instructional needs only;</p> <p>(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</p> <p>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</p> <p>(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and</p> | <p>must be for the student's instructional needs; <u>[ONLY] as referenced on the learning plan agreed upon by the parents and the district certified contact teacher;</u></p> <p>(2) materials purchased with state <u>funds</u> [FUNDING] are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds; <u>nothing in this paragraph, or section, prevents a parent, or child, from purchasing such materials with their own money;</u></p> <p>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts; <u>the district must include this policy with its application;</u></p> <p>(5) all expenditures from the fund account must be approved by the <u>district according to a written process established by the district;</u></p> | <p>must be used for instructional expenses for the child enrolled in the program.</p> <p>Deleted words weren't needed.</p> <p>Wording added is from recommendations received in public comment.</p> <p>Word change does not change intent.</p> <p>New wording in (3) reflects clarification sought in public comment letters on the issue of purchasing curricula or materials with personal, family funds.</p> <p>New wording in (4) reflects clarification on what is to be included in the program</p> |

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| <p>4 AAC 33.425. APPLICATIONS.</p> <p>(a) A district application for department approval of a statewide correspondence study program must be received by the department on or before the January 1 preceding the school year in which the program is to be initiated.</p> <p>(b) The department will review each application and issue a written approval or denial of the application before the July 1 preceding the school year in which the program is to be initiated.</p> <p>(Eff. 5/1/99, Register 150)
Authority: AS 14.07.020,AS</p> | <p>(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.</p> <p>(Eff. __/__/__, Register __)
Authority: AS 14.07.020 AS 14.07.030 AS 14.07.050 AS 14.07.060 AS 14.14.110 AS 14.17.430AS 14.30.010, AS 14.03.090AS 14.08.111AS 14.14 .090</p> <p>4 AAC 33.425 APPLICATIONS
This remains the same.</p> | <p><u>the district's process may include pre-authorization for items identified by the district in its written process</u> [CERTIFIED TEACHER SIGNING THE STUDENT'S PLAN]; and</p> <p>(6) Remains the same.</p> <p>4 AAC 33.425 Repealed;</p> | <p>application.</p> <p>New wording in (5) reflects changes sought in public comment letters. Many letters stated that requiring the certified teacher to sign off on purchases would be too burdensome.</p> <p>(6) clarifies existing federal restrictions and requirements regarding district obligations related to IDEA / IEP plans and services.</p> |

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| <p>14.07.030, AS 14.07.060 ,AS 14.17.430, AS 14.30.010</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS.
 (a) Before enrolling an out-of-district student in a statewide correspondence study program, a district shall enter into a cooperative agreement with the student's district of residence.</p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this</p> | <p>4 AAC 33.430 is amended to read:</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) <u>To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district</u> [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] <u>either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.</u></p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this section, the department will consider</p> | <p>All sections of 4 AAC 33.430 remain the same.</p> <p>(b) remains the same.</p> <p>(c) remains the same.</p> | <p>Requirements of the program application are located in other sections of these regulations; therefore, this section was no longer needed. The amended proposed regulations change the timeframe for the application to a five-year timeframe versus an annual process.</p> <p>The revised language in (a) streamlines the enrollment process and removes the burdensome cooperative agreement process as it relates to Statewide Correspondence Programs.</p> |

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| <p>section, the department will consider Alyeska Central School to be an enrolling district. Alyeska Central School shall enter into a cooperative agreement with the district of residence to cover all students from that district whom Alyeska Central School enrolls. This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Cooperative agreements must include, at a minimum, the following information and provisions:</p> <p>(1) the names, addresses, telephone numbers, and social security numbers of out-of-district students enrolled in the statewide correspondence study program;</p> <p>(2) an allocation of each student's state funding allocation.</p> | <p>Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.] This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Repealed / / .
[COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:</p> <p>(1) THE NAMES, ADDRESSES, SOCIAL SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE STATEWIDE CORRESPONDENCE STUDY PROGRAM;</p> <p>(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING ALLOCATION.]</p> | <p>(d) remains the same.</p> <p>(1) remains the same.</p> <p>(2) remains the same.</p> | <p>Deleted language in (c) removes the cooperative agreement language as it related to Alyeska Central School.</p> <p>This subsection is no longer needed.</p> |

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| (e) The enrolling district shall prepare and enter into a separate individual cooperative agreement for each out-of-district student who is eligible for special education services. | (e) Repealed / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.] | (e) remains the same. | This subsection is no longer needed. |
| (f) Repealed 6/15/2000. | (f) Repealed 6/15/2000. | (f) remains the same. | This subsection is no longer needed. |
| (g) Repealed 6/15/2000. | (g) Repealed 6/15/2000. | (g) remains the same. | |
| (h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c), based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. | (h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program. | (h) remains the same. | This subsection is no longer needed. |
| (Eff. 5/1/99, Register 150; am | (Eff. 5/1/99, Register 150; am | | |

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| <p>6/15/2000, Register 154; am
 ___/___/___, Register ___)
 Authority: AS 14.07.020
 ,AS14.07.030,
 AS 14.07.060, AS 14.08.101, AS
 14.14.110,AS 14.17.430,AS
 14.30.010</p> <p>4 AAC 33.432. ENROLLMENT
 OF SPECIAL EDUCATION
 STUDENTS.
 (a) A district may enroll an out-of-
 district student who is entitled to
 special education and related
 services under 4 AAC 52 in the
 district's statewide correspondence
 study program, if the district
 enrolls each
 special education student through
 an individualized cooperative
 agreement with the district of
 residence. The cooperative
 agreement must provide that the
 district that receives the larger
 share of the student's full-time
 equivalent count for state funding
 purposes under 4 AAC 33.430(h)
 and 4 AAC 09.040(c) shall be
 responsible for the coordination of
 and payment for special education
 services, without respect to the
 cost of those services, as required
 by the student's individualized</p> | <p>6/15/2000, Register 154; am
 ___/___/___, Register ___)
 Authority: AS 14.07.020 AS
 14.07.030AS 14.07.060 AS
 14.08.101 AS 14.14.110 AS
 14.17.430 AS 14.30.010</p> <p>4 AAC 33.432 is amended and new
 paragraphs are added, and a new
 subsection is added to read:</p> <p>4 AAC 33.432. ENROLLMENT
 OF SPECIAL EDUCATION
 STUDENTS. (a) <u>For a [A]district
 that enrolls [MAY ENROLL]</u> an
 out-of-district student who is entitled
 to special education and related
 services under 4 AAC 52.090 in the
 district's statewide correspondence
 study program, <u>an individualized
 cooperative agreement is required
 with the district of residence if the
 student is enrolling at less than
 100 percent full-time-equivalent-
 count;</u> if the district enrolls a
 [EACH] special education student
 through an individualized
 cooperative agreement with the
 district of residence, [.] <u>the</u> [THE]
 cooperative agreement must provide
 that the district that receives the
 larger share of the student's full-time</p> | <p>All sections of 4 AAC 33.432 remain
 the same.</p> <p>(a) remains the same.</p> | |

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| <p>education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790.</p> <p>(b) An enrolling district shall ensure that all special education students enrolled in the district's</p> | <p>equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790.</p> <p>(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and</p> | <p>(b) remains the same.</p> | <p>The new language in (a) clarifies that an individualized cooperative agreement is required with the district of residence for children with disabilities if the student is enrolling less than 100% of the time in the Statewide Correspondence Program.</p> |

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| <p>statewide correspondence study program are identified and located for the purpose of establishing their need for special education and related services.</p> | <p>located for the purpose of establishing their need for special education and related services <u>and that all provisions of 4 AAC 52 are met. For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the requirements of 4 AAC 33.432(c)(5) are met.</u></p> | | |
| <p>(c) An individualized cooperative agreement for each special education student must include, at a minimum, the following information:</p> | <p>(c) <u>When an</u> [AN] individualized cooperative agreement for <u>a</u> [EACH] special education student <u>is required by (a) of this section, the agreement</u> must include, at a minimum, the following information:</p> | <p>(c) remains the same.</p> | |
| <p>(1) the name, address, telephone number, and social security number of the student;</p> | <p>(1) the name, address, telephone number, and social security number of the student;</p> | <p>(1) remains the same.</p> | |
| <p>(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h);</p> | <p>(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;</p> | <p>(2) remains the same.</p> | |
| <p>(3) the name, address, and telephone number of the private</p> | <p>(3) the name, address, and telephone number of the private provider or</p> | <p>(3) remains the same.</p> | <p>New language in (b) clarifies what is required for serving a special education student, including one who doesn't require an individualized cooperative agreement. The result of the proposed regulations is that districts serving correspondence students have the same requirements to meet the needs of students with disabilities as do districts serving students in site-based programs.</p> <p>The new, opening language in (c)</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--|--|---|---|
| <p>provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;</p> <p>(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;</p> <p>(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.</p> | <p>school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;</p> <p>(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;</p> <p>(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.</p> <p>(d) Repealed 6/15/2000.</p> <p>(e) Repealed 6/15/2000.</p> | <p>(4) remains the same.</p> <p>(5) remains the same.</p> <p>(d) remains the same.</p> <p>(e) remains the same.</p> | <p>is a lead in for what information must be in an individualized cooperative agreement for a child with disabilities, when an agreement is required. The required information has not changed.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--|--|---|--|
| <p>(d) Repealed 6/15/2000.</p> <p>(e) Repealed 6/15/2000.</p> <p>(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. Alyeska Central School shall enter into an individualized cooperative agreement with the district of residence for each student whom Alyeska Central School enrolls.</p> | <p>(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]</p> <p><u>(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized.</u></p> | <p>(f) remains the same.</p> <p>(g) remains the same.</p> | |
| <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154)</p> <p>Authority: AS 14.07.020,AS 14.07.030, AS 14.07.060,AS 14.08.101,AS 14.14.110, AS 14.17.430,AS 14.30.010, AS 14.30.186</p> | <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.060 AS 14.08.101 AS 14.14.110 AS 14.17.430 AS 14.30.010 AS 14.30.186</p> | | <p>(f) identifies Alyeska Central School as an enrolling district. The deletion removes the requirement for Alyeska Central School to enter into individualized cooperative agreements with the district of residence for each student enrolled.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|--|---|
| <p>4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS.(a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600:</p> <p>(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;</p> <p>(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.</p> <p>(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS</p> | <p>4 AAC 33.440 is amended to read</p> <p>4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :</p> <p>(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;</p> <p>(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.</p> <p>(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600:</p> | <p>All sections of 4 AAC 33.440 remain the same.</p> <p>(a) remains the same.</p> <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(b) remains the same.</p> | <p>(g) is a new subsection that allows Statewide Correspondence Programs to provide services to children with disabilities prior to an individualized cooperative agreement being finalized. This will ensure that the student is not kept waiting for educational and related services while the program paperwork is being processed and finalized.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|--|---|---|
| <p>14.17.600:</p> <p>(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;</p> <p>(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement, and the number of students covered by that cooperative agreement;</p> <p>(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.</p> <p>(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent.</p> <p>(Eff. 5/1/99, Register 150)</p> | <p>(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;</p> <p>(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];</p> <p>(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.</p> <p>(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent.</p> <p>(Eff. 5/1/99, Register 150)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.060 AS</p> | <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(3) remains the same.</p> <p>(c) remains the same.</p> | <p>This continues current practice.</p> <p>Deleted language in (2) reflects there is no need to report the number of students covered by the cooperative agreement.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.30.010 | <p>14.30.010 <u>AS 14.07.170</u></p> <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020 AS 14.07.030 AS 14.07.060 AS 14.17.430</p> | <p><u>4 AAC 33.450, a new section, is deleted.</u></p> | <p>4 AAC 33.450 is being deleted based on comments from the public.</p> |
| | <p>4 AAC 33 is amended by adding a new section to read:</p> <p>4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district statewide correspondence programs to insure</p> | <p>All sections of 4 AAC 33.460 remain the same</p> | <p>This new section establishes the program review and monitoring process the department will use for Statewide Correspondence Programs.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|--------------|--|---------------------|------------------|
| | <p>compliance with the requirements of this chapter and with assurances given upon application for program approval.</p> <p>(b) Upon request by the department, the district shall provide</p> <p>(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;</p> <p>(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and</p> <p>(3) any other information required by the department.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020 AS
14.07.030 AS 14.07.060 AS
14.07.170AS 14.17.430</p> <p>4 AAC 33.490 is amended to read</p> | | |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| <p>4 AAC 33.490. DEFINITIONS.
In 4 AAC 33.410 - 4 AAC 33.490,</p> <p>(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;</p> <p>(2) "board" means the state Board of Education;</p> <p>(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with 4 AAC 33.430 or 4 AAC 33.432;</p> <p>(4) "department" means the Department of Education and Early Development;</p> <p>(5) "district" means a city or borough school district or a regional educational attendance area;</p> <p>(6) "district of residence" means the school district in which a student is a resident;</p> | <p>4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,</p> <p>(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;</p> <p>(2) "board" means the state Board of Education;</p> <p>(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR] 4 AAC 33.432;</p> <p>(4) "department" means the Department of Education and Early Development;</p> <p>(5) "district" means a city or borough school district or a regional educational attendance area;</p> <p>(6) "district of residence" means the school district in which a student is a resident;</p> <p>(7) "enrolling district" means the school district that is operating an approved statewide correspondence</p> | <p>(1) remains the same.</p> <p>(2) remains the same.</p> <p>(3) remains the same.</p> <p>(4) remains the same.</p> <p>(5) remains the same.</p> <p>(6) remains the same.</p> <p>(7) remains the same.</p> | <p>Deleted language in (3) removes a regulatory citation that is incorrect.</p> |

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| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
|---|---|---|---|
| <p>(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 - AS 14.03.290, and that seeks or intends to enroll out-of-district students in that district's program;</p> <p>(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;</p> <p>(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;</p> <p>(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 - 4 AAC 52.990;</p> <p>(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling</p> | <p>study program, including a program established under AS 14.03.250 - AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;</p> <p>(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;</p> <p>(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;</p> <p>(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 - 4 AAC 52.990;</p> <p>(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling program, that provides</p> | <p>(8) remains the same.</p> <p>(9) remains the same.</p> <p>(10) remains the same.</p> <p>(11) "statewide correspondence study program" means any educational program, including a charter school program [OR A STATE SUPPORTED HOME-SCHOOLING PROGRAM], that [PROVIDES]</p> | <p>Wording and formatting changes are intended to clarify and do not change the intent.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| <p>program, that provides</p> <p>(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;</p> <p>(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040 AS 14.07.020 AS 14.07.030 AS 14.07.060 AS 14.14.110 AS 14.17.430, AS 14.20.010 AS 14.30.010 AS 14.30.186</p> | <p>(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;</p> <p>(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040 AS 14.07.020 AS 14.07.030, AS 14.07.060, AS 4.14.110 AS 14.17.430, AS 14.20.010, AS 4.30.010 AS 14.30.186</p> <p>Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125(b)(6) to reflect the</p> | <p><u>(A) enrolls out-of-district students;</u></p> <p><u>(B) [(A)] provides</u> for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class; <u>and</u></p> <p><u>(C) [(B)] provides</u> for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040 AS 14.07.020 AS 14.07.030, AS 14.07.060, AS 4.14.110 AS 14.17.430, AS 14.20.010, AS 4.30.010 AS 14.30.186</p> <p>Editor's note: As of Register 151 (October 1999), the regulations attorney</p> | <p>(A) clarifies that statewide correspondence programs are those that enroll out-of-district students.</p> <p>(B) and (C) contain the language that was in (A) and (B) in the regulations proposed in November 2001.</p> |

Side by Side Comparison of Old and New Chapter 33 Special Schools

| Old Language | November 2001 Language | April 2002 Language | Effect/Rationale |
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| | name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education | made technical revisions under AS 44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education | |



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Fairbanks Daily News-Miner

State, parents OK correspondence school rules

March 21, 2002

By SEAN COCKERHAM
News-Miner Juneau Bureau

JUNEAU--State education officials, in the face of howls from parents, have revamped their plan to tighten controls on home school correspondence programs.

State officials and representatives of Interior Distance Education of Alaska, a Galena-based statewide correspondence program, told a House committee on Wednesday that they have come to a compromise on the proposed regulations.

"We have seen some of the wording and have found that all of our concerns have been addressed in the new regulations," said Carol Simpson, an IDEA parent and administrative assistant of the program.

Parents and directors of statewide correspondence programs such as IDEA and Nenana-based Cyberlynx had united in a fierce battle against the Department of Education's original draft regulations.

They objected to the possibility that religious materials could no longer be used in instruction and argued that requirements for more program oversight would be an expensive and time-consuming burden.

Parents participate in such correspondence programs through their computers as they teach their children at home. They can craft their own curriculum but certain standards must be met, like the passage of standardized tests.

North Pole Republican Rep. Jeannette James has been pushing a bill to respond to those concerns. But James said Tuesday she will bury her bill until at least April, by which time the details of the compromise regulations should be out before the public. "We're just waiting to see the proof in the pudding," James said.

The correspondence schools are state-funded, and there is no doubt public money cannot be used for religious-based educational materials, James has said. But many parents have chosen to purchase such texts themselves to use through the correspondence programs.

The Education Department's original proposed regulations appeared to dictate that no religious materials could be used, James said. In the new version, materials will not be restricted, state officials say.

Parents also objected to portions of the original draft that increased the amount of student monitoring that program officials would have to conduct and demanded that the correspondence programs go through an annual state approval process.

State education officials said the draft was the result of audits that demonstrated the need for greater

oversight of correspondence programs. The details of the new compromise regulations are to be released in about a week, and a public comment period will follow.

Education department will amend rules for home-school programs

By TIMOTHY INKLEBARGER
THE JUNEAU EMPIRE

State education officials said Wednesday that proposed regulations for statewide correspondence programs were amended after the agency received comments from concerned parents.

But the amended rules will not be available until the state Board of Education meeting on April 5-6 in Juneau, Deputy Education Commissioner Ed McLain told lawmakers on the Administrative Regulation Review Committee.

The statewide correspondence programs, run by a few school districts in Alaska, provide home-school parents with funds and equipment such as computers. About 9,000 students are enrolled in such programs.

The programs fell under scrutiny last summer when state educa-

tion officials discovered during audits of two programs that some parents were using curricula that hadn't been approved by a school board, as current rules require, and that some parents give their children final course grades.

The findings prompted the agency to propose tougher regulations for correspondence programs that enroll students out of their school district.

Some of the originally proposed rules that garnered criticism from parents and school districts included mandated monthly reviews of class work by teachers, teacher approval of all parental expenditures of public funds, and an automatic withdrawal of students from the programs if they don't participate in

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Continued from Page 1

state-mandated tests.

Parents also expressed concern that teachers wouldn't be allowed to help students who use privately purchased materials from religious publishers.

McLain said the state worked with various correspondence programs, particularly the Galena-based Interior Distance Education of Alaska, to forge new regulations that better meet the needs of correspondence students.

Carol Simpson, an administra-

tive assistant for the Galena IDEA program, told the committee that the amended guidelines adequately addressed concerns the district had with the earlier proposed regulations.

"The Department of Education has listened to the concerns that people have expressed, and they have responded to those," Simpson said. "We appreciate their response, we are supportive of the new regulations and we expect that our parents will be willing to accept them."

Some parents were still skeptical, however, without seeing the new regulations for themselves.

"I feel a little frustrated this morning because I was prepared

for something completely different and then found out that these regulations have been amended, and I can't see them," said Lynette Schmidt of Nome, who enrolls six children in the IDEA program. "I do hesitate to offer my blessing without seeing these amended plans."

Committee Chairwoman Rep. Lesil McGuire, an Anchorage Republican, said the proposed rules would be available soon and that the public would have 60 days to comment.

Timothy Inklebarger reached at timothy@juneauempire.com.

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Juneau Empire March 21, 2002

U.S. Supreme Court

BOARD OF EDUCATION v. ALLEN, 392 U.S. 236 (1968)

392 U.S. 236

BOARD OF EDUCATION OF CENTRAL SCHOOL DISTRICT NO. 1 ET AL. v.
ALLEN, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL.
APPEAL FROM THE COURT OF APPEALS OF NEW YORK. No. 660.

Argued April 22, 1968.

Decided June 10, 1968.

New York's Education Law requires local public school authorities to lend textbooks free of charge to all students in grades seven to 12, including those in private schools. Appellant school boards sought a declaration that the statutory requirement was invalid as violative of the State and Federal Constitutions, an order barring appellee Commissioner of Education from removing appellants' members from office for failing to comply with it, and an order preventing the use of state funds for the purchase of textbooks to be lent to parochial students. The trial court held the law unconstitutional under the First and Fourteenth Amendments and entered summary judgment for appellants on the pleadings; the Appellate Division reversed and ordered the complaint dismissed since appellant school boards had no standing to attack the statute; and the New York Court of Appeals held that appellants did have standing but that the statute did not violate the State or Federal Constitution. The Court of Appeals said that the law was to benefit all school children, without regard to the type of school attended, that only textbooks approved by school authorities could be loaned, and therefore the statute was "completely neutral with respect to religion." Held: The statute does not violate the Establishment or the Free Exercise Clause of the First Amendment. Pp. 241-249.

(1) The express purpose of the statute was the furtherance of educational opportunities for the young, and the law merely makes available to all children the benefits of a general program to lend school books free of charge, and the financial benefit is to parents and children, not to schools. *Everson v. Board of Education*, 330 U.S. 1. Pp. 243-244.

(2) There is no evidence that religious books have been loaned, and it cannot be assumed that school authorities are unable to distinguish between secular and religious books or that they will not honestly discharge their duties to approve only secular books. Pp. 244-245. [392 U.S. 236, 237]

(3) Parochial schools, in addition to their sectarian function, perform the task of secular education, and, on the basis of this meager record, the Court cannot agree with appellants that all teaching in a sectarian school is religious or that the intertwining of secular and religious training is such that secular textbooks furnished to students are in fact instrumental in teaching religion. Pp. 245-248.

(4) In the absence of specific evidence, and based solely on judicial notice, it cannot be concluded that the statute results in unconstitutional state involvement with religious instruction or violates the Establishment Clause. P. 248.

(5) Since appellants have not shown that the law coerces them in any way in the practice of religion, there is no violation of the Free Exercise Clause. Pp. 248-249.

20 N. Y. 2d 109, 228 N. E. 2d 791, affirmed.

Marvin E. Pollock argued the cause for appellants. With him on the brief was Alan H. Levine.

Jean M. Coon, Assistant Attorney General of New York, argued the cause for appellee Allen. With her on the brief were Louis J. Lefkowitz, Attorney General, and Ruth Kessler Toch, Solicitor General. Porter R. Chandler argued the cause for appellees Rock et al. With him on the brief were William B. Ball, Richard E. Nolan, and James J. MacKrell.

Briefs of amici curiae, urging reversal, were filed by Leo Pfeffer, Arnold Forster, Edwin J. Lukas, Paul Hartman, Sol Rabkin, and Joseph B. Robison for the American Jewish Committee et al., and by Franklin C. Salisbury for Protestants and Other Americans United for Separation of Church and State.

Briefs of amici curiae, urging affirmance, were filed by Solicitor General Griswold, Assistant Attorney General Weisl, Lawrence G. Wallace, Alan S. Rosenthal, and Robert V. Zener for the United States; by Herbert F. DeSimone, Attorney General of Rhode Island, Charles G. Edwards, Assistant Attorney General, William C. Sennett, [392 U.S. 236, 238] Attorney General of Pennsylvania, James L. Oakes, Attorney General of Vermont, Robert C. Londerholm, Attorney General of Kansas, William B. Saxbe, Attorney General of Ohio, and Joe T. Patterson, Attorney General of Mississippi; by Jack P. F. Gremillion, Attorney General, for the State of Louisiana; by Boston E. Witt, Attorney General, and Myles E. Flint, Assistant Attorney General, for the State of New Mexico; by Ethan A. Hitchcock for the National Association of Independent Schools, Inc.; by R. Raber Taylor, Stuart D. Hubbell, and Herman Cahn for Citizens for Educational Freedom; by Edward C. Maguire for the New York State AFL-CIO; by Thomas J. Ford, Edward J. Walsh, Jr., and George S. Eaton for the Long Island Conference of Religious Elementary and Secondary School Administrators; by Charles M. Whelan, W. R. Consedine, Alfred L. Scanlan, and Harmon Burns for the National Catholic Educational Association et al.; by Julius Berman for the National Jewish Commission on Law and Public Affairs, and by James P. Brown for the Lutheran Church-Missouri Synod.

MR. JUSTICE WHITE delivered the opinion of the Court.

A law of the State of New York requires local public school authorities to lend textbooks free of charge to all students in grades seven through 12; students attending private schools are included. This case presents the question whether this statute is a "law respecting an establishment of religion, or prohibiting the free exercise thereof," and so in conflict with the First and Fourteenth Amendments to the Constitution, because it authorizes the loan of textbooks to students attending parochial schools. We hold that the law is not in violation of the Constitution.

Until 1965, 701 of the Education Law of the State of New York authorized public school boards to designate [392 U.S. 236, 239] textbooks for use in the public schools, to purchase such books with public funds, and to rent or sell the books to public school students. 1 In 1965 the Legislature amended 701, basing the amendments on findings that the "public welfare and safety require that the state and local communities give assistance to educational programs which are important to our national defense and the general welfare of the state." 2 Beginning with the 1966-1967 school year, local school boards were required to purchase textbooks and lend them without charge "to all children residing in such district who are enrolled in grades seven to twelve of a public or private school which complies with the compulsory education law." The books now loaned are "text-books which are designated for use in any public, elementary or secondary schools of the state or are approved by any boards of education," and which - according to a 1966 amendment - "a pupil is required to use as a text for a semester or more in a particular class in the school he legally attends." 3 [392 U.S. 236, 240]

Appellant Board of Education of Central School District No. 1 in Rensselaer and Columbia Counties, brought suit in the New York courts against appellee James Allen. 4 The complaint alleged that 701 violated both the State and Federal Constitutions; that if appellants, in reliance on their interpretation of the Constitution, failed to lend books to parochial school students within their counties appellee Allen would remove appellants from office; and that to prevent this, appellants were complying with the law and submitting to their constituents a school budget including funds for books to be lent to parochial school pupils. Appellants therefore sought a declaration that 701 was invalid, an order barring appellee Allen from removing appellants from office for failing to comply with it, and another order restraining him from apportioning state funds to school districts for the purchase of textbooks to be lent to parochial students. After answer, and upon cross-motions for summary judgment, the trial court held the law unconstitutional [392 U.S. 236, 241] under the First and Fourteenth Amendments and entered judgment for appellants. 51 Misc. 2d 297, 273 N. Y. S. 2d 239 (1966). The Appellate Division reversed, ordering the complaint dismissed on the ground that appellant school boards had no standing to attack the validity of a state statute. 27 App. Div. 2d 69, 276 N. Y. S. 2d 234 (1966). On appeal, the New York Court of Appeals concluded by a 4-3 vote that appellants did have standing 5 but by a different 4-3 vote held that 701 was not in violation of either the State or the Federal Constitution. 20 N. Y. 2d 109, 228 N. E. 2d 791, 281 N. Y. S. 2d 799 (1967). The Court of Appeals said that the law's purpose was to benefit all school children, regardless of the type of school they attended, and that only textbooks approved by public school authorities could be loaned. It therefore considered 701 "completely neutral with respect to religion, merely making available secular textbooks at the request of the individual student and asking no question about what school he attends." Section 701, the Court of Appeals concluded, is not a law which "establishes a religion or constitutes the use of public funds to aid religious schools." 20 N. Y. 2d, at 117; 228 N. E. 2d, at 794, 795; 281 N. Y. S. 2d, at 805. We noted probable jurisdiction. 389 U.S. 1031 (1968).

Everson v. Board of Education, 330 U.S. 1 (1947), is the case decided by this Court that is most nearly in [392 U.S. 236, 242] point for today's problem. New Jersey reimbursed parents for expenses incurred in busing their children to parochial schools. The Court stated that the Establishment Clause bars a State from passing "laws which aid one religion, aid all religions, or

prefer one religion over another," and bars too any "tax in any amount, large or small . . . levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." 330 U.S., at 15 -16. Nevertheless, said the Court, the Establishment Clause does not prevent a State from extending the benefits of state laws to all citizens without regard for their religious affiliation and does not prohibit "New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools." The statute was held to be valid even though one of its results was that "children are helped to get to church schools" and "some of the children might not be sent to the church schools if the parents were compelled to pay their children's bus fares out of their own pockets." 330 U.S., at 17

. As with public provision of police and fire protection, sewage facilities, and streets and sidewalks, payment of bus fares was of some value to the religious school, but was nevertheless not such support of a religious institution as to be a prohibited establishment of religion within the meaning of the First Amendment.

Everson and later cases have shown that the line between state neutrality to religion and state support of religion is not easy to locate. "The constitutional standard is the separation of Church and State. The problem, like many problems in constitutional law, is one of degree." *Zorach v. Clauson*, 343 U.S. 306, 314 (1952). See *McGowan v. Maryland*, 366 U.S. 420 (1961). Based [392 U.S. 236, 243] on *Everson*, *Zorach*, *McGowan*, and other cases, *Abington School District v. Schempp*, 374

U.S. 203 (1963), fashioned a test subscribed to by eight Justices for distinguishing between forbidden involvements of the State with religion and those contacts which the Establishment Clause permits:

"The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. *Everson v. Board of Education*. . . ." 374 U.S., at 222 .

This test is not easy to apply, but the citation of *Everson* by the *Schempp* Court to support its general standard made clear how the *Schempp* rule would be applied to the facts of *Everson*. The statute upheld in *Everson* would be considered a law having "a secular legislative purpose and a primary effect that neither advances nor inhibits religion." We reach the same result with respect to the New York law requiring school books to be loaned free of charge to all students in specified grades. The express purpose of 701 was stated by the New York Legislature to be furtherance of the educational opportunities available to the young. Appellants have shown us nothing about the necessary effects of the statute that is contrary to its stated purpose. The law merely makes available to all children the benefits of a general program to lend school books free of charge. Books are furnished at the request of the pupil and ownership remains, at least technically, in the State. Thus no funds or books are furnished [392 U.S. 236, 244] to parochial schools, and the financial benefit is to parents and children, not to schools. 6 Perhaps free books make it more likely that some children choose to attend a sectarian school, but that was true of

the state-paid bus fares in *Everson* and does not alone demonstrate an unconstitutional degree of support for a religious institution.

Of course books are different from buses. Most bus rides have no inherent religious significance, while religious books are common. However, the language of 701 does not authorize the loan of religious books, and the State claims no right to distribute religious literature. Although the books loaned are those required by the parochial school for use in specific courses, each book [392 U.S. 236, 245] loaned must be approved by the public school authorities; only secular books may receive approval. The law was construed by the Court of Appeals of New York as "merely making available secular textbooks at the request of the individual student," *supra*, and the record contains no suggestion that religious books have been loaned. Absent evidence, we cannot assume that school authorities, who constantly face the same problem in selecting textbooks for use in the public schools, are unable to distinguish between secular and religious books or that they will not honestly discharge their duties under the law. In judging the validity of the statute on this record we must proceed on the assumption that books loaned to students are books that are not unsuitable for use in the public schools because of religious content.

The major reason offered by appellants for distinguishing free textbooks from free bus fares is that books, but not buses, are critical to the teaching process, and in a sectarian school that process is employed to teach religion. However this Court has long recognized that religious schools pursue two goals, religious instruction and secular education. In the leading case of *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), the Court held that although it would not question Oregon's power to compel school attendance or require that the attendance be at an institution meeting State-imposed requirements as to quality and nature of curriculum, Oregon had not shown that its interest in secular education required that all children attend publicly operated schools. A premise of this holding was the view that the State's interest in education would be served sufficiently by reliance on the secular teaching that accompanied religious training in the schools maintained by the Society of Sisters. Since *Pierce*, a substantial body of case law has confirmed the power of the States to insist that attendance at private schools, if it is to satisfy state compulsory-attendance [392 U.S. 236, 246] laws, be at institutions which provide minimum hours of instruction, employ teachers of specified training, and cover prescribed subjects of instruction. 7 Indeed, the State's interest in assuring that these standards are being met has been considered a sufficient reason for refusing to accept instruction at home as compliance with compulsory [392 U.S. 236, 247] education statutes. 8 These cases were a sensible corollary of *Pierce v. Society of Sisters*: if the State must satisfy its interest in secular education through the instrument of private schools, it has a proper interest in the manner in which those schools perform their secular educational function. Another corollary was *Cochran v. Louisiana State Board of Education*, 281 U.S. 370 (1930), where appellants said that a statute requiring school books to be furnished without charge to all students, whether they attended public or private schools, did not serve a "public purpose," and so offended the Fourteenth Amendment. Speaking through Chief Justice Hughes, the Court summarized as follows its conclusion that Louisiana's interest in the secular education being provided by private schools made provision of textbooks to students in those schools a properly public concern: "[The State's] interest is education, broadly; its method, comprehensive. Individual interests are aided only as the common interest is safeguarded." 281 U.S., at 375 .

Underlying these cases, and underlying also the legislative judgments that have preceded the court decisions, has been a recognition that private education has played and is playing a significant and valuable role in raising national levels of knowledge, competence, and experience. Americans care about the quality of the secular education available to their children. They have considered high quality education to be an indispensable ingredient for achieving the kind of nation, and the kind of citizenry, that they have desired to create. Considering this attitude, the continued willingness to rely on private school systems, including parochial systems, strongly suggests [392 U.S. 236, 248] that a wide segment of informed opinion, legislative and otherwise, has found that those schools do an acceptable job of providing secular education to their students. 9 This judgment is further evidence that parochial schools are performing, in addition to their sectarian function, the task of secular education.

Against this background of judgment and experience, unchallenged in the meager record before us in this case, we cannot agree with appellants either that all teaching in a sectarian school is religious or that the processes of secular and religious training are so intertwined that secular textbooks furnished to students by the public are in fact instrumental in the teaching of religion. This case comes to us after summary judgment entered on the pleadings. Nothing in this record supports the proposition that all textbooks, whether they deal with mathematics, physics, foreign languages, history, or literature, are used by the parochial schools to teach religion. No evidence has been offered about particular schools, particular courses, particular teachers, or particular books. We are unable to hold, based solely on judicial notice, that this statute results in unconstitutional involvement of the State with religious instruction or that 701, for this or the other reasons urged, is a law respecting the establishment of religion within the meaning of the First Amendment.

Appellants also contend that 701 offends the Free Exercise Clause of the First Amendment. However, "it is necessary in a free exercise case for one to show the [392 U.S. 236, 249] coercive effect of the enactment as it operates against him in the practice of his religion," *Abington School District v. Schempp*, 374 U.S. 203, 223 (1963), and appellants have not contended that the New York law in any way coerces them as individuals in the practice of their religion.

The judgment is affirmed.

Footnotes

[Footnote 1] New York Sess. Laws 1950, c. 239, 1. New York Education Law 703, New York Sess. Laws 1950, c. 239, 3, permitted the qualified voters of any school district to authorize a special tax for the purpose of making available free textbooks. The 1965 amendments that required free textbooks to be provided for grades seven through 12 amended 703 so that it now permits local voters to approve free books for grades one through six.

[Footnote 2] New York Sess. Laws 1965, c. 320, 1.

[Footnote 3] New York Education Law 701 (1967 Supp.):

"1. In the several cities and school districts of the state, boards of education, trustees or such body or officer as perform the functions of such boards, shall designate text-books to be used in the schools under their charge.

"2. A text-book, for the purposes of this section shall mean a book which a pupil is required to use as a text for a semester or more in a particular class in the school he legally attends.

"3. In the several cities and school districts of the state, boards of education, trustees or such body or officers as perform the function of such boards shall have the power and duty to purchase and [392 U.S. 236, 240] to loan upon individual request, to all children residing in such district who are enrolled in grades seven to twelve of a public or private school which complies with the compulsory education law, text-books. Text-books loaned to children enrolled in grades seven to twelve of said private schools shall be text-books which are designated for use in any public, elementary or secondary schools of the state or are approved by any boards of education, trustees or other school authorities. Such text-books are to be loaned free to such children subject to such rules and regulations as are or may be prescribed by the board of regents and such boards of education, trustees or other school authorities."

The present subdivision 2 was added by amendment in 1966, New York Sess. Laws 1966, c. 795. This suit was filed, and the trial court opinion was rendered, prior to the 1966 amendment.

[Footnote 4] Intervention was permitted on plaintiffs' side by the Board of Education of Union Free School District No. 3 in Nassau County, which appears here as co-appellant, and on defendants' side by parents of certain students attending private schools, who appear here as co-appellees.

[Footnote 5] Appellees do not challenge the standing of appellants to press their claim in this Court. Appellants have taken an oath to support the United States Constitution. Believing 701 to be unconstitutional, they are in the position of having to choose between violating their oath and taking a step - refusal to comply with 701 - that would be likely to bring their expulsion from office and also a reduction in state funds for their school districts. There can be no doubt that appellants thus have a "personal stake in the outcome" of this litigation. *Baker v. Carr*, 369 U.S. 186, 204 (1962).

[Footnote 6] While the record and the state court opinions in this case contained no information about how the books are in fact transferred from the Boards of Education to individual students, both parties suggested in their briefs and on oral argument before this Court that New York permits private schools to submit to boards of education summaries of the requests for textbooks filed by individual students, and also permits private schools to store on their premises the textbooks being loaned by the Board of Education to the students. This interpretation of the State's administrative procedure is supported by an "Opinion of Counsel" made available by the Board of Regents and the State Department of Education to local school superintendents. For purposes of this case we consider the New York statute to permit these procedures. So construing the statute, we find it in conformity with the Constitution, for the books are furnished for the use of individual students and at their request.

It should be noted that the record contains no evidence that any of the private schools in appellants' districts previously provided textbooks for their students. There is some evidence that at least some of the schools did not: intervenor defendants asserted that they had previously purchased all their children's textbooks. And see statement of then Commissioner of Education Keppel: "Non-public schools rarely provide free textbooks." *Hearings on Elementary and Secondary Education Act of 1965 before General Subcommittee on Education of House Committee on Education and Labor, 89th Cong., 1st Sess., Pt. 1, 93 (1965).*

[Footnote 7] This Court has twice suggested the constitutionality of these state regulations. "[T]he State may 'require teaching by instruction and study of all in our history and in the structure and organization of our government, including the guaranties of civil liberty, which tend to inspire patriotism and love of country.'" *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 631 (1943), quoting *Minersville School District v. Gobitis*, 310 U.S. 586, 604 (1940) (Stone, J., dissenting). "This Court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has power to impose." *Everson v. Board of Education*, 330 U.S. 1, 18 (1947) (citing *Pierce v. Society of Sisters*). A great many state cases have upheld a wide range of private school regulation. E. g., *Meyerkorth v. State*, 173 Neb. 889, 115 N. W. 2d 585 (1962), appeal dismissed for want of a substantial federal question, 372 U.S. 705 (1963); *State v. Hoyt*, 84 N. H. 38, 146 A. 170 (1929); *People v. Donner*, 199 Misc. 643, 99 N. Y. S. 2d 830 (Dom. Rel. Ct. 1950), *aff'd mem.*, 278 App. Div. 705, 103 N. Y. S. 2d 757, *aff'd mem.*, 302 N. Y. 857, 100 N. E. 2d 48, appeal dismissed for want of a substantial federal question, 342 U.S. 884 (1951).

New York State regulates private schools extensively, especially as to attendance and curriculum. New York Education Law 3201-3229 (1953). Regents examinations are given to private school students. *Id.*, 209. The basic requirement is that the instruction given in private schools satisfying the compulsory attendance law be "at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides." *Id.*, 3204 subd. 2.

New York requires school attendance of "each minor from seven to sixteen years of age" unless he has completed high school. *Id.*, 3205.

[Footnote 8] E. g., *People v. Turner*, 121 Cal. App. 2d 861, 263 P.2d 685 (1953), appeal dismissed for want of a substantial federal question, 347 U.S. 972 (1954).

[Footnote 9] In 1965-1966 in New York State, over 900,000 students, or 22.2% of total state enrollment, attended nonpublic schools. University of State of New York, Education Statistics Estimates 1966-67, Table I (1966). The comparable statistic for the Nation was at least 10%. United States Bureau of the Census, Statistical Abstract of the United States: 1967, at 111 (1967).

MR. JUSTICE HARLAN, concurring.

Although I join the opinion and judgment of the Court, I wish to emphasize certain of the principles which I believe to be central to the determination of this case, and which I think are implicit in the Court's decision.

The attitude of government toward religion must, as this Court has frequently observed, be one of neutrality. Neutrality is, however, a coat of many colors. It requires that "government neither engage in nor compel religious practices, that it effect no favoritism among sects or between religion and nonreligion, and that it work deterrence of no religious belief." *Abington School District v. Schempp*, 374 U.S. 203, 305 (concurring opinion of Goldberg, J.). Realization of these objectives entails "no simple and clear measure," *id.*, at 306, by which this or any case may readily be decided, but these objectives do suggest the principles which I believe to be applicable in the present circumstances. I would hold that where the contested governmental activity is calculated to achieve nonreligious purposes otherwise within the competence of the State, and where the activity does not involve the State "so significantly and directly in the realm of the sectarian as to give rise to . . . divisive influences and inhibitions of freedom," *id.*, at 307, it is not forbidden by the religious clauses of the First Amendment. [392 U.S. 236, 250]

In my opinion, 701 of the Education Law of New York does not employ religion as its standard for action or inaction, and is not otherwise inconsistent with these principles.

MR. JUSTICE BLACK, dissenting.

The Court here affirms a judgment of the New York Court of Appeals which sustained the constitutionality of a New York law providing state tax-raised funds to supply school books for use by pupils in schools owned and operated by religious sects. I believe the New York law held valid is a flat, flagrant, open violation of the First and Fourteenth Amendments which together forbid Congress or state legislatures to enact any law "respecting an establishment of religion." For that reason I would reverse the New York Court of Appeals' judgment. This, I am confident, would be in keeping with the deliberate statement we made in *Everson v. Board of Education*, 330 U.S. 1, 15 -16 (1947), and repeated in *McCullum v. Board of Education*, 333 U.S. 203, 210 - 211 (1948), that:

"Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious [392 U.S. 236, 251] organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.'"

The *Everson* and *McCullum* cases plainly interpret the First and Fourteenth Amendments as protecting the taxpayers of a State from being compelled to pay taxes to their government to

support the agencies of private religious organizations the taxpayers oppose. To authorize a State to tax its residents for such church purposes is to put the State squarely in the religious activities of certain religious groups that happen to be strong enough politically to write their own religious preferences and prejudices into the laws. This links state and churches together in controlling the lives and destinies of our citizenship - a citizenship composed of people of myriad religious faiths, some of them bitterly hostile to and completely intolerant of the others. It was to escape laws precisely like this that a large part of the Nation's early immigrants fled to this country. It was also to escape such laws and such consequences that the First Amendment was written in language strong and clear barring passage of any law "respecting an establishment of religion."

It is true, of course, that the New York law does not as yet formally adopt or establish a state religion. But it takes a great stride in that direction and coming events cast their shadows before them. The same powerful sectarian religious propagandists who have succeeded in securing passage of the present law to help religious schools carry on their sectarian religious purposes can and doubtless will continue their propaganda, looking toward complete domination and supremacy of their particular brand of religion. 1 And it nearly always is [392 U.S. 236, 252] by insidious approaches that the citadels of liberty are most successfully attacked. 2

I know of no prior opinion of this Court upon which the majority here can rightfully rely to support its holding this New York law constitutional. In saying this, I am not unmindful of the fact that the New York Court of Appeals purported to follow *Everson v. Board of Education*, supra, in which this Court, in an opinion written by me, upheld a New Jersey law authorizing reimbursement to parents for the transportation of children attending sectarian schools. That law did not attempt to deny the benefit of its general terms to children of any faith going to any legally authorized school. Thus, it was treated in the same way as a general law paying the streetcar fare of all school children, or a law providing midday lunches for all children or all school children, or a law to provide police protection for children going to and from school, or general laws to provide police and fire protection for buildings, including, of course, churches and church school buildings as well as others.

As my Brother DOUGLAS so forcefully shows, in an argument with which I fully agree, upholding a State's power to pay bus or streetcar fares for school children cannot provide support for the validity of a state law using tax-raised funds to buy school books for a religious school. The First Amendment's bar to establishment of religion must preclude a State from using funds levied from all of its citizens to purchase books for use by sectarian schools, which, although "secular," realistically will in some way inevitably tend to propagate the religious views of the favored sect. Books are the most essential tool of education since they contain the resources of knowledge which the educational process is designed to exploit. In this sense it is not difficult [392 U.S. 236, 253] to distinguish books, which are the heart of any school, from bus fares, which provide a convenient and helpful general public transportation service. With respect to the former, state financial support actively and directly assists the teaching and propagation of sectarian religious viewpoints in clear conflict with the First Amendment's establishment bar; with respect to the latter, the State merely provides a general and nondiscriminatory transportation service in no way related to substantive religious views and beliefs.

This New York law, it may be said by some, makes but a small inroad and does not amount to complete state establishment of religion. But that is no excuse for upholding it. It requires no prophet to foresee that on the argument used to support this law others could be upheld providing for state or federal government funds to buy property on which to erect religious school buildings or to erect the buildings themselves, to pay the salaries of the religious school teachers, and finally to have the sectarian religious groups cease to rely on voluntary contributions of members of their sects while waiting for the Government to pick up all the bills for the religious schools. Arguments made in favor of this New York law point squarely in this direction, namely, that the fact that government has not heretofore aided religious schools with tax-raised funds amounts to a discrimination against those schools and against religion. And that there are already efforts to have government supply the money to erect buildings for sectarian religious schools is shown by a recent Act of Congress which apparently allows for precisely that. See Higher Education Facilities Act of 1963, 77 Stat. 363, 20 U.S.C. 701 et seq.

I still subscribe to the belief that tax-raised funds cannot constitutionally be used to support religious schools, buy their school books, erect their buildings, pay their [392 U.S. 236, 254] teachers, or pay any other of their maintenance expenses, even to the extent of one penny. The First Amendment's prohibition against governmental establishment of religion was written on the assumption that state aid to religion and religious schools generates discord, disharmony, hatred, and strife among our people, and that any government that supplies such aids is to that extent a tyranny. And I still believe that the only way to protect minority religious groups from majority groups in this country is to keep the wall of separation between church and state high and impregnable as the First and Fourteenth Amendments provide. The Court's affirmance here bodes nothing but evil to religious peace in this country.

[Footnote 1] See dissenting opinion of MR. JUSTICE DOUGLAS, post, p. 254.

[Footnote 2] See *Boyd v. United States*, 116 U.S. 616 .

MR. JUSTICE DOUGLAS, dissenting.

We have for review a statute which authorizes New York State to supply textbooks to students in parochial as well as in public schools. The New York Court of Appeals sustained the law on the grounds that it involves only "secular textbooks" and that that type of aid falls within *Everson v. Board of Education*, 330 U.S. 1 , 1 where a divided Court upheld a state law which made bus service available to students in parochial schools as well as to students in public schools. 20 N. Y. 2d 109, 228 N. E. 2d 791, 281 N. Y. S. 2d 799.

The statute on its face empowers each parochial school to determine for itself which textbooks will be eligible for loans to its students, for the Act provides that the [392 U.S. 236, 255] only text which the State may provide is "a book which a pupil is required to use as a text for a semester or more in a particular class in the school he legally attends." New York Education Law 701, subd. 2. This initial and crucial selection is undoubtedly made by the parochial school's principal or its individual instructors, who are, in the case of Roman Catholic schools, normally priests or nuns.

The next step under the Act is an "individual request" for an eligible textbook (701, subd. 3), but the State Education Department has ruled that a pupil may make his request to the local public board of education through a "private school official." 2 Local boards have accordingly provided for those requests to be made by the individual or "by groups or classes." 3 And forms for textbook requisitions to be filled out by the head of the private school are provided. 4

The role of the local public school board is to decide whether to veto the selection made by the parochial school. This is done by determining first whether the text has been or should be "approved" for use in public schools and second whether the text is "secular," "nonreligious," or "non-sectarian." 5 The local boards apparently [392 U.S. 236, 256] have broad discretion in exercising this veto power. 6

Thus the statutory system provides that the parochial school will ask for the books that it wants. Can there be the slightest doubt that the head of the parochial school will select the book or books that best promote its sectarian creed?

If the board of education supinely submits by approving and supplying the sectarian or sectarian-oriented textbooks, the struggle to keep church and state separate has been lost. If the board resists, then the battle line between church and state will have been drawn and the contest will be on to keep the school board independent or to put it under church domination and control. [392 U.S. 236, 257]

Whatever may be said of Everson, there is nothing ideological about a bus. There is nothing ideological about a school lunch, or a public nurse, or a scholarship. The constitutionality of such public aid to students in parochial schools turns on considerations not present in this textbook case. The textbook goes to the very heart of education in a parochial school. It is the chief, although not solitary, instrumentality for propagating a particular religious creed or faith. How can we possibly approve such state aid to a religion? A parochial school textbook may contain many, many more seeds of creed and dogma than a prayer. Yet we struck down in *Engel v. Vitale*, 370 U.S. 421, an official New York prayer for its public schools, even though it was not plainly denominational. For we emphasized the violence done the Establishment Clause when the power was given religious-political groups "to write their own prayers into law." *Id.*, at 427. That risk is compounded here by giving parochial schools the initiative in selecting the textbooks they desire to be furnished at public expense.

Judge Van Voorhis, joined by Chief Judge Fuld and Judge Breitel, dissenting below, said that the difficulty with the textbook loan program "is that there is no reliable standard by which secular and religious textbooks [392 U.S. 236, 258] can be distinguished from each other." 20 N. Y. 2d, at 122, 228 N. E. 2d, at 798, 281 N. Y. S. 2d, at 809. The New York Legislature felt that science was a nonsectarian subject (see n. 5, supra). Does this mean that any general science textbook intended for use in grades 7-12 may be provided by the State to parochial school students? May John M. Scott's *Adventures in Science* (1963) be supplied under the textbook loan program? This book teaches embryology in the following manner:

"To you an animal usually means a mammal, such as a cat, dog, squirrel, or guinea pig. The new animal or embryo develops inside the body of the mother until birth. The fertilized egg

becomes an embryo or developing animal. Many cell divisions take place. In time some cells become muscle cells, others nerve cells or blood cells, and organs such as eyes, stomach, and intestine are formed.

"The body of a human being grows in the same way, but it is much more remarkable than that of any animal, for the embryo has a human soul infused into the body by God. Human parents are partners with God in creation. They have very great powers and great responsibilities, for through their cooperation with God souls are born for heaven." (At 618-619.) 7

Comparative economics would seem to be a nonsectarian subject. Will New York, then, provide Arthur J. Hughes' general history text, *Man in Time* (1964), to [392 U.S. 236, 259] parochial school students? It treats that topic in this manner:

"Capitalism is an economic system based on man's right to private property and on his freedom to use that property in producing goods which will earn him a just profit on his investment. Man's right to private property stems from the Natural Law implanted in him by God. It is as much a part of man's nature as the will to self-preservation." (At 560.)

"The broadest definition of socialism is government ownership of all the means of production and distribution in a country. . . . Many, but by no means all, Socialists in the nineteenth century believed that crime and vice existed because poverty existed, and if poverty were eliminated, then crime and vice would disappear. While it is true that poor surroundings are usually unhealthy climates for high moral training, still, man has the free will to check himself. Many

Socialists, however, denied free will and said that man was a creation of his environment. . . . If Socialists do not deny Christ's message, they often ignore it.

Christ showed us by His life that this earth is a testing ground to prepare man for eternal happiness. Man's interests should be in this direction at least part of the time and not always directed toward a futile quest for material goods." (At 561-564.) 8

Mr. Justice Jackson said, ". . . I should suppose it is a proper, if not an indispensable, part of preparation for a [392 U.S. 236, 260] worldly life to know the roles that religion and religions have played in the tragic story of mankind." *McCollum v. Board of Education*, 333 U.S. 203, 236 (concurring opinion). Yet, as he inquired, what emphasis should one give who teaches the Reformation, the Inquisition, or the early effort in New England to establish "a Church without a Bishop and a State without a King?" *Ibid.* What books should be chosen for those subjects?

Even where the treatment given to a particular topic in a school textbook is not blatantly sectarian, it will necessarily have certain shadings that will lead a parochial school to prefer one text over another. 9

The Crusades, for example, may be taught as a Christian undertaking to "save the Holy Land" from the Moslem Turks who "became a threat to Christianity and its holy places," which "they did not treat . . . with respect" [392 U.S. 236, 261] (H. Wilson, F. Wilson, B. Erb & E. Clucas, *Out of the Past* 284 (1954)), or as essentially a series of wars born out of political and materialistic motives (see G. Leinwand, *The Pageant of World History* 136-137 (1965)).

Is the dawn of man to be explained in the words, "God created man and made man master of the earth" (P. Furlong, *The Old World and America* 5 (1937)), or in the language of evolution (see T. Wallbank, *Man's Story* 32-35 (1961))?

Is the slaughter of the Aztecs by Cortes and his entourage to be lamented for its destruction of a New World culture (see J. Caughey, J. Franklin, & E. May, *Land of the Free* 27-28 (1965)), or forgiven because the Spaniards "carried the true Faith" to a barbaric people who practiced human sacrifice (see P. Furlong, Sr. Margaret, & D. Sharkey, *America Yesterday* 17, 34 (1963))?

Is Franco's revolution in Spain to be taught as a crusade against anti-Catholic forces (see R. Hoffman, G. Vincitorio, & M. Swift, *Man and His History* 666-667 (1958)) 10 or as an effort by reactionary elements to regain control of that country (see G. Leinwand, *The Pageant of World History*, supra, at 512)? 11 Is the expansion of [392 U.S. 236, 262] communism in select areas of the world a manifestation of the forces of Evil campaigning against the forces of Good? See A. Hughes, *Man in Time*, supra, at 565-568, 666-669, 735-748.

It will be often difficult, as Mr. Justice Jackson said, to say "where the secular ends and the sectarian begins in education." *McCollum v. Board of Education*, 333 U.S., at 237 -238. But certain it is that once the so-called "secular" textbook is the prize to be won by that religious faith which selects the book, the battle will be on for those positions of control. Judge Van Voorhis expressed the fear that in the end the state might dominate the church. Others fear that one sectarian group, gaining control of the state agencies which approve the "secular" textbooks, will use their control to disseminate ideas most congenial to their faith. It must be remembered that the very existence of the religious school - whether Catholic or Mormon, Presbyterian or Episcopalian - is to provide an education oriented to the dogma of the particular faith. 12 [392 U.S. 236, 263]

Father Peter O'Reilly put the matter succinctly when he disclosed what was happening in one Catholic school: 13 "On February 24, 1954, Rev. Cyril F. Meyer, C. M., then Vice President of the University, sent the following letter to all the faculty, both Catholics and non-Catholics, even those teaching law, science, and mathematics:

"Dear Faculty Member:

"As a result of several spirited discussions in the Academic Senate, a resolution was passed by that body that a self-evaluation be made of the effectiveness with which we are achieving in our classrooms the stated objectives of the University. . . . The primacy of the spiritual is the reason for a Christian university. Our goal is not merely to equip students with marketable skills. It is far above this - to educate man, the whole man, the theocentric man. As you are well

aware, we strive to educate not only for personal and social success in secular society, but far more for leadership toward a theocentric society. . . . [392 U.S. 236, 264]

"May I, therefore, respectfully request that you submit answers as specific as possible to the following questions:

"1. What do you do to make your particular courses theocentric?

"2. Do you believe there is anything the Administration or your colleagues can do to assist you in presenting your particular courses more "according to the philosophical and theological traditions of the Roman Catholic Church"? Do not hesitate to let us know. There is no objective of our University more fundamental than this. We must all be aware that "the classroom that is not a temple is a den."

"Please try to have your answers, using this size paper, returned to me by March 10."

This tendency is no Catholic monopoly:

"The Presbyterian-affiliated Lewis and Clark College seems to have a similar interest in appearances of autonomy, with a view to avoiding possible legal bars to both federal funds and gifts from some foundations. The change, which legitimizes the college as an autonomous educational institution, removes the requirement that each presbytery in Oregon have at least one representative on the board, but it was made clear 'The college wishes to change only its legal relationship to the synod and not its purposes,' and promised that it still will elect a minister from each presbytery to the board on nomination of the synod, and will consult the synod before making any change in its statement of purpose, which defines it as a Presbyterian-related college." 14

The challenged New York law leaves to the Board of Regents, local boards of education, trustees, and other school authorities the supervision of the textbook program. [392 U.S. 236, 265]

The Board of Regents (together with the Commissioner of Education) has powers of censorship over all textbooks that contain statements seditious in character, or evince disloyalty to the United States or are favorable to any nation with which we are at war. New York Education Law 704. Those powers can cut a wide swath in many areas of education that involve the ideological element. 15

In general textbooks are approved for distribution by "boards of education, trustees or such body or officer as perform the functions of such boards . . ." New York Education Law 701, subd. 1. These school boards are generally elected, 2013, 2502, subd. 2, though in a few cities they are appointed. 2553. Where there are trustees, they are elected. 1523, 1602, 1702. And superintendents who advise on textbook selection are appointed by the board of education or the trustees. 1711, 2503, subd. 5, 2507.

The initiative to select and requisition "the books desired" is with the parochial school. Powerful religious-political pressures will therefore be on the state agencies to provide the books that are desired.

These then are the battlegrounds where control of textbook distribution will be won or lost. Now that "secular" textbooks will pour into religious schools, we can rest assured that a contest will be on to provide those books for religious schools which the dominant religious group

concludes best reflect the theocentric or other philosophy of the particular church. [392 U.S. 236, 266]

The stakes are now extremely high - just as they were in the school prayer cases (see *Engel v. Vitale*, supra) - to obtain approval of what is "proper." For the "proper" books will radiate the "correct" religious view not only in the parochial school but in the public school as well.

Even if I am wrong in that basic premise, we still should not affirm the judgment below. Judge Van Voorhis, dissenting in the New York Court of Appeals, thought that the result of tying parochial school textbooks to public funds would be to put nonsectarian books into religious schools, which in the long view would tend towards state domination of the church. 20 N. Y. 2d, at 123, 228 N. E. 2d, at 798, 281 N. Y. S. 2d, at 810. That would, indeed, be the result if the school boards did not succumb to "sectarian" pressure or control. So, however the case be viewed - whether sectarian groups win control of school boards or do not gain such control - the principle of separation of church and state, inherent in the Establishment Clause of the First Amendment, is violated by what we today approve.

What Madison wrote in his famous Memorial and Remonstrance against Religious Assessments is highly pertinent here: 17

"Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, 18 may force him to conform to any other establishment in all cases whatsoever?" [392 U.S. 236, 267]

APPENDIX A TO OPINION OF DOUGLAS, J., DISSENTING.

CODE - 220-399-2-NYSTL REQ. NUMBER

TEXTBOOK REQUISITION

PUBLISHERS NAME

STREET ADDRESS

CITY AND STATE

SHIP TO - EDISON WAREHOUSE

STREET - VAN GUYSLING AVE.

CITY & STATE - SCHENECTADY, N. Y.

NO. COPIES ... NAME OF BOOK TOTAL ...

EDITION

GRADE LEVEL

PRICE PER BOOK Total Amount

I certify that the following number of children residing in your school district have individually requested the loan of the textbook indicated above for the school year 1967-68 in accordance with Section 701, subdivision 2, of the Education Law. Form 1 requests have been submitted to you for each child. I also certify that the textbook requested is a non-sectarian edition and approved for use by a New York State Public School District.

..... Name of Parochial/Private School Official of Private School [392 U.S. 236, 268]

APPENDIX B TO OPINION OF DOUGLAS, J., DISSENTING.

LETTER OF FRANCIS CARDINAL SPELLMAN, NOVEMBER 1, 1967.

One of the most precious rights which we have in our civil society is the right to vote. This right should be exercised with reverence and with understanding - particularly when emotional feelings run high.

An important opportunity to exercise this right will be provided on next Tuesday, November 7th. On that day we are asked to choose between the old State Constitution and the proposed new State Constitution. We will decide whether the provisions of the New Constitution will better serve the changing needs of our families, our neighbors, and our institutions, both public and private.

We are faced with a grave responsibility to weigh this choice carefully and to vote conscientiously. I have viewed with concern the tone of the past month's discussion with regard to the proposed new Constitution. I am disappointed that so much of the opposition to the Constitution comes from those forces in our pluralistic society who would deny equal educational opportunities to children attending parochial schools. As a citizen I am dismayed to think that they would have overwhelmingly supported the new Constitution were it not for the fact that it repeals the Blaine Amendment.

The proposed new Constitution, as a whole, is so closely related to our lives that it must command our careful consideration. This document addresses itself to values basic to the fulfillment of our lives as citizens. We must be aware that this Constitution contains new provisions designed to facilitate the rebuilding of our communities, new provisions committing the State to the [392 U.S. 236, 269] maximum development of the educational potential of every citizen, new provisions enabling government,

in a responsible way, to mobilize all the forces of society to meet the changing needs of all our people, to enhance their environment and to promote their social well-being.

At the close of the Constitutional Convention I expressed my opinion that the Convention had produced a document worthy of support by the people of New York State. Nothing in the public debate since then has caused me to alter my judgment.

I know that you will conscientiously fulfill your civic duty and that you will give serious consideration to this proposed new Constitution. *

[Footnote 1] Everson, relied on by the Court of Appeals of New York, did not involve textbooks and did not present the serious problems raised by a form of aid to parochial students which injects religious issues into the choice of curriculum. In the only decision of this Court upholding a state grant of textbooks to sectarian school students, *Cochran v. Board of Education*, 281 U.S. 370, the First Amendment issue was not raised. See *id.*, at 370-373; *Everson v. Board of Education*, 330 U.S. 1, 29, n. 3 (dissenting opinion).

[Footnote 2] Letter from Herbert F. Johnson, State Education Department, to City, Village and District Superintendents & Supervising Principals, □ 5, Jan. 10, 1966, reproduced in Brief for American Jewish Committee et al. as Amici Curiae, at 43, 44.

[Footnote 3] Manual of Instructions on Recordkeeping Procedures for Textbooks Loaned in Conformance With Provisions of the New York State Textbook Law □ 2.3 (1967), reproduced in Brief for National Jewish Commission on Law and Public Affairs as Amicus Curiae, at 24, 25.

[Footnote 4] See Appendix A to this opinion.

[Footnote 5] The State Court of Appeals used the phrases "secular textbooks" and "nonreligious textbooks" without any elaboration as to what was meant. 20 N. Y. 2d, at 117, 228 N. E. 2d, at 794-795, 281 N. Y. S. 2d, at 805. The legislature, in its "statement of policy" to the Act (Laws of 1965, c. 320, 1), speaks of aiding instruction [392 U.S. 236, 256] in "non-sectarian subjects," and gives as examples "science, mathematics, [and] foreign languages." The State Department of Education has stated that "it is necessary that . . . [t]he textbooks be non-sectarian (this eliminates denominational editions and those carrying the 'imprimatur' or 'nihil obstat' of a religious authority)" Opinion of Counsel No. 181. There are no other definitions to be found.

The Court was advised at oral argument by the Assistant Attorney General that Opinion of Counsel No. 181 is advisory only and not binding. It would state the policy of the New York Department of Education in event of an appeal to it by a taxpayer of a local board's decision that a certain text was "non-sectarian" or should be

"approved." The Regents of the University of the State of New York, who have the last word on such matters and are specifically authorized by 701, subd. 3, to promulgate regulations respecting the textbook loan program, have not done so, and their position on what is "non-sectarian" is unknown.

[Footnote 6] For example the regulations of the Board of Education of the City of New York respecting approval of textbooks for public schools contain no limitations directly relevant to the question of sectarianism. The material is to "promote the objectives of the educational program," "treat the subject competently and accurately," "be in good taste," "have a wholesome tone that is consonant with right conduct and civic values," "be in harmony with American democratic ideals and moral values," "be free of any reflection on the dignity and status of any group, race, or religion, [392 U.S. 236, 257] whether expressed or implied, by statement or omission," and "be free of objectionable features of over-dramatization, violence, or crime." Guiding Principles for Schools in the Selection and Use of "Non-Listed" Instructional Materials (1952). Opinion of Counsel No. 181 (see n. 5, supra) simply states that the local board, if it finds that no other board has approved the text in question, should "decide if it wishes to approve the same itself." This opinion of counsel also states that if the board is in doubt as to whether a text is "non-sectarian," that is whether it carries an imprimatur or nihil obstat or is a denominational edition, it "must make the appropriate determination."

[Footnote 7] Although the author of this textbook is a priest, the text contains no imprimatur and no nihil obstat. Although published by a Catholic press, the Loyola University Press, Chicago, it is not marked in any manner as a "denominational edition," but is simply the general edition of the book. Accordingly, under Opinion of Counsel No. 181, the only document approaching a "regulation" on the issue involved here, Adventures in Science would qualify as "non-sectarian." See nn. 5, 6, supra.

[Footnote 8] Man In Time contains a nihil obstat and an imprimatur. Thus, if Opinion of Counsel No. 181 (see nn. 5, 6, supra) is applicable, this book may not be provided by the State. The Opinion of Counsel, however, is only "advisory," we are told; moreover, the religious endorsements could easily be removed by the author and publisher at the next printing.

[Footnote 9] Some parochial schools may prefer those texts which are liberally sprinkled with religious vignettes. This creeping sectarianism avoids the direct teaching of religious doctrine but keeps the student continually reminded of the sectarian orientation of his education. In P. Furlong, Sr. Margaret, & D. Sharkey's American history text, America Yesterday (1963), for example, the student is informed that the first mass to be said in what is now the United States was in 1526 near Chesapeake Bay, that eight French missionaries to Canada in the early 1600's were canonized in 1930, that one of the men who signed the Declaration of Independence and two who attended the Constitutional Convention were Catholic, and that the superintendent of the Hudson Bay Company's outpost in the Oregon

country converted to Catholicism in 1842. At 26, 73-74, 102, 140, 235. And J. Scott's *Adventures in Science* (1963), in teaching the atmospheric conditions prevailing at the top of Mount Everest, informs the student that when Sir Edmund Hillary first scaled this peak he placed there a "tiny crucifix" which a Benedictine monk had supplied. At 72.

America Yesterday, supra, is another example of a text written by the clergy (here a priest and nun together with one layman) that contains no imprimatur and no nihil obstat and is not a denominational edition. See nn. 5-7.

[Footnote 10] "In Spain early in 1936 a popular-front organization won a victory in the national elections. The result was a government made up of discordant political elements that failed to preserve civil order in the country. Violent anti-Catholics attacked and burned churches and monasteries, and the government did not even try to prevent these crimes. As a result, Spaniards who loved their country and were loyal to their religion revolted against the popular-front government of the republic. An able general, Francisco Franco, put himself at the head of the revolt, which began in July 1936."

[Footnote 11] "Spain, at the end of World War I, was a backward, poverty-stricken monarchy. In 1931, the king resigned and the people established a republic. The Spanish tried many reforms, but there were many who wanted to go back to the old ways and old privileges of the monarchy. Those who were rich wanted to hold on to [392 U.S. 236, 262] their property. These people thought that Francisco Franco, a Fascist, could help them.

"In 1936, a civil war started which soon came to be called a 'dress rehearsal' for World War II because the Fascist countries of Italy and Germany supported

Franco and his rebels. On the other hand, Russia supported the loyalists (as the armies of the republic were called). The democratic countries might have

supported the loyalists, too, but fear of communism prevented them from doing so. Franco defeated the loyalists and, in 1938, became dictator of Spain and

today as El Caudillo ('The Leader') still rules Spain with an iron hand."

[Footnote 12] The purpose of the parochial school in the beginning is clear beyond peradventure. The generally held Roman Catholic position in the matter of education in public and parochial schools has been well summarized by the late Monsignor John A. Ryan (1869-1945):

"As a matter of fact, the State maintains a system of schools which is not completely satisfactory to Catholics, inasmuch as no [392 U.S. 236, 263] place is given

to morality and religion. Since the Church realizes that the teaching of religion and instruction in the secular branches cannot rightfully or successfully be

separated one from the other, she is compelled to maintain her own system of schools for general education as well as for religious instruction. . . ." 2 A.

Stokes, *Church and State in the United States* 654 (1950).

"The education in the parochial schools follows in general the curriculum in the public schools, the main differences being that about 15 per cent of the time is given to religious instruction, and that the Catholic point of view is brought out in the treatment of historical and other subjects, just as the Protestant point of view might be emphasized in a Protestant school." Ibid.

Some, however, think that some parochial schools are changing their character under practical pressures of educational competition. See, e. g., Fleming, *Fordham Is Trying to be catholic With a Small "c,"* N. Y. Times Magazine, Dec. 10, 1967, p. 32.

[Footnote 13] St. John's I: A Chronicle of Folly, 4 Continuum 223, 233-234 (1966).

[Footnote 14] Id., 234 (emphasis in original).

[Footnote 15] Cf. *Adler v. Board of Education*, 342 U.S. 485 ; *Barsky v. Board of Regents*, 347 U.S. 442 .

[Footnote 16] The proportions of the contest are suggested in the letter dated November 1, 1967, that the late Cardinal Spellman directed to be read at all the masses on Sunday, November 5, 1967, just before the vote on a proposed Constitution that would have opened wide the door to state aid to parochial schools. I have attached the letter as Appendix B to this opinion.

[Footnote 17] 2 Writings of James Madison 186 (Hunt ed. 1901).

[Footnote 18] For a recent account of the extent to which public funds are being poured into sectarian schools see S. Rep. No. 473, 90th Cong., 1st Sess., 9-10 (1967).

[Footnote *] One parochial school lobbyist group has urged Congress that in order to avoid an establishment of secularism in education, federal monies must be distributed to all the various sects which operate parochial schools.

"[T]here is no valueless or neutral school," it is argued, and education and religion cannot be separated from each other. Hearings on S. 3 and H. R. 1198 before Subcommittee No. 3 of the House Committee on the Judiciary, 90th Cong., 2d Sess., at ____ (1968) (statement of Dr. Francis J. Brown, chairman, National Association for Personal Rights in Education).

The views expressed by my Brother HARLAN in his concurring opinion are somewhat similar. His approval, on a constitutional basis, of government aid to our country's churches "calculated to achieve nonreligious purposes otherwise within the competence of the State" and not involving the state "significantly and directly in the realm of the sectarian" would seem to permit considerable diversion of public funds to the various sects. The state's "competence" in the areas of health, safety,

and welfare of the people would under that view permit it to fund a church's charity programs, [392 U.S. 236, 270] pay for renovating dilapidated church buildings, and pay for the services and upkeep, such as janitors' salaries and utility bills, necessary to maintain church buildings in safe and healthful condition. Indeed, short of state-provided prayer books, sacramental wine, and the like, churches could, apparently, become virtual state dependencies.

Should that, unhappily, come to pass, then perhaps the church would in time become an administrative arm of the state, a goal predicted by J. Galbraith for "the mature corporation." *The New Industrial State* 393 (1967).

Then the circle would be completed and we would return to the point where the long struggle to keep church and state separate first started.

Such a constitutional form of government is conceivable. But proposals for putting each of the Nation's religious sects on the public payroll should be addressed to a federal constitutional convention, since, as my Brother BLACK shows, such a scheme was thoroughly rejected in 1791 with the adoption of the First Amendment.

MR. JUSTICE FORTAS, dissenting.

The majority opinion of the Court upholds the New York statute by ignoring a vital aspect of it. Public funds are used to buy, for students in sectarian schools, textbooks which are selected and prescribed by the sectarian [392 U.S. 236, 270] schools themselves. As my Brother DOUGLAS points out, despite the transparent camouflage that the books are furnished to students, the reality is that they are selected and their use is prescribed by the sectarian authorities. The child must use the prescribed book. He cannot use a different book prescribed for use in the public schools. The State cannot choose the book to be used. It is true that the public school boards must "approve" the book selected by the sectarian authorities; but this has no real significance. The purpose of these provisions is to hold out promise that the books will be "secular" (but cf. DOUGLAS, J., dissenting, ante, at 256, n. 6); but the fact remains that the books are chosen by and for the sectarian schools.

It is misleading to say, as the majority opinion does, that the New York "law merely makes available to all children the benefits of a general program to lend school books free of charge." (Ante, at 243.) This is not a "general" program. It is a specific program to use state [392 U.S. 236, 271] funds to buy books prescribed by sectarian schools which, in New York, are primarily Catholic, Jewish, and Lutheran sponsored schools. It could be called a "general" program only if the school books made available to all children were precisely the same - the books selected for and used in the public schools. But this program is not one in which all children are treated alike, regardless of where they go to school. This program, in its unconstitutional features, is hand-tailored to satisfy the specific needs of sectarian schools. Children attending such schools are given special books - books selected by the sectarian authorities. How can this be other than the use of public money to aid those

sectarian establishments?

It is also beside the point, in my opinion, to "assume," as the majority opinion does, that "books loaned to students are books that are not unsuitable for use in the public schools because of religious content." (Ante, at 245.) The point is that the books furnished to students of sectarian schools are selected by the religious authorities and are prescribed by them.

This case is not within the principle of *Everson v. Board of Education*, 330 U.S. 1 (1947). Apart from the differences between textbooks and bus rides, the present statute does not call for extending to children attending sectarian schools the same service or facility extended to children in public schools. This statute calls for furnishing special, separate, and particular books, specially, separately, and particularly chosen by religious sects or their representatives for use in their sectarian schools. This is the infirmity, in my opinion. This is the feature that makes it impossible, in my view, to reach any conclusion other than that this statute is an unconstitutional use of public funds to support an establishment of religion.

This is the feature of the present statute that makes it totally inaccurate to suggest, as the majority does [392 U.S. 236, 272] here, that furnishing these specially selected books for use in sectarian schools is like "public provision of police and fire protection, sewage facilities, and streets and sidewalks." (Ante, at 242.) These are furnished to all alike. They are not selected on the basis of specification by a religious sect. And patrons of any one sect do not receive services or facilities different from those accorded members of other religions or agnostics or even atheists.

I would reverse the judgment below. [392 U.S. 236, 273]

U.S. Supreme Court

WITTERS v. WASH. DEPT. OF SERVICES FOR BLIND, 474 U.S. 481 (1986)

474 U.S. 481

**WITTERS v. WASHINGTON DEPARTMENT OF SERVICES FOR THE BLIND
CERTIORARI TO THE SUPREME COURT OF WASHINGTON**

No. 84-1070.

Argued November 6, 1985

Decided January 27, 1986

JUSTICE MARSHALL delivered the opinion of the Court.

The Washington Supreme Court ruled that the First Amendment precludes the State of Washington from extending assistance under a state vocational rehabilitation assistance program to a blind person studying at a Christian college and seeking to become a pastor, missionary, or youth director. Finding no such federal constitutional barrier on the record presented to us, we reverse and remand. [474 U.S. 481, 483]

I

Petitioner Larry Witters applied in 1979 to the Washington Commission for the Blind for vocational rehabilitation services pursuant to Wash. Rev. Code 74.16.181 (1981). 1 That statute authorized the Commission, inter alia, to "[p]rovide for special education and/or training in the professions, business or trades" so as to "assist visually handicapped persons to overcome vocational handicaps and to obtain the maximum degree of self-support and self-care." Ibid. Petitioner, suffering from a progressive eye condition, was eligible for vocational rehabilitation assistance under the terms of the statute. 2 He was at the time attending Inland Empire School of the Bible, a private Christian college in Spokane, Washington, and studying the Bible, ethics, speech, and church administration in order to equip himself for a career as a pastor, missionary, or youth director. App. 7-8.

The Commission denied petitioner aid. It relied on an earlier determination embodied in a Commission policy statement that "[t]he Washington State constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas," id., at 4, and on its conclusion that petitioner's training was "religious [474 U.S. 481, 484] instruction" subject to that ban. Id., at 1. That ruling was affirmed by a state hearings examiner, who held that the Commission was precluded from funding petitioner's training "in light of the State Constitution's prohibition against the state directly or indirectly supporting a religion." App. to Pet. for Cert. F-6. The hearings examiner cited Wash. Const., Art. I, 11, providing in part that "no public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment," and Wash. Const., Art. IX, 4, providing that "[a]ll schools maintained or supported wholly or in part by the public funds

shall be forever free from sectarian control or influence." App. to Pet. for Cert. F-4. That ruling, in turn, was upheld on internal administrative appeal.

Petitioner then instituted an action in State Superior Court for review of the administrative decision; the court affirmed on the same state-law grounds cited by the agency. The State Supreme Court affirmed as well. *Witters v. Commission for the Blind*, 102 Wash. 2d 624, 689 P.2d 53 (1984). The Supreme Court, however, declined to ground its ruling on the Washington Constitution. Instead, it explicitly reserved judgment on the state constitutional issue and chose to base its ruling on the Establishment Clause of the Federal Constitution. The court stated:

"The Supreme Court has developed a 3-part test for determining the constitutionality of state aid under the establishment clause of the First Amendment. 'First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion . . . ; finally, the statute must not foster "an excessive government entanglement with religion."' *Lemon v. Kurtzman*, [403 U.S. 602, 612 -613 (1971)]. To withstand attack under the establishment clause, the challenged state action [474 U.S. 481, 485] must satisfy each of the three criteria." *Id.*, at 627-628, 689 P.2d, at 55.

The Washington court had no difficulty finding the "secular purpose" prong of that test satisfied. Applying the second prong, however, that of "principal or primary effect," the court held that "[t]he provision of financial assistance by the State to enable someone to become a pastor, missionary, or church youth director clearly has the primary effect of advancing religion." *Id.*, at 629, 689 P.2d, at 56. The court, therefore, held that provision of aid to petitioner would contravene the Federal Constitution. In light of that ruling, the court saw no need to reach the "entanglement" prong; it stated that the record was in any case inadequate for such an inquiry.

We granted certiorari, 471 U.S. 1002 (1985), and we now reverse.

II

The Establishment Clause of the First Amendment has consistently presented this Court with difficult questions of interpretation and application. We acknowledged in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), that "we can only dimly perceive the lines of demarcation in this extraordinarily sensitive area of constitutional law." *Id.*, at 612, quoted in *Mueller v. Allen*, 463 U.S. 388, 393 (1983). Nonetheless, the Court's opinions in this area have at least clarified "the broad contours of our inquiry," *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756, 761 (1973), and are sufficient to dispose of this case.

We are guided, as was the court below, by the three-part test set out by this Court in *Lemon* and quoted *supra*, at 484-485. See *Grand Rapids School District v. Ball*, 473 U.S. 373, 382 -383 (1985). Our analysis relating to the first prong of that test is simple: all parties concede the unmistakably secular purpose of the Washington program. That program was designed to promote the well-being of the visually handicapped through the provision of vocational rehabilitation [474 U.S. 481, 486] services, and no more than a minuscule amount of the aid awarded under the program is likely to flow to religious education. No party suggests that the State's "actual purpose" in creating the program was to endorse religion, *Wallace v. Jaffree*, 472

U.S. 38, 74 (1985), quoting *Lynch v. Donnelly*, 465 U.S. 668, 690 (1984) (O'CONNOR, J., concurring), or that the secular purpose articulated by the legislature is merely "sham." Wallace, *supra*, at 64 (POWELL, J., concurring).

The answer to the question posed by the second prong of the Lemon test is more difficult. We conclude, however, that extension of aid to petitioner is not barred on that ground either. 3 It is well settled that the Establishment Clause is not violated every time money previously in the possession of a State is conveyed to a religious institution. For example, a State may issue a paycheck to one of its employees, [474 U.S. 481, 487] who may then donate all or part of that paycheck to a religious institution, all without constitutional barrier; and the State may do so even knowing that the employee so intends to dispose of his salary. It is equally well settled, on the other hand, that the State may not grant aid to a religious school, whether cash or in kind, where the effect of the aid is "that of a direct subsidy to the religious school" from the State. *Grand Rapids School District v. Ball*, 473 U.S., at 394. Aid may have that effect even though it takes the form of aid to students or parents.

Ibid.; see, e. g., *Wolman v. Walter*, 433 U.S. 229, 248 -251 (1977); *Committee for Public Education and Religious Liberty v. Nyquist*, *supra*; *Sloan v. Lemon*, 413 U.S. 825 (1973). The question presented is whether, on the facts as they appear in the record before us, extension of aid to petitioner and the use of that aid by petitioner to support his religious education is a permissible transfer similar to the hypothetical salary donation described above, or is an impermissible "direct subsidy."

Certain aspects of Washington's program are central to our inquiry. As far as the record shows, vocational assistance provided under the Washington program is paid directly to the student, who transmits it to the educational institution of his or her choice. Any aid provided under Washington's program that ultimately flows to religious institutions does so only as a result of the genuinely independent and private choices of aid recipients. 4 Washington's program is "made available generally without regard to the sectarian-nonsectarian, or public-nonpublic nature of the institution benefited," *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S., at 782 -783, n. 38, and is in no way skewed towards religion. It is not one of "the ingenious plans for channeling state aid to sectarian schools that periodically reach this Court," *id.*, at 785. It creates no financial incentive for students to undertake sectarian education, see *id.*, at 785-786. It does not tend to provide greater or broader benefits for recipients who apply their aid to religious education, nor are the full benefits of the program limited, in large part or in whole, to students at sectarian institutions. On the contrary, aid recipients have full opportunity to expend vocational rehabilitation aid on wholly secular education, and as a practical matter have rather greater prospects to do so. Aid recipients' choices are made among a huge variety of possible careers, of which only a small handful are sectarian. In this case, the fact that aid goes to individuals means that the decision to support religious education is made by the individual, not by the State.

Further, and importantly, nothing in the record indicates that, if petitioner succeeds, any significant portion of the aid expended under the Washington program as a whole will end up flowing to religious education. The function of the Washington program is hardly "to provide desired financial support for nonpublic, sectarian institutions." *Id.*, at 783; see *Sloan v. Lemon*, *supra*; cf. *Meek v. Pittenger*, 421 U.S. 349, 363 -364 (1975). The program, providing vocational

assistance to the visually handicapped, does not seem well suited to serve as the vehicle for such a subsidy. No evidence has been presented indicating that any other person has ever sought to finance religious education or activity pursuant to the State's program. The combination of these factors, we think, makes the link between the State and the school petitioner wishes to attend a highly attenuated one.

On the facts we have set out, it does not seem appropriate to view any aid ultimately flowing to the Inland Empire School of the Bible as resulting from a state action sponsoring or subsidizing religion. Nor does the mere circumstance [474 U.S. 481, 489] that petitioner has chosen to use neutrally available state aid to help pay for his religious education confer any message of state endorsement of religion. See *Lynch v. Donnelly*, 465 U.S., at 688 (O'CONNOR, J., concurring). Thus, while amici supporting respondent are correct in pointing out that aid to a religious institution unrestricted in its potential uses, if properly attributable to the State, is "clearly prohibited under the Establishment Clause," *Grand Rapids*, supra, at 395, because it may subsidize the religious functions of that institution, that observation is not apposite to this case. On the facts present here, we think the Washington program works no state support of religion prohibited by the Establishment Clause. 5

III

We therefore reject the claim that, on the record presented, extension of aid under Washington's vocational rehabilitation program to finance petitioner's training at a Christian college to become a pastor, missionary, or youth director would advance religion in a manner inconsistent with the Establishment Clause of the First Amendment. On remand, the state court is of course free to consider the applicability of the "far stricter" dictates of the Washington State Constitution, see *Witters v. Commission for the Blind*, 102 Wash. 2d, at 626, 689 P.2d, at 55. It may also choose to reopen the factual record in order to consider the arguments made by respondent and discussed in nn. 3 and 5, supra. We decline petitioner's invitation to leapfrog consideration of those issues by holding that the Free Exercise Clause requires Washington to extend vocational rehabilitation aid to petitioner regardless of what the State Constitution commands or further factual development reveals, and we express [474 U.S. 481, 490] no opinion on that matter. See *Rescue Army v. Municipal Court*, 331 U.S. 549, 568 (1947).

The judgment of the Washington Supreme Court is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

Good morning, my name is Carol Simpson. I work for IDEA as a Field Representative and Administrative Assistant, but I am speaking today primarily as a homeschooling parent in a statewide correspondence program. I have seven children, ages 3 to 22, and have been homeschooling for 16 years: 11 of those years as an independent homeschooler and 5 years with IDEA.

The regulations for statewide correspondence programs that have been proposed by the Department of EED seem to me to be clearly in conflict with legislative history and tradition.

Legislative intent toward school choice and innovation has been demonstrated in the charter school law (AS 14.03.250-290) and the part-time school attendance law (AS 14.03.095), both of which encourage wide-ranging school choice options.

- ❖ IDEA was designed to serve a particular constituency; people like me, who were never in any program and had no oversight from any educational institution. IDEA uses a pre-enrollment interview process to assure that parents have carefully considered the commitment required to be successful and to determine if the IDEA program is appropriate to meet their needs. They are directed to their local schools or a more traditional correspondence school like Alyeska Central School if it is apparent that they need more structure than IDEA typically provides. The typical IDEA parent is a traditional homeschooler like me who desires to continue to be their children's primary educator beyond age five and believes strongly in an individualized curriculum that is appropriate for each child's academic level and family values. Over-regulating will drive many of our students back out of the school system, back to homeschooling independently without any input or oversight by a school district.
- ❖ Adding layers of regulation that hold programs like IDEA to a higher standard than any other type of school system in Alaska, including charter schools and in-district correspondence programs, only serves to hinder the very innovation and educational options that the legislature has a history of strongly supporting. Three instances which demonstrate this discrimination are

- 1) the annual application,
- 2) mandating removal of students who do not participate in state mandated tests; and
- 3) requiring testing participation rates within 10% of the state average.

Legislative intent toward school accountability has been demonstrated (AS 14.03.123) by the commitment to a performance evaluation in the areas of reading, writing, and mathematics, as measured by the Benchmarks and Exit Exam.

- ❖ While student participation in testing is important, the proposed regulations include a mandated level of participation in order for the program to continue each year. There is no provision for this kind of mandate within statute and the legislative intent is clearly a focus on test *results* more than participation rates.
- ❖ There is an undue emphasis on what materials are used rather than standards and test results in the proposed regulations. The legislature has indicated that it is the educational concepts being taught that are crucial, not the materials being used to teach these concepts.

Legislative intent toward homeschoolers is demonstrated in the statute (AS 14.30.10) which allows for homeschooling with no regulation, earning Alaska the reputation as the most homeschool-friendly state in the country, and keeping it on the leading edge of progressive education law.

- ❖ The difference between homeschooling on my own and homeschooling within the IDEA system is that I now write a detailed learning plan for each of my children at the beginning of the school year, which is reviewed and approved by my contact teacher. My spending must follow this plan as orders are reviewed by our ordering department for congruence with the plan and to assure that no inappropriate materials are purchased with state funds. I then report progress to my district certified contact teacher twice a year and take my children to the state testing. Additionally, my contact teacher and I communicate many times over the course of the year as she checks on how things are going and I consult with her when I require assistance. I attend IDEA-sponsored workshops designed to teach me skills to be a better

home educator and benefit from the use of a computer and Internet access. Help is readily available and easily accessible whenever I need it. The level and type of monitoring should be determined by the local school district based on such varied components as grade, age, experience and involvement of the home teacher, materials being used, history within the program, past standardized test scores, and other criteria.

- ❖ The latitude given to independent homeschoolers by the legislature has declared loud and clear that parents can indeed be trusted to be responsible when it comes to teaching the appropriate concepts to their children. Regulations requiring certified teacher review of all purchases for students, monthly review of work, and denying the right to use *privately-purchased* materials that may be religious in nature all fly in the face of the respect that has previously been accorded to homeschoolers by the legislature.

Legislative intent has clearly been toward an emphasis on parental authority and local school district control, as exemplified in the homeschool law, charter school law, statutes on duties of local school boards, etc.

- ❖ IDEA has a strong history of a great deal of parental involvement. In fact, I was one of the first employees of IDEA, hired not for my experience with school districts, of which I had none, but because of my years of homeschooling and experience as head of my local home school support group. There is now a Field Representative for each of our five regions, whose primary job is to represent the parents' views to the administration and represent the administration's views to the homeschoolers. Additionally, this one program has five Parent Advisory Committees, which plan community events and serve as additional liaisons between the staff and the parents. Many are active in their local home school groups and rub elbows with other parents every day. The Galena School Board has always been very responsive to the parents and invites the PAC Chairs to meet with them a couple of times a year. Parents are welcomed and encouraged to contact the Galena Board and any of the administrative staff at any time, and they readily do so.
- ❖ The Department of EED has indicated that they wish to require that all funding received by districts for correspondence students

be used on that program alone. All money received by the Galena City School District is apportioned to each school within the district according to its individual needs, just as in any other district. The legislature has already considered the issue of categorical funding as applied to the Charter School law and decided that it was inappropriate. It is also inappropriate when applied to statewide correspondence programs.

In conclusion, I have found that within IDEA I have the best of both worlds; homeschooling with assistance from a public school district. The legislature has stated the State Education Policy in AS 14.03.015: "It is the policy of this state that the purpose of education is to help ensure that all students will succeed in their education and work, shape worthwhile and satisfying lives for themselves, exemplify the best values of society, and be effective in improving the character and quality of the world about them." Will the proposed regulations further this state policy or hinder it? Few teachers would argue that a one-on-one tutoring situation with a nurturing instructor is the best possible learning environment. What could be better than a nurturing home with parents committed to every aspect of the children's upbringing? The guidance, leadership, assistance in finances, advice, and oversight provided through IDEA assists me to accomplish these goals for my children.

I greatly appreciate the service that you perform for our state as legislators. Thank you for the opportunity to testify before you and for your thoughtful consideration of the degree of alignment that these proposed regulations have with clearly demonstrated legislative intent.

Explanation of Proposed Regulations of Correspondence Study Programs
4 AAC 33.421 - 4 AAC 33.490

Sent to DEED for this concurrence of my understanding.

1) DEED's Viewpoint:

- a) Additional language clarifies existing regulation's intent.
- b) DEED does not want to be proscriptive.
- c) It is ultimately the school districts' responsibility to make sure all their students receive an adequate education. It is DEED's responsibility to make sure public money is spent appropriately.

2) 4 AAC 33.420 Requirements: (Department Approval)

- a) A district must file an annual application to provide a statewide correspondence study program and have that application approved to operate a correspondence program
- b) The department will approve the application if it demonstrates compliance with 4 AAC 33.421.

3) 4 AAC 33.421 Requirements: (Statewide Correspondence Study Program Requirements)

- a) The correspondence program must meet all requirements to be approved
- b) The program must conform with state performance standards
- c) Materials used by the program must be reviewed and approved by the school board and they must be same quality as those offered to other district students. Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money. School boards shall use educationally sound, unbiased texts and other instructional materials as they become available. Nothing in this section prohibits use of literary works.
- d) Program staff and teachers shall not provide instruction using religious, partisan, sectarian or denominational curricula purchased privately by the parent/guardian/student if it teachers particular religious beliefs as true. (DEED's intent is that this prohibition only applies to those credits necessary to maintain full time student status (core four classes) and only applies to publicly funded curricula.)
- e) Correspondence program must contain an assessment plan of the same quality as other district programs **and must include monthly review of student's work by certified teacher, grades or standards met, determined and assigned by a certified teacher with review and consideration by parents, with transcript noting source of curriculum for any course not developed by a district.** (DEED's intent is that the certified teacher will check to ensure the student's course of study and academic progress are objectively comparable with those of other students with the same grades. DEED believes it is a district's responsibility to ensure that a correspondence program student's grade is objectively comparable to a non-correspondence student's grade and achievement.)
- f) Districts must require students to participate in all statewide assessments (Benchmark tests and High School Graduation Qualifying Exam), inform parents of requirements and consequences of non-compliance, and provide testing facility and provide DEED with participation rates.
- g) The program must provide for receiving parents' advice and involvement in all phases of program **and include signed agreement between certified teacher and parents that the curriculum materials are aligned to the standards and how they are aligned.**
- h) **The program may provide a fund account to parents to pay for only instructional expenses. Materials bought with state funding are the program's property; non-workbook materials must be returned if student leaves program; public funds can't pay for religious, partisan, sectarian or denominational materials. The program must provide written guidance on what allowable expenditures are. All expenditures must be approved by the certified teacher. The fund account may not replace district funds or obligations for Individualized Education Plan (IEP).**

Was says delete (c)

Was says at minute

Was says delete

Was says ok?

7

Was says oppose

3) **4 AAC 33.430 Requirements: (Enrollment of Out-of-District Students)**

- a) **Districts must provide DEED with a list of enrolled students and the percentage of time they are enrolled either prior to enrolling the student or by the date required for the Fall or Spring Student Count required by statute.**
- b) Repealed in 2000
- c) Alyeska Central School will be considered to be an enrolling district.
- d) **Deletes requirement that districts and correspondence programs enter into cooperative agreements for all students.**
- e) **Deletes requirement that districts and correspondence programs enter into cooperative agreements for all special education students.**
- f) Repealed in 2000
- g) Repealed in 2000
- h) A student may not be counted for state funding as more than one student when enrolled in both a school district and a correspondence student. The district will count first based on student's enrollment. The remaining portion may be allocated to the correspondence program based on class enrollment.

4) **4 AAC 33.432 Requirements: (Enrollment of Special Education Students)**

- a) The correspondence program must enter into an individualized cooperative agreement with the residence district if the special education student is enrolling at less than 100% time. The residence district will receive a larger share of the funding and be responsible for coordinating and paying for special education services and required by the student's IEP and for compliance with state testing requirements.
- b) The correspondence program will ensure that all special education students are identified and located in order to establish their need for special services **and that all requirements for exceptional children are met even if the student does not require an IEP.**
- c) When a cooperative agreement is required, it must include the name, address and social security number of the student, the entity providing special services, if applicable; the plan for receipt and payment of funds; the plan of services to be provided including the names of the IEP team(s) and how the teacher(s) will participate; and provision for confidentiality of the student.
- d) Repealed in 2000
- e) Repealed in 2000
- f) Alyeska Central School may be a correspondence school
- g) **Correspondence programs providing all or part of a special ed student's services may provide them before an individualized cooperative agreement is finalized.**

5) **4 AAC 33.440 Requirements: (Reporting Requirements: Correspondence and Part-time Students)**

- a) Each correspondence study district shall send a student count report to the department that contains the number of out of district students enrolled, the name, address, phone number and social security number of each part-time student and the percentage of full-time equivalency for those students.
- b) Districts of residents shall send a student count report to the department containing the above information plus the name of correspondence schools with which the district has a cooperative agreement and the amount of money received as reimbursement or payment from each correspondence district.
- c) The reports will be sent in electronic format or other format as required by the department. The department will ensure that no student is counted as more than one full-time equivalent.

6) **4 AAC.33.450 Requirements: (Failure to participate in state mandated assessment tests)**

- a) **If a student fails to participate in a state assessment, the student will be ineligible to enroll in any statewide correspondence program for the following year unless the correspondence program has excused the student from the assessment.**

7) **4 AAC 33.460 Requirements: (Program Review)**

- a) **The department will monitor correspondence programs to ensure compliance with the requirements of this chapter and with assurances given in applications.**
- b) **Upon request by the department, the district shall provide a list of all students enrolled in the correspondence program including the name, age, entry date, exit date, category of disability and the type of special education services provided, if appropriate. The district will also provide a list of all administrators, teachers, aides and special education services personnel with their teacher certificate numbers where appropriate and any other information requested.**

8) **4 AAC 33.490: Definitions**

CHAPTER 33 SPECIAL SCHOOLS.

4 AAC 33.420 is amended to read:

4 AAC 33.420. DEPARTMENT APPROVAL. (a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.

(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program complies with the requirements in 4 AAC 33.421. [MEETS THE FOLLOWING CRITERIA:

(1) THE PROGRAM CONFORMS WITH STATEWIDE GOALS AND PERFORMANCE STANDARDS, AS SET OUT IN 4 AAC 04.010 - 4 AAC 04.200;

(2) CURRICULUM MATERIALS, INCLUDING TEXTBOOKS AND OTHER INSTRUCTIONAL AIDS, HAVE BEEN REVIEWED AND SELECTED BY THE DISTRICT SCHOOL BOARD, ARE OF THE SAME QUALITY AS THOSE MATERIALS THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS, AND ARE IN COMPLIANCE WITH AS 14.03.090 AND AS 14.18.060 ;

(3) THE PROGRAM INCLUDES AN ASSESSMENT PLAN OF THE SAME QUALITY AS AN ASSESSMENT PLAN THAT THE DISTRICT OFFERS IN THE DISTRICT'S OTHER PROGRAMS;

(4) THE DISTRICT REQUIRES ENROLLED STUDENTS TO PARTICIPATE IN THE STATEWIDE STUDENT ASSESSMENT PROGRAM AS REQUIRED BY 4 AAC 06.710 - 4 AAC 06.790;

(5) THE PROGRAM INCLUDES A PLAN FOR RECEIVING PARENTAL

Register _____, _____ 2002 EDUCATION AND EARLY DEV.

ADVICE AND INVOLVEMENT IN PLANNING, DEVELOPMENT, AND
EVALUATION OF THE CORRESPONDENCE STUDY PROGRAM, INCLUDING]
THE SELECTION AND EVALUATION OF CURRICULUM, TEACHERS, AND
ADMINISTRATORS;

(6) THE PROGRAM IS IN THE BEST INTERESTS OF THE STATE.] (Eff.

5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

4 AAC 33 is amended by adding a new section to read

4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM

REQUIREMENTS. (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.

(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 – 4 AAC 04.200;

(c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 .

(d) The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.

current

*public school
this curriculum
parent has
to get it elsewhere.
Outside of core
four, districts make
decisions about what
counts for credit.*

(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:

(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the certified teacher's review;

(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;

(3) a transcript that denotes curricula material origin for any course other than a district developed course.

(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must

(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and

(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;

(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.

(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the

*Check of
general
comparative
proficiency.
Grades must
mean something.
This is a
district
responsibility.*

selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement

(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;

(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.

(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:

(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs only;

(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;

(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;

(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;

(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and

(6) the fund account may not be used either by the district or the parent to supplant

Core four
courses for
full time
requirement

re: religious/partisan stuff? suggestion would get intent: program curriculum approved by school board.

Teacher could then sign off on anything school board has approved. The state

cannot get involved in determining appropriateness of religious/partisan curriculum.

district funds or obligations for IEP services.(Eff. __/__/__, Register __)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.050 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.03.090 | AS 14.08.111 |
| | AS 14.14.090 | | |

4 AAC 33.430 is amended to read:

4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS. (a) To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district [BEFORE ENROLLING AN OUT-OF-DISTRICT STUDENT IN A STATEWIDE CORRESPONDENCE STUDY PROGRAM, A DISTRICT SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE STUDENT'S DISTRICT OF RESIDENCE,] either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.

(b) Repealed 6/15/2000.

(c) For the purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.] This section does not apply to students who enroll in Alyeska Summer School Program.

(d) Repealed / / . [COOPERATIVE AGREEMENTS MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION AND PROVISIONS:

(1) THE NAMES, ADDRESSES, TELEPHONE NUMBERS, AND SOCIAL

SECURITY NUMBERS OF OUT-OF-DISTRICT STUDENTS ENROLLED IN THE
STATEWIDE CORRESPONDENCE STUDY PROGRAM;

(2) AN ALLOCATION OF EACH STUDENT'S STATE FUNDING
ALLOCATION.]

(e) **Repealed** / / . [THE ENROLLING DISTRICT SHALL PREPARE AND ENTER
INTO A SEPARATE INDIVIDUAL COOPERATIVE AGREEMENT FOR EACH OUT-OF-
DISTRICT STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES.]

(f) Repealed 6/15/2000.

(g) Repealed 6/15/2000.

(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state
funding purposes. If a student is enrolled in both the student's district of residence and in a
statewide correspondence program of another district, the district of residence shall count the
student first under the provisions of 4 AAC 09.040(c) , based solely upon the student's
enrollment in classes of the district of residence. Any remaining student count may be allocated
to the enrolling district based on the student's enrollment in classes of the statewide
correspondence study program. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am
___/___/___, Register ___)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.08.101 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | | |

4 AAC 33.432 is amended and new paragraphs are added, and a new subsection is added to read:

4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS. (a) For a

[A] district that [MAY] enroll an out-of-district student who is entitled to special education and related services under 4 AAC 52.090 in the district's statewide correspondence study program, an individualized cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent-count; if the district enrolls a [EACH] special education student through an individualized cooperative agreement with the district of residence, [.] the [THE] cooperative agreement must provide that the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 33.430(f) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 – 4 AAC 06.790.

(b) An enrolling district shall ensure that all special education students [ENROLLED IN THE DISTRICT'S STATEWIDE CORRESPONDENCE STUDY PROGRAM] are identified and located for the purpose of establishing their need for special education and related services and that all provisions of 4 AAC 52 are met. For a special education student enrolled in the district's statewide correspondence study program, and for whom an individualized cooperative agreement is not required under 4 AAC 33.432(a), the enrolling district shall ensure that the

requirements of 4 AAC 33.432(c)(5) are met.

(c) **When an** [AN] individualized cooperative agreement for **a** [EACH] special education student **is required by (a) of this section, the agreement** must include, at a minimum, the following information:

(1) the name, address, telephone number, and social security number of the student;

(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h) ;

(3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the signature of a person authorized by the designated provider to agree to the provision of those services;

(4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services;

(5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.

(d) Repealed 6/15/2000.

(e) Repealed 6/15/2000.

(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]

(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ____/____/____, Register ____)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.08.101 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.30.010 | AS 14.30.186 | |

4 AAC 33.440 is amended to read

Start here

4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS. (a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600 :

(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;

(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.

(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600 :

(1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student;

(2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement [, AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT];

(3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement.

(c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. (Eff. 5/1/99, Register 150)

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|------------|--------------|---------------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.30.010 | <u>AS 14.07.170</u> | |

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT

TESTS. (a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment. (Eff. __/__/__, Register __)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.17.430 | | |

4 AAC 33 is amended by adding a new section to read:

4 AAC 33.460. PROGRAM REVIEW. (a) The department will monitor school district statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.

(b) Upon request by the department, the district shall provide

(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;

(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and

(3) any other information required by the department. (Eff. __/__/__, Register __)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.07.020 | AS 14.07.030 | AS 14.07.060 |
| | AS 14.07.170 | AS 14.17.430 | |

4 AAC 33.490 is amended to read

4 AAC 33.490. DEFINITIONS. In 4 AAC 33.410 – 4 AAC 33.490,

(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;

(2) "board" means the state Board of Education;

(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR]

4 AAC 33.432;

(4) "department" means the Department of Education and Early Development;

(5) "district" means a city or borough school district or a regional educational attendance area;

(6) "district of residence" means the school district in which a student is a resident;

(7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 – AS 14.03.290 , and that seeks or intends to enroll out-of-district students in that district's program;

(8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278;

(9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside;

(10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 – 4 AAC 52.990;

(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling program, that provides

(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;

(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under

Register_____,_____2002 EDUCATION AND EARLY DEV.

AS 14.20.020 and each full-time equivalent elementary student. (Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)

| | | | |
|------------|--------------|--------------|--------------|
| Authority: | AS 14.03.040 | AS 14.07.020 | AS 14.07.030 |
| | AS 14.07.060 | AS 14.14.110 | AS 14.17.430 |
| | AS 14.20.010 | AS 14.30.010 | AS 14.30.186 |

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS44.62.125(b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.

FAX

STATE OF ALASKA

Department of Education & Early Development
801 West Tenth Street, Suite 200
Juneau, AK 99801-1894

Telephone: (907) 465-2800



To: Karen McCarthay

DATE: 2/7/02

FAX NUMBER: _____

TELEPHONE NUMBER: _____

FROM: Sheila Box

Executive Secretary to the State Board
of Education & Early Development

OF PAGES: _____

(Including cover page)

FAX NUMBER: (907) 465-4156

TELEPHONE NUMBER: (907) 465-2801

Harold - The cover indicated the
reason for the revs - on site
visits showed there was need
for clarification. Side-by-side
follows.

These are
available for
written comment
till 4 March -

IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES, PLEASE CONTACT THE SENDER.

**To: Members of the State Board of
Education & Early Development**

November 19, 2001

From: Shirley J. Holloway, Commissioner

Agenda Item: 6

♦ **ISSUE**

The board is being asked to open a period of public comment on regulations 4 AAC 33.420-490 regarding Statewide Correspondence Programs.

♦ **BACKGROUND**

The department first adopted regulations for the administration of Statewide Correspondence Programs in May of 1999. In order to assess how these programs were faring, the department sent a monitoring team, in May of 2001, to visit two existing programs in the Delta Greely and Nenana school districts. The department then sponsored a meeting in Anchorage, on September 24, 2001, to convene representatives from existing Statewide Correspondence Programs and other school districts to discuss issues and ideas that would lead to the promulgation of new or amended regulations. Significant changes are being proposed to the Statewide Correspondence Program regulations based on the results of the two site visits and the September meeting.

A brief summary of the highlights of the new regulations is listed below:

- 1) A new subsection that more clearly defines the requirements for the operation of a Statewide Correspondence program (4 AAC 33.421). This subsection clarifies the role of the certified teaching staff in the student assessment process, the parent and student responsibilities to participate in the state mandated assessments, guidance on curricula, the need for guidance on appropriate instructional expenditures from parent funding allotments, and required student participation rates in state mandated assessments.
- 2) A new subsection on the consequences for a student failing to participate in state mandated assessments (4 AAC 33.450).

Deputy Commissioner Ed McLain and PJ Ford Slack, Director of the Division of Teaching and Learning Support will be present to brief the board.

♦ **OPTIONS**

Open a period of public comment on the proposed regulation.
Amend the proposed regulation and open a period of public comment.
Seek more information.

♦ **ADMINISTRATION'S RECOMMENDATION**

Open a period of public comment.

♦ **SUGGESTED MOTION**

I move the State Board of Education & Early Development open a period of public comment on 4 AAC 33.420-490 regarding Statewide Correspondence Programs, as printed.

Comparison Chart: Chapter 33 Special Schools

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| Old Language | New Language | Effect/Rationale |
|---|--|--|
| <p>CHAPTER 33. SPECIAL SCHOOLS</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL.</p> <p>a) A district that proposes to enroll out-of-district students in a district correspondence study program, including a correspondence study program operated by a charter school, must first file an annual application and receive written approval from the department to operate a statewide correspondence study program.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program meets the following criteria:</p> <p>(1) The program conforms with statewide goals and performance standards, as set out in 4 AAC 04.010 - 4 AAC 04.200;</p> | <p>CHAPTER 33. SPECIAL SCHOOLS</p> <p>4 AAC 33.420 is amended to read:</p> <p>4 AAC 33.420. DEPARTMENT APPROVAL.</p> <p>(a) Remains the same.</p> <p>(b) The department will approve a district's application if the application satisfactorily demonstrates that the district's proposed statewide correspondence study program [MEETS THE FOLLOWING CRITERIA:] <u>complies with the requirements in 4 AAC 33.421.</u></p> <p>Repealed.</p> | <p>Based on a review of the annual statewide correspondence program applications that have been submittted, the on-site program reviews and the 9/24 meeting in Anchorage with program representatives, it was determined that more detail and clarification related to the requirements for administering a statewide correspondence program was needed.</p> <p>Subsection (b) was re-worded and refers to a new section that will more clearly line out program requirements. (b) (1)-(6) are repealed because the new section, 4 AAC 33.421 now addresses program requirements.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|--------------|------------------|
| (2) curriculum materials, including textbooks and other instructional aids, have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060; | Repealed. | |
| (3) the program includes an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; | Repealed. | |
| (4) the district requires enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; | Repealed. | |
| (5) the program includes a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; | Repealed. | |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|--|--|
| <p>(6) the program is in the best interests of the state.</p> <p>History: Eff. 5/1/99, Register 150; am 6/15/2000, Register 154</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050 ,AS 14.07.060 ,AS 14.14.110, AS 14.17.430, AS 14.30.010</p> | <p>Repealed.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050 ,AS 14.07.060 ,AS 14.14.110, AS 14.17.430, AS 14.30.010</p> <p>4 AAC 33 is amended by adding a new section to read</p> <p>4 AAC 33.421. STATEWIDE CORRESPONDENCE STUDY PROGRAM REQUIREMENTS. (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department.</p> <p>(b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 - 4 AAC 04.200;</p> <p>(c) The program must use</p> | <p>This is the new section that more clearly lines out Statewide Correspondence Study Program requirements for those districts wishing to offer such a program. Previous language from 4 AAC 33.420 is incorporated into this new section along with new language. Items containing new language will have notations in this column.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--------------|---|--|
| | <p>curriculum materials, including textbooks and other instructional aids, that</p> <p style="padding-left: 40px;">(1) have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060 ; and</p> <p style="padding-left: 40px;">(2) the statewide correspondence program staff, including certified teacher(s), shall not provide instruction using religious, partisan, sectarian, or denominational curricula and materials purchased privately by the parent, guardian of the student, or by the student.</p> <p style="padding-left: 40px;">(d) To ensure the academic progress of enrolled students the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; assessment must include:</p> <p style="padding-left: 80px;">(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review</p> | <p style="padding-left: 40px;">(2) provides additional clarification on the use of religious, partisan, sectarian and denominational curricula and materials.</p> <p style="padding-left: 40px;">(1) addresses certified teacher requirements related to reviewing student work.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--------------|--|---|
| | <p>of the student's work and documentation of the certified teacher's review;</p> <p>(2) grades determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;</p> <p>(3) a report card that denotes curricula material origin for any course other than a district developed course.</p> <p>(e) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; the program must</p> <p>(1) have staff inform parents of state testing requirements and the consequences of non-compliance under 4 AAC 33.450; and</p> <p>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment test; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence</p> | <p>(2) addresses required grading by the certified teacher.</p> <p>(3) addresses report card requirements for noting course origin if the course is not a district developed course.</p> <p>(e)(1) through (3) provide new language related to student participation in state mandated assessments and the responsibility the district has for maintaining student participation rates in state mandated assessments.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--------------|--|--|
| | <p>program students to participate in state required testing;</p> <p>(3) have available data documenting student participation rates in state required assessments within 10% points of the state average, for the prior year's spring test administration.</p> <p>(f) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan: must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement</p> <p>(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student; and</p> <p>(2) document the process used to ensure curriculum materials are aligned to state standards and comply with AS 14.03.090, including a certified</p> | <p>(f) provides more detail about the program planning process for the Statewide Correspondence Program.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--------------|--|--|
| | <p>teacher review of all curriculum materials for each student.</p> <p>(g) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</p> <p style="padding-left: 40px;">(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs only;</p> <p style="padding-left: 40px;">(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</p> <p style="padding-left: 40px;">(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</p> <p style="padding-left: 40px;">(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</p> <p style="padding-left: 40px;">(5) all expenditures from the fund account must be</p> | <p>(g)(1) through (6) provides clear guidance to Statewide Correspondence Programs on the use of parent/student fund accounts.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|--|------------------|
| <p>4 AAC 33.425. APPLICATIONS.</p> <p>(a) A district application for department approval of a statewide correspondence study program must be received by the department on or before the January 1 preceding the school year in which the program is to be initiated.</p> <p>(b) The department will review each application and issue a written approval or denial of the application before the July 1 preceding the school year in which the program is to be initiated.</p> <p>(Eff. 5/1/99, Register 150)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.17.430, AS 14.30.010</p> | <p>approved by the certified teacher signing the student's plan; and</p> <p>(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.050, AS 14.07.060, AS 14.14.110, AS 14.17.430, AS 14.30.010</p> <p>4 AAC 33.425. APPLICATIONS.</p> <p>(a) Remains the same.</p> <p>(b) Remains the same.</p> | |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|---|---|
| <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS.</p> <p>(a) Before enrolling an out-of-district student in a statewide correspondence study program, a district shall enter into a cooperative agreement with the student's district of residence.</p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this section, the department will consider Alyeska</p> | <p>(Eff. 5/1/99, Register 150)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.17.430, AS 14.30.010</p> <p>4 AAC 33.430(a) is amended and new subsections are added to read:</p> <p>4 AAC 33.430. ENROLLMENT OF OUT-OF-DISTRICT STUDENTS.</p> <p>(a) <u>To enroll out-of-district students in a statewide correspondence program, the enrolling district must provide to the department a report listing enrolled students and the percentage of time they are enrolled to the district either before enrolling an out-of-district student in a statewide correspondence study program, or by the time that the student count period information is required by AS 14.17.600.</u></p> <p>(b) Repealed 6/15/2000.</p> <p>(c) For the purposes of this section, the department will consider Alyeska</p> | <p></p> <p>The revised language in (a) streamlines the enrollment process and removes the burdensome cooperative agreement process as it relates to Statewide Correspondence Programs.</p> <p>Deleted language in (c) removes the cooperative agreement language as it related to Alyeska Central School.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|---|------------------|
| <p>Central School to be an enrolling district. Alyeska Central School shall enter into a cooperative agreement with the district of residence to cover all students from that district whom Alyeska Central School enrolls. This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Cooperative agreements must include, at a minimum, the following information and provisions:</p> <p>(1) the names, addresses, telephone numbers, and social security numbers of out-of-district students enrolled in the statewide correspondence study program;</p> <p>(2) an allocation of each student's state funding allocation.</p> <p>(e) The enrolling district shall prepare and enter into a separate individual cooperative agreement for each out-of-district student who is eligible for special education services.</p> | <p>Central School to be an enrolling district.[ALYESKA CENTRAL SCHOOL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE TO COVER ALL STUDENTS FROM THAT DISTRICT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.] This section does not apply to students who enroll in Alyeska Summer School Program.</p> <p>(d) Repealed.</p> <p>(1) Repealed.</p> <p>(2) Repealed.</p> <p>(e) Repealed.</p> | |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|---|------------------|
| <p>(f) Repealed 6/15/2000.</p> <p>(g) Repealed 6/15/2000.</p> <p>(h) A student may not be counted as a total of more than 1.0 full-time equivalent for state funding purposes. If a student is enrolled in both the student's district of residence and in a statewide correspondence program of another district, the district of residence shall count the student first under the provisions of 4 AAC 09.040(c), based solely upon the student's enrollment in classes of the district of residence. Any remaining student count may be allocated to the enrolling district based on the student's enrollment in classes of the statewide correspondence study program.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> <p>Authority: AS 14.07.020 ,AS14.07.030, AS 14.07.060, AS 14.08.101, AS 14.14.110,AS 14.17.430,AS 14.30.010</p> | <p>(f) Repealed 6/15/2000.</p> <p>(g) Repealed 6/15/2000.</p> <p>(h) Remains the same.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am ___/___/___, Register ___)</p> <p>Authority: AS 14.07.020 ,AS14.07.030, AS 14.07.060, AS 14.08.101, AS 14.14.110,AS 14.17.430,AS 14.30.010</p> | |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|--|---|
| <p>4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS.</p> <p>(a) A district may enroll an out-of-district student who is entitled to special education and related services under 4 AAC 52 in the district's statewide correspondence study program, if the district enrolls each special education student through an individualized cooperative agreement with the district of residence. The cooperative agreement must provide that the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790. If the student's full-time equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the</p> | <p>4 AAC 33.432. ENROLLMENT OF SPECIAL EDUCATION STUDENTS.</p> <p>(a) <u>For [A]a district [MAY] that enrolls an out-of-district student who is entitled to special education and related services under 4 AAC 52.090 in the district's statewide correspondence study program, an individualized cooperative agreement is required with the district of residence if the student is enrolling at less than 100 percent full-time-equivalent-count.</u> If the district enrolls [EACH] a special education student through an individualized cooperative agreement with the district of residence[.] [T]he cooperative agreement must provide that the district that receives the larger share of the student's full-time equivalent count for state funding purposes under 4 AAC 33.430(h) and 4 AAC 09.040(c) shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's individualized education program (IEP), and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790. If the student's full-time</p> | <p>New language in (a) clarifies that an individualized cooperative agreement is required with the district of residence for children with disabilities if the student is enrolling less than 100% of the time in the Statewide Correspondence Program.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|--|---|
| <p>coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790.</p> <p>(b) An enrolling district shall ensure that all special education students enrolled in the district's statewide correspondence study program are identified and located for the purpose of establishing their need for special education and related services.</p> | <p>equivalent count for each district in which the student is enrolled is equal, the cooperative agreement must provide that the student's district of residence shall be responsible for the coordination of and payment for special education services, without respect to the cost of those services, as required by the student's IEP, and for compliance with applicable state testing and assessment requirements under 4 AAC 06.710 - 4 AAC 06.790.</p> <p>(b) An enrolling district shall ensure that all special education students enrolled in the district's statewide correspondence study program are identified and located for the purpose of establishing their need for special education and related services <u>and must have a plan of services to be provided to the student, which includes</u></p> <p style="padding-left: 40px;">(1) <u>the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and</u></p> <p style="padding-left: 40px;">(2) <u>a description of the manner in which each teacher who works with the student in</u></p> | <p>New language in (b) (1) through (3) clarifies what is required in the plan of services for children with disabilities.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|--|--|
| <p>(c) An individualized cooperative agreement for each special education student must include, at a minimum, the following information:</p> <p>(1) the name, address, telephone number, and social security number of the student;</p> <p>(2) an allocation of each student's state funding calculated in accordance with the provisions of 4 AAC 33.430(h);</p> <p>(3) the name, address, and telephone number of the private provider or school district designated by the enrolling district to provide special education and related services to the student, if applicable, and the</p> | <p><u>the enrolling district will participate as a member of the IEP team for each student;</u></p> <p><u>(3) identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220.</u></p> <p><u>(c) When an individualized cooperative agreement for a special education student is required by (a) of this section, the agreement must include, at a minimum, the following information:</u></p> <p>(1) Remains the same.</p> <p>(2) Remains the same.</p> <p>(3) Remains the same.</p> | <p>The new, opening language in (c) is a lead in for what information must be in an individualized cooperative agreement for a child with disabilities, when an agreement is required. The required information has not changed.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|---|--|
| signature of a person authorized by the designated provider to agree to the provision of those services; | (4) Remains the same. | |
| (4) the plan for receipt and disbursement of funds for the benefit of a student receiving special education and related services; | (5) Remains the same. | |
| (5) the plan of services to be provided to the student, the identification of the members of the IEP team from each district in which the student is enrolled, if applicable under 4 AAC 52.140, and a description of the manner in which each teacher who works with the student in the enrolling district will participate as a member of the IEP team for each student; the plan and the cooperative agreement must include the identification of each student in a manner that complies with the confidentiality requirements of 4 AAC 52.220. | (d) Repealed 6/15/2000. | |
| (d) Repealed 6/15/2000. | (e) Repealed 6/15/2000. | |
| (e) Repealed 6/15/2000. | (f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. [ALYESKA CENTRAL | Deleted language in (f) once again addresses Alyeska Central School as an enrolling district and the removal of the requirement, in general, that individual cooperative agreements for all students are not required. |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|--|--|
| <p>(f) For purposes of this section, the department will consider Alyeska Central School to be an enrolling district. Alyeska Central School shall enter into an individualized cooperative agreement with the district of residence for each student whom Alyeska Central School enrolls.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.08.101, AS 14.14.110, AS 14.17.430, AS 14.30.010, AS 14.30.186</p> | <p>SCHOOL SHALL ENTER INTO AN INDIVIDUALIZED COOPERATIVE AGREEMENT WITH THE DISTRICT OF RESIDENCE FOR EACH STUDENT WHOM ALYESKA CENTRAL SCHOOL ENROLLS.]</p> <p>(g) Students for whom the statewide correspondence program will provide a portion or all of the special education and related services may provide the services to the student prior to the individualized cooperative agreement being finalized.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.08.101, AS 14.14.110, AS 14.17.430, AS 14.30.010, AS 14.30.186</p> <p>4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS.</p> <p>Remains the same.</p> | <p>(g) is a new subsection that allows Statewide Correspondence Programs to provide services to children with disabilities prior to an individualized cooperative agreement being finalized. This will ensure that the student is not kept waiting for educational and related services will program paperwork is being processed and finalized.</p> |

Comparison Chart: Chapter 33 Special Schools

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| Old Language | New Language | Effect/Rationale |
|--|---|---|
| <p>4 AAC 33.440. REPORTING REQUIREMENTS: CORRESPONDENCE AND PART-TIME STUDENTS.</p> <p>(a) Each enrolling district shall transmit a report containing the following information to the department along with the student count period information required by AS 14.17.600:</p> <p>(1) the number of out-of-district students enrolled in the district's statewide correspondence study program, by district of residence;</p> <p>(2) the name, address, telephone number, and social security number of each student enrolled part-time in the district's statewide correspondence study program, and the percentage of full-time equivalency assigned to that student.</p> <p>(b) Districts of residence shall report the following information to the department at the same time that the student count period information is required by AS 14.17.600:</p> | <p>Remains the same.</p> <p>Remains the same.</p> <p>Remains the same.</p> <p>Remains the same.</p> <p>(2) the name of each enrolling district with which the district of residence has</p> | <p>Deleted language in (2) reflects there is no need to report the number of students covered by the cooperative agreement.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|---|--|
| (1) the name, address, telephone number, and social security number of each student enrolled part time in the district, and the percentage of full-time equivalency assigned to that student; | entered into a cooperative agreement. [AND THE NUMBER OF STUDENTS COVERED BY THAT COOPERATIVE AGREEMENT;] | |
| (2) the name of each enrolling district with which the district of residence has entered into a cooperative agreement, and the number of students covered by that cooperative agreement; | Remains the same. | |
| (3) the amount of funds received as reimbursement or payment from each enrolling district with which the district of residence has entered into a cooperative agreement. | Remains the same. | |
| (c) A district shall make a report required under this section in an electronic or other format, as required by the department. The department will use the reported information to ensure that no student is counted as more than one full-time equivalent. | (Eff. 5/1/99, Register 150)

Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.30.010 | |
| (Eff. 5/1/99, Register 150)

Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.30.010 | 4 AAC 33 is amended to add a new section to read:

4 AAC 33.450. FAILURE TO | This is a new section that provides for consequences if a student fails to participate in state mandated |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--------------|---|---|
| | <p>PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS.</p> <p>(a) If a student fails to participate in state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, unless the district of enrollment has excused the student from the state mandated assessment.</p> <p>(b) A student regains eligibility for a statewide correspondence program after participating in the next scheduled state mandated assessment test. To enroll in a statewide correspondence program, the student must submit documentation to the district that the student participated in the next, scheduled state mandated assessment test.</p> <p>(Eff. __/__/__, Register __)</p> <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060 ,AS 14.</p> <p>4 AAC 33 is amended to add a new section to read:</p> | <p>assessments, unless the student has been excused. The consequence for a student with an unexcused absence from testing is ineligibility to enroll in any Statewide Correspondence Program until the student participates in the next scheduled state mandated assessment test and provides documentation to that effect to the enrolling district.</p> <p>This new section establishes the</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--------------|---|---|
| | <p>4 AAC 33.460. PROGRAM REVIEW.
 (a) The department will monitor school district statewide correspondence programs to insure compliance with the requirements of this chapter and with assurances given upon application for program approval.</p> <p>(b) Upon request by the department, the district shall provide</p> <p style="padding-left: 40px;">(1) a list of all students enrolled in the statewide correspondence program, including each student's name, age, entry date, exit date, whether the student has a disability category, whether the student receives intensive services, or related services;</p> <p style="padding-left: 40px;">(2) a list of all administrators, teachers, teachers aides, and related services personnel who provide special education services in the district, including, for certificated staff, the teacher certificate numbers; and</p> <p style="padding-left: 40px;">(3) any other information required by the department.</p> <p>(Eff. __/__/__, Register __)</p> | <p>program review and monitoring process the department will use for Statewide Correspondence Programs.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|---|--|---|
| <p>4 AAC 33.490. DEFINITIONS.</p> <p>In 4 AAC 33.410 - 4 AAC 33.490,</p> <p>(1) "Alyeska Central School" means the centralized correspondence study program operated by the department;</p> <p>(2) "board" means the state Board of Education;</p> <p>(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with 4 AAC 33.430 or 4 AAC 33.432;</p> <p>(4) "department" means the Department of Education and Early Development;</p> <p>(5) "district" means a city or borough school district or a regional educational attendance area;</p> | <p>Authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.07.170</p> <p>4 AAC 33.490. DEFINITIONS.</p> <p>In 4 AAC 33.410 - 4 AAC 33.490,</p> <p>Remains the same.</p> <p>Remains the same.</p> <p>(3) "cooperative agreement" means a contract that is entered into by an enrolling district and a district of residence in conformance with [4 AAC 33.430 OR] 4 AAC 33.432;</p> <p>Remains the same.</p> <p>Remains the same.</p> | <p>Deleted language in (3) removes a regulatory citation that is incorrect.</p> |

Comparison Chart: Chapter 33 Special Schools

| Old Language | New Language | Effect/Rationale |
|--|-------------------|------------------|
| (6) "district of residence" means the school district in which a student is a resident; | Remains the same. | |
| (7) "enrolling district" means the school district that is operating an approved statewide correspondence study program, including a program established under AS 14.03.250 - AS 14.03.290, and that seeks or intends to enroll out-of-district students in that district's program; | Remains the same. | |
| (8) "IEP" means in individualized education program established under the provisions of 4 AAC 52.140 that meets the requirements of AS 14.30.186 and 14.30.278; | Remains the same. | |
| (9) "out-of-district student" means a student who seeks to enroll in a district in which they do not reside; | Remains the same. | |
| (10) "special education student" means a student who is entitled to special education and related services under AS 14.30.180 - 14.30.350 and 4 AAC 52.010 - 4 AAC 52.990; | Remains the same. | |

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| Old Language | New Language | Effect/Rationale |
|---|--|------------------|
| <p>(11) "statewide correspondence study program" means any educational program, including a charter school program or a state supported home-schooling program, that provides</p> <p>(A) for each secondary course, less than three hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and the class;</p> <p>(B) for elementary students, less than 15 hours per week of scheduled face-to-face interaction, in the same location, between a teacher certificated under AS 14.20.020 and each full-time equivalent elementary student.</p> <p>(Eff. 5/1/99, Register 150; am 6/15/2000, Register 154; am 12/2/2000, Register 156)</p> <p>Authority: AS 14.03.040AS 14.07.020
AS 14.07.030AS 14.07.060AS 14.14.110
AS 14.17.430 AS 14.20.010AS 14.30.010
AS 14.30.186</p> | <p>Remains the same.</p> <p>Remains the same.</p> <p>Remains the same.</p> | |

**Side by Side Comparison of Old and New Chapter 33 Special Schools
Statewide Correspondence Programs**

**Statutory and Regulatory Citation Guide for the Side by
Side Comparison of Old & New Statewide Correspondence Program Regulations**

State Statutes

- | | |
|------------------------------|--|
| AS 14. | Title 14. Education, Libraries, and Museums. |
| AS 14.03.040 | Day in session. |
| AS 14.03.090 | Partisan, sectarian, or denominational doctrines prohibited. |
| AS 14.03.250-
290 | Charter Schools. |
| AS 14.07.020 | Duties of the department. |
| AS 14.07.030 | Powers of the department. |
| AS 14.07.050 | Selection of textbooks. |
| AS 14.07.060 | Regulations. |
| AS 14.08.101 | Powers (of a regional school board). |
| AS 14.14.110 | Cooperation with other districts. |
| AS 14.17.430 | State funding for correspondence study. |
| AS 14.17.600 | Student counting periods. |
| AS 14.18.060 | Discrimination in textbooks and instructional materials prohibited. |
| AS 14.20.010 | Teacher certificate required. |
| AS 14.20.020 | Requirements for issuance of certificate. |
| AS 14.30.010 | When attendance compulsory. |
| AS 14.30.180-
350 | Purpose (Education for Children with Disabilities and Gifted Children). |

**Side by Side Comparison of Old and New Chapter 33 Special Schools
Statewide Correspondence Programs**

AS 14.30.186 Coverage (special education).

AS 14.30.278 Individualized education program.

State Regulations

**4 AAC 04.010- CHAPTER 04. STATEWIDE GOALS.
200**

**4 AAC 06.710- STATEWIDE STUDENT ASSESSMENT SYSTEM.
790**

**4 AAC 09.040(c) COUNTING OF CORRESPONDENCE STUDENTS AND
PART-TIME PUBLIC SCHOOL STUDENTS.**

**4 AAC 40 CHAPTER 40. APPEALS OF DECISIONS TO DENY OR
WITHHOLD FUNDING.**

**4 AAC 52.010- CHAPTER 52. EDUCATION FOR EXCEPTIONAL
990 CHILDREN.**

4 AAC 52.140 INDIVIDUALIZED EDUCATION PROGRAM.

4 AAC 52.220 PROTECTION OF RECORDS.

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Galena City School District ~ Interior Distance Education of Alaska
With Field Offices in Anchorage (562-4332), Fairbanks (374-2200),
Wasilla (357-4850), Kenai (260-7555), and Juneau (789-6106)

To read regulations:

Go to the Alaska Department of Education and Early Development website:

<http://www.eed.state.ak.us>. Scroll down to the bottom of the column on the right, then click on the link to "Comment on proposed regulations."

On this page, scroll down and click on the link to "4 AAC 33.420-.490 Statewide Correspondence Programs" to read the regulations. To better understand the proposed regulations, be aware that:

- The sections in all CAPS is text that will be deleted.
- The underlined portions are the added sections.
- There are other new portions to be added as well which are not underlined, but noted in the proposal.

At the bottom of this page is a form to fill in to send your comments on the proposed regulations to the Alaska State Board of Education and Early Development. You must provide your name, e-mail address, phone number, what you are commenting on, and your comments. The deadline for written comment is 4:30 p.m., March 4, 2002. The state School Board Meeting will be held in Juneau on March 26, 27, and 28. Comments sent via this form are printed and put in packets that each State School Board member receives in preparation for the meeting.

To look up existing education laws (AS 14):

<http://touchngo.com/lqlcntr/akstats/Statutes/Title14.htm>

To look up existing education regulations (4 AAC):

<http://touchngo.com/lqlcntr/akstats/AAC/Title04.htm>

To compare test results by school:

http://www.eed.state.ak.us/DOE_Rolodex/schools/ReportCard/ReportCardSearch.cfm

(Or from DEED main page, scroll half-way down the column on the right to Alaska Report Card to the Public)

To find addresses of legislators, go to the AK Division of Elections website:

<http://www.gov.state.ak.us/lsgov/elections/distcom.htm> and look up your community in the alphabetical list. Click on the number or letter next to the House or Senate member to go to their page and find contact information.

To contact the state school board through means other than using the comment form:

Sheila Box, Executive Secretary to the Board
Department of Education & Early Development
801 West 10th Street
Juneau, AK 99801
Phone: (907) 465-2801, Fax: (907) 465-4156
E-mail: sheila_box@eed.state.ak.us

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General outline of proposed regulations:

(p. 1-2) 4 AAC 33.420 Department Approval - We already file an annual application in accordance with the text in all caps, which would be replaced with 4 AAC 33.421.

(p. 2-5) 4 AAC 33.421 - Statewide Correspondence Study Program Requirements - *explained in depth on following pages*

(p. 5-6) 4 AAC 33.430 - Enrollment of Out-of-District Students - This is just an adjustment in how we report our students to the district that they live in. It actually simplifies things, and will not affect the families.

(p. 6-9) 4 AAC 33.432 Enrollment of Special Education Students - This streamlines and clarifies issues to be considered with enrolling Special Education students. This affects very few of our families, poses no problems, and we will not discuss it in this meeting. As a correspondence program, we receive NO special education funding. If you have any questions you can address them privately to Steve Musser or to the Special Ed teachers in Anchorage.

(p. 9-10) 4 AAC 33.440 Reporting Requirements - This is just an adjustment in how we report our students to the DEED. It will not affect families and is not a problem.

(p. 10) 4 AAC 33.450 Failure to Participate in State Mandated Testing - *explained on following pages*

(p. 11) 4 AAC 33.460 Program Review - This is another aspect of reporting data on students to the state that is not of concern.

(p. 11-13) 4 AAC 33.490 Definitions - Definitions of terms used.

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Wasilla (357-4850), Kenai (260-7555), and Juneau (789-6106)

| 14 AAC 33.421 (<i>bold & italic shows language being added, normal text shows existing language</i>) | COMMENTS |
|---|---|
| (a) A statewide correspondence study program offered by a district must meet the requirements of this section before its application will be approved by the department. | We are already required to do this. Other types of schools (including in-district correspondence) don't have to. Why not apply once only and trust us to obey laws and regulations rather than ask us to document each year that we are doing so? Charter schools apply once and then every ten years. Are they trying to punish us or catch us in something? Procedures are already in place to guide a school district in improving areas of weakness. The state school board is concerned about excellence in education. Testing scores show that homeschooling programs are at a par presently with a high percentage of building-based programs. |
| (b) The program must conform with statewide goals and performance standards, as set out in 4 AAC 04.010 - 4 AAC 04.200 | OK - This just means that we have the same goals for our students as other schools. |
| (c) The program must use curriculum materials, including textbooks and other instructional aids, that have been reviewed and selected by the district school board, are of the same quality as those materials that the district offers in the district's other programs, and are in compliance with AS 14.03.090 and AS 14.18.060. | The intent of the department is to insure quality of curriculum in the homeschooling programs. Presently, our curricular materials are being reviewed on a regular basis. This requirement is redundant because it already exists in state law, bringing up the question, "Why impose regulations that are already in place?"
(AS 14.03.090 = "Partisan, sectarian, or denominational doctrines may not be advocated in a public school during the hours the school is in session. A teacher or school board violating this section may not receive public money.")
(AS 14.18.060 = no sex bias) |
| (d) <i>The program staff, including certified teachers, shall not provide instruction using religious, partisan, sectarian, or denominational curricula purchased privately by the parent, guardian of the student, or by the student if the curricula teach particular religious beliefs, or a particular religion, as true.</i> | This reflects already existing law in the state [AS 14.03.090 - not purchasing doctrinal material], which applies fairly and evenly to all schools. Why does the DEED feel that they now need to restrict the use of curricular materials purchased privately by the parents? Students already need to reach the standards in order to do well on the state tests; why should the state regulate which materials are used by the families to reach them?
Combined with (e) which requires teacher review of work and (g) which requires that a teacher review ALL materials for EACH student, this |

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| | effectively prohibits parents from using privately purchased curricular materials with any religious content to teach their own children in their home. We have evidenced that it is possible for a parent to ask questions on educational content without involving the teacher in any way in the religious aspects of the materials used. The PARENTS should be able to provide instruction to their own children with privately purchased material of their choice without being perceived as crossing the line drawn by AS 14.03.090. |
| <p>(e) To ensure the academic progress of enrolled students, the program must include an assessment plan of the same quality as an assessment plan that the district offers in the district's other programs; <i>assessment must include:</i></p> <p><i>(1) monitoring of the enrolled student by a certified teacher; the monitoring must include at least monthly review of the student's work and documentation of the certified teacher's review;</i></p> <p><i>(2) grades, or standards met, determined and assigned by a certified teacher, after review and consideration of any recommendations submitted by the student and parents.;</i></p> <p><i>(3) a transcript that denotes curricula material origin for any course other than a district developed course.</i></p> | <p>Unnecessarily burdensome interpretation of the phrase "assessment plan of the same quality." The assumption that an assessment plan is required is understood and already recognized, to go into this detail assumes that all programs are already at risk.</p> <p>1 - "Monthly review of the student's work" is not defined. Instead of mandating that monitoring of student work be accomplished on a monthly basis, why not specify that the contact teacher and the parent agree in the contract on what materials will be reviewed, thus creating a partnership that affords the families flexibility and responsibility in customizing instruction?</p> <p>2 - The larger argument is that they are trying to institute a requirement that relates to other programs (traditional "correspondence" programs, like ACS). However, this is the first "official" recognition of evaluation by parents. The attainment of standards of educational excellence is indeed a partnership between the student, parent, and contact teacher. This section, although its wording may be offensive, does allow this partnership to grow.</p> <p>3 - Schools presently denote transfer credits on a transcript by a using particular coding, then indicating what institution the course originates from. This is already our standard practice. The use of the term "curricular material" causes confusion. It is possible that even changing the phrase to "course origin" might be a slippery slope, leading to an inability to recognize parent-designed classes.</p> |
| <p>(f) The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790; <i>the program must</i></p> <p><i>(1) have staff inform parents of state testing</i></p> | <p>1 - Who will monitor and enforce this? This only applies to statewide correspondence programs. IDEA is a program of choice. The DEED must provide data to legislators to prove success in meeting standards. Test results are the proof.</p> |

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| <p><i>requirements and the consequences of non-compliance under 4 AAC 33.450; and (4 AAC 33.450. FAILURE TO PARTICIPATE IN STATE MANDATED ASSESSMENT TESTS. (a) If a student fails to participate in a state mandated assessment test the student will be ineligible for enrollment in the statewide correspondence program and denied enrollment in any other statewide correspondence program, for the following year, unless the district of enrollment has excused the student from the state mandated assessment.)</i></p> <p><i>(2) provide a secure testing facility pursuant to 4 AAC 06.765 to administer all state mandated assessment tests; or enter into agreements with local school districts and those site-based schools to allow statewide correspondence program students to participate in state required testing;</i></p> <p><i>(3) have available to the department, data documenting student participation rates in state required assessments within 10% points of the state average for the prior year's spring test administration.</i></p> | <p>It is not specified, but normal excuses should be allowable (sick, out of state, vacation). An agreement to send kids to standardized tests is already part of our enrollment packet. Maybe they could include wording like "standard allowances would apply for failure to take the test" or "normal allowances will be considered."</p> <p>2 - Unnecessary - already law</p> <p>3 - This is saying that the percentage of our students taking the tests must be within 10% of the state average. Does not apply to any other kind of school. Instead: "The district must require enrolled students to participate in the statewide student assessment program as required by 4 AAC 06.710 - 4 AAC 06.790 and must inform parents of state testing requirements." If parents refuse to test their kids, we already counsel them to withdraw. The students who are not tested are then not re-enrolled, so why go further to punish the program?</p> |
| <p><i>(g) The program must include a plan for receiving parental advice and involvement in planning, development, and evaluation of the correspondence study program, including the selection and evaluation of curriculum, teachers, and administrators; the plan must include a signed agreement between the statewide correspondence program certified teacher and the parent, or parents, of each student; the agreement</i></p> <p><i>(1) must verify that the curriculum materials and course of study are aligned to state standards and comply with AS 14.03.090, and appropriate for the student;</i></p> <p><i>(2) must document the process used to ensure curriculum materials are aligned to state standards and in compliance with AS 14.03.090, including a certified teacher review of all curriculum materials for each student.</i></p> | <p>It is assumed that this section refers to the ILP and the need for an agreement between the teacher and the parent on materials used to reach standards. It is already pre-established that materials used in the course of study must be aligned to state standards to produce success on state tests and must comply with AS 14.03.090.</p> <p>1 - Part of this is already in (c). Aligning to state standards means that our certified teachers on staff have compared curricular materials used by families to the state standards to see which they cover and which they do not. It does not mean that the books teach each one. We have been already doing this and will eventually have lists online so that you can look up your texts and see how they compare, making it easy to choose things to supplement in areas (that will be tested) that a particular book might be weak in.</p> <p>2- If you want to use something that we have not aligned, you would have to let us go through books or other materials that you want to use so that we can align them. This requires us to review ALL materials for EACH student. This is asking us to document process when many school districts in</p> |

Galena City School District

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| | state have yet to align their curriculum to state standards, and is a horribly unfair burden. |
| <p><i>(h) A statewide correspondence program may provide a fund account to parents for the purpose of meeting instructional expenses for the child enrolled in the program; the following requirements apply to the fund account:</i></p> <p><i>(1) expenditures from statewide correspondence fund accounts must be for the student's instructional needs only;</i></p> <p><i>(2) materials purchased with state funding are property of the program; non consumable materials must be returned to the program when the student exits the program for any reason;</i></p> <p><i>(3) religious, partisan, sectarian, or denominational materials may not be purchased with account funds;</i></p> <p><i>(4) the program must provide written guidance, consistent with this chapter, on what constitutes appropriate and allowable expenditures of the fund accounts;</i></p> <p><i>(5) all expenditures from the fund account must be approved by the certified teacher signing the student's plan; and</i></p> <p><i>(6) the fund account may not be used either by the district or the parent to supplant district funds or obligations for IEP services.</i></p> | <p>1 - We have been told that "instructional needs" references all items included in the ILP, but this is not clearly stated. Maybe the phrase should be added to say, "must be for the student's instructional needs, as referenced on the beginning-of-year agreement between the parent and teacher."</p> <p>2 - We presently have a system in place that meets these requirements. The fact that materials purchased with state funding are the property of the program is understood. We have always made it clear that the things we purchase for your family belongs to us. In practice, we ask you to return materials when you are done using them, and upon withdrawal, we specifically ask for non-consumable items, particularly if they are high-dollar or durable items.</p> <p>3 - OK - We do not buy these things. Redundant has already been stated 4 times in 3 pages.</p> <p>4 - OK - Included in new Parent Handbook</p> <p>5 - This is cumbersome and unnecessary if the guidelines are followed. The Order Department monitors this and provides for greater consistency by applying the same standards to all. Any questions on orders or lessons are referred to the contact teacher.</p> <p>6 - OK - Not a problem</p> |

Summary:

- ❖ These apply only to state-wide correspondence programs
- ❖ Why were these written? According to DEED, to clarify already-existing regulations. Do you feel that this clarifies or adds burdensome details to both program staff and parents?
- ❖ If we agree that parental involvement in education is a good thing, then shouldn't regulations facilitate that rather than making it more difficult?
- ❖ Legislators have been working for the last several years to put in place statutes to assure that quality education is paramount in the state. The Galena City School District has been following the Quality Schools Initiatives all along. This "clarification" which is actually an increase of regulation, is inappropriately treating us like a school at risk.
- ❖ These regulations would force home schoolers back out of the system, regulating them away from programs like ours.
- ❖ Alaska has the best homeschool laws in the country. If homeschoolers are good enough for these laws (and you are!)...why would those homeschoolers in state-wide correspondence programs be regulated further? Just because we are helping, why would that make you a worse teacher of your kids?

Galena City School District

 IDEA

Action Steps:

It is CRUCIAL that you write if you are concerned!

1. **MOST IMPORTANT:** Write to the State Board via the comment section on the DEED website or using regular mail, asking them not to approve the regulations as written.
2. Write individual letters to your specific senator and representative, as well as any others that you have a relationship with. They do not have a vote in this process, but they need to know your concerns regarding regulations for state-wide correspondence programs.
3. Send a Public Opinion Message (POM) via your local Legislative Information Office (LIO), and address it to ALL members. (To do this you fill out a POM form and fax, or just call the LIO nearest you. You can find the number in the white pages of the telephone book. You can also do this VERY easily at <http://www.legis.state.ak.us/poms/>. Filling this in will also tell you specifically who your senator and representative are. Message must be limited to 50 words.)
4. Write to the Commissioner of Education - Shirley Holloway
5. Watch your e-mail for updates after the State Board meeting.
 - ❖ Choose an issue (or issues) that you are most concerned about and focus on that.
 - ❖ Be specific in your recommendations.
 - ❖ You can write as often as you wish.
 - ❖ Write on one concern at a time in several letters or include several concerns in one letter.
 - ❖ A sample letter is provided as a suggested example as to format. Please do not copy the wording exactly.

Regulations are designed to provide guidance to school districts in how to implement education law. Many programs have copied us with varying levels of success. Regulations can be helpful, but imposing more restrictions to all state-wide programs because of perceived shortcomings in some is not appropriate.

Improvements seen in the proposed regulations:

- ❖ Cooperative agreement between districts is eliminated [4 AAC 33.430]
- ❖ Officially recognizes the parents' evaluation and critique of student work [4 AAC 33.421 (e)(2)]
- ❖ Special Ed cooperative agreement procedure has been streamlined [4 AAC 33.432]

Galena City School District

IDEA

Possible concerns in the new regs:

- ❖ State-wide programs (only) have to file an annual application [4 AAC 33.421(a)]
- ❖ Restrictions on the families' freedom to use privately-purchased religious curriculum with their own kids [4 AAC 33.421(d), 4 AAC 33.421(e)(1), and 4 AAC 33.421(g)(2)]
- ❖ Mandating the level and type of contact-teacher support (monthly review and evaluation of work, approval of expenditures) [4 AAC 33.421(e) and 4 AAC 33.421(h)(5)]
- ❖ Requiring programs to maintain state testing participation rates within 10% of state average [4 AAC 33.421(f)(3)]
- ❖ Consequences for missing mandated tests [4 AAC 33.450]

Points to remember when writing:

If you should choose to become involved in this issue, may we respectfully suggest some guidelines?

(1) **Be POLITE!** You may feel that some of the sections are offensive. Please do not reply in kind. These people are public servants trying to serve our community and deserve our respect. Please speak kindly and respectfully to them, even if (especially if) you disagree. You will not convince anyone of the validity of your viewpoint if you are disrespectful to them. They WANT input from the public.

(2) **Be respectful.** Their votes or feelings about IDEA and similar programs may be based on misinformation or a misunderstanding of the quality of the homeschool experience and dedication of homeschooling parents. They have an obligation to see that children in Alaska reach a certain level of proficiency so that they will be capable adults. Previously there have been limited regulations governing programs such as ours. If there is to be more regulation, we would like to see homeschoolers, and those who run successful programs, have more of a role in their development.

(3) **Remember your audience.** The state school board is appointed by the governor and is responsible to see that Alaskan children receive a good education. This is also an opportunity to raise awareness of your local elected officials. They should be aware of your specific suggestions and concerns regarding these proposed regulations.

(4) **Keep it simple. Be succinct.** These are busy people with a lot of reading. Short notes will be read more readily than long and will make the point better. Individualized letters (rather than copying a form letter) are much more likely to be read thoughtfully and responded to positively.

(5) **Older students may write.** The board appreciates input from students as well, and this is a good opportunity for a civics experience as well as an exercise in using appropriate writing and grammar in a business letter. If you take advantage of this opportunity to show appointed and elected officials the quality of homeschooling instruction, please review letters carefully before sending.

Sample letter to AK School Board:

(Your address)

(Date)

Sheila Box
Executive Secretary to the Board
Department of Education & Early Development
801 West 10th Street
Juneau, AK 99801

Dear ladies and gentlemen:

I am a homeschooling parent in a statewide correspondence program, writing to voice concern about the proposed regulations affecting homeschooling in Alaska. Please do not approve these regulations as written which would greatly restrict my ability to responsibly educate my child(ren).

My children are currently enrolled in the I.D.E.A. Program. *(Write about what that means to you.)*

(You may want to comment on specific parts of the regulations that would change the way programs like I.D.E.A. run. Topics of concern may include:

- *Requiring state-wide programs to submit a yearly application, [4 AAC 33.421(a)]*
- *restrictions on the use of curricular materials privately purchased, [4 AAC 33.421(d), 4 AAC 33.421(e)(1), and 4 AAC 33.421(g)(2)]*
- *mandating the level and type of contact-teacher support, [4 AAC 33.421(e)]*
- *requiring that the program maintain state testing participation rates within 10% of the state average, [4 AAC 33.421(f)(3)]*
- *contact-teacher approval for all family expenditures, [4 AAC 33.421(h)(5)]*
- *students missing mandated tests not allowed to re-enroll or enroll in another program, without specifying that normal absences are allowable) [4 AAC 33.450]*

Thank you in advance for your consideration and for your efforts on behalf of our children. I am confident that a more appropriate re-write of the regulations can be accomplished with more thought and input from homeschoolers and successful programs like I.D.E.A.

Respectfully,

Education Criteria for Performance Excellence



accomplishment



recognition



THE MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM

A Public-Private Partnership

Building active partnerships in the private sector—and between the private sector and all levels of government—is fundamental to the success of the Baldrige National Quality Program in improving national competitiveness. Private-sector support for the Program in the form of funds, volunteer efforts, and participation in information transfer continues to grow.

To ensure the continued growth and success of these partnerships, each of the following organizations plays an important role.

Foundation for the Malcolm Baldrige National Quality Award

The Foundation for the Malcolm Baldrige National Quality Award was created to foster the success of the Program. The Foundation's main objective is to raise funds to permanently endow the Award Program.

Prominent leaders from U.S. organizations serve as Foundation Trustees to ensure that the Foundation's objectives are accomplished. A broad cross section of organizations throughout the United States provides financial support to the Foundation.

National Institute of Standards and Technology

The U.S. Department of Commerce is responsible for the Baldrige National Quality Program and the Award. The National Institute of Standards and Technology (NIST), an agency of the Department's Technology Administration, manages the Baldrige Program. NIST promotes U.S. economic growth by working with industry to develop and deliver the high-quality measurement tools, data, and services necessary for the nation's technology infrastructure. NIST also participates in a unique, government-private-sector partnership to accelerate the development of high-risk technologies that promise significant commercial and economic benefits. Through a network of technology extension centers and field offices serving all 50 states and Puerto Rico, NIST helps small- and medium-sized businesses access the information and expertise they need to improve their competitiveness in the global marketplace.

American Society for Quality

The American Society for Quality (ASQ) assists in administering the Award Program under contract to NIST. ASQ is dedicated to the ongoing development, advancement, and promotion of quality concepts, principles, and techniques. ASQ strives to be the world's recognized champion and leading authority on all issues related to quality. ASQ recognizes that continuous quality improvement will help the favorable positioning of American goods and services in the international marketplace.

Board of Overseers

The Board of Overseers advises the Department of Commerce on the Baldrige National Quality Program. The board is appointed by the Secretary of Commerce and consists of distinguished leaders from all sectors of the U.S. economy.

The Board of Overseers evaluates all aspects of the Program, including the adequacy of the Criteria and processes for determining Award recipients. An important part of the board's responsibility is to assess how well the Program is serving the national interest. Accordingly, the board makes recommendations to the Secretary of Commerce and to the Director of NIST regarding changes and improvements in the Program.

Board of Examiners

The Board of Examiners evaluates Award applications and prepares feedback reports. The Panel of Judges, part of the Board of Examiners, makes Award recommendations to the Director of NIST. The board consists of leading U.S. business, health care, and education experts. NIST selects members through a competitive application process. For 2001, the board consists of about 400 members. Of these, 9 (who are appointed by the Secretary of Commerce) serve as Judges, and approximately 70 serve as Senior Examiners. The remainder serve as Examiners. All members of the board must take part in an Examiner preparation course.

In addition to reviewing applications, board members play a significant role in sharing information about the Baldrige Program. Their membership in hundreds of professional, trade, community, and state organizations helps them disseminate this information.

Award Recipients

Award recipients are required to share information on their successful performance and quality strategies with other U.S. organizations. However, recipients are not required to share proprietary information, even if such information was part of their Award application. The principal mechanism for sharing information is the annual Quest for Excellence Conference.

Award recipients in the 13 years of the Award have been extremely generous in their commitment to improving U.S. competitiveness and furthering the U.S. pursuit of performance excellence. They have shared information with hundreds of thousands of companies, education organizations, health care organizations, government agencies, and others. This sharing far exceeds expectations and Program requirements. Award recipients' efforts have encouraged many other organizations in all sectors of the U.S. economy to undertake their own performance improvement efforts.



Baldridge National Quality Program

National Institute of Standards and Technology • Technology Administration • Department of Commerce

To: U.S. Education Community

From: Harry S. Hertz, Director
Baldridge National Quality Program

Subject: The Baldridge Challenge

"Business as usual" really means challenge and change. Whether your educational challenges are the diverse needs of your students, the Internet and alternative educational services, accreditation, school transitions, facility management, rapid innovation, performance to budget, or maintaining your competitive advantage within the education community, the Baldridge Education Criteria can help you address them.

With the increasing focus on learning-centered education, your organization is seeking every opportunity to improve its education results. For more than a decade, the Baldridge Criteria have been a tool used by thousands of U.S. organizations to stay abreast of market challenges and improve performance. Whether your organization is small or large, is involved in PreK-12 or higher education, or has one facility or multiple sites, the Criteria provide a valuable framework and can help you assess and measure performance on a wide range of key performance indicators: student learning, student and stakeholder satisfaction, education design and delivery, faculty and staff development and well-being, operations, and financial management. The Criteria can help you align resources; improve communication, productivity, and effectiveness; and achieve strategic goals.

How do you begin that first Baldridge assessment? Take a few minutes and scan the questions in the new Organizational Profile on pages 13-14. A discussion of the answers to these questions might be your first Baldridge assessment.

If you are ready to take the full Baldridge challenge, you may perform a self-assessment only or use the self-assessment as the preliminary effort to submitting an Award application. Self-assessment against all seven Categories of the Criteria (see pages 15-33) allows you to identify strengths and to target opportunities for improving processes and results affecting all students and key stakeholders—including faculty and staff, parents, suppliers, partners, and the public. In the most competitive business sectors, organizations with world class business results are able to achieve a score above 700 on the 1,000 point Baldridge scale.

Even if you don't expect to receive the Baldridge Award, submitting an application has valuable benefits. Every applicant receives a detailed feedback report based on an independent, external assessment conducted by a panel of specially trained and recognized experts. Ultimately, your application may lead to a Baldridge Award. While we make no promises for the future, on average, publicly traded Baldridge Award recipient companies have outperformed the Standard & Poor's 500 by four to one. Although no similar measure is available for education, many participants tell us that the process of applying for the Award and receiving feedback has been very valuable to their improvement efforts.

If you receive the Baldridge Award, you may publicize and advertise your organization's winning status. We make only two requirements of recipients: that you share nonproprietary information from your application summary and participate in the Quest for Excellence Conference in April 2002 so that others might learn from your success.

The Criteria are in your hands . . . so is an incredible opportunity. Why not take the challenge? Regardless of your organization's past success, when you turn these pages, you turn the corner toward performance excellence. If you want more information, contact me at nqp@nist.gov.

QUEST FOR EXCELLENCE

Quest for Excellence XIII Conference

Each year, Quest for Excellence, the official conference of the Malcolm Baldrige National Quality Award, provides a forum for Baldrige Award recipients to share their exceptional performance practices with worldwide leaders in business, education, health care, and not-for-profit organizations. Quest for Excellence XIII will showcase the year 2000 Award recipients.

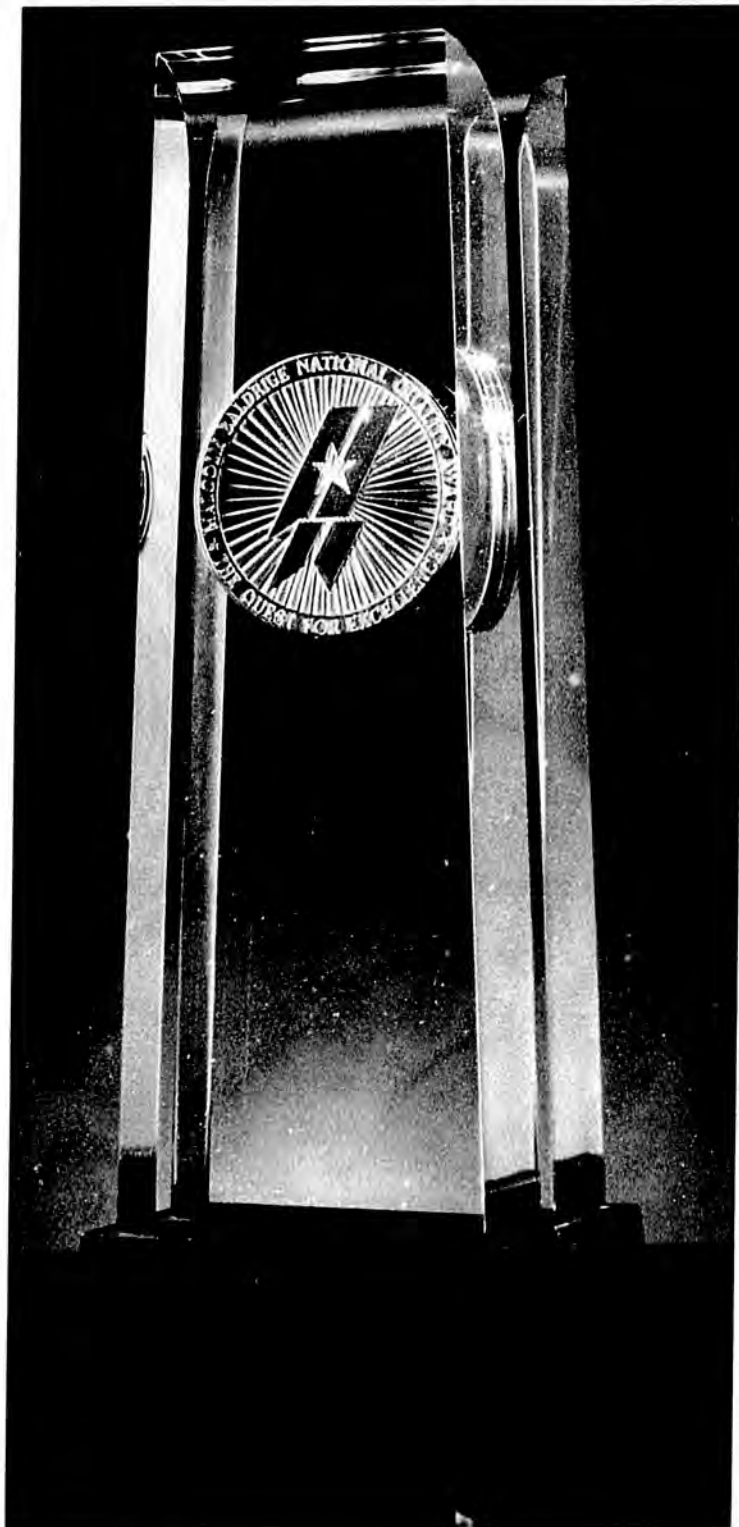
For the last 12 years, executives, managers, and quality leaders have come to this conference to learn how these role model organizations have achieved performance excellence. CEOs and other leaders from the Award recipients give presentations covering all seven Categories of the Baldrige Criteria, their journey to performance excellence, and their lessons learned. At this three-day conference designed to maximize learning and networking opportunities, attendees will be able to interact with Award recipients.

The Quest for Excellence XIII Conference will be held April 22-25, 2001, at the Marriott Wardman Park Hotel in Washington, DC. For further information, contact the Baldrige Program by mail: Baldrige National Quality Program, NIST, Administration Building, Room A600, 100 Bureau Drive, Stop 1020, Gaithersburg, MD 20899-1020; telephone: (301) 975-2036; fax: (301) 948-3716; or E-mail: nqp@nist.gov. For a general overview of the Baldrige National Quality Program, visit its Web site: <http://www.quality.nist.gov>.

The Malcolm Baldrige National Quality Award

The Award crystal, composed of two solid crystal prismatic forms, stands 14 inches tall. The crystal is held in a base of black anodized aluminum with the Award recipient's name engraved on the base. A 22-karat gold-plated medallion is captured in the front section of the crystal. The medal bears the inscriptions "Malcolm Baldrige National Quality Award" and "The Quest for Excellence" on one side and the Presidential Seal on the other.

The President of the United States traditionally presents the Awards at a special ceremony in Washington, DC.



Crystal by Steuben

The Malcolm Baldrige National Quality Award logo and the phrases "Quest for Excellence" and "Performance Excellence" are trademarks and service marks of the National Institute of Standards and Technology.

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Business and health care organizations should use the appropriate Criteria booklets for their respective sectors. See page 61 for ordering information.

If you plan to apply for the Award in 2001, you also will need the booklet entitled *Baldrige Award Application Forms*.

Ordering instructions are given on page 61.

Eligibility Forms due—April 5, 2001 Award Applications due—May 31, 2001

We are easy to reach. Our Web address is <http://www.quality.nist.gov>.

2001 EDUCATION CRITERIA: CORE VALUES, CONCEPTS, AND FRAMEWORK

Education Criteria Purposes

The Criteria are the basis for organizational self-assessments, for making Awards, and for giving feedback to applicants. In addition, the Criteria have three important roles:

- to help improve organizational performance practices, capabilities, and results
- to facilitate communication and sharing of best practices information among U.S. organizations of all types
- to serve as a working tool for understanding and improving performance and for guiding planning and opportunities for learning

Education Criteria for Performance Excellence Goals

The Criteria are designed to help organizations use an aligned approach to organizational performance management that results in

- delivery of ever-improving value to students and stakeholders, contributing to improved education quality
- improvement of overall organizational effectiveness and capabilities
- organizational and personal learning

Core Values and Concepts

The Criteria are built upon a set of interrelated Core Values and Concepts. These values and concepts, given below, are embedded beliefs and behaviors found in high-performing organizations. They are the foundation for integrating key requirements within a results-oriented framework that creates a basis for action and feedback.

Visionary Leadership

An organization's senior leaders should set directions and create a student-focused, learning-oriented climate; clear and visible values; and high expectations. The directions, values, and expectations should balance the needs of all your stakeholders. Your leaders should ensure the creation of strategies, systems, and methods for achieving excellence, stimulating innovation, and building knowledge and capabilities. The values and strategies should help guide all activities and decisions of your organization. Senior leaders should inspire and motivate all faculty and staff, encouraging them to contribute, to develop and learn, to be innovative, and to be creative.

Your senior leaders should serve as role models through their ethical behavior and their personal involvement in planning, communications, coaching, development of future leaders, review of organizational performance, and faculty and staff recognition. As role models, they can reinforce

values and expectations while building leadership, commitment, and initiative throughout your organization.

In addition to their important role within the organization, senior leaders have other avenues to strengthen education. Reinforcing the learning environment in the organization might require building community support and aligning community and business leaders and community services with this aim.

Learning-Centered Education

In order to develop the fullest potential of all students, education organizations need to afford them opportunities to pursue a variety of avenues to success. Learning-centered education supports this goal by placing the focus of education on learning and the real needs of students. Such needs derive from market and citizenship requirements.

A learning-centered organization needs to fully understand these requirements and translate them into appropriate curricula and developmental experiences. For example, changes in technology and in the national and world economies are creating increasing demands on employees to become knowledge workers and problem solvers, keeping pace with the rapid market changes. Most analysts conclude that, to prepare students for this work environment, education organizations of all types need to focus more on students' active learning and on the development of problem-solving skills. Educational offerings also need to be built around effective learning, and effective teaching needs to stress promotion of learning and achievement.

Learning-centered education is a strategic concept that demands constant sensitivity to changing and emerging student, stakeholder, and market requirements and to the factors that drive student learning, satisfaction, and persistence. It demands anticipating changes in the education environment, as well as rapid and flexible responses to student, stakeholder, and market requirements.

Key characteristics of learning-centered education include the following:

- High developmental expectations and standards are set for all students.
- Faculty understand that students may learn in different ways and at different rates. Student learning rates and styles may differ over time and may vary depending on subject matter. Learning may be influenced by support, guidance, and climate factors, including factors that contribute to or impede learning. Thus, the learning-centered organization needs to maintain a constant search for alternative ways to enhance learning. Also, the organization needs to develop actionable information on individual students that bears upon their learning.



- A primary emphasis on active learning is provided. This may require the use of a wide range of techniques, materials, and experiences to engage student interest. Techniques, materials, and experiences may be drawn from external sources such as businesses, community services, or social service organizations.
- Formative assessment is used to measure learning early in the learning process and to tailor learning experiences to individual needs and learning styles.
- Summative assessment is used to measure progress against key, relevant external standards and norms regarding what students should know and should be able to do.
- Students and families are assisted in using self-assessment to chart progress and to clarify goals and gaps.
- There is a focus on key transitions such as school-to-school and school-to-work.

Organizational and Personal Learning

Achieving the highest levels of performance requires a well-executed approach to organizational and personal learning. Organizational learning includes both continuous improvement of existing approaches and adaptation to change, leading to new goals and/or approaches. Learning needs to be embedded in the way your organization operates. This means that learning (1) is a regular part of the daily work of all students, faculty, and staff; (2) is practiced at personal, work unit/department, and organizational levels; (3) results in solving problems at their source ("root cause"); (4) is focused on sharing knowledge throughout your organization; and (5) is driven by opportunities to effect significant change and to do better. Sources for learning include faculty and staff ideas, education and learning research findings, student and stakeholder input, best practice sharing, and benchmarking.

Improvement in education requires a strong emphasis on effective design of educational programs, curricula, and learning environments. The overall design should include

clear learning objectives, taking into account the individual needs of students. Design must also include effective means for gauging student progress. A central requirement of effective design is the inclusion of an assessment strategy. This strategy needs to emphasize the acquisition of formative information—information that provides an early indication of whether or not learning is taking place—to minimize problems that might arise if learning barriers are not promptly identified and addressed.

Faculty and staff success depends increasingly on having opportunities for personal learning and practicing new skills. Organizations invest in personal learning of faculty and staff through education, training, and other opportunities for continuing growth. Such opportunities might include job rotation and increased pay for demonstrated knowledge and skills. Educational and training programs may benefit from advanced technologies, such as computer- and Internet-based learning and satellite broadcasts.

Personal learning can result in (1) more satisfied and versatile faculty and staff who stay with the organization, (2) organizational cross-functional learning, and (3) an improved environment for innovation.

Thus, learning is directed not only toward better educational programs and services but also toward being more flexible, adaptive, and responsive to the needs of students, stakeholders, and the market.

Valuing Faculty, Staff, and Partners

An organization's success depends increasingly on the knowledge, skills, innovative creativity, and motivation of its faculty, staff, and partners.

Valuing faculty and staff means committing to their satisfaction, development, and well-being. Increasingly, this involves more flexible work practices tailored to faculty and staff with diverse workplace and home life needs. For faculty, development means building not only discipline knowledge but also knowledge of student learning styles and of assessment methods. Faculty participation might include contributing to the organization's policies and working in teams to develop and execute programs and curricula. Increasingly, participation is becoming more student focused and more multidisciplinary. Organization leaders should work to eliminate disincentives for groups and individuals to sustain these important, learning-focused professional development activities.

For staff, development might include classroom and on-the-job training, job rotation, and pay for demonstrated skills. Increasingly, training, education, development, and organizational structure need to be tailored to a more diverse workforce and to more flexible, high-performance work practices.

Major challenges in the area of valuing faculty and staff include (1) demonstrating your leaders' commitment to the success of your faculty and staff, (2) recognition that goes

beyond the regular compensation system, (3) development and progression within your organization, (4) sharing your organization's knowledge so your faculty and staff can better serve your students and stakeholders and contribute to achieving your strategic objectives, and (5) creating an environment that encourages creativity.

Education organizations need to build internal and external partnerships to better accomplish overall goals. Internal partnerships might include cooperation among leadership, faculty, and staff, such as agreements with unions. Partnerships with faculty and staff might entail faculty and staff development, cross-training, or new organizational structure such as high-performance work teams. Internal partnerships also might involve creating network relationships among your work units to improve flexibility, responsiveness, and knowledge sharing.

External partnerships might be with other schools, suppliers, businesses, business associations, and community and social service organizations—all stakeholders and potential contributors. Strategic partnerships or alliances are increasingly important kinds of external partnerships. Such partnerships might offer entry into new markets or a basis for new programs or services. Also, partnerships might permit the blending of your organization's core competencies or leadership capabilities with the complementary strengths and capabilities of partners.

Successful internal and external partnerships develop longer-term objectives, thereby creating a basis for mutual investments and respect. Partners should address the key requirements for success, means for regular communication, approaches to evaluating progress, and means for adapting to changing conditions.

Agility

Agility is an increasingly important measure of your organizational effectiveness. It requires a capacity for faster and more flexible response to the needs of your students and stakeholders. Many organizations are learning that an explicit focus on and measurement of response times help to drive the simplification of the organizational structure and work processes. All aspects of time performance are becoming increasingly important and should be among your key process measures. Other important benefits can be derived from this focus on time; time improvements often drive simultaneous improvements in organization, quality, and cost.

Focus on the Future

In today's education environment, a focus on the future requires understanding the short- and longer-term factors that affect your organization and the education market. Pursuit of educational excellence requires a strong future orientation and a willingness to make long-term commitments to students and key stakeholders—the community, employers, faculty, and staff. Your organization's planning should anticipate many factors, such as changes in educa-

tional requirements, instructional approaches, resource availability, student/stakeholder expectations, new partnering opportunities, technological developments, the evolving Internet environment, new student and market segments, demographics, community/societal expectations, and strategic changes by comparable organizations. Strategic objectives and resource allocations need to accommodate these influences. A major longer-term investment associated with your organization's improvement is the investment in creating and sustaining a mission-oriented assessment system focused on learning. This entails faculty education and training in assessment methods. In addition, the organization's leaders should be familiar with research findings and practical applications of assessment methods and learning style information. A focus on the future includes developing faculty and staff, creating opportunities for innovation, and anticipating public responsibilities.

Managing for Innovation

Innovation means making meaningful change to improve an organization's programs, services, and processes and to create new value for the organization's stakeholders. Innovation should lead your organization to new dimensions of performance. Innovation is no longer strictly the purview of research; innovation is important for providing ever-improving educational value to students and for improving all educational and operational processes. Organizations should be led so that innovation becomes part of the culture and is integrated into daily work.

Management by Fact

Organizations depend on the measurement and analysis of performance. Such measurements should derive from the organization's needs and strategy, and they should provide critical data and information about key processes and results. Many types of data and information are needed for performance management. Performance measurement should focus on student learning, which requires a comprehensive and integrated fact-based system—one that includes input data, environmental data, performance data, comparative/competitive data, data on faculty/staff, cost data, and operational performance measurement. Measurement areas might include students' backgrounds, learning styles, aspirations, academic strengths and weaknesses, educational progress, classroom and program learning, satisfaction with instruction and services, extracurricular activities, dropout/matriculation rates, and postgraduation success.

"Analysis" refers to extracting larger meaning from data and information to support evaluation, decision making, and operational improvement. Analysis entails using data to determine trends, projections, and cause and effect that might not otherwise be evident. Analysis supports a variety of purposes, such as planning, reviewing your overall performance, improving operations, change management, and comparing your performance with comparable organizations or with "best practices" benchmarks.

A major consideration in performance improvement and change management involves the selection and use of performance measures or indicators. *The measures or indicators you select should best represent the factors that lead to improved student, operational, and financial performance. A comprehensive set of measures or indicators tied to student, stakeholder, and/or organizational performance requirements represents a clear basis for aligning all activities with your organization's goals.* Through the analysis of data from your tracking processes, your measures or indicators themselves may be evaluated and changed to better support your goals.

Public Responsibility and Citizenship

An organization's leaders should stress its responsibilities to the public and the need to practice good citizenship. These responsibilities refer to basic expectations of your organization related to ethical practices and protection of public health, safety, and the environment. Planning should anticipate adverse impacts that might arise in facilities management, laboratory operations, and transportation. Ethical practices need to take into account proper use of public and private funds. Effective planning should prevent problems, provide for a forthright response if problems occur, and make available information and support needed to maintain public awareness, safety, and confidence.

Organizations should not only meet all local, state, and federal laws and regulatory requirements, but they should treat these and related requirements as opportunities for improvement "beyond mere compliance." This requires the use of appropriate measures in managing public responsibility.

Practicing good citizenship refers to leadership and support—within the limits of an organization's resources—of publicly important purposes. Such purposes might include improving education in your community, environmental excellence, resource conservation, community service, and sharing quality-related information. Leadership also entails influencing other organizations, private and public, to partner for these purposes.

Focus on Results and Creating Value

An organization's performance measurements need to focus on key results. Results should be used to create and balance value for your students and key stakeholders—the community, employers, faculty, staff, suppliers, and partners. By creating value for students and stakeholders, your organization contributes to improving overall education performance and builds loyalty. To meet the sometimes conflicting and changing aims that balancing value implies, organizational strategy should explicitly include student and key stakeholder requirements. This will help ensure that actions and plans meet differing student and stakeholder needs and avoid adverse impacts on any students and/or stakeholders. The use of a balanced composite of leading and lagging performance measures offers an effective means to communicate short- and longer-term priorities,

monitor actual performance, and provide a clear basis for improving results.

Systems Perspective

The Baldrige Criteria provide a systems perspective for managing your organization to achieve performance excellence. The Core Values and the seven Baldrige Categories form the building blocks and integrating mechanism for the system. However, successful management of overall performance requires

organization-specific synthesis and alignment. Synthesis means looking at your organization as a whole and builds upon key educational requirements, including your strategic objectives and action plans. Alignment means using the key linkages among requirements given in the Baldrige Categories, including the key measures/indicators.

Alignment is depicted in the Baldrige framework on page 5. Alignment includes your senior leaders' focus on strategic directions and on your students and stakeholders. It means that your senior leaders monitor, respond to, and manage performance based on your key results. Alignment includes using your measures/indicators to link your key strategies with your key processes and align your resources to improve overall performance and satisfy students and stakeholders.

Thus, a systems perspective means managing your whole organization, as well as its components, to achieve success.



Linkage of the Education Criteria to the Baldrige Business Sector Criteria

The 2001 Education Criteria incorporate the Core Values and Concepts described above and are built upon the seven-part framework used in the Business Criteria. The rationale for the use of the same framework is that it is adaptable to the requirements of all organizations, including education organizations. However, this adaptation does not assume that these requirements are necessarily addressed in the same way. This adaptation to education, then, is largely a translation of the language and basic concepts of business excellence to similarly important concepts in education excellence. A major practical benefit derived from using a common framework for all sectors of the economy is that it fosters cross-sector cooperation and sharing of best practices information.

Education Criteria for Performance Excellence Framework

The Core Values and Concepts are embodied in seven Categories, as follows:

- 1 Leadership**
- 2 Strategic Planning**
- 3 Student, Stakeholder, and Market Focus**
- 4 Information and Analysis**
- 5 Faculty and Staff Focus**
- 6 Process Management**
- 7 Organizational Performance Results**

The figure below provides the framework connecting and integrating the Categories.

From top to bottom, the framework has the following basic elements.

Organizational Profile

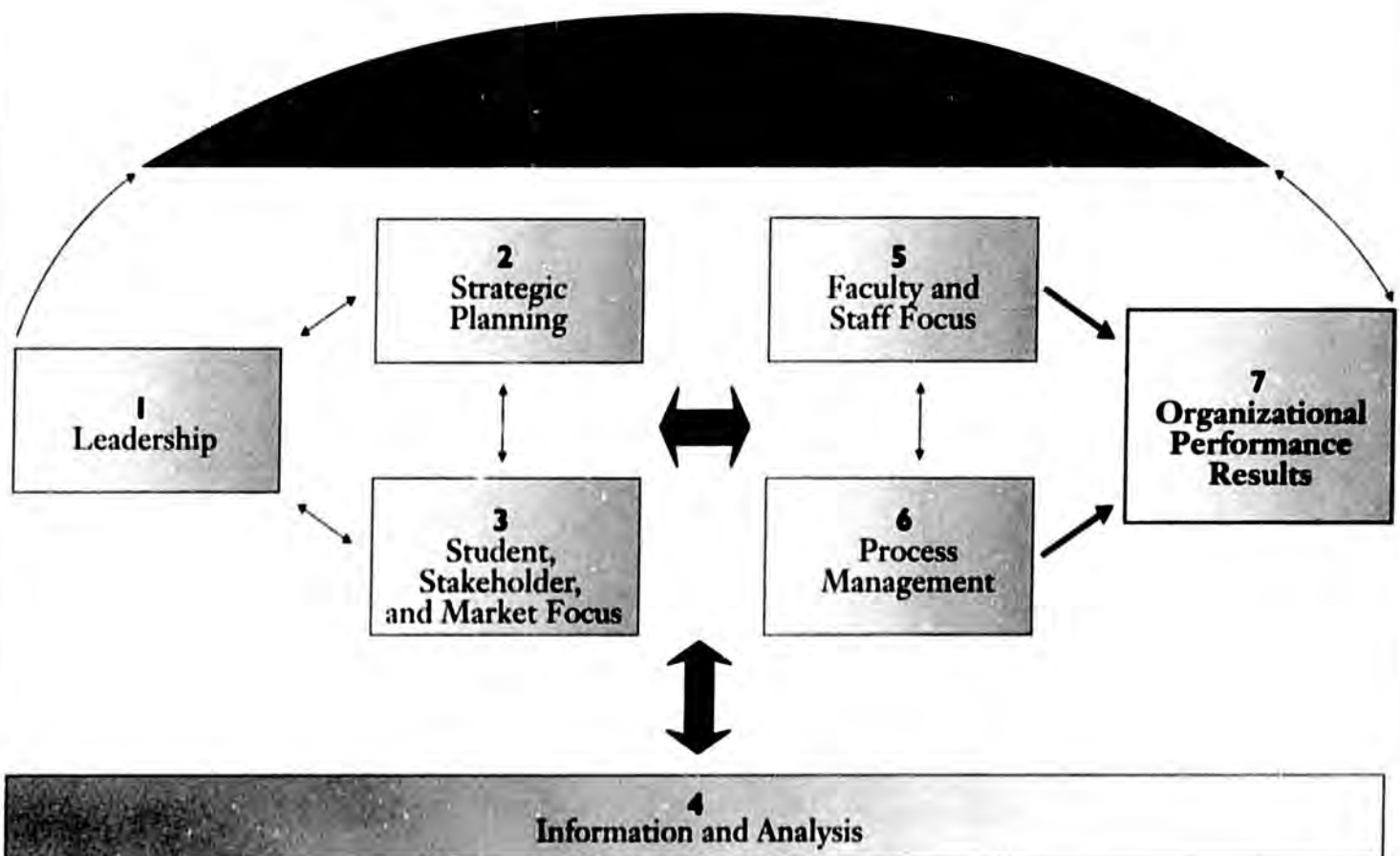
Your Organizational Profile (top of figure) sets the context for the way your organization operates. Your environment, key working relationships, and strategic challenges serve as an overarching guide for your organizational performance management system.

System

The system is composed of the six Baldrige Categories in the center of the figure that define the organization, its operations, and its results.

Leadership (Category 1); Strategic Planning (Category 2); and Student, Stakeholder, and Market Focus (Category 3) represent the leadership triad. These Categories are placed together to emphasize the importance of a leadership focus on strategy, students, and stakeholders. Senior leaders set your organizational direction, create a learning environment for your organization, and seek future opportunities for your organization.

Baldrige Education Criteria for Performance Excellence Framework: A Systems Perspective



Faculty and Staff Focus (Category 5), Process Management (Category 6), and Organizational Performance Results (Category 7) represent the results triad. Your organization's faculty and staff and its key processes accomplish the work of the organization that yields your performance results.

All actions point toward Organizational Performance Results—a composite of student, stakeholder, budgetary and financial, and operational performance results, including faculty and staff results and public responsibility.

The horizontal arrow in the center of the framework links the leadership triad to the results triad, a linkage critical to organizational success. Furthermore, the arrow indicates the central relationship between Leadership (Category 1) and Organizational Performance Results (Category 7). The two-headed arrow indicates the importance of feedback in an effective performance management system.

Information and Analysis

Information and Analysis (Category 4) are critical to the effective management of your organization and to a fact-

based system for improving performance. Information and analysis serve as a foundation for the performance management system.

Criteria Structure

The seven Criteria Categories shown in the figure are subdivided into Items and Areas to Address.

Items

There are 19 Items, each focusing on a major requirement. Item titles and point values are given on page 12. The Item format is shown on page 56.

Areas to Address

Items consist of one or more Areas to Address (Areas). Organizations should address their responses to the specific requirements of these Areas.

KEY CHARACTERISTICS OF THE EDUCATION CRITERIA

1. The Education Criteria focus on organizational performance results.

The Education Criteria focus on the key areas of organizational performance, given below.

Organizational performance areas:

- (1) student learning results
- (2) student- and stakeholder-focused results
- (3) budgetary, financial, and market results
- (4) faculty and staff results
- (5) organizational effectiveness results

The use of this composite of indicators is intended to ensure that strategies are balanced—that they do not inappropriately trade off among important stakeholders, objectives, or short- and longer-term goals.

2. The Criteria are nonprescriptive and adaptable.

The Criteria are made up of results-oriented requirements. However, the Criteria do not prescribe

- that your organization should or should not have departments for quality, planning, or other functions;
- how your organization should be structured; or
- that different units in your organization should be managed in the same way.

These factors are important. However, they differ among organizations, and they are likely to change as needs and strategies evolve.

The Criteria are nonprescriptive for the following reasons:

- (1) The focus is on results, not on procedures, tools, or organizational structure. Organizations are encouraged to develop and demonstrate creative, adaptive, and flexible approaches for meeting basic requirements. Nonprescriptive requirements are intended to foster incremental and major ("break-through") improvements, as well as basic change.
- (2) Selection of tools, techniques, systems, and organizational structure usually depends on factors such as organization type and size, your organization's stage of development, and faculty and staff capabilities and responsibilities.
- (3) Focus on common requirements, rather than on common procedures, fosters better understanding, communication, sharing, and alignment, while supporting innovation and diversity in approaches.

3. The Criteria support a systems perspective to maintaining organization-wide goal alignment.

The systems perspective to goal alignment is embedded in the integrated structure of the Core Values and Concepts, the Organizational Profile, the Criteria, and the results-oriented, cause-effect linkages among the Criteria Items.

Alignment in the Criteria is built around connecting and reinforcing measures derived from your organization's processes and strategy. These measures tie directly to student and stakeholder value and to overall performance. The use of measures thus channels different activities in consistent directions with less need for detailed procedures, centralized decision making, or process management. Measures thereby serve both as a communication tool and a basis for deploying consistent overall performance requirements. Such alignment ensures consistency of purpose while also supporting agility, innovation, and decentralized decision making.

A systems perspective to goal alignment, particularly when strategy and goals change over time, requires dynamic linkages among Criteria Items. In the Criteria, action-oriented cycles of learning take place via feedback between processes and results.

The learning cycles have four clearly defined stages:

- (1) planning, including design of processes, selection of measures, and deployment of requirements
- (2) execution of plans
- (3) assessment of progress, taking into account internal and external results
- (4) revision of plans based upon assessment findings, learning, new inputs, and new requirements

4. The Criteria support goal-based diagnosis.

The Criteria and the Scoring Guidelines make up a two-part diagnostic (assessment) system. The Criteria are a set of 19 performance-oriented requirements. The Scoring Guidelines spell out the assessment dimensions—Approach, Deployment, and Results—and the key factors used to assess each dimension. An assessment thus provides a profile of strengths and opportunities for improvement relative to the 19 basic requirements. In this way, assessment leads to actions that contribute to performance improvement in all areas, as described in the shaded box above. This diagnostic assessment is a useful management tool that goes beyond most performance reviews and is applicable to a wide range of strategies and management systems.

INTEGRATION OF KEY EDUCATION THEMES

For the adaptation of the Business Criteria for Performance Excellence to education, several important education concepts have been given careful consideration and are addressed throughout the Education Criteria.

Mission Specificity

Although education organizations typically share common aims, individual organizational missions, roles, and programs vary greatly. Use of a single set of Criteria to cover all your organizational requirements means that these requirements need to be interpreted in terms of your own organizational mission. This is necessary because specific requirements and critical success factors differ from organization to organization. For this reason, effective use of the Criteria depends on putting these mission requirements into operation consistently across the seven Categories of the Criteria framework. In particular, Strategic Planning (Category 2) needs to address your key mission requirements, setting the stage for the interpretation of your other requirements. For example, results reported in Organizational Performance Results (Category 7) need to reflect results consistent with your organization's mission and strategic objectives.

The Education Criteria are most explicit in the area of student learning, as this requirement is common to all education organizations regardless of their larger missions. Despite this commonality, the focus of student learning and development depends on your organizational mission. For example, results reported by trade schools, engineering schools, and music schools would be expected to differ because they would reflect each organization's mission. Nevertheless, all three types of organizations would be expected to show year-to-year improvements in their mission-specific results to demonstrate the effectiveness of their performance improvement efforts.

Customers

The Business Criteria for Performance Excellence use the generic term "customers" to describe the users of products or services. Although market success depends heavily on user preference, other stakeholders must be considered as well when setting overall organizational requirements. In the Education Criteria, the focus is on students and stakeholders, the key beneficiaries of educational programs and services.

As do businesses, education organizations must respond to a variety of requirements—all of which should be incorporated into responses to the Education Criteria. The adaptation of the Business Criteria to education includes a specific approach for defining key student requirements. This approach

distinguishes between students and stakeholders for purposes of clarity and emphasis. Stakeholders include parents, employers, other schools, and communities. The requirements for current students differ from those for future students. Requirements for current students are more concrete, specific, and immediate; determining requirements for future students is part of the organization's planning and should take into account changing student populations and changing requirements future students must be able to meet. A major challenge organizations face is "bridging" current student needs and the needs of future students. This requires an effective organizational learning/change strategy.

Education organizations must also address the variety of requirements of their various stakeholders. Stakeholders' requirements are of two types: (1) requirements directly related to your organization's educational services and (2) requirements of the stakeholders themselves. For example, parents might request services related to their children's educational program, such as integration of math and science curricula (type 1), and the parents might also request special meeting times with the school to accommodate their work schedules (type 2). Many of the needs of businesses and other stakeholders are actually needs that must be addressed in your organization's educational services for students. The Education Criteria place primary emphasis on such needs because your organization's success depends heavily on translating these needs into effective educational services and experiences. In addition, successful operation of an organization may depend on satisfying accreditation, environmental, legal, and other requirements. Thus, meaningful responses to the Criteria need to incorporate all relevant requirements that organizations must meet to be successful.

Concept of Excellence

The concept of excellence built into the Criteria is that of "value-added" demonstrated performance. Such performance has two manifestations: (1) year-to-year improvement in key measures/indicators of performance, especially student learning, and (2) demonstrated leadership in performance and performance improvement relative to comparable organizations and/or to appropriate benchmarks.

This concept of excellence is used because (1) it places the major focus on teaching/learning strategies; (2) it poses similar types of challenges for all organizations regardless of resources and/or incoming student preparation/abilities; (3) it is most likely to stimulate learning-related research and to offer a means to disseminate the results of such research; and (4) it offers the potential to create an expanding body of knowledge of successful teaching/learning practices in the widest range of organizations.

The focus on value-added contributions by your organization does not presuppose manufacturing-oriented, mechanistic, or additive models of student development. Also, the use of a value-added concept does not imply that your organization's management system should include documented procedures or attempt to define "conformity" or "compliance." Rather, the performance concept in the Education Criteria means that your organization should view itself as a key developmental influence on students (though not the only influence) and that your organization should seek to understand and optimize its influencing factors, guided by an effective assessment strategy.

Assessment Strategy

Central and crucial to the success of the concept of excellence in the Education Criteria is a well-conceived and well-executed assessment strategy. The characteristics of such a strategy should include the following:

- Clear ties should be established between what is assessed and your organization's mission and objectives. This means not only what your students know but also what they are able to do.
- There should be a strong focus on improvement—of your students' performance, your faculty's capabilities, and your organization's program performance.
- An embedded, ongoing assessment with prompt feedback should be an integral component.
- The assessment also should be based on curricula, reference appropriate criteria, and address your key learning goals and your overall performance requirements.
- Clear guidelines should be established regarding how your assessment results will be used and how they will not be used.
- There should be an ongoing evaluation of your assessment system itself to improve the connection between assessment and student success. Success factors should be developed on an ongoing basis based on external requirements such as those derived from your markets and from other organizations.

Primary Focus on Teaching and Learning

Although the Education Criteria framework is intended to address all organizational requirements, including research and service, primary emphasis is placed on teaching and learning. This is done for three main reasons:

- (1) Teaching and learning are the principal goals of education organizations. Thus, sharing successful teaching and learning strategies and methods would have the greatest impact on improving the nation's education organizations.
- (2) Those who encouraged the creation of a Baldrige Award category for education cited improvement in teaching and learning as their primary or only rationale for such an award.
- (3) Only a small percentage of education organizations engage in research. Peer review systems exist to evaluate research. Funding organizations and businesses provide avenues to channel the directions of much research. Numerous excellent forums and media already exist for sharing research results. Much of the research performed in education organizations involves students as part of their own overall education. Thus, the educational role of research is incorporated in the Education Criteria as part of teaching and learning. Other important aspects of research—faculty development and student/faculty recruitment—are also addressed in the Criteria.

CHANGES FROM THE 2000 EDUCATION CRITERIA

The Education Criteria continue to evolve, seeking to enhance coverage of strategy-driven performance, address the needs of all students and stakeholders, and accommodate important changes in educational needs and practices. The increasing importance of electronic communication, the use of Internet-based learning and interactions, and the alignment of all aspects of your performance management system receive greater attention in the 2001 Education Criteria. In addition, the Criteria continue to emphasize the roles of data, information, and information and knowledge management and their use in education organizations.

Criteria questions have been better aligned throughout the seven Categories and in the new Organizational Profile to accomplish the purpose of Baldrige self-assessment and external assessment: to determine organizational gaps and alignment in approach and deployment (Categories 1–6) and to determine organizational gaps and strength of performance in results areas (Category 7).

The Organizational Profile, the Criteria Items, and the Scoring Guidelines have been aligned so that the assessment addresses both changing educational service needs/directions and ongoing evaluation/improvement of key processes. Both are important because prioritized process improvement (“doing things better”) and addressing changing needs (“doing the right things”) are critical to success in an increasingly challenging and competitive environment, and they frequently compete for the same resources.

In addition, efforts continue to align the 2001 Education Criteria with the Business Criteria (*2001 Criteria for Performance Excellence*) and the 2001 Health Care Criteria, thus enabling better communication and cooperation among all organizations—a major goal of the Baldrige National Quality Program.

The most significant changes in the Education Criteria and the Criteria booklet are summarized as follows:

- The number of Areas to Address has been increased from 27 to 30.
- A new Preface entitled Organizational Profile replaces the Organization Overview from the 2000 Education Criteria. Its placement at the front of the Criteria sets your organizational context for responding to the Criteria Items.
- The Glossary of Key Terms continues to be revised and expanded.
- Category 4, Information and Analysis, now includes an Item on information management. The Category has been rewritten to recognize the growing importance of the Internet and electronic communication and your dependence on reliable information from these communication vehicles.
- Category 6, Process Management, now specifically addresses all aspects of your organization's process management, including learning-focused education design and delivery, key student services, and support processes.

There have been some changes in all Criteria Items; the most significant changes are highlighted and discussed below.

Preface: Organizational Profile

- This new section, to be completed before addressing the Criteria Items, sets a basis for your Baldrige assessment. It is written in the same question format as the Criteria Items.
- The Organizational Profile is the starting point for self-assessment and for writing an application. It also may be used by itself for an initial self-assessment; if you identify topics for which conflicting, little, or no information is available, it is possible that your assessment need go no further and you can use these topics for action planning.

Category 1: Leadership

- Item 1.1, Organizational Leadership, has been modified to better emphasize the senior leaders' role in creating and setting the current and future environment and in reviewing organizational performance.

Category 2: Strategic Planning

- You now are asked to respond in terms of your short- and longer-term planning time horizons, recognizing that these horizons differ among various education organizations.
- In Item 2.1, Strategy Development, you now are asked how your strategic objectives align with challenges identified in your Organizational Profile.

Category 3: Student, Stakeholder, and Market Focus

- In Item 3.1, now Knowledge of Student, Stakeholder, and Market Needs and Expectations, you are asked to address requirements, expectations, and preferences in the markets your educational programs will address.
- Item 3.2, now Student and Stakeholder Relationships and Satisfaction, places greater emphasis on the key aspects of relationship building: attracting and retaining students, satisfying students and stakeholders, enhancing student learning, and developing new educational services.

Category 4: Information and Analysis

- Item 4.1, now Measurement and Analysis of Organizational Performance, combines Items 4.1 and 4.2 from the 2000 Criteria. This Item continues to stress measuring, analyzing, aligning, and improving performance throughout the organization.

- Item 4.2, Information Management, is a new Item addressing the availability, quality, and accessibility of data and the quality of software and hardware.

Category 5: Faculty and Staff Focus

- Item 5.1, Work Systems, now includes succession planning and a stronger focus on organizing and managing for improved cooperation, communication, and knowledge sharing.

Category 6: Process Management

- Item 6.1, now Education Design and Delivery Processes, allows organizations for which research and outreach are core aspects of their mission to address these elements.
- Item 6.2, Student Services, is a new Item that asks you to identify and describe your key student services that lead to student success. This Item has been created by combining elements of Items 6.2 and 6.3 from the 2000 Education Criteria that emphasized student-focused services.
- Item 6.3, now Support Processes, is based on portions of Item 6.2, Education Support Processes, in 2000. It asks you to identify and describe your key processes that support your daily operations and your faculty and staff in delivering educational programs and offerings and student services.
- Item 6.3 from the 2000 Criteria, Partnering Processes, has been discontinued, allowing each organization to address partners as appropriate to its operations.

Partnerships with other education organizations to facilitate transitions into or out of your school may be addressed in Item 3.2. For some education organizations, partnering is an aspect of student services and, therefore, needs to be included in Item 6.2.

Category 7: Organizational Performance Results

- Item 7.1, now Student Learning Results, has been renamed to emphasize the core mission and focus on learning in education organizations.
- Item 7.3, now Budgetary, Financial, and Market Results, has been expanded to include "market" in recognition of the changing education environment. Education organizations must remain aware of how changing and emerging markets contribute to budgetary and financial results.
- Item 7.5 now has two areas to address—7.5a (Organizational Effectiveness Results) and 7.5b (Public Responsibility and Citizenship Results)—to better differentiate the results for organizational effectiveness. If research and outreach processes are a part of your mission, results should be reported in 7.5a.

Scoring Guidelines

Descriptors for the Approach-Deployment scoring ranges have been modified to highlight the importance of addressing evaluation and improvement, as well as changing educational service needs.

2001 EDUCATION CRITERIA FOR PERFORMANCE EXCELLENCE—ITEM LISTING

| | | |
|----------|--|---------------------|
| P | Preface: Organizational Profile | |
| | P.1 Organizational Description | |
| | P.2 Organizational Challenges | |
| | 2001 Categories/Items | Point Values |
| 1 | Leadership | 120 |
| | 1.1 Organizational Leadership | 80 |
| | 1.2 Public Responsibility and Citizenship | 40 |
| 2 | Strategic Planning | 85 |
| | 2.1 Strategy Development | 40 |
| | 2.2 Strategy Deployment | 45 |
| 3 | Student, Stakeholder, and Market Focus | 85 |
| | 3.1 Knowledge of Student, Stakeholder, and Market Needs and Expectations | 40 |
| | 3.2 Student and Stakeholder Relationships and Satisfaction | 45 |
| 4 | Information and Analysis | 90 |
| | 4.1 Measurement and Analysis of Organizational Performance | 50 |
| | 4.2 Information Management | 40 |
| 5 | Faculty and Staff Focus | 85 |
| | 5.1 Work Systems | 35 |
| | 5.2 Faculty and Staff Education, Training, and Development | 25 |
| | 5.3 Faculty and Staff Well-Being and Satisfaction | 25 |
| 6 | Process Management | 85 |
| | 6.1 Education Design and Delivery Processes | 50 |
| | 6.2 Student Services | 20 |
| | 6.3 Support Processes | 15 |
| 7 | Organizational Performance Results | 450 |
| | 7.1 Student Learning Results | 200 |
| | 7.2 Student- and Stakeholder-Focused Results | 70 |
| | 7.3 Budgetary, Financial, and Market Results | 40 |
| | 7.4 Faculty and Staff Results | 70 |
| | 7.5 Organizational Effectiveness Results | 70 |
| | TOTAL POINTS | 1000 |

Note: The Scoring System used with the Criteria Items in a Baldrige assessment can be found on pages 54–55.

P Preface: Organizational Profile

The *Organizational Profile* is a snapshot of your organization, the key influences on how you operate, and the key challenges you face.

P.1 Organizational Description

Describe your organization's environment and your key relationships with students, stakeholders, suppliers, and other partners.

Within your response, include answers to the following questions:

a. Organizational Environment

- (1) What are your organization's main educational programs and/or services? Include a description of how they are delivered to students.
- (2) What is your organizational context/culture? Include your purpose, vision, mission, and values, as appropriate.
- (3) What is your faculty and staff profile? Include education levels, workforce and job diversity, bargaining units, use of contract employees, and special safety requirements, as appropriate.
- (4) What are your major technologies, equipment, and facilities?
- (5) What is the legal/regulatory environment under which your organization operates? Include mandated standards, curricula, programs, and assessments; occupational health and safety regulations; accreditation requirements; and environmental and financial regulations. Also include district boundaries and service offering restrictions, as appropriate.

b. Organizational Relationships

- (1) What are your key student and stakeholder groups and/or market segments? What are their key requirements for your programs and services? Include how these requirements differ among student and stakeholder groups and/or market segments, as appropriate.
- (2) What are your key supplier and partnering relationships and communication mechanisms?

Notes:

N1. Student and stakeholder groups and market segment requirements (P.1b[1]) might include special accommodation, customized curricula, reduced class size, customized degree requirements, student advising, and electronic communication.

N2. Communication mechanisms (P.1b[2]) should be two-way and might be in person, electronic, by telephone, and/or written. For many organizations, these mechanisms might be changing.

Item notes serve three purposes: (1) to clarify terms or requirements presented in Items, (2) to give instructions on responding to the Criteria Item requirements, and (3) to indicate key linkages to other Items. In all cases, the intent is to help you respond to the Item requirements.

P.2 Organizational Challenges

Describe your organization's competitive environment, your key strategic challenges, and your system for performance improvement.

Within your response, include answers to the following questions:

a. Competitive Environment

- (1) What is your competitive position? Include your relative size and growth in the education sector and the numbers and types of your competitors.
- (2) What are the principal factors that determine your success relative to the success of your competitors and other organizations delivering similar services? Include any changes taking place that affect your competitive situation.

b. Strategic Challenges

What are your key strategic challenges? Include education and learning, operational, human resource, and community challenges, as appropriate.

c. Performance Improvement System

How do you maintain an organizational focus on performance improvement? Include your approach to systematic evaluation and improvement of key processes and to fostering organizational learning and knowledge sharing.

Notes:

N1. Factors (P.2a[2]) might include differentiators such as program leadership, services, e-services, geographic proximity, and program options.

N2. Challenges (P.2b) might include electronic communication with key stakeholders, reduced educational program introduction cycle times, student transitions, entry into new markets or segments, changing demographics and competition, student persistence, and faculty/staff retention.

N3. Performance improvement (P.2c) is an assessment dimension used in the Scoring System to evaluate the maturity of organizational approaches and deployment (see pages 54–55). This question is intended to help you and the Baldrige Examiners set a context for your approach to performance improvement.

Importance of Your Organizational Profile

Your Organizational Profile is critically important because

- it is the most appropriate starting point for self-assessment and for writing an application;
- it helps you identify potential gaps in key information and focus on key performance requirements and results;
- it is used by the Examiners and Judges in all stages of application review, including the site visit, to understand your organization and what you consider important; and
- it also may be used by itself for an initial self-assessment. If you identify topics for which conflicting, little, or no information is available, it is possible that your assessment need go no further and you can use these topics for action planning.

Page Limit

For Baldrige Award applicants, the Organizational Profile is limited to five pages. These are not counted in the overall application page limit. Typing and format instructions for the Organizational Profile are the same as for the application. These instructions are given in the *Baldrige Award Application Forms* booklet. Ordering information is given on page 61.

I Leadership (120 pts.)

The **Leadership** Category examines how your organization's senior leaders address your organizational values, directions, and performance expectations, as well as a focus on students and stakeholders, student learning, empowerment, innovation, and organizational learning. Also examined is how your organization addresses its responsibilities to the public and supports its key communities.

I.1 Organizational Leadership (80 pts.)

Approach-Deployment

Describe how senior leaders guide your organization, including how they review organizational performance.

Within your response, include answers to the following questions:

a. Senior Leadership Direction

- (1) How do senior leaders set and deploy your organizational values, short- and longer-term directions, and performance expectations, including a focus on creating and balancing value for students and stakeholders? Include how senior leaders communicate values, directions, and expectations through your leadership system and to all faculty and staff.
- (2) How do senior leaders create an environment that promotes ethical values, equity for all students, empowerment, innovation, safety, organizational agility, and organizational and faculty/staff learning?

b. Organizational Performance Review

- (1) How do senior leaders review organizational performance and capabilities to assess organizational success; performance relative to competitors, comparable schools, and/or other appropriately selected organizations; progress relative to short- and longer-term goals, including student achievement goals; and the ability to address changing organizational needs? Include the key performance measures regularly reviewed by your senior leaders. Also, include your key recent performance review findings.
- (2) How are organizational performance review findings translated into priorities for improvement and opportunities for innovation? How are they deployed throughout your organization and, as appropriate, to your feeder and/or receiving schools and suppliers/partners to ensure organizational alignment?
- (3) How do senior leaders use organizational performance review findings to improve both their own leadership effectiveness and your leadership system?

Notes:

N1. The term "organization," as used in the Criteria, refers to the unit being assessed. The unit might be a school, a school district, a postsecondary institution, or a major academic unit within a college or university.

N2. The term "stakeholder," as used in the Criteria, might include faculty, staff, parents, parent organizations, social service organizations, boards, alumni, businesses, and local/professional communities.

N3. The term "supplier/partners," as used in the Criteria, refers to those who provide student services such as social services, before-/after-school day care, external bookstores, and transportation; partners such as future employers of students; and suppliers of goods for operations such as computing, photocopying, and grounds maintenance.

N4. Organizational directions (1.1a[1]) relate to strategic objectives and action plans described in Items 2.1 and 2.2.

N5. Senior leaders' organizational performance reviews (1.1b) should be informed by organizational performance analyses described in 4.1b and strategic objectives and action plans described in Items 2.1 and 2.2.

N6. Leadership effectiveness improvement (1.1b[3]) should be supported by formal and/or informal faculty and staff feedback/surveys.

N7. Your organizational performance results should be reported in Items 7.1, 7.2, 7.3, 7.4, and 7.5.

Item responses are assessed by considering the Criteria Item requirements and the maturity of your approaches, breadth of deployment, and strength of your improvement process and results relative to the Scoring System. Refer to the Scoring System information on pages 54–55.

For definitions of the following **key terms**, see pages 34–37: alignment, approach, deployment, empowerment, innovation, measures, performance, senior leaders, stakeholders, and value.

For additional description of this Item, see page 38.

1.2 Public Responsibility and Citizenship (40 pts.)

Approach-Deployment

Describe how your organization addresses its responsibilities to the public and practices good citizenship.

Within your response, include answers to the following questions:

a. Responsibilities to the Public

- (1) How do you address the impacts on society of your operations? Include your key processes, measures, and targets for safety, regulatory, accreditation, and legal requirements and for addressing risks associated with your operations.
- (2) How do you anticipate public concerns with current and future services and operations? How do you prepare for these concerns in a proactive manner?
- (3) How do you accomplish ethical practices in all transactions and interactions with students and stakeholders?

b. Support of Key Communities

How do your organization, your senior leaders, your faculty and staff, and students actively support and strengthen your key communities? Include how you identify key communities and determine areas of emphasis for organizational involvement and support. Include how community involvement reflects your organization's mission and/or values.

Notes:

N1. Public responsibilities in areas critical to your organization also should be addressed in Strategy Development (Item 2.1) and/or in Process Management (Category 6). Key results, such as results of regulatory, legal, and accreditation compliance, should be reported as Organizational Effectiveness Results (Item 7.5).

N2. Areas of community support appropriate for inclusion in 1.2b might include your efforts to

strengthen local community services, community education, the environment, and practices of professional associations.

N3. Health and safety of faculty and staff are not addressed in Item 1.2; you should address these factors in Item 5.3.

For a definition of the following **key term**, see page 36: process.

For additional description of this Item, see pages 38–39.

2 Strategic Planning (85 pts.)

The *Strategic Planning* Category examines how your organization develops strategic objectives and action plans. Also examined are how your chosen strategic objectives and action plans are deployed and how progress is measured.

2.1 Strategy Development (40 pts.)

Approach-Deployment

Describe how your organization establishes its strategic objectives, including addressing key student and stakeholder needs; enhancing its performance relative to competitors, comparable schools, and/or appropriately selected organizations; and enhancing its overall performance.

Within your response, include answers to the following questions:

a. Strategy Development Process

- (1) What is your overall strategic planning process? Include key steps, key participants, and your short- and longer-term planning time horizons.
- (2) How do you ensure that planning addresses the following key factors? Briefly outline how relevant data and information are gathered and analyzed to address these factors:
 - current and future student/stakeholder and market needs, expectations, and opportunities, including student achievement
 - key external factors, requirements, and opportunities, including your suppliers' and/or partners' strengths and weaknesses, your competitive environment, and your capabilities relative to competitors, comparable schools, and/or appropriately selected organizations
 - technological and other key changes that might affect your services and/or how you operate
 - your strengths and weaknesses, including faculty and staff and other resources
 - your capability to assess student learning and development
 - ethical, societal, budgetary, and other potential risks

b. Strategic Objectives

- (1) What are your key short- and longer-term strategic objectives and your timetable for accomplishing them? Include key goals/targets, as appropriate.
- (2) How do your strategic objectives address the challenges identified in response to P.2 in your Organizational Profile? How do you ensure that your strategic objectives balance the needs of students and stakeholders?

Notes:

N1. "Strategy development" refers to your organization's approach (formal or informal) to preparing for the future. Strategy development might utilize various types of forecasts, projections, options, scenarios, and/or other approaches to envisioning the future for purposes of decision making and resource allocation.

N2. "Strategy" should be interpreted broadly. Strategy might be built around or lead to any or all of the following: addition or termination of services and programs, modifications in instructional design, use of technology, changes in testing and/or adoption of standards, services to new/changing student populations, research priorities, and new partnerships and alliances.

N3. Challenges (2.1b[2]) addressed in your strategy might include rapid response, customization of educational offerings, understanding a changing education market, rapid innovation, Web-based stakeholder/partner/supplier relationship management, and information management. Responses to Item 2.1 should focus on your specific challenges—those most important to your students' success and to strengthening your organization's overall performance.

N4. Item 2.1 addresses your overall organizational strategy, which might include changes in educational services and programs. However, the Item does not address educational service and program design; you should address these factors in Item 6.1.

For a definition of the following **key term**, see page 36: strategic objectives.

For additional description of this Item, see pages 39–40.

2.2 Strategy Deployment (45 pts.)

Approach-Deployment

Describe how your organization converts its strategic objectives into action plans. Summarize your organization's action plans and related key performance measures/indicators. Project your organization's future performance on these key performance measures/indicators.

Within your response, include answers to the following questions:

a. Action Plan Development and Deployment

- (1) How do you develop and deploy action plans to achieve your key strategic objectives? Include how you allocate resources to ensure accomplishment of your action plans.
- (2) What are your key short- and longer-term action plans? Include key changes, if any, in your services/programs, in your anticipated or planned student and stakeholder markets, and in how you operate.
- (3) What are your key human resource plans that derive from your short- and longer-term strategic objectives and action plans?
- (4) What are your key performance measures/indicators for tracking progress relative to your action plans? How do you ensure that your overall action plan measurement system achieves organizational alignment and covers all key deployment areas, students, and stakeholders?

b. Performance Projection

What are your performance projections for your key measures/indicators for both your short- and longer-term planning time horizons? How does your projected performance compare with the performance of competitors, comparable schools, and appropriately selected organizations; key benchmarks; goals; and past performance, as appropriate?

Notes:

N1. Action plan development and deployment are closely linked to other Items in the Criteria. Examples of key linkages are

- Item 1.1 for how your senior leaders set and communicate directions;
- Category 3 for gathering knowledge of students, stakeholders, and markets as input to your strategy and action plans and for deploying action plans;
- Category 4 for information and analysis to support your key information needs, to support your development of strategy, to provide an effective basis for your performance measurements, and to track progress relative to your strategic objectives and action plans;
- Category 5 for your work system needs; faculty and staff education, training, and development

needs; and related human resource factors resulting from action plans;

- Category 6 for process requirements resulting from your action plans; and
- Item 7.5 for specific accomplishments relative to your organizational strategy.

N2. Human resource plans might include faculty, academic staff members, nonacademic staff members, contract employees, and volunteers.

N3. Measures/indicators of projected performance (2.2b) might include changes resulting from innovations in education delivery and/or use of technology, redirection of resources, effectiveness of research and services, improved performance of administrative and other support functions, and improvement in safety.

For definitions of the following **key terms**, see pages 34–35: action plans, benchmarks, measures and indicators.

For additional description of this Item, see pages 40–41.

3 Student, Stakeholder, and Market Focus (85 pts.)

The *Student, Stakeholder, and Market Focus* Category examines how your organization determines requirements, expectations, and preferences of students, stakeholders, and markets. Also examined is how your organization builds relationships with students and stakeholders and determines the key factors that attract students and partners and lead to student and stakeholder satisfaction and persistence and to excellence in educational services/programs.

3.1 Knowledge of Student, Stakeholder, and Market Needs and Expectations (40 pts.)

Approach-Deployment

Describe how your organization determines requirements, expectations, and preferences of current and future students, stakeholders, and markets to ensure the continuing relevance of your educational programs and support services, to develop new opportunities, and to create an overall climate conducive to learning and development for all students.

Within your response, include answers to the following questions:

a. Knowledge of Student and Market Needs and Expectations

- (1) How do you determine which student segments and/or markets your educational programs will address? How do you include student segments currently served by other education providers and other potential segments and/or markets in this determination?
- (2) How do you listen and learn to determine students' general and special needs and expectations and their relative importance/value to students' and stakeholders' decision making for purposes of educational program and support service planning, marketing, improvements, and other service development? In this determination, how do you use relevant information from current, former, and future students, student segments, and stakeholders? Include information on utilization of offerings, facilities, and services; complaints; demographic data and trends that may bear upon enrollments and needs; changing requirements and expectations your graduates will face; changing requirements and expectations resulting from national, state, or local requirements; and education alternatives available to your pool of future students. If determination methods vary for different student segments or stakeholder groups, describe the key differences in your determination methods.
- (3) How do you keep your listening and learning methods current with educational service needs and directions?

b. Knowledge of Stakeholder Needs and Expectations

- (1) How do you use relevant information from current, former, and future stakeholders to determine and anticipate changing stakeholder needs and expectations? Include complaints; demographic data and trends that may bear upon stakeholder needs; changing requirements and expectations that stakeholders will face; changing requirements and expectations resulting from national, state, or local requirements; and alternatives available to your pool of stakeholders. If determination methods vary for different stakeholder groups, describe the key differences in your determination methods.
- (2) How do you keep your listening and learning methods current with stakeholder needs and directions?

Notes:

N1. "Student segments" (3.1a[1]) refers to groups of students with similar needs. The basis for the groupings might reflect their career interests, learning styles, service delivery (classroom and/or Web-based), living status (residential versus commuter), family income, or other factors.

N2. Student needs might take into account information from your students and key stakeholders, such as families, employers, and other schools. Needs include educational, developmental, and other requirements, such as safety and social and ethical development.

N3. Information on "trends" (3.1a[2]) refers to information your organization collects that shows year-to-year changes. Such changes might reflect specific and/or local factors important to your organization. In some cases, such local factors could be different from national trends.

N4. Keeping your listening and learning methods current with educational service needs and directions (3.1a[3]) might include use of current and new technology, such as Web-based data gathering.

For additional description of this Item, see pages 41–42.

3.2 Student and Stakeholder Relationships and Satisfaction (45 pts.)

Approach-Deployment

Describe how your organization builds relationships to attract and retain students, to enhance student learning and the organization's overall ability to deliver its services, to satisfy students and stakeholders, and to develop new opportunities. Describe also how your organization determines student and stakeholder satisfaction.

Within your response, include answers to the following questions:

a. Student and Stakeholder Relationships

- (1) How do you build relationships to attract and retain students, to enhance student performance and the organization's overall ability to deliver its services, to satisfy students and stakeholders, and to foster new and continuing interactions and positive referrals?
- (2) How do you determine key student and stakeholder contact requirements and maintain effective stakeholder relationships, including partnerships with key stakeholders, to pursue common purposes? How do you ensure that these requirements are deployed to all people involved in maintaining these relationships? What key measures/indicators do you use to monitor the effectiveness and progress of the organization's key relationships? Include a summary of your key access mechanisms for stakeholders to seek information, to pursue common purposes, and to make complaints.
- (3) What is your complaint management process? Include how you ensure that complaints are resolved effectively and promptly and that all complaints are aggregated and analyzed for use in improvement throughout your organization and by your partners, as appropriate.
- (4) How do you keep your approaches to relationship building and student and stakeholder access current with educational service needs and directions?

b. Student and Stakeholder Satisfaction Determination

- (1) How do you determine student and stakeholder satisfaction and dissatisfaction and use this information for improvement? Include how you ensure that your measurements capture actionable information that reflects your organization's learning and developmental climate and predicts students' and stakeholders' future interactions with your organization and/or potential for positive referral. Describe significant differences in determination methods for different student and stakeholder groups.
- (2) How do you follow up on your interactions with students and key stakeholders to receive prompt and actionable feedback?
- (3) How do you obtain and use information on the satisfaction of students and stakeholders relative to benchmarks or to the satisfaction of these groups with your competitors or other organizations delivering similar educational services, as appropriate?
- (4) How do you keep your approaches to determining satisfaction current with educational service needs and directions?

Notes:

N1. Student and stakeholder relationships (3.2a) might include the development of partnerships or alliances.

N2. "Partnerships" (3.2a[2]) refers to cooperative relationships with other schools, places of work, and parents, as appropriate, for purposes of ensuring

effective transitions for students. Partners might include schools for which "feeder" relationships exist, into or out of your school, whether this relationship is formal or informal. Partnering organizations also might include social service organizations that are involved in helping students make effective transitions.

N3. Determining student and stakeholder satisfaction and dissatisfaction (3.2b) might include use of any or all of the following: surveys, formal and informal feedback, dropout rates, absenteeism, student conflict data, and complaints. Information might be gathered on the Internet, through personal contact or a third party, or by mail.

N4. Student and stakeholder satisfaction measurements might include both a numerical rating scale and descriptors for each unit in the scale. Actionable student and stakeholder satisfaction measurements provide useful information about specific educational

program/service features, delivery, interactions, and transactions that bear upon student development and learning and the students' and stakeholders' future actions (e.g., transfer and/or positive referral). Measures might include trends and levels in performance of student/stakeholder services or the effectiveness of handling student/stakeholder complaints (e.g., complaint response time, effective resolution of complaints, and the percentage of complaints resolved on first contact).

N5. Your student and stakeholder satisfaction and dissatisfaction results should be reported in Item 7.2.

For additional description of this Item, see pages 42–43.

4 Information and Analysis (90 pts.)

The *Information and Analysis* Category examines your organization's information management and performance measurement systems and how your organization analyzes performance data and information.

4.1 Measurement and Analysis of Organizational Performance (50 pts.)

Approach-Deployment

Describe how your organization provides effective performance management systems for measuring, analyzing, aligning, and improving student and operational performance at all levels and in all parts of your organization.

Within your response, include answers to the following questions:

- a. **Performance Measurement**
 - (1) How do you gather and integrate data and information from all sources to support daily operations and organizational decision making as an education organization?
 - (2) How do you select and align measures/indicators for tracking your daily operations, overall organizational performance, and education climate?
 - (3) How do you select and ensure the effective use of key comparative data and information from within and outside the academic community?
 - (4) How do you keep your performance measurement system current with educational service needs and directions?
- b. **Performance Analysis**
 - (1) What analyses do you perform to support your senior leaders' organizational performance review and your organization's strategic planning?
 - (2) How do you communicate the results of organizational-level analysis to faculty and staff and/or educational programs to enable effective support for decision making?
 - (3) How do you align the results of organizational-level analysis with your key education results, strategic objectives, and action plans? How do these results provide the basis for projections of continuous and breakthrough improvements in performance?

Notes:

N1. Performance measurement is used in fact-based decision making for setting and aligning organizational directions and resource use at the classroom, departmental, key process, school/college, and whole organization levels.

N2. Comparative data and information sources (4.1a[3]) include benchmarking and competitive comparisons. "Benchmarking" refers to identifying processes and results that represent best practices and performance for similar activities, inside or outside the academic community. Competitive comparisons relate your organization's performance to that of comparable organizations and/or student populations and competing organizations, as appropriate.

N3. Analysis includes examining trends; organizational, academic community, and technology projections;

and comparisons, cause-effect relationships, and correlations intended to support your performance reviews, help determine root causes, and help set priorities for resource use. Accordingly, analysis draws upon all types of data: student, student group, school program, stakeholder, market, operational, budgetary, and comparative data.

N4. The results of organizational performance analysis should contribute to your senior leaders' organizational performance review in 1.1b and organizational strategic planning in Category 2.

N5. Your organizational performance results should be reported in Items 7.1, 7.2, 7.3, 7.4, and 7.5.

For a definition of the following **key term**, see page 34: analysis.

For additional description of this Item, see pages 43-44.

4.2 Information Management (40 pts.)

Approach-Deployment

Describe how your organization ensures the quality and availability of needed data and information for faculty and staff, students and stakeholders, and suppliers/partners.

Within your response, include answers to the following questions:

a. Data Availability

- (1) How do you make needed data and information available? How do you make them accessible to faculty and staff, students and stakeholders, and suppliers/partners, as appropriate?
- (2) How do you ensure data and information integrity, reliability, accuracy, timeliness, security, and confidentiality?
- (3) How do you keep your data and information availability mechanisms current with educational service needs and directions?

b. Hardware and Software Quality

- (1) How do you ensure that hardware and software are reliable and user friendly?
- (2) How do you keep your software and hardware systems current with educational service needs and directions?

Notes:

N1. Data availability (4.2a) is of growing importance as the Internet and school Web sites are used increasingly for student-school and stakeholder-school interactions and intranets become more important as a major source of organization-wide communications.

N2. Data and information access (4.2a[1]) might be via electronic and other means.

For additional description of this Item, see page 45.

5 Faculty and Staff Focus (85 pts.)

The *Faculty and Staff Focus* Category examines how your organization motivates and enables faculty and staff to develop and utilize their full potential in alignment with your organization's overall objectives and action plans. Also examined are your organization's efforts to build and maintain a work environment and faculty and staff support climate conducive to performance excellence and to personal and organizational growth.

5.1 Work Systems (35 pts.)

Approach-Deployment

Describe how your organization's work and jobs, compensation, career progression, and related workforce practices motivate and enable faculty and staff and the organization to achieve high performance.

Within your response, include answers to the following questions:

a. Work Systems

- (1) How do you organize and manage work and jobs to promote cooperation, initiative/innovation, your organizational culture, and the flexibility to keep current with educational service needs? How do you achieve effective communication and knowledge/skill sharing across departments, jobs, and locations, as appropriate?
- (2) How do you motivate faculty and staff to develop and utilize their full potential? Include formal and/or informal mechanisms you use to help faculty and staff attain job- and career-related development/learning objectives and the role of administrators, faculty leaders, and supervisors in helping faculty and staff attain these objectives.
- (3) How does your faculty and staff performance management system, including feedback to faculty and staff, support high performance and a student and stakeholder focus? How do your compensation, recognition, and related reward/incentive practices reinforce these objectives, including your overall objectives for student learning and development?
- (4) How do you accomplish effective succession planning for senior leadership and career progression throughout the organization?
- (5) How do you identify characteristics and skills needed by potential faculty and staff? How do you recruit, hire, and retain new faculty and staff? How do your work systems capitalize on the diverse ideas, cultures, and thinking of the communities with which you interact (your hiring and student and stakeholder communities)?

Notes:

N1. "Faculty and staff" refers to your organization's permanent, temporary, and part-time personnel, as well as any contract employees supervised by your organization. Faculty and staff include team leaders, supervisors, faculty leaders, and administrators at all levels. Contract staff supervised by a contractor should be addressed in student services, educational processes, or support processes in Category 6.

N2. "Your organization's work" refers to how your faculty and staff are organized and/or organize themselves in formal and informal, temporary, or longer-term units. This might include work teams, curriculum design teams, problem-solving teams, centers of excellence, research teams, cross-functional teams,

and departments that are self-managed or managed by supervisors.

"Jobs" refers to responsibilities, authorities, and tasks of individuals. In some work systems, jobs might be shared by a team.

N3. Compensation and recognition (5.1a[3]) include promotions and bonuses that might be based upon performance, skills acquired, and other factors. Recognition includes monetary and nonmonetary, formal and informal, and individual and group mechanisms. Recognition systems for volunteers who contribute to the work of your organization should be included, as appropriate.

For a definition of the following **key term**, see page 35: high-performance work.

For additional description of this Item, see pages 45–46.

5.2 Faculty and Staff Education, Training, and Development (25 pts.)

Approach-Deployment

Describe how your organization's faculty and staff education and training support the achievement of your overall objectives, including building faculty and staff knowledge, skills, and capabilities and contributing to high performance.

Within your response, include answers to the following questions:

a. Faculty and Staff Education, Training, and Development

- (1) How do faculty and staff education and training contribute to the achievement of your action plans? How does your education and training approach balance short- and longer-term organizational objectives and faculty and staff needs, including certification, licensure, development, learning, and career progression?
- (2) How do you seek and use input from faculty and staff and their senior leaders and supervisors/administrators on education and training needs and delivery options?
- (3) How do you address in your faculty and staff education, training, and development your key organizational needs associated with technological change, leadership/supervisor development, new faculty and staff orientation, safety, performance measurement/improvement, and diversity?
- (4) How do you deliver faculty and staff education and training? Include formal and informal delivery, including mentoring and other approaches, as appropriate. How do you evaluate the effectiveness of faculty and staff education and training, taking into account individual and organizational performance?
- (5) How do you reinforce the use of knowledge and skills on the job?

Notes:

N1. Technological change (5.2a[3]) might include computer and Internet literacy.

N2. Education and training delivery (5.2a[4]) might occur inside or outside your organization and involve

on-the-job, classroom, computer-based, distance learning, and/or other types of delivery (formal or informal).

For additional description of this Item, see pages 46-47.

5.3 Faculty and Staff Well-Being and Satisfaction (25 pts.)

Approach-Deployment

Describe how your organization maintains a work environment and faculty and staff support climate that contribute to the well-being, satisfaction, and motivation of all faculty and staff.

Within your response, include answers to the following questions:

a. Work Environment

How do you improve workplace health, safety, and ergonomics? How do faculty and staff take part in improving them? Include performance measures and/or targets for each key environmental factor. Also include significant differences, if any, based on varying work environments for faculty and staff groups and/or work units.

b. Faculty and Staff Support and Satisfaction

- (1) How do you determine the key factors that affect faculty and staff well-being, satisfaction, and motivation? How are these factors segmented for a diverse workforce and for varying categories and types of faculty and staff, as appropriate?
- (2) How do you support your faculty and staff via services, benefits, and policies? How are these tailored to the needs of a diverse workforce and varying categories and types of faculty and staff, as appropriate?
- (3) What formal and/or informal evaluation methods and measures do you use to determine faculty and staff well-being, satisfaction, and motivation? How do you tailor these methods and measures to a diverse workforce and to different categories and types of faculty and staff, as appropriate? How do you use other indicators, such as faculty and staff retention, absenteeism, grievances, safety, and productivity, to assess and improve faculty and staff well-being, satisfaction, and motivation?
- (4) How do you relate evaluation findings to key organizational performance results to identify priorities for improving the work environment and faculty and staff support climate?

Notes:

N1. Specific factors that might affect your faculty and staff well-being, satisfaction, and motivation (5.3b[1]) include effective faculty and staff problem or grievance resolution; safety factors; faculty and staff views of administrators, faculty leadership, and/or supervisors; faculty and staff training, development, and career opportunities; faculty and staff preparation for changes in technology or the work organization; the work environment and other work conditions; empowerment of faculty and staff by administrators, faculty leadership, and/or supervisors; information sharing by administrators, faculty leadership, and/or supervisors; workload; cooperation and teamwork; recognition; services and benefits; communications; job security; compensation; and equal opportunity.

N2. Approaches for faculty and staff support (5.3b[2]) might include providing counseling, career development and employability services, recreational or cultural activities, nonwork-related education, day care, job rotation or sharing, special leave for family responsibilities or for community service, home safety

training, flexible work hours and location, outplacement, and retirement benefits (including extended health care).

N3. Measures/indicators of well-being, satisfaction, and motivation (5.3b[3]) might include data on safety and absenteeism, the overall faculty and staff turnover rate segmented by employee type, faculty and staff charitable contributions, grievances, strikes, other job actions, insurance costs, worker's compensation claims, and results of surveys. Survey indicators of satisfaction might include faculty and staff knowledge of job roles, faculty and staff knowledge of organizational direction, and faculty and staff perception of empowerment and information sharing. Your results relative to such measures/indicators should be reported in Item 7.4.

N4. Setting priorities (5.3b[4]) might draw upon your faculty and staff results presented in Item 7.4 and might involve addressing faculty and staff problems based on their impact on your organizational performance.

For a definition of the following **key term**, see page 36: productivity.

For additional description of this Item, see pages 47–48.

6 Process Management (85 pts.)

The *Process Management* Category examines the key aspects of your organization's process management, including learning-focused education design and delivery, key student services, and support processes. This Category encompasses all key processes and all work units.

6.1 Education Design and Delivery Processes (50 pts.)

Approach-Deployment

Describe how your organization manages key processes for design and delivery of your educational programs and offerings.

Within your response, include answers to the following questions:

a. Education Design Processes

- (1) What are your design processes for educational programs and offerings and their related delivery systems and processes?
- (2) How do you ensure that all programs and offerings address student educational, developmental, and well-being needs; meet high standards; and focus on active learning?
- (3) How do you anticipate and prepare for individual differences in student learning rates and styles?
- (4) How is information on student segments and/or individual students developed and used for purposes of engaging all students in active learning? How do you incorporate changing student, stakeholder, and market requirements into the design of educational programs and offerings and their related delivery systems and processes?
- (5) How do you incorporate new technology, including e-technology, into educational programs and offerings and their related delivery systems and processes, as appropriate?
- (6) How do your design processes address sequencing, linkages among educational offerings, transfer of learning from past design projects and other parts of the organization, new design technology, cycle time, and other efficiency/effectiveness factors?
- (7) How do you incorporate a measurement plan that makes effective use of formative and summative assessment?
- (8) How do you ensure that faculty and staff are properly prepared to implement your educational programs and offerings?

b. Education Delivery Processes

- (1) What are your key educational programs, offerings, and delivery processes and their key performance requirements?
- (2) How do you ensure that ongoing educational programs and offerings meet key design and delivery requirements?
- (3) What key observations and measures/indicators are used to monitor and improve the delivery of your key educational programs and offerings? Include how key formative and summative assessments of students; in-process measures of programs and offerings; and real-time student, faculty, staff, and stakeholder input are used in managing your educational programs and offerings to help students and faculty achieve learning objectives, as appropriate.
- (4) How do you evaluate programs and offerings to minimize redesign efforts and their costs?
- (5) How do you improve your educational programs and offerings to achieve better student learning and improvements to services, as appropriate? Include use of research on learning, assessment, and instructional methods and new learning technology, as appropriate. How are improvements shared with other organizational units and programs, students, faculty, staff, and stakeholders, as appropriate?

Notes:

N1. "Education" should be interpreted broadly. Educational programs and offerings may include courses, research, outreach, cooperative projects, and overseas studies.

N2. Responses to Item 6.1 should include how your stakeholders and key partners are involved in your design processes, as appropriate.

N3. Education design and delivery might take into account computer-assisted, distance, and Web-based learning and making offerings available at different locations and times to meet student needs.

N4. Sequencing and linkages among educational offerings (6.1a[6]) include not only relationships within a single discipline but also relationships among related disciplines. Linkages also may address your organization's mission-specific activities such as basic and applied research and outreach.

N5. A measurement plan (6.1a[7]) should be holistic and define what is to be assessed and measured, how and when assessments and measurements are to be made, and how the results will be used.

N6. Proper preparation of your faculty (6.1a[8]) might address subject matter expertise and an understanding of the cognitive, social-emotional, and ethical development of students. It also might address training/

experience in teaching strategies, facilitation skills, and learning assessment, as well as how to recognize and use learning research theory and how to report information and data on student progress. Preparation of faculty is linked to Item 5.2, which asks for information on how your training is tied to your organizational objectives.

N7. "Education delivery" refers to instructional approaches—modes of teaching and organizing activities and experiences so that learning takes place.

N8. For educational programs and offerings, measurements and observations (6.1b[3]) should include key learning and developmental dimensions, e.g., factors that enable early intervention when learning is not progressing adequately. Observations and measures/indicators also should reveal whether the programs or offerings require corrective action. The focus of 6.1b(5) is ongoing improvement to achieve better performance. Periodically, programs and offerings might need to be changed or redesigned.

N9. The results of improvements in the design and delivery processes for your educational programs and offerings should be reported in Item 7.5. Results of improvements in student performance should be reported in Item 7.1.

For definitions of the following **key terms**, see pages 34–37: active learning, cycle time, formative assessment, and summative assessment.

For additional description of this Item, see pages 48–50.

6.2 Student Services (20 pts.)

Approach-Deployment

Describe how your organization manages its key student services.

Within your response, include answers to the following questions:

a. Student Services

- (1) What are your key student services?
- (2) How do you determine key student service requirements, incorporating input from students, faculty, staff, other stakeholders, and suppliers/partners, as appropriate? What are the key requirements for these services?
- (3) How do you design and deliver these services to meet all the key requirements?
- (4) What are your key performance measures/indicators used for the control and improvement of these services? Include how in-process measures and feedback from students, faculty, staff members, stakeholders, and suppliers are used in managing your student services, as appropriate.
- (5) How do you improve your student services to keep them current with educational service needs and directions, to achieve better performance, and to control overall costs? How are improvements shared with other organizational units and processes, as appropriate?

Notes:

N1. Your key student services are those considered most important to student matriculation and success. These might include services related to counseling, advising, and tutoring students; libraries and information technology; and student recruitment, enrollment, registration, placement, financial aid, and housing. They also might include food services, security, health services, transportation, and bookstores. The key services to be included in Item 6.2 are distinctive to your organization and how you operate.

N2. Key student service requirements may include timeliness, confidentiality, accuracy, due process, and safety.

N3. To provide as complete and concise a response as possible for your key student services, you might want to use a tabular format identifying the key services and the attributes of each as called for in questions 6.2a(1)–6.2a(4).

N4. Key student service performance results should be reported in Item 7.5.

For additional description of this Item, see page 50.

6.3 Support Processes (15 pts.)

Approach-Deployment

Describe how your organization manages its key processes that support your daily operations as an education organization and your faculty and staff in delivering services.

Within your response, include answers to the following questions:

a. Support Processes

- (1) What are your key processes for supporting your daily operations and your faculty and staff in delivering educational programs and offerings and student services?
- (2) How do you determine key support process requirements, incorporating input from faculty and staff, as appropriate? What are the key operational requirements (such as productivity, timeliness, accuracy, and safety) for these processes?
- (3) How do you design these processes to meet all the key requirements?
- (4) How does your day-to-day operation of key support processes ensure meeting key performance requirements?
- (5) What are your key performance measures/indicators used for the control and improvement of these processes? Include how in-process measures and faculty and staff feedback are used in managing your support processes, as appropriate.
- (6) How do you minimize overall costs associated with inspections, tests, and process/performance audits of support processes?
- (7) How do you improve your support processes to achieve better performance and to keep them current with organizational needs and directions? How are improvements shared with other organizational units and processes, as appropriate?

Notes:

N1. Your key support processes are those that are considered most important for support of your organization's design and delivery of educational programs and offerings and student services. These might include processes for finance and accounting; plant and facilities management; legal, human resource,

and marketing services; information services; public relations; central receiving; purchasing; management of supplier and/or partner processes; and secretarial and other administrative services.

N2. Key support process performance results should be reported in Item 7.5.

For additional description of this Item, see pages 50–51.

7 Organizational Performance Results (450 pts.)

The **Organizational Performance Results** Category examines student learning results; student- and stakeholder-focused results; budgetary, financial, and marketplace performance; faculty and staff results; and operational effectiveness. Also examined are performance levels relative to those of competitors, comparable schools, and/or appropriately selected organizations.

7.1 Student Learning Results (200 pts.)

Results

Summarize your organization's key student learning results. Segment your results by student groups and market segments, as appropriate. Include appropriate comparative data relative to competitors, comparable organizations, and student populations.

Provide data and information to answer the following question:

a. Student Learning Results

What are your current levels and trends in key measures/indicators of student learning and improvement in student learning? Segment data by student groups and market segments, as appropriate, and include results normalized to comparable student populations.

Notes:

N1. Results reported in Item 7.1 might be based upon a variety of assessment methods that reflect the organization's overall mission and primary improvement objectives and that together represent holistic appraisals of student learning. For some recently implemented measures and/or assessment methods, data might not yet be sufficient to demonstrate meaningful trends. Such data should be reported, because they provide useful information regarding the organization's current performance levels. Results may include data indicating performance of recent graduates.

N2. Demonstrations of improvement in student learning should be normalized to comparable student populations. Methods for demonstrating improvement in student learning might involve longitudinal studies and cohort studies. Results covering three years or more are preferred.

N3. Comparisons should include a brief description of how the appropriateness of each comparison is ensured. Comparable organizations might include those of similar types/sizes, both domestic and international, as well as organizations serving similar populations of students.

For a definition of the following **key term**, see page 36: results.

For additional description of this Item, see page 51.

7.2 Student- and Stakeholder-Focused Results (70 pts.)

Results

Summarize your organization's key student- and stakeholder-focused results, including student and stakeholder satisfaction. Segment your results by student and stakeholder groups and market segments, as appropriate. Include appropriate comparative data.

Provide data and information to answer the following questions:

a. Student- and Stakeholder-Focused Results

- (1) What are your current levels and trends in key measures/indicators of current and past student and key stakeholder satisfaction and dissatisfaction, including comparisons with competitors' and/or comparable organizations' levels of student and stakeholder satisfaction?
- (2) What are your current levels and trends in key measures/indicators of student- and stakeholder-perceived value, persistence, positive referral, and/or other aspects of building relationships with students and stakeholders, as appropriate?

Notes:

N1. Student and stakeholder satisfaction and dissatisfaction results (7.2a[1]) should relate to determination methods and data described in Item 3.2. Results data might include feedback from students and stakeholders and their overall assessment of education and operations. Examples of student and stakeholder satisfaction and dissatisfaction indicators are given in the notes for Item 3.2.

N2. Current levels and trends in key measures/indicators of student satisfaction relative to competitors and/or comparable schools (7.2a[1]) might include gains and losses of your students from or to other schools or alternative means of education such as home schooling or corporate educational programs.

For additional description of this Item, see pages 51–52.

Results also might include objective information and/or data from independent organizations and/or key stakeholders. Such objective information might include survey results, competitive awards, recognition, and ratings. The information and/or data should reflect comparative satisfaction (and dissatisfaction). Information on comparative performance of your students should be included in Item 7.1.

N3. Comparisons should include a brief description of how the appropriateness of each comparison is ensured. Comparable organizations might include those of similar types/sizes, as well as organizations serving similar populations of students.

7.3 Budgetary, Financial, and Market Results (40 pts.)

Results

Summarize your organization's key budgetary, financial, and market performance results by segments, as appropriate. Include appropriate comparative data.

Provide data and information to answer the following questions:

a. Budgetary, Financial, and Market Results

- (1) What are your current levels and trends in key measures/indicators of budgetary and financial performance, including measures of cost containment, as appropriate?
- (2) What are your current levels and trends in key measures/indicators of market performance, including market share and new markets entered, as appropriate?

Notes:

N1. Responses to Item 7.3 might include measures such as instructional and general administration expenditures per student; income, expenses, reserves, and endowments; the tax rate; tuition and fee levels; cost per academic credit; annual grants/awards; program expenditures as a percentage of budget; annual budget increases or decreases; resources redirected to education from other areas; scholarship growth; the

percentage of budget for research; and the budget for public service.

N2. New markets entered (7.3a[2]) might include offering Web-based services.

N3. Comparisons should include a brief description of how the appropriateness of each comparison is ensured.

For additional description of this Item, see page 52.

7.4 Faculty and Staff Results (70 pts.)

Results

Summarize your organization's key faculty- and staff-related results, including faculty and staff well-being, satisfaction, and development and work system performance. Segment your results to address the diversity of your workforce and the different types and categories of faculty and staff, as appropriate. Include appropriate comparative data.

Provide data and information to answer the following questions:

a. Faculty- and Staff-Related Results

- (1) What are your current levels and trends in key measures/indicators of faculty and staff well-being, satisfaction and dissatisfaction, and development?
- (2) What are your current levels and trends in key measures/indicators of faculty and staff work system performance and effectiveness?

Notes:

N1. Results reported in this Item should relate to activities described in Category 5. Your results should be responsive to key process needs described in Category 6 and to your organization's action plans and human resource plans described in Item 2.2.

N2. For appropriate measures of faculty and staff well-being and satisfaction (7.4a[1]), see Notes to Item 5.3. Appropriate measures/indicators of faculty and staff development might include innovation and suggestion rates, courses or educational programs completed, learning, on-the-job performance improvements, collaboration/teamwork, and cross-training rates.

N3. Appropriate measures/indicators of work system performance and effectiveness (7.4a[2]) might include use of teams; knowledge and skill sharing across work functions, units, and locations; and flexibility. Additional indicators for staff performance might be simplification of the job and of the job classification, as well as job rotation.

N4. Comparisons should include a brief description of how the appropriateness of each comparison is ensured.

For additional description of this Item, see pages 52–53.

7.5 Organizational Effectiveness Results (70 pts.)

Results

Summarize your organization's key performance results that contribute to opportunities for enhanced learning and/or the achievement of organizational effectiveness. Include appropriate comparative data.

Provide data and information to answer the following questions:

a. Organizational Effectiveness Results

- (1) What are your current levels and trends in key measures/indicators of the performance of key education design and delivery processes, student services, and support processes that contribute to enhanced learning and/or operational effectiveness? Include school capacity to improve student performance, student development, the education climate, indicators of responsiveness to student or stakeholder needs, supplier/partner performance, and other appropriate measures of effectiveness and efficiency.
- (2) What are your results for key measures/indicators of accomplishment of organizational strategy?

b. Public Responsibility and Citizenship Results

What are your results for key measures/indicators of safety; regulatory, legal, and/or accreditation compliance; and support of key communities?

Notes:

N1. Results reported in 7.5a should address your key organizational requirements and progress toward accomplishment of your key organizational performance goals as presented in the Organizational Profile and in Items 1.1, 2.2, 6.1, 6.2, and 6.3. Include results of mission-specific research and outreach processes, as appropriate. Include results not reported in Items 7.1, 7.2, 7.3, and 7.4.

N2. Safety and regulatory, legal, and/or accreditation compliance results reported in 7.5b should address requirements described in Item 1.2.

For additional description of this Item, see page 53.

N3. Results reported in Item 7.5 should provide key information for analysis (Item 4.1) and review (Item 1.1) of your organizational performance and should provide the operational basis for improved student learning results (Item 7.1); student- and stakeholder-focused results (Item 7.2); and budgetary, financial, and market results (Item 7.3).

N4. Comparisons should include a brief description of how the appropriateness of each comparison is ensured.

GLOSSARY OF KEY TERMS

This Glossary of Key Terms defines and briefly describes terms used throughout the Education Criteria booklet that are important to performance management.

Action Plans

The term "action plans" refers to specific actions that respond to short- and longer-term strategic objectives. Action plans include details of resource commitments and time horizons for accomplishment. Action plan development represents the critical stage in planning when strategic objectives and goals are made specific so that effective organization-wide understanding and deployment are possible. In the Criteria, deployment of action plans includes creation of aligned measures for work units. Deployment might also require specialized training for some faculty and staff or recruitment of personnel.

An example of a strategic objective for an education organization might be to achieve student performance in the top quartile of the state's schools on a normalized test that is given annually. Action plans likely would entail determining which subjects have had the lowest scores, understanding skill deficiencies in those subjects, and developing curricula that enable students to master those skills. Performance requirements might include faculty training in instructional and assessment methods. Organizational-level analysis and review likely would emphasize student learning, budgetary performance, and student and stakeholder satisfaction.

Active Learning

"Active learning" refers to interactive instructional techniques that engage students in such higher-order thinking tasks as analysis, synthesis, and evaluation. Students engaged in active learning might use resources in addition to faculty, such as libraries, Web sites, interviews, or focus groups, to obtain information. They may demonstrate their abilities to analyze, synthesize, and evaluate through projects, presentations, performances, internships, practicums, independent study projects, and problem solving.

Alignment

"Alignment" refers to consistency of plans, processes, information, resource decisions, actions, results, analysis, and learning to support key organization-wide goals. Effective alignment requires a common understanding of purposes and goals and use of complementary measures and information for planning, tracking, analysis, and improvement at three levels: the organizational/senior leader level; the key process level; and the program, school, class, or individual level.

Analysis

"Analysis" refers to examination of facts and data to provide a basis for effective decisions. Analysis often involves the determination of cause-effect relationships. Overall organizational analysis guides process management toward achieving key organizational results and toward attaining strategic objectives.

Despite their importance, individual facts and data do not usually provide an effective basis for actions or setting priorities. Actions depend on an understanding of relationships derived from analysis of facts and data.

Approach

"Approach" refers to how an organization addresses the Baldrige Criteria Item requirements, i.e., the methods and processes used by the organization. Approaches are evaluated on the basis of the appropriateness of the methods/processes to the Item requirements, the effectiveness of their use, and their alignment with organizational needs. For further description, see the Scoring System on page 54.

Benchmarks

The term "benchmarks" refers to processes and results that represent best practices and performance for similar activities, inside or outside the education community. Organizations engage in benchmarking activities to understand the current dimensions of world-class performance and to achieve discontinuous (nonincremental) or breakthrough improvement.

Benchmarks are one form of comparative data. Other comparative data organizations might use include data collected by a third party (frequently averages for other organizations), data on performance of comparable education organizations and competitors, and comparisons with similar organizations in the same geographic area.

Cycle Time

"Cycle time" refers to the time required to fulfill commitments or to complete tasks. Time measurements play a major role in the Criteria because of the great importance of responsiveness and of time performance to improving competitiveness. "Cycle time" refers to all aspects of time performance. Cycle time improvement might include time to respond to changing student and stakeholder needs, design time for new programs and processes, and other key measures of time.

Deployment

"Deployment" refers to the extent to which an organization's approach is applied to the requirements of a Baldrige Criteria Item. Deployment is evaluated on the basis of the breadth and depth of application of the approach to relevant processes and work units throughout the organization. For further description, see the Scoring System on page 54.

Empowerment

"Empowerment" refers to giving faculty and staff the authority and responsibility to make decisions and take actions. Empowerment results in decisions being made closest to students and stakeholders, where work-related knowledge and understanding reside.

Empowerment is aimed at enabling faculty and staff to respond to student educational needs, to improve processes, and to better the organization's performance results. Empowered faculty and staff require information to make appropriate decisions; thus, an organizational requirement is to provide that information in a timely and useful way.

Formative Assessment

"Formative assessment" refers to frequent or ongoing evaluation during courses, programs, or learning experiences that gives an early indication of what students are learning, as well as their strengths and weaknesses. Formative assessment is often used as a diagnostic tool for students and faculty, providing information with which to make real-time improvements in instructional methods, materials, activities, techniques, and approaches. Approaches to formative assessment might include daily, weekly, or midterm projects; portfolios; journals; observations of the learning process and learning outcomes; discussion groups; performances; self-assessments; or examinations that occur during courses, when students and faculty can benefit from the information and improve.

High-Performance Work

"High-performance work" refers to work approaches used to systematically pursue ever higher levels of overall organizational and individual performance, including quality, productivity, innovation rate, and cycle time performance. High-performance work results in improved programs and services for students and stakeholders.

Approaches to high-performance work vary in form, function, and incentive systems. Effective approaches frequently include cooperation among leaders, administrators, faculty, and staff, which may involve workforce bargaining units; cooperation among work units, often involving teams; self-directed responsibility/faculty and staff empowerment; faculty and staff input to planning; individual and organizational skill building and learning; learning from other

organizations; flexibility in job design and work assignments; a flattened organizational structure, where decision making is decentralized and decisions are made closest to the students and stakeholders; and effective use of performance measures, including comparisons. Many high-performance work systems use monetary and nonmonetary incentives based upon factors such as organizational performance, team and/or individual contributions, and skill building. Also, high-performance work approaches usually seek to align the organization's structure, work, jobs, faculty and staff development, and incentives.

Innovation

"Innovation" refers to making meaningful change to improve programs, services, and/or processes and create new value for students and stakeholders. Innovation involves the adoption of an idea, process, technology, or product that is either new or new to its proposed application.

Successful organizational innovation is a multistep process that involves development and knowledge sharing, a decision to implement, implementation, evaluation, and learning. Although innovation is often associated with technological innovation, it is applicable to all key organizational processes that would benefit from change, whether through breakthrough improvement or change in approach.

Measures and Indicators

The term "measures and indicators" refers to numerical information that quantifies input, output, and performance dimensions of programs, processes, services, and the overall organization (outcomes). Measures and indicators might be simple (derived from one measurement) or composite.

The Criteria do not make a distinction between measures and indicators. However, some users of these terms prefer the term "indicator" (1) when the measurement relates to performance but is not a direct measure of such performance (e.g., the number of complaints is an indicator of dissatisfaction but not a direct measure of it) and (2) when the measurement is a predictor ("leading indicator") of some more significant performance (e.g., a gain in student performance or satisfaction might be a leading indicator of student persistence).

Performance

"Performance" refers to output results obtained from processes and services that permit evaluation and comparison relative to goals, standards, past results, and other organizations. Performance might be expressed in nonfinancial and financial terms.

The Baldrige Criteria address three types of performance: (1) student- and stakeholder-related; (2) budgetary, financial, and market; and (3) operational.

"Student- and stakeholder-related performance" refers to performance relative to measures and indicators of student and stakeholder perceptions, reactions, and behaviors. Examples include student learning, retention, complaints, and survey results. Student- and stakeholder-related performance generally relates to the organization as a whole.

"Budgetary, financial, and market performance" refers to performance relative to measures of cost containment, budget utilization, and market share. Examples include instructional and general administration expenditures per student; income, expenses, reserves, endowments, and annual grants/awards; program expenditures as a percentage of budget; annual budget increases or decreases; resources redirected to education from other areas; scholarship growth; the percentage of budget for research; and the budget for public service.

"Operational performance" refers to organizational and faculty/staff performance relative to effectiveness and efficiency measures and indicators. Examples include cycle time, productivity, accreditation, and regulatory compliance. Operational performance might be measured at the organizational/senior leader level; the key process level; and the program, school, class, or individual level.

Process

"Process" refers to linked activities with the purpose of producing a program or service for students and/or stakeholders within or outside the organization. Generally, processes involve combinations of people, machines, tools, techniques, and materials in a systematic series of steps or actions. In some situations, processes might require adherence to a specific sequence of steps, with documentation (sometimes formal) of procedures and requirements, including well-defined measurement and control steps.

In service situations such as education, particularly when those served are directly involved in the service, process is used in a more general way, i.e., to spell out what must be done, possibly including a preferred or expected sequence. If a sequence is critical, the service needs to include information to help those served understand and follow the sequence. Such service processes also require guidance to the providers of those services on handling contingencies related to possible actions or behaviors of those served.

In knowledge work such as teaching, strategic planning, research, development, and analysis, process does not necessarily imply formal sequences of steps. Rather, process implies general understandings regarding competent performance such as timing, options to be included, evaluation, and reporting. Sequences might arise as part of these understandings.

Productivity

"Productivity" refers to measures of the efficiency of resource use.

Although the term often is applied to single factors such as staffing, machines, materials, and capital, the productivity concept applies as well to the total resources used in meeting the organization's objectives. The use of an aggregate measure of overall productivity allows a determination of whether the net effect of overall changes in a process—possibly involving resource tradeoffs—is beneficial.

Results

The term "results" refers to outcomes achieved by an organization in addressing the purposes of a Baldrige Criteria Item. Results are evaluated on the basis of current performance; performance relative to appropriate comparisons; the rate, breadth, and importance of performance improvements; and the relationship of results measures to key organizational performance requirements. For further description, see the Scoring System on page 54.

Senior Leaders

The term "senior leaders" refers to those with the main responsibility for managing the overall organization. Senior leaders might include administrators, department heads, and/or faculty leaders. In many organizations senior leaders include the head of the organization and his or her direct reports.

Stakeholders

The term "stakeholders" refers to all groups that are or might be affected by an organization's actions and success. Examples of key stakeholders include parents, parent organizations, faculty, staff, social service organizations, boards, alumni, partners, businesses, employers, other schools, and local/professional communities.

Strategic Objectives

The term "strategic objectives" refers to an organization's articulated aims or responses to address major change/improvement and/or competitiveness issues. Strategic objectives generally are focused externally and relate to significant student/stakeholder, market, service, or technological opportunities and challenges. Broadly stated, they are what an organization must achieve to remain or become competitive. Strategic objectives set an organization's longer-term directions and guide resource allocations and redistributions.

See the definition of “action plans” on page 34 for the relationship between strategic objectives and action plans and for an example of each.

Summative Assessment

“Summative assessment” refers to longitudinal analysis of the learning and performance of students and alumni. Summative assessments tend to be formal and comprehensive, and they often cover global subject matter. Such assessments may be conducted at the conclusion of a course or program and could be compared to the results of pretesting to determine gains and to clarify the causal connections between educational practices and student learning. They may be used for purposes of determining final grades, placement, and promotion, as well as for licensure or certification.

Systematic

“Systematic” refers to approaches that are repeatable and use data and information so that improvement and learning

are possible. In other words, approaches are systematic if they build in the opportunity for evaluation and learning and thereby permit a gain in maturity. For use of the term, see the Scoring Guidelines on page 55.

Value

“Value” refers to the perceived worth of a program, service, process, asset, or function relative to cost and relative to possible alternatives.

Organizations frequently use value considerations to determine the benefits of various options relative to their costs, such as the value of various educational offerings and service combinations to students or stakeholders. Organizations need to understand what different student and stakeholder groups value and then deliver value to each group. This frequently requires balancing value for students and stakeholders, such as businesses, faculty, staff, and the community.

Leadership (Category I)

Leadership addresses how your senior leaders guide your organization in setting organizational values, directions, and performance expectations. Attention is given to how your senior leaders communicate with faculty and staff, review organizational performance, and create a learning environment that encourages high performance. The Category also includes your organization's responsibilities to the public and how your organization practices good citizenship.

1.1 Organizational Leadership

Purpose

This Item examines the key aspects of your organization's leadership and the actions of your senior leaders to create and sustain a high-performance organization and an environment conducive to learning, student development, and achievement.

Requirements

You are asked how your senior leaders set and deploy organizational values, short- and longer-term directions, and performance expectations and address the needs of all students and stakeholders. This includes how leaders create an environment for empowerment, innovation, organizational agility, safety, equity, and organizational and faculty and staff learning.

You also are asked how your senior leaders review organizational performance, what key performance measures they regularly review, and how review findings are used to drive improvement and innovation, including improvement in your leaders' effectiveness.

Comments

- Leadership's central roles in setting values and directions, creating and balancing value for all students and stakeholders, and driving performance are the focus of this Item. Success requires a strong orientation to the future and a commitment to both improvement and innovation. Increasingly, this requires creating an environment for empowerment and agility, as well as the means for rapid and effective application of knowledge that takes into account key developmental needs of students, including self-motivation, study habits, the ability to function in groups, citizenship, and character development.
- The review role of leadership is crucial—not only because reviews help provide a focus on student learning but also because reviews are an effective means for early detection of problems and timely redirection of resources, which usually require leadership support and involvement. A major aim is to create organizations that are flexible and responsive, i.e., that change easily to

adapt to new needs and opportunities for innovation.

Through their roles in developing strategy and reviewing overall performance, senior leaders develop leadership and create an organization capable of adapting to changing opportunities and requirements. An important part of the senior leaders' organizational review is the translation of review findings into an action agenda—one sufficiently specific to facilitate deployment throughout the organization and to students, key stakeholders, and partners. The action agenda could include opportunities for innovation.

1.2 Public Responsibility and Citizenship

Purpose

This Item examines how your organization fulfills its public responsibilities and encourages, supports, and practices good citizenship, working effectively with key communities to extend your organization's learning opportunities.

Requirements

You are asked how your organization addresses its current and future impacts on society in a proactive manner and how you accomplish ethical practices in all student and stakeholder interactions. The impacts and practices are expected to cover all relevant and important requirements—safety, regulatory, legal, ethical, and accreditation.

You also are asked how your organization, your senior leaders, your faculty and staff, and students identify, support, and strengthen your key communities as part of good citizenship practices.

Comments

- An integral part of performance management and improvement is proactively addressing legal, regulatory, and accreditation requirements and risk factors. Addressing these areas requires establishing appropriate measures/indicators that senior leaders track in their overall performance review. Your organization should be sensitive to issues of public concern, whether or not these issues are currently embodied in law.
- Citizenship implies going beyond a compliance orientation. Good citizenship opportunities are available to organizations of all sizes. These opportunities include encouraging and supporting your faculty and staff to participate in community service.
- Public responsibility may address a variety of issues and/or concerns, such as taxpayer costs, safety in the school, storage of hazardous materials, and recycling of materials, as appropriate.
- Examples of organizational community involvement include efforts by the organization, senior leaders, and faculty/staff to strengthen community services, the



environment, athletic associations, and professional associations. Community involvement might also involve students, giving them the opportunity to develop social and citizenship values and skills.

Strategic Planning (Category 2)

Strategic Planning addresses strategic and action planning and deployment of plans. The Category stresses that learning-centered education and operational performance are key strategic issues that need to be integral parts of your organization's overall planning.

Specifically,

- learning-centered education is a strategic view of education. The focus is on the drivers of student learning, student persistence, student and stakeholder satisfaction, new markets, and market share—key factors in educational success. Learning-centered education focuses on the real needs of students, including those derived from market requirements and citizenship responsibilities.
- operational performance improvement contributes to short-term and longer-term productivity growth and cost containment. Building operational capability—including speed, responsiveness, and flexibility—represents an investment in strengthening your organizational fitness.

The Criteria emphasize that improvement and learning need to be embedded in work processes. The special role of strategic planning is to align work processes with your organization's strategic directions, thereby ensuring that improvement and learning reinforce organizational priorities.

The Strategic Planning Category examines how your organization

- understands the key student, stakeholder, market, and societal requirements as input to setting strategic directions. This helps to ensure that ongoing process

improvements and change are aligned with your organization's strategic directions.

- optimizes the use of resources, ensures the availability of well-prepared faculty and staff, and ensures bridging short-term and longer-term requirements that may entail capital expenditures, technology development or acquisition, or development of partnerships with feeder schools.
- ensures that deployment will be effective—that there are mechanisms to communicate requirements and achieve overall alignment on three basic levels: (1) the organization/senior leader level; (2) the key process level; and (3) the program, school, class, or individual level.

The requirements in the Strategic Planning Category encourage strategic thinking and acting—to develop a basis for a distinct leadership position. *These requirements do not imply formalized plans, planning systems, departments, or specific planning cycles.* They also do not imply that all your improvements could or should be planned in advance. An effective improvement system combines improvements of many types and degrees of involvement. This requires clear strategic guidance, particularly when improvement alternatives, including major change, compete for limited resources. The requirements in the Category emphasize a future-oriented basis for decisions and priorities.

2.1 Strategy Development

Purpose

This Item examines how your organization sets strategic directions and develops your strategic objectives, guiding and developing key educational and other associated performance requirements.

Requirements

You are asked to outline your organization's strategic planning process, including identifying key participants, key steps, and your planning time horizons. You are asked how you consider key factors that affect your organization's future. These factors cover external and internal influences on your organization. You are asked to address each factor and outline how relevant data and information are gathered and analyzed.

You also are asked to summarize your key strategic objectives and your timetable for accomplishing them. Finally, you are asked how these objectives address the challenges outlined in your Organizational Profile.

Comments

- This Item calls for basic information on the planning process and for information on all the key influences, risks, challenges, and other requirements that might affect your organization's future opportunities and directions—

taking as long-term a view as possible. This approach is intended to provide a thorough and realistic context for the development of a student-, stakeholder-, and market-focused strategy to guide ongoing decision making, resource allocation, and overall management.

- This Item is intended to cover all types of education organizations, market situations, strategic issues, planning approaches, and plans. The requirements explicitly call for a future-oriented basis for action but do not imply formalized planning, planning departments, planning cycles, or a specified way of visualizing the future. Even if your organization is seeking to create an entirely new program, structure, or situation, it is still necessary to set and to test the objectives that define and guide critical actions and performance.
- This Item emphasizes how the organization develops a leadership position in its educational offerings.
- An increasingly important part of strategic planning is projecting the future environment. Organizations might use a variety of modeling, scenarios, or other techniques and judgments to anticipate the environment. Planning requires a thorough and realistic context for the development of educational services and overall management of the organization. This includes student and stakeholder needs and expectations and external factors affecting the organization, such as changing requirements brought about by other organizations, employers, education mandates, instructional technology, changing demographics, and changing student career interests. Internal factors, such as faculty and staff capabilities and needs, also should be considered. Especially important is the need to assess student learning relative to key outcomes the organization seeks to achieve.

2.2 Strategy Deployment

Purpose

This Item examines how your organization converts your strategic objectives into action plans to accomplish the objectives and how your organization assesses progress relative to these action plans. The aim is to ensure that your strategies are deployed for your key education objectives.

Requirements

You are asked how you develop and deploy action plans that address your organization's key strategic objectives, including the allocation of needed resources. You are asked to summarize your key short- and longer-term action plans. Particular attention is given to changes in services/programs; students, stakeholders, and markets; and how you operate. You also are asked about your key human resource plans that will enable accomplishment of your strategic objectives and action plans.

You are asked to give your key measures/indicators used in tracking progress relative to the action plans and how you

use these measures to achieve organizational alignment and coverage of all key work units, students, and stakeholders. Finally, you are asked to provide a projection of key performance measures/indicators. As part of this projection, you are asked how your projected performance compares with the performance of competitors, comparable organizations, and appropriately selected organizations; key benchmarks; goals; and past performance.

Comments

- This Item asks how your action plans are developed and deployed. Accomplishment of action plans requires specifying key performance requirements, measures, and indicators for such areas as faculty/staff development plans and needs and use of learning technologies. Also include how resources are deployed, aligned, and tracked. Of central importance is how you achieve alignment and consistency—for example, via key learning strategies and key measurements. Also, alignment and consistency are intended to provide a basis for setting and communicating priorities for ongoing improvement activities—part of the daily work of all work units. In addition, performance measures are critical to performance tracking. Action plans include human resource plans that support your overall strategy.
- Key changes in your services/programs might include Web-based or distance learning initiatives, integrated within or separate from your current educational offerings and programs. Key changes in your anticipated or planned student and stakeholder markets might include different admission requirements, attendance area changes, or new populations served.
- Examples of possible human resource plan elements are
 - education and training initiatives, including those that increase skills for assessment practices and increase knowledge of student learning styles, as well as developmental assignments to prepare future leaders
 - initiatives to promote greater labor-management cooperation, such as union partnerships
 - creation/redesign of individual development and/or learning plans
 - redesign of staff work organizations and/or jobs to increase staff responsibility and decision making
 - initiatives to foster knowledge sharing and cross-functional interactions throughout the organization
 - creation of opportunities for faculty and staff to learn and use skills that go beyond current job assignments through redesign of processes or organizations
 - formation of partnerships with the business community to support faculty/staff development

- introduction of distance learning or other technology-based learning approaches
- introduction of performance improvement initiatives
- Projections and comparisons in this Item are intended to encourage your organization to improve its ability to understand and track dynamic and competitive performance factors. Through this tracking process, your organization should be better prepared to take into account its rate of improvement and change relative to that of competitors and comparable organizations and relative to your own targets or stretch goals. Such tracking serves as a key diagnostic tool.
- In addition to improvement relative to past performance and the performance of competitors and comparable organizations, projected performance might include changes resulting from innovations in education delivery, addition or termination of programs, Web-based or distance learning initiatives, service/program innovations, or other strategic thrusts.

Student, Stakeholder, and Market Focus (Category 3)

Student, Stakeholder, and Market Focus addresses how your organization seeks to understand the needs of current and future students and stakeholders and to understand your markets. The Category stresses relationships as an important part of an overall listening, learning, and performance excellence strategy. Although many of the needs of stakeholders must be translated into educational services for students, the stakeholders themselves have needs that organizations also must accommodate. A key challenge frequently may be to balance differing needs and expectations of students and stakeholders and among stakeholders themselves. Your student and stakeholder satisfaction and dissatisfaction results provide vital information for understanding your students, stakeholders, and markets. In many cases, such results and trends provide the most meaningful information, not only on your students' and stakeholders' views but also on their actions and behaviors—student persistence and positive referrals.

3.1 Knowledge of Student, Stakeholder, and Market Needs and Expectations

Purpose

This Item examines your organization's key processes for gaining knowledge about your current and future student segments and markets, with the aim of offering relevant and effective programs and services, engaging students in active learning, understanding emerging student needs and expectations, and keeping pace with market changes and changing methods of delivering educational services.

Requirements

You are asked how you determine key general and special needs of current students—recognizing factors that bear upon active learning—and how you segment your students and markets. You are asked how you determine and anticipate changing needs and expectations of future students—taking into account the key factors that could affect these needs and expectations—to support longer-term education planning. You also are asked how these determinations include relevant information from current and former students.

Finally, you are asked how you keep your student and stakeholder listening and learning methods current with your changing educational service needs and directions.

Comments

- Maintaining awareness of student needs and expectations is critical to improve educational services and to support related planning. Student needs, as addressed in this Item, should take into account information not only from students but also from families, employers, and other education organizations, as appropriate. Student needs should be interpreted in a holistic sense to include knowledge, application of knowledge, problem-solving, learning skills, interpersonal skills, character development, critical thinking skills, conflict resolution, and citizenship.
- Knowledge of student and market segments allows your organization to tailor listening and learning strategies and market offerings, to support and tailor your marketing strategies, and to develop new educational programs and offerings.
- Understanding student needs and expectations covers all aspects of education content and delivery and of the learning environment, including safety. An important part of this information comes from observations of student utilization of offerings, facilities, and services to determine their influence on active learning. This requires organizations to use current knowledge about student development and learning, including academic, social, and ethical development.
- The determination of future needs and expectations of students should take into account the following: demographic data and trends; changing requirements of graduates in the workplace or other schools; changing local, state, national, and global requirements; and education alternatives for prospective students. Changing requirements of graduates should reflect requirements set by stakeholders, taking into account paths followed by your organization's graduates. These requirements might include qualification standards, licensure requirements, workplace skills such as teamwork, and admission requirements.



- A variety of listening and learning strategies are commonly used. Selection depends on the type and size of the organization and other factors. Some examples are
 - building relationships with students, families, social service agencies, employers, alumni, and other stakeholders
 - tracking demographic, societal, economic, technological, competitive, and other factors that may bear upon student and stakeholder requirements, expectations, preferences, or alternatives
 - seeking to understand in detail students' and stakeholders' expectations and needs and how they are likely to change
 - holding focus groups with students/stakeholders
 - using critical incidents, such as complaints, to understand key education and support service attributes from the point of view of students/stakeholders and faculty and staff
 - interviewing students and stakeholders to determine the reasons students drop out or choose to enroll elsewhere
 - analyzing major factors affecting students/stakeholders relative to organizations providing similar educational services

3.2 Student and Stakeholder Relationships and Satisfaction

Purpose

This Item examines your organization's processes for building student and stakeholder relationships and determining student and stakeholder satisfaction, with the aim of enhancing student learning and the organization's ability to deliver its services, satisfy students and stakeholders, develop new opportunities, and foster continuing interactions and positive referrals.

Requirements

You are asked how you build relationships with students and stakeholders to support your ability to deliver services and foster continuing interactions and/or positive referrals.

You are asked how you determine key student and stakeholder requirements and how you maintain effective stakeholder relationships, as well as what measures/indicators are used. As part of this response, you are asked to describe key access mechanisms for stakeholders to seek information and to make complaints. You are asked how these requirements are deployed to all people involved in responding to stakeholders.

You are asked to describe your complaint management process. This description should include how you ensure prompt and effective problem resolution. The description also should cover how all complaints are aggregated and analyzed for use in improvement throughout your organization and by your partners, as appropriate.

You are asked how you keep your approaches to relationship building and student and stakeholder access current with your changing educational service needs and directions.

You are asked how you determine student and stakeholder satisfaction and dissatisfaction, including how you capture actionable information that reflects students' and stakeholders' future interactions and/or potential for positive referrals. You also are asked how you follow up on your interactions with students and key stakeholders to receive prompt and actionable feedback.

You are asked how you obtain and use information on student and stakeholder satisfaction relative to satisfaction with other organizations, competitors, and/or benchmarks so you can gauge your performance in the market.

Finally, you are asked how you keep your methods for determining student and stakeholder satisfaction current with your changing educational service needs and directions.

Comments

- This Item emphasizes how you obtain actionable information from students and stakeholders. Information that is actionable can be tied to key services and processes and be used to determine value, cost/revenue implications, and overall implications for setting improvement and change priorities.
- Relationships provide a potentially important means for education organizations to understand and manage student/stakeholder expectations, to develop new educational services, and to maintain a learning environment. Also, faculty and staff may provide vital information for building partnerships and other longer-term relationships with students and other stakeholders.

- Determining satisfaction relative to comparable organizations and/or benchmarks is of critical importance to managing in a competitive environment. Comparative data can provide much useful information on the factors that drive student choices.
- Four key aspects of student and stakeholder relationships are addressed: (1) determining and deploying contact requirements, (2) maintaining effective relationships and partnerships to pursue common purposes, (3) using key measures/indicators to monitor the effectiveness of key relationships, and (4) promptly resolving complaints.
- The complaint management process might include performing analysis and setting priorities for improvement projects based upon impact on student learning. Complaint aggregation, analysis, and root cause determination should lead to effective elimination of the causes of complaints and to setting priorities for evaluation and use in overall organizational improvement. Successful outcomes require effective deployment of complaint-related information throughout the organization.
- Three types of requirements are important in determining student and stakeholder satisfaction:
 - The first is how your organization gathers information on student and stakeholder satisfaction, including any important differences in approaches for different student/stakeholder groups. A critical part of this process is how your organization's measurements capture key information that bears upon students' motivation and active learning and how objectivity and reliability of the measurements are ensured. Key information might include climate factors such as the quality of relationships, a sense of inclusion, and safety.
 - The second is how the organization follows up with students and key stakeholders regarding services and recent interactions to determine satisfaction and to resolve problems quickly.
 - The final requirement is how your organization compares the satisfaction of its students and stakeholders to the satisfaction of these groups with competitors and organizations delivering similar educational services and to benchmarks. Such information might be derived from available published data or independent studies. The purpose of this comparison is to develop information that can be used for improving the delivery of education, student, and support services and creating an overall climate conducive to learning for all students.
- Changing educational service needs and directions might include new modes of student access, such as the Internet. In such cases, key requirements might include security and access to personal assistance.

Information and Analysis (Category 4)

The Information and Analysis Category is the main point within the Criteria for all key information about effectively measuring and analyzing performance to drive improvement in student and operational performance. In the simplest terms, Category 4 is the "brain center" for the alignment of your organization's programs and offerings and its strategic objectives. Central to such use of data and information are their quality and availability. The Category addresses all basic performance-related information and comparative information, as well as how such information is analyzed and used to optimize organizational performance.

4.1 Measurement and Analysis of Organizational Performance

Purpose

This Item examines your organization's selection, management, and use of data and information for performance measurement and analysis in support of organizational planning and performance improvement. The Item serves as a central collection and analysis point in an integrated performance measurement and management system that relies on data and information related to student and operational performance, stakeholders, and budget issues. The aim of measurement and analysis is to guide your organization's process management toward the achievement of key education results and strategic objectives.

Requirements

You are asked how you gather and integrate data and information for monitoring daily operations and supporting organizational decision making and how you select and use measures for tracking those operations and overall student and organizational performance. You also are asked how you select and use comparative data and information to help drive performance improvement. These requirements address the major components of an effective performance measurement system.

You are asked what analyses you perform to support your senior leaders' assessment of overall organizational performance and your strategic planning. You are asked how the results of organizational-level analysis are communicated to support decision making throughout your organization and are aligned with your education results, strategic objectives, and action plans.

Finally, you are asked how you keep your organization's performance measurement system current with changing educational service needs and directions.

Comments

- Alignment and integration are key concepts for successful implementation of your performance measurement system.

They are viewed in terms of extent and effectiveness of use to review organizational performance and needs. Alignment and integration include how measures are aligned throughout your organization, how they are integrated to yield organization-wide data/information, and how performance measurement requirements are deployed by your senior leaders to track work group and/or educational program performance on key measures targeted for organization-wide significance and/or improvement.

- The use of comparative data and information is important to all organizations. The major premises for use are (1) your organization needs to know where it stands relative to comparable organizations from within and outside the academic community and to best practices, (2) comparative and benchmarking information often provides the impetus for significant ("breakthrough") improvement or change that might signal changes taking place in educational practices, and (3) comparing performance information frequently leads to a better understanding of your processes and their performance.
- Your effective selection and use of comparative data and information require (1) determination of needs and priorities; (2) criteria for seeking appropriate sources for comparisons—from within and outside your academic community and markets; and (3) use of data and information to promote major, nonincremental ("breakthrough") improvements in areas most critical to your organization's strategy.
- Individual facts and data do not usually provide an effective basis for setting organizational priorities. This Item emphasizes that close alignment is needed between your analysis and your organizational performance review and between your analysis and your organizational planning. This ensures that analysis is relevant to decision making and that decision making is based on relevant data and information.
- Action depends on understanding cause-effect connections among processes and between processes and results. Programmatic and operational changes may have many resource implications. Organizations have a critical need to provide an effective analytical basis for decisions because resources for improvement are limited and cause-effect connections are often unclear.
- Analyses that your organization conducts to gain an understanding of performance and needed actions may vary widely depending on your type of organization, size, relationship to other organizations providing similar services, and other factors. Examples of possible analyses include
 - relationships between student and overall organizational performance and behavioral improvement indicators
 - trends in key indicators of student motivation, such as absenteeism, dropout rates, and use of education facilities
 - test performance trends for students, segmented by student groups, as appropriate
 - relationships between in-school outcomes/performance and longer-range outcomes—in other schools or in the workplace, for example
 - activity-level cost trends in organizational operations
 - student utilization of learning technologies and/or facilities versus assessment of student performance
 - relationships between student background variables and outcomes
 - relationships between students' allocation of time to activities and projects and their academic performance
 - percentage of students attaining industry-based and/or profession-based skill certification
 - percentage of students completing advanced placement courses by graduation
 - cost/budgetary implications of student-/stakeholder-related problems and effective problem resolution
 - financial benefits derived from improvements in faculty/staff safety, absenteeism, and turnover
 - benefits and costs associated with education and training, including electronic learning opportunities for faculty and staff
 - benefits and costs associated with improved organizational knowledge management and sharing
 - how the ability to identify and meet faculty/staff requirements correlates with faculty/staff retention, motivation, and well-being
 - cost/revenue implications of faculty- and staff-related problems and effective problem resolution
 - allocation of resources among alternative improvement projects based on cost/benefit implications and improvement potential
 - cost/financial implications of new educational programs/services and market entry and changing educational and operational needs
- The availability of electronic data and information of many kinds (e.g., student-/stakeholder-related, budgetary/financial, operational, accreditation/regulatory) and from many sources (e.g., internal, third party, and public sources; the Internet; Internet tracking software) permits extensive analysis and correlations. Effectively utilizing and prioritizing this wealth of information are significant organizational challenges.



4.2 Information Management

Purpose

This Item examines how your organization ensures the availability of high-quality, timely data and information for all your key users—faculty and staff, students and stakeholders, and suppliers/partners.

Requirements

You are asked how you make data and information available and accessible to your user communities. You are asked how you ensure that the data and information have all the characteristics your users expect: integrity, reliability, accuracy, timeliness, and appropriate levels of security and confidentiality.

You also are asked how you ensure that your hardware systems and software are reliable and user-friendly so that access is facilitated and encouraged.

Finally, you are asked how you keep your data availability mechanisms, software, and hardware current with changing educational service needs and directions.

Comments

- Managing information can require a significant commitment of resources as the sources of data and information grow dramatically. Organizational abilities to ensure reliability and availability in a user-friendly format are challenged by the expanding use of electronic information within organizations' operations; as part of organizational knowledge networks; from the Internet, intranet, and school Web sites; and in communications between students and their school, as well as between stakeholders and the school.
- Data and information are especially important in grade-to-grade, school-to-school, and school-to-work transi-

tions and in partnerships with business, social services, and the community. Your responses to this Item should take into account this use of data and information and should recognize the need for rapid data validation and reliability assurance, given the increasing use of electronic data transfer.

Faculty and Staff Focus (Category 5)

Faculty and Staff Focus addresses key human resource practices—those directed toward creating and maintaining a high-performance workplace with a strong focus on students and learning and toward developing faculty and staff to enable them and your organization to adapt to change. The Category covers faculty and staff development and management requirements in an integrated way, i.e., aligned with your organization's strategic objectives. Your faculty and staff focus includes your work environment and your faculty and staff support climate.

To reinforce the basic alignment of workforce management with overall strategy, the Criteria also cover faculty and staff planning as part of overall planning in the Strategic Planning Category.

5.1 Work Systems

Purpose

This Item examines your organization's systems for work and jobs, compensation, faculty and staff performance management, motivation, recognition, communication, and hiring, with the aim of enabling and encouraging all faculty and staff to contribute effectively and to the best of their ability. These systems are intended to foster achievement of education objectives and high performance, to result in individual and organizational learning, and to enable adaptation to change.

Requirements

You are asked how you organize and manage work and jobs to promote cooperation, initiative/innovation, and flexibility. You are asked how you achieve effective communication and knowledge/skill sharing. You also are asked how your administrators and supervisors motivate faculty and staff to develop and utilize their full potential, including the mechanisms you use to attain job- and career-related learning objectives.

You are asked how your faculty and staff performance management system, including feedback to faculty and staff, supports high performance and a focus on students, stakeholders, and educational services/programs. This should include how compensation, recognition, and related practices reinforce these objectives, including your overall objectives for student learning and development.

You are asked how you accomplish effective succession planning for senior leadership and others.

Finally, you are asked how you identify the capabilities needed by potential faculty and staff and how you recruit, hire, and retain new faculty and staff. Your considerations should include the ability of your work system to benefit from the diverse ideas and cultures of your communities.

Comments

- Because of differing responsibilities, organizational structure and compensation and recognition systems might differ greatly between faculty and staff units or among faculty units. Consideration of these differences is important not only for developing current and near-term performance objectives but also for addressing individual and organizational learning, and it helps enable adaptation to change.
- High-performance work is characterized by a focus on student achievement, flexibility, innovation, knowledge and skill sharing, alignment with organizational objectives, and the ability to exercise discretion and make effective decisions to respond to changing educational service needs and requirements of your students, stakeholders, and markets. The focus of this Item is on a workforce capable of achieving high performance. In addition to the enabled faculty and staff and proper work system design, high-performance work requires ongoing education and training, as well as information systems that ensure proper information flow. To help faculty and staff realize their full potential, organizations may use individual development plans prepared with each faculty and staff member and addressing his/her career and learning objectives.
- Work and job factors for your consideration include cross-training, job rotation, use of teams (including self-directed teams and, in some cases, involving paraprofessionals and adjunct faculty), and changes in classroom design. Also important is effective communication across functions and work units to ensure a focus on student and stakeholder needs and requirements and to ensure an environment of encouragement, trust, knowledge sharing, and mutual commitment.
- Organizations should address the important alignment of incentives with the achievement of key organizational objectives. A basic requirement for this alignment is consistency between compensation and recognition and work structures and processes. Faculty and staff compensation and recognition systems should reinforce student achievement, high performance, job design, and learning. To be effective, compensation and recognition might be tied to demonstrated skills and/or to evaluations by teams of peers.
- Collaboration and teamwork among faculty might address early detection of changes in student behaviors or progress that signal difficulties in the learning environment or in the development of the students.

- The requirements of high-performance work, coupled with faculty and staff shortages, necessitate more attention to succession planning, recruitment strategies, and hiring profiles. This should include and capitalize on workforce diversity factors.

5.2 Faculty and Staff Education, Training, and Development

Purpose

This Item examines your organization's faculty and staff education and training, with the aim of establishing and maintaining a high-performance workplace and building faculty and staff knowledge, skills, and capabilities.

Requirements

You are asked how faculty and staff education and training tie to your action plans, including how education and training balance short- and longer-term individual needs and organizational objectives, such as developing expertise in promoting active learning and in performing formative and summative assessments. You are asked how you seek and use input on education and training needs and delivery from those most directly benefitting—faculty, staff, and their supervisors/administrators.

You are asked how you address key organizational needs associated with technological change, leadership/supervisor development, new faculty and staff orientation, safety, performance improvement, and diversity.

You are asked how you deliver and evaluate faculty and staff education and training, taking into account individual and organizational performance. Finally, you are asked how you reinforce knowledge and skills on the job.

Comments

- Education and training address the knowledge and skills faculty and staff need to meet their overall work and personal and professional objectives and the organization's need for leadership development of faculty and staff. Education and training needs might vary greatly, depending on many factors—especially specific faculty and staff responsibilities. These needs might include gaining knowledge about assessment practices, learning styles, and working effectively with students from other cultures who have limited English proficiency. They also might include gaining skills in communications, sharing knowledge, interpreting and using data, using new technology, process analysis, and evaluating and understanding student behavior and character development, as well as other training that affects faculty and staff effectiveness and safety.
- This Item emphasizes the importance of the involvement of faculty and staff and their supervisors in the design of training, including clear identification of specific needs. This involves job analysis, i.e., understanding the types

and levels of skills required and the timeliness of training. Determining specific education and training needs might include use of organizational assessment or faculty and staff self-assessment to determine and/or compare skill levels for progression within the organization or elsewhere. Education and training also include appropriate orientation of new faculty and staff.

- Education and training delivery might occur inside or outside your organization and could involve on-the-job, classroom, computer-based, or distance learning, as well as other types of delivery. Training also might occur through developmental assignments within or outside your organization. This includes the use of developmental assignments such as sabbatical leave, internships, or job shadowing within or outside the organization to enhance faculty and staff career opportunities and employability.
- Effective performance management also includes the evaluation of education and training. Such evaluation might take into account administrators' evaluation, faculty and staff self-evaluation, and peer evaluation of the value received through education and training relative to needs identified in their design. Evaluation also might address factors such as the effectiveness of education and training delivery, its impact on work unit and organizational performance, and costs of delivery alternatives.

5.3 Faculty and Staff Well-Being and Satisfaction

Purpose

This Item examines your organization's work environment, your faculty and staff support climate, and how you determine job satisfaction, with the aim of fostering the well-being, satisfaction, and motivation of faculty and staff while recognizing their diverse needs.

Requirements

You are asked how you ensure a safe and healthful workplace, taking into account differing work environments and associated requirements. Special emphasis is placed on how faculty and staff contribute to identifying important factors and to improving workplace safety. You also are asked to identify appropriate measures and targets so that status and progress can be tracked.

You are asked how you determine the key factors that affect faculty and staff well-being, satisfaction, and motivation. Included is how these factors are segmented for a diverse workforce and different categories/types of faculty and staff. In addition, you are asked how your services, benefits, and policies support faculty and staff well-being, satisfaction, and motivation based upon a holistic view of this key stakeholder group. Special emphasis is placed on the variety of approaches you use to satisfy a diverse workforce with differing needs and expectations.



You are asked to describe formal and/or informal evaluation methods and measures you use to determine faculty and staff well-being, satisfaction, and motivation. This description should include how you tailor these methods and measures to a diverse workforce and to different categories and types of faculty and staff and how you use other indicators (e.g., faculty and staff retention, absenteeism, grievances, and safety) to support your assessment. Finally, you are asked how you relate evaluation findings to key organizational performance results to identify key priorities.

Comments

- Since the safety and health of faculty and staff depend significantly on specific work environments and responsibilities, it is important to view such factors separately and to segment measures and data accordingly, addressing the principal safety and health issues associated with each work unit.
- Most education organizations, regardless of size, have many opportunities to contribute to faculty and staff well-being and satisfaction. Increasingly, the needs of a diverse workforce should be considered in selecting and using these opportunities. Some examples of services, facilities, activities, and other opportunities are personal

and career counseling; career development and employability services; recreational or cultural activities; formal and informal recognition; nonwork-related education; day care; special leave for family responsibilities and/or community service; flexible work hours and benefits packages; outplacement services; and retiree benefits, including extended health care and access to faculty and staff services.

- Many factors might affect faculty and staff well-being and satisfaction, and these factors are likely to differ greatly among faculty and staff groups. The organization might need to consider factors such as effective faculty and staff problem and grievance resolution; faculty and staff development and career opportunities; faculty and staff preparation for changes in technology or organizational structure; the work environment and leadership support; workload; communication, cooperation, and teamwork; job security; compensation; equality of opportunity; appreciation of the differing needs of diverse employee groups; and the capacity to provide required services to students.
- In addition to direct measures of faculty and staff satisfaction and well-being through formal or informal surveys, some other indicators include safety, absenteeism, turnover, grievances, Occupational Safety and Health Administration (OSHA) reportables, and worker's compensation claims.

Process Management (Category 6)

Process Management is the focal point within the Education Criteria for all key processes—educational processes and those that support these processes, including student services and support processes. As appropriate to an organization's mission, key processes might include conducting research and outreach/service to key communities. Built into the Category are the central requirements for efficient and effective process management: effective education design and delivery; a focus on student learning; linkage to suppliers and partners; and evaluation, continuous improvement, and organizational learning. It is crucial to utilize key measures for tracking all aspects of your overall process management.

6.1 Education Design and Delivery Processes

Purpose

This Item examines your organization's key education design and delivery processes, with the aim of improving your organization's educational effectiveness.

Requirements

You are asked to identify your key design processes for educational programs and offerings and their related delivery systems and processes. You are asked how you ensure that programs and offerings address student needs, meet high

standards, and focus on active learning. You also are asked how you address key factors in design effectiveness, including individual differences in student learning rates and styles and their assessment; information on student segments and/or individual students; changing student, stakeholder, and market requirements; new technology, including e-technology; and sequencing and offering linkages. Finally, you are asked how you incorporate a measurement plan that makes effective use of formative and summative assessment and how you ensure that faculty and staff are prepared to implement programs and offerings.

You are asked to identify your key educational programs, offerings, and delivery processes and their key performance requirements. You are asked how you ensure that ongoing educational programs and offerings meet key design and delivery requirements and what key observations and measures/indicators are used to monitor and improve their delivery. You are asked to include how key formative and summative assessment of students; in-process measures of programs and offerings; and real-time student, faculty, staff, and stakeholder input are used in managing your educational programs and offerings, as appropriate. These requirements and measures are the basis for maintaining and improving your services and delivery processes. You also are asked how you evaluate programs and offerings to minimize redesign efforts and their costs. Finally, you are asked how you improve your educational programs and offerings to achieve better student learning and improvements to services.

Comments

- Your design approaches could differ appreciably depending on many factors, including your organization's mission; your market segments; the method of delivery; and students' ages, experiences, and capabilities. Other factors that might need to be considered in design include capability and variability of faculty/staff, differences among students, long-term performance, assessment capability, student and stakeholder expectations, and safety.
- "Educational programs and offerings" refers to all activities that engage students in learning or that contribute to scientific or scholarly investigation, including courses, degree programs, research, outreach, service, cooperative projects and overseas studies. Design of programs and offerings requires the identification of critical points in the teaching and learning process for measurement, observation, or intervention. The intent is that these activities occur at the earliest points possible in the teaching and learning process.
- Achieving expected student learning frequently requires setting performance levels or standards against which to gauge progress and to guide decision making in design and delivery of programs. Preparing for individual differences in students requires understanding those differences and associated strategies to capitalize on strengths

and overcome obstacles in styles and rates of learning. Instructional techniques for active learning provide an opportunity for students and student segments to analyze, synthesize, and evaluate information as part of the learning process.

- This Item calls for information on the incorporation of new technology, including e-technology. E-technology might include communicating with students and giving them continuous (24/7) access; sharing information with faculty, staff, and other stakeholders; and automated information transfer.

- Efficiency and effectiveness factors such as addressing sequencing and linkages among programs and offerings should take into account the various stakeholders in the educational process. Transfer of learning from past design projects, as well as among and across grade levels, disciplines, and institutions, can improve the design and delivery process and contribute to reduced cycle time in future efforts.

- A measurement plan includes observations and measures/indicators that are used to provide timely information to help students and faculty improve learning. Formative and summative assessments need to be tailored to the educational offering and program goals and might range from purely individualized to group-based assessments. In addition to these assessments, observations and measures/indicators might include enrollment and participation figures, student evaluations of courses/instructors, success rates, attendance rates, dropout rates, information from student counselors, advanced study rates, complaints, feedback from students and families, and formal classroom observation by faculty leaders. Among the key factors to be addressed in assessment are ensuring appropriate comparisons among students and the relevance of assessment criteria to your mission and objectives. Differences among students must be a critical consideration in the evaluation of key educational processes. In addition, assessment optimally should be related to the knowledge and skill requirements of offerings, and assessment should provide students and others with key information about what students know and are able to do.

- Ensuring that faculty and staff are properly prepared may require helping them gain subject matter expertise, an understanding of cognitive/social-emotional/ethical development, knowledge of teaching strategies, skills in facilitation and learning assessment, an understanding of

how to recognize and use learning research theory information, and skills in reporting and analyzing information and data on student progress.

- "Education delivery" refers to instructional approaches, i.e., modes of teaching and organizing activities and experiences so that effective learning takes place. Coordination of design and delivery processes should involve representatives of all work units and/or individuals who take part in delivery and whose performance affects overall education outcomes. This might include groups such as faculty in sending and receiving programs; academic staff members; faculty from different departments, disciplines, or levels; and social service, advising, or counseling staff members.



- This Item calls for information on the management and improvement of key educational programs, offerings, and delivery processes. The information required includes a description of the key processes, their specific requirements, and how performance relative to these requirements is determined and maintained. Increasingly, these requirements might include the need for agility—speed and flexibility—to adapt to change.
- Specific reference is made to in-process measurements of educational programs and offerings and to student, faculty, staff, and stakeholder input. These measurements and interactions require the identification of critical points in the learning process for measurement, observation, or interaction. These activities should occur at the earliest points possible in the process to minimize problems, failure, and costs. Achieving desired performance frequently requires setting performance levels or standards to guide decision making. When sufficient learning does not occur, corrective action is required. Proper corrective

action involves changes at the source (root cause) of the problem. Such corrective action should minimize the likelihood of this type of variation occurring again or elsewhere in your organization. Differences among students must be considered in evaluating how well the educational process is performing. This might entail allowing for specific or general contingencies, depending on student differences and needs.

- Improving organizational performance means not only providing better educational value for the student but also better operational performance from the organization's perspective. A wide variety of improvement approaches might be used depending on the educational program and many student-specific factors. These approaches include (1) using information from students, families, feeder schools, and/or receiving schools; (2) benchmarking practices of other organizations; (3) using assessment results; (4) conducting peer evaluation; (5) using research on learning, assessment, and instructional methods; (6) using information from employers and governing bodies; (7) collecting information on the use of new learning technology; and (8) sharing successful strategies across the organization. Process improvement approaches also might utilize financial data to evaluate alternatives and set priorities. In some cases, improvement of educational processes might entail complete redesign of the content and/or delivery of programs and offerings.

6.2 Student Services

Purpose

This Item examines your organization's key student services, with the aim of ensuring that they meet the most important student needs.

Requirements

You are asked to identify your key student services and their key requirements. You are asked how your organization's key student services are designed and delivered to meet key requirements and how you incorporate input from students, faculty, staff, stakeholders, and suppliers, as appropriate.

You are asked for your key performance measures for the control and improvement of these services, including how in-process measures and student, faculty, staff, stakeholder, and supplier feedback are used.

Finally, you are asked how you improve your student services to achieve better performance, to control overall costs, and to keep them current with educational service needs and directions.

Comments

- Your key student services are those considered most important to student matriculation and success by your organization's senior leaders. These might include ser-

vices related to counseling, advising, and tutoring students; libraries and information technology; and student recruitment, enrollment, registration, placement, financial aid, and housing. It also might include food services, security, health services, transportation, and bookstores. The key services to be included in Item 6.2 are distinctive to your organization and, in a few cases, the examples listed above may fit more appropriately in Item 6.3, e.g., information technology or transportation. Given the diverse nature of these processes, the requirements and performance characteristics might vary significantly for different processes; however, coordination and integration of design requirements may help ensure effective linkage and performance.

6.3 Support Processes

Purpose

This Item examines your organization's key processes that support your daily operations as an education organization and your faculty and staff in delivering services.

Requirements

You are asked to identify your key processes for supporting your daily operations and your faculty and staff in delivering educational programs and offerings and student services, as well as these processes' key operational requirements. You are asked how your organization's key support processes are designed to meet all your requirements and how you incorporate input from faculty and staff, as appropriate. You also are asked how day-to-day operation of your key support processes ensures meeting the key requirements, including how in-process measures and faculty and staff feedback are used in managing support processes.

You are asked how you minimize costs associated with inspections, tests, and process and/or performance audits of support processes. Finally, you are asked how you improve your key support processes to achieve better performance and to keep them current with your organizational needs and directions.

Comments

- Your support processes are those that are considered most important for support of your organization's design and delivery of educational programs and offerings and student services. The support process requirements usually do not depend significantly on the characteristics of educational programs and offerings or student services. Support process design requirements usually depend significantly on your internal requirements, and they must be coordinated and integrated to ensure efficient and effective linkage and performance. Support processes might include processes for finance and accounting; plant and facilities management; legal, human resources, and marketing services; information services; public relations; central receiving; purchasing; management of suppliers/

partners; and secretarial and other administrative services. The key services to be included in Item 6.3 are distinctive to your organization. In a few cases, services such as those listed above may fit more appropriately in Item 6.2.

- This Item calls for information on how your organization evaluates and improves the performance of your key support processes. Four approaches frequently used are (1) process analysis and research, (2) benchmarking, (3) use of alternative technology, and (4) use of information from customers of the processes. Together, these approaches offer a wide range of possibilities, including complete redesign ("re-engineering") of processes.

Organizational Performance Results (Category 7)

The Organizational Performance Results Category provides a results focus that encompasses your students' learning; student and stakeholder satisfaction; your overall budgetary, financial, and market performance; your performance in creating a positive, productive, learning-centered, and supportive work environment; and results of all key processes and process improvement activities. Through this focus, the Criteria's purposes—superior value of offerings as viewed by your students, stakeholders, and markets; superior organizational performance as reflected in your operational and financial indicators; and organizational and personal learning—are maintained. Category 7 thus provides "real-time" information (measures of progress) for evaluation and improvement of educational programs and services and the organization's processes, in alignment with your overall organizational strategy. Item 4.1 calls for analysis of organizational results data and information to determine your overall organizational performance.

7.1 Student Learning Results

Purpose

This Item examines your organization's student learning results, with the aim of demonstrating the effectiveness of educational programs and activities.

Requirements

You are asked to provide current levels, trends, and appropriate comparisons for key measures/indicators of student learning and improvements in student learning.

Comments

- This Item addresses the principal student learning results based upon mission-related factors and assessment methods. This Item is critical for your organizational assessment, because it focuses on improvement by the organization over time and achievement levels relative to comparable organizations and/or student populations. Proper use of this Item depends on appropriate normalization of data to compensate for initial differences in student populations.

- The following considerations are critical to understanding this Item: (1) student learning should reflect holistic and mission-related results; (2) current levels and trends should be reported and used for comparisons with other organizations providing similar services and/or with student populations, as well as to demonstrate year-to-year improvement; and (3) data should be segmented by student groups to permit an analysis of trends and comparisons that demonstrates the organization's sensitivity to educational improvement for all students.
- Student learning results should reflect not only what students know but also what they have learned as a result of the educational program, what they are able to do, and how well they are able to function. Results should consider external requirements derived from your markets and from other organizations providing similar services. Appropriate for inclusion are curriculum-based and criterion-referenced formative and summative assessment results that address key learning goals and overall performance requirements and are embedded and ongoing, allowing for prompt feedback.
- Although better admission criteria might contribute to improved education for all students, improved student learning based entirely upon changing students' entry-level qualifications should not be reported in Item 7.1. However, improvement trends in student admission qualifications are appropriate for inclusion in Organizational Effectiveness Results (Item 7.5). Improvement in student learning beyond that which could be attributed to entry-level qualifications is appropriate for inclusion in Item 7.1, along with other measures/indicators of improvement trends and comparisons.
- Determining the correlation between education design and delivery and student learning is a critical management tool for (1) defining and focusing on key instructional requirements; (2) identifying educational service differentiators; and (3) determining cause-and-effect relationships between your educational service attributes and evidence of student and stakeholder satisfaction; student persistence, graduation, and completion; and positive referral. The correlation might reveal emerging or changing requirements, changing markets, or potential obsolescence of educational offerings.

7.2 Student- and Stakeholder-Focused Results

Purpose

This Item examines your organization's student- and stakeholder-focused results, with the aim of demonstrating how well your organization has been satisfying students' and stakeholders' key needs and expectations that affect satisfaction, loyalty, persistence, and positive referral.

Requirements

You are asked to provide current levels, trends, and appropriate comparisons for key measures/indicators of the satisfaction and dissatisfaction of current and past students and key stakeholders, including comparisons with levels of student and stakeholder satisfaction relative to competitors and comparable organizations. You also are asked to provide current levels and trends in key measures/indicators of student- and stakeholder-perceived value, loyalty, persistence, positive referral, and other aspects of relationship building, as appropriate.

Comments

- This Item focuses on the creation and use of all relevant data to determine and help predict your organization's performance as viewed by your students and stakeholders. Relevant data and information include student and stakeholder satisfaction and dissatisfaction; gains and losses of students; positive referrals; complaints; student- and stakeholder-perceived value; student assessment of accessibility and availability of educational programs and offerings; and awards, ratings, and recognition from independent rating organizations.
- This Item includes measures of service performance that serve as indicators of student and stakeholder satisfaction. These measures of service performance are derived from student- and stakeholder-related information gathered in Items 3.1 and 3.2.
- Effectively used, satisfaction results provide important indicators of organizational effectiveness and improvement. Effective use entails understanding the key dimensions of satisfaction and dissatisfaction, recognition that satisfaction and dissatisfaction with educational services and/or performance might differ among student and stakeholder segments, and recognition that satisfaction and dissatisfaction might change over time. The underlying purpose of the Item is not only to ensure that satisfaction levels provide a useful tool in assessing key climate factors that contribute to or inhibit education but also to encourage inclusion of educational and growth dimensions in satisfaction measurement. Satisfaction results are thus principally enablers, not an end in themselves. Together, the results reported in Item 7.2 should help guide action leading to improved student performance, recognizing that the action might address climate, curricula, faculty development, and many other factors. The Item should not be interpreted as emphasizing "popularity" or other short-term, noneducational aims.

7.3 Budgetary, Financial, and Market Results

Purpose

This Item examines your organization's budgetary, financial, and market results, with the aim of understanding your management and effective use of financial resources and your market challenges and opportunities.

Requirements

You are asked to provide levels, trends, and appropriate comparisons for key budgetary, financial, and market indicators. Overall, these results should provide a complete picture of the effectiveness of management and use of financial resources.

Comments

- This Item addresses those factors that best reflect the organization's financial, budgetary, and market performance. Measures of budgetary and financial performance might include instructional and general administration expenditures per student; income, expenses, and reserves; the tax rate; tuition and fee levels; cost per academic credit; annual grants/awards; program expenditures as a percentage of budget; annual budget increases or decreases, resources redirected to education from other areas; scholarship growth; the percentage of budget for research; and the budget for public service. Market performance measures could include market share measures of growth or loss of students or programs, new educational services entered, entry into Web-based and distance learning markets, and market position. Measures also might include the number of students transferring into or out of the organization, including into or from alternative educational services such as home schooling, charter schools, or vouchers; utilization of new educational program offerings; or new/expanded delivery methods, as appropriate. Comparative data for these measures might include performance relative to comparable organizations, competing organizations, and appropriate benchmarks from within and outside the academic community.

7.4 Faculty and Staff Results

Purpose

This Item examines your organization's faculty- and staff-related results, with the aim of demonstrating how well your organization has been creating and maintaining a positive, productive, learning-centered, and caring work environment for all faculty and staff.

Requirements

You are asked to provide current levels, trends, and appropriate comparisons for key measures/indicators of faculty and staff well-being, satisfaction, dissatisfaction, and development.

You also are asked to provide data and information on your faculty and staff work system performance and effectiveness.

Comments

- Results reported might include generic or organization-specific factors. Generic factors might include safety, absenteeism, turnover, satisfaction, and complaints (grievances). For some measures, such as absenteeism and turnover, local or regional comparisons might be appropriate.

- Organization-specific factors are those you assess for determining your faculty and staff well-being and satisfaction. These factors might include the extent of training or cross-training or the extent and success of self-direction.
- Results measures reported for work system performance might include improvement in job classification, job rotation and/or sharing, work design, and local decision making. Results reported might include input data, such as extent of training, but the main emphasis should be on data that show effectiveness of outcomes.
- The Item calls for comparative information so that results can be evaluated meaningfully against comparable organizations or other relevant external measures of performance.

7.5 *Organizational Effectiveness Results*

Purpose

This Item examines your organization's other key operational results, with the aim of achieving organizational effectiveness, attaining key organizational goals, and demonstrating good organizational citizenship.

Requirements

You are asked to provide current levels, trends, and appropriate comparisons for key measures/indicators of operational and strategic performance that contribute to enhanced learning and/or operational effectiveness results reported in Items 7.1 through 7.4.

You also are asked to provide data and information on your organization's safety, regulatory, legal, and accreditation requirements and support of key communities. Finally, you are asked to provide results for key measures/indicators of accomplishment of organizational strategy.

Comments

- This Item addresses key performance results not covered in Items 7.1 through 7.4 that contribute significantly to

enhanced learning and the organization's mission and goals, e.g., student learning; student and stakeholder satisfaction; operational effectiveness; and budgetary, financial, and market performance. The Item encourages the use of any unique measures the organization has developed to track performance in important areas.

- Results should reflect key process performance measures, including those that influence student learning and student and stakeholder satisfaction. Measures of productivity and operational effectiveness, including timeliness in all key areas—educational and student services and support areas—are appropriate for inclusion. Results of compliance and improvement in areas such as athletic programs could be reported. Also appropriate for inclusion are improvements in admission standards; improvements in safety and hiring equity; effectiveness of research, outreach, and services; innovations; increased use of Web-based technologies; utilization of facilities by community organizations; recycling; contributions to the community; improved performance of administrative and other support functions such as purchasing; cost containment; and redirection of resources from other areas to education.
- Measures should include environmental, regulatory, and accreditation compliance and noteworthy achievements in these areas, as appropriate. Results also should include indicators of support for key communities and other public purposes.
- If your organization has received sanctions or adverse actions under law, regulation, or contract during the past three years, the incidents and current status should be summarized.
- The Item calls for comparative information so that results reported can be evaluated against other organizations and relevant external measures of performance. Such data might be derived from independent surveys, studies, peer group ratings, or other sources.

SCORING SYSTEM

The scoring of responses to Criteria Items (Items) and Award applicant feedback are based on three evaluation dimensions: (1) Approach, (2) Deployment, and (3) Results. Criteria users need to furnish information relating to these dimensions. Specific factors for these dimensions are described below. Scoring Guidelines are given on page 55.

Approach

"Approach" refers to how you address the Item requirements—the *method(s)* used. The factors used to evaluate approaches include

- the appropriateness of the methods to the requirements
- the effectiveness of use of the methods and the degree to which the approach
 - is repeatable, integrated, and consistently applied
 - embodies evaluation/improvement/learning cycles
 - is based on reliable information and data
- alignment with your organizational needs
- evidence of beneficial innovation and change

Deployment

"Deployment" refers to the *extent* to which your approach is applied. The factors used to evaluate deployment include

- use of the approach in addressing Item requirements relevant and important to your organization
- use of the approach by all appropriate work units

Results

"Results" refers to *outcomes* in achieving the purposes given in Items 7.1–7.5. The factors used to evaluate results include

- your current performance
- your performance relative to appropriate comparisons and/or benchmarks
- rate and breadth of your performance improvements
- linkage of your results measures to key student, stakeholder, market, process, and action plan performance requirements identified in your Organizational Profile and in Approach-Deployment Items

Item Classification and Scoring Dimensions

Items are classified according to the kinds of information and/or data you are expected to furnish relative to the three evaluation dimensions given above.

The two types of Items and their designations are

1. Approach-Deployment **Approach-Deployment**
2. Results **Results**

Approach and Deployment are linked to emphasize that descriptions of Approach should always indicate the Deployment—consistent with the *specific requirements* of the

Item. Although Approach and Deployment dimensions are linked, feedback to Award applicants reflects strengths and/or opportunities for improvement in either or both dimensions.

Results Items call for data showing performance levels, relevant comparative data, and improvement trends for key measures/indicators of organizational performance. Results Items also call for data on breadth of performance improvements, i.e., on how widespread your improvement results are. This is directly related to the Deployment dimension; if improvement processes are widely deployed, there should be corresponding results. A score for a Results Item is thus a composite based on overall performance, taking into account the rate and breadth of improvements and their importance. (See next paragraph.)

"Importance" as a Scoring Factor

The three evaluation dimensions described previously are critical to evaluation and feedback. However, another critical consideration in evaluation and feedback is the importance of your reported Approach, Deployment, and Results to your key organizational factors. The areas of greatest importance should be identified in your Organizational Profile and in Items such as 2.1, 2.2, 3.1, 6.1, 6.2, 7.1, and 7.5. Your key student and stakeholder requirements and key strategic objectives and action plans are particularly important.

Assignment of Scores to Your Responses

The following guidelines should be observed in assigning scores to your Item responses:

- All Areas to Address should be included in your Item response. Also, responses should reflect what is important to your organization.
- In assigning a score to an Item, first decide which scoring range (e.g., 50 percent to 60 percent) best fits the overall Item response. Overall "best fit" does not require total agreement with each of the statements for that scoring range. Assigning the actual score *within* the range requires evaluating whether the Item response is closer to the statements in the next higher or next lower scoring range.
- An Approach-Deployment Item score of 50 percent represents an approach that meets the overall objectives of the Item and that is deployed to the principal activities and work units covered in the Item. Higher scores reflect maturity (cycles of improvement), integration, and broader deployment.
- A Results Item score of 50 percent represents a clear indication of improvement trends and/or good levels of performance in the principal results areas covered in the Item. Higher scores reflect better improvement rates and/or levels of performance, better comparative performance, and broader coverage and integration with education requirements.

SCORING GUIDELINES

| SCORE | APPROACH TO DEPLOYMENT |
|-------------|--|
| 0% | <ul style="list-style-type: none"> No systematic approach is evident; information is anecdotal. |
| 10% to 20% | <ul style="list-style-type: none"> The beginning of a systematic approach to the basic purposes of the Item is evident. Major gaps exist in deployment that would inhibit progress in achieving the basic purposes of the Item. Early stages of a transition from reacting to problems to a general improvement orientation are evident. |
| 30% to 40% | <ul style="list-style-type: none"> An effective, systematic approach, responsive to the basic purposes of the Item, is evident. The approach is deployed, although some areas or work units are in early stages of deployment. The beginning of a systematic approach to evaluation and improvement of basic Item processes is evident. |
| 50% to 60% | <ul style="list-style-type: none"> An effective, systematic approach, responsive to the overall purposes of the Item and your key organizational requirements, is evident. The approach is well deployed, although deployment may vary in some areas or work units. A fact-based, systematic evaluation and improvement process is in place for improving the efficiency and effectiveness of key processes. The approach is aligned with your basic organizational needs identified in the other Criteria Categories. |
| 70% to 80% | <ul style="list-style-type: none"> An effective, systematic approach, responsive to the multiple requirements of the Item and your current and changing educational service needs, is evident. The approach is well deployed, with no significant gaps. A fact-based, systematic evaluation and improvement process and organizational learning/sharing are key management tools; there is clear evidence of refinement and improved integration as a result of organizational-level analysis and sharing. The approach is well integrated with your organizational needs identified in the other Criteria Categories. |
| 90% to 100% | <ul style="list-style-type: none"> An effective, systematic approach, fully responsive to all the requirements of the Item and all your current and changing educational service needs, is evident. The approach is fully deployed without significant weaknesses or gaps in any areas or work units. A very strong, fact-based, systematic evaluation and improvement process and extensive organizational learning/sharing are key management tools; strong refinement and integration, backed by excellent organizational-level analysis and sharing, are evident. The approach is fully integrated with your organizational needs identified in the other Criteria Categories. |

| SCORE | RESULTS |
|-------------|--|
| 0% | <ul style="list-style-type: none"> There are no results or poor results in areas reported. |
| 10% to 20% | <ul style="list-style-type: none"> There are some improvements <i>and/or</i> early good performance levels in a few areas. Results are not reported for many to most areas of importance to your key organizational requirements. |
| 30% to 40% | <ul style="list-style-type: none"> Improvements <i>and/or</i> good performance levels are reported in many areas of importance to your key organizational requirements. Early stages of developing trends and obtaining comparative information are evident. Results are reported for many to most areas of importance to your key organizational requirements. |
| 50% to 60% | <ul style="list-style-type: none"> Improvement trends <i>and/or</i> good performance levels are reported for most areas of importance to your key organizational requirements. No pattern of adverse trends and no poor performance levels are evident in areas of importance to your key organizational requirements. Some trends <i>and/or</i> current performance levels—evaluated against relevant comparisons <i>and/or</i> benchmarks—show areas of strength <i>and/or</i> good to very good relative performance levels. Organizational performance results address most key student/stakeholder, market, and process requirements. |
| 70% to 80% | <ul style="list-style-type: none"> Current performance is good to excellent in areas of importance to your key organizational requirements. Most improvement trends <i>and/or</i> current performance levels are sustained. Many to most trends <i>and/or</i> current performance levels—evaluated against relevant comparisons <i>and/or</i> benchmarks—show areas of leadership and very good relative performance levels. Organizational performance results address most key student/stakeholder, market, process, and action plan requirements. |
| 90% to 100% | <ul style="list-style-type: none"> Current performance is excellent in most areas of importance to your key organizational requirements. Excellent improvement trends <i>and/or</i> sustained excellent performance levels are reported in most areas. Evidence of education sector and benchmark leadership is demonstrated in many areas. Organizational performance results fully address key student/stakeholder, market, process, and action plan requirements. |

For a definition of the following **key term**, see page 37: systematic.

2001 EDUCATION CRITERIA RESPONSE GUIDELINES

The guidelines given in this section are offered to assist Criteria users in responding most effectively to the requirements of the 19 Criteria Items. Writing an application for the Baldrige Award involves responding to these requirements in 50 or fewer pages.

The guidelines are presented in three parts:

- (1) General Guidelines regarding the Criteria booklet, including how the Items are formatted
- (2) Guidelines for Responding to Approach-Deployment Items
- (3) Guidelines for Responding to Results Items

General Guidelines

I. Read the entire Criteria booklet.

The main sections of the booklet provide an overall orientation to the Criteria, including how responses are to be evaluated for self-assessment or by Award Examiners. You should become thoroughly familiar with the following sections:

- Education Criteria for Performance Excellence (pages 13–33)
- Scoring information (pages 54–55)
- Glossary of Key Terms (pages 34–37)
- Category and Item Descriptions (pages 38–53)

2. Review the Item format and understand how to respond to the Item requirements.

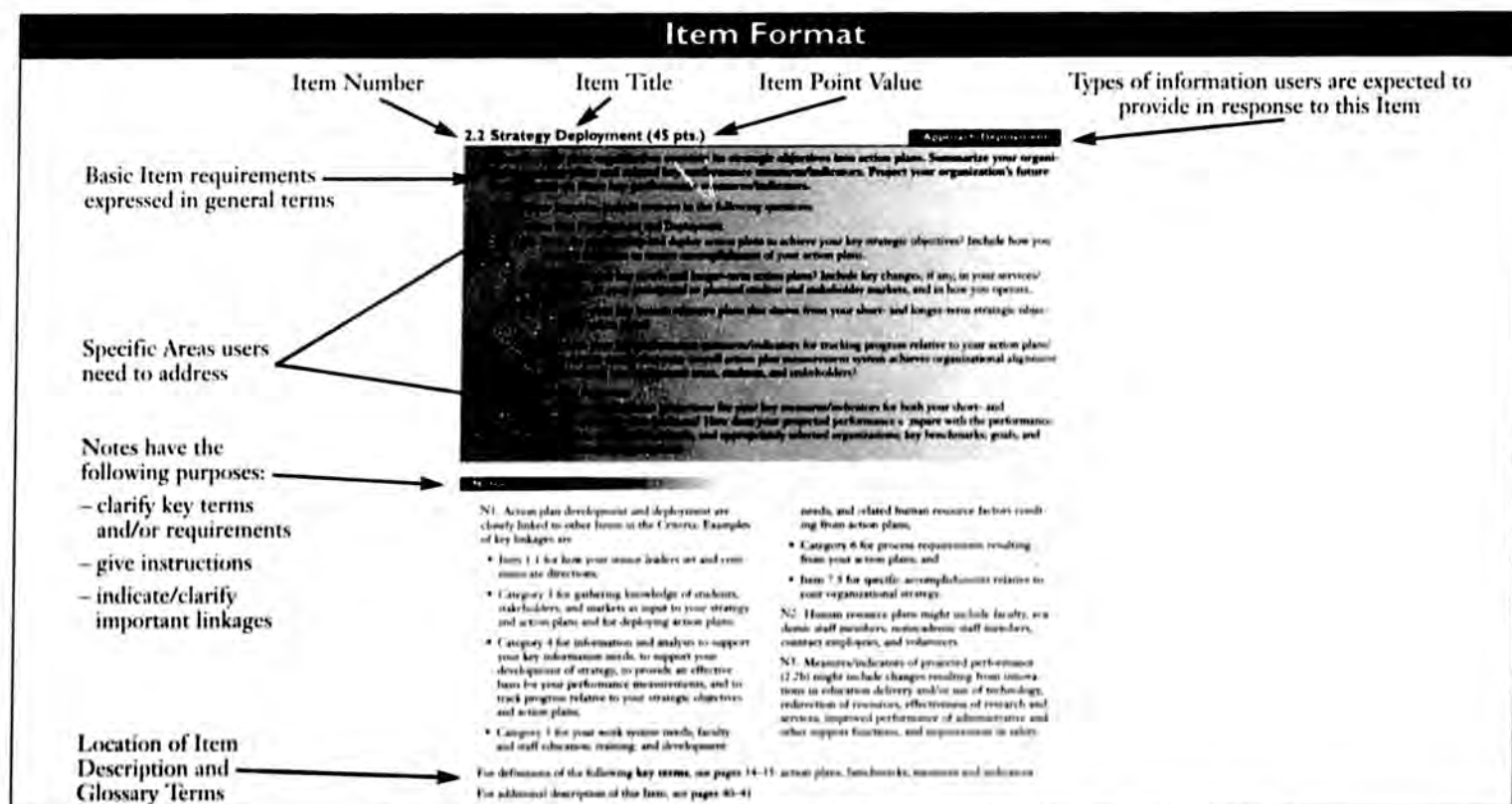
The Item format (see figure below) shows the different parts of Items, the role of each part, and where each part is placed. It is especially important to understand the Areas to Address and the Item Notes. Each Item and Area to Address is described in greater detail in a separate section (pages 38–53).

Each Item is classified either **Approach-Deployment** or **Results**, depending on the type of information required. Guidelines for responding to Approach-Deployment Items are given on pages 57–58. Guidelines for responding to Results Items are given on page 58.

Item requirements are presented in question format. Some questions include modifying statements. Responses to an Item should contain answers to all questions and to modifying statements; however, each question need not be answered separately. Responses to multiple questions within a single Area to Address may be grouped, as appropriate to your organization.

3. Start by preparing the Organizational Profile.

The Organizational Profile is the most appropriate starting point for initiating a self-assessment or for writing an application. The Organizational Profile is intended to help everyone—including organizations using the Criteria for self-assessment, application writers, and reviewers—to



understand what is most relevant and important to your organization and its performance. The questions to address in responding to the Organizational Profile are on pages 13–14.

Guidelines for Responding to Approach-Deployment Items

Although the Criteria focus on key performance results, these results by themselves offer little *diagnostic* value. For example, if some results are poor or are improving at rates slower than your competitors', it is important to understand *why* this is so and *what* might be done to accelerate improvement.

The purpose of Approach-Deployment Items is to permit diagnosis of your organization's most important processes—the ones that yield fast-paced organizational performance improvement and contribute to key organizational results. Diagnosis and feedback depend heavily on the content and completeness of Approach-Deployment Item responses. For this reason, it is important to respond to these Items by providing your key process information. Guidelines for organizing and reviewing such information follow.

1. Understand the meaning of "how."

Approach-Deployment Items include questions that begin with the word "how." Responses should outline your key process information, such as methods, measures, deployment, and evaluation/improvement/learning factors. Responses lacking such information, or merely providing an example, are referred to in the Scoring Guidelines as "anecdotal" information.

2. Understand the meaning of "what."

Two types of questions in Approach-Deployment Items begin with the word "what." The first type of question requests basic information on key processes and how they work. Although it is helpful to include *who* performs the work, merely stating *who* does not permit diagnosis or feedback. The second type of question requests information on *what* your key findings, plans, objectives, goals, or measures are. These questions set the context for showing alignment in your performance management system. For example, when you identify key strategic objectives, your action plans, faculty and staff development plans, some of your results measures, and results reported in Category 7 should be expected to relate to the stated strategic objectives.

3. Write and review response(s) with the following guidelines and comments in mind.

■ Show that activities are systematic.

Approaches that are systematic are repeatable and use data and information so that improvement and learning are possible. In other words, approaches are systematic if they build in the opportunity for evaluation and learning and thereby permit a gain in maturity.

■ Show deployment.

Deployment information should summarize what is done in different parts of your organization. Deployment can be shown compactly by using tables.

■ Show focus and consistency.

There are four important factors to consider regarding focus and consistency: (1) the Organizational Profile should make clear what is important; (2) the Strategic Planning Category, including the strategic objectives and action plans, should highlight areas of greatest focus and describe how deployment is accomplished; (3) descriptions of organizational-level analysis and review (Items 4.1 and 1.1) should show how your organization analyzes and reviews performance information to set priorities; and (4) the Process Management Category should highlight processes that are key to your overall performance. *Showing focus and consistency in the Approach-Deployment Items and tracking corresponding measures in the Results Items should improve organizational performance.*

■ Respond fully to Item requirements.

Missing information will be interpreted as a gap in approach and/or deployment. All Areas to Address should be addressed. Individual components of an Area to Address may be addressed individually or together.

4. Cross-reference when appropriate.

As much as possible, each Item response should be self-contained. However, responses to different Items might be mutually reinforcing. It is then appropriate to refer to the other responses rather than to repeat information. In such cases, key process information should be given in the Item requesting this information. For example, faculty and staff education and training should be described in detail in Item 5.2. Discussions about education and training of faculty and staff elsewhere in your application would then reference but not repeat details given in your Item 5.2 response.

5. Use a compact format.

Applicants should make the best use of the 50 application pages permitted. Applicants are encouraged to use flowcharts, tables, and "bullets" to present information concisely.

6. Refer to the Scoring Guidelines.

Considerations in the evaluation of Item responses include the Criteria Item requirements and the maturity of the approaches, breadth of deployment, alignment with other elements of your performance management system, and strength of the improvement process relative to the scoring Guidelines. Therefore, you need to consider both the Criteria and the Scoring Guidelines.

Guidelines for Responding to Results Items

The Education Criteria place the greatest emphasis on results. The following information, guidelines, and example relate to effective and complete reporting of results.

1. Focus on the most critical organizational results.

Results reported should cover the most important requirements for your organizational success, highlighted in your Organizational Profile and in the Strategic Planning and Process Management Categories.

2. Note the meaning of the four key requirements from the Scoring Guidelines for effective reporting of results data:

- *trends* to show directions of results and rates of change
- *performance levels* on a meaningful measurement scale
- *comparisons* to show how results compare with those of other, appropriately selected organizations
- *breadth and importance of results* to show that all important results are included

3. Include trend data covering actual periods for tracking trends.

No minimum period of time is specified for trend data. Trends might span five years or more for some results. For important results, new data should be included even if trends and comparisons are not yet well established.

4. Use a compact format—graphs and tables.

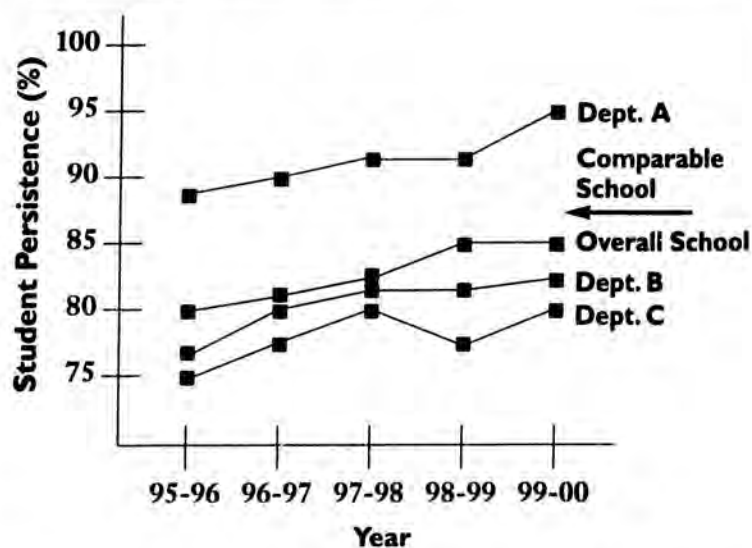
Many results can be reported compactly by using graphs and tables. Graphs and tables should be labeled for easy interpretation. Results over time or compared with others should be “normalized,” i.e., presented in a way (such as use of ratios) that takes into account various size factors. For example, reporting absenteeism trends in terms of unexcused absences per 100 students would be more meaningful than total unexcused absences if the student population has varied over the time period or if you are comparing your results to organizations differing in numbers of students.

5. Integrate results into the body of the text.

Discussion of results and the results themselves should be close together in an Award application. *Trends that show a significant positive or negative change should be explained.* Use figure numbers that correspond to Items. For example, the third figure for Item 7.2 would be Figure 7.2-3. (See the example in the figure that follows.)

The following graph illustrates data an organization might present as part of a response to Item 7.2, Student- and Stakeholder-Focused Results. In the Organizational Profile, the organization has indicated student persistence as a key success factor.

Figure 7.2-3 Student Persistence



Using the graph, the following characteristics of clear and effective data reporting are illustrated:

- A figure number is provided for reference to the graph in the text.
- Both axes and units of measure are clearly labeled.
- Trend lines report data for a key success factor—student persistence.
- Results are presented for several years.
- Appropriate comparisons are clearly shown.
- The school shows, using a single graph, that its three departments separately track persistence rates.

To help interpret the Scoring Guidelines (page 55), the following comments on the graphed results would be appropriate:

- The current overall school performance level shows a generally improving trend. The current level is good but still slightly below the comparable school.
- Department A is the current performance leader—showing sustained excellent performance and a positive trend.
- Department B shows a lower level of performance but a generally improving trend.
- Although Department C has the overall lowest student retention rate, with the exception of the '98-'99 school year, there is a generally improving trend. (The single point drop in student persistence should be briefly explained.)

APPLYING FOR THE MALCOLM BALDRIGE NATIONAL QUALITY AWARD

The Malcolm Baldrige National Quality Award is an annual Award to recognize U.S. organizations for performance excellence.

Award Purpose

The Award promotes

- awareness of performance excellence as an increasingly important element in competitiveness
- information sharing of successful performance strategies and the benefits derived from using these strategies

Award Participation

The Award eligibility categories include

- manufacturing businesses
- service businesses
- small businesses
- education organizations
- health care organizations

Copies of the Business Criteria and Health Care Criteria are available, and ordering information can be found on page 61.

Three awards may be given in each category each year.

To participate in the Award process, an organization must submit an application package that addresses the Education Criteria for Performance Excellence (pages 13–33).

Application Requirements

Applicants need to submit an application package that consists of three parts:

- a validated Eligibility Certification Form
- a completed Application Form
- an application report consisting of an Organizational Profile and responses to the Criteria

Detailed information and the necessary forms are contained in the *Baldrige Award Application Forms* booklet. Ordering instructions for this booklet are given on page 61.

Application Review

Applications are reviewed and evaluated by members of the Board of Examiners, who adhere to strict rules regarding conflict of interest, in a four-stage process:

Stage 1 - independent review and evaluation by at least five members of the board

Stage 2 - consensus review and evaluation for applications that score well in Stage 1

Stage 3 - site visits to applicants that score well in Stage 2

Stage 4 - Judges' review and recommendations of Award recipients

Feedback to Applicants

Each Award applicant receives a feedback report at the conclusion of the review process. The feedback report is a written assessment by an evaluation team of leading U.S. experts.

The feedback report contains an applicant-specific listing of strengths and opportunities for improvement based on the Criteria. Used by companies, education organizations, and health care organizations as part of their strategic planning processes, the feedback report helps organizations focus on their customers and improve overall performance. Feedback is one of the most important parts of the Baldrige Award process; it provides a pathway for improvement.

Feedback reports are mailed at various times during the Award cycle, based on the stage of review an application reaches in the evaluation process. Strict confidentiality is observed at all times and in every aspect of application review and feedback.

Award Recipients

Award recipients may publicize and advertise their Awards. Recipients are expected to share information about their successful performance strategies with other U.S. organizations.

If your organization is applying in the business or health care category, refer to the appropriate sector-specific Criteria booklet and the *Baldrige Award Application Forms*. Ordering information is on page 61.

SUMMARY OF EDUCATION ELIGIBILITY AND RESTRICTIONS

Important Facts about Applying for the Award

- Criteria contained in this booklet should be used only for the education eligibility category.
- The following is a summary of the eligibility rules for the education category. Summaries of the eligibility rules for the business and health care categories are in their respective Criteria booklets. For-profit education or health care organizations may apply under the education or health care categories, using their respective Criteria, or under the service or small business categories, as appropriate, using the Business Criteria. If there is a question on eligibility, check the complete eligibility rules in the *Baldrige Award Application Forms* or call the Baldrige National Quality Program Office at (301) 975-2036.
- Whatever your Award eligibility category, you will need to obtain a copy of the *Baldrige Award Application Forms* before proceeding. Ordering instructions are given on page 61.

Basic Eligibility

Public Law 100-107 includes provisions to expand or modify the list of Award categories. Beginning with the 1999 Award cycle, two new eligibility categories—education and health care—were added. Participation is open to for-profit and not-for-profit public and private organizations, government organizations, and some subunits—including U.S. subunits of foreign organizations—that provide educational services in the United States and its territories.

Eligibility is intended to be as open as possible. For example, eligible education organizations include elementary and secondary schools and school districts; colleges, universities, and university systems; schools or colleges within universities; professional schools; community colleges; and technical schools. However, departments within schools or colleges are ineligible.

Eligibility of Subunits

A subunit is a unit or division of a larger (parent) organization. Subunits of organizations might be eligible. To be eligible, the subunit must be self-sufficient enough to be examined in all seven Criteria Categories, and it must be a discrete entity that is readily distinguishable from other parts of the parent organization. It cannot be primarily a support function (e.g., student advising units, counseling units, food services, health services, housing, libraries, safety

divisions, finance and accounting, human resources, public relations, and purchasing).

Other Restrictions on Eligibility

Location: Although an applicant may have facilities outside the United States or its territories, or it may receive support from its parent, in the event of a site visit, the applicant must ensure that the appropriate people and information are available for examination in the United States. This information is needed to document the operational practices associated with all of its major functions. In the event that the applicant receives the Award, it must be able to share information on the seven Criteria Categories at the Quest for Excellence Conference and at its U.S. facilities. Sharing beyond the Quest for Excellence Conference is on a voluntary basis.

Multiple-Application Restrictions: A subunit and its parent may not both apply for Awards in the same year. In some cases, more than one subunit of a parent may apply. If the size of the parent, including all of its subunits, is

- 0-1000 employees, 1 applicant per parent per eligibility category may apply
- 1001-20,000 employees, 2 applicants per parent per eligibility category may apply
- over 20,000 employees, 2 applicants per parent per eligibility category for the first 20,000, plus 1 per 20,000 or fraction thereof above 20,000 per eligibility category, may apply

Future Eligibility Restrictions: If an organization or a subunit that has more than 50 percent of the total employees of the parent receives an Award, the organization and all its subunits are ineligible to apply for another Award for a period of five years. If a subunit receives an Award, that subunit and all its subunits are ineligible to apply for another Award for a period of five years. After five years, Award recipients are eligible to reapply for the Award or to reapply "for feedback only."

Eligibility Validation

Potential applicants must have their eligibility validated prior to applying for the Award. Potential applicants for the 2001 Award are encouraged to submit their Eligibility Forms as early as possible after they are available, but no later than April 5, 2001. This form is contained in the *Baldrige Award Application Forms*.

HOW TO ORDER COPIES OF BALDRIGE PROGRAM MATERIALS

Note: If you are planning to apply for the Award, you will need the *Baldrige Award Application Forms* in addition to the *Criteria* booklet.

Individual Orders

Individual copies of the *Criteria* booklets and the *Baldrige Award Application Forms* can be obtained free of charge from

Baldrige National Quality Program
National Institute of Standards and Technology
Administration Building, Room A600
100 Bureau Drive, Stop 1020
Gaithersburg, MD 20899-1020
Telephone: (301) 975-2036
Fax: (301) 948-3716
E-mail: nqp@nist.gov

Bulk Orders

Multiple copies of the *2001 Criteria for Performance Excellence* booklets may be ordered in packets of 10 for \$29.95 plus shipping and handling from the American Society for Quality (ASQ).

2001 Business Criteria—Item Number T1105
2001 Education Criteria—Item Number T1106
2001 Health Care Criteria—Item Number T1107

How to Order

ASQ offers four convenient ways to order:

- For fastest service, call toll free (800) 248-1946 in the United States and Canada (in Mexico, dial toll free 95-800-248-1946). Have item numbers, your credit card or purchase order number, and (if applicable) ASQ member number ready.
- Or fax your completed order form to ASQ at (414) 272-1734.
- Or mail your order to ASQ Customer Service Department, P.O. Box 3066, Milwaukee, WI 53201-3066.
- Or order online by accessing ASQ's Web site at <http://www.asq.org>.

Payment

Your payment options include check, money order, U.S. purchase order, VISA, MasterCard, or American Express. Payment must be made in U.S. currency; checks and money orders must be drawn on a U.S. financial institution. All international orders must be prepaid. Please make checks payable to ASQ.

Shipping Fees

The following shipping and processing schedule applies to all orders.

| Order Amount | U.S. Charges | Canadian Charges |
|-----------------|--------------|------------------|
| 0-\$34.99 | \$ 4.25 | \$ 9.25 |
| \$35.00-\$99.99 | 6.50 | 11.50 |
| Over \$100.00 | 12.50* | 17.50* |

- There is an additional charge of 25 percent of the total order amount for shipments outside the United States and Canada.
- Orders shipped within the continental United States and Canada where UPS service is available will be shipped UPS.
- Please allow one to two weeks for delivery. International customers, please allow six to eight weeks for delivery.
- Your credit card will not be charged until your items are shipped. Shipping and processing are charged one time, up front, for the entire order.

*If actual shipping charges exceed \$12.50 (\$17.50 Canadian), ASQ will invoice the customer for the additional expense.

Baldrige Educational Materials

Each year, the Baldrige National Quality Program develops materials for training members of the Board of Examiners and for sharing information on the successful performance excellence strategies of the Award recipients. The following items are a sample of the educational materials that may be ordered from ASQ.

Case Studies

The case studies are used to prepare Examiners for the interpretation of the *Criteria* and the Scoring System. The case studies, when used with the *Criteria*, illustrate the Award application and review process. The case study packet contains the case study and six additional documents: an executive summary, the related *Criteria for Performance Excellence* booklet, the case study scorebook, the case study feedback report, the *Handbook for the Board of Examiners*, and the *Scorebook for Business, Education, and Health Care*. These documents provide information related to scoring, *Criteria* responses, examination processes, and site visit procedures, as well as illustrate the format for an application. A variety of case study packets are available, including the following:

2000 Education Case Study Packet: Coyote Community College (based on the *2000 Education Criteria for Performance Excellence*)

Item Number T1090: \$49.95 plus shipping and handling

1999 Business Case Study Packet: Collin Technologies (based on the *1999 Criteria for Performance Excellence*)

Item Number T1079: \$49.95 plus shipping and handling

Education Case Study Packet: Ridgecrest School District (based on the *1995 Education Pilot Criteria*)

Item Number T1023: \$7.28 plus shipping and handling

Health Care Case Study Packet: Pinnacle Health Plan (based on the *1995 Health Care Pilot Criteria*)

Item Number T1029: \$7.28 plus shipping and handling

Award Recipients' Videos

The Award recipients' videos are a valuable resource for gaining a better understanding of performance excellence and quality achievement. The videos provide background

information on the Baldrige National Quality Program, highlights from the annual Award ceremony, and interviews with representatives from the Award recipients' organizations. Information on the 2000 Award recipients' video is provided below. Videos about Award recipients from other years also are available from ASQ.

2000—Item Number TA997 \$ 20.00
(Available May 2001)

How to Order Educational Materials

To order a case study packet (Coyote Community College, Collin Technologies, Ridgecrest School District, Pinnacle Health Plan, or others), bulk orders of the 2001 Criteria booklet, or the Award recipients' videos, contact

ASQ Customer Service Department
P.O. Box 3066
Milwaukee, WI 53201-3066
Telephone: (800) 248-1946
Fax: (414) 272-1734
E-mail: asq@asq.org
Web address: <http://www.asq.org>

FEES FOR THE 2001 AWARD CYCLE

Eligibility Certification Fees

The eligibility certification fee is \$150 for all potential applicants. This fee is nonrefundable.

Application Fees

- for-profit education organizations with more than 500 employees—\$5000
- for-profit education organizations with fewer than 500 employees—\$2000
- all not-for-profit education organizations—\$500

Detailed information on fees is given in the *Baldrige Award Application Forms*.

Site Visit Review Fees

Site visit review fees will be set when the visits are scheduled. Fees depend on the number of Examiners assigned and the duration of the visit. Site visit review fees for education organizations with fewer than 500 employees are one-half the rate for education organizations with more than 500 employees. These fees are paid only by those applicants reaching the site visit stage.

Eligibility Forms due—April 5, 2001
Award Applications due—May 31, 2001

The Baldrige National Quality Program welcomes your comments on the Criteria or any of the Baldrige Award processes. Please address your comments to

2001 Education Criteria for Performance Excellence
Baldrige National Quality Program
National Institute of Standards and Technology
Administration Building, Room A600
100 Bureau Drive, Stop 1020
Gaithersburg, MD 20899-1020

or E-mail: nqp@nist.gov

or Web address: <http://www.quality.nist.gov>

THE MALCOLM BALDRIGE NATIONAL QUALITY IMPROVEMENT ACT OF 1987—PUBLIC LAW 100-107

The Malcolm Baldrige National Quality Award was created by Public Law 100-107, signed into law on August 20, 1987. Public Law 100-107 led to the creation of a new public-private partnership. Principal support for the program comes from the Foundation for the Malcolm Baldrige National Quality Award, established in 1988.

The Award is named for Malcolm Baldrige, who served as Secretary of Commerce from 1981 until his death in 1987. His managerial excellence contributed to long-term improvement in efficiency and effectiveness of government.

The Findings and Purposes Section of Public Law 100-107 states that

- " 1. the leadership of the United States in product and process quality has been challenged strongly (and sometimes successfully) by foreign competition, and our Nation's productivity growth has improved less than our competitors' over the last two decades.
2. American business and industry are beginning to understand that poor quality costs companies as much as 20 percent of sales revenues nationally and that improved quality of goods and services goes hand in hand with improved productivity, lower costs, and increased profitability.
3. strategic planning for quality and quality improvement programs, through a commitment to excellence in manufacturing and services, are becoming more and more essential to the well-being of our Nation's economy and our ability to compete effectively in the global marketplace.
4. improved management understanding of the factory floor, worker involvement in quality, and greater emphasis on statistical process control can lead to dramatic improvements in the cost and quality of manufactured products.
5. the concept of quality improvement is directly applicable to small companies as well as large, to service industries as well as manufacturing, and to the public sector as well as private enterprise.
6. in order to be successful, quality improvement programs must be management-led and customer-oriented, and this may require fundamental changes in the way companies and agencies do business.
7. several major industrial nations have successfully coupled rigorous private-sector quality audits with national awards giving special recognition to those enterprises the audits identify as the very best; and
8. a national quality award program of this kind in the United States would help improve quality and productivity by
 - A. helping to stimulate American companies to improve quality and productivity for the pride of recognition while obtaining a competitive edge through increased profits;
 - B. recognizing the achievements of those companies that improve the quality of their goods and services and providing an example to others;
 - C. establishing guidelines and criteria that can be used by business, industrial, governmental, and other organizations in evaluating their own quality improvement efforts; and
 - D. providing specific guidance for other American organizations that wish to learn how to manage for high quality by making available detailed information on how winning organizations were able to change their cultures and achieve eminence."



Baldrige National Quality Program

Baldrige National Quality Program
National Institute of Standards and Technology
Technology Administration
United States Department of Commerce
Administration Building, Room A600
100 Bureau Drive, Stop 1020
Gaithersburg, MD 20899-1020

The National Institute of Standards and Technology (NIST) is a nonregulatory federal agency within the Commerce Department's Technology Administration. NIST's primary mission is to strengthen the U.S. economy and improve the quality of life by working with industry to develop and apply technology, measurements, and standards. The Baldrige National Quality Program (BNQP) at NIST is a customer-focused federal change agent that enhances the competitiveness, quality, and productivity of U.S. organizations for the benefit of all citizens. BNQP develops and disseminates evaluation criteria and manages the Malcolm Baldrige National Quality Award. It also provides global leadership in promoting performance excellence and in the learning and sharing of successful performance practices, principles, and strategies.

Call BNQP for

- information on improving the performance of your organization
- information on applying for the Baldrige Award
- information on becoming a Baldrige Examiner
- information on the Baldrige Award recipients
- individual copies of the Criteria for Performance Excellence—Business, Education, and Health Care (no cost)
- information on BNQP educational materials

Telephone: (301) 975-2036; Fax: (301) 948-3716; E-mail: nqp@nist.gov
Web address: <http://www.quality.nist.gov>

American Society for Quality

611 East Wisconsin Avenue
P.O. Box 3005
Milwaukee, WI 53201-3005

The American Society for Quality (ASQ) advances individual and organizational performance excellence worldwide by providing opportunities for learning, quality improvement, and knowledge exchange. ASQ administers the Malcolm Baldrige National Quality Award under contract to NIST.

Call ASQ to order

- bulk copies of the Criteria
- case studies
- Award recipients' videos

Telephone: (800) 248-1946; Fax: (414) 272-1734; E-mail: asq@asq.org
Web address: <http://www.asq.org>

Design: RCW Communication Design Inc.