Minnesota Lawmakers Introduce Bill Addressing Student Assaults On Teachers

To address a series of incidents in which students have used violence against teachers, Minnesota lawmakers have introduced a bill that they say aims to “put teachers back in charge of classrooms and help protect staff from physical assault.” Under H.F. 3679, school districts would be required to notify teachers if a student in their classroom has a history of violent behavior, including any documented physical assault of a district employee by the student. The teacher of record would be given the authority to remove any student deemed a safety threat. The bill would also require the Minnesota Department of Education to compile information and report on the physical assault of teachers by students and the responses to the assault by the employing district.

The proposal comes after a string of highly publicized assaults against teachers in Minnesota. In December, a student attack in St. Paul left Central High teacher John Ekblad with a concussion and other health issues. Ekblad said the incident could have been prevented by the St. Paul Public Schools District, alleging that officials knew the student was a danger to others. Deborah York, a former Edina, Minnesota, teacher, who was the victim of an assault by a first-grade student in 2009, plans to testify in support of the bill. York said that her injuries required three surgeries, forcing her to retire. The proposed measure also calls for establishing a “Victims of School Violence Fund” to help pay the medical and legal costs for victims of assault.

The bill has been assigned to the Education Finance Committee. To date, no hearing has been scheduled.

(Source: Education Week, April 8, 2016)

Federal Appeals Court Says Transgender Bathroom Case Can Go Forward

On April 19, 2016, a Fourth Circuit Court of Appeals panel ruled 2-1 that a Virginia school discriminated “on the basis of sex” in violation of Title IX when it barred “G.G.,” a girl who identifies as a boy, from using the boys’ restroom. The school allowed “G.G.” to use either the girls’ restrooms or one of the school’s single-stall restrooms, which the school created to accommodate transgender students, but which were available to all students. The court, in short, ruled that discrimination on the basis of gender identity is discrimination on the basis of sex and that Title IX “requires schools to provide transgender students access to restrooms congruent with their gender identity.”

“We conclude that the Department’s interpretation of its own regulation … as it relates to restroom access by transgender individuals, is … to be accorded controlling weight in this case.” It ordered the district court to reconsider whether “G.G.” is entitled to preliminary injunctive relief against the school’s rule.

The 4th Circuit, which has jurisdiction over Maryland, Virginia, West Virginia, North Carolina, and South Carolina, is the highest court to weigh in on the question of whether bathroom restrictions constitute sex discrimination.
Sex Misconduct Cases Renew Concerns About Teacher-Student Texting, "Friending"

Amid a recent rise in sexual misconduct cases involving teachers, the Clark County School District in Nevada is looking to implement a policy that restricts digital communication between students and teachers.

An investigation by the Las Vegas Sun of teacher sex abuse cases in the Clark County District from 2005 to 2015 found that about half included private electronic communication between the teacher and the victim—as did around 80 percent of cases within the last five years. In addition, of the five teachers arrested on sexual misconduct charges since the investigation, four were found to have privately communicated with students (often voluminously), without the knowledge of their parents.

“Most cases that we work have a tie to social media,” Clark County School District Police Sergeant Mitch Maciszak told the paper. “The technology we battle on a daily basis is ever changing.” To combat the issue, the district is putting in place measures that restrict or ban educators from communicating with students online. In 2009, Louisiana passed a law that required teachers and all other school employees to document any electronic interaction through nonschool-issued devices with students within 24 hours of exchange. The Dayton, Ohio, School District banned teachers from “ friending” or adding students on social networking sites or sending texts or instant messages to students. The Folsom Cordova Unified School District in California adopted a policy that advises teachers to avoid contacting students privately on a social media site or through text messaging.

Such policies have met mixed reactions. Critics argue that they jeopardize teachers’ ability to use social media tools for legitimate educational purposes and to communicate important information to students. In 2011, a Missouri law barring private electronic contact between teachers and students was repealed two months after it had been enacted. Opponents said it violated First Amendment rights.

Administrators in the McKinney Independent School District in Texas experienced an outcry from teachers, students, and parents after introducing a school policy that banned all electronic teacher-student communication. The feedback included examples of situations where personal electronic exchanges could be a valuable tool for teachers. In the end, the district revised the policy to require that employees abide by a “professional code of ethics.”

In place of regular text or online messaging services, many schools have turned to platforms like Remind and Classdojo, which facilitate more secure and more visible teacher communications with students and parents.

(Source: Education Week, April 5, 2016)

State Superintendent Baesler Forms Teacher Recruitment And Retention Task Force

In response to the steady increase in teacher vacancies in North Dakota over the past five years, State Superintendent Kirsten Baesler formed an Educator Recruitment and Retention Task Force. There is every indication that this teacher shortage will continue in our state and in many other states for years to come.

Committee members are looking at data as they study where teacher shortages exist in North Dakota and which teacher positions are most challenging to fill. They are also discussing: (1) the current teacher loan forgiveness program offered by the State Bank of North Dakota; (2) a marketing campaign to increase interest in the teaching profession; (3) alternative pathways to teacher certification; (4) possible legislation; and (5) what other states are doing to recruit and retain teachers.

Earlier this month, Indiana Governor Mike Pence signed into law the New Generation Hoosier Educators Scholarship bill. This new law will give Hoosier students access to up to $7,500 every year toward college tuition and books, as long as they pledge to teach in Indiana for at least their first five years.

Governor Pence noted, “The people of Indiana have said to young people now and going forward … if you have a calling to teach in our classrooms, we’re going to partner with you.” It is possible that Indiana could start seeing the benefits of this bill within the next five years.

It is clear that whatever strategies the committee recommends to Superintendent Baesler, it will take years, not months, before a significant impact to reduce the teacher shortage is realized in North Dakota.
What Is Competency-Based Education?

Competency-based education is a term that describes learning progressions based on mastery of content rather than passage of time. Competency-based learning is a system of education, often referred to as proficiency or mastery-based, in which students advance and move ahead on their lessons based on a demonstration of mastery. In order for students to progress at a meaningful pace, schools and teachers provide differentiated instruction and support. As competency education expands across the country, more people are seeking to understand what it is, how to implement it, and how to revise policies to better support learning and student achievement.

During the Competency-based Education Summit hosted by the International Association for K-12 Online Learning and the Council of Chief State School Officers (CCSSO) in 2011, participants developed the following definition of competency:

- Students advance upon demonstrated mastery;
- Competencies include explicit, measurable, transferable learning objectives that empower students;
- Assessment is meaningful and a positive learning experience for students;
- Students receive rapid, differentiated support based on their individual learning needs; and
- Learning outcomes emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.

In a competency-based education system, students understand learning objectives and also know what they must “know and show” to be proficient. If students do not demonstrate adequate proficiency to advance, the students must be provided with supports and interventions that will help them fill the gaps in their knowledge and skills.

How Widespread is Competency-based Education?

Many states have policies in place that allow school districts to award credit based on a demonstration of competency rather than on seat time. These policies, however, vary widely in their scope. Challenges remain for school districts that attempt to implement a competency-based learning system in part because funding systems are often incompatible with flexibility, data systems are often incompatible with competency-based learning, and existing policies often restrict how school districts can award credit.

Policy Questions to Consider

A state considering enabling some form of competency-based learning may want to consider the following questions:

- To what extent will students advance on demonstrated mastery? Will some students or all students have to demonstrate mastery? Will the requirement be applicable only to students in certain grade levels (e.g., only high school), students in certain subjects, or students who are struggling or advanced, or would advancement be based on individual student preference?
- To what extent will summative assessments, used to validate determinations of mastery for advancement, be administered at the point of readiness? At the far edge of the continuum, competency-based pathways would mean that states would assess students at the point that they are likely to demonstrate a mastery level of performance. This timing, however, represents a significant departure from traditional statewide annual, often end-of-year summative assessments.
- How will state education funding systems adjust to students moving at their own pace? Changing how students are organized and how they move through the system may impact traditional school funding approaches. Digital Learning Now suggests that states adopt weighted, flexible, portable, and performance-based school funding systems to allow for the necessary flexibility inherent in competency-based learning.

Recently Enacted Legislation

- 2016 Florida HB 1365 establishes a competency-based education pilot program to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.
- 2016 Utah SB 143 creates the competency-based education grants program to improve educational outcomes in public schools by advancing student mastery of concepts and skills.
- 2015 Idaho HB 110 directs the Department of Education to begin Idaho's transition to a mastery-based education system.
- 2014 Alaska HB 278 allows high school students to earn credit for core courses by passing a mastery exam in mathematics, language arts, science, social studies, and world languages.
- 2014 Utah SB 122 allows students to earn course credit toward high school graduation by testing out of the course or demonstrating competency in course standards.
- 2012 Arizona SB 1255 establishes competency-based educational pathways for college and career readiness that allow students in grades 7 through 12 to earn credit for a class by demonstrating competency in a subject.
- 2012 Iowa SF 2284 allows school districts to award high school credit to students based on their ability to demonstrate mastery of required competencies, rather than on traditional time-based models. The law also created a task force to conduct a study of competency-based instruction, including standards, assessment models, professional development, and integration with the Iowa Core curriculum. The Final Report of the Competency-Based Education Task Force was released in December 2013.
- 2011 Maine LD 949 requires high school students to demonstrate achievement in core learning areas to earn a standards-based diploma rather than a traditional time-based diploma.
- 2007 Ohio SB 311 requires that school districts allow students to earn high school credit based on demonstrated subject area competency instead of completed hours of classroom instruction.
Pictured at left is NDSBA President Jim Rostad (Minot School Board) as he participates in the “Walk of State Association Presidents” and greets attendees at the annual conference of the National School Boards Association on April 10, 2016, in Boston.