

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## Resolve, To Strengthen Standards-based Diplomas

**Sec. 1 Maine Proficiency Education Council created. Resolved:** That the Maine Proficiency Education Council, referred to in this section as "the council," is created to make recommendations regarding implementation of the proficiency-based graduation requirements under the Maine Revised Statutes, Title 20-A, section 4722-A to the Commissioner of Education and the Joint Standing Committee on Education and Cultural Affairs.

**1. Members.** The council consists of the Commissioner of Education or the commissioner's designee and the following 14 members, appointed by the Commissioner of Education:

- A. A member of the State Board of Education, nominated by the state board;
- B. Four public school teachers, at least one of whom is a special education teacher, appointed from a list of names provided by the Maine Education Association;
- C. Two public school administrators, appointed from a list of names provided by the Maine Principals' Association and the Maine School Superintendents Association;
- D. Two members of school boards, appointed from a list of names provided by the Maine School Boards Association;
- E. One faculty member representing the University of Maine;
- F. Two members of the business community; and
- G. Two members of the general public with interest and experience in education.

The council must be cochaired by the Commissioner of Education and one other member elected by the council. The council may establish subcommittees and may appoint persons who are not members of the council to serve on the subcommittees as needed to conduct the council's work.

**2. Duties.** The council shall study and provide recommendations for implementing proficiency-based graduation requirements leading to a diploma consistent with the requirements of Title 20-A, section 4722-A. The council shall:

- A. Fully investigate and understand the current status of standards-based educational systems and proficiency-based graduation requirements in all of Maine's public high schools;
- B. Review proficiency-based graduation requirements to ensure that the requirements protect the rights of all students, including but not limited to special education and English language learners, to receive a high school diploma;
- C. Outline the key concerns with the development and implementation of proficiency-based graduation requirements and provide solutions, where possible, for the challenges schools face in developing standards-based educational systems and implementing requirements for awarding proficiency-based diplomas;
- D. Recommend a 5-year plan for full implementation of proficiency-based graduation requirements across the State, including, but not limited to, the resources and support necessary to develop

proficiency-based graduation requirements in all of the State's public high schools, professional development systems for educators, data systems to track student proficiency information and appropriate communication tools for parents and students;

E. Recommend best practices for adoption and implementation of standards-based educational systems and proficiency-based graduation requirements based upon the current experiences of schools that meet the criteria for proficiency-based graduation and other research and data; and

F. Recommend assessment practices other than standardized or other commercially available testing to assess student proficiency in academic areas.

**3. Report.** The Commissioner of Education shall submit a report regarding the work of the council to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2016. The report must include the council's recommendations regarding implementation of the requirements set forth in Title 20-A, section 4722-A and recommendations regarding the continuing work of the council.

**4. Staff assistance; grant funding.** The Department of Education shall provide staff assistance to the council. The department may seek and employ grant funds to provide additional assistance.

**5. Council continuation.** The council is authorized to continue meeting, if it so desires, 90 days after adjournment of the Second Regular Session of the 127th Legislature.



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
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PAUL R. LEPAGE  
GOVERNOR

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## Policy on Standards-Based IEP Goals

*“Being in special education does not mean that a student cannot learn and reach grade-level standards. In fact, the majority of students with disabilities should be able to meet those standards. Special education provides the additional help and support that these students need to learn. This means designing instruction to meet their specific needs and providing supports, such as physical therapy, counseling services, or interpreting services, to help students learn alongside their peers and reach the same high standards as all other students.” (Working Together for Students with Disabilities: Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act (NCLB). Frequently Asked Questions, December 2005).*

1. All Individualized Education Program (IEP) goals must be based on the student’s strengths, weaknesses and needs. Goals must also be based on the student’s present level of academic and functional performance (PLAFP). In reporting the student’s present level of academic performance, the PLAFP must also address the student’s academic achievement relative to the student’s grade level standards, given supplemental aids and services where appropriate. Where the student is not successfully meeting grade level standards, the PLAFP must identify the standards that the student has successfully met.
2. FAPE requires access to the general curriculum and to the LRE. We are not changing the FAPE standard to require maximization of learning/educational benefit. We are enforcing IDEA’s requirement that students with disabilities access the general education curriculum as appropriate based on their individualized needs. Therefore, for all students requiring specially designed instruction (SDI), goals must address:
  - Academic and/or functional, social, behavioral, physical and/or other educational needs resulting from the child’s disability, in a way that:
  - Allows the child to access and make progress in the general education curriculum (FAPE); and
  - Allows the child to access and make progress in the general education classroom (LRE), as appropriate.

A standards-based academic IEP goal is aligned with State standards and is chosen to facilitate the student’s progress toward the achievement of grade-level academic standards, whenever appropriate.

3. In developing academic goals for a student's IEP, the IEP Team should consider each grade level standard as to whether:
  - a) The student can reasonably be expected to meet that standard in the coming year without need of SDI or accommodation, in which case it should not be referenced in the IEP;
  - b) The student can reasonably be expected to meet that standard in the coming year with accommodations in the regular education setting, in which case the accommodations should be described with sufficient specificity in Section 5 of the IEP;
  - c) The student can reasonably be expected to meet that standard in the coming year with SDI (including consultation by a special education teacher in the regular education classroom), and possibly accommodations as well, in which case an IEP goal must be written for that standard which references the SDI and accommodations to be provided in connection with that goal (Example: By June 20, 2014, given a digital graphic organizer to record passage details, Charles will determine a theme of a story, drama or poem from details in the text with 100 percent independence on weekly assignments in ELA classes as measured by student work samples.) (MLR: ELA 4.RL.2) ; or
  - d) The student cannot reasonably be expected to meet that standard in the coming year even with the provision of SDI and accommodations, in which case the standard should be broken into its components in order to identify its critical elements and those subskills which represent weaknesses for the student. IEP goals must be written addressing those elements and sub-skills, referencing any non-grade level standard that addresses those sub-skills at that level of development, referencing the SDI and accommodations to be provided in connection with those goals, and targeting a reasonable expectation of progress in the development of those sub-skills.
4. "Accommodations mean changes in the manner in which instruction and assessment is delivered that does not alter the curriculum level expectation being measured or taught" (MUSER II.2). To access the general education curriculum, students requiring specially designed instruction may also need accommodations.
  - Section 4 of the IEP will state accommodations specific to stated goals needed to access the general education curriculum, if appropriate.
  - Section 5 of the IEP will include accommodations that are to be used in the general education setting, if appropriate
5. Beginning with the 2016-17 school year, the Maine Department of Education will expect to find standards-based academic goals in each IEP it reviews, wherever appropriate.

# Proficiency-Based Learning Simplified

The Guiding Principles Reporting Standards are drawn from the Maine Learning Results, which include the updated mathematics and English language arts standards and are anticipated to include the Next Generation Science Standards, and relevant national college- and career-ready standards documents.

The Content-Area Reporting Standards are drawn from the Maine Learning Results, which include the updated mathematics and English language arts standards and are anticipated to include the Next Generation Science Standards, and relevant national college- and career-ready standards documents.

Required for Graduation	Reporting Method	Guiding Principles Standards	Assessment Method
YES	Transcript and Report Cards	Guiding Principles Standards	<b>Demonstration by Body of Evidence</b> Student progress toward the achievement of standards is determined and reported
YES	Transcript and Report Cards	Content-Area Reporting Standards	<b>Verification and Proficiency</b> Student progress toward the achievement of standards is determined and reported
NO	Progress Reports	Performance Indicators Describe the breadth and depth of reporting standards	<b>Summative Assessments</b> Summative assessments are used to evaluate achievement of performance indicators
NO	Feedback to Student	Unit-Based Learning Objectives Describe the daily learning targets to create progressions that move students toward the demonstration of performance indicators	<b>Formative Teacher Assessments</b> Ongoing formative assessment are used to evaluate student learning progress

## LD 1235 Resolve to Strengthen Standards Based Diplomas - Heat Map

A	What is Working?	Committee Recommendation(s)/Action
A1	Maine DOE reporting on progress of districts.	
A2	Share stories that make it clear how educators can positively impact student motivation and engagement	
A3	Share stories about positive community engagement and perceptions about proficiency.	
A4	Reinforce the importance of the guiding principles to business needs.	
A5	Tell stories about proficiency/achievement in high poverty settings	Find ways to find equity
A6	Proficiency has impacted the work in districts. There are already changes in the ways that school do business that districts will hold onto as part of their ongoing systems.	
A7	District staff view best practices, they have developed as ideas they will do forever	
A8	A strong PK-12 system that supports PBE is essential.	Make the connection between K-8 districts and connecting high schools and its support of proficiency work and its support for student proficiency in high school.

B	Issue/Concerns raised without potential changes to the current law	Committee Recommendation(s)/Action
B1	There is a lack of clarity with regard to the current law and its expectations	Clarify with Maine DOE guidance on this. Need to describe how students can meet expectations of the learning standards through experiences inside and outside of school. It is important to explain what is meant by "experiences in ELA, math and science & technology". Clarification is needed for point 'C' (regarding accommodations) on the IEP policy.
B2	There is a lack of understanding about "how much is enough" to meet the standards	There should be clarification from DOE on what is enough to meet the standards. E.g. do students need to meet all algebra 2 indicators?
B3	There is a lack of comparability among districts for diploma expectations.	State will be providing clarification about measures that can help to understand comparability. E.g. State assessment for ELA, math etc.
B4	The current flexibility in the use of the grading approaches is unclear	Clarify what it looks like to blend systems
B5	District Reorganization of the standards may lead to unequal learning between districts.	
B6	Can PBE systems acknowledge exceptional student achievement of top students?	

LD 1235 Resolve to Strengthen Standards Based Diplomas - Heat Map

	Issue/Concerns raised without potential changes to the current law	Committee Recommendation(s)/Action
<b>B</b>	School must find ways to providing repeated opportunities for demonstrating and proficiency, this is different from past practices. Schools are looking for and experimenting with models for classroom differentiation and support for learning as a way to increase proficiency for all students.	
<b>B7</b>	Teacher certification expectations are insufficient to adequately support proficiency based learning.	More inservice training is needed to support proficiency and help teachers understand how better to support learning.
<b>B8</b>	Clarification is needed for point 'C' (regarding accommodations) on the IEP policy.	
<b>B9</b>	More stories about the impact of PBE on student engagement and motivation and success.	Student motivation and engagement - examples of what is working
<b>B10</b>		
<b>B11</b>	There needs to be more additional research to understand how proficiency contributes to achievement	What is contributing to proficiency and achievement successes, especially in elementary school. - Collect data about achievement and progress of PBE particularly in high poverty settings.

	Probing Questions	Committee Recommendation(s)/Action				'Heat Map'					
		Strongly Disagree	Disagree	Agree	Strongly Agree	Strongly Disagree	Disagree	Agree	Strongly Agree		
<b>C</b>											
<b>C1</b>	All students should graduate college and career ready										
<b>C2</b>	College and career ready means students having competencies in all 8 content areas, and the Guiding Principles										
<b>C3</b>	College and career ready means students having competencies in math, ELA, and the Guiding Principles.										
<b>C4</b>	College and career ready means having a CTE certificate										
<b>C5</b>	College and career ready means having a CTE certificate and competencies in math, ELA, and the Guiding Principles										
<b>C6</b>	There should be common expectations for all high school students										

	Issues/Concerns raised with potential changes to the current law	Committee Recommendation(s)/Action				'Heat Map'					
		Strongly Disagree	Disagree	Agree	Strongly Agree	Strongly Disagree	Disagree	Agree	Strongly Agree		
<b>D</b>											
<b>D1</b>	There may be too many standards/content areas required.										
<b>D2</b>	There should be an alternative diploma for 1% most severely cognitively impaired.										
<b>D3</b>	There should be tiered diplomas										

C	Probing Questions	Committee Recommendation(s)/Action	'Heat Map'					Total	% Neg	% Pos
			Strongly Disagree	Disagree	Agree	Strongly Agree	Neg			
C1	All students should graduate college and career ready	1) Would prefer an "or" rather than an "and". 2) Don't believe college is for everyone			7	5	0	12	0	100
C2	College and career ready means students having competencies in all 8 content areas, and the Guiding Principles	1) Numerous successful individuals are not. 2) If "some" not "all"	3	4	4	1	7	5	12	42
C3	College and career ready means students having competencies in math, ELA, and the Guiding Principles.	1) Foundationally. 2) Just the Guiding Principles. 3) Foundational algebra 1. 4) Lets not dumb down		2	6	2	2	8	10	80
C4	College and career ready means having a CTE certificate	1) Career. 2) or a vocational (inc DOL/Rehab).	1	3	5	2	4	7	11	64
C5	College and career ready means having a CTE certificate and competencies in math, ELA, and the Guiding Principles	1) Are inherent within the certificate. 2) These are subsumed within the certificate program	1	5	3	2	6	5	11	45
C6	There should be common expectations for all high school students	1) Credits addresses this and proficiencies as endorsements allows differentiation. 2) Appropriate expectations. 3) Based on their individual abilities. 4) As long as the expectations are achievable by all. 5) I like using the transcripts as proof.		1	8	3	1	11	12	92
D	Issues/Concerns raised with potential changes to the current law	Committee Recommendation(s)/Action	'Heat Map'					Total	% Neg	% Pos
D1	There may be too many standards/content required.	1) Unable for many students. 2) Not too many but how many are needed. 3) ELA and math	1	2	4	4	3	8	11	73
D2	There should be an alternate diploma for 1% most severely cognitively impaired.	1) Wonderful. 2) Agree somewhat, might need to be expanded to IEP's	1	1	4	5	2	9	11	82
D3	There should be tiered diplomas	1) Maybe - if basic and then higher options such as honors for all 8 or STEM, VPA etc. 2) Not sure. 3) Perhaps attached transcripts	4	3	2	1	7	3	10	30



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

November 16, 2015

Dear Colleague:

Ensuring that all children, including children with disabilities, are held to rigorous academic standards and high expectations is a shared responsibility for all of us. To help make certain that children with disabilities are held to high expectations and have meaningful access to a State's academic content standards, we write to clarify that an individualized education program (IEP) for an eligible child with a disability under the Individuals with Disabilities Education Act (IDEA) must be aligned with the State's academic content standards for the grade in which the child is enrolled.<sup>1</sup> Research has demonstrated that children with disabilities who struggle in reading and mathematics can successfully learn grade-level content and make significant academic progress when appropriate instruction, services, and supports are provided.<sup>2</sup> Conversely, low expectations can lead to children with disabilities receiving less challenging instruction that reflects below grade-level content standards, and thereby not learning what they need to succeed at the grade in which they are enrolled.

The cornerstone of the IDEA is the entitlement of each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs and that prepare the child for further education, employment, and independent living. 20 U.S.C. §1400(d)(1)(A). Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed IEP that is based on the individual needs of the child. An IEP must take into account a child's present levels of academic achievement and functional performance, and the impact of that child's disability on his or her involvement and progress in the general education curriculum. IEP goals must be aligned with grade-level content standards for all children with disabilities. The State, however, as discussed

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<sup>1</sup> The Department has determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at [www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507\\_good\\_guidance.pdf](http://www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf). The purpose of this guidance is to provide State and local educational agencies (LEAs) with information to assist them in meeting their obligations under the IDEA and its implementing regulations in developing IEPs for children with disabilities. This guidance does not impose any requirements beyond those required under applicable law and regulations. It does not create or confer any rights for or on any person. If you are interested in commenting on this guidance or if you have further questions that are not answered here, please e-mail [iepgoals@ed.gov](mailto:iepgoals@ed.gov) or write to us at the following address: U.S. Department of Education, Office of Special Education and Rehabilitative Services, 550 12th Street SW., PCP Room 5139, Washington, DC 20202-2600.

<sup>2</sup> For a discussion of this research see *Improving the Academic Achievement of the Disadvantaged: Assistance to States for the Education of Children With Disabilities*, Final Rule, 80 Fed. Reg. 50773, 50776 (Aug. 21, 2015).

on page five, is permitted to define alternate academic achievement standards for children with the most significant cognitive disabilities.<sup>3</sup>

#### Application of Provisions in the Elementary and Secondary Education Act of 1965 to Children with Disabilities

Since 2001, the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), has required each State to apply the same challenging academic content and achievement standards to all schools and all children in the State, which includes children with disabilities. 20 U.S.C. §6311(b)(1)(B). The U.S. Department of Education (Department), in its regulations implementing Title I of the ESEA, has clarified that these standards are grade-level standards. 34 CFR §200.1(a)-(c). To assist children with disabilities in meeting these grade-level academic content standards, many States have adopted and implemented procedures for developing standards-based IEPs that include IEP goals that reflect the State’s challenging academic content standards that apply to all children in the State.

#### Interpretation of “General Education Curriculum”

Under the IDEA, in order to make FAPE available to each eligible child with a disability, the child’s IEP must be designed to enable the child to be involved in and make progress in the general education curriculum. 20 U.S.C. §1414(d)(1)(A). The term “general education curriculum” is not specifically defined in the IDEA. The Department’s regulations implementing Part B of the IDEA, however, state that the general education curriculum is “the same curriculum as for nondisabled children.” 34 CFR §300.320(a)(1)(i). In addition, the IDEA Part B regulations define the term “specially designed instruction,” the critical element in the definition of “special education,” as “adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general curriculum, *so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.*” 34 CFR §300.39(b)(3) (emphasis added). Otherwise, the IDEA regulations do not specifically address the connection between the general education curriculum and a State’s academic content standards.

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<sup>3</sup> In accordance with 34 CFR §200.1(d), for children with the most significant cognitive disabilities who take an alternate assessment, a State may define alternate academic achievement standards provided those standards are aligned with the State’s academic content standards; promote access to the general curriculum; and reflect professional judgment of the highest achievement standards possible. See also 34 CFR §300.160(c)(2)(i).

Analysis

The Department interprets “the same curriculum as for nondisabled children” to be the curriculum that is based on a State’s academic content standards for the grade in which a child is enrolled. This interpretation, which we think is the most appropriate reading of the applicable regulatory language, will help to ensure that an IEP for a child with a disability, regardless of the nature or severity of the disability, is designed to give the child access to the general education curriculum based on a State’s academic content standards for the grade in which the child is enrolled, and includes instruction and supports that will prepare the child for success in college and careers. This interpretation also appropriately harmonizes the concept in the IDEA regulations of “general education curriculum (i.e., the same curriculum as for nondisabled children),” with the ESEA statutory and regulatory requirement that the same academic content standards must apply to all public schools and children in the State, which includes children with disabilities.

The IDEA statutory and regulatory provisions discussed above, the legislative history of the IDEA, and clarification the Department has provided on the alignment of the IEP with a State’s content standards in the Analysis of Comments and Changes to the 2006 IDEA Part B regulations also support this interpretation. When it last reauthorized the IDEA in 2004, Congress continued to emphasize, consistent with the provisions in the ESEA, the importance of “having high expectations for [children with disabilities] and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible.” 20 U.S.C. §1400(c)(5)(A). The Senate Report accompanying the 2004 reauthorization of the IDEA also explained that “[f]or most children with disabilities, many of their IEP goals would likely conform to State and district wide academic content standards and progress indicators consistent with standards based reform within education and the new requirements of NCLB.” S. Rep. No. 108-185, 105th Cong., 1st Sess. 29 (Nov. 3, 2003).

The Analysis of Comments and Changes accompanying the 2006 IDEA Part B regulations also included important discussion that further clarifies the alignment of an IEP with a State’s academic content standards under the ESEA, explaining: “section 300.320(a)(1)(i) clarifies that the general education curriculum means the same curriculum as all other children. Therefore, an IEP that focuses on ensuring that the child is involved in the general education curriculum will necessarily be aligned with the State’s content standards.”<sup>4</sup>

The Department’s interpretation of the regulatory language “general education curriculum (i.e., the same curriculum as for nondisabled children)” to mean the curriculum that is based on the State’s academic content standards for the grade in which a child is enrolled is reasonable. This interpretation is also necessary to enable IDEA and ESEA requirements to be read together so

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<sup>4</sup> See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540, 46662 (Aug. 14, 2006); see also 71 Fed. Reg. 46579.

that children with disabilities receive high-quality instruction that will give them the opportunity to meet the State’s challenging academic achievement standards and prepare them for college, careers and independence. Therefore, in order to make FAPE available to each eligible child with a disability, the special education and related services, supplementary aids and services, and other supports in the child’s IEP must be designed to enable the child to advance appropriately toward attaining his or her annual IEP goals and to be involved in, and make progress in, the general education curriculum based on the State’s academic content standards for the grade in which the child is enrolled.

### Implementation of the Interpretation

Based on the interpretation of “general education curriculum” set forth in this letter, we expect annual IEP goals to be aligned with State academic content standards for the grade in which a child is enrolled. This alignment, however, must guide but not replace the individualized decision-making required in the IEP process.<sup>5</sup> In fact, the IDEA’s focus on the individual needs of each child with a disability is an essential consideration when IEP Teams are writing annual goals that are aligned with State academic content standards for the grade in which a child is enrolled so that the child can advance appropriately toward attaining those goals during the annual period covered by the IEP. In developing an IEP, the IEP Team must consider how a child’s specific disability impacts his or her ability to advance appropriately toward attaining his or her annual goals that are aligned with applicable State content standards during the period covered by the IEP. For example, the child’s IEP Team may consider the special education instruction that has been provided to the child, the child’s previous rate of academic growth, and whether the child is on track to achieve grade-level proficiency within the year.

The Department recognizes that there is a very small number of children with the most significant cognitive disabilities whose performance must be measured against alternate academic achievement standards, as permitted in 34 CFR §200.1(d) and §300.160(c). As explained in prior guidance,<sup>6</sup> alternate academic achievement standards must be aligned with the State’s grade-level content standards. The standards must be clearly related to grade-level content, although they may be restricted in scope or complexity or take the form of introductory

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<sup>5</sup> The IEP must include, among other required content: (1) a statement of the child’s present levels of academic achievement and functional performance, including how the child’s disability affects the child’s involvement and progress in the general education curriculum; (2) a statement of measurable annual goals, including academic and functional goals, designed to meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and (3) the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals, and to be involved in and make progress in the general education curriculum in accordance with the child’s present levels of performance. 34 CFR §300.320(a).

<sup>6</sup> See U.S. Department of Education Non-regulatory guidance: Alternate achievement standards for students with the most significant cognitive disabilities August 2005) available at: <https://www2.ed.gov/policy/elsec/guid/altguidance.pdf>

or pre-requisite skills. This letter is not intended to limit a State’s ability to continue to measure the achievement of the small number of children with the most significant cognitive disabilities against alternate academic achievement standards, but rather to ensure that annual IEP goals for these children reflect high expectations and are based on the State’s content standards for the grade in which a child is enrolled.

In a case where a child’s present levels of academic performance are significantly below the grade in which the child is enrolled, in order to align the IEP with grade-level content standards, the IEP Team should estimate the growth toward the State academic content standards for the grade in which the child is enrolled that the child is expected to achieve in the year covered by the IEP. In a situation where a child is performing significantly below the level of the grade in which the child is enrolled, an IEP Team should determine annual goals that are ambitious but achievable. In other words, the annual goals need not necessarily result in the child’s reaching grade-level within the year covered by the IEP, but the goals should be sufficiently ambitious to help close the gap. The IEP must also include the specialized instruction to address the unique needs of the child that result from the child’s disability necessary to ensure access of the child to the general curriculum, so that the child can meet the State academic content standards that apply to all children in the State.

#### An Example of Implementation

We provide an example of how an IEP Team could apply the interpretation of “general education curriculum” set forth in this letter. For example, after reviewing recent evaluation data for a sixth grade child with a specific learning disability, the IEP Team determines that the child is reading four grade levels below his current grade; however, his listening comprehension is on grade level. The child’s general education teacher and special education teacher also note that when materials are read aloud to the child he is able to understand grade-level content. Based on these present levels of performance and the child’s individual strengths and weaknesses, the IEP Team determines he should receive specialized instruction to improve his reading fluency. Based on the child’s rate of growth during the previous school year, the IEP Team estimates that with appropriate specialized instruction the child could achieve an increase of at least 1.5 grade levels in reading fluency. To ensure the child can learn material based on sixth grade content standards (e.g., science and history content), the IEP Team determines the child should receive modifications for all grade-level reading assignments. His reading assignments would be based on sixth grade content but would be shortened to assist with reading fatigue resulting from his disability. In addition, he would be provided with audio text books and electronic versions of longer reading assignments that he can access through synthetic speech. With this specialized instruction and these support services, the IEP would be designed to enable the child to be involved and make progress in the general education curriculum based on the State’s sixth grade content standards, while still addressing the child’s needs based on the child’s present levels of

performance.<sup>7</sup> This example is provided to show one possible way that an IEP could be designed to enable a child with a disability who is performing significantly below grade level to receive the specialized instruction and support services the child needs to reach the content standards for the grade in which the child is enrolled during the period covered by the IEP.<sup>8</sup> We caution, though that, because the ways in which a child’s disability affects his or her involvement and progress in the general education curriculum are highly individualized and fact-specific, the instruction and supports that might enable one child to achieve at grade-level may not necessarily be appropriate for another child with the same disability.

### Summary

In sum, consistent with the interpretation of “general education curriculum (i.e., the same curriculum as for nondisabled children)” based on the State’s academic content standards for the grade in which a child is enrolled set forth in this letter, an IEP Team must ensure that annual IEP goals are aligned with the State academic content standards for the grade in which a child is enrolled. The IEP must also include the specially designed instruction necessary to address the unique needs of the child that result from the child’s disability and ensure access of the child to the general education curriculum, so that the child can meet the State academic content standards that apply to all children, as well as the support services and the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals.

### Opportunities for Input

We are interested in receiving comments on this document to inform implementation of this guidance. If you are interested in commenting on this document, please e-mail your comments to [iepgoals@ed.gov](mailto:iepgoals@ed.gov) or write to us at the following address: US Department of Education, 550 12th Street SW, PCP Room 5139, Washington, DC 20202-2600. Note that we are specifically interested in receiving input from the field on examples of models of alignment of IEP goals with

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<sup>7</sup> For information on developing, reviewing, or revising the IEP for a child with limited English proficiency, see: *Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives* <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf>.

<sup>8</sup> While the Department does not mandate or endorse specific products or services, we are aware that many States have issued guidance addressing standards-based IEPs. For example see Minnesota Department of Education, *Developing Standards-Based IEP Goals and Objectives A Discussion Guide* available at: [https://education.state.mn.us/mdeprod/idcplg?IdcService=GET\\_FILE&dDocName=050483&RevisionSelectionMethod=latestReleased&Rendition=primary](https://education.state.mn.us/mdeprod/idcplg?IdcService=GET_FILE&dDocName=050483&RevisionSelectionMethod=latestReleased&Rendition=primary). States and LEAs also may consider reviewing the following examples from OSEP-funded projects regarding implementation of standards-based IEPs: *inForum: Standards-Based Individualized Education Program Examples* available at: [www.nasdse.org/portals/0/standards-basediepexamples.pdf](http://www.nasdse.org/portals/0/standards-basediepexamples.pdf). For an example of annual goals aligned with State academic content standards for a child taking the alternate assessment based on alternate academic achievement standards, see: an issue brief provided by the OSEP-funded National Center and State Collaborative (NCSC), *NCSC Brief 5: Standards-based Individualized Education Programs (IEPs) for Children Who Participate in AA-AAS* available at: <http://www.ncscpartners.org/Media/Default/PDFs/Resources/NCSCBrief5.pdf>.

Page 7 – Dear Colleague

State content standards that are working well at the State and local level, and how this guidance could be implemented for children with disabilities who are English learners and children with the most significant cognitive disabilities. We will share appropriate models with you in further communications as they become available. We would also be glad to help answer your questions and help with your technical assistance needs in this important area.

We ask you to share this information with your local school districts to help ensure all children with disabilities are held to high standards and high expectations. Thank you for your continued interest in improving results for children with disabilities.

Sincerely,

/s/

Michael K. Yudin

/s/

Melody Musgrove  
Director  
Office of Special Education Programs

Maine Proficiency Education Council Meeting  
Wednesday, October 28, 2015  
Room 541

Agenda

1. Introduction
2. Agenda Setting
3. Question/Answers Materials so far
4. Powerpoint
5. Pressing Issues

Maine Proficiency Education Council Meeting  
Wednesday, November 13, 2015  
Room 541

Agenda

1. Introductions
2. Context Setting and Agenda
3. IEP Policy – Overview
4. Questions, impact on recommendations
5. Proficiency Triangle
6. Equity Plan
7. Questions, impact on recommendations
8. Proposed PBE 5-year planning
9. Questions, impact on recommendations
10. Next Steps

**Maine Proficiency Education Council Meeting  
December 30, 2015  
9AM – 12 Noon  
Room 103 A and B  
Cross State Office Building  
Agenda**

- 1. Opening Remarks – Acting Commissioner Bill Beardsley**
- 2. Framing the Meeting – Rachelle Tome**
  - A. Introductions**
  - B. Core Issues Related to PBD**
  - C. Consideration of Four Core Issues (15 minutes each to identify possible impacts, benefits and any additions/deletions)**
- 3. Consideration of Additional Actions (from the position paper - 10 minutes each to identify possible impacts, benefits and any additions/deletions)**
- 4. Consideration of Other Core Issues from the Council Members**
- 5. Prioritization of Issues for Interim Report**

**Maine Proficiency Education Council Meeting**  
**Wednesday, October 28, 2015**  
**Room 541**  
**Meeting Notes**

1. **Introduction** – All members introduced themselves and indicated their affiliation. Membership lists with email addresses was provided.
2. **Agenda Setting** – Jaci reviewed the agenda for the meeting and the legislation that resulted in the convening of the stakeholder group. The Joint Committee on Education and Cultural Affairs felt it was important to convene a broad based stakeholders group to understand the work that has been done since the proficiency-based legislation was passed in 2012 and to discuss and make recommendations regarding steps moving forward. We reviewed the duties assigned in the Resolve.
3. **Question/Answers Materials so far** – Jaci reviewed the list of resources provided to the group via email before the meeting. Anita set the stage for discussion by reviewing the contents of the statute. She then facilitated a discussion to surface any questions, concerns, challenges and opportunities related to PBE that members identified. The ideas were collected on brown chart paper.
4. **Powerpoint** – Diana presented an overview of proficiency-based learning and proficiency-based diplomas statewide implementation status and the Department's proficiency-based work related to:
  - a. Fall 2014 grade 11 student proficiency data in English language arts
  - b. Fall 2014 Cohort IHE data of first year Maine students from Maine high schools needing remedial courses in mathematics and/or English language arts
  - c. The findings of the Maine DOE capacity study
  - d. The summary of the proficiency-based diploma extension 5 and 6 visits
  - e. the Maine DOE goal for implementation of proficiency-based diplomas
  - f. the organization of the five-year plan of supports around five key strategies
  - g. the data from the implementation of proficiency-based learning and proficiency-based diploma school administrative unit progress surveyThe powerpoint summarized all the elements of the survey, expected year to award PBE diplomas, use of transition funds, degree of implementation across content areas, degree of implementation on /across Guiding Principles.
5. **Pressing Issues** – Anita continued the facilitation of the conversation to further identify key questions, concerns, obstacles and opportunities related to proficiency-based diploma implementation. These were also recorded and posted

on the brown paper; and the group identified additional resources to support the stakeholder groups conversation.

**Posted questions, concerns, and opportunities, as well as information the group wants for subsequent meetings have been captured on the attached chart.**

- 6. Next Steps – Next meetings: November 13, 2015 12:30-3:30 in room 541 of the Cross Office Building, December 30, 2015 9-12 in Room 541**

Maine Proficiency Education Council Meeting  
Friday, November 13, 2015  
Room 541  
Meeting Notes

1. **Introductions** of Council members and recognition of curriculum coordinator observers and legislators.
2. **Context Setting and Agenda** - Anita briefly reviewed the conversation from the last meeting, walking through the wall meeting notes. She then provided an overview of the agenda for the afternoon.
3. **Policy on Standards-Based IEP Goals** – Jan Breton reviewed the document that was developed by her staff a year and a half ago to clarify expectations. A considerable amount of training and technical assistance has been provided to personnel in the field. The policy provides guidance to IEP teams regarding writing the student’s present level of performance ( including supplemental aids and services, where appropriate) when describing the student’s academic achievement relative to the student’s grade level standards.. The expectation is that all students will attempt to reach high standards. Council members discussed the challenges faced by students with disabilities as they work to meet the college- and career- ready standards. The Council members also discussed the impact of a proficiency threshold for awarding the diplomas and how to recognize student achievement when there is not enough evidence to meet the proficiency threshold for a diploma. Consideration was given to exploring tiered diplomas or alternate diplomas, which the Department staff indicated that they would research before the next meeting.
4. **Proficiency Based Learning Triangle** – Diana walked the Council members through a description of the model and described the intent of the resources for the eight content areas’ reporting standards located on the Maine DOE Getting to Proficiency website..
5. **Equity Plan** – Anita provided a brief over view of the Plan for Equitable Access, including the data that was reviewed and the process of establishing the strategies. Consideration was given by the Council members as to whether educator equity should be part of the Council’s deliberations in proficiency. While the group acknowledges the strong connection between the educator effectiveness and proficiency, the group did not identify any recommendations directly related to the Plan for Equitable Access to Excellent Educators.
6. **Proposed PBE 5-year plan** – Anita did a quick walk through of the Proficiency-Based Diplomas Implementation plan which guides the day-to-day work of the Maine DOE staff and proposes supports over several years. It was agreed that the Council members review and identify any connections between items contained or represented in the plan and items the Council posed as areas of focus/concern.
7. **Next steps** – Department staff will research which states offer tiered diplomas; identify ideas on the wall meeting notes which point to flexibility that exist under current law; and identify which recommendations that would require changes to existing law.



STATE OF MAINE  
 DEPARTMENT OF EDUCATION  
 23 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333-0023

PAUL R. LEPAGE  
 GOVERNOR

WILLIAM H. BEARDSLEY  
 ACTING COMMISSIONER

**12/30/15 Meeting Notes**

Acting Commissioner Dr. Beardsley opened the meeting emphasizing the need to provide an interim report to the Education and Cultural Affairs Committee in January presenting the Councils current thinking and recommendations. Dr. Beardsley explained that the Department had organized ideas generated by the Council in previous meetings into potential actions related to support of proficiency-based education. Following his comments Dr. Beardsley turned the meeting over to Chief Academic Officer Rachelle Tome who welcomed the group and outlined the plan for the meeting. She explained that the conversation would be divided into sections with opportunity for discuss and identification of impacts, benefits and edits to the ideas presented.

**Consideration of Four Core Issues**

**Approach # 1:**

DOE needs to clarify basic proficiency level and align high school completion and college entry standards.

There is a need for students with good clear communication and collaboration skills. Employers want problem solvers. Some discussion about whether the State could narrow proficiency standards to the Guiding Principles only. There is the challenge of comparability and how to measure Guiding Principles.

A benefit of Approach 1 is that more people would graduate. This would potentially avoid remediation; however, differing college standards reflect differences in number students doing remedial work.

Concern that just teaching to the test not well rounded, compared to international standards USA graduates more collaborative.

Common Core standards include Algebra 2 which will potentially reduce the number of high school graduates. There are differing opinions about whether it is necessary to take a complete Algebra 2 course to be proficient. There was a discussion about the possibility of redefining the level math and ELA needed for graduation.

<b>Approach One - Core Proficiency Pathway</b>	
<b>Other Ideas</b>	Did we ever intend to measure the Guiding Principles? (1990's)
	It is important to identify the threshold for college and career readiness in Community Colleges.
	Some district leaders are concerned about measuring the Guiding Principles.
<b>Add/ Delete</b>	Narrow expectations to only the Guiding Principles.
	Offer endorsements in content areas beyond ELA/Math/GP.
	Narrows the curriculum.
	Standards will potentially be different from district to district.
	More students will graduate and have multiple pathways

<b>Benefits</b>	Definition of remediation - what are the levels? Who sets?
	It maintains a sense of urgency in the schools to support students to achieve proficiency.

**Approach # 2:**

We need pathways to take students as high as they can. If only have minimum bar then nothing left to achieve. This supports the need for a high level STEM competency.

Could have customized learning for each student, use of technology to help rural schools track better to assist students - Need to be flexible on way in which students are tracked. Current students in remedial classes could be in higher level with right encouragement, employers looking for problem solvers.

Impact of approach 2 is that fewer students will graduate under this current approach falsely telling people they are proficient when they are not is not helpful. There was a question about whether this approach will prompt more students do a 5<sup>th</sup> year or will more students drop out? This approach requires strong supports which are not in place in all school.

Benefit of approach 2 is a sense of urgency for completion.

<b>Approach Two - Academic Proficiency Pathway - Existing</b>	
<b>Other Ideas</b>	Scaling the ideas may be more difficult for some districts to allow students to gain proficiency without holding other students back.
<b>Add/ Delete</b>	Does it have to be 8 content areas? What about student voice and choice? Could there be a minimum (4) and then 1-2 others?
<b>Impacts</b>	Definition of core proficiency x 8
	Identifies the need to take <i>all</i> students to high levels of achievement.
	Pathways to allow increasing challenges for all students.
	Requires customization.
	Fewer students will graduate and more students will drop out.
<b>Benefits</b>	Falsely determine proficiency - not a progression
	Heterogeneous grouping honoring differences.
	Honors choices for students.
	Students can rise to the challenges.
	Creates a sense of urgency.

**Approach 3:**

There is a need to clarify current law that relates to CTE and requires proficiency in all 8 areas and GP and CTE. Shift to dual enrollment to ensure college and career readiness without prohibiting ability for students to then go back and go to college.

There was a an extensive conversation about whether an industry certificate equal high school diploma without the need for a demonstration of proficiency in ELA, mathematics and the Guiding Principles.

How many certificates/licenses might be equivalent to equal college and career readiness? There was a discussion about whether a student could have proficiency in some areas not necessarily in math and ELA. There was additional conversation about the math standard, is it or should it be, Algebra 1 or Algebra 2?

This might create capacity issues for CTE centers if enrollments increased. Impact of approach 3 is the need for more CTE programs, need more resources and capacity issues, impacts funding and EPS formula.

<b>Approach Three - Workforce Proficiency Pathway</b>	
<b>Other Ideas</b>	How many certificates - what caliber of program?
	Is work ready out of Dept. of Labor included in career pathway?
	Could there be a broadening of CTE/HS connections to allow students to demonstrate standards in these programs
	These will need to be capacity study of the CTE programs
<b>Add/ Delete</b>	Would this require changes to other parts of the law?
	Could /would this also include the work readiness/DOL programs
<b>Impacts</b>	Does the certificate equal a diploma? (ELA, math and certificate covers other 6 content areas)
	Math expectations will limit # students graduating.
	Need for increased CTE programs and need for additional resources but it will cost the state less in the long run.
	If choice was made to go back to academic/school more standards to be met
<b>Benefits</b>	This pathway would be beneficial to many students

### IEP's:

Federal law requires that the same standards are applied to all students. While providing accommodations for students with disabilities will be helpful for some portion of the population, there was a discussion about students who don't have disabilities but struggle in school and have no legal supports. The impact is these 'gap' kids would become special education students and this will increase costs as more students would seek identification as special education. Some council members raised the potential for law suits.

Also there was a concern that some students with an IEP won't get a diploma unless the current law is changed to change the requirements of what is needed to get a diploma.

The Council discussed the idea of having individual learning plan for each student that would tie to a diploma. There was a concern regarding paperwork if all students have individual learning plans. (Bangor has a 4 sided folder and logs data into software program to track student learning starting in 4<sup>th</sup> grade). There was a suggestion that Maine DOE provide tracking software.

The group revisited the need to define core proficiency (ELA and math?) and at what level? Keeping ELA and math doesn't eliminate the issues being discussed for failing students. There was a proposal that the State should have diploma with choices of proficiency content areas + GP + transcript. Transcript is the individual students learning plan and shows proficiency and there are no common expectations for

graduation. High school diplomas could be accompanied by a portfolio of work or endorsements/certificates/licenses

Members of the Council agreed that it is important to have a Plan for professional development for teachers to help students to achieve these standards.

There was a concern expressed about using high stake tests linked to diplomas and a concern over using remediation as the objective for graduation.

<b>IEPs</b>
This does not include low achieving students with low Iqs (eg functional life school students)
Some students will never achieve the graduation standards. In order to include these students the law would need to be changed.
Could the State/Fed law allow for meeting the diploma by meeting a IEP goals?
Gap students will become students with disabilities. There were varied opinions about this.
Could all students have a learning plan? It might be beneficial to legislate this.
This creation of learning plans will require time from teachers – this was a concern.

<b>Other Core Issues</b>
There was a question about the SAT as a measure of proficiency.
There was a question about whether college and career persistence should be collected
There was a concern about marking benchmarks of achievement beyond current reporting.
Liked the idea of collecting about # students who graduate in each content area.
Want to avoid a Florida model where 12yr olds are in 3rd grade because they are held back.

**The Council identified the following additional ideas.**

- Council doesn't like the 3 additional possible related actions.
- There is a need to explore and better understand the percentage of college remediation.
- A high school diploma should have a transcript on the back that would indicate, among other things, proficiency of standards that students have achieved.

**The Council individually provided the following feedback related to PBE. Data is show in the charts below. Note that note all Council member did not respond to all questions.**



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C	Probing Questions	Committee Recommendation(s)/Action	'Heat Map'				Neg	Pos	Total	% Neg	% Pos
			Strongly Disagree	Disagree	Agree	Strongly Agree					
C1	All students should graduate college and career ready	1) Would prefer an "or" rather than an "and". 2) Don't believe college is for everyone			7	5	0	12	12	0	100
C2	College and career ready means students having competencies in all 8 content areas, and the Guiding Principles	1) Numerous successful individuals are not. 2) If "some" not "all"	3	4	4	1	7	5	12	58	42
C3	College and career ready means students having competencies in math, ELA, and the Guiding Principles.	1) Foundationally. 2) Just the Guiding Principles. 3) Foundational algebra 1. 4) Lets not dumb down		2	6	2	2	8	10	20	80
C4	College and career ready means having a CTE certificate	1) Career. 2) or a vocational (inc DOL/Rehab).	1	3	5	2	4	7	11	36	64
C5	College and career ready means having a CTE certificate and competencies in math, ELA, and the Guiding Principles	1) Are inherent within the certificate. 2) These are subsumed within the certificate program	1	5	3	2	6	5	11	55	45
C6	There should be common expectations for all high school students	1) Credits addresses this and proficiencies as endorsements allows differentiation. 2) Appropriate expectations. 3) Based on their individual abilities. 4) As long as the expectations are achievable by all. 5) I like using the transcripts as proof.		1	8	3	1	11	12	8	92
D	Issues/Concerns raised with potential changes to the current law	Committee Recommendation(s)/Action	'Heat Map'				Neg	Pos	Total	% Neg	% Pos
			Strongly Disagree	Disagree	Agree	Strongly Agree					
D1	There may be too many standards/content required.	1) Unable for many students. 2) Not too many but how many are needed. 3) ELA and math	1	2	4	4	3	8	11	27	73
D2	There should be an alternate diploma for 1% most severely cognitively impaired.	1) Wonderful. 2) Agree somewhat, might need to be expanded to IEP's	1	1	4	5	2	9	11	18	82
D3	There should be tiered diplomas	1) Maybe - if basic and then higher options such as honors for all 8 or STEM, VPA etc. 2) Not sure. 3) Perhaps attached transcripts	4	3	2	1	7	3	10	70	30

LD1235 10/28/15 and 11/13/15 Committee Meeting Notes

Proficiency Questions	Needs for PBE Stakeholder Group for next meeting	Issues for schools	Educator Prep - (pre-service/Inservice)	The stakeholder group	Outside the Law	Clarify the law	Whats working? (stories)	Commitment of districts to PBE	Obstacles to Proficiency
The field is confused about approaches to PBE grading, should the Maine DOE provide guidance?	District story - Set up two 10 minute telephonic presentation by Deer Isle, Stomington and another, different district for the November meeting	Can PBE systems acknowledge exceptional achievement?	How do we deepen educator understanding of the standards and their intended rigor?	Caution - be clear about communications to the field about PBE expectation and supports.	Should there be an alternative diploma for 1% most severely cognitively impaired?	Explain what is meant by "experiences in ELA, math and science & technology".	Maine DOE reporting on progress of districts.	Proficiency has impacted the work in districts. There are already changes in the ways that school do business that districts will hold onto as part of their ongoing systems.	Algebra
The field has differing understanding of whether proficiency is required in all areas, is guidance?	Equitable access plan - Anita will provide	Schools are faced with changing practices and the need to monitoring student progress in learning more now than ever.	Are certification expectations sufficient to adequately prepare teachers to teach in a proficiency based system? How can the state monitor this?	Caution - How will recommendations of this stakeholders group impact districts?	Tiered Diploma	Provide guidance about the current flexibility to support learners under the existing law.	Report on what it looks like to blend systems	District will hold on some of this best forever	World Languages
Districts have expressed a desire to understand comparability of PBE systems across districts, how will the Maine DOE monitor comparability?	5yr plan for PBE supports - Anita and Diana will provide	School must find ways to providing repeated opportunities for demonstrating and proficiency, this is different from past practices.	Are IHE's preparing teachers adequately?	How does this stakeholder group maintain a balance between local control and guidance and supports that best serve students.	CCR definition all 8 content areas math ELA Other?	Provide more info on point 'C' on IEP policy	Describe how students can meet expectations of the learning standards through experiences inside and outside of school.	Sufficient supports for learning	
Districts want guidance about what proficiency looks like in each content area and the guiding principles AND how much it required for proficiency, canb the Maine DOE provide these supports?	Triangle of PBE model - Diana will provide	Schools are looking for and experimenting with models for classroom differentiation and support for learning as a way to increase proficiency for all students.	How do we support Inservice learning in content areas?	What other data might Maine DOE collect to monitor progress?		Clarify that there is no 'one' way to deliver proficiency	Share stories that make is clear how educators can positively impact student motivation and engagement.	Equitable access is connected - confirm and provide support	
Districts have approached the organization of the standards in many different way, how will this effect students who come into the state and move between districts? What can the Maine DOE do support students?	US DE guidance from Arne Duncan re testing flexibility (October 24) -Jaci will provide	Don't disfranchise our top students	IHE's focusing more on expectations in PK-12 and shifts in teaching and learning.			Clarify the different approaches	Share stories about positive community perceptions about proficiency.	Watch proficiency rates in high pvoerty settings	
Should there be guidance about approaches to grading?	Jan will lead a discussion about the Maine DOE policy on standards based IEP goals at the next meeting.					Clarify drop out vs Fed change]	Reinforce the importance of the guiding principles to business needs.	How do we keep kids on track/engaged?	
Proficient in all areas?	ESEANH pilot next meeting					Common expectations for all HS	Make the connection between elementary and middle schools proficiency work and its support student proficiency in high school.		
How will we keep track of comparability?	Info about States who offer tiered diploma						Student motivation and engagement - examples of whats working		

