Enclosure 9e
May 12, 2014

June 21, 2013

The Hon. Eva-Marie Mancuso, Chair
RI Board of Education
255 Westminster Street
Providence, RI 02903

Members of the Board of Education
RI Board of Education
255 Westminster Street
Providence, RI 02903

Dear Chair Mancuso and Members of the Board:

Pursuant to the Administrative Procedures Act, R.I.G.L. 42-35-6, and the Board of Education's Title A Regulations, A-1-23, we respectfully submit the enclosed petition proposing amendments to the Board's "Secondary School Regulations: K-12 Literacy, Restructuring of the Learning environment at the middle and high school levels, and proficiency based graduation requirements (PBGR) at High Schools."

The proposed amendment addresses the current controversy governing the imminent implementation of a high stakes testing graduation requirement that, at the moment, imperils the graduation of more than 4,000 students next June. Last month, many of our organizations sent you a letter (enclosed) urging the Board to rescind the regulations conditioning receipt of a high school diploma on passage of a high stakes test. This proposed petition is a formal follow-up to that request, to give the Board an opportunity to address this critical issue for the first time in an official and structured rule-making process.

The implementation of high stakes testing has been, as Board members know, a source of tremendous concern in the community. Assurances have been given by Department officials that, through retests, alternatives tests, and waivers, the large coterie of students at risk of not graduating need not fear this requirement. We are not so sanguine, especially for the significant cohort of ELL and special education students who, we submit, simply have not received the level and types of supports they need, nor received the instructional and assessment accommodations to which they allegedly have been entitled to under RIDE policy.

This is not just our view, however. We believe that RIDE's failure to meet 32 of 33 goals it set for itself in promoting its educational standards provides ample proof of the validity of our concerns. Our concern is further demonstrated by RIDE's support earlier this month, over the objections of many of our organizations, of legislation (which, as far as we know, had not been discussed by this Board) whose purported goal is to codify into law certain of the Board's own diploma regulations

because school districts have failed to conform to them in a regulatory context. Indeed, RIDE's support for the legislation, S-968, has only confirmed some of our worst fears about the tail-wags-dog impact of the high stakes testing mandate: the bill explicitly authorizes school districts to provide at-risk students "practice exams" as the sole form of remedial support, and to yank students out of core classroom activities to prep for the test, if such actions are deemed to be in the student's "best interest."

Although we know you are all generally aware of the issues surrounding the high stakes testing requirement, and have heard some impassioned testimony about it during public comment periods, the Board has never formally voted on this controversial requirement, which was enacted by your predecessor, the Board of Regents for Elementary and Secondary Education. In light of the high stakes that students soon face under this high stakes testing requirement, we believe it is incumbent upon this Board, *before* any student is denied a diploma under this regulation, to carefully consider the propriety of the requirement. We submit this petition as the mechanism for a timely, meaningful and structured consideration of this critical issue.

We wish to emphasize that, in asking you to initiate formal rule-making proceedings, we are not requesting Board members to take a definitive stand on the merits of the petition at this stage. Although we hope to ultimately convince you of the merits of this rule change, we trust you agree it is at least worthy of a full public examination, and of one sooner rather than later. We therefore urge you to accept this petition at your next Board meeting, in accordance with the APA, so that you can initiate a public rule-making process, where all members of the public can provide testimony, and where you can then consider in a timely but deliberate manner whether to accept, modify, or reject this proposal.

We express our appreciation in advance to you for your consideration of this petition. For ease of communication, any responses can be sent to Steven Brown at the ACLU of Rhode Island, and they will be shared with the rest of the signatories

Sincerely,

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THE AUTISM PROJECT

Aimee Mitchell
CHILDREN'S POLICY COALITION

Simon Moore
COLLEGE VISIONS

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URBAN LEAGUE OF RHODE ISLAND

Karen Feldman
YOUNG VOICES

Adeola Ordeola
YOUTH IN ACTION

PROPOSED AMENDMENTS TO

SECONDARY SCHOOL REGULATIONS: K-12 LITERACY, RESTRUCTURING OF THE LEARNING ENVIRONMENT AT THE MIDDLE AND HIGH SCHOOL LEVELS, AND PROFICIENCY BASED GRADUATION REQUIREMENTS (PBGR) AT HIGH SCHOOLS

SUBMITTED TO THE BOARD OF EDUCATION PURSUANT TO R.I.G.L. 42-35-6, BY

THE AUTISM PROJECT
CHILDREN'S POLICY COALITION
COLLEGE VISIONS
DIRECT ACTION FOR RIGHTS AND EQUALITY
ENVIRONMENTAL JUSTICE LEAGUE OF RHODE ISLAND
GEORGE WILEY CENTER
NAACP, PROVIDENCE CHAPTER
PROVIDENCE STUDENT UNION
RHODE ISLAND ACLU
RHODE ISLAND BLACK BUSINESS ASSOCIATION
RHODE ISLAND DISABILITY LAW CENTER
RHODE ISLAND TEACHERS OF ENGLISH LANGUAGE LEARNERS
RHODE ISLAND YOUNG PROFESSIONALS
TIDES FAMILY SERVICES
URBAN LEAGUE OF RHODE ISLAND
YOUNG VOICES
YOUTH IN ACTION

JUNE 21, 2013

Proposed Additions: Underlined

Proposed Deletions: ~~Strikethrough~~

REGULATIONS of the

BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION

K-12 Literacy, Restructuring of the Learning environment at the middle and high school levels, and proficiency based graduation requirements (PBGR) at High Schools

TITLE L – SECONDARY DESIGN

CHAPTER 6

TOPIC

L-6-1.0. Definitions.

L-6-2.0. Ensuring grade level literacy and numeracy for all secondary Rhode Island students.

L-6-2.1. Assessing reading proficiency levels of secondary students.

L-6-2.2. Improving literacy for secondary students reading below grade level.

L-6-2.3. Improving numeracy for all students.

L-6-3.0. Rhode Island graduation requirements.

L-6-3.1. Coursework requirements.

L-6-3.2. Performance-based diploma assessments.

L-6-3.3. Use of state assessments ~~for high school graduation~~.

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L-6-3.5. Diploma commendations and certificates.

L-6-3.6. Regents' approved diploma system.

L-6-3.7 Local educational agency notification to students, families and community members of the requirements for graduation.

L-6-3.8 Supports to students.

L-6-4.0. Middle level and high school restructuring.

L-6-4.1. Requirement for personalized learning environments.

L-6-4.2. Middle level advisory.

L-6-4.3. Individual Learning Plan (ILP).

L-6-4.4. Professional development.

L-6-4.5 Common planning time.

L-6-1.0. DEFINITIONS

As used in these regulations, the following words and terms have the following meaning, unless the context indicates another or different meaning or intent:

(a) Certificates – documentation or credentials that can be earned by a student and certify his or her mastery of specific skills or sets of skills, completion of training requirements set forth by a certifying body, and/or demonstrated readiness to enter an industry, educational setting, independent living, or the workplace.

(b) Certificate of Initial Mastery© (CIM) – A CIM represents demonstrated knowledge and skills agreed upon by educators, families, business, community, and higher education representatives. Attaining CIM involves a combination of standardized tests, performance measures, collections of student work over time, and projects or exhibitions.

(c) Commissioner – the commissioner of elementary and secondary education.

(d) Common Core Standards – Standards adopted by a majority of states, including Rhode Island, that are robust and relevant to the real world, reflect the knowledge and skills that young people need for success in college and careers, and provide a consistent, clear understanding of what students are expected to learn.

(e) Common Planning Time – regular weekly scheduled opportunities provided to teachers to work in disciplinary and/or interdisciplinary teams for the purpose of improving student achievement.

~~(f) Conjunctive Requirements – The non-compensatory relationship among the three required elements of Rhode Island's graduation requirements:~~

~~1. Individual student performance on the state assessment or assessments; and~~

~~2. Successful completion of state and local course requirements; and~~

~~3. Successful completion of performance-based diploma assessments.~~

~~(g)~~ (f) Core Academic Areas – English language arts, mathematics, science, social studies, the arts, and technology.

~~(h)~~ (g) Course – A connected series of lessons and learning experiences that:

1. Establish expectations defined by recognized standards,

2. Provide students with opportunities to learn and practice skills, and

3. Include assessments of student knowledge and skills adequate to determine proficiency at the level of academic rigor required by relevant content standards.

~~(i)~~ (h) Diploma System – the comprehensive set of structures, processes, and policies required in all secondary schools to ensure access to rigorous programming and appropriate supports that prepare all students for success in college, careers, and life.

~~(j)~~ (i) Dual Enrollment – the concurrent earning of college credits while enrolled in high school.

~~(k)~~ (j) Guaranteed and Viable Curriculum – curriculum that provides both the opportunity and time for students to learn. It ensures that the curriculum is implemented consistently by all teachers to all students. It is based on a commitment from the districts and its schools that the written, taught, and learned curriculum is aligned so that all students learn agreed upon standards. See Basic Educational Program (G-13-1.1).

~~(l)~~ (k) Individual Learning Plan (ILP) – A planning and monitoring tool that customizes and directs students' goals and development in three domains: academic, career, and personal/social.

~~(m)~~ (l) Literacy – The ability to read, write, speak, and listen in order to communicate with others effectively, as well as the ability to think and respond critically and to process complex information across content areas.

~~(n)~~ (m) Local Education Agency (LEA) – A public board of education/school committee or other public authority legally constituted within the State for either administrative control or direction of one or more Rhode Island public elementary schools or secondary schools.

~~(o)~~ (n) Numeracy – The ability to use and communicate about numbers and measures with a range of mathematical techniques in order to solve quantitative or spatial problems in a range of real-world contexts.

~~(p)~~ (o) Opportunities to Learn – Programs, resources, materials, and instruction that schools and teachers must provide in a quantity and of a quality sufficient to enable all students to learn and demonstrate the knowledge and skills set out in state-adopted standards and other relevant content or skill-based standards.

~~(q)~~ (p) Performance-Based Diploma Assessments – Elements of a required system of assessments from which LEAs must choose two as graduation requirements:

(1) Comprehensive course assessments – Summative assessments designed to measure student skill and ability within a content area. At least fifty percent of this assessment must be performance-based and evaluate a student's application of the knowledge and skills learned in the course.

(2) Exhibition – Demonstration of learning that includes both academic products and oral presentations. An exhibition is an independent, in-depth, extended project derived from student choice and requiring the simultaneous demonstration of deep content knowledge and applied learning skills.

(3) Graduation Portfolio – Collection of work that documents a student's academic performance over time and demonstrates deep content knowledge and applied learning skills. A portfolio typically includes a range of performance-based entries required by the local education agency (LEA) and selected by the student, reflections, summary statements, and a final student presentation.

~~(r)~~ (q) Personalization – Environment in which a responsible educator, in addition to a school counselor, meets regularly with and is knowledgeable about the social/emotional, academic, and

career goals of each student to whom he or she is assigned. Meetings between the adult and the students may take place in either formal or informal structures.

~~(s)~~ (r) Personal Literacy Plan (PLP) – An individualized record of action describing instructional strategies and supports used to accelerate student learning and move toward grade level proficiency in literacy.

~~(t)~~ (s) Proficiency – A measure of a student's knowledge and skill in each of the core content areas that are demonstrated in various settings over time. The specific knowledge and skills are defined by state adopted standards, other content standards, and/or career readiness and life skills.

~~(u)~~ (t) Progress Plan – a documented academic support program required for students who ~~do not meet the Regents-defined minimum level of achievement~~ are identified as in need of remediation due to their performance on the state assessment. Progress Plans must include the types and duration of academic and educational supports and academic performance targets necessary for graduation. Progress plans may be incorporated into the ILP and may address academic weakness in the areas of course performance and/or performance-based diploma assessments.

~~(v) Progress Toward Proficiency - meaningful, quantifiable improvement of academic skills in those areas in which a student has academic gaps as evidenced through state assessments. The Board of Regents establishes the calculation and expression of the amount of student-level progress necessary for students to meet state graduation requirements on the state assessment~~.

~~(w)~~ (u) Regents' Commendation: an emblem affixed to student diplomas designating academic achievement at or above levels set by the Board of Regents for this purpose.

~~(x)~~ (v) Scaffolded Literacy System – three levels of support for improving all students' reading that include:

1. A school-wide discipline-specific program for all students,

2. Targeted literacy supports for students reading more than one and up to two years below grade level, and

3. Intensive literacy intervention for students reading more than two years below grade level.

~~(y)~~ (w) Student Advisory – A structure or structures for stable groups of students to meet regularly throughout the academic year with at least one assigned adult, in an environment with sufficient time and opportunity to support student achievement in the academic, career, personal/social domains.

L-6-2.0 ENSURING GRADE LEVEL LITERACY AND NUMERACY FOR ALL SECONDARY RHODE ISLAND STUDENTS.

Each local education agency (LEA) shall ensure that all of its secondary students are proficient in literacy and numeracy. LEAs shall ensure student proficiency by providing access to a guaranteed and viable curriculum, monitoring each student's progress toward literacy and numeracy, and providing sufficient supports to ensure that all secondary students become proficient. The Commissioner shall ensure that each LEA has adequate mechanisms in place to

develop and monitor student proficiency in reading and mathematics. All programs, services, supports, and accommodations in these regulations shall be construed as affirmative obligations of the LEA and can be enforced via Chapter 16-39 of Rhode Island General Laws.

L-6-2.1 Assessing reading proficiency levels of secondary students.

(a) Each LEA in Rhode Island shall evaluate the reading levels of all secondary students. All LEAs, in compliance with the Rhode Island PreK-12 Literacy Policy, shall develop a screening/review process that utilizes state and local assessments to identify students in need of additional diagnostic assessments and instructional support.

(b) LEAs shall diagnostically assess all secondary students who have been identified through the screening process to determine and assign appropriate instructional strategies and interventions. LEAs shall report the number of secondary students reading below grade level at a time and in a manner established by the Commissioner. The LEAs shall be responsible for costs associated with test procurement, administration, and interpretation. The Commissioner may authorize the use of suitable state or federal funds for such purposes. Based on the results of reading assessments at all grade levels, the Commissioner may exercise the authority provided under Title 16 to intervene in a school or LEA to ensure that the literacy needs of all students, as indicated by these assessments, are effectively addressed.

L-6-2.2 Improving literacy for secondary students reading below grade level.

(a) LEAs shall initiate reading interventions for every student reading one or more years below grade level based on the assessments required under section L-6-2.1 of these regulations. Any student who continues to fall below grade level in reading and/or fails to attain proficiency in subsequent years on assessments designated by the Commissioner shall continue to receive specialized reading intervention and supports.

(b) Ensuring grade level literacy is the responsibility of all LEAs. At the secondary level, reading instruction shall include scaffolded literacy instruction, providing school-wide, targeted and intensive supports including Personal Literacy Plans (PLPs) that document intervention and support for students reading one or more years below grade level.

(c) In a manner, format, and schedule to be prescribed by the Commissioner, all LEAs shall provide evidence of the effectiveness of the specific reading strategies and programs that are in place in middle level schools and high schools to ensure that all students reading below grade level will attain and maintain grade level literacy skills. All Rhode Island LEAs shall have mechanisms in place that (1) identify and support students reading below grade level and (2) support the implementation of literacy programming at all levels to address the student needs identified through the screening requirements set forth in section L-6-2.1 of these regulations. LEAs shall have mechanisms in place that ensure that all levels work collaboratively to transition students between schools and across LEAs.

L-6-2.3 Improving numeracy for all students.

(a) LEAs shall ensure grade level numeracy for all students. LEAs shall initiate numeracy interventions for every student functioning below expected performance for their grade. Any

student failing to attain proficiency shall receive specialized supports.

(b) In a manner, format, and schedule to be prescribed by the Commissioner, all LEAs shall provide evidence of the effectiveness of specific mathematics strategies and programs that they have implemented to ensure all students who are not demonstrating proficiency against state adopted math standards will attain and maintain performance that allows them to engage in grade appropriate curriculum. All Rhode Island LEAs shall have mechanisms in place that (1) identify and support students who are not making progress in mathematics as measured by local and state assessment data and (2) provide universal student access to a guaranteed and viable curriculum aligned to state adopted mathematics standards. LEAs shall have mechanisms in place that ensure that all levels work collaboratively to transition students between schools and across LEAs.

L-6-3.0 RHODE ISLAND GRADUATION REQUIREMENTS.

Commencing with the graduating class of 2014, each LEA shall create a composite measure of each student's overall proficiency in the six core academic areas: English language arts, math, science, social studies, the arts, and technology. These six core content areas shall be aligned to state adopted standards and locally adopted national standards in those content areas for which there are no state standards. This composite measure shall be derived from a ~~conjunctive~~ review of ~~three sources of evidence~~: ~~(1) individual student results on the state assessment in content areas designated by the Board of Regents; and~~ (~~2~~1) successful course completion; and (~~3~~2) successful completion of two performance-based diploma assessments. These requirements are set forth in sections L-6-3.1,and L-6-3.2 ~~and L-6-3.3~~ of these regulations. In order to be eligible for a diploma, students must meet state and local requirements in all ~~three~~ areas.

LEAs shall provide students with multiple opportunities and appropriate supports to meet these graduation requirements and prepare for post-secondary academic and career goals.

Each Rhode Island school committee shall adopt graduation requirements consistent with L-6-3.1, L-6-3.2, L-6-3.3, and L-6-3.4 of these regulations in LEA policy and submit evidence of their adoption as part of the Commissioner's review set forth in section L-6-3.6 of these regulations.

L-6-3.1. Coursework requirements.

(a) LEAs shall formally adopt coursework graduation requirements that (1) apply to all students within the LEA and (2) require successful completion of at least twenty academic courses or the equivalent that include demonstrations of proficiency in the six core content areas. The twenty courses must include the following: four courses of English Language Arts, four courses of mathematics (three mathematics courses and one math-related course), three courses of science, and three courses of history/social studies. The additional six required courses are presumed to include, but not limited to, world languages, the arts, physical education and health, and technology pursuant to LEA policies and applicable state law. Designation as a content-area course, e.g. "mathematics" or "science," shall be an LEA decision based upon alignment to relevant state adopted standards and, in those content areas not defined by state-adopted standards, other recognized content standards. All courses must be of scope and rigor sufficient

to allow students to achieve the minimum level of proficiency required by section L-6-3.0 of these regulations.

The selection and scheduling of courses shall be consistent with the needs of individual students and, to the maximum degree possible, students' individual learning plans (ILPs). LEAs shall provide students with additional opportunities beyond the minimum required in accordance with students' individual learning plans (ILPs). LEA graduation requirements must satisfy all curricular requirements set forth in General Laws and applicable Board of Regents regulations.

(b) Students can meet the requirements set forth in this section through enrollment in a state approved career and technical program, expanded learning opportunities, dual enrollment, on-line learning, and other non-traditional academic and career-readiness programs. Recognition of these learning opportunities as fulfilling the coursework graduation requirements in this section is a local decision and shall be predicated on alignment to state adopted standards and/or other relevant national and/or industry standards.

L-6-3.2. Performance-based diploma assessments.

Students shall successfully complete at least two of the following performance-based diploma assessments: graduation portfolios, exhibitions, comprehensive course assessments, or Certificate of Initial Mastery©. Each student exiting a Rhode Island high school with a diploma shall exhibit proficiency in a comprehensive set of applied learning skills including communication, problem-solving, critical thinking, research, reflection and evaluation, and collaboration. Successful completion of performance-based diploma assessments shall include demonstrations of both applied learning skills and core content proficiency. Students shall be required to present their portfolio or exhibition work to a review panel that will evaluate the student's presentation using a state-approved rubric.

Districts shall develop performance-based diploma assessments and associated processes in accordance with these regulations. The diploma assessment process, including oral presentations, must be scheduled in a manner and time so as to allow students adequate opportunities to acquire the skills and content mastery required for graduation.

L-6-3.3. Use of state assessments ~~for high school graduation~~.

No state assessment and no other standardized testing program or assessment shall be used to determine a student's eligibility to graduate from high school. Any such assessments shall instead be used to promote school and district accountability and improvement and to target early and intensive remediation to individual students and to at-risk student sub-groups.

~~(a) Commencing with the class of 2014, students shall be required to reach a minimum achievement level on the state assessment or assessments in content areas designated by the Regents. The Board of Regents shall (1) designate the content areas in which the state assessment serves as a graduation requirement and (2) establish the minimum student achievement levels on the state assessment necessary for graduation. The Regents will determine the minimum level of required achievement; however, LEAs may set higher levels of student achievement as a requirement to receive a diploma.~~

~~In content areas in which the Board of Regents have not approved a state assessment for the purpose of determining student eligibility for graduation, the LEA shall use successful course completion and student performance on performance-based diploma assessments and other local evidence to satisfy state graduation requirements.~~

~~Commencing with the graduating class of 2014, state assessment results shall be included on each student's permanent high school transcript.~~

~~(b) Students who do not meet the Regents-established minimum level of achievement on the state high school assessment(s) shall be provided additional opportunities to demonstrate their proficiency and meet graduation expectations through the processes and in the sequence described below.~~

~~Retaking the state assessment: If a student does not meet the level of minimum achievement on a state assessment designated by the Board of Regents, the student shall be required to retake the relevant portion of the state assessment. Through an additional administration or administrations of the state assessment, students can meet the requirements set forth in this section by either reaching the Regents-defined minimum level of achievement or by demonstrating progress toward proficiency. The Board of Regents shall establish the means of calculation and expression of the minimum requirements for student-level improvement necessary to achieve progress toward proficiency.~~

~~Testing alternatives: If, after retaking the state assessment, a student does not meet the required level of achievement or make progress toward proficiency, the student may demonstrate graduation readiness through successful completion of a Regents-approved alternative assessment.~~

~~Waivers: If a student is unable to demonstrate graduation readiness through the state assessment or a Regents-approved testing alternative, the student may apply to his or her LEA for a waiver of the state assessment portion of the graduation requirements. LEAs are authorized to grant waivers from the state assessment requirement set forth in this section only in those rare cases in which the state assessment is not a valid means of determining the proficiency of individual students. Waiver eligibility will be considered only for those students for whom: (1) there is a preponderance of evidence of academic content mastery consistent with L-6-3.0 of these regulations and (2) the student has completed the sequence of testing requirements set forth in this section.~~

~~Local management of the waiver processes set forth herein, as well as the results of said waiver process, shall be monitored through the Commissioner's review set forth in section L-6-3.6 of these regulations.~~

L-6-3.4. Appeals process for graduation decisions.

Students and families shall have the right to appeal graduation decisions through locally managed appeals policies and processes. Locally managed appeals processes shall consider all valid sources of evidence that demonstrate and document student proficiency at a level commensurate with the requirements set forth in section L-6-3.0 of these regulations.

Locally managed appeals criteria, processes, and outcomes shall be monitored through the Commissioner's review set forth in section L-6-3.6 of these regulations.

L-6-3.5. Diploma commendations and certificates.

(a) Commencing with the graduating class of 2014, LEAs are authorized to recognize students who achieve above the minimum achievement level required for graduation with a Regents' commendation. The Board of Regents shall establish the minimum criteria necessary to earn a Regents' commendation and shall provide LEAs with a means of appending the commendation to eligible students' diplomas. Student eligibility for a Regents' commendation will be contingent upon successful completion of local graduation requirements. LEAs may set additional or higher academic requirements for students to earn a Regents' commendation. ~~LEAs may establish local guidelines that govern student opportunities to retake the state assessment for the purposes of earning a Regents' commendation.~~

(b) LEAs are authorized to award certificates of academic and technical skill achievement and work readiness and life skills to any student who has satisfactorily completed specific course work or other standards-based activities that indicate a recognized level of knowledge and/or skills. Certificates may be included as part of a student's transition plan to post-secondary academic or work training programs.

L-6-3.6. Regents' approved diploma system.

The Commissioner shall review all LEA high school diploma systems to ensure that they are in compliance with all elements of these regulations. The Commissioner shall establish the protocols and the criteria for diploma system review and accountability. The Commissioner shall maintain a detailed record of LEA implementation status and report that status regularly to the Board of Regents. LEAs must demonstrate, through the Commissioner's review and approval process, that all of the elements of these regulations are fully implemented. Districts will be subject to a progressive system of incentives and interventions according to their respective levels of implementation and compliance with these regulations. Should the Commissioner find, through the review process, that an LEA has failed to comply fully with these regulations, the Commissioner shall utilize the full authority granted to the office, up to and including rescinding the diploma-granting authority of LEAs.

L-6-3.7. Local educational agency notification to students, families, and community members of the requirements for graduation.

(a) LEAs shall provide full and effective notice of the state and local graduation requirements to administrators, teachers, students, families, and members of the community. This information must be provided to all members of each class upon their entry to sixth grade and again upon their entry to ninth grade (or at the time of enrollment into the LEA). ~~Full and effective notice of the minimum achievement level on designated statewide assessments for graduation purposes, as described in section L-6-3.3 of these Regulations, must be provided to students and their families no later than October 1 in the year in which said students enter the ninth grade (or at the time of enrollment into the LEA).~~ LEAs shall provide notice of the requirements to students enrolled by the LEA in non-public schools or programs and to students attending school in juvenile correction programs.

(b) LEA notification processes and evidence that parents/guardians have been provided access to their child's individual learning plans and/or personal literacy plan(s) shall be monitored through the Commissioner's review set forth in section L-6-3.6 of these regulations.

(c) In the event that a student is in jeopardy of not earning a diploma, the LEA must maintain a record of multiple and timely individual notices to the student and his/her family that include: (1) clear notification of the student's academic status; and (2) the opportunity to meet and discuss the student's academic program, support, and planned interventions; and (3) regular updates of student performance and progress. All such communications must be provided in a format accessible to families and students. LEA failure to provide student and family notifications in the manner set forth in these regulations may be addressed through locally managed appeals processes but shall not be presumed to result in the awarding of a diploma.

L-6-3.8. Supports to students.

Every student enrolled in Rhode Island public schools has the right to an appropriate and individualized opportunity to achieve proficiency as measured in accordance with section L-6-3.0 of these regulations. For many students, that opportunity will require additional research-based supports from the LEA.

The range of necessary support mechanisms must include:

(a) Beginning no later than entry into sixth grade, each student shall have an individual learning plan (ILP) as described in section L-6-4.3 of these regulations. The ILP shall coordinate with the following documents, programs, and plans as appropriate: Individual Educational Program (IEP), Section 504 Plan, Personal Literacy Plan (PLP), Response to Intervention (RtI), transition plans, and English language learner services.

(b) LEAs shall utilize a state-developed early warning system to identify students at risk for academic failure and dropout. Identification of students shall occur no later than the sixth grade year (or at the time of enrollment for students enrolling into the LEA after the sixth grade year). LEAs shall communicate regularly with the families of students identified through the early warning system, including providing them with information about the support provided to and progress being made by the student.

(c) LEAs shall be responsible for providing additional academic and instructional support and research-based interventions for all students not on track to meet the graduation requirements established by section L-6-3.1~~,~~ and L-6-3.2~~, and L-6-3.3~~ of these regulations. Students ~~failing to reach the required level of achievement on~~ identified as in need of remediation as a result of their performance on any ~~the~~ state assessment ~~as established by~~ administered pursuant to section L-6-3.3 of these regulations shall be provided a progress plan. Progress plans must include the types and duration of academic and educational supports and academic performance targets necessary for graduation. Progress plans may be incorporated into the ILP and may address academic weaknesses in course performance and/or performance-based diploma assessments. Other academic and instructional supports shall be documented in the student's individual learning plan (ILP).

(d) Students with disabilities are expected to present evidence of successful completion of graduation the requirements set forth in L-6-3.1~~,~~ and L-6-3.2~~, and L-6-3.3~~ of these regulations. Students with disabilities have the right under federal law to remain in school until the age of 21.

(e) Students identified as English language learners are expected to present evidence of the successful completion of the graduation requirements set forth in L-6-3.1~~,~~ and L-6-3.2~~, and L-6-3.3~~ of these regulations. The Commissioner shall identify an alternative assessment or set of assessments appropriate to determine the academic proficiency of English language learners that (1) have low levels of English proficiency, (2) have been served by Rhode Island public schools for fewer than four years, and (3) have had uninterrupted formal schooling prior to entering Rhode Island public schools. English language learners may continue working toward successful completion of Rhode Island graduation requirements beyond the equivalent of the 12th grade year.

(f) LEA failure to provide the supports set forth in this section may be addressed through locally managed appeals processes but shall not be presumed to result in the awarding of a diploma.

L-6-4.0. MIDDLE LEVEL AND HIGH SCHOOL RESTRUCTURING.

L-6-4.1. Requirement for personalized learning environments.

All middle level schools and high schools shall implement strategies for creating personalized learning environments, including the provision of a structure by which every student is assigned a responsible adult, in addition to a school counselor, who is knowledgeable about that student's academic, career, and social/personal goals. These personalization strategies must ensure a collective responsibility for individual students and shall include approaches such as student advisories, schools within schools, academies, and or interdisciplinary grade level teams organized around a common group of students, etc. Evaluation of the effectiveness of such strategies shall be conducted in a manner, format, and schedule to be determined by the Commissioner.

L-6-4.2. Middle level advisory.

Student advisory structures at the middle level shall be an integral component of the middle level program in each LEA, regardless of the additional personalization structures that are employed. For purposes of these regulations, advisories shall be defined as a structure or structures for stable groups of students to meet regularly throughout the academic year with at least one assigned adult in an environment with sufficient time and opportunity to support student achievement in the academic, career, personal/social domains.

L-6-4.3 Individual Learning Plan (ILP).

(a) LEAs are responsible for developing a student ILP process beginning no later than the sixth grade to help students identify and meet their academic, career, and personal/social goals. The ILP shall document the student's college and career interests and learning supports that culminate in graduation and preparation for post-secondary success. The ILP shall document additional educational opportunities such as dual enrollment, alternative pathways, career and technical education, transition placements and/or employment training provided to help students reach their goals.

(b) The ILP process shall provide regular and ongoing opportunities for students to review and revisit their goals with the guidance of responsible adults, including parents or legal guardians. In order to ensure the use of the ILP in coordinating appropriate supports, access to courses, and additional learning opportunities necessary to support students in meeting their goals, ILP reviews must occur not less than bi-annually and during key transition periods including middle to high school and high school to post-secondary placement. LEAs shall provide evidence of the effectiveness of their ILP process in a manner and format to be prescribed by the Commissioner.

L-6-4.4. Professional development.

All certified educators in middle level and high schools shall participate in at least fifteen (15) hours of ongoing professional development annually, focused on the priority areas of literacy, numeracy, graduation by proficiency, and personalization. Professional development must be informed by student achievement data and guided by best practice in curriculum, instruction and assessment.

L-6-4.5. Common planning time.

Common planning time shall be used by teams of teachers, administrators, and other educators for the substantive planning of instruction, looking at student work, addressing student needs, and group professional development. By the school year 2011 - 2012, common planning time must provide for at least one hour per week at the high school level and at least two hours per week at the middle level. Pursuant to the requirements of this section, LEAs shall provide evidence of the manner in which these requirements are implemented, as well as the means by which administrators and teachers will receive professional development in the effective use of common planning time. This common planning time must be in addition to individual faculty planning time and the professional development requirements set forth in these regulations.

As established in Section G-4-11 of the Board of Regents Regulations Governing the School Calendar and School Day, common planning time does not qualify as “instructional time” for the purposes of compliance with the required length of the school day.