

**MEMORANDUM**

TO: Board of Education
FROM: Legal Services
DATE: February 21, 2008
RE: MMSD Students Taking Outside Courses

On January 8, 2007, the Board took the following action:

It is recommended that the Board direct the Administration to: 1) freeze new procedures or guidelines for credit towards graduation for courses taken outside the MMSD until the Administration reports to the Board about whether current MMSD policies need to be updated or changed in view of any technological changes in the law and other opportunities; 2) develop a proposal on either the implementation and communication of the policies and procedures to parents and students for consistency across the District at the levels affected; and 3) have the Administration give the Board the pros and cons of adopting a policy like the one proposed by Dr. Mertz as a draft proposal. It is further recommended that the Administration review all nine of the policies, including the proposed "Guidelines for Coursework Outside the MMSD" for possible revision, consolidation, or propose a newly created policy.

Attached is Exhibit 1, an amended draft of the policy previously submitted to the Board in a memo from Pamela Nash dated May 4, 2007. The amendments modify the timing of a student's application to take courses outside the MMSD and the response time of the District. This time frame is modeled after the Youth Options time frame.

Also attached to this Memorandum is a copy of a policy proposal previously submitted by Dr. Janet Mertz, Exhibit 2A, and the District's analysis of that proposal, Exhibits 2 and 2B. These documents were also submitted to the Board of Education under cover of Dr. Nash's memo of May 4, 2007.

This matter is scheduled to be heard before the Performance and Achievement Committee on February 25, 2008.

FJC
Attachments

DRAFT

EXHIBIT 1

POLICY STUDENTS TAKING COURSES OUTSIDE THE DISTRICT _____

It is the policy of the Board to expand the opportunities for students to take courses outside of the District without increasing the costs to the District and without undermining the integrity of the diploma a student receives from the District. A student may receive elective credit for taking such outside courses provided that the District does not offer a comparable course. No District funds shall be utilized to pay for the costs related to a student taking courses under this policy.

PROCEDURE STUDENTS TAKING COURSES OUTSIDE THE DISTRICT _____

A. Taking outside courses if a student wishes to receive elective credit toward graduation.

1. ~~At least 60 school days prior to the date on which the course is to commence~~By March 1 of the previous school year for first semester courses and by October 1 for second semester courses, the student shall submit to his/her principal or the principal's designee the student's request to take a course under this policy. Within 30 school days after receiving the student's request, the principal, in consultation with the appropriate staff member(s), shall make a

recommendation to the Superintendent or his/her designee as to whether the course shall be approved. Within 15 school days after receiving the principal's recommendation, the Superintendent or his/her designee shall notify the student of whether his/her request has been granted or denied.

2. A student may only receive elective credit toward graduation provided the District does not offer a comparable course as determined by the District. If a student receives elective credit toward graduation, the grade will be recorded as pass/fail.
3. Elective credits toward graduation shall be granted in the following manner:
 - No more than 1 elective credit per year.
 - No more than 1 elective credit in the same subject.
 - No more than 2 elective credits may be applied to the total graduation requirement.
4. The student's transcript shall only include a description of the course, the institution, if any, the date the course was completed, the elective credit, if any, and the pass/fail grade.

5. No grades shall be included as part of a student's grade point average (GPA).
 6. All costs related to taking the course shall be the responsibility of the student and/or his/her parent/guardian.
- B. Taking outside courses if a student does not wish to elective receive credit.
1. ~~At least 60 school days prior to the date on which the course is to commence,~~By March 1 of the previous school year for first semester courses and by October 1 for second semester courses, the student shall submit to his/her principal or the principal's designee the student's request to take a course under this policy. Within 30 school days after receiving the student's request, the principal, in consultation with the appropriate staff member(s), shall make a recommendation to the Superintendent or his/her designee as to whether the course shall be approved. Within 15 days after receiving the principal's recommendation, the Superintendent or his/her designee shall notify the student of whether his/her request has been granted or denied.

2. The student's transcript may only include a description of the course, the institution, if any, the date the course was completed, and the pass/fail grade unless the student or his/her parent/guardian request that the student's letter grade appear on the transcript in which case the student's letter grade will appear on the transcript.
3. No grades shall be included as part of the student's GPA.
4. All costs related to taking the course shall be the responsibility of the student and/or the student's parent/guardian.

DRAFT

EXHIBIT 2

This Memorandum is written to respond to point number 3 of the Board's motion which has to do with having the "Administration give the Board the pros and cons of adopting a policy like the one proposed by Dr. Mertz as a draft proposal." The proposal submitted by Dr. Janet Mertz (hereinafter, "the Mertz Proposal") has been enclosed herein as Exhibit 2A. In addition to the pros and cons of the Mertz Proposal that are discussed herein, there is another analysis of the Mertz Proposal that has been enclosed herein as Exhibit 2B. Such analysis has been provided by the District's professional high school staff.

Below, in consultation with others, I have set forth a sentence by sentence analysis of the Mertz Proposal, as well as compared it, in some instances, to the proposed policy the Administration is advancing, that has been included herein as Exhibit 1. To make it easier to understand the comments related to the Mertz Proposal, the specific language in her proposal has been set forth followed by the District's response.

The main pro related to the Mertz Proposal (Exhibit 2A) is that it provides District students an option to access educational opportunities outside the MMSD (i.e., college or non-MMSD high school).

1. The Mertz Proposal states: "A course is defined here to mean any formal high school or college level course taken by enrollment in an official course offered by a non MMSD accredited high school or college."

1. The District's response: The Mertz Proposal limits the options of students to formal high schools and colleges. The District's proposal does not limit opportunities to just formal high school or college level courses. The Mertz Proposal is not expansive enough to cover courses not offered at high schools or colleges. The District already has Board Policy 4027 that governs MMSD students taking high school courses in another school district and MMSD has the youth options program, the In Step program, and Board Policies 3310 and 3547 that apply to students taking courses at the college level. Therefore, there is a question as to whether there is a need for another Board policy that covers students just taking high school and college courses as proposed by Dr. Mertz.

In addition, by adopting the Mertz Proposal, it will limit considerably the opportunities available to District students as compared to the District's proposal in that the District's proposal contemplates students taking outside courses in addition to courses offered by an institution of higher learning or another school district.

2. The Mertz Proposal states: "The coursework may be performed by attendance in person at the school, online via the internet, or by mail correspondence."

2. The District's response: There is no need to list the various ways in which coursework may be performed. This can be accomplished at the time the course is approved. I assume there are other options, such as a student receiving instruction in a hospital, group home, his/her home, library, etc. Thus, by only having three options, Dr. Mertz limits other viable alternatives that could be appropriate in light of a student's particular circumstance.

3. The Mertz Proposal states: "If the coursework is not being taken under the sanction of any other MMSD or BOE policies (e.g., the ones listed above), all costs related to taking the course shall be the responsibility of the parent/guardian of the student or the student."

3. The District's response: This provision implies that if the coursework is under the sanction of any other MMSD or Board of Education policy, that the District will be responsible for the costs. That is not true. All other District or Board policies do not require that MMSD pay for a student taking an outside course. The policy should only address what the policy provides, not what other Board policy requires. In other words, the reference to "If the coursework is not being taken under the sanction of any other MMSD or Board of Education policies" should be deleted.

4. The Mertz Proposal states: "The student shall receive credit toward fulfillment of graduation requirements if it is determined that the course is at least comparable in quality and level of difficulty to the ones offered by the District subject to

the limitation that the student may earn no more than 50% of the total number of credits required for graduation from MMSD via this mechanism.”

4. This sentence raises two concerns.

4A. The District's response regarding concern No. 1: The definition of comparability is not only ambiguous, limiting, and hard to apply, it would not be appropriate in all circumstances. For example, the quality and difficulty may be less than the course to which it is being compared, but such course may still be comparable considering its scope, sequence, description, etc. In addition, Dr. Mertz's standard of quality and difficulty may not be appropriate for a non-traditional course that a student might be interested in taking that is not a high school or college course. The District needs flexibility to be able to determine and apply the appropriate criteria as they relate to deciding what is a comparable course. Accordingly, comparability as determined by the District should be the standard.

4B. The District's response regarding concern No. 2: The second issue has to do with the fact that the Mertz's Proposal would allow a student to take 50% of his/her high school coursework at a location other than the District and receive a diploma from the District. If the student is going to receive an MMSD diploma, the student should be required to take the majority of his/her classes in the MMSD. Allowing 50% of the coursework to be done outside the MMSD, a public school district, opens the possibility for students with sufficient financial means to receive a diploma that is essentially

different from the diploma of other public school students who graduate from the MMSD.

In addition, because so many credits could be obtained without a District teacher being involved in the student's education of the student, a dispute with the teachers' union may occur. In contrast, the District's proposal only allows a total of two elective credits to be used for graduation, and that limit is consistent with the Board's Independent Study Policy 3545, which also limits a student to using a maximum of two credits toward graduation.

5. The Mertz Proposal states: "The student's transcript shall include a description of the course, the institution through which it was taken, the date the course was completed, the number of high school credits awarded, and the grade received in the course; however, the grade will not be included in the calculation of the student's GPA."

5. The District's response: There are no problems with this part of the Mertz Proposal.

6. Mertz's Proposal states: "If the student desires to receive credit for the course, she/he shall submit to her/his school principal a request for approval for credit along with a course description and syllabus at least one week prior to commencement of the course."

6. The District's response: The problem with the proposed procedure is that it does not provide enough time for District staff to analyze, research, and evaluate the information to make a decision about whether the student's request should be granted or denied before the class starts. One week is simply not enough time for a staff member to be able to accomplish that task.

7. The Mertz Proposal states: "The determination whether the request shall be approved for credit shall be made by the principal of the student's school in consultation with the chair of the department in the subject area of the course. If approval is denied, the student may appeal the decision to the District's specialist in the subject area and the Superintendent or her/his designee."

7. The District's response: The problem with the proposal is that each of the four high school principals, in consultation with his/her department chair, could make a different decision regarding whether to grant credit for the same course. To ensure consistency throughout the District, the principal should make a recommendation to a central office Administrator (Superintendent or his/her designee) who would then be responsible for determining for the entire District which requests should be granted or denied.

Draft Proposal for a New MMSD BOE Policy Regarding:

12/10/06

Coursework Taken Outside of the MMSD [that is not already covered under the District's and BOE Policies 3310 (Extension), 3547 (Credit and Tuition for UW Courses), 4027 (Open Enrollment – External Transfer Policy for Part-Time Students), Youth Options Program, Talented and Gifted Individualized Student Education Plan, Individualized Educational Program for Students with Disabilities, or At-Risk Students MATC for Credit Program.]

POLICY**CURRICULUM****Credit for non-MMSD Courses**

A course is defined here to mean any formal high school- or college-level course taken by enrollment in an official course offered by a non-MMSD accredited high school or college. The coursework may be performed by attendance in person at the school, online via the internet, or by mail correspondence with the instructor.

If the coursework is not being taken under the sanction of any other MMSD or BOE policies (e.g., the ones listed above), all costs related to taking the course shall be the responsibility of the parent/guardian of the student or the student.

The student shall receive credit toward fulfillment of graduation requirements if it is determined that the course is at least comparable in quality and level of difficulty to ones offered by the District subject to the limitation that the student may earn no more than 50% of the total number of credits required for graduation from the MMSD via this mechanism.

The student's transcript shall include a description of the course, the institution through which it was taken, the date the course was completed, the number of high school credits awarded, and the grade received in the course; however, the grade will not be included in calculation of the student's GPA.

PROCEDURE**CURRICULUM****Credit for non-MMSD Courses**

If the student desires to receive credit for the course, she/he shall submit to her/his school principal a request for approval for credit along with a course description and syllabus at least one week prior to commencement of the course.

The determination whether the request shall be approved for credit shall be made by the principal of the student's school in consultation with the chair of the department in the subject area of the course. If approval is denied, the student may appeal the decision to the District's specialist in the subject area and the Superintendent or her/his designee.

EXHIBIT 2B

MADISON METROPOLITAN SCHOOL DISTRICT

MADISON MEMORIAL HIGH SCHOOL

201 S. Gammon Rd. Madison, Wisconsin 53717-1499 608.683.5990 www.mmsd.org

Bruce Dahmen, Principal

Assistant Principals:

Emily Gensbach Ph.D.

Pria Hartman

Matt Hendrickson

Bennett Redlan

Art Rainwater Superintendent

January 30, 2007

We, the undersigned Memorial High School department chairs, support the attached document, Pros and Cons of a Proposal by a District Parent Regarding Students Receiving Graduation Credit for Courses Taken Outside the MMSD, as Memorial High School's response to the request from Dr. Pam Nash and attorney Clarence Sherrord for input to a request from the MMSD Board of Education regarding this parent's proposal.

David Lynch, Applied Technology

Dave Thomas, Business Education

Kathy Schwaegerl, English

Elizabeth Hoadley & Robyn Reed, English as a 2nd Language

Glee Brechler, Family/Consumer Education

Geoff Werman, Fine Arts

Kris Brown & Renee Hoxie, LMC

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Tom Bennett & Kevin Hodgson, Mathematics

Paul Ulrich, Music

Jon Spencer, Physical Education

Gordon Perkins, Science

Dan Raabe, Social Studies

Steve Towne, Special Education

Phil Hubble, Student Services

Linda Christen, World Languages

Pros and Cons of a Proposal by a District Parent Regarding
Students Receiving Graduation Credit for Courses Taken Outside the MMSD

Pros

1. Both Dr. Pam Nash's proposal and the proposal from Dr. Mertz address the need for a clearly-stated district-wide process to be used by the MMSD to address requests by students/families for MMSD high-school credit for educational experiences taken outside the MMSD.

Cons

1. Dr. Mertz' proposal rests on two misconceptions.

- Dr. Mertz cites the "Youth Options Guidelines: University of Wisconsin-Madison" documents from July, 2005, and July, 2006, as proof that the MMSD changed its policies by adding the requirement that Youth Options courses cannot be comparable to MMSD courses. The statement regarding comparability of courses has always been part of the state's rules and regulations for the Youth Options Program. This requirement comes from the state, not from the MMSD. The only difference between the two versions of the document is that the 2006 version includes a statement about the comparability requirement, and the 2005 version does not. There was no MMSD procedural or policy change from 2005 to 2006.
- Dr. Mertz cites page 49 of the West High School Student-Parent Handbook for 2004-2005 as indicating *"quite clearly that West used to permit students to use 'university course work (non-youth options) to replace required high school graduation credit. The old policy even allowed 'a grade to be listed on the transcript with the grade included in the student's GPA.'" In fact, the cited passage simply states that "Students. . . must complete a declaration form before the start of the course."* That declaration form required the approval of the student's principal and the high-school department chair of the department most closely related to the non-MMSD course. That approval has never been automatic. Similarly the passage stated that students who wish to use non-Youth Options university courses to replace required high school credit had to receive permission in writing from the appropriate high school department chair before enrolling in the course. Again, that approval has never been automatic. Dr. Mertz has misread the passage by inferring that high-school principals and department chairs have routinely approved these requests, when in fact they have not done so. Each request is considered on its own merit. In truly extenuating circumstances, principals and department chairs have approved high-school credit for courses taught outside the MMSD. These situations are extremely rare because extenuating circumstances are by definition extremely rare. However, they do occur; and when the circumstances warrant, such permission has been given. This by no means constitutes automatic approval or "past practice."

2. Under Dr. Mertz' proposal, the MMSD would lose the ability to ensure that its high-school students receive the skills and concepts for which federal law holds the MMSD accountable, plus MMSD high-school principals and department chairs would be faced with a complicated, monumental evaluation task.

First of all, three parts of Dr. Mertz' proposal need to be examined.

- Dr. Mertz defines the type of educational experience her proposal covers as *"any formal high school- or college-level course taken by enrollment in an official course offered by a non-MMSD accredited high school or college."* This would allow students to select courses from any subject area offered at their high school and from any accredited high school or college, no matter where it is located.
- Dr. Mertz proposes that students receive MMSD high-school graduation credit for courses from outside the district *"if it is determined that the course is at least comparable in quality and level of difficulty to ones offered by the District."* Later her proposal identifies the student's school principal and the high school department chair in the subject area of the course as the MMSD staff who determine the non-district course's quality and difficulty from a course description and syllabus at least a week before the course starts.
- Dr. Mertz proposes that students be allowed to earn no more than *"50% of the total number of credits required for graduation from the MMSD via this mechanism."* That is equivalent to two years' worth of courses out of the four years students spend in high school.

Next the following facts need to be considered.

- The federal No Child Left Behind (NCLB) legislation obligates the MMSD to demonstrate adequate yearly progress by students in academic areas and compliance by the district with the percentage of students in various categories whom it tests. Funding is attached to the results of the testing. In order to ensure that MMSD students receive instruction commensurate with the skills and concepts required by the various levels of the Wisconsin Knowledge and Concepts Examination, the district hires educational staff who hold the appropriate state certification in the various curricular and student service areas. The curricula and services offered by MMSD high-school educators are based on national and state standards for secondary education instruction in the various content and student service areas.
- Because skills and concepts are developed over time, MMSD high-school courses progress according to a defined "scope and sequence." This refers to the variety of the skills and concepts to be acquired and the order in which they are presented, reviewed, evaluated, and tied to other skills and concepts in this course or subsequent courses in the particular discipline. Courses from outside the MMSD would not necessarily follow the MMSD scope and sequence. Students taking such courses might not be exposed to the skills and concepts found in the equivalent MMSD course.

- It is not uncommon for students/families in the MMSD to request credit for a wide variety of educational experiences offered by institutions and groups all over the world. For example, high-school credit is routinely requested for such "educational experiences" as
 - music, language, and science camps held in other states by various institutions of higher education (IHEs) or groups specializing in these disciplines,
 - intense summer 3-4-week "short courses" in various academic disciplines offered by groups for talented-and-gifted students,
 - 6-8-week summer-session courses offered by various IHEs and groups from across the country,
 - foreign-exchange programs offered in many countries by a variety of agencies and groups,
 - language and cultural studies offered by religious groups,
 - distance-learning courses offered by various public and private school districts and IHEs,
 - family trips to other parts of the U.S. or to other countries,
 - participation in community activities such as Scouting or youth groups, and
 - participation in a variety of therapy or recovery programs

- No doubt some families believe that a course or other educational experience offered by an IHE or a professional organization is automatically more thorough in content and more skillfully delivered to students than an MMSD course or experience in the same area. However, educational experiences offered by IHEs or professional organizations are not always based on Wisconsin or national academic standards for secondary-school students. Courses designed for high-school students have different objectives and content from courses designed for college/university students because the audiences are different. Also the instructors of these educational experiences are not always Wisconsin-certified high-school staff. Therefore, it is extremely likely that a course or educational experience from an IHE or a professional organization might not afford students the concepts and skills for which the Wisconsin Knowledge and Concepts Examination will hold them accountable

- By themselves, a course description and syllabus are not sufficient to determine whether or not courses from outside the MMSD are "*comparable in quality and level of difficulty to ones offered by the District.*" A course description and syllabus can sound thorough, but MMSD staff would need to have access to the detailed lesson plans and the evaluation instruments for the entire course in order to have an idea of the stated content and rigor of the course. Families would have to request such extensive documentation far in advance of the week deadline proposed by Dr. Mertz. This assumes, of course, that the instructors would be willing to submit such documentation.

- Currently there is no objective evaluation system based on state and national standards in each area of study offered by MMSD high schools for MMSD staff to use in evaluating lesson plans and evaluations for outside coursework. MMSD staff would need to develop such an evaluation system. It would need to be objective in order to explain clearly to families why some requests for credit are accepted and some denied. It would need to be based on state and national standards because those standards are the basis for MMSD curricula, and those standards are the basis for skills and concepts tested by the Wisconsin Knowledge and Concepts Examination. It would need to be extensive given the large number of educational experiences offered in MMSD high schools, given that Dr. Mertz proposes that students be able to take up to 50% of their graduation requirements outside the MMSD, and given the world-wide scope of educational experiences for which students from the MMSD have heretofore requested high-school credit.
- Since Dr. Mertz' proposal opens the way for a vast number of requests for MMSD high-school credit, high-school principals and department chairs would face an enormous evaluation task, even if an adequate evaluation system could be devised and thorough documentation for outside courses were provided. Given that public schools are not charged with evaluating the curricula offered by other school systems or IHEs and professional groups from around the world, it would seem unwise to burden principals and department chairs with a task which falls outside the purview of any U.S. public school system.

3. Finally Dr. Mertz' proposal devalues the MMSD high-school diploma.

- The MMSD high-school curriculum offers all students the opportunity for an excellent education. Honors, accelerated, and Advanced Placement courses are to be found in all MMSD high schools. The state's Youth Options Program and Youth Apprenticeship Program afford students who are advanced and interested in various areas to explore those areas beyond the high-school level. By stating that even when MMSD offers the same courses, MMSD high-school students should be allowed to take up to 50% of their graduation requirements outside the MMSD, Dr. Mertz' proposal is a clear and strong implication that the MMSD high-school curriculum is not adequate and that MMSD students can receive a better education by taking up to 50% of their graduation requirements outside the district.
- Dr. Mertz' proposal indicates that families must pay for any educational experience outside the MMSD that does not fall under BOE policies 3310, 3547, and 4027, the Youth Options Program, Talented and Gifted Individualized Student Education Plan, Individualized Education Program for Students with Disabilities, or the MATC Program for At-Risk Students. The result of this portion of the proposal is that students whose families cannot afford to pay for educational experiences outside the MMSD will be unable to take advantage of non-MMSD educational experiences. Four disturbing outcomes will, in all likelihood, arise.
 - There is a clear distinction between the educational experiences available to families with financial resources to afford to go outside the MMSD and families without those resources. The proposal calls attention to the division between the wealthy and the poor with the MMSD.
 - As time passes there will develop a public perception that the education offered by the MMSD is in some way deficient and inadequate because families who can afford to do so send their children outside the district to meet up to 50% of the graduation requirements. Why would these families do so if the education offered by MMSD were sufficient to enable MMSD graduates to fulfill their goals after graduation?
 - This public perception will work negatively against the MMSD's efforts to lessen the achievement gap between white students and students of color by sending the message that Madison's children of poverty, most of whom are students of color, are being afforded a substandard education which will not suit them to take their place as independent, functioning citizens of our society.
 - It will only be a matter of time before a family or group of families who cannot afford non-MMSD educational experiences petitions the MMSD to pay for their students, on the grounds that the process proposed by Dr. Mertz is discriminatory against families without sufficient income to take advantage of educational opportunities outside the MMSD.