

Navigating Policy for Personalized, Competency-Based Education

A Guide for Minnesota Educators



Education Evolving is a Minnesota-based, nonprofit, nonpartisan organization focused on improving educational opportunities and outcomes for all students, in particular those traditionally underserved. Toward that end, our mission is to advance student-centered learning for all students, by supporting teachers designing and leading schools, and by advocating for policy that catalyzes community-driven innovation. Read more at www.educationevolving.org

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This guide is an evolving product as laws and interpretations of them change. See the latest version at www.educationevolving.org/cbe-guide.

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Introduction

Competency-based education and why it matters now

We are living in an unprecedented time. Covid-19 exacerbated and brought attention to inequities long present in public education. Facing inconsistent access to learning over distance and many other challenges during the pandemic, students will leave this period with months of what's been called "lost learning."

And this loss isn't just a missing chunk at the end of a year, but instead bits and pieces scattered throughout. This means that, short of repeating a full year, addressing these gaps presents a grave challenge for traditionally structured schools. While there are promising results from tutoring and other interventions, these won't be sufficient at scale. It's critical we look beyond only these tack-ons, and also rethink the core design of schools.

Competency-based education (CBE) is one such design. It is an approach where learning is oriented around students mastering clearly articulated learning outcomes (i.e. competencies) rather than passing time in seats. In particular, the defining characteristics of CBE include:

- Students get the tailored support they need to address knowledge gaps and interrupted learning, and to receive enrichment and accelerated instruction when they're ready to move on.
- Learning outcomes, i.e. target competencies, are designed to be aligned with state standards and include not only academic knowledge but also applicable skills.
- Students have flexibility in the time, place, and pace of their learning in the pursuit of their learning outcomes.
- Students have agency to both learn and demonstrate learning outcomes in ways that are personalized and relevant to their interests, identities, and aspirations.

Together these characteristics mean CBE is well suited to address the issues of disengagement and learning loss that have always been problems, but which are particularly pressing today.

Purpose and intended audience for this guide

We have been working with legislators on a bill to give state authorization and support for CBE in Minnesota. Providing explicit policy leadership for CBE is important, and we're continuing legislative advocacy efforts. That said, it's possible to implement many elements of CBE today, under current law. **This guide's purpose is to give educators tools to do so.**

The intended audience is teachers and administrators who are implementing CBE programs and want help navigating laws, regulations, and reporting requirements as they do so. It is primarily intended for middle and high schools, where more barriers (or at least perceived barriers) exist. Elementary schools—where students stay with one teacher most of the day who oversees learning across all subjects—are inherently more conducive to CBE.

To be clear, this guide is **not** intended to help with the important curricular and pedagogical dimensions to implementing CBE. Other publications do that more effectively. Rather, **this guide is focused on navigating policy**.

The remainder of this guide will review Minnesota laws and rules that relate to CBE, show how schools using CBE can comply with reporting requirements, and finally close with a fictional anecdote to show how to navigate laws and compliance in practice. Let's get started.

¹ For a review of some of these findings, see: https://www.the74million.org/using-tutors-to-combat-covid-learning-loss-new-research-shows-that-even-lightly-trained-volunteers-drive-academic-gains/

What the Law Says

Terminology Note: The Word "District"

In this memo, and under Minnesota law, most state requirements are described as applying to "school districts." By extension, laws that apply to districts also apply to the schools within them. Additionally, charter schools in Minnesota are classified as their own independent districts for most purposes. In sum, whenever you read the word "district" below, you can take it to mean "school districts, district schools, and charter schools."

Learning progress: standards, credits, and seat time

- Minnesota law defines baseline academic standards for what public school students should learn. State standards are required in the areas of language arts, math, science, social studies, and physical education; districts are also required to adopt standards locally in health, the arts, world languages, and career and technical education.
 - Technically speaking, the content of the standards is defined by the Minnesota
 Department of Education (MDE) through rulemaking. Standards are revisited every 10 years
 through a process of educator and community input.²
 - While standards are intended to provide benchmarks for what is expected of students in each grade, and indeed are the basis of what is included on annual state standardized tests, there is no requirement that a student must learn only standards from their grade level; they may go back and fill gaps in knowledge in prior years, or accelerate through standards in future years.³
- To graduate from high school in Minnesota, a student must both meet state standards and also earn
 21.5 high school credits across the areas of language arts, math, science, social studies, the arts, and electives.⁴
 - Students earn a credit when they've "completed an academic year of study or mastered the applicable subject matter." Note that the second half of this sentence allows a district to determine when applicable subject matter has been mastered for the purposes of awarding a credit, though "applicable subject matter" is commonly interpreted to mean the standards of the subject and grade level of the credit being awarded.
- Overall, there are no requirements in law that a student spend a set amount of time to meet a
 specific standard, complete a credit, or even advance to a new grade. Districts must have some
 system in place for recording student progress through standards, credits, and grades,⁶ but may do
 so according to policies set locally.
 - In total, however, districts must offer students a **minimum number of net "instructional hours" and "instructional days"** over the course of the year.⁷
 - The minimum required instructional hours is 1020 hours for grades 7 through 12; 935 hours for grades 1 through 6; and 425 hours for Kindergarten. The minimum number of required instructional days is 165 for all grades 1 through 11 in district schools.⁸
 - We describe more what can (and can't) count towards these overall day and hour requirements below.

² Minnesota Statutes 120B.012, Subdivisions 2 through 4.

³ Note that on a learning science (rather than policy) level, there is evidence that it is important for students to be exposed to grade-level work and expectations regardless of where they are at, even if in tandem with scaffolded, personalized supports and interventions. See TNTP. 2018. "The Opportunity Myth." TNTP.

⁴ Minnesota Statutes 120B.024

⁵ Minnesota Statutes 120B.018, Subd. 4

⁶ Minnesota Statutes 123B.06

⁷ Minnesota Statutes 120A.41

⁸ Note that the instructional day requirement does not apply to charter schools.

Enrollment and attendance

- Practically speaking, many constraints on CBE have to do with when and where students can be
 counted as "enrolled" and "in attendance". These two terms come up all the time in education
 policy and funding formulas and so are important to understand, for two main reasons:
 - First, districts must show that their enrolled students meet the minimum instructional day and hour requirements described above to generate full state aid for the student..
 - Second, schools generate revenue for students based on the days they are enrolled.
 Students must remain in attendance—defined as attending at least once every 15 days⁹—in order to stay enrolled.
- Districts are required to maintain and report attendance records for each student. The state, through its MARSS reporting system, requires districts to report the total number of days or hours each student is enrolled, and number of days or hours they were in attendance.
 - As we will see further below, many challenges in CBE arise when learning happens at times and places that students can't be counted as "in attendance."

When learning happens

- A common characteristic of CBE models is that students have more flexibility around when they
 learn (and relatedly, where they learn, as will be covered in the following section) as long as they
 are working to master competencies—for example, after dinner on a school night, though an after
 school enrichment program, at an internship on Saturdays, etc.
- Schools are required to set a "regular calendar" for each grade, which specifies the start and end
 dates of the school year as well as the start and end time of the school day. This calendar must be
 uniform for all students in a given grade and school. (Different schools and/or different grades within
 a school can have different schedules.)
 - Independent school districts must start on Labor Day or later, though charter schools may start as early as July 1st and state-approved alternative programs can start as early as June.¹⁰ The school year must finish by the last day as June. Note that while a school year can extend beyond the required 165 days, additional funding is not provided.¹¹
- The biggest challenge districts face when offering flexibility around the "when" of learning (for example, having students start their school day early, stay late, learn on the weekends, etc.) is that students who have hours outside of the regular calendar can't count those hours as enrolled or in attendance.
 - Ultimately, districts should and do try to avoid this, since it could put both their minimum
 day and hour requirements as well as their funding in jeopardy, as described above. This
 is one area Education Evolving has repeatedly heard is a true barrier, and which we
 hope to have changed.

⁹ Minnesota Statutes 126C.05, Subd. 8

¹⁰ Minnesota Statutes 120A.40

¹¹ With the exception of Extended Time Revenue for districts participating in a State Approved Alternative Program (SAAP); and the Extended Year Program (EYP) for students receiving eligible services on an IEP per Minnesota Statutes 125A.14.

Where learning happens

- Another common characteristic of CBE models is that students have more flexibility around where
 they learn—for example, out in the school media center or hallway rather than a classroom, online
 at home, with a mentor, or even out in the community or at an internship, etc.
- There is no explicit legal requirement that students must remain in the building during the school
 day. Similar to the heading above, the constraints on where learning happens mostly have to do
 with where a student can be counted as "in attendance."
- One commonly misunderstood barrier is related to teacher licensure and "line of sight" rules. In reality, strict rules don't exist in Minnesota.
 - Persons "providing instruction" to students must hold a valid teaching license in the content area or be directly supervised by a licensed teacher. However, unlike some other states, nothing in Minnesota law requires that the teacher must be physically present with or have a "line of sight" to the student.
 - One teaching license in Minnesota—the Teacher Coordinator of Work-Based Learning license—explicitly authorizes teachers to oversee learning remotely. However, no other law or teaching license requires teachers to be physically present when providing instruction or otherwise overseeing learning.
- Practically speaking, the largest barriers to students learning offsite have to do with responsible student supervision and liability risks. Many district liability insurance providers are hesitant or unwilling to cover the risks of students learning offsite, in particular at workplaces—or would charge distrtrics unaffordable amounts for that coverage.
 - Navigating this barrier is mostly about developing a relationship with an insurance provider who understands your program and the ways in which you keep students safe, such that they are willing to provide coverage.

You can also consider having your work-based learning or internship program approved as a career and technical education (CTE) course if it helps give the program a sense of perceived legitimacy with your administrators, school board, insurers, or broader community (more on this below).

Other special programs to consider

The prior headings covered state policies that apply to students who are not participating in any special program of study. As you can see, even for those students, there is quite a lot of flexibility to do CBE. Furthermore, **there are several special programs** in which students can participate, which more explicitly enable flexibility. We review those below:

• Career and technical education for work-based learning. Schools can have some courses explicitly categorized and approved by MDE as CTE courses. Students participating in such courses, especially those that include an offsite or internship component, are explicitly authorized to learn—and generate revenue which includes both state General Education Revenue as well as the federal Strengthening Career Technical Education funds if a part of an state approved program—offsite and beyond the typical school day, week, and year schedule. They can be reported as enrolled and in attendance according to the credit they generate, not when they learn.

- Alternative programs and independent study. Students who meet certain criteria (such as those who are behind on credits, are struggling with chemical dependency, are pregnant, and other criteria¹³) are eligible to enroll in a State Approved Alternative Program. If your district has such a program, students can enroll and earn credits through independent study courses, wherein their enrollment and attendance are based on mastery of learning targets according to a "continual learning plan." While they are required to have some periodic contact with teachers, there aren't constraints on when and where the learning takes place.
- Project-based learning. Schools (or a single program within a school) can apply to be classified as project-based learning sites with MDE.¹⁵ The primary reason schools seek such classification is in order to calculate average daily membership for the purposes of state funding based on project credit earned rather than course enrollment and attendance. This allows additional flexibility in including student learning that happens off site or beyond the standard school day. (Additionally, while not directly related to CBE, many teachers at project-based learning schools apply for "innovative program waivers," which enables them to teach across disciplines.)
- Online learning. Students can participate in online learning in two main ways. First, they can enroll directly, full time with an online learning provider, which becomes their school of record. Second, they can participate in part time, supplemental online learning. Both options are available through the network of State-approved online learning providers.¹⁷ For the portion of their enrollment that is online, traditional constraints on time or place of learning apply.
 - ◆ Note that districts that offer courses conducted partially or even mostly online—also called "blended learning" courses—no special designation or approval process is required for those courses.¹8 Students can be counted as "in attendance" by participating in online courses or attending synchronous lessons as determined by the district's policies.
- Rigorous course of study waiver. A district may, upon receiving an "application" from a student, declare that the student has met a given standard or set of standards if they participated in another "rigorous course of study" that "meets or exceeds" the rigor of those standards.¹⁹ Practically speaking this means a student could participate, for example, in a physics internship that was deemed to cover learning outcomes more rigorous than the state's physics standards and thus not have to take a high school physics course.
 - ◆ The challenge with this provision in practice is that, even if students are able to have certain standards "checked off", this *does not* address the question of whether and how students participating in those other learning experiences—the physics internship in this example—can be counted as enrolled and in attendance. See the "when of learning" and "where of learning" headings above for more on this.

¹³ Minnesota Statutes 124D.68

¹⁴ Minnesota Statutes 124D.128, Subd. 2

¹⁵ Minnesota Statutes 126C.05, Sudb. 20

¹⁶ Minnesota Statutes 122A.09, Subd. 10

¹⁷ Minnesota Statutes 124D.095 and 124D.096

¹⁸ Minnesota Statutes 124D.095, Subd. 4, Paragraph d

¹⁹ Minnesota Statutes 120B.021, Subd a1

Navigating Compliance and Reporting

Many educators innovating with CBE have a similar story. They're trying something unique—for example a student internship, a multidisciplinary course, a course with a flexible end date based on how long it takes a student to complete, etc. Then administrators, especially those in finance and student records, say they'd love to support these educators but that there **isn't an easy way to fit those designs into required state reporting systems**.

In other words, CBE models face barriers not because they are out of compliance with the law, but because they conflict with the format of state reporting requirements. In this section we describe the state reporting requirements and how CBE schools can navigate them.

Three reporting systems relevant to CBE

There are three main systems that capture information related to courses and learning, and thus are most directly related to CBE:

System Collects Info About		Key Questions for CBE Models	
MN Common Course Catalog (MCCC)	Courses offered in Minnesota's schools. There are four reports, with rows for: the local course index; rows with a calendar of the offering times of the courses; rows of licensed teachers; and rows of student enrollments into courses.	Should CBE learning experiences be considered "scheduled" or "independent study" courses (which <i>are</i> reported in the school's MCCC local course index) or "project-based" courses (which are <i>not</i>)?	
Staff Automated Reporting (STAR)	Teachers, their licensure qualifications, and the courses they teach. There are three main required reports: one with rows for each licensed staff, one with rows for each unlicensed staff, and one for "assignments" of each staff member to courses.	What counts as a "course" for CBE learning experiences that cross disciplines? How should teachers be assigned to those CBE learning experiences? I.e. who counts as the assigned teacher(s) of record for those courses?	
MN Automated Reporting Student System (MARSS)	Student demographics, enrollment, and attendance for the purpose of funding calculations and more. There are two main reports: one with rows for each student enrollment; one with rows for each school site.	When and how to count students participating in CBE-based learning experiences as "enrolled" and "in attendance?"	

Reporting courses, licensure, and attendance

A concept central to all three of these systems is the idea of a "course." For MCCC, district course catalogs are the bulk of what is reported to the system. For STAR, courses are the basis of reporting teacher assignments and licensure compliance. For MARSS, courses are the basis of calculating enrollment and attendance percentages.

Practically speaking, most districts use a piece of software—such as Infinite Campus, JMC, Schoology, and others—to set up and store information about their courses, assign students to those courses, and take attendance. **The software then takes care of reporting the required information to the state data systems.** Below are three possible reporting strategies that we have seens schools innovating with CBE use:

System	Strategy 1: Report by Individual Experiences	Strategy 2: Report by Each Teacher/Subject	Strategy 3: Report by Dedicated CBE Time Blocks
MCCC	Consider the CBE learning experiences as "project-based" courses and as such do not report them at all under MCCC.	Define an "independent study" course for each teacher and assign students doing CBE under that teacher's oversight to that course. (You don't need to report day/time info for an independent study course.)	Define the CBE block as a "scheduled" course and assign it the MCCC subject code that best fits the subject area of the CBE experiences (even if it won't match exactly).
STAR	Assign licensed teachers to each course that provide coverage in the standard/credit areas that will be covered. Those teachers technically oversee and sign off on the learning.	Assign teachers a course for their primary licensure area(s). Students can then earn credits or meet standards in that "course" under the supervision of that teacher. The teacher can also offer traditional courses beyond CBE.	Assign teachers representing the disciplines covered within the CBE block to the course as "team teaching" teachers. This could mean two, three, or more teamteaching a large course for lots of students.
MARSS	Define start and end time as either undefined or all day every day. Count students as present for the week if they log time for that experience at least once during the week.	Define start and end time as all day every day. Students enroll in courses based on the subjects of the standards/credits they are pursuing. Count students present if they sign in or attend in-person at least once in a week.	Define an actual day and start/ end time to match the time the CBE block actually happens. Count students as present as normal during that block of time.

Making it Work: A Fictional Example

The final section of this memo walks through a day at a fictional Minnesota high school that is using CBE approaches. While fictional, it is based on several real schools we have visited here in Minnesota. The goal of this section is to provide an example of how to navigate the legal and reporting requirements described thus far, on a practical level.

Maria is an 11th grader in Gopherville, Minnesota. When she arrives at her high school on a chilly Monday morning in November, her first stop is a 30 minute "Basecamp" course. There, she chats with her "advisor" and socializes with the other students in her advisory. She pulls out an app her district uses called My Learning (fictional) on her smartphone, on which she can see the plan for her day and the learning outcomes she needs to master.

At Gopherville, learning outcomes are structured as a set of core, higher-order "competencies" for each grade band (elementary, middle, and high school), as well as more fine-grain "standards" grouped within those competencies. The competencies and finer-grain standards together align with the state's official academic standards. (In practice, there are many different terms and approaches to grouping outcomes that different schools and districts use.)

What Happens

The first block of the day, which runs from 8:30am to 10am, is math. Maria's advisory is one of five advisory groups that together form "Community A". Maria and her Community A classmates head to the media center together. There, five math teachers have spread out around the media center; each one writes on a large flip board the competencies and standards they will be working through. Students pull up My Learning to determine which teacher they should head to. In practice, they usually group with one teacher over several weeks or months.

During the math block, some students choose not to work with a teacher, but instead do self-study using online resources provided by the school, or which they themselves found. Some students go out into the courtyard to work on their math, and check back regularly with the teacher leading the competencies and standards they are working on when they need help or support.

Toward the end of the period, Maria feels like she's mastered a certain Algebra standard. She sits down with her teacher and walks through a mathematical proof. Her teacher asks some deep questions to probe her understanding, and finally photographs Maria's work on the white board. The teacher uploads the photo into My Learning as learning evidence, and marks that Maria has earned an "exceeds" rating for that standard. Hooray!

This was a special standard because it was the last standard that was part of the Algebra credit. Maria flips to the "transcript" screen and there it is: a line for an "Algebra" course has instantly appeared! It's only November and Maria has completed a math credit in only three months. Tomorrow, when Maria comes to school she will start on Geometry.

How to Navigate Policy & Reporting

For the purposes of STAR and MCCC reporting, Maria is assigned for the 90 minute block to the math teacher who, at the time of filing the report, is teaching material that best matches what Maria is learning—with the understanding that Maria may in fact work with a different licensed teacher at different points throughout a semester.

For the purposes of STAR and MCCC they are still assigned as above; that is the teacher of record overseeing their work, even if they are working independently. There are no line-of-sight provisions in Minnesota Law.

Under Minnesota Law, students are able to demonstrate knowledge of state standards, and earn credits, based on their own mastery, independent of the number of hours of time they spend, what time of year it is, etc. so long as a district has a system for tracking that progress.

While technically, there is nothing in law that describes what specifically is "contained" within a credit, in common practice it is considered the set of state standards at a given grade level.

What Happens

The next block of the day, from 10am to 11:30am, is Maria's language arts block. Her main task is a group project, where she and three other students are writing a case study on entrepreneurship. They are studying a person who opened a restaurant in town and today they have an interview scheduled with the business owner. They've told their teacher ahead of time their plans. He has worked closely with the students to support them in their project, and so knows and trusts the students, and so said it was okay. They don't go to their classroom to check in; the four students get in a car and drive directly to the restaurant.

How to Navigate Policy & Reporting

Nothing in Minnesota law describes "attendance" as being physically present in the building; it can be interpreted as "in attendance for learning, wherever it takes place."

Additionally, nothing requires a teacher to see a student to mark them as present, if the teacher verifies the student is learning elsewhere.

The afternoon half of the day is divided into two "seminar blocks". At Gopherville High, all credits in science, social studies, art, and electives are earned through multi-disciplinary seminars. All seminars last either a half year or full year and are listed on My Learning, along with a description of what competencies and standards they meet and what credit they provide. For example, a seminar looking at Henry David Thoreau through a historical lense might offer 0.1 credit in science, 0.1 credit in language arts, and 0.1 credit in social studies.

Nothing in law confines a single class or course to including credits or state standards in only one subject area, so long as there are teachers assigned to the course with licenses to cover the subject areas for which credit is awarded

Every seminar is technically co-taught by a "resource team" of teachers—one from each of the five core high school subject areas. On a practical lesson planning level, many larger seminars are led by two teachers with complementary expertise; some are led by a single teacher, who defers to other teachers on the resource team if students have subject matter questions beyond that teacher's scope of expertise or license. The seminars often involve lots of independent student inquiry, so teachers on the resource team have time set aside to answer questions, provide guidance, and mentor students.

Each "resource team" is set up as two yearlong 1.5-hour "team teaching" courses for the purposes of state reporting. All teachers on the "resource team" are considered licensed teachers on that course, thus fulfilling STAR requirements. The individual seminars offered are *not* reported to the state as individual course offerings—only the blocks.

While Gopherville High's program looks similar Monday through Thursday, Fridays—called "independent learning days"—are a little different.

Some students use their Fridays for project-based learning. Their "advisory" teacher, with whom they start the day Monday through Thursday, serves as their coach and guide, helping them to craft projects in line with their interests, which also cover competencies, standards, and credits the student needs for graduation. The "resource team" that the advisory teacher serves on during the seminar blocks is also involved in advising and validating learning, in subjects for which they are experts.

The entire block of time on Friday is counted as a team teaching course led by the resource team, for the purposes of state reporting.

Alternatively, schools could apply for the "innovative program waiver" for teachers and have each teacher assigned independently to a course.

Some students who have demonstrated responsible use of their time spend Fridays in community- or work-based learning. They work with their advisor as well as one of the school's "internship coordinator" teachers, to identify and set up the internship originally, set goals, navigate challenges, and check in on regular intervals. On days when students go to their internship, they sometimes don't report to school at all; they text their advisor in the morning to check in.

When the student checks in by phone, the teacher counts the student as "present" in My Learning. The school has several teachers with the "Teacher Coordinator of Work-based Learning" license, who are available as resources to advisors and to students. They help review student internship plans and articulate learning objectives.

What Happens

Finally, some students use Fridays to do online learning. This can include:

- Being formally enrolled in a course offered by an online learning provider.
- Doing online portions of seminars offered during the week, which have a "blended learning" component.
- Completing what the school calls "micro modules", designed to help students target specific competencies, standards, or credits they are lacking.

The student's advisor and resource team are available at the school site or online chat during Friday should the student have any questions. Practically speaking, teachers spend most of their day doing deep-dives with students, helping walk through areas where they're stuck and offering encouragement.

Self-starter students like Maria often work online from the local public library or at home on Fridays. Other students who demonstrate emerging independent learning skills learn in the school setting where they can get more direct support from their teachers.

As November draws to a close, Maria looks toward her end of semester "portfolio presentation." While in her seminars and projects she has given some thought to competencies, standards, and credits, in her presentation she focuses on what Gopherville High calls its "expectations of excellence", which she must demonstrate via a portfolio she compiles and presents.

These "expectations for excellence" are a subject-independent description of what it means to be a person prepared to reach one's full potential along social, emotional, civic, and career dimensions. These expectations include things like ability to collaborate, solve problems, and think critically—which can be demonstrated in *any* subject or interest area relevant to a student. Over the course of their time at Gopherville High, and in deep partnership with their teacher advisors, students develop a portfolio of evidence that they meet those expectations.

How to Navigate Policy & Reporting

Districts do not need to be approved as online learning providers, so long as only a portion (and not the entirety) of courses are offered with an online component, also called blended learning or hybrid courses.

Students do not need to be present in the building to be counted as present, or to generate ADM.

Nothing in law prohibits a district from defining with its community what student success means or what graduation from high school entails. As long as state standards and credits are met, nothing prohibits a district from having those self-set definitions be the dominant, orienting theme which guides the high school experience.

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