TESTIMONY ON SB 2254
HOUSE EDUCATION COMMITTEE
March 15, 2023
By: Amanda Peterson, Director of Educational Improvement and Support
701-328-3545
North Dakota Department of Public Instruction

Mr. Chairman and Members of the House Education Committee:

My name is Amanda Peterson, and I am the Director of the Educational Improvement and Support office within the Department of Public Instruction. This office oversees Title I, Neglected and Delinquent and Homeless Education Programs, Title IV, safe and healthy school projects, and the comprehensive and targeted support given to our lowest performing schools. Our team at DPI supports K-12 students that are most at-risk, disadvantaged, and in need of support. I am here on behalf of the department to provide information regarding Senate Bill 2254. Some of the information I will be sharing comes directly from a 50-state scan that the Institute of Education Sciences (IES) and Regional Educational Lab (REL) Central released in 2015 to prepare states for the upcoming Every Student Succeeds Act (ESSA), which replaced No Child Left Behind. In addition, the data I reference is publicly available from either the NDDPI website or North Dakota's Insights dashboard.

To summarize the North Dakota accountability model, North Dakota provides additional federal funding to schools identified as Targeted Support and Improvement (TSI), which are the schools in the bottom 10% of all schools in the

state, and as Comprehensive Support and Improvement (CSI), which are the schools in the bottom 5%. This bill was amended in the Senate to include only those CSI schools that have been identified for more than one cycle, so my testimony will focus on CSI schools. At present, there are 1,265 students being served in CSI schools.

North Dakota's accountability model was created by North Dakota educators and North Dakota educational leaders and approved by the US Education Department (USED). Therefore, the North Dakota Century Code does not outline a separate **state** accountability model. There are minimum federal guidelines we must follow when the State accepts federal funds. In 2021 alone, the USED granted over $265 million to North Dakota to assist our neediest children. By accepting these funds, North Dakota makes commitments to hold schools accountable for meeting and exceeding the state's academic standards and intervening in low-performing schools. Additionally, North Dakota receives funds from the USED to help schools and districts meet educational outcomes. If North Dakota decided to enact its own model separate from federal accountability, it would need to include funding to support its efforts, and the list of under-performing schools would most likely grow. I also understand that there may be some proposed amendments to SB 2254. To be clear, North Dakota's federally approved state plan does not allow us to adjust the factors or formulas used to determine how a school is identified as a TSI or CSI school. Again, this plan was developed by North Dakota educators, and we continue

to meet as a stakeholder group three to four times a year to refine implementation and communicate components of the plan.

NDDPI is proud of the way we've provided support to TSI/CSI schools, and over the past five years we've continuously improved our service due, in large part, to direct feedback from those schools identified. We will continue with that support, regardless if this bill passes or not. However, if school leaders do not meet their improvement goals or objectives, the DPI is limited in how it can respond. Although North Dakota requires low-performing schools to submit improvement plans, no state legal authority exists to hold any North Dakota school accountable for the actions within their stated plan or their lack of improvement. The Department can only provide more federal funding of $60,000-$75,000 per CSI school per year- to schools that continue to have low academic achievement. These are federal funds that are given as an incentive and support for schools to be able to work on and fund their school improvement plan. If this bill passes, the NDDPI will work with stakeholders to create guidance, but the line in the bill that enhances the support we give now is in section two where it states that the state superintendent "shall conduct an assessment and a review of past interventions to identify areas of insufficient performance and develop an improvement plan". Because, although we require they engage in NDREA instructional support, use improvement science methods and tools, and receive priority points for other competitive grants, we cannot require

implementation of the best practices they learn. We also cannot hold them accountable to these requirements, and interventions cannot become more rigorous despite how many CSI cycles they may be identified for in the future.

Federal law allows six categories of interventions that a state education agency may take. These six categories of interventions include the following:

- developing or monitoring school improvement plans,
- financial incentives,
- changes in staffing,
- closing a school,
- reforming the day-to-day operations of a school, and
- changes related to the entity that governs or operates a school.

Approximately **one-third** of states allow action **in all six areas**. However, some state legislatures, including North Dakota, have enacted state policies which limit actions the state education agency can take. North Dakota is **one of only three** states that use **only two** of the possible six interventions - financial incentives and monitoring school improvement plans (highlighted above) - which are the minimum two required by federal law. But we have seen that lack of money is not the problem, and more money isn't always the solution. At the end of the 20-2021 school year, , over $2 million was unspent by TSI/CSI school districts, and, at the end of the 21-2022 school year, over $1 million remained unspent. These facts illustrate that,

oftentimes, school leaders are at a loss on how to improve their schools and that it might be helpful to have the state provide "cover" to local leaders who need to make bold and strong changes to help their students, read, write, think, and do math.

Additionally, federal law allows and outlines four intervention strategies for **persistently** underachieving schools:

- Turnaround (requires the principal and at least 50% of staff to be replaced)
- Transformation (requires replacing the principal, but not staff, and adds a rigorous evaluation component)
- Restart (adjusting how the school operates), and
- School closure.

North Dakota law does not include any authority to implement any of these intervention models because North Dakota Century Code is silent beyond **supporting** schools in the local implementation of <u>their</u> plan. Remember, the State Superintendent and the Department of Public Instruction are only given the authority expressly given to it in North Dakota Century Code.

In 2014, nearly a quarter of states considered legislation related to school improvement in general or in interventions or sanctions for low-performing schools. The North Dakota legislature has not enacted legislation on the supervision of low-performing schools while increasing the state investment in local schools and districts to over $2.2 billion over that same timeframe. As it stands now, North

Dakota does not have a system of checks and balances that influence accountability for improving student outcomes. This bill would allow NDDPI to work with schools to determine the best course of action for those in critical need of support and further intervention and the legislature would fulfill its obligation to provide high-quality schools to all students.

The Legislature makes strong financial investments in its 169 school districts. In addition, stakeholders have created the K-12 Strategic Vision to ensure that "all students graduate Choice Ready with the knowledge, skills, and disposition to be successful". Legislators are increasingly asking the Department about these investments, goals, and student results. These concerns have been brought forth in the K-12 Coordination Council and Interim Legislative Committees. This bill results from those concerns and discussions, and NDDPI has been tasked with providing key data points, past interventions, and reports on schools' progress. Even more concerning, there have been numerous lawsuits being brought forward in other states on behalf of both students and parents when the state is aware that a public school district has failed to teach children basic reading and math skills. It is my sincere hope that this never happens in our state.

School turnaround is complex. It should not be expected overnight or in one or two years. However, several North Dakota schools have struggled to make gains over the past five, six, and even 10 years, and yet, at this time, the State provides no

authority to the Department of Public Instruction to require even minor changes to a school's day-to-day operations, staffing, or teaching, administrative, or fiscal structures. When schools do not advance student academic outcomes and fail to make progress, there is no authority at present to intervene. I get asked all the time whether or not this bill would negatively impact the schools that educate our neediest students. My response is always this: the schools that are identified are public schools with many community challenges. However, we have similar schools in similar situations with similar demographics who have exited and made gains working with their communities, utilizing their funding in positive and innovative ways, and adjusting how they do business at their schools. I believe that, if this bill passes, the NDDPI can play a critical role in facilitating these connections and working on evidence-based improvement plans in direct coordination with school leaders.

I have also included, at the end of my testimony, some data that was requested from this committee which includes a list of CSI schools, publicly available achievement data, and funding details. The achievement data is provided in ranges, as NDDPI can only include ranges when the number of students is less than 10. You will see that the "range" is sometimes 0-10% proficient. Again, this actual number cannot be made public but if anyone would like to see the more precise numbers or percentages, you can reach out to me directly. Oftentimes, these schools are so small

that increasing their rate by 50% to exit CSI status means that the school will only have to get 5-10 students in their district to read, write, or do math at grade level. We believe that moving 5-10 students in four years is not too much to expect.

Chairman Heinert and Members of the Committee, this concludes my prepared testimony, and I will stand for any questions you may have.

Additional Resources:

- Further information on Targeted Support and Improvement (TSI) can be found here: Targeted Support and Improvement | North Dakota Department of Public Instruction
- Further information on Comprehensive Support and Improvement (CSI) can be found here: Comprehensive Support and Improvement | North Dakota Department of Public Instruction
- **Federal Funding Information**
    - Derived from a Title I Setaside
        - 2022-2023 Allocation = $3,047,242 (this total includes school grants and a provision to contract with service agencies (REAs) to provide direct support; admin = $160,382)
        - Schools receive $60,000-$75,000, based on school enrollment
            - 0-300 students = $60,000
            - 301-800 students = $67,500
            - 801+ students = $75,000
        - TSI Grant Period 9/1/2022 – 12/20/2023 = $1,417,500
        - CSI Grant Period 9/1/2022 – 6/20, 2025 = $937, 500 x 3
            - CSI schools will get a yearly installment for three years

Currently, the schools that are identified as CSI are listed below. A CSI cycle is three years. Those that are in their second cycle of CSI are highlighted in yellow:

CSI Schools Based on 2021-2022 Accountability Data

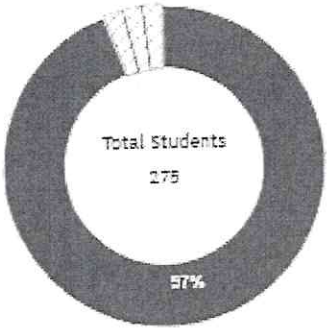
School	District	Grade Span
Bowbells Elementary School	Bowbells 14	0K-06
Dickinson Middle School	Dickinson 1	06-08
Drayton Elementary School	Drayton 19	PK-08
Dunseith Elementary School	Dunseith 1	PK-06
Dunseith High School	Dunseith 1	07-12
Jefferson Elementary School	Fargo 1	0K-05
Four Winds Community High School	Ft Totten 30	09-12
Fort Yates Middle School	Ft Yates 4	05-08
Valley Middle School	Grand Forks 1	06-08
Mandaree Elementary School	Mandaree 36	0K-08
Oberon Elementary School	Oberon 16	0K-08
Selfridge Elementary School	Selfridge 8	0K-06
Cannon Ball Elementary School	Solen 3	PK-06
Warwick Elementary School	Warwick 29	PK-04
Warwick Middle School	Warwick 29	05-08

Dunseith Elementary School

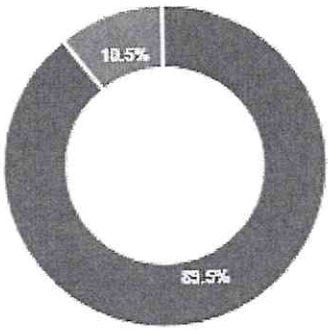
District: Dunseith Public School District

School Summary (2021-2022)

Enrollment

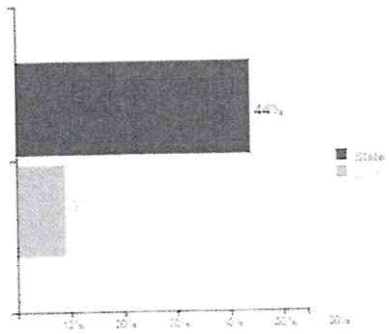


Attendance

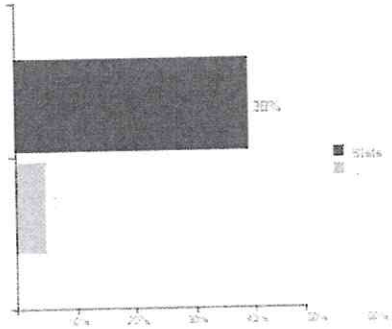


Enrollment Groups

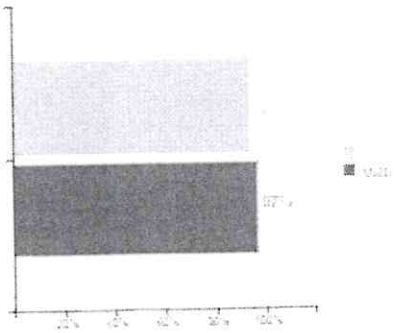
Proficiency in ELA



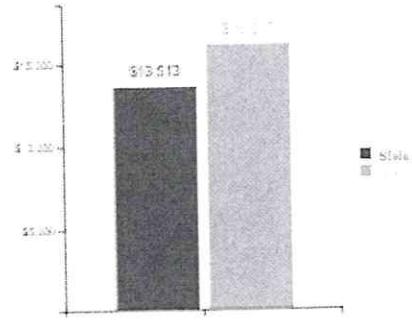
Proficiency in Math



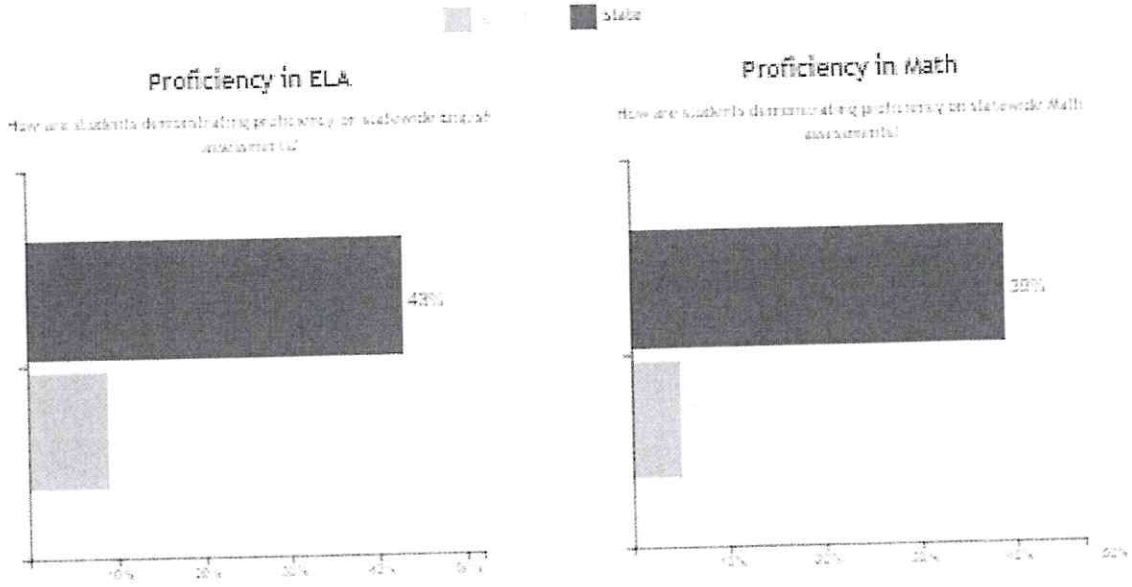
Assessment Participation



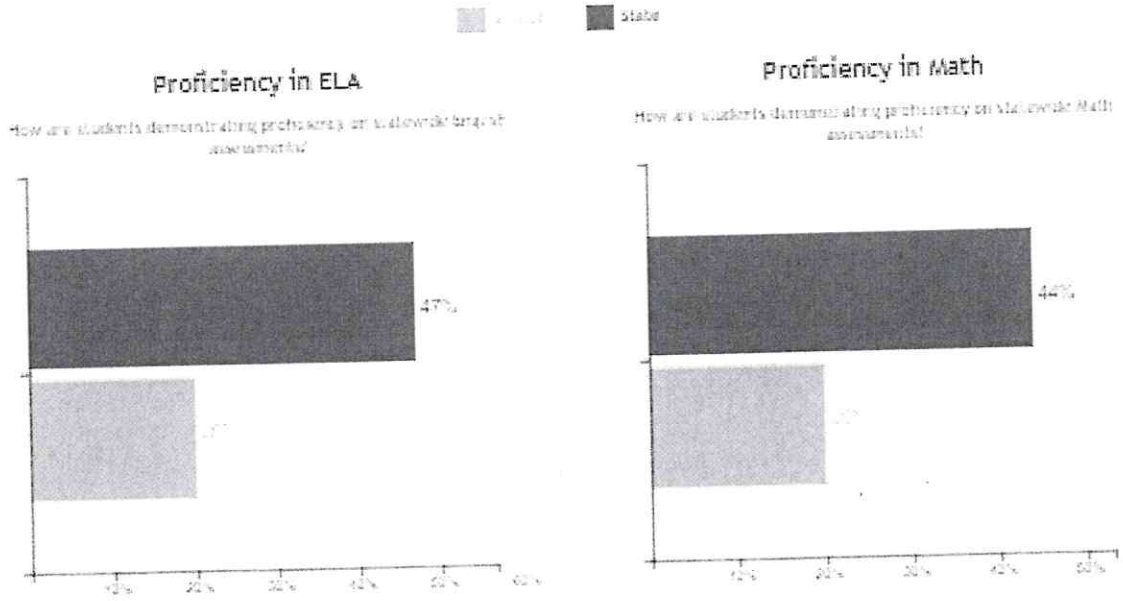
Total Cost Per Pupil (2020-2021)



Dunseith Elementary School 20-21



Dunseith Elementary School 19-20

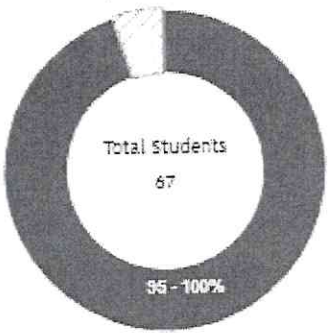


Fort Yates Middle School

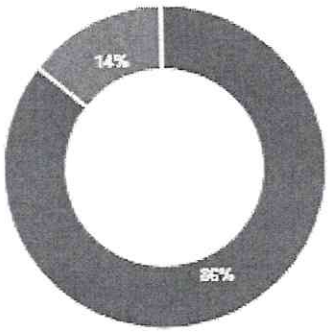
District: Ft Yates Public School District

School Summary (2021-2022)

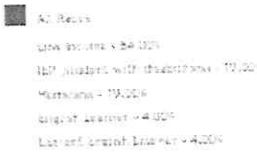
Enrollment



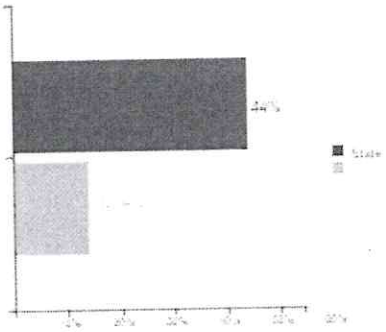
Attendance



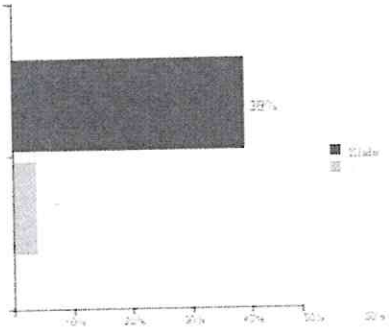
Enrollment Groups



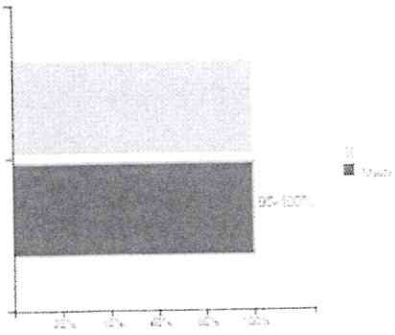
Proficiency in ELA



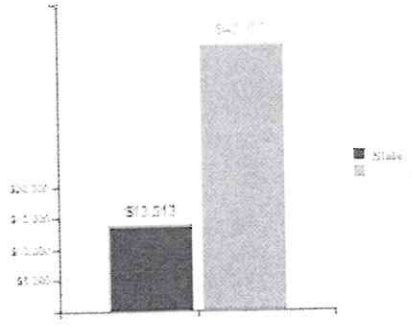
Proficiency in Math



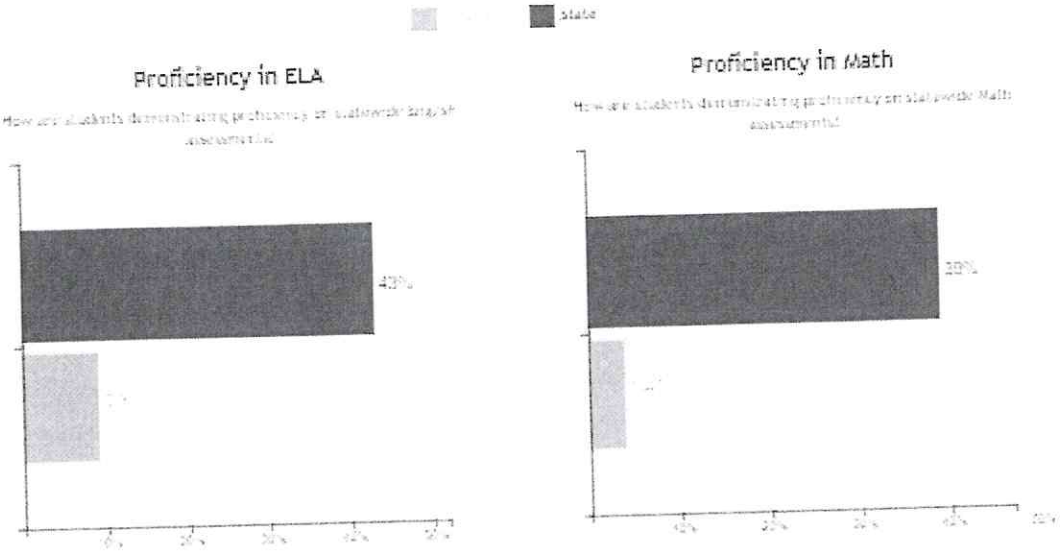
Assessment Participation



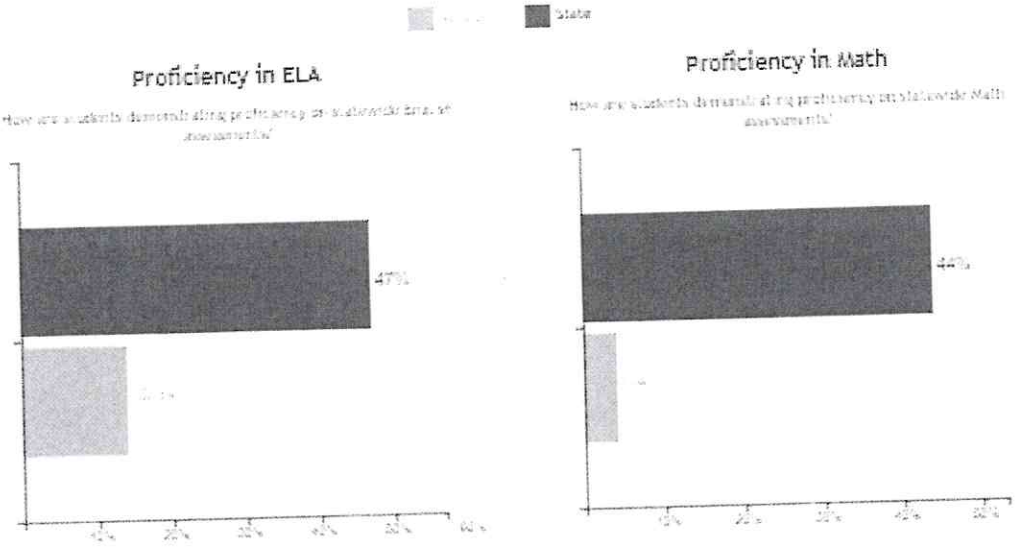
Total Cost Per Pupil (2020-2021)



Fort Yates Middle School 20-21



Fort Yates Middle School 19-20

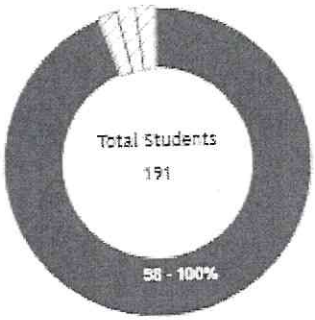


Four Winds Community High School

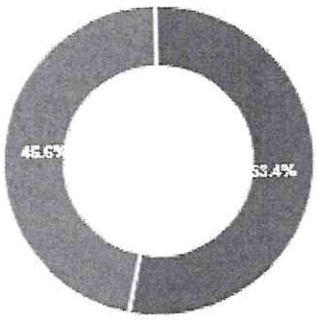
District: Ft Totten Public School District

School Summary (2021-2022)

Enrollment

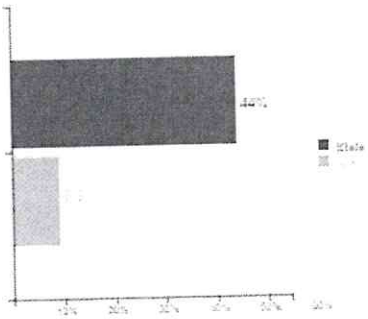


Graduation Rate

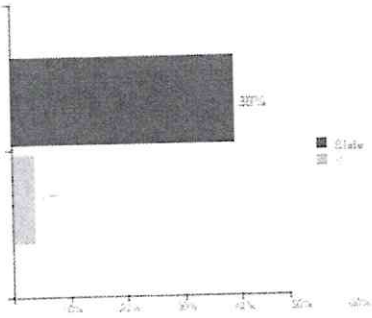


Enrollment Groups

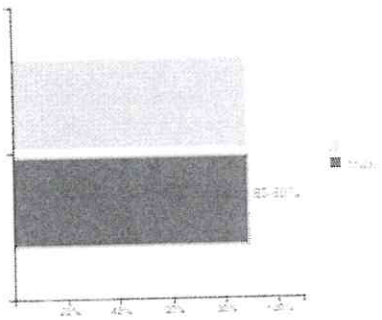
Proficiency in ELA



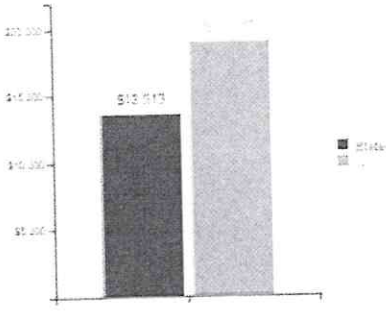
Proficiency in Math



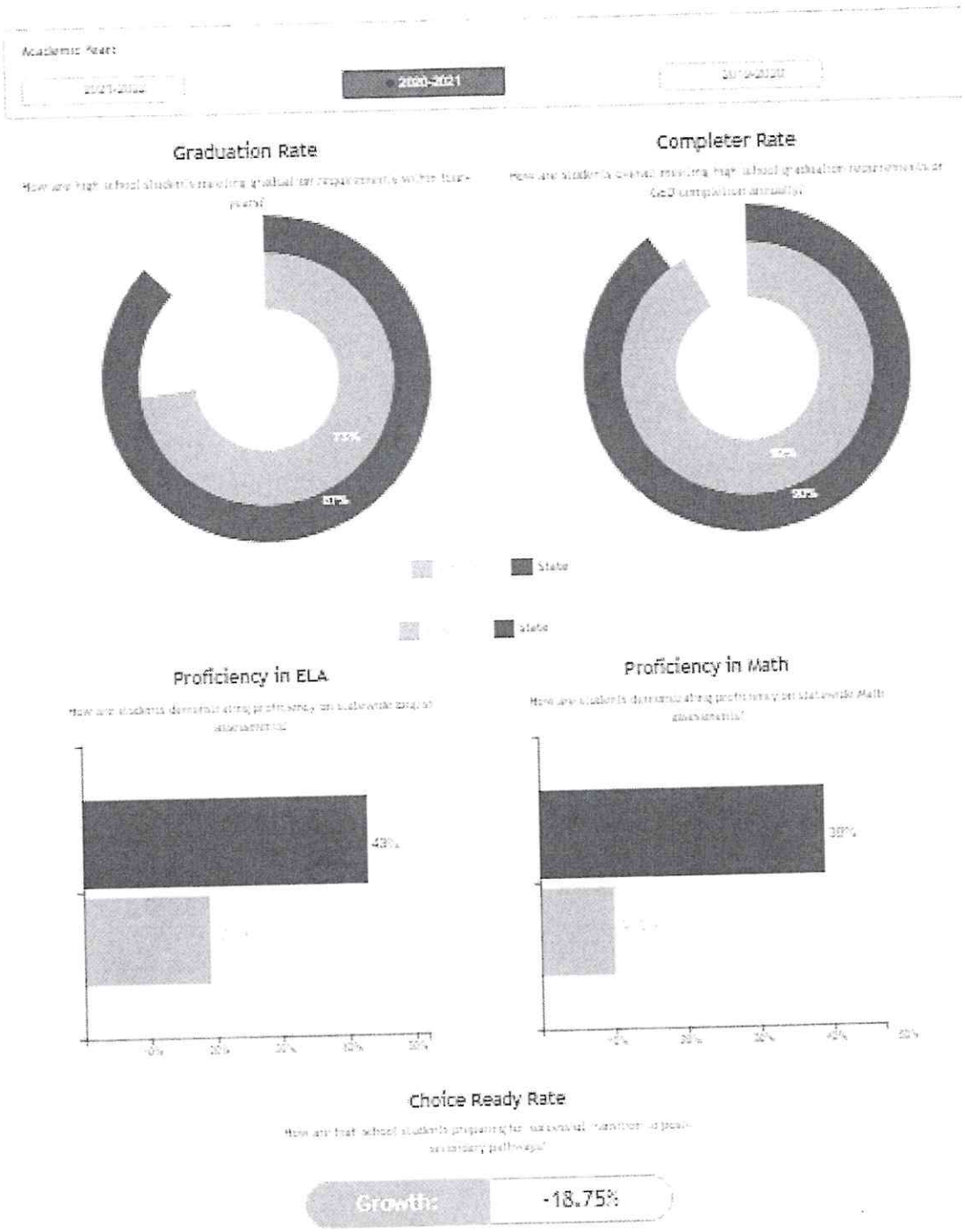
Assessment Participation



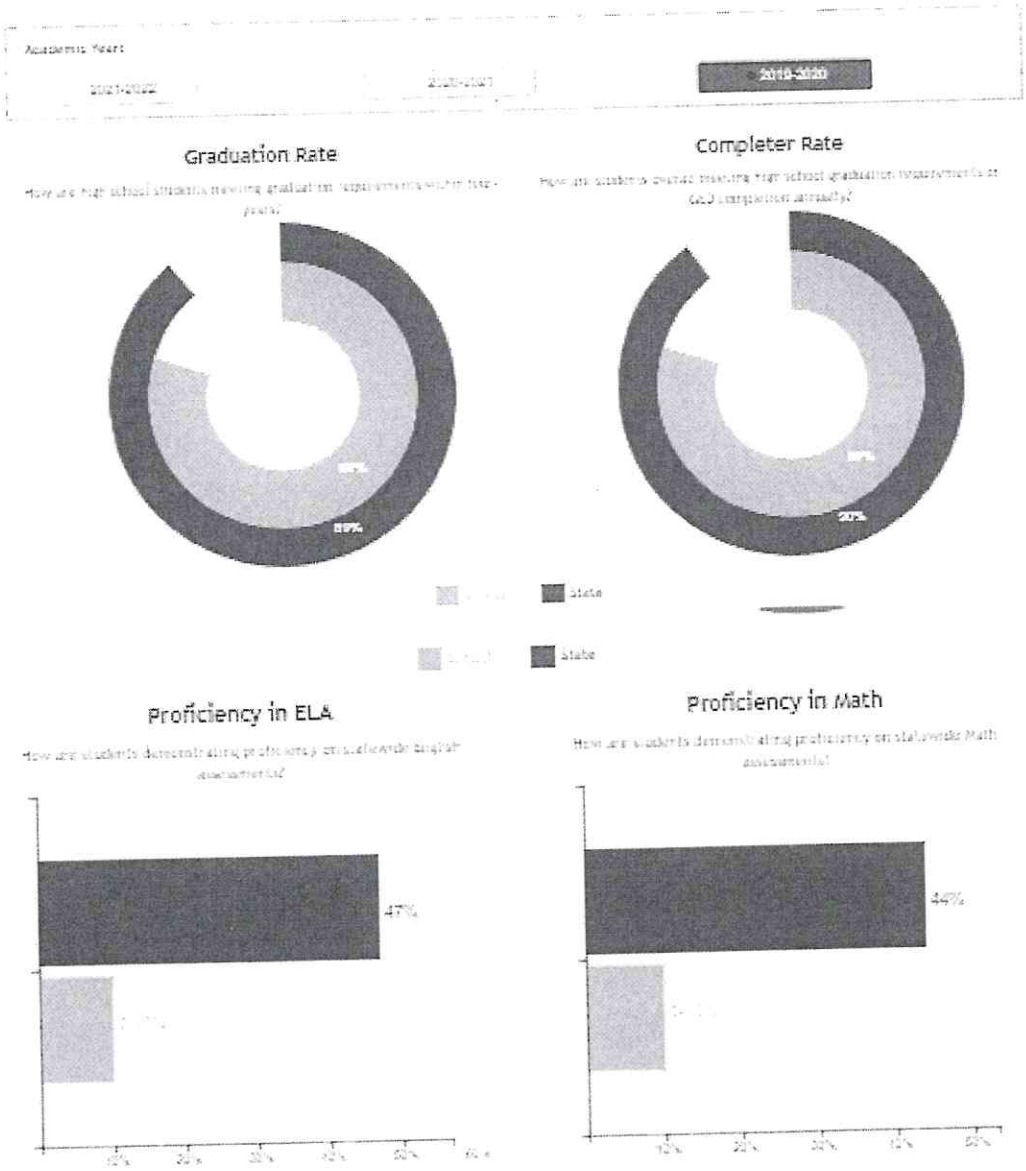
Total Cost Per Pupil (2020-2021)



Four Winds Community High School 20-21



Four Winds Community High School 19-20

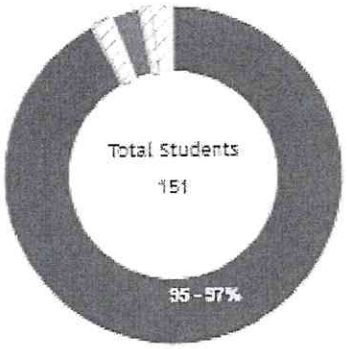


Mandaree Elementary School

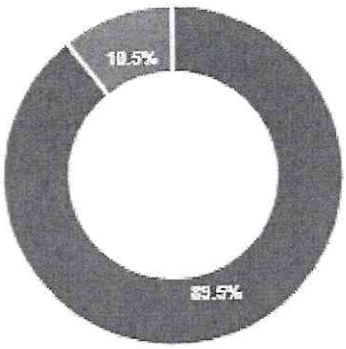
District: Mandaree Public School District

School Summary (2021-2022)

Enrollment

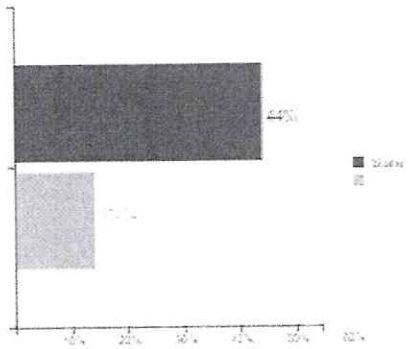


Attendance

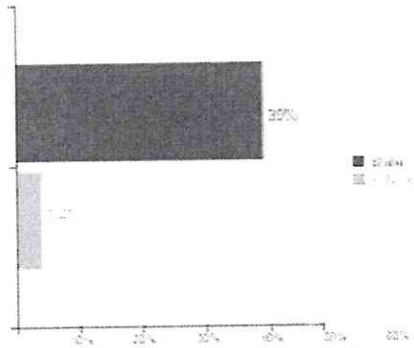


Enrollment Groups

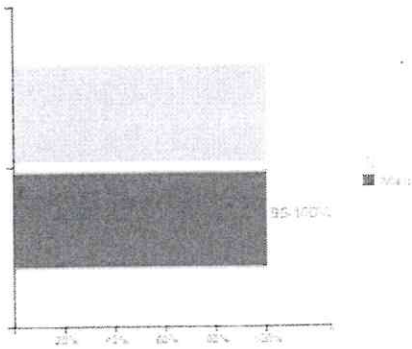
Proficiency in ELA



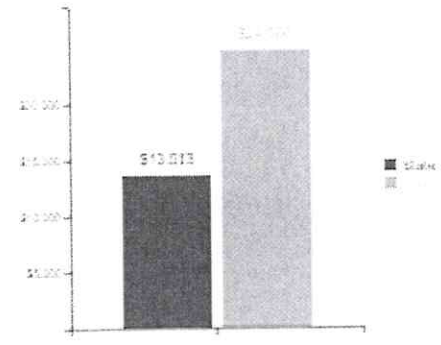
Proficiency in Math



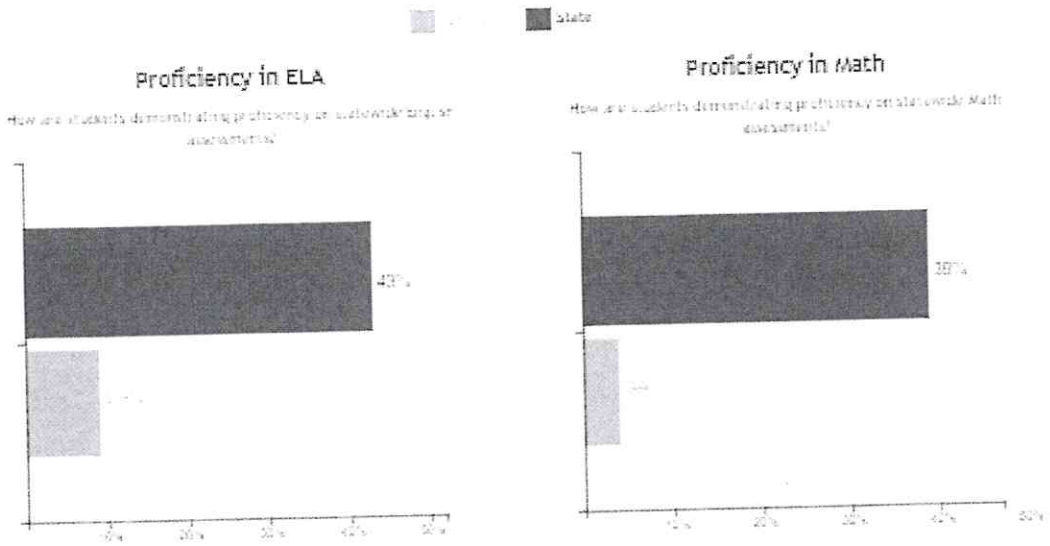
Assessment Participation



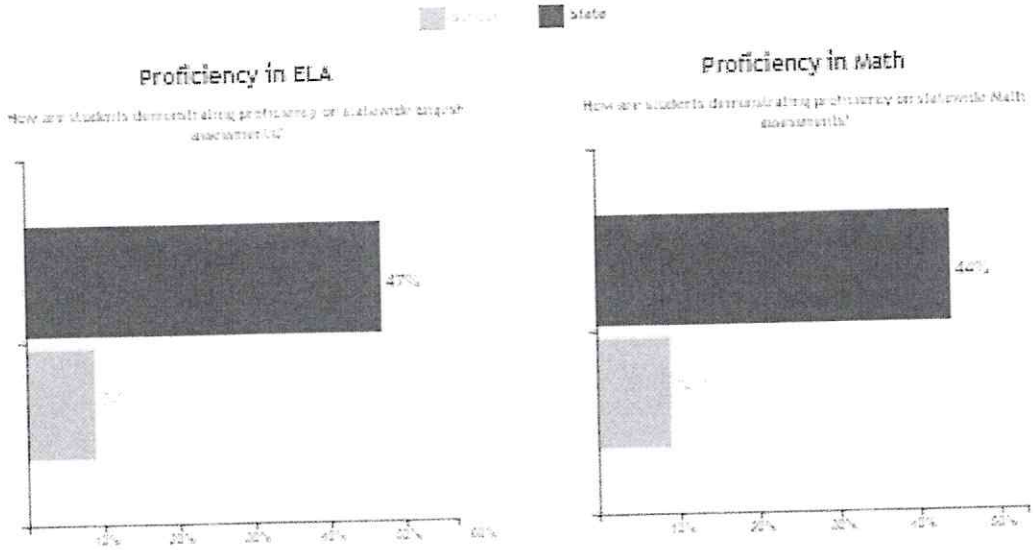
Total Cost Per Pupil (2020-2021)



Mandaree Elementary School 20-21



Mandaree Elementary School 19-20



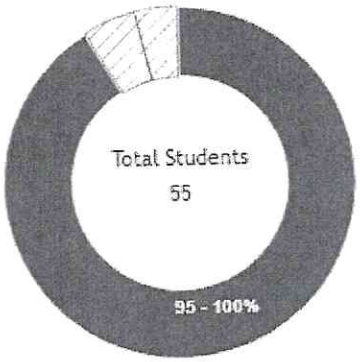
Oberon Elementary School

District: Oberon Public School District

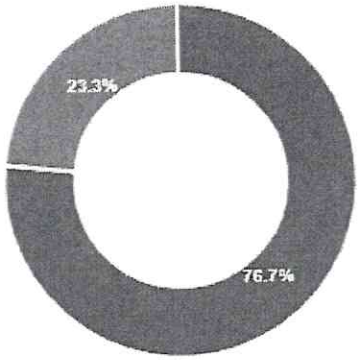
School Summary (2021-2022)

Explanations

Enrollment

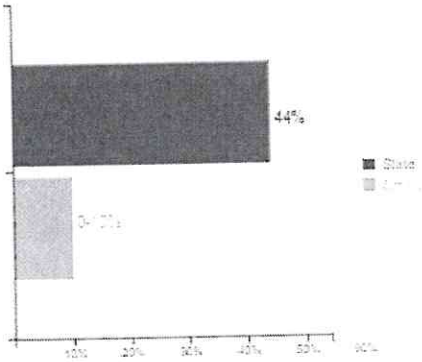


Attendance

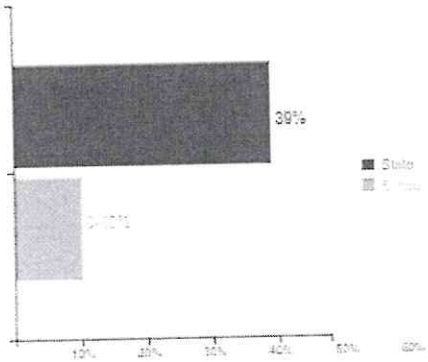


Enrollment Groups

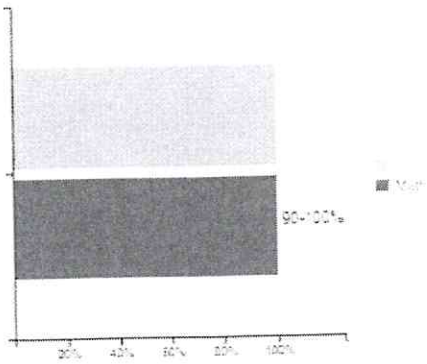
Proficiency in ELA



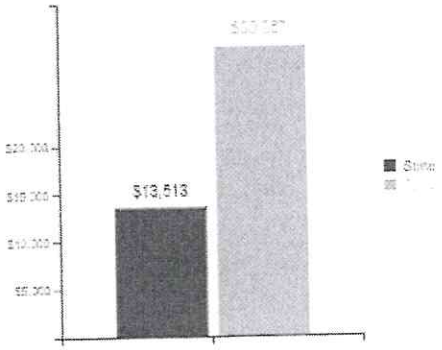
Proficiency in Math



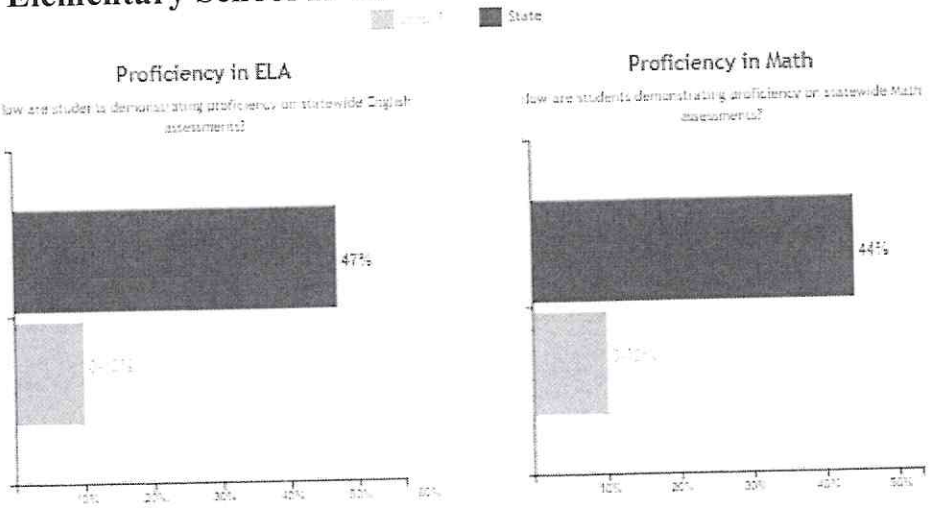
Assessment Participation



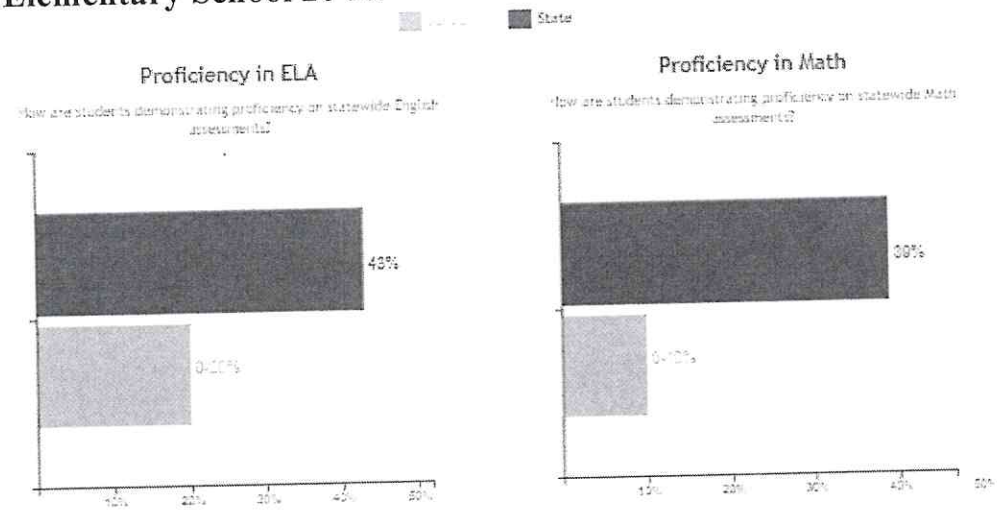
Total Cost Per Pupil (2020-2021)



Oberon Elementary School 19-20



Oberon Elementary School 20-21

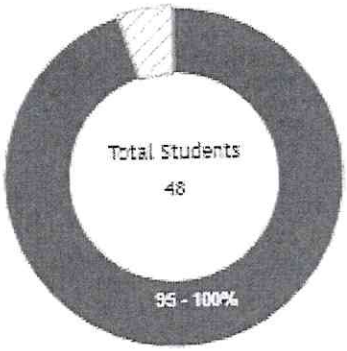


Selfridge Elementary School

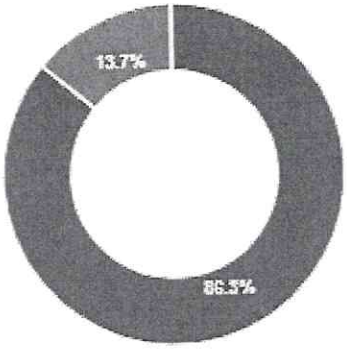
District: Selfridge Public School District

School Summary (2021-2022)

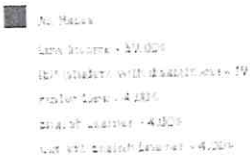
Enrollment



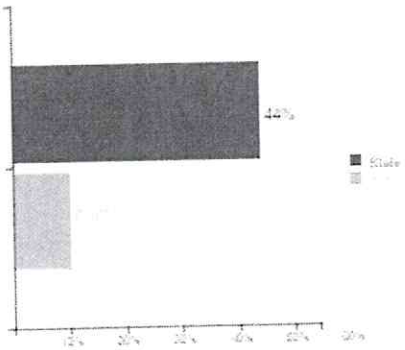
Attendance



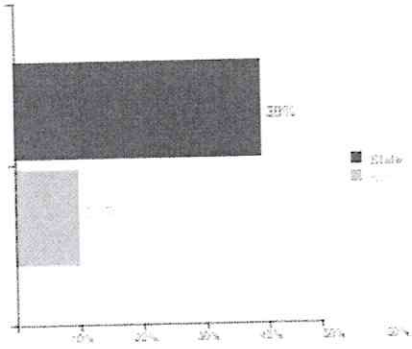
Enrollment Groups



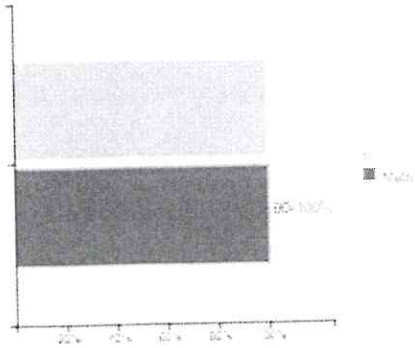
Proficiency in ELA



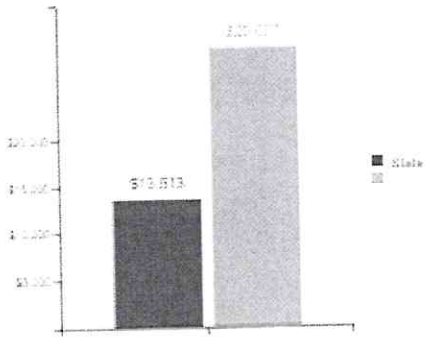
Proficiency in Math



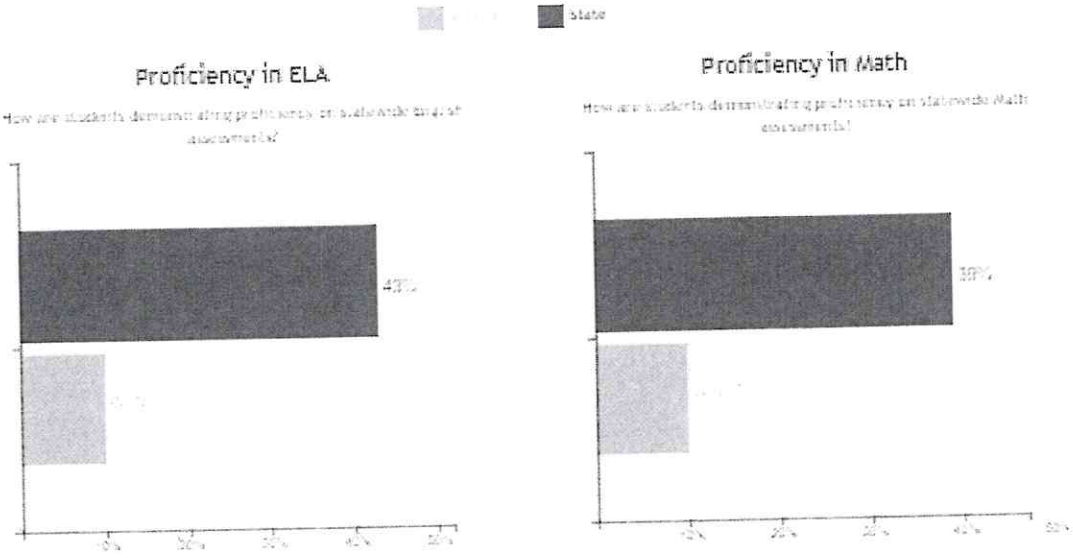
Assessment Participation



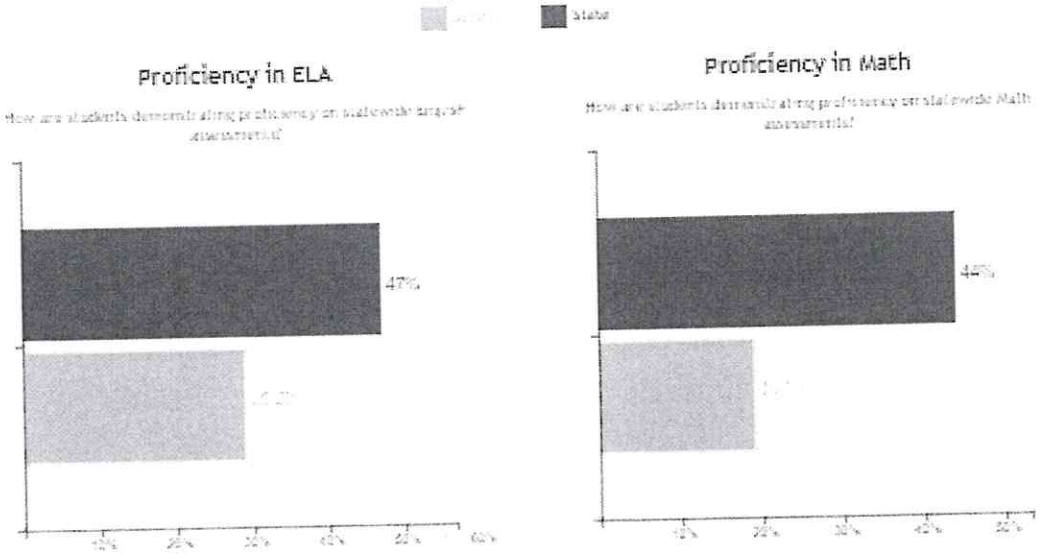
Total Cost Per Pupil (2020-2021)



Selfridge Elementary School 20-21



Selfridge Elementary School 19-20

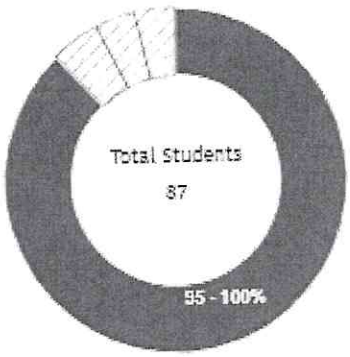


Warwick Elementary School

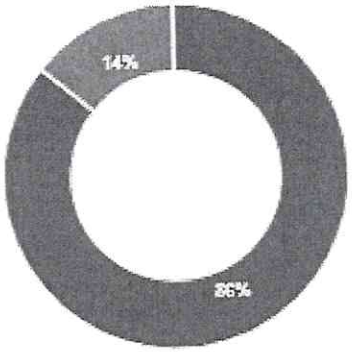
District: Warwick Public School District

School Summary (2021-2022)

Enrollment

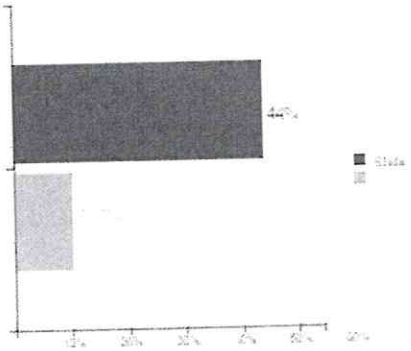


Attendance

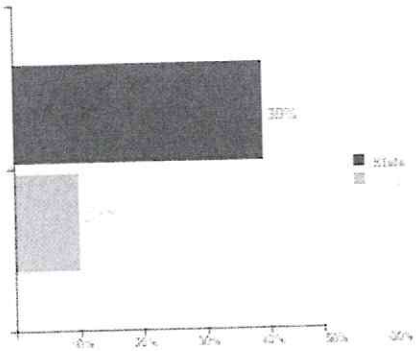


Enrollment Groups

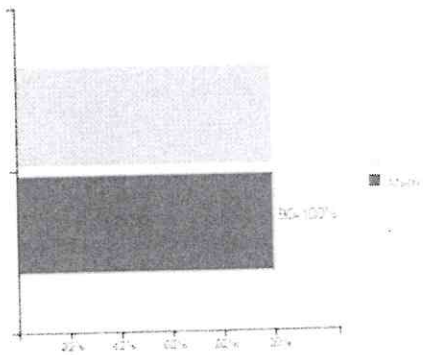
Proficiency in ELA



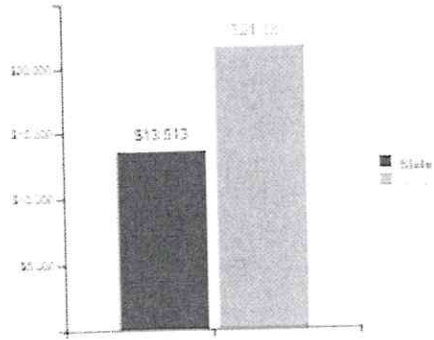
Proficiency in Math



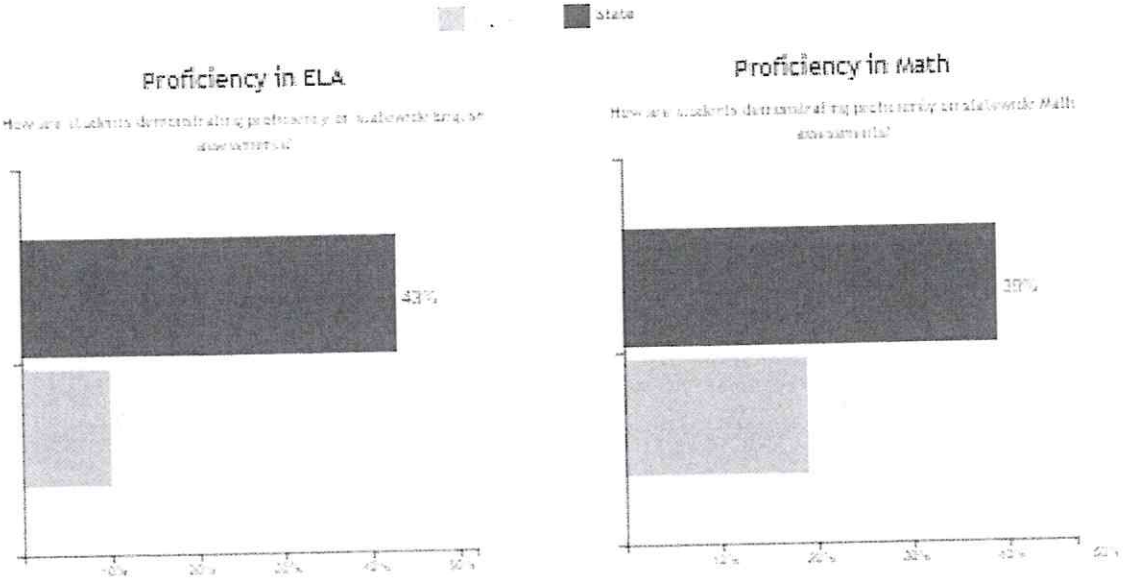
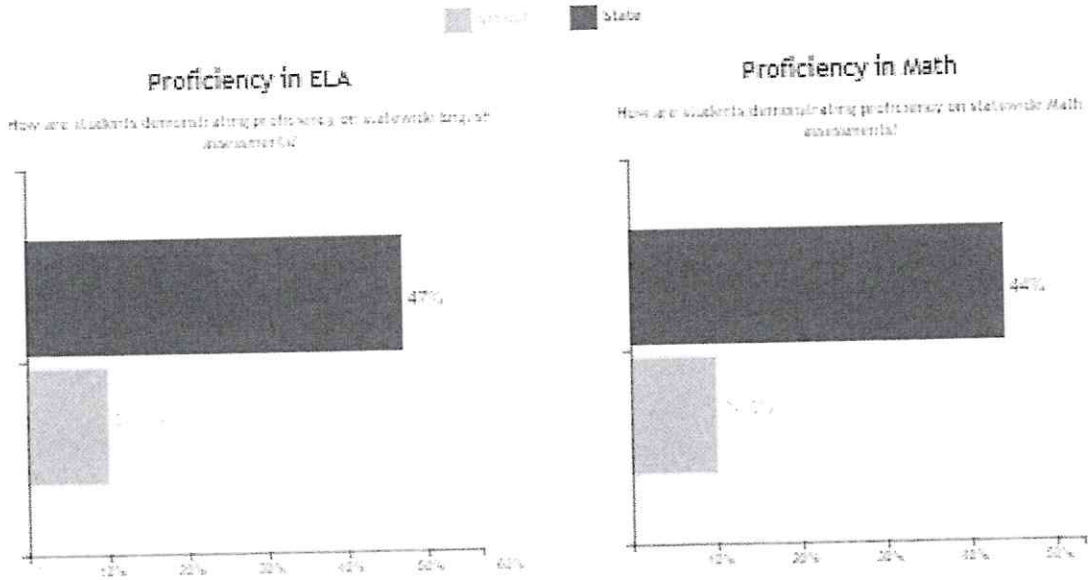
Assessment Participation



Total Cost Per Pupil (2020-2021)



Warwick Elementary School 20-21



Warwick Elementary School 19-20