

**TESTIMONY ON SB 2254
SENATE EDUCATION COMMITTEE**

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Mr. Chairman and Members of the Senate 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. Much 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.

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%.

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. At present, there are 9,041 students being served in TSI schools and 1,265 in CSI schools.

If school leaders do not meet their improvement goals or objectives, the DPI is limited in how it can respond. The Department can adjust the federal school improvement grant- currently between \$60,000-\$75,000 per TSI/CSI school per year- to schools that continue to have low academic achievement. These are funds that are given as an incentive and support for schools to be able to work on and fund their school improvement plan.

North Dakota's accountability model follows the federal guidelines outlined in ESSA. Again, North Dakota law does not specify any accountability model. The US Education Department (USED) provides North Dakota supplemental funds to help schools and districts meet educational outcomes. In 2021 alone, the USED granted over \$265 million to North Dakota to assist our neediest children in their schools. By accepting these funds, ND makes assurances to hold schools accountable for meeting and exceeding the state's academic standards. State education agencies are also required to play a role in intervening in low-performing

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

All states use varying components of these six strategies to hold schools accountable for student academic outcomes. Some state legislatures have enacted state policies which limit actions the state education agency can take. Approximately one-third of states have policies in all six areas. However, North Dakota is one of only three states that use only two of the possible six interventions (financial incentives and monitoring school improvement plans), which are the two required by federal law. However, 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.

In addition, Federal law allows 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 their 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. As it stands now, North Dakota does not have a system of checks and balances that influence accountability for improving student outcomes.

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.

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 or administrative structures. When schools do not advance student academic outcomes and fail to make progress, there is no authority at present to intervene.

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