MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

1293

2001 HOUSE EDUCATION

HB 1293

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1293

House Education Committee

☐ Conference Committee

Hearing Date 2-06-01

Tape Number	Side A	Side B	Meter #
1		xx	1440--end
2	xx		1--1837
Committee Clerk Signature			

Minutes:Chair Kelsch opened the hearing on HB1293 relating to the testing of reading and math.

Rep. Berg, Dist 45 : here in support of HB1293. This bill will accomplish two things. First, will allow the state to receive $41 M in Title 1. Second, is too long term increase the quality of education in ND. Our purpose is to train and educate our ND children to be competitive in ND, US, and the world. We have not had the opportunity to measure their academic success. We when we see area of need, we haven't had the opportunity to go in and help them. On page 1, lines 7-10, gets to the core of the testing. Also, we have a challenge in ND to help teachers become better teachers by professional development. That's in section 5. My belief is, if you can't measure it, you can't manage it.

Rep. Brusegaard : (1175) Don't we do standardized testing in ND already?

Rep. Berg : We do, but I don't know if they are aligned to the state content standards.

Rep. Brusegaard : (1875) In section 5, will that tie in with the standardized tests?

Rep. Berg : Went through each section. If we can help teacher teach better, then professional development will kick in.

Rep. Hanson : Why just two subjects? Aren't English, science, and social studies important?

Rep. Berg : Money. Only money available to cover these two areas.

Rep. Haas : What this would do is align the CTBS test in the areas of math and reading to our content standards. The balance of the test would be a nationally known test.

Rep. Nelson : (2105) I assume this bill meets all the requirements to get the total $41 M. On page 1, line 17-18, why do we need "test scores must allow for comparisons based on students gender, ethnic background, economic status service, and assessment service"?

Rep. Berg : I assume it is federal law, Title one requirement.

Rep. Hawken : (2300) I read the part of professional development would be for a time for teachers to have in-service in the content standards. It looks to me like it is backwards and that it isn't until afterwards. We need to check into that.

Rep. Berg : (2346) I have received e-mail from home school parents and they were concerned on how this would effect them. I don't want to create a new burden on parents who home school.

Rep. Hunskor : I see much merit in this. But we have only so many dollars available. We already have standards in place. We don't have enough money for classroom teachers already. If we can keep the best possible teachers in the classroom, it seems to me we should use funds to do this. Where is the greatest need?

Rep. Berg : Without the bill, we loose $41 M. With the bill, it cost us $1.3 M. We are training students to compete world wide. The small schools are some of the best schools.

Rep. Haas : (2600) The $41 M in Title 1, I bet 80-90% of it will go for teacher salaries.

Greg Gallagher, DPI : (2700) here in support of HB1293.**(SEE ATTACHED)** I also have some amendments that have to be added for the bill to work.

Rep. Mueller : (4115) You said that currently we are achieving at a 35% level on our own criteria. How do you know that?

Greg : Through several different means. (1) The NAPE test is a national test that is aligned to national standards. From that it shows in reading, science, and math, our students are in the 35-40% range. It shows that 35-40% are achieving that standard. (2) Over the last 5 years, the DPI has prepared and administered assessments in reading, writing, and speaking. They are standards reference tests. (3) Our state math assessment, which is standards based. It took 4 years to develop with the help of teachers from across the state.

Rep. Hanson : (4360) What are we doing in ND for state wide testing?

Greg : We are using the CTBS. It is low cost. That is $400,000 for the biennium. Our request is now for $1.4 M. The CTBS does not align with our state standards.

Rep. Hanson : Do all schools do this in ND?

Greg : Yes, they are required. All tests are similar in ND.

Rep. Meier : (4750) Does this bill include private schools?

Greg : We currently handle private. Schools generally pay themselves.

Rep. Brusegaard : You said the law is intended to met Title 1 requirements is really in 1013?

Greg : The funding is in HB1013. The US Dept. Of Education. Unless we fund at the level they want, our Title 1 funds will be at risk. HB1013 is the operating budget. HB1293 is not essential for us to be able to achieve Title 1 requirements. It puts into state law the importance of assessing.

Rep. Brusegaard : How many of the schools in ND choose to use the contents standards?

Greg : We don't know. Nothing in this bill requires a district to have content standards to teach the content standards. It assesses the students against the state standards.

Rep. Grumbo : (5400) My concern is that a curriculum within a school is different and how do we align. Maybe a teacher doesn't get all of their material covered because they have a strength in one area over another.

Greg : This is outside of HB1293.

Chair Kelsch : Aren't we going to be at a disadvantage by opening up and giving the districts the flexibility instead of leaving it grades 4, 8, and 12?

Greg : We believe it is important. The flexibility will be proven down the road.

Linda Edwards, NDEA, Professional Development : here in support of HB1293. We need a test that is aligned with the state content standards.

Rep. Mueller : (Begin Tape 2, Side A) We currently know nationally that in SAT and ACT we do well. Are we going to see an erosion in any way, shape, or form in the achievements that are being achieved nationally?

Linda : I think it would be the opposite.

William Schuh, Mandan : (190) here to oppose HB1293. **(SEE ATTACHED TESTIMONY)**

Bev Neilson, ND School Board Assoc. : We are neutral on HB1293. We need to be clear that this bill's main intent is not to retain our Title 1 money. We don't have to pass this to get it.

Chair Kelsch : As a member of the education committee, we are the policy making committee. It is incumbent upon us to set the policy instead of the policy being set by administrative rule by a department.

Bev : You are making a very good point. If you are making this statement by passing this bill, I absolutely agree.

Rep. Brusegaard : (1540) From a school board perspective, does section 5 of the bill, pose any problems?

Bev: We are doing those types of things now. I think they wanted to see if we were using the moneys that was available and using it for what they wanted us to use it for.

Rep. Solberg : (1690) Are you saying that there is a duplication of testing procedures that are already in place?

Bev : No, I'm not. I can't tell from the verbiage here, whether we are getting multiple assessments or not.

Rep. Nottestad : There has been a lot of beating around the bush on chapter 1 money. Can the CTBS still be used for chapter one assessments.

Greg, DPI : No, it doesn't meet the quality assurance measures that are required for Title 1.

Chair Kelsch : Any more testimony on HB1293? Hearing none, we are closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1293 A

House Education Committee

☐ Conference Committee

Hearing Date 02/07/01

Tape Number	Side A	Side B	Meter #
#2		X	2964 to 4891
Committee Clerk Signature			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellew, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now take up HB1293.

Rep. Haas: I move the amendments.

Rep. Hawken: Second.

Chairman Kelsch: What are the wishes of the committee?

Rep. Bellew: I move a DO PASS AS AMENDED.

Rep. Meier: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS AS AMENDED passes with 12 YAY 2 NAY 0 ABSENT

Floor Assignment: Rep. Thoreson

FISCAL NOTE

Requested by Legislative Council
03/29/2001

Bill/Resolution No.:

Amendment to: Engrossed HB 1293

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$1,217,928	$0	$1,217,928	$0
Appropriations	$0	$0	$1,217,928	$0	$1,217,928	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Engrossed HB 1293 proposes the administration of standards-based assessments, the compilation and reporting of student performance in terms of these assessments, the review of test questions, the submission of professional development reports, and the distribution of district standards-based curriculum. This fiscal note offers estimations on each of these components. Each section within Engrossed HB 1293 is analyzed independently and compiled as a whole.

I. Administration of statewide, standards-based achievement assessments and aptitude assessments.
Section 1 of Engrossed HB 1293 proposes a statewide standards-based assessment in mathematics and reading be conducted in grades 4, 8, and 12, equivalent. In Section 2 this testing is identified to report student achievement results.
The Department of Public Instruction has received estimates from McGraw-Hill, the state's current assessment vendor, regarding the achievement test costs. The cost to administer a standards-based student achievement test in mathematics and reading at grades 4, 8, and 12 has been estimated by McGraw-Hill to cost $1,432,010 million for the 2001-03 biennium.

The statewide assessment budget currently resides in HB 1013, the Department of Public Instruction's operations budget. The Executive Recommendation for statewide assessments originally amounted to $1,289,643. Based on updated bid estimates dated March 28, 2001 from CTB/McGraw-Hill, a prospective vendor, the Department of Public Instruction anticipates that a statewide, standards-based assessment in mathematics and reading can be developed and administered during the 2001-2003 biennium for

$1,212,928. This is below the Executive Recommendation. The Department of Public Instruction has placed before the Senate Appropriations Committee a secondary proposal that would also include science and social studies onto the basic package for a total package cost of $1,398,787.

For the purposes of meeting the minimal requirements of Engrossed HB 1293, the anticipated cost totals $1,212,928.

II. Compilation and Reporting of Student Performance Results.
Section 2 of HB 1293 proposes that all test results resulting from the assessments in Section 1 be reported at the student-level, classroom-level, school-level, district-level, and state-level for achievement. Furthermore, all results are to be disaggregated by gender, ethnicity, economic status, service status, and assessment status.

The Department of Public Instruction has received confirmation from McGraw-Hill, a prospective vendor, that the cost of all student reports generated by the assessments identified within Section 1 are included within the overall estimate of test administration.

Therefore, the cost of conducting the aims of Section 2 of Engrossed HB 1293 amounts to $0.

III Report of Statewide Assessment Results to Legislative Council.
Section 3 of HB 1293 proposes that following the compilation of all student results representative of the testing company and the Department of Public Instruction offer a report to the Legislative Council on all elements of the assessment's methodology, the results, and the interpretation of the results.

It is anticipated that the cost of conducting this report to the Legislative Council is limited to the cost of securing an analyst from the testing company to aid in the presentation. It is estimated that the cost of professional stipend and travel expenses to achieve the aims of Section 3 of Engrossed HB 1293 amounts to $5,000 for the 2001-03 biennium.

IV. Review of test questions.
Section 4 of Engrossed HB 1293 proposes that the Department of Public Instruction conduct a review of all test questions within the state assessments for reading and mathematics. This review is to assure the validity of the assessment related to the possible inclusion of inappropriate, personally intrusive test items.

This review process is accounted for within the overall development protocols of the state assessments. Any costs associated with this review process are included within the base costs identified within Section 1.

It is estimated that the cost of conducting a review of all test items for validity and appropriateness amounts to $0 for the 2001-03 biennium.

V. Submission of District Professional Development Reports.
Section 5 of HB 1293 proposes that districts submit annual professional development reports that identify the resources available to districts, the actual expenditures incurred by districts, the number of teachers impacted by district activities, the source of funding, and the nature and scope of professional development

activities.

Districts are currently responsible for submitting professional development plans, according to federal ESEA law, that cover most elements identified within Section 5. Therefore, there are no additional anticipated costs associated with Section 5 of Engrossed HB 1293.

It is estimated that the cost of managing professional development reports from districts will amount to $0.

VI. Distribution of District Standards and Curriculum.
Section 6 of Engrossed HB 1293 proposes that districts make available copies of their standards, simplified standards, and curricula in mathematics and reading to the public on demand. Since each district will already have adopted or developed its standards and curricula, the cost of providing copies to the public on a request basis is anticipated to be nominal, restricted largely to the cost of making individual copies periodically. The cost of simplifying standards for individuals unfamiliar with standards formatting can be minimized to the cost of paraphrasing the district's standards. This is a relatively minor activity, restricted to simple editing of benchmarks and specific knowledge. Therefore, the cost of administering the aims of Section 6 of Engrossed HB 1293 is anticipated to be minimal for most or all districts. These costs can be absorbed into the district's operating budget.

It is estimated that the cost of administering the aims of Section 6 will amount to $0.

Fiscal Note Summary.

The combined effect of all sections of HB 1293 will amount to $1,217,928 in state expenditures and a corresponding appropriation.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Greg Gallagher	**Agency:**	Dept. of Public Instruction
Phone Number:	328-1838	**Date Prepared:**	03/29/2001

FISCAL NOTE

Requested by Legislative Council
02/16/2001

REVISION

Bill/Resolution No.:

Amendment to: HB 1293

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$1,457,010	$0	$1,457,010	$0
Appropriations	$0	$0	$1,457,010	$0	$1,457,010	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 1293 proposes the administration of standards-based assessments, the compilation and reporting of student performance in terms of these assessments, the offering of technical assistance to school districts, the submission of professional development plans, and the distribution of district standards-based curriculum. This fiscal note offers estimations on each of these components. Each section within HB 1293 is analyzed independently and compiled as a whole.

I. Administration of statewide, standards-based achievement assessments and aptitude assessments.
Section 1 of HB 1293 proposes a statewide standards-based assessment in mathematics and reading be conducted in grades 4, 8, and 12. In Section 2 this testing is identified to report student achievement results.

The Department of Public Instruction has received estimates from McGraw-Hill, the state's current assessment vendor, regarding the achievement test costs. The cost to administer a standards-based student achievement test in mathematics and reading at grades 4, 8, and 12 has been estimated by McGraw-Hill to cost $1,432,010 million for the 2001-03 biennium.

The Executive Recommendation for statewide assessments amounted to $1,289,643. The statewide assessment budget currently resides in HB 1013, the Department of Public Instruction's operations budget.

Therefore, in order to achieve the aims of HB 1293 above the Executive Recommendation within HB 1013 will require a supplemental appropriation of $142,367. It should be noted, however, that the Department has submitted a separate supplemental budget request to the House and Senate Appropriations Committees (submitted January 8, 2001) to cover the cost of this updated standards-based assessment estimate. The supplemental request to HB 1013 totaled $142,367. However, given the uncertainty of HB 1013, the supplemental request for HB 1293 is assumed to remain at $1,432,010, the entire cost of the assessment.

Budget Assumption Summary:

Original DPI Budget Request for Assessments:	$1,289,643
Executive Recommendation	$1,289,643
Revised DPI Budget Request to HB 1013 (1/8/01)	$1,432,010
Budget Impact of HB 1293:	$1,432,010
HB 1293 difference with Executive Recommendation:	$ 142,367

II. Compilation and Reporting of Student Performance Results.
Section 2 of HB 1293 proposes that all test results resulting from the assessments in Section 1 be reported at the student-level, classroom-level, school-level, district-level, and state-level for achievement. Furthermore, all results are to be disaggregated by gender, ethnicity, economic status, service status, and assessment status.

The Department of Public Instruction has received confirmation from McGraw-Hill, the state's current testing vendor, that the cost of all student reports generated by the assessments identified within Section 1 are included within the overall estimate of test administration.

Therefore, the cost of conducting the aims of Section 2 of HB 1293 amounts to $0.

III. Report of Statewide Assessment Results to Legislative Council.
Section 3 of HB 1293 proposes that following the compilation of all student results representative of the testing company and the Department of Public Instruction offer a report to the Legislative Council on all elements of the assessment's methodology, the results, and the interpretation of the results.

It is anticipated that the cost of conducting this report to the Legislative Council is limited to the cost of securing an analyst from the testing company to aid in the presentation. It is estimated that the cost of professional stipend and travel expenses to achieve the aims of Section 3 of HB 1293 amounts to $5,000 for the 2001-03 biennium.

IV. Technical Assistance to School Districts on Interpretation of Results.
Section 4 of HB 1293 proposes that the Department of Public Instruction offer technical assistance to school districts regarding the interpretation of the test results. It is the experience of the Department of Public Instruction that test interpretation results be conducted statewide or regionally.

It is estimated that the cost of conducting regional interpretation workshops for districts will amount to $20,000 for the 2001-03 biennium.

V. Submission of District Professional Development Plans.
Section 5 of HB 1293 proposes that districts submit annual professional development plans that identify the resources available to districts, the actual expenditures incurred by districts, the number of teachers impacted by district activities, the source of funding, and the nature and scope of professional development activities.

Districts are currently responsible for submitting professional development plans, according to federal ESEA law, that cover most elements identified within Section 5. Therefore, there is no additional anticipated costs associated with Section 5 of HB 1293.

It is estimated that the cost of managing professional development plans from districts will amount to $0.

VI. Distribution of District Standards and Curriculum.
Section 6 of HB 1293 proposes that districts make available copies of their standards, simplified standards, and curricula in mathematics and reading to the public on demand. Since each district will already have adopted or developed its standards and curricula, the cost of providing copies to the public on a request basis is anticipated to be nominal, restricted largely to the cost of making individual copies periodically. The cost of simplifying standards for individuals unfamiliar with standards formatting can be minimized to the cost of paraphrasing the district's standards. This is a relatively minor activity, restricted to simple editing of benchmarks and specific knowledge. Therefore, the cost of administering the aims of Section 6 of HB 1293 is anticipated to be minimal for most or all districts. These costs can be absorbed into the district's operating budget.

It is estimated that the cost of administering the aims of Section 6 will amount to $0.

Fiscal Note Summary.

The combined effect of all sections of HB 1293 will amount to $1,457,010 in state expenditures and a corresponding appropriation.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Greg Gallagher	**Agency:**	Public Instruction
Phone Number:	328-1838	**Date Prepared:**	02/22/2001

FISCAL NOTE

Requested by Legislative Council
02/12/2001

Bill/Resolution No.:

Amendment to: HB 1293

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$25,000	$0	$25,000	$0
Appropriations	$0	$0	$25,000	$0	$25,000	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 1293, as amended, proposes the administration of standards-based assessments, the compilation and reporting of student performance in terms of these assessments, the offering of technical assistance to school districts, the submission of professional development plans, and the distribution of district standards-based curriculum. This fiscal note offers estimations on each of these components. Each section within HB 1293, as amended, is analyzed independently and compiled as a whole.

I. Administration of statewide, standards-based achievement assessments and aptitude assessments.

Section 1 of HB 1293 proposes a statewide standards-based assessment in mathematics and reading be conducted in grades 4, 8, and 12. The Department of Public Instruction has received estimates from McGraw-Hill, the state's current assessment vendor, regarding achievement test costs.

The cost to administer a standards-based student achievement test in mathematics and reading at grades 4, 8, and 12 has been estimated by McGraw-Hill to cost $1,432,010 million for the 2001-03 biennium.

All costs associated with the administration of a standards-based assessment are contained within HB 1013, the Department of Public Instruction's operating budget. Since these testing costs are contained within HB 1013, there are no additional costs associated with HB 1293. There is, therefore, no additional fiscal impact from Section 1.

II. Compilation and Reporting of Student Performance Results.
Section 2 of HB 1293 proposes that all test results resulting from the assessments in Section 1 be reported at the student-level, classroom-level, school-level, district-level, and state-level for achievement. Furthermore, all results are to be disaggregated by gender, ethnicity, economic status, service status, and assessment status.

The Department of Public Instruction has received confirmation from McGraw-Hill, the state's current testing vendor, that the cost of all student reports generated by the assessments identified within Section 1 are included within the overall estimate of test administration.

Therefore, the cost of conducting the aims of Section 2 of HB 1293 amounts to $0.

III. Report of Statewide Assessment Results to Legislative Council.
Section 3 of HB 1293 proposes that following the compilation of all student results representative of the testing company and the Department of Public Instruction offer a report to the Legislative Council on all elements of the assessment's methodology, the results, and the interpretation of the results.

It is anticipated that the cost of conducting this report to the Legislative Council is limited to the cost of securing an analyst from the testing company to aid in the presentation. It is estimated that the cost of professional stipend and travel expenses to achieve the aims of Section 3 of HB 1293 amounts to $5,000 for the 2001-03 biennium.

IV. Technical Assistance to School Districts on Interpretation of Results.
Section 4 of HB 1293 proposes that the Department of Public Instruction offer technical assistance to school districts regarding the interpretation of the test results. It is the experience of the Department of Public Instruction that test interpretation results be conducted statewide or regionally.

It is estimated that the cost of conducting regional interpretation workshops for districts will amount to $20,000 for the 2001-03 biennium.

V. Submission of District Professional Development Plans.
Section 5 of HB 1293 proposes that districts submit annual professional development plans that identify the resources available to districts, the actual expenditures incurred by districts, the number of teachers impacted by district activities, the source of funding, and the nature and scope of professional development activities.

Districts are currently responsible for submitting professional development plans, according to federal ESEA law, that cover most elements identified within Section 5. Therefore, there are no additional anticipated costs associated with Section 5 of HB 1293.

It is estimated that the cost of managing professional development plans from districts will amount to $0.

VI. Distribution of District Standards and Curriculum.
Section 6 of HB 1293 proposes that districts make available copies of their standards, simplified standards, and curricula in mathematics and reading to the public on demand. Since each district will already have adopted or developed its standards and curricula, the cost of providing copies to the public on a request basis is anticipated to be nominal, restricted largely to the cost of making individual copies periodically. The cost of simplifying standards for individuals unfamiliar with standards formatting can be minimized to the cost of paraphrasing the district's standards. This is a relatively minor activity, restricted to simple editing of benchmarks and specific knowledge. Therefore, the cost of administering the aims of Section 6 of HB 1293 is anticipated to be minimal for most or all districts. These costs can be absorbed into the district's operating budget.

It is estimated that the cost of administering the aims of Section 6 will amount to $0.

Fiscal Note Summary.

The combined effect of all sections of HB 1293 will amount to $25,000 in state expenditures and a corresponding appropriation.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Greg Gallagher	**Agency:**	Public Instruction
Phone Number:	328-1838	**Date Prepared:**	02/13/2001

FISCAL NOTE

Requested by Legislative Council
01/17/2001

Bill/Resolution No.: HB 1293

Amendment to:

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$318,417	$0	$318,417	$0
Appropriations	$0	$0	$318,417	$0	$318,417	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 1293 proposes the administration of standards-based assessments, the compilation and reporting of student performance in terms of these assessments, the offering of technical assistance to school districts, the submission of professional development plans, and the distribution of district standards-based curriculum. This fiscal note offers estimations on each of these components. Each section within HB 1293 is analyzed independently and compiled as a whole.

I. Administration of statewide, standards-based achievement assessments and aptitude assessments.
Section 1 of HB 1293 proposes a statewide standards-based assessment in mathematics and reading be conducted in grades 4, 8, and 12. In Section 2 this testing is identified to report both achievement and aptitude student results. Achievement and aptitude tests are separate, independent assessments and must be priced separately.

The Department of Public Instruction has received estimates from McGraw-Hill, the state's current assessment vendor, regarding both the achievement test and aptitude test costs.

The cost to administer a standards-based student achievement test in mathematics and reading at grades 4, 8, and 12 has been estimated by McGraw-Hill to cost $1,432,010 million for the 2001-03 biennium.

The cost to administer a student aptitude test in general reasoning,

analogies, memory and related skills at grades 4, 8, and 12 has been estimated by McGraw-Hill to cost $151,050 for the 2001-03 biennium.

The combined estimate to administer statewide assessments to achieve the aims of HB 1293 amounts to $1,583,060 million. The Department of Public Instruction's submitted budget and the Executive Recommendation for statewide assessments amounted to $1,289,643. Therefore, in order to achieve the aims of HB 1293 above the Executive Recommendation will require a supplemental appropriation of $293,417. It should be noted, however, that the Department has already submitted a separate supplemental budget request to the House Appropriations Committee (submitted January 8, 2001) to cover the cost of an updated standards-based assessment estimate. The supplemental request to HB 1013 totaled $142,367. If this supplemental request were to remain within HB 1013, then the total supplemental request required to cover HB 1293 would be reduced to $151,050. However, given the uncertainty of HB 1013, the supplemental request for HB 1293 is assumed to remain at $293,417.

Budget Assumption Summary:	
Original DPI Budget Request for Assessments:	$1,289,643
Executive Recommendation	$1,289,643
Revised DPI Budget Request to HB 1013 (1/8/01)	$1,432,010
Budget Impact of HB 1293	
Achievement Test:	$1,432,010
Aptitude Test:	$ 151,050
Total	$1,583,060
HB 1293 difference with Executive Recommendation:	$ 293,417
HB 1293 difference with DPI revised HB 1013	$ 151,050

II. Compilation and Reporting of Student Performance Results.
Section 2 of HB 1293 proposes that all test results resulting from the assessments in Section 1 be reported at the student-level, classroom-level, school-level, district-level, and state-level for both achievement and aptitude. Furthermore, all results are to be disaggregated by gender, ethnicity, economic status, service status, and assessment status.

The Department of Public Instruction has received confirmation from McGraw-Hill, the state's current testing vendor, that the cost of all student reports generated by the assessments identified within Section 1 are included within the overall estimate of test administration.

Therefore, the cost of conducting the aims of Section 2 of HB 1293 amounts to $0.

III. Report of Statewide Assessment Results to Legislative Council.
Section 3 of HB 1293 proposes that following the compilation of all student results representative of the testing company and the Department of Public Instruction offer a report to the Legislative Council on all elements of the assessment's methodology, the results, and the interpretation of the results.
It is anticipated that the cost of conducting this report to the Legislative Council is limited to the cost of securing an analyst from the testing company to aid in the presentation. It is estimated that the

cost of professional stipend and travel expenses to achieve the aims of Section 3 of HB 1293 amounts to $5,000 for the 2001-03 biennium.

IV. Technical Assistance to School Districts on Interpretation of Results.
Section 4 of HB 1293 proposes that the Department of Public Instruction offer technical assistance to school districts regarding the interpretation of the test results. It is the experience of the Department of Public Instruction that test interpretation results be conducted statewide or regionally.

It is estimated that the cost of conducting regional interpretation workshops for districts will amount to $20,000 for the 2001-03 biennium.

V. Submission of District Professional Development Plans.
Section 5 of HB 1293 proposes that districts submit annual professional development plans that identify the resources available to districts, the actual expenditures incurred by districts, the number of teachers impacted by district activities, the source of funding, and the nature and scope of professional development activities.

Districts are currently responsible for submitting professional development plans, according to federal ESEA law, that cover most elements identified within Section 5. Therefore, there is no additional anticipated costs associated with Section 5 of HB 1293.

It is estimated that the cost of managing professional development plans from districts will amount to $0.

VI. Distribution of District Standards and Curriculum.
Section 6 of HB 1293 proposes that districts make available copies of their standards, simplified standards, and curricula in mathematics and reading to the public on demand. Since each district will already have adopted or developed its standards and curricula, the cost of providing copies to the public on a request basis is anticipated to be nominal, restricted largely to the cost of making individual copies periodically. The cost of simplifying standards for individuals unfamiliar with standards formatting can be minimized to the cost of paraphrasing the district's standards. This is a relatively minor activity, restricted to simple editing of benchmarks and specific knowledge. Therefore, the cost of administering the aims of Section 6 of HB 1293 is anticipated to be minimal for most or all districts. These costs can be absorbed into the district's operating budget.

It is estimated that the cost of administering the aims of Section 6 will amount to $0.

Fiscal Note Summary.

The combined effect of all sections of HB 1293 will amount to $318,417 in state expenditures and a corresponding appropriation. If the assumptions within Section 1 regarding HB 1013 are actualized, then the combined effect of HB 1293 would be reduced to $176,050. Given the

uncertainty of HB 1013, this fiscal note assumes the higher amount.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

   C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Greg Gallagher	**Agency:**	Public Instruction
Phone Number:	328-1838	**Date Prepared:**	01/29/2001

Date: 2/7/01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1293

House House Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Bellew Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard		✓	Rep. Lyle Hanson	✓	
Rep. Larry Bellew	✓		Rep. Bob Hunskor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meier	✓				
Rep. Jon O. Nelson		✓			
Rep.Darrell D. Nottestad					
Rep. Laurel Thoreson	✓				

Total (Yes) 12 No 2

Absent 1

Floor Assignment Rep. Thoreson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1293: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "in grades four, eight, and twelve"

Page 1, line 10, after the period insert "This test must be administered to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve."

Page 1, line 14, remove "both aptitude and"

Page 3, line 14, after "to" insert "public school" and replace "in grades four, eight, and twelve, the comprehensive test of basic skills," with "a test that is"

Page 3, remove line 15

Page 3, line 16, remove "used to fulfill the requirements of this section must be"

Page 3, line 17, after the period insert "This test must be administered to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve."

Page 3, line 21, remove "both aptitude and"

Renumber accordingly

2001 SENATE EDUCATION

HB 1293

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1293

Senate Education Committee

☐ Conference Committee

Hearing Date 3-5-01

Tape Number	Side A	Side B	Meter #
1		X	16.2 - end
2	x		0 - 15.1
2 (3-06-01)	x		32.5 - 50.0
2 (03-13-01)	x		0-9.1
1 (03-14-01)	x		0 - 18.6
1 (03-26-01)		x	.7 - 7.8
1 (03-27-01)	x		51.8 - end
1 (03-27-01)		x	0 - 6.0

Committee Clerk Signature Sandra Johnson

Minutes: CHAIRMAN FREBORG called the hearing on HB 1293 which relates to the testing of reading and mathematics. He introduced Girl Scout students from Bottineau who were attending the committee hearings.

Testimony in support of HB 1293:

GREG GALLAGHER, Education Improvement Team Leader, DPI, presented testimony. (see attached). SENATOR CHRISTENSON asked MR. GALLAGHER to comment on the meaning of Section 3 of the bill. He stated Section 12 is a repeat of Section 6. In addressing Section 3, he stated the intent is to make available to parents or interested parties, not to the state superintendent, the test scores. SENATOR WANZEK wondered if we are allowing for individualism. Are the students still able to be creative and decision making. MR.

GALLAGHER stated that we can assess on the basic skills and if the assessment is in our hands, we can allow for higher standards, ones that our state has developed, not those developed by a publishing company. SENATOR FLAKOLL asked how we can disseminate the data fairly. MR. GALLAGHER stated that we need to align to the standard what we are basing the data on. He stated if you do assessing, you can not do anything to identify the person (student). He stated in HB 1293 it states that in ND there should be state content standards and in ND there should be standard state assessments.

MAX LAIRD, President NDEA, supports the concept of the bill. He has a concern on the emphasis we are moving towards on testing and testing being the sole determination of student achievement. He feels we need to look at a comprehensive assessments of the students as being the methodology whereby we are able to assess the quality of our public school system. He suggested an amendment. (see attached).

Testimony in a neutral position to HB 1293:

DEAN BARD, ND Small Organized Schools, stated they support the concept of the bill. However, he has a concern on the fiscal impact this may have on a school district in implementing the program. He further stated that creating a subjective analysis on materials in Section 6 gives him a cause of concern. Maybe a translation should be prepared in advance

BEV NIELSON, ND School Boards Assn., supports the concept of having standards which we assess and test. She has a great concern (fairness issue) that the superintendent presents the test scores before anyone (local board, superintendent, or parent) has seen them. Feels boards at local level should be among the first to see the scores. She further stated that testing services that she knows of, always sent someone from the company to help interpret the results of the tests. She just does not like the bill. SENATOR KELSH asked if we are trying to make too much of

this. What exactly are we trying to do. Standards are what we should teach and assessments are what students have learned from what they are taught. He feels standards and assessments are good, but everything surrounding it is confusing. Question from BEV NIELSON: Is there just one simple test that would tell the taxpayer, boards, and legislature if we are getting our money's worth. She does not feel we should start testing something that we have not put the time and resource into developing. DPI has done this, but the local schools have not. More discussion on the bill.

There being no further testimony, the hearing was closed.

3-06-01, Tape 2, Side A, 32.5 - 50.0

CHAIRMAN FREBORG asked GREG GALLAGHER, DPI, to step to the podium. SENATOR FREBORG asked him if in a previous statement he said that this bill will have no bearing on Title I. MR. GALLAGHER stated that what he referenced to was in terms of funding requirements for Title I, the vehicle for that is HB 1013, the DPI budget, which carries the amount that secures those assessments. The US Dept. Of Education requires evidence of funding, and evidence of authority. What you gain from HB 1013 is the funding, and you gain through session law the support of funding for Title I purposes. HB 1293 is not technically required in terms of speaking to the authority but it offers long term authority that would be positioned in Century Code. CHAIRMAN FREBORG asked if DPI has the authority right now to meet the requirements to receive Title I money? He answered no. A series of requirements are needed in order to receive the money. In HB 1293 there are no reporting requirements stated within it. This puts on record that ND supports an open records approach to reporting the aggregate results. Technically, ND does disaggregate its results. However, it is not stated in law that such reporting on disaggregation should occur. Mr. Gallagher further informed the

committee about what is now in law and how this bill would impact that. This bill restates what the state's obligation is in order to meet much of Title I and put it as a state policy. SENATOR KELSH asked how many school districts have adopted curriculum and standards. Mr. Gallagher stated they have not done an audit, but what he has seen over the last 6 - 8 years is that ND has about 35 consortiums that have been involved in some fashion in curriculum alignment to the standards. The consortiums range from two districts to as many as 25 districts working together. We've spent about $3.75 million in the last 7 years on the alignment of standards. SENATOR O'CONNELL asked if there is a better word the "translation" to use in Section 6. Mr. Gallagher stated that "summary" or "overview" would be fine.

03-13-01, Tape 2, Side A, 0 - 9.1

SENATOR COOK presented an amendment (see attached 10438.0301). This allows a parent who requests information on a test be given it. SENATOR CHRISTENSON feels tests should not be given out. She feels it is a privacy issue. There is a concern that the test would be taken from the school and be given out. SENATOR FREBORG wondered if some wordage could be put in the bill such as "view" or "review", which would leave the actual document in the school. SENATOR COOK stated that would be okay with him. More discussion on the subject. SENATOR COOK will draft another amendment.

03-14-01, Tape 1, Side A, 0 - 18.6

CHAIRMAN FREBORG called the committee to order. Roll call was taken with 6 members present. (Senator Wanzek arrived 20 minutes later).

SENATOR COOK presented an amendment. (see 10438.0302). He hopes these new amendments make it clear the test can not leave the school premises. The discussion was that some of the wordage is used twice and seems to contradict itself. SENATOR COOK stated that the language isn't quite right so he proposed it read, "Upon request, a school district must allow any individual over the age of twenty to view any test administered under this Act as soon as it is in the possession of the school district." This is in two places in the amendment.

SENATOR COOK moved to adopt the amendment as now changed. SENATOR FLAKOLL seconded.

SENATOR CHRISTENSON asked if GREG GALLAGHER, DPI, could come to the committee and explain some things on testing to the committee. MR. GALLAGHER discussed proprietary rights as in law. It appears this would conflict with current law. He further stated the Superintendent of Public Instruction has the discretion to allow an individual to view a test if certain protocol is followed. He stated that the intent of the amendment is now in current protocol, and still protects the exemptions to the open records law. SENATOR COOK stated that if you try to cover something up, there seems to be a fear. This piece of legislation allows the local district to make the decision, and the decision is not at the discretion of the Superintendent.

Roll Call Vote: 4 YES. 3 NO. 0 Absent. Amendment Adopted.

03-26-01, Tape 1, Side B, .7-7.8

SENATOR FREBORG presented to the committee a document the would amend HB 1293 to improve the level of acceptance for the bill and remain legal with DPI. There is some concern that some questions are intrusive to certain people. The amendment would require that a test not

include questions that might be deemed personal to a student or the family of a student. The committee seemed receptive to some language as such.

03-27-01, Tape 1, Side A, 51.8 - end, Side B, 0 - 6.0

SENATOR COOK presented an amendment (10438.0303) which replaces section 4 of the bill. Section 4 seems unnecessary and DPI already has the authority. SENATOR CHRISTENSON asked about the standards alignment committee. Is this an ad hoc committee specifically for this purpose? SENATOR COOK replied that he thinks the committee is already in place. She doesn't want to see the committee as a censorship committee. If this amendment is saying that it must meet the standards using this as part of the criteria, this is good. GREG GALLAGHER, DPI, explained who the standards alignment committee is. The use of standards alignment committee is used for the development of content standards and performance standards in the process of aligning actual assessments to those standards. The issue of "validity" of making sure there is a validity review that any assessment that is being reviewed is assessing the right thing - student performance. He feels its an issue of validity in that it forces it to drift from student performance into personal revelations that have no substance or importance at all. He would like the wording to be "validity alignment". He feels this is a more precise term.

SENATOR COOK moved to adopt the amendment. Seconded by SENATOR FLAKOLL.

Roll Call Vote: 7 YES. 0 NO. 0 Absent. Amendment adopted.

More discussion.

SENATOR COOK moved a DO PASS as Amended. Seconded by SENATOR CHRISTENSON. Roll Call Vote: 6 YES. 1 NO. 0 Absent Motion carried.

Carrier: SENATOR CHRISTENSON

10438.0301
Title.

Prepared by the Legislative Council staff for
Senator Cook
March 12, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1293

Page 1, line 1, replace "six" with "seven"

Page 1, line 2, replace "six" with "seven"

Page 3, after line 10, insert:

"**SECTION 7.** If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Test - Availability. Each district shall provide, upon request, a copy of any test given to students under this Act."

Page 5, after line 9, insert:

"**SECTION 14.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Test - Availability. Each district shall provide, upon request, a copy of any test given to students under this Act."

Renumber accordingly

2

10438.0302
Title.

4-3-0

Prepared by the Legislative Council staff for
Senator Cook
March 13, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1293

Page 1, line 1, replace "six" with "seven"

Page 1, line 2, replace "six" with "seven"

Page 3, after line 10, insert:

"**SECTION 7.** If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Test - Availability for viewing. Upon request, a school district must allow any individual over the age of twenty to view any test ~~that has been~~ administered ~~to students~~ under this Act ~~and,~~ as soon as it is in the possession of the school district~~; any test that will be administered to students under this Act~~."

Page 5, after line 9, insert:

"**SECTION 14.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Test - Availability for viewing. Upon request, a school district must allow any individual over the age of twenty to view any test ~~that has been~~ administered ~~to students~~ under this Act ~~and,~~ as soon as it is in the possession of the school district~~; any test that will be administered to students under this Act~~."

Renumber accordingly

Date: 3/14/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1293

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment 10438.0302 w changes

Motion Made By Sen. Cook Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson		✓
Senator Flakoll - Vice Chairman	✓		Senator Kelsh		✓
Senator Cook	✓		Senator O'Connell		✓
Senator Wanzek	✓				

Total (Yes) 4 No 3

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

7-0-0

10438.0303
Title.

Prepared by the Legislative Council staff for
Senator Cook
March 26, 27, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1293

Page 2, line 8, replace "**Technical assistance.** After the presentation" with "**Review of test questions.** The superintendent of public instruction shall required that the entity developing a test to be administered under section 1 of this Act not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that it be reviewed by a standards alignment committee appointed by the superintendent in order to ensure that the test meets the requirements of this section."

Page 2, remove lines 9 through 12

Page 2, line 16, replace "professional" with "report"

Page 2, line 17, remove "development plan" and replace ". The plan must" with "indicating"

Page 2, line 18, remove "include"

Page 4, line 7, replace "**Technical assistance.** After the presentation" with "**Review of test questions.** The superintendent of public instruction shall require that the entity developing a test to be administered under section 7 of this Act not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that it be reviewed by a standards alignment committee appointed by the superintendent in order to ensure that the test meets the requirements of this section."

Page 4, remove lines 8 through 11

Renumber accordingly

Date: 3/27/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1293

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amend. 10438.0303

Motion Made By Sen. Cook Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/27/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1293

Senate Education Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DPA and rerefer to App.

Motion Made By Sen. Cook Seconded By Sen. Christenson

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell		✓
Senator Wanzek	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Sen. Christenson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed: Education Committee (Sen. Freborg, Chairman) *recommends* **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "six" with "seven"

Page 1, line 2, replace "six" with "seven"

Page 2, line 8, replace "**Technical assistance.** After the presentation" with "**Review of test questions.** The superintendent of public instruction shall require that the entity developing a test to be administered under section 1 of this Act not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that the test be reviewed by a standards alignment committee appointed by the superintendent to ensure that the test meets the requirements of this section."

Page 2, remove lines 9 through 12

Page 2, line 16, replace "professional" with "report"

Page 2, line 17, remove "development plan" and replace ". The plan must" with "indicating"

Page 2, line 18, remove "include"

Page 3, after line 10, insert:

"**SECTION 7.** If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Test - Availability for viewing. Upon request, a school district must allow any individual over the age of twenty to view any test administered under this Act as soon as the test is in the possession of the school district."

Page 4, line 7, replace "**Technical assistance.** After the presentation" with "**Review of test questions.** The superintendent of public instruction shall require that the entity developing a test to be administered under section 8 of this Act not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that the test be reviewed by a standards alignment committee appointed by the superintendent to ensure that the test meets the requirements of this section."

Page 4, remove lines 8 through 11

Page 5, line 2, replace "7" with "8"

Page 5, after line 9, insert:

"**SECTION 14.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Test - Availability for viewing. Upon request, a school district must allow any individual over the age of twenty to view any test administered under this Act as soon as the test is in the possession of the school district."

Renumber accordingly

2001 SENATE APPROPRIATIONS

HB 1293

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1293

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 30, 2001

Tape Number	Side A	Side B	Meter #
2	X		11.5-20.2
Committee Clerk Signature			

Minutes:

Senator Solberg opened the hearing on HB 1293.

Representative Rick Berg, District #45, testified in support of the bill and gave some back ground of the bill. Legislators got together during the pre-session and talked about ways to insure we would get Title 1 money and at the same time take look at uniform accountability to the schools.

Greg Gallagher, Department of Public Instruction, spoke on the bill. This bill also touches HB 1013 which is the department's appropriation bill. Affect of HB 1273 totals $5,000 however the recommendation of OMB and Legislative Council and the affect of what the legislation would be, we connection HB 1013 amount that is dedicated for assessment and integrated it in the affect of the appropriation required for the provision in HB 1293. HB 1013 carries $1.2 million. Any additional provisions that would impact costs within HB 1293 totals only $5,000 for student assessments. We are below the Executive recommendation from last August.

On the fiscal note, it is possible given the response that we are receiving from our bids, that we can expand the assessing beyond mathematics and reading into science and social studies for an additional $150,000. Terms overall assessment, that is a pretty good deal for the interest of school improvement.

Senator Tallackson: This is in your DPI budget?

Greg Gallagher: That is correct.

Senator Solberg: So this has been taken into consideration.

Senator Robinson: It is my understanding that if the two come together, we need this bill.

Senator Solberg: So we can pass this bill out to the Education committee or do we hold it for DPI?

Senator Robinson: I think the two should be going together.

Senator Tomac: To understand this, it has a fiscal note of $1.2 million, if we pass the bill the actual fiscal impact is about $5,000 but the fiscal note says $1.2 so if we kill the bill do we save $1.2 million or not?

Greg Gallagher: HB 1293 is an authorization bill. It states that the state is committing to administrating assessments in reading and math. An authority bill that we can also show evidence to the US Department of Education of the states commitment to Title 1. Originally the cost was $5,000 and it is on that response that OMB and Legislative Council said because it is an authority for authorization we should make the connect to HB 1013.

Senator Tomac: My question is more for Legislative Council, does this have a cost of $1.2 million on our budget daily worksheet?

Allen Knudsen, Legislative Council, right now the funding was included in the existing budget at the higher level in the House, so when you act on the DPI budget the plan is to reduce that what funding is actually needed, and there are some savings there.

Senator Tomac: My confusion is that the fiscal note attached of $1.2 million; if we kill this bill we will save the general fund $1.2 million according to the fiscal note.

Allen Knudsen: If you are not going to do the Title 1 testing, you kill the bill you take the funding out of DPI, you will be saving the money but then there would be no Title 1 testing and this would cause other ramifications.

Senator Solberg: The impact is losing Title 1.

Representative Berg: My understanding this funding will not show up twice. Obviously if it does that would impact the balance. This $1.2 million reflects lower costs and would also be in DPI budget.

Senator Tomac: I have received some opposition to this bill from constituents and my concern is what prompted the bill, why is the bill here? If we risk losing this Title 1 funding, why not last biennium, what has changed so that we need the bill today?

Representative Berg: This issue has gone through both education committees and House Appropriations committee. If we do not have the bill, then DPI can figure out a way they want to do this and do the whole process. If we pass this bill we are really saying this is how we as legislators want this implemented. The bill evolved has some of the protections with people who have concerns. Importance of the bill is the legislator saying here is how we want this conducted to levels of $40 millions on the Title 1 money.

Senator Tallackson moved a Do Pass on the bill, seconded by Senator Bowman.

No further discussion, 11 yes, 0 no, 3 absent. This will be held for DPI budget Monday.

Date: 3-30-01

Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1013

Senate Appropriations Committee

☐ Subcommittee on
or
☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Senator Tallackson Seconded By Senator Bowman

Senators	Yes	No	Senators	Yes	No
Dave Nething, Chairman					
Ken Solberg, Vice-Chairman	✓				
Randy A. Schobinger	✓				
Elroy N. Lindaas	✓				
Harvey Tallackson	✓				
Larry J. Robinson	✓				
Steven W. Tomac	✓				
Joel C. Heitkamp	✓				
Tony Grindberg	✓				
Russell T. Thane	✓				
Ed Kringstad					
Ray Holmberg					
Bill Bowman	✓				
John M. Andrist	✓				

Total Yes 11 No 0

Absent 3

Floor Assignment Senator Christenson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
April 23, 2001 2:09 p.m.

Module No: SR-71-9011
Carrier: Christenson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1293, as amended, was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1293

TESTIMONY ON HB 1293
HOUSE EDUCATION COMMITTEE
February 6, 2001

By Greg Gallagher, Education Improvement Team Leader
Department of Public Instruction
328-1838

Madam Chairperson and Members of the House Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to support HB 1293, to report on its fiscal note, and to propose two minor amendments.

HB 1293 establishes the administration of assessments for all students in grades 4, 8, and 12, that are aligned to the state content standards in reading and mathematics. HB 1293 further requires the disaggregated reporting of results, the publication of these results, the provision of technical assistance to schools regarding the meaning and use of these results, the submission of district professional development plans, and the availability of translated standards and curricula.

I. Keep the focus on standards and improvement.

HB 1293 is about accountability for improvement. Although assessments may be used for a variety of purposes, assessments are most meaningful when they are used to identify the level of student performance against clear expectations and when these results are used to improve the quality of curriculum and instruction.

HB 1293 properly calls for the assessment of reading and mathematics, two critical skill areas, in terms of the state content standards. Such a standards-based approach is far superior to our state's traditional norm-referenced method. A norm-referenced assessment will only report in terms a student's ranking against a statistical norm; in other words, how the student compares to the group with no regard to a standard. A standards-based assessment, on the other hand, reports a student's performance against a clear standard or expectation. With the state content standards in English language arts and mathematics now complete and in use among schools that choose to use them, the state is now well positioned to conduct standards-based assessments.

The compilation and reporting requirements within HB 1293 are clearly focused on an accountability for improvement. Results are disaggregated to offer the most detailed understanding of overall student performance among demographic categories. Technical assistance is offered to schools to aid in the proper interpretation of the results and their possible use within school improvement efforts. Since these assessments are intended to improve curriculum and instruction, the provision to make available translated standards and curricula to the public is entirely appropriate.

The need for standards-based assessments becomes clear when we compare student results among different methods. North Dakota students generally rank high among states (within the top five) in the NAEP tests, and our students register an overall performance of 65% against the national norm within the CTBS. However, when compared to an expected level of performance as defined by our standards, ***only 35% of North Dakota students score at the proficient or above level and, conversely, 65% score below proficiency.***

If we look at our students only through the lens of rankings or comparisons to a norm, we remain partially blinded to the overall performance picture. Standards-based assessments are simply superior to off-the-shelf norm-referenced assessments (the state's traditional test) in identifying true student performance. If students are to improve, then we need to be clear about what our expectations or standards are. If we know what our standards are, then we should assess in terms of these standards. To assess in terms of standards gives us insight into where we are succeeding and where we need improvement.

II. Clarifying the fiscal note.

The fiscal note for HB 1293 is predicated on the adoption of the Executive Recommendation for statewide assessments contained within HB 1013, the operating budget for the Department of Public Instruction. I draw your attention to this fiscal note.

Beginning 2001-2002, the state is required to fully implement statewide, standards-based assessments in reading and mathematics. These assessments are required by federal ESEA, Title I law as requisite to receiving the state's $43 million biennial allocation. HB 1013 provides for the administration of these tests.

In order to make HB 1293 more viable and entirely standards-based, the Department recommends the elimination of any administration of aptitude tests. Aptitude tests are not standards-based and offer only cursory indications of a student's abilities related to memory, analogy, and general reasoning. The fiscal note reports that to eliminate aptitude tests would result in a $151,050 reduction in the fiscal note to a new total of $176,0.

III. Two minor amendments proposed.

The Department recommends two minor amendments to improve HB 1293.

(1) *Make the grade levels more flexible to accommodate future changes.* HB 1293 currently sets the administration of testing at grades 4, 8, and 12, to reflect the state's current content standards. As state content standards expand into other grade levels or as assessments can be back-mapped into contiguous grades, some flexibility should be given to allow for the rescheduling of assessments. Therefore, the Department recommends that HB 1293 allow for the administration of tests at an appropriate grade level within each of the following grade spans: (a) grades 3-5; (b) grades 6-9; and (c) grades 10-12. This amendment will accomplish the aims of statewide, standards-based assessments and also allow for future improvements in scheduling. An additional amendment is offered to establish a parallel construction between Section 1 and Section 7, where unacceptable discrepancies currently exist.

(2) *Eliminate any reference to aptitude tests.* Since aptitude tests are not standards-based and offer only cursory indications of a student's abilities related to memory, analogy, and general reasoning, the Department recommends that references to aptitude tests be removed from HB 1293. Aptitude tests may offer some insight into student abilities, but they offer no insight into school programmatic capacity. The Department believes it is better to concentrate our limited resources on standards-based assessments at this time.

Language for both amendments is offered at the end of this testimony.

IV. Summary of importance.

HB 1293 is an important step in clarifying the state's expectations for improvement. If students are to improve, then we need to be clear about what our expectations or standards are. If we know what our standards are, then we should assess

in terms of them. To assess in terms of standards gives us insight into where we are succeeding and where we need improvement.

Schools will spend $1.3 billion dollars during this next biennium on education. Given that amount of money invested, there should at least be clarity regarding expectations and improvement. Standards-based assessments supply this clarity regarding content and performance. In their absence, we will remain partially blinded regarding our deficiencies.

Madam Chair, this completes my testimony. I am available to answer any questions from the committee.

Proposed Amendments to HB 1293

Page 1, line 9:	strike "~~grades four, eight, and twelve~~"
Page 1, line 10:	after "mathematics." insert, "This test shall be administered to at least one grade level selected within each of the following grade spans: (a) grades 3 through 5; (b) grades 6 through 9; and (c) grades 10 through 12."
Page 1, line 14:	strike "~~both aptitude and~~"
Page 3, line 14:	strike "~~grades four, eight, and twelve, the comprehensive test of basic skills, or a comparable nationally normed test, in the areas of reading and mathematics. Any test used to fulfill the requirements of this section must be~~"
	Replace with "a test that is"
Page 3, line 17:	after "mathematics." insert, "This test shall be administered to at least one grade level selected within each of the following grade spans: (a) grades 3 through 5; (b) grades 6 through 9; and (c) grades 10 through 12."
Page 3, line 21:	strike "~~both aptitude and~~"

Written Testimony Presented to the House Education Committee
(of the 57th Legislative Assembly / on February 6th, 2001)
Concerning House Bill 1293
by
William M. Schuh

Chairman Keish and honorable members of the House Education Committee. I ask you to recommend **do not pass on House Bill 1293.**

Bill Content Summary

HB 1293 authorizes the Superintendent of Public Instruction to require:

Section 1. the administration of standardized tests aligned to the state standards in reading and mathematics in grades 4, 8, and 12 beginning in 2001-2002, and every year thereafter.
Section 2. Scores of the tests "must allow for comparisons based on students' gender, ethnicity, economic status, service status, and assessment status" without identifying the individual student.
Section 3. The Superintendent is instructed to report on results to the the legislative council, and to provide assistance in explaining the results to local superintendents and school boards.

Some Concerns Are:

1. Students are not lacking in assessment. They are constantly tested and graded by qualified teachers. All North Dakota students are also currently assessed using nationally normed and standardized assessments.

All students are already required to take the CTBS achievement test in grades 4, 6, 8, and 10. In addition, students interested in post secondary work take the PLAN test, and the PSAT test in their sophomore year, and SAT and ACT tests in their junior and senior years, often many times. These are all nationally normed. What is the purpose of another test?

2. The only plausible purpose for an additional test is gauge alignment to the "voluntary" national standards promulgated by the NATIONAL STANDARDS IMPROVEMENT COUNCIL, authorized under Sec. 212 of Public Law 103-227 (Goals 2000 Educate America Act).

McGraw-Hill (the vendor of the test) did not formulate their test for just North Dakota's standards. Alignment to this set of standards does not necessarily mean better education. While the standards are fine in some respects, they have been criticized in others. For example the English standards have been criticized as over-stressing pop culture and inadequately stressing literacy. The history standards have been criticized as being anti-western.

There are no pressing problems in North Dakota primary and secondary education that will be solved by enforcement of these standards.

(a) North Dakota's schools have, and have always had content standards. These have been promulgated by teaching societies, such as the American Council of Teachers of Mathematics and others, and by accrediting bodies like North Central Accreditation. Standards are embedded within the structure of most text books.

(b) North Dakotas school districts are not failing in their mission to teach. They are successful on both a national and international scale. They are also reasonably uniform within the state. **See the attached summary sheet "EDUCATIONAL CULTURE OF NORTH DAKOTA".**

3. We seem to be moving into an over-stress on testing

Over-reliance on standardized tests can result in "teaching to the test", and tying up teacher's time and resources. This has been a serious problem in other states, and has caused time gridlock for teachers under Minnesota's "profiles in learning". A large majority of the Minnesota House of Representatives voted a moratorium on "Profiles in Leaning" because of this. These tests are likely to be expanded into others as well.

4. Additional tests will be a burden on Seniors, who are very busy with college entrance examinations, college applications and decisions, scholarship applications and essays, and many other transitional activities. They have plenty of normed tests to worry about.

5. The State cost for administration of HB 1293 is very high, about 1.6 million dollars for both achievement and aptitude tests as mandated in Section 1, and for implementation of Sections 2 and 3.

The final amount listed in the fiscal note is either $176,050.00 or $318,417.00, but these are listed as supplemental requests, and depend on actualization of either $1,432,010 requested for assessment by the DPI in its budget request (HB 1013), or $1,289,643 recommended for that purpose in the governor's budget proposal. The bottom line from an overall budget standpoint is the total cost, not the supplemental request. An additional $1.6 million dollars applied to foundation aid would amount to about $5.00 per student, an increase of 50% over one proposal for a $10.00 increase. In a time of rising heating fuel and transportation costs, and in the face of needed raises for non classified staff, uncovered in the teacher raise proposal, this amount of money could be well spent at the district level, and to much better effect.

6. Cost to districts is not negligible. The fiscal note makes it appear that there is not appreciable cost to districts. The salaries of all 4th, 8th, and 12th grade teachers, and the time of administrators for the time and work of testing are not negligible. They cost district money tied up in time allocation that does not accomplish any teaching.

In conclusion, testing mandated in HB 1293 is repetitive, unnecessary, and expensive. If fills no current need for improvement of education in North Dakota.

Please recommend do not pass on House Bill 1293.

Thank you for your consideration.

William Schuck
1993

EDUCATIONAL CULTURE IN NORTH DAKOTA: SUMMARY PROFILE OF HIGH ACHIEVEMENT

I. MOST RECENT INDICATORS, BASED ON 1996-7 STATISTICS OF THE NATIONAL EDUCATION GOALS PANEL.

ADULT LITERACY

Graduation Rate: tied for the highest percentage (95%) of 18- to 24-year olds with a high school credential. (NEGP p 29)

Adult Literacy: North Dakota is tied for 2nd (with New York) in the percentage (71%) of high school graduates who enroll in 2-year or 4-year postgraduate programs. (NEGP p 55)

Adult Literacy: North Dakota is number 1 in voter registration and number 5 in voting percentage. (NEGP p53 and 54)

STUDENT ACHIEVEMENT

Mathematics: number 2 in percentage of public school 8th graders scored at above Proficient. (NEGP p35)

Science: tied for number 1 in 8th grade science proficiency with Montana and Maine (41%), compared with U.S. average of 29%. (NEGP p36)

International Mathematics Achievement: one of 7 states that would be expected to score in the to 35 our of 40 nations in 8th grade mathematics. Only Belgium, Czech Republic, Hong Kong, Japan, Korea, and Singapore would be expected to outperform these seven states. (NEGP p43)

International Science Achievement: one of 15 states that would be expected to score in the to 40 out of 41 nations in 8th grade science. Only Singapore would be expected to outperform these states. (NEGP p44)

Advanced Placement: listed as "improved" in the number students achieving 3 or above (out of 5) on Advanced Placement tests. (NEGP p37)

TEACHER QUALIFICATIONS

Teacher Preparation: the most teachers with undergraduate or graduate degrees in their main teaching assignments. (NEGP p38)

Teacher Education: the highest percentage of public secondary school teachers who hold a teaching certificate in their main teaching assignment. (NEGP p39)

SCHOOL SAFETY

School Safety: the lowest rate of teacher victimization. (NEGP p63)

School Safety: tied for least teacher complaints of student disruption of classes. (NEGP p64)

PARENTAL INVOLVEMENT

Parental Involvement: the lowest level of expressed teacher concern, and principal concern, over lack of parental involvement. (NEGP p 65)

II. 1996 INDICATORS, BASED ON 1991 STATISTICS OF THE U.S. DEPARTMENT OF EDUCATION STATISTICS SERVICE.

Class Size: eight lowest in average grade 8 class size. (USDE)

High School Completion: second of all states (after MN) on percent of 25 to 34 year olds having attained at least secondary school education. (93%). 87% if those from 35 to 64 hold high school degrees.

Age 25 to 34 - 22% had university degrees.
Age 35 to 64 - 21% had university degrees.
Age 22 - 51% are graduating from a university (1991)

International Mathematics Achievement: number 3 in the world, after Taiwan and Iowa, just ahead of Korea and Minnesota . (USDE p 24-25)

New Scientists and Engineers: number graduates per 100 persons 22 years old. Second after South Dakota, ahead of all nations, and double the national average . (USDE p 179)

III. WITHIN-STATE INDICATORS, BASED ON STUDIES OF COLLEGE ENROLLMENT AND COMPLETION BY MICHAEL HOVE.

Almost all of the variability of College enrollments (95%) and successful degree completion (92%) can be accounted for population. This means that there is almost no difference between counties. Similar percentages apply to honors graduates. **The opportunity to obtain a an education sufficient to enroll in college, successfully complete a degree, and to achieve honors status is quite uniform within North Dakota.** (Hove, pp 53-56)

IV. INTERNATIONAL INDICATORS BASED ON THE SANDIA NATIONAL LABORATORIES REPORT.

College Degrees: U.S. has the highest percentage of 22-year olds with a bachelors degree.

Technical Degrees: U.S. has the highest percentage of degrees in science and engineering over the last 20 years (preceding 1993).

SAT Scores: When comparing the same demographic groups tested in 1975, SAT scores have risen. Apparent dip is caused by a change in demographic - larger numbers of lower students entering colleges.

V. CITATIONS

U.S. Department Of Education. National Center For Education Statistics. 1996. Education In The States And Nations (2nd Ed.). NCES 96-160, By Richard Phelps And Thomas M. Smith. Washington, D.C.

Hove, Michael Howard. 1996. Exploring the Geographic Distribution of North Dakota's Post-Secondary Enrollments and College Graduates.

National Education Goals Panel. 1999. the Education Goals report: Building a nation of learners, 1999. Washington, DC: U.S. Government Printing Office.

Carson, C.C., R.M. Huelskamp, and T.D. Wodall. 1992. Perspectives on Education in America: An Annotated Briefing. Journal of Educational Research. 86:5.

CTBS/4 Comprehensive Tests of Basic Skills, Fourth Edition

PARENT REPORT Grade 3.7

STUDENT: [redacted]

NORTH DAKOTA CODES: [redacted]

GRADE 3

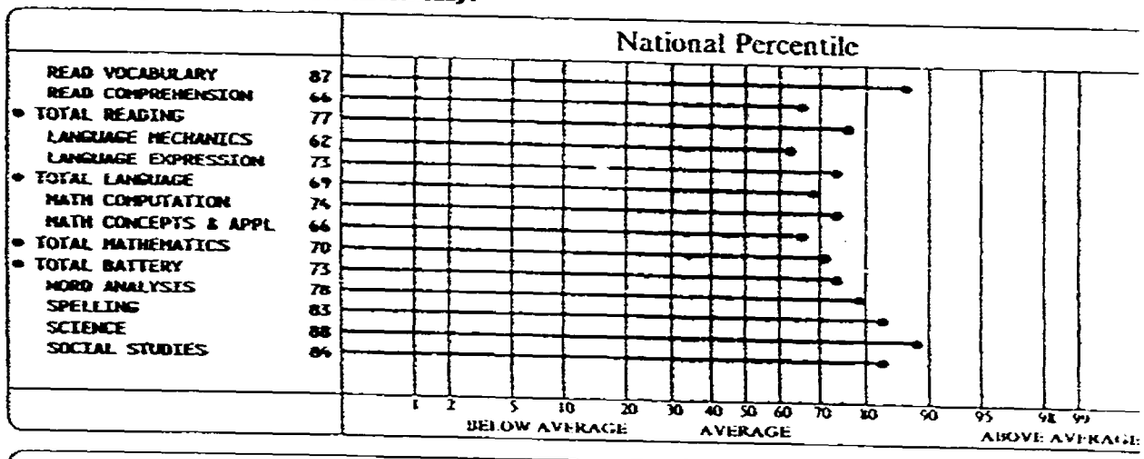
BIRTH DATE: 12/23/84 CODES: 300018090..97..

Dear Parent:

[redacted] took the Comprehensive Tests of Basic Skills during April, 1994, as part of your school's achievement testing program. The test results give you information about his level of achievement at that time. Below is a graph of his scores for each test taken. At the bottom of the page is a comparison of his test scores for reading, language, and mathematics, with 3rd grade test results nationally.

Student's Profile

[redacted] scores are graphed to help you see the differences among them. Each score is displayed in National Percentiles. The shaded area on the graph is for average scores, with scores to the left of the shaded area below average and those to the right of the shaded area above average.



READING

[redacted] scored higher than 77% of all 3rd grade students in the nation in Total Reading. Reading Vocabulary was higher than 87%; Reading Comprehension was higher than 66%.

Your son is strongest in:
- UNDERSTANDING WORD MEANINGS AND RELATIONSHIPS
- USING PARAGRAPH CONTEXT TO INFER WORD MEANING
- RECALLING DETAILS STATED IN PASSAGES

Further help may be needed in:
- IDENTIFYING THE MEANING OF AFFIXES
- CRITICALLY EVALUATING PASSAGES

LANGUAGE

[redacted] scored higher than 69% of all 3rd grade students in the nation in Total Language. Language Mechanics was higher than 62%; Language Expression was higher than 73%.

Your son is strongest in:
- RECOGNIZING CORRECT NOUN AND PRONOUN USE
- MARKING SENTENCES, PHRASES, AND CLAUSES
- RECOGNIZING CORRECT ADJECTIVE AND ADVERB USE

Further help may be needed in:
- USING STANDARD WRITING CONVENTIONS
- RECOGNIZING SENTENCE PARTS, CORRECT SENTENCES
- EDITING PASSAGES AND LETTERS

MATHEMATICS

[redacted] scored higher than 70% of all 3rd gr students in the nation in Total Mathematics. Computation was higher than 74%; Math Concept Appl was higher than 66%.

Your son is strongest in:
- DIVIDING WHOLE NUMBERS
- MULTIPLYING WHOLE NUMBERS
- PERFORMING COMPUTATIONS INVOLVING DECIMALS

Further help may be needed in:
- APPLYING CONCEPTS RELATED TO ALGEBRA
- APPLYING CONCEPTS OF GEOMETRY
- APPLYING CONCEPTS OF NUMERATION

FORM-LEVEL: A-13
NORMS FROM: 1988
TEST DATE: 4/ 4/94
SCORING: PATTERN (IRT)
QUARTER MONTH: 28
CITY: [redacted]
STATE:

CLASS: [redacted]
SCHOOL:
DISTRICT:
STATE: NORTH DAKOTA

CTBID: 941 '860011-04-020

CTBS

TerraNova

CTBS COMPLETE BATTERY

Home Report

[redacted]

Grade: 8

Purpose
The Home Report presents information about your child's performance on the *TerraNova* Assessment. It describes achievement in terms of National Percentiles, which compare your child with other students of the same grade nationally. The report may be used to determine areas of strength and need.

[redacted]

Form/Level A-18

Test Date: [illegible] Scoring: PATTERN (NT)

Qty: 20 Norms Date: [illegible]

Class [redacted]

School [redacted]

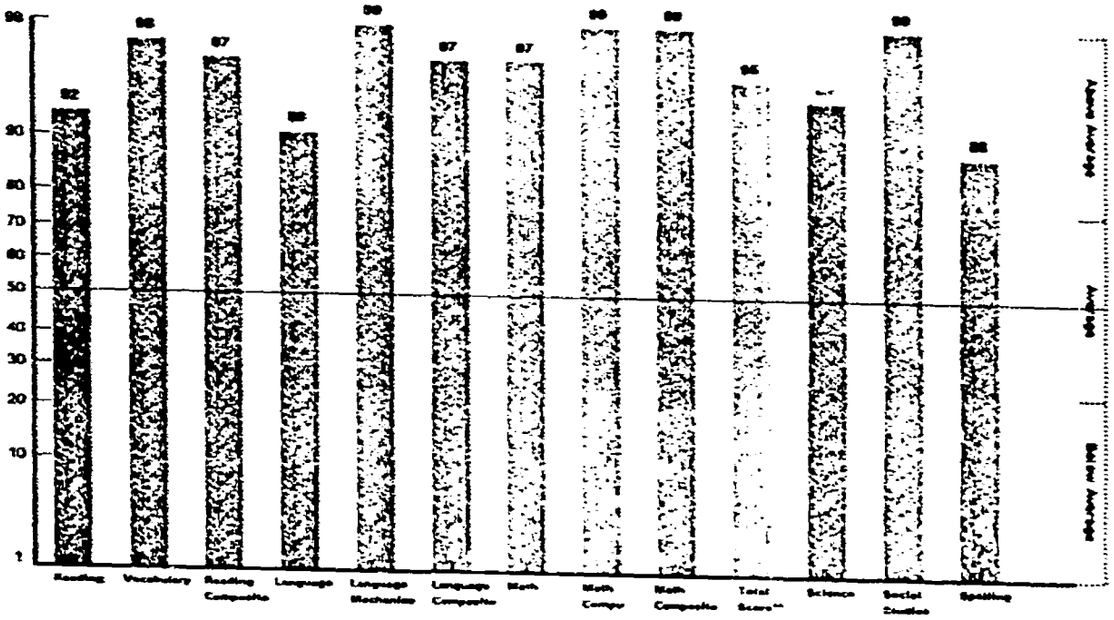
District [redacted]

State: NORTH DAKOTA STATE

City/State [redacted]

GRADE 8

National Percentiles



** Total score consists of Reading, Language, Mathematics Cmpst: Composite

Observations

The height of each bar shows your child's National Percentile score on each test. The percentile scale is shown on the left. The graph shows that your child achieved a National Percentile of 92 in Reading. This means your child scored higher than approximately 92 percent of the students in the nation.

The scale on the right side of the graph shows score ranges that represent average, above average, and below average in terms of National Percentiles. Average is defined as the middle 50 percent of the students nationally. Your child has zero out of thirteen National Percentile scores in the average range. Thirteen scores are above the average range and no scores are below the average range.

See the reverse side for more detailed information about your child's strengths and needs.

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TerraNova

CTBS COMPLETE BATTERY

Home Report

[redacted]

Grade: 8

Purpose:
This page of the Home Report presents information about your child's areas of strength and need. This information is provided to help you monitor your child's academic growth.

[redacted]

Test Date: [redacted] Scoring: PATTERN (RIT)

Class: [redacted]
School: [redacted]
District: [redacted]
State: NORTH DAKOTA STATE

City/State: [redacted]

CTB McGraw-Hill

Strengths

Reading
- Basic Understanding
- Evaluate/Extend Meaning

Vocabulary
- Words in Context
- Multimeaning Words

Language
- Editing Skills
- Writing Strategies

Language Mechanics
- Sentences, Phrases, Clauses
- Writing Conventions

Mathematics
- Number and Number Relations
- Patterns, Functions, Algebra

Math Computation
- Order of Operations
- Percents

Science
- Personal and Social Perspectives
- Science Inquiry

Social Studies
- Economic Perspectives
- Civics and Government Perspectives

Spelling
- Consonants
- Structural Units

Key ● Mastery

Needs

Reading
No areas of need were identified for this content area.

Vocabulary
No areas of need were identified for this content area.

Language
No areas of need were identified for this content area.

Language Mechanics
No areas of need were identified for this content area.

Mathematics
No areas of need were identified for this content area.

Math Computation
No areas of need were identified for this content area.

Science
No areas of need were identified for this content area.

Social Studies
No areas of need were identified for this content area.

Spelling
- ○ Vowels

Key ◐ Partial Mastery ○ Non-Mastery

[redacted]

GRADE 10

HIGH SCHOOL CODE:	35 10
DATE TESTED:	10[redacted]0/98
SORT CODE:	--

PLAN STUDENT REPORT

YOUR TEST SCORES: National Percentile Rank in the profile below shows how your scores compare with those of students in 10th grade generally. Dashes or stars next to your National Percentile Rank show that your scores are estimates, not exact measures, of your educational development at the time you took PLAN. In the far right column, you can see your National Percentile Rank compared to 10th graders who said they planned to go to college. These scores are only one sign of what you know and can do in language, math, and science. As you think about your strengths and weaknesses, be sure to consider the courses you have taken and the grades you have earned.

KNOWLEDGE AND SKILL AREAS	TEST SCORES (1-32)	SUB-SCORES (1-16)	NATIONAL PERCENTILE RANK, PERCENT OF 10TH GRADERS SCORING AT OR BELOW YOUR SCORE — ALL 10TH GRADERS (1 %ILE, 10 %ILE, 25 %ILE, 50 %ILE, 75 %ILE, 90 %ILE, 99 %ILE)	COLLEGE BOUND 10TH
ENGLISH	29			
USAGE/MECHANICS		15	----99	99
RHETORICAL SKILLS		15	----------99	98
MATHEMATICS	26		----------99	99
PRE ALGEBRA/ALGEBRA		12	-----98----	98
GEOMETRY		15	----------94------	92
READING	29		----------99	99
SCIENCE REASONING	21		----99	99
COMPOSITE (Average) SCORE	26		-------91------	89
			----99	99

YOUR ESTIMATED ACT ASSESSMENT COMPOSITE SCORE RANGE

28-32

This estimate is provided only if you indicated you are now in 10th grade and assumes that you maintain your level of academic achievement relative to other students during the next two years. When you take the ACT Assessment, your actual composite score may vary from this estimate depending on your educational experiences during the next two years (grades 10 and 11).

YOUR EDUCATIONAL PLANS

NUMBER OF YEARS YOU PLAN TO STUDY THESE SUBJECTS IN HIGH SCHOOL

ENGLISH	MATH/ COMP STUDIES	SOCIAL STUDIES	NATURAL SCIENCE	FOREIGN LANGUAGE	ARTS	VOC-TECH
3.5	4.5	3	4	6	5	1

YOUR EDUCATIONAL/TRAINING PLANS AFTER HIGH SCHOOL

4-YEAR COLLEGE OR UNIVERSITY

AMOUNT OF HELP YOU SAID YOU NEEDED

1 Expressing my ideas in writing	SOME
2 Developing my public speaking skills	A LOT
3 Increasing my reading speed	SOME
4 Increasing my understanding of what I read	SOME
5 Developing my math skills	NONE
6 Developing my study skills and study habits	SOME
7 Developing my test-taking skills	SOME
8 Understanding and using computers	A LOT
9 Choosing a college or technical school to attend	A LOT
10 Selecting a career/job that is right for me	SOME

YOUR ITEM RESPONSES

The third line of English and Mathematics indicates subtest area. U=Usage/Mechanics; R=Rhetorical Skills; A=Pre-Algebra/Algebra; G=Geometry

ENGLISH CORRECT ANSWER	AJDHCJCJAGBFBFDHDHBHCGAJAGDFCJAGBFCJCHBFCJDGBFBHAJ
ENGLISH YOUR ANSWER	+++G++++++++++++++++++D+++B++F++++++++++++++++++
ENGLISH CONTENT AREA	URRUUUUURUURUUURUURUUURURURRURURURURUUURURRUUURURR
MATHEMATICS CORRECT ANSWER	CHEKCGBFCHDKDJDJBFEGEHEKAFBHAGEFAHAJBJCF
MATHEMATICS YOUR ANSWER	++++++++E+++++++++++++++C+++++A+E+B+C+++
MATHEMATICS CONTENT AREA	AAAAAGAAAAAGAGAAAAGGAGAGAGGAGGGAGGGGAAGG
READING CORRECT ANSWER	BGAJDHBFAHDGBJAGDFCJCJAHB
READING YOUR ANSWER	++++++++++++++++++++++F+++
SCIENCE REASONING CORRECT ANSWER	BFDGDHDHAGBJAGCFAHDHDFCFBHCJBJ
SCIENCE REASONING YOUR ANSWER	++++++++++H+++++++F++BG++A+DH

TEST FORM 25A

- "+" indicates your response was correct.
- A through K is the response you marked, if your answer was incorrect.
- "0" indicates you omitted the item.
- "*" indicates you marked more than one answer.

CAREER AREA YOU PREFERRED

YOUR PREFERRED CAREER AREA IS

APPLIED ARTS (WRITTEN AND SPOKEN)

LOCATED IN WORLD-OF-WORK MAP REGION 11

Turn to the back of this report. Find your preferred Career Area on the map and circle it. Then read about the map and your job possibilities.

COUNSELING INFORMATION

INTEREST STANINES: R7-I6-A6-S5-E4-C5

(X = insufficient responses for scoring.)

(Counselors see note 1, page 23 of *PLAN Program Handbook*)

%L-I-D= 24-56-20

(Counselors see note 2, page 23 of *PLAN Program Handbook*)

Dash (—) indicates information not provided.

ACT

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October 26, 1998

98640114 55

[redacted]

JOB POSSIBILITIES

The World-of-Work Map arranges 23 Career Areas (groups of similar jobs) according to major work tasks: Working with—PEOPLE, DATA, THINGS, and IDEAS. The Career Areas include all jobs in the work world. The Map is divided into 12 regions. Each region has a different mix of work tasks. See Side 1 for the Map Region containing the Career Area you preferred. What work tasks are in line with it?

Your Work-Relevant Interests. When you completed PLAN, you told us about everyday activities that interest you. Regions that best fit what you told us are shaded below.

Your Job Possibilities. In the chart to the right, Career Areas are grouped by Career Clusters (major types of work). Career Areas in line with your interests are shaded. To explore your job possibilities, follow the steps above the chart.

Step 1. In the chart below, find the Career Area you preferred:

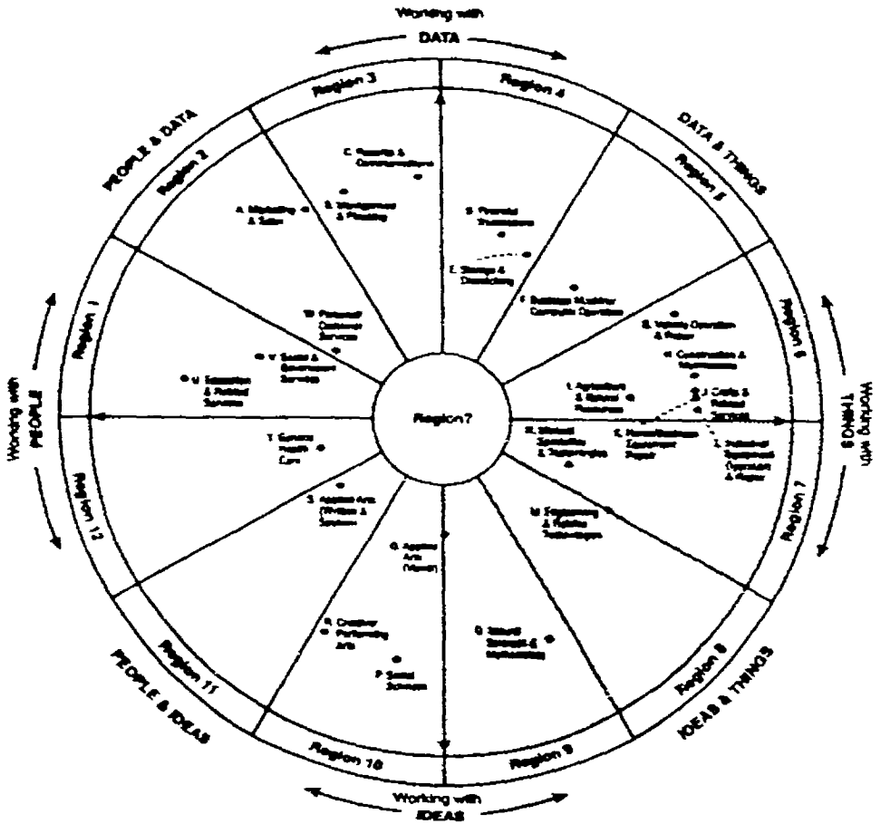
APPLIED ARTS (WRITTEN AND SPOKEN) (Arts Cluster)

Circle it and note the examples of jobs in the Career Area.

Step 2. Look over each of the shaded Career Areas—the areas in line with your interests. Circle at least two Career Areas that seem to have job possibilities for you. (No Career Areas are shaded if you have a Region? or had too few answers to permit scoring.)

Step 3. To identify other jobs in these Career Areas, use the Career Area Charts in your copy of *Using Your Plan Results*. The Charts list over 500 jobs by Career Area. Please continue with Step 4 in *Using Your Plan Results*.

WORLD-OF-WORK MAP



KEY: If your regions are separated, two interest scores were tied for highest. If your interests are in Region?, your answers did not show a clear pattern. In either case, your counselor may have some suggestions. If no regions are shaded, you did not provide enough answers to permit scoring.

CAREER CLUSTERS AND CAREER AREAS (A-W)

BUSINESS CONTACT CLUSTER

A. MARKETING AND SALES CAREER AREA
Sales workers in stores; route drivers (milk, etc.); buyers, travel agents, sales workers who visit customers (real estate and insurance agents; stock brokers, farm products, office and medical supplies sales workers)

B. MANAGEMENT AND PLANNING
Store, motel, restaurant, and agribusiness managers, office supervisors, purchasing agents; managers in large businesses; recreation/parks managers, medical records administrators; urban planners

BUSINESS OPERATIONS CLUSTER

C. RECORDS AND COMMUNICATIONS
Office, library, hotel, and postal clerks, receptionists; computer tape librarians; office, medical, and legal secretaries; court reporters

D. FINANCIAL TRANSACTIONS
Bookkeepers; accountants; bank tellers; ticket agents; insurance underwriters, financial analysts

E. STORAGE AND DISPATCHING
Shipping and receiving clerks; mail carriers; truck and cab dispatchers, air traffic controllers

F. BUSINESS MACHINE/COMPUTER OPERATION
Computer console, printer, etc., operators, office machine operators, typists; word-processing equipment operators; statistical clerks

TECHNICAL CLUSTER

G. VEHICLE OPERATION AND REPAIR
Bus, truck, and cab drivers; mechanics; forklift operators; airplane pilots; ship officers

H. CONSTRUCTION AND MAINTENANCE
Carpenters, electricians, painters, bulldozer operators, building inspectors, custodians

I. AGRICULTURE AND NATURAL RESOURCES
Farmers; foresters; ranchers; landscape gardeners; tree surgeons; plant nursery workers

J. CRAFTS AND RELATED SERVICES
Cooks; meatcutters, bakers, shoe repairers, piano/organ tuners; tailors; jewelers

K. HOME/BUSINESS EQUIPMENT REPAIR
Repairers of TV sets, appliances, typewriters, telephones, heating systems, photocopiers, etc.

L. INDUSTRIAL EQUIPMENT OPERATION/REPAIR
Machinists; printers, welders; industrial machinery repairers; production painters; machine operators; firefighters

SCIENCE CLUSTER

M. ENGINEERING AND OTHER APPLIED TECHNOLOGIES
Engineers and engineering technicians; lab technicians; computer programmers, drafters; food technologists

N. MEDICAL SPECIALTIES AND TECHNOLOGIES
Dental hygienists; EEG and EKG technicians; opticians; prosthetics technicians; X-ray technologists; dentists; pharmacists; veterinarians

O. NATURAL SCIENCES AND MATHEMATICS
Agronomists; biologists, chemists; mathematicians; physicists; soil scientists

P. SOCIAL SCIENCES
Marketing research analysts; anthropologists, economists, political scientists; psychologists

ARTS CLUSTER

Q. APPLIED ARTS (VISUAL)
Floral designers; merchandise displayers; commercial artists, fashion designers, photographers; interior designers, architects; landscape architects

R. CREATIVE/PERFORMING ARTS
Entertainers (comedians, etc.); actors/actresses; dancers, musicians; singers, writers; art, music, etc., teachers

S. APPLIED ARTS (WRITTEN AND SPOKEN)
Advertising copywriters; disk jockeys, legal assistants; advertising account executives; interpreters; reporters, public relations workers; lawyers; librarians, technical writers

SOCIAL SERVICE CLUSTER

T. GENERAL HEALTH CARE
Nursing aides, dental assistants; licensed practical nurses, physical therapy assistants, registered nurses; dietitians, occupational therapists, physicians; speech pathologists

U. EDUCATION AND RELATED SERVICES
Teacher aides; preschool teachers; athletic coaches; college teachers; guidance/career/etc., counselors, elementary and secondary school teachers; special education teachers

V. SOCIAL AND GOVERNMENT SERVICES
Security guards, recreation leaders; police officers; health & safety inspectors, child welfare workers, home economists; rehabilitation counselors; sanitarians; social workers

W. PERSONAL/CUSTOMER SERVICES
Grocery baggers; bellhops; flight attendants, waitresses and waiters; barbers; cosmetologists; butlers and maids

TESTIMONY ON ENGROSSED HB 1293
SENATE EDUCATION COMMITTEE
March 5, 2001

By Greg Gallagher, Education Improvement Team Leader
Department of Public Instruction
328-1838

Mr. Chairman and Members of the Senate Education Committee:

I am Greg Gallagher, Education Improvement Team Leader within the Department of Public Instruction. I am here to support Engrossed HB 1293 and to report on its fiscal note.

Engrossed HB 1293 establishes the administration of assessments, for all students in grades 4, 8, and 12, that are aligned to the state content standards in reading and mathematics. Engrossed HB 1293 further requires the disaggregated reporting of results, the publication of these results, the provision of technical assistance to schools regarding the meaning and use of these results, the submission of district professional development plans, and the availability of translated standards and curricula.

I. Engrossed HB 1293 is all about educational improvement.

During this legislative session, attention will be placed on a perennial list of issues, including foundation aid, district reorganization, teacher salary levels, and more. As important as any of these topics might be, Engrossed HB 1293 ranks among the more important pieces of legislation to be considered. It fosters educational improvement within our schools through the use of meaningful assessments. If our state administers meaningful assessments that are aligned with our own challenging educational standards, then we will generate quality data about our students' academic performance and about where we as a school system need improvement. Such data is pure gold to teachers and schools.

When we boil it down to its essentials, education is about teaching and learning. If we know what is important to learn, then we know what is important to teach. If we know what is important to teach, then we know what is important to test. Testing, as an activity, is neither an intrusion into nor an disruption of the instructional process; to the contrary,

assessing is an integral component where we gain insight into how well students are learning and where we can make improvements in the instructional process. Without some effort to assess, we have no basis for insight on how we can improve. As important as classroom assessing is in establishing an intimate understanding of our individual students, it offers no objective or collective insight within our school system regarding our strengths and deficiencies. Only statewide, standards-based assessments can offer us such insights.

During this forthcoming biennium, schools will spend $1.3 billion dollars on education. Given that level of investment, there should be clarity regarding our educational expectations and where we might need improvement. Standards-based assessments supply this clarity.

Engrossed HB 1293 is about accountability for improvement. Although assessments may be used for a variety of purposes, assessments are most meaningful when they are used to identify the level of student performance against clear expectations and when these results are used to improve the quality of curriculum and instruction.

2. *Meaningful educational improvement requires meaningful data.*

It is axiomatic: unless we as a state decide what is important to assess, it will be decided for us by others. Recent assessment practices within North Dakota demonstrate this very premise. In the past decade, driven solely by limited financial commitments, the state has relied on assessment tools that have been assembled by out-of-state publishing companies based largely on the requirements of states like California, Texas, Florida, and New York. This has resulted in a collection of assessment items that include lower-level skills demonstration and an over-emphasis on non-negotiable subject selections, such as spelling. As important as spelling is as a learned skill, it ranks lower among a variety of other language arts skills; furthermore, spelling is not well adapted for large-scale assessments where there is no opportunity for pre-test practice. Spelling tests are best conducted at the classroom level.

When we lose control over the content of our assessment tools we increase the risk of supplying schools with questionable data and misdirecting their improvement efforts. Many schools have selected spelling as their top priority for concentrated improvement efforts, based solely on predictably lower spelling scores. Data, even

questionable data, drives improvement efforts. Lower scores, in any subject area, carry substantial weight to schools. Schools will select low scoring areas like spelling to focus their preciously limited resources, even though it is acknowledged as being of lesser importance to other subject areas. This is an example of misplaced improvement priorities based on inappropriate assessment items defined by others.

If North Dakota does not define its assessment tools based on its own challenging educational standards, we run the demonstrated risk of being misguided by the misdirected educational priorities of others. With the limited resources our schools manage, any such misdirection of human and financial resources is unacceptable.

It is axiomatic: what gets measured, get done. We know that misdirected improvement efforts can occur from questionable data that arises from inappropriate assessments. However, the converse is also true, and therein lay our hopes for meaningful, statewide improvements. We know that positive education improvements can be sustained when clear standards-based assessments demonstrate true student performance. If you start with properly aligned, truly valid assessments, the data will likewise be true. When it comes to assessments, it is all about the quality of the data.

Engrossed HB 1293 properly calls for the assessment of reading and mathematics, two critical skill areas, in terms of the state content standards. Such a standards-based approach is far superior to our state's traditional norm-referenced method. A norm-referenced assessment will only report in terms a student's ranking against a statistical norm; in other words, how the student compares to the group with no regard to a standard. A standards-based assessment, on the other hand, reports a student's performance against a clear standard or expectation. With the state content standards in English language arts and mathematics now complete and in use among schools that choose to use them, the state is now well positioned to conduct standards-based assessments.

Beginning in 2001-2002, a time-extension waiver will expire and North Dakota must administer statewide, standards-based assessments in reading and mathematics at grades 4-, 8-, and 12-equivalent. These assessments are required by federal ESEA, Title I law as requisite to receiving the state's $43 million biennial allocation. What is required by the U.S. Department of Education is evidence that the state has appropriated sufficient

funding to fully implement the required assessments over a period of time. It will substantially bolster the state's evidence of commitment to demonstrate legislative support for the policy statements inherent within Engrossed HB 1293. Engrossed HB 1293 demonstrates the state's clear commitment to assessing student performance in terms of state standards.

3. *Report for meaning, not bragging rights.*

The compilation and reporting requirements within Engrossed HB 1293 are clearly focused on accountability for improvement. Results are disaggregated to offer the most detailed understanding of overall student performance among demographic categories. Technical assistance is offered to schools to aid in the proper interpretation of the results and their possible use within school improvement efforts. Since these assessments are intended to improve curriculum and instruction, the provision to make available translated standards and curricula to the public is entirely appropriate.

The need for standards-based assessments becomes clear when we compare student results among different methods. North Dakota students generally rank high among states (within the top five) in the NAEP tests, and our students register an overall performance of 65% against the national norm within the CTBS. However, when compared to an expected level of performance as defined by our standards, ***only 35% of North Dakota students score at the proficient or above level and, conversely, 65% score below proficiency.*** In effect, we may be at the top of the heap, but the heap is not that high.

If we look at our students only through the lens of rankings or comparisons to a norm, we remain partially blinded to the overall performance picture. Standards-based assessments are simply superior to off-the-shelf norm-referenced assessments (the state's traditional test) in identifying true student performance. If students are to improve, then we need to be clear about what our expectations or standards are. If we know what our standards are, then we should assess in terms of these standards. To assess in terms of standards gives us insight into where we are succeeding and where we need improvement.

4. *Clarifying the fiscal note.*

The fiscal note for Engrossed HB 1293 is predicated on the adoption of the Executive Recommendation for statewide assessments contained within HB 1013, the operating budget for the Department of Public Instruction. I draw your attention to this fiscal note.

Beginning 2001-2002, the state is required to fully implement statewide, standards-based assessments in reading and mathematics. These assessments are required by federal ESEA, Title I law as requisite to receiving the state's $43 million biennial allocation. HB 1013 carries the appropriations request for the administration of these tests.

At the request of the Legislative Council and OMB, the fiscal note for Engrossed HB 1293 carries a fiscal note for $1,457,010, which includes all costs associated with the assessments, reporting, and technical assistance. HB 1013 carries the appropriations request for only the administration of these tests. HB 1013 includes an Executive Recommendation of $1,289,643 to cover the costs of administering standards-based assessments statewide. The Department estimates that to fully implement Engrossed HB 1293, including all costs of administration and reporting, will require an additional $167,367. The fiscal note for Engrossed HB 1293 details these anticipated costs.

5. *Summary of importance.*

Engrossed HB 1293 is an important step in clarifying the state's expectations for improvement. If students are to improve, then we need to be clear about what our expectations or standards are. If we know what our standards are, then we should assess in terms of them. To assess in terms of standards gives us insight into where we are succeeding and where we need improvement.

The state constitution places responsibility for securing literacy and establishing a uniform system of study with the legislative assembly. Engrossed HB 1293 establishes policy to measure the state's efforts to secure the very literacy the constitution envisions. If "what gets measured, gets done" is true, then this effort for improvement may be the most important issue before the legislature. To secure this aim, the Department respectfully requests a "Do Pass" on Engrossed HB 1293.

Mr. Chairman, this completes my testimony. I am available to answer any questions from the committee.

Amendments to HB 1293

Max Laird

Line 16 p 1 After "allow" strike the rest of the section and add "disaggregation."

Line23 p 1 Strike section 3 and renumber sections with references

Line 8 p 2 After "assistance." Strike through line 9 to after "Act," Begin section with "The"

Line 11 p 2 After "district" add "." and strike the rest of the section

Line 30 p 2 After "section" add "." and strike the rest of the section.

Line 6 -p 3 After "standards-" strike "translation"

Line 7 p 3 After mathematics add "." and strike the rest of the section