

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1181

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10/2/03  
Date

2003 HOUSE EDUCATION

HB 1181

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2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1181

House Education Committee

☐ Conference Committee

Hearing Date January 15, 2003

Tape Number	Side A	Side B	Meter #
1		x	1820- 2035
2	x		0-2426
Committee Clerk Signature <i>Linda Fiechter</i>			

Minutes:

Chairman Kelsch opened the hearing on HB1181

(2035-2400) Greg Gallagher, Director of Education Improvement within the Department of Public Instruction. See Attached Testimony.

Rep. Solberg: Please define endorsements?

Gallagher: Janet Welk made reference to the technical components of that, endorsement is just an option for how take additional course work for building a portfolio.

Janet Welk, Educational Standards and Practices Board.

Rep. Solberg Please define endorsement?

Welk: Endorsement is defined differently depending upon the levels of that they are getting the endorsement. It actually a number of semester hours toward a reeducation plan.

Rep. Solberg That would be combined with NCLB rules and regulations.

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**Welk:** As the ESPB is looking at the drafting legislation to meet highly qualified. We are also looking at each one of those endorsements so that they will comply, They may not today but they will by the end of the session.

**Gallagher:** Janet will be available for the technical things to save you time.

reviewed template on Appendix C. See Attached Testimony attached.

**Rep. Herbel:** Bachelors degree and test. They have to have both.

**Gallagher:** The and/or. As you move forward on this it is a deliberation point, it is different between NCLB and 1181.

**Rep. Haas :** On the state portfolio evaluation, would that be administered through ESPB?

**Gallagher:** Yes. In the drafting of it, the state portfolio evaluation established by ESPB.

**Rep. Hawken:** Major in each content area for the grade level you are teaching in?

**Gallagher:** Three outline principals to 1181, they are Parity, finding a means to set across for all.

The second is to have it so the standard of preparation is at a level that does justice for the profession. for the requirement of teaching. The third is critical. If you go down that road, then you need to offer as much time and latitude in terms of how the teacher acquires that and can demonstrate that for example through a portfolio. If you don't, then I think we have a real problem, that will only have one way to show competence.

The question before the committee is that as you take a look at a state system, how do you address the issue of parity. How do you address expression. No one ever said this would be fun or easy.

**Rep. Haas** Does the major in each content area, is actually what is happening now that is the departmentalized program at those grade levels?

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**Welk:** The ESPB believes the old language in the law, course or field. Leaves it open for the use of composites. If we use the word "just in their major" we will not be able to use composites.

**Rep. Haas** In a school that is configured so that grade 5-6-7-8- together and a group of teachers that are departmentalize, does the statement in the far right column, "major in each content area" can you assume that means major in each content area being taught/ offered?

**Welk:** It is taught. I can read the law to you. (read the law)

**Rep. Herbel** :If a teacher doesn't have a major in area , they take the test and pass the test, do they become qualified?

**Gallagher:** required to have is the license that major and test for a new teacher. For an old teacher it is the portfolio.

**Rep. Herbel** Do you statistics on how well the states will fit in terms of teachers that are not currently teaching in their majors. Do your know the numbers?

**(5434) Gallagher:** What we did is put in terms of the courses that are being taught. That is how we came 28% of the courses not being taught by someone in their major.

**Rep. Sitte:** If this system would come into place, we are saying in essence that university will grant the education certificate, and that we need to add a whole new level of bureaucracy at the state level that would reaffirm that the university are doing there job. As a committee we need to look at the cost of that on the long term implication. Once you pass this test are you passed for life, or do you have to keep retaking it?

**Gallagher:** We always bend our knee to the university system. They go through accreditation and standards. And when a degree is issued for an individual that individual has meet the

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requirements for that institution. So in terms of content, it is clear that they have a major, they have meet the standard of the institution.

Two important parts of education: knowledge and skill and how they put it together. You may have one who is high in knowledge but low in skill, and vise versa.

Rep. Sitte : Does this have a wide bearing on home schools .

Gallagher: It should have no bearing on home education because the certification is still granted to those in home education regardless of degree or not. Only on monitoring.

Rep. Sitte How we can consider a highly respective portfolio as compared to a highly subjective portfolio. And say that these are equal options?

end of tape(6260)

Gallagher: Are we in a position where we say that perfectly happy under the current situation on the licenser and review of teachers. That we have a sense of content competence, instructional competence, to say the systems great. That is a question everyone has to ask themselves. And the brings up an issue of where do you draw the lines in terms of qualifications. 1881 no doubt puts forth a series of things that go beyond NCLB and it does so because we believe the issue of parity must be addressed. Also the fact that we believe with assurances that latitude on scheduling can be expressed through portfolio, is doable and is desirable and in fact will be exercise by many teachers.

When it comes to a roll out, one of the amendments, the last amendment that is put in, that any new or renewing teacher seeking license after 2006, that time for the provisions of their qualifications would kick in.

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**Rep. Hanson :** Have the college/universities started to gear up to drop these minor for education degrees?

**Gallagher:** declined to answer.

**Rep. Hunsakor:** There is a host of teachers who have a minor in the field of study that they are teaching, who are able to motivate kids and they are evaluated by the principal/school on a regular basis. How do we say your not qualified to teach in the major any more?

**Gallagher:** They may have an academic degree by the fact that they have a minor in that area, but not in that area. They have sufficient credit to have a minor. But a minor is not a major. We deal with this all the time under accreditation. The best way of addressing this is to put it forth for all in terms of a standard. Is it sufficient in the state to accept the minor. A minor has been in place for a number of years. There has also been a debate that has been ongoing over the years, is it time to move beyond the minor to something equal to the major. How much content is required? Is the content sufficient. What should those standards be. The portfolio should be easier to complete.

**Rep. Jon Nelson** Under NCLB don't we get to the same place?

**Gallagher:** NCLB applies only to core, 1181 we apply to all. Now test or demonstrate the skill. This kicks it up a notch.

**Rep. Haas** Can we assume that under the NCLB column and 1181 column that state evaluation under NCLB is the same as state portfolio evaluation.

**Gallagher:** That would be very true. I think it is the intent of ESPB development of a whole guide in the system is what would be applicable under NCLB would applicable under 1181.

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**Rep. Mueller** Does the department have any sense of how this will affect the teachers who are out there, in terms of them leaving the profession sooner than they might have?

Defer to Gloria:

**Gallagher:** From our perspective, the policy angle on it is to address what is put forth under NCLB. Understanding the disparity, it could have bearing on people leaving the profession. That is a great unknown. Clearly we did and we do have an affect on the teachers.

**OPPOSITION:**

**(800) Dean Koppelman, Superintendent of the Dickinson Public School District. ND ESPB member, See Attached Testimony.**

**Rep. Sitte :** Overview of how your proposal will be different?

**Koppelman:** Ours will be different in that, we will not go above NCLB, like the state wants to do in 1181. NCLB doesn't require such strict standards on existing teachers, new teachers are different.

**Rep. Sitte :** In light of the previous hearing, are you planning to meet with the nonpublic school officials on alternative credentials for their teachers.

**Koppelman:** Our Board has a nonpublic representative already on it. I'm not a expert on home schooling/non-public licensing of teachers.

**Rep. Meler :** Are you aware of how many teachers are teaching in their minor in your district?

**Koppelman:** (1290) yes I am, We have approx. 210 in Dickinson district, we have identified 29 teachers out of 210 we have question marks on. 15 of these people we are not sure on in comparing them to the NCLB standards. It will depend on their course work review.

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**Rep. Williams** Did you have as a member of the ESPB, have a chance to expressed your concerns about this to DPI.

**Koppelman:** Dr. Gronberg does participate on our board, he clearly was consulted on these issues. We are still working on definite positions on these some of these things. But our intent is always been expressed that we did not want to go beyond the scope of the federal law. They made a conscious choice to do that. I can't talk to the amendments that Mr. Gallagher referenced, because I only saw them when I appeared here this morning. I think there is some room for some common ground here. ESPB would prefer not to go beyond the federal law.

**Gloria Lokken, president of the NDEA, See Attached Testimony.**

I agree with Dean Koppelman's testimony with a little addition. Handed out e-mail that I received.

Quality in the classrooms across the state on my visits, urban and rural the same. People are doing their best to deliver quality education to their students. This has 1181, has caused our professionals to question, Why was I qualified and doing a good job yesterday, and today I'm not highly qualified. It is an emotional issue. And our teachers are concerns about this.

Apprehensive about the hoops that they will have to go through to prove what they believe should be understood already. We have a process to ensure quality in our classrooms.

We have qualified teachers, and when they leave us the request is 'please send us more of these teachers'

I urge you to DO NOT PASS this bill out of committee.

**(2000) Arnie Zent, with the State Board for Vocational and Technical Education.**

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We support highly qualified educators, but 1181 doesn't follow NCLB to the letter that we would hope it would. In 1181, it talks about trade, technical and health education. But it doesn't talk about the other 6 areas that we provide services to within the state. The federal law specifically amends the qualification of teachers in the academic field.

We urge you defeat this bill.

**Mary Wahl, ND Council of Education Leaders.**

(2200) There is a proposal to make it horrendous requirement to ensure that our teachers are quality teachers to make it even more horrendous by adding more requirements to it. To say that you need a license, major and then a test or a portfolio, is adding an extra requirement that I believe accomplishes very little in terms ensuring quality education for our kids.

We don't need to be periodically or even for a given time, and saying to the teachers there, we need to know that you are doing a competent job so take another test to be sure, or if you don't want to do that, do a portfolio. Because we need to be sure. Our teachers are tested daily by their students, and tested annually by a principal. Then suggest ways for the teacher to grow and improve.

Urge a DO NOT PASS to this legislation.

Closed hearing on HB 1181. (2426)

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2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1181

House Education Committee

☐ Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
2	x		1400-1600
Committee Clerk Signature <i>Rinda Fuchtner</i>			

Minutes: Chairman Kelsch opened HB 1181

Rep. Hanson motioned for a DO NOT PASS, Rep. Jon Nelson seconded the motion

discussion: none

Roll vote, 14-0-0, Chairman Kelsch will carry the bill to the floor.

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*10/2/03*  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
01/02/2003

Bill/Resolution No.: HB 1181

**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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.

**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:	Gary Gronberg	Agency:	Public Instruction
Phone Number:	328-1240	Date Prepared:	01/09/2003

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Date: 2/10/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1181

House HOUSE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DNP

Motion Made By Hanson Seconded By Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson	✓				
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Hanson	✓				
Rep. Humskor	✓				
Rep. Mueller	✓				
Rep. Solberg	✓				
Rep. Williams	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Kelsch

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

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**REPORT OF STANDING COMMITTEE (410)**  
**February 11, 2003 8:15 a.m.**

**Module No: HR-26-2204**  
**Carrier: R. Kelsch**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1181: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS**  
**(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1181 was placed on the**  
**Eleventh order on the calendar.**

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2003 TESTIMONY

HB 1181

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**TESTIMONY ON HB 1181  
HOUSE EDUCATION COMMITTEE**

**January 15, 2003**

**By Greg Gallagher, Education Improvement Director  
Department of Public Instruction  
328-1838**

Madam Chair and Members of the House Education Committee:

Madam Chair, I am Greg Gallagher, Director of Education Improvement within the Department of Public Instruction. I am here to support HB 1181 and to offer an amendment.

The Department of Public Instruction drafted HB 1181 in order to place before the Legislative Assembly a vehicle to advance the policy discussion of teacher qualification in North Dakota raised by the *No Child Left Behind Act (NCLBA)*. The State must amend in some fashion its current teacher qualification law in order to appropriately accommodate the provisions of the NCLBA and to assure a just and equitable manner of certifying to the qualification of all teachers within the State. Our common goal is two-fold: (1) to ensure that all students within North Dakota are exposed to the full benefits of a fully qualified teacher, regardless of their field, and (2) to accord to teachers a meaningful and learning-appropriate means of achieving and demonstrating these qualifications.

*Framing the issue.*

Let us begin first with two salient, although sometimes uncomfortable, assertions:

(1) Although North Dakota has been blessed with a number of truly talented and qualified teachers who are able to translate their passion for education to their students, not all teachers who instruct our students have sufficient content knowledge to teach in the area in which they are assigned or are simply unable to communicate their material to their students. It is likely that many former students, or parents who engage in their students' learning, or students themselves might testify to this assertion.

(2) Despite the commendable ranking of our students' academic achievement over the years, our overall achievement levels have remained flat and substantially below our

HB 1181  
Department of Public Instruction

1

January 15, 2003

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1/15/03  
Date



own expectations for proficiency. A simple review of our recent 2001-02 state assessment results (refer to Appendix A) and historical data from the National Assessment of Education Progress will bear this out. We simply can no longer assert that our results are good enough. It cannot be supported by the data that our instructional infrastructure is fulfilling the needs of our students. What contributes to a student's ability to achieve academically is a complicated affair, with a variety of interrelated factors. However, if, as research confirms, the teacher constitutes the single biggest influence, aside from parents, over the ultimate achievement levels of our students, then we are well advised to attend to the fundamental qualifications we expect of our teachers and then to support fully all teachers to attain those qualifications.

*Accommodating the requirements of NCLBA.*

The passage of the NCLBA has thrust upon the State an issue of great import regarding our statutory definition of a qualified teacher. According to NCLBA, the State must enact policy to meet the requirements of highly qualified teachers or risk a reduction of its Title I funding. Attached is the definition of a highly qualified teacher within the NCLBA (refer to Appendix B).

Given the merits of the case, the Department of Public Instruction believes it is in the best long-term interest of our students to meet not only the requirements of the NCLBA but to restructure the State's current licensure law to establish parity among all the State's educators regarding qualifications.

Currently, approximately 28% of the core course sections taught in North Dakota public schools are taught by teachers outside their academic major. If the goal is to assure that all students have the benefit of a teacher who has a sufficient command of the subject, as we currently define through a major, then the State must provide a means by which these teachers can meet or demonstrate their competence in the field in a manner that accommodates their learning style.

As identified within Appendix C, the NCLBA identifies certain "core" academic subjects that require instruction from a highly qualified teacher. If the State were to implement the highly qualified provision for only those teachers identified within the NCLBA, then the State would be in the position of establishing a two-tiered teacher

qualification policy: (1) those teachers defined as highly qualified and (2) those teachers who do not meet this definition of highly qualified. We will create a scenario with adjoining classrooms staffed with teachers with differing qualifications. The Department believes that this disparity is inherently inequitable and effectively establishes an instructional caste system. To remedy this situation, the Department has proposed HB 1181.

*What HB 1181 accomplishes.*

Appendix C offers a side-by-side comparison of the highly qualified teacher provisions within the NCLBA and those proposed within HB 1181. This chart will illustrate the relative impact of both proposals and offer a reference point for any other proposals that the Committee may consider. I will present an extemporaneous overview of this chart and the various elements of HB 1181.

The proposal within HB 1181 is more proactive than the NCLBA in that it applies the highly qualified teacher criteria to all teachers statewide, not just those within "core" areas. This application of qualification criteria is intended to establish equality among all teachers regarding the demonstration of competence. The Department believes that parity is a principle that must be addressed within the State's uniform policy of qualifications.

The proposal within HB 1181 makes generous use of a State portfolio evaluation that allows teachers ample latitude in demonstrating their content competence, as defined by the Education Standards and Practices Board.

The Department has prepared four technical amendments that build uniformity among HB 1181's sections. These amendments are included at the end of this testimony and address the following matters:

- The first amendment places within the definitions section, a definition for "major." This definition opens a teacher's preparations to include a major within the subject, a graduate degree within the subject, coursework equivalent to an undergraduate major within the subject, or advanced certification or credentialing within the subject.
- The second and third amendments eliminate any reference to "minors" within State law. In order to teach, a teacher must hold a major or an endorsement.

- The fourth amendment includes the option of a State portfolio evaluation for kindergarten and grades 1-6.

*A request to deliberate and craft a good and just bill.*

The Department understands that this bill has drawn the attention of educators statewide. The Department similarly acknowledges that the issue of teacher qualification hits at the heart of the State's expectations for itself as a learning community. This issue is far too important to rush. The Department respectfully requests that the House Education Committee hold this bill, compare it with other drafts that will emerge in the near future, and carefully deliberate the merits of all. All interests must be considered in the crafting of a good and just legislative proposal.

Whatever form this proposal may finally take, this legislation should address minimally the following principles:

- *Parity.* To the fullest extent practicable, provisions defining highly qualified teachers should apply to all teachers and constitute a uniform state licensure policy.
- *Accommodations to teachers.* Any state policy on highly qualified teachers should provide both ample time and the appropriate and preferred manner of expressing competencies for each teacher.
- *A clear and consistent commitment to excellence.* Any state policy on highly qualified teachers should reflect the highest aspirations and the recognized content competencies as defined by the education profession.

Madam Chair, as we enter into the work of crafting a new state policy on teacher qualifications, as the various interest groups present their proposals, and as this Committee approaches its final vote, all parties should pause to recognize two distinct voices:

- the voice of one who has claimed their rightful place among a community of learners, who, with the aid and assistance of a caring, competent teacher, has recognized a world of unlimited possibilities;

- and another voice, halting for a lack of confidence or tragically muted because they have never been introduced to, never been taught, the wonders of learning or the experience of their own immeasurable potential.

Good teachers matter greatly.

Madam Chair, this completes my testimony. I am pleased to address any questions raised by the Committee. Thank you.

#### Proposed Amendments to SB 1181

- Page 1, line 14: after "classroom." insert,  
3. "Major" means major within the subject, graduate degree within the subject, coursework equivalent to an undergraduate major within the subject, or advanced certification or credentialing within the subject.
- Page 3, line 24: after "major", delete "~~or minor~~".
- Page 4, line 10: after "major, ~~a~~", delete "~~or minor~~".
- Page 1, line 19 delete page 1, line 19 through page 2, line 19 and insert the following and number accordingly,  
"1. In order to teach kindergarten, an individual must:  
a. be licensed to teach by the education standards and practices board ~~or approved to teach by the~~  
~~education standards and practices board~~ and have a  
kindergarten an early childhood education major or  
endorsement; ~~or~~ and have either:  
b. a. Be licensed to teach by have demonstrated, to the  
satisfaction of the education and practices board ~~or~~  
approved to teach by the education standards and

- ~~practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain a kindergarten endorsement within two years from the date of the assignment to teach by passing a state test, subject knowledge and teaching skills in the areas of the kindergarten curriculum; or~~
- b. Demonstrated competence in all academic subjects in which the teacher teaches based on a uniform state standard portfolio evaluation administered by the education standards and practices board.
2. In order to ~~teach any~~ instruct in a self-contained classroom in a grade from one through eight, an individual must:
- a. be licensed to teach by the education standards and practices board ~~or approved to teach by the education standards and practices board and have a major, a minor, or an endorsement in elementary education major or endorsement; or and have either:~~
- b. a. Be licensed to teach by have demonstrated, to the satisfaction of the education standards and practices board or approved to teach by the education standards and practices board that the individual will obtain an endorsement in passing a state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of basic elementary education within two years from the date of the assignment to teach any grade from one through eight school curriculum; or
- b. Demonstrated competence in all academic subjects in which the teacher teaches based on a uniform

state standard portfolio evaluation administered by  
the education standards and practices board."

Page 4, line 27

after "teacher", insert

"Section 4. Any teacher who files for a new or renewing license  
with the education standards and practices board after July 1, 2006,  
must meet the provisions of sections 15.1-18-02 and 15.1-18-03."

HB 1181  
Department of Public Instruction

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January 15, 2003

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Doreen G. Galt  
Operator's Signature

1/15/03  
Date

# APPENDIX A

## North Dakota Assessment System

### Student Achievement Results 2001-02

Reading			
Performance Level	Grade Level		
	4	8	12
<b>Advanced:</b> Demonstrates exemplary understanding and exceeds expected level of performance.	21%	16%	19%
<b>Proficient:</b> Demonstrates understanding and meets expected level of performance.	53%	50%	31%
<b>Partially Proficient:</b> Demonstrates an emerging or developing level of performance.	18%	20%	26%
<b>Novice:</b> Attempt made; lack of understanding evident.	8%	13%	22%

Mathematics			
Performance Level	Grade Level		
	4	8	12
<b>Advanced:</b> Demonstrates exemplary understanding and exceeds expected level of performance.	19%	10%	13%
<b>Proficient:</b> Demonstrates understanding and meets expected level of performance.	38%	32%	20%
<b>Partially Proficient:</b> Demonstrates an emerging or developing level of performance.	29%	45%	41%
<b>Novice:</b> Attempt made; lack of understanding evident.	14%	12%	25%

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## APPENDIX B

(23) HIGHLY QUALIFIED- The term highly qualified' —

(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that —

(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(B) when used with respect to —

(i) an elementary school teacher who is new to the profession, means that the teacher —

(I) holds at least a bachelor's degree; and

(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by —

(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and —



(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or  
(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that —

(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

(VI) is made available to the public upon request; and

(VII) may involve multiple, objective measures of teacher competency.

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## APPENDIX C

### Policy Comparison

#### No Child Left Behind Act vs. HB 1181

Issue	NCLBA	HB 1181
(1) Subjects or disciplines covered within legislation.	<ul style="list-style-type: none"> <li>- Title I teachers</li> <li>- Special education teachers</li> <li>- Elementary teachers</li> <li>- Core secondary teachers (i.e., English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography)</li> </ul>	All subject areas, except trade, industrial, technical, and health which are licensed through the State Board for Vocational and Technical Education.
(2) NEW Kindergarten	<ul style="list-style-type: none"> <li>- License;</li> <li>- Bachelor's degree; and</li> <li>- Test</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major or endorsement in early childhood education; and</li> <li>- Test</li> </ul>
(3) NOT NEW Kindergarten	<ul style="list-style-type: none"> <li>- License;</li> <li>- Bachelor's degree; and</li> <li>- Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing; or State Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major or endorsement in early childhood education; and</li> <li>- Test, or State portfolio evaluation, as identified within the amendment</li> </ul>
(4) NEW Elementary	<ul style="list-style-type: none"> <li>- License;</li> <li>- Bachelor's degree; and</li> <li>- Test</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major or endorsement in elementary education or endorsement; and</li> <li>- Test</li> </ul>
(5) NOT NEW Grades 1-6, self-contained classroom	<ul style="list-style-type: none"> <li>- License;</li> <li>- Bachelor's degree; and</li> <li>- Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing; or State Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major or endorsement in elementary education; and</li> <li>- Test, or State portfolio evaluation, as identified within the amendment.</li> </ul>
(6) NEW Middle-Level	<ul style="list-style-type: none"> <li>- License</li> <li>- Bachelor's degree; and</li> <li>- Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major or endorsement in middle-level or elementary education; and</li> <li>- Test</li> </ul>
(7) NOT NEW Middle-level/Junior High, Grades 5-8 span	<ul style="list-style-type: none"> <li>- License</li> <li>- Bachelor's degree; and</li> <li>- Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing; or State Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major or endorsement in middle-level; and</li> <li>- Test, or State portfolio evaluation</li> </ul>
(8) NOT NEW Grades 5, 6, 7, 8	<ul style="list-style-type: none"> <li>- License;</li> <li>- Bachelor's degree; and</li> <li>- Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing; or State Evaluation</li> </ul>	<ul style="list-style-type: none"> <li>- License;</li> <li>- Major in each content area; and</li> <li>- Test, or State portfolio evaluation</li> </ul>

HB 1181  
Department of Public Instruction

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January, 2003

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Issue	NCLBA	HB 1181
(9) NOT NEW Grades K-8, including: special education, foreign languages, arts, music, physical education, business education, computer education	foreign language, arts, special education, music must comply with the following:  - License; - Bachelor's degree; and - Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing; or State Evaluation  business education: does not apply computer education: does not apply physical education: does not apply	All areas included - License; - Major; and - Test, or State portfolio evaluation  Eminence credential =N/A
(10) NEW Secondary	- License - Bachelor's Degree; and - Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing	- License; - Major; and - Test
(11) NOT NEW Secondary	- License - Bachelor's degree; and - Test, or major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing; or State Evaluation	- License; - Major; and - Test, or State portfolio evaluation

## Testimony in Opposition to House Bill 1181

House Education Committee, Representative RaeAnn Kelsch, Chair

January 15, 2003, 8:30 a.m.

Madam Chair and members of the House Education Committee. My name is Dean U. Koppelman and I am the Superintendent of the the Dickinson Public School District. I also serve on the North Dakota Education Standards and Practices Board. I am speaking today for my District and the Education Standards and Practices Board in opposition to House Bill 1181.

There are two major components to HB 1181 with which we disagree.

- 1) The provision that all teachers currently in the field and meeting the "highly qualified" standard in NO CHILD LEFT BEHIND be mandated to demonstrate competency by testing or other means is not right. This goes beyond the scope of federal legislation.
- 2) The provision that all middle level and secondary teachers in every academic content area be mandated to have a major or a demonstration of competency also goes beyond the federal legislation. NO CHILD LEFT BEHIND only requires that standard for ten specific subject areas.

If this bill passes into law, every teacher currently teaching in North Dakota, regardless of their qualifications, will be required to take a test or demonstrate competency in another form. Additionally, teachers in fields not identified in NO CHILD LEFT BEHIND would also be required to have a major or demonstrate competency. This is excessive and unwarranted.

The Education Standards and Practices Board is drafting a plan that addresses the "highly qualified" provision in NO CHILD LEFT BEHIND that does not go beyond the federal mandates. I would urge you to support that effort.

We already have a teacher shortage in North Dakota in many subject areas. HB 1181 will exacerbate the problem.

Please give HB 1181 a **do not pass** and consider the Educational Standards and Practices Board approach to addressing the issues of teacher quality in North Dakota mandated in NO CHILD LEFT BEHIND.

Thank you Madam Chair. I would be willing to answer any questions the committee may have.

Submitted by Dean U. Koppelman  
Superintendent, Dickinson Public Schools  
Board member, Education Standards and Practices Board

Dean U. Koppelman  
Operator's Signature

10/2/03  
Date



**Department of Public Instruction**

600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440  
(701) 328-2260 Fax - (701) 328-2461  
<http://www.dpi.state.nd.us>

Dr. Wayne G. Sanstead  
State Superintendent

TO: Mark Puppe  
FROM: Greg Gallagher, Education Improvement Director (328-1838)  
SUBJECT: North Dakota Assessment Development Schedule *GP*  
DATE: January 15, 2003

I write in response to your January 14 inquiry regarding the State's development schedule of its statewide student assessments.

I have attached pages 3-16 of our State Consolidated Application that was submitted to the United States Department of Education as requirement for our state's approval to receive federal funding. This report outlines the schedule for the development of our state content standards, achievement standards, assessments, and associated activities.

If you have any questions concerning this material, please do not hesitate to contact me. I wish you all the best

School for the Deaf  
Devils Lake, ND  
(701) 682-9000

School for the Blind  
Grand Forks, ND  
(701) 795-2700

State Library  
Bismarck, ND  
(701) 328-2492

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- 5.2 The number of students who drop out of school, disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged and calculated in the same manner as used in the National Center for Education Statistics reports on Common Core of Data.

## PART II. STATE ACTIVITIES TO IMPLEMENT ESEA PROGRAMS

1. Describe the State's system of standards, assessments, and accountability and provide evidence that it meets the requirements of the ESEA.

a. Provide a timeline of major milestones for either adopting challenging content standards in reading/language arts and mathematics at each grade level for grades 3 through 8 or disseminating grade-level expectations for reading/language arts and mathematics for grades 3 through 8 to LEAs and schools if the State's academic content standards cover more than one grade level.

North Dakota, through an agreement with the U.S. Department of Education, has established an assessment waiver plan to bring North Dakota into full compliance with ESEA, Section 1111(b)(1) requirements. This waiver plan, approved through August 2003, can be accessed at the following web site: <http://www.dpi.state.nd.us/testing/assess/plan.pdf>.

North Dakota state law (NDCC 15.1-02-04.3) places responsibility for the development of State academic content standards with the State Superintendent (<http://www.state.nd.us/sr/>). The NDDPI has developed and adopted academic content standards in mathematics (<http://www.dpi.state.nd.us/standard/content/math.pdf>) and English language arts (<http://www.dpi.state.nd.us/standard/content/english.pdf>). These State content standards have been developed at grades 4, 8, and 12 in accordance with the *North Dakota Standards and Assessment Development Protocols* (<http://www.dpi.state.nd.us/standard/content/toc.pdf>). North Dakota mathematics and English language arts academic content standards meet the requirements of section 1111(b)(1).

A State-level advisory committee consisting of LEA and SEA representatives, titled the *Standards, Assessment, Learning and Teaching (SALT) Team*, oversees all standards development committee work. North Dakota's standards development protocols currently are being revised by the SALT Team to incorporate improvements into the development process and to accommodate the development of grade-level content expectations in grades 3, 5, 6, and 7.

North Dakota will continue to use adopted content standards as the basis for statewide assessments at grades 4, 8, and 12 in accordance with section 1111(b)(1). In addition, North Dakota will expand its statewide assessments into grades 3, 5, 6, and 7, in accordance with section 1111(b)(1) by 2005-06, based on state-defined, grade-level content expectations in reading/English language arts and mathematics. These grade-level content expectations will be developed and adopted in accordance with North Dakota's standards development protocols.

North Dakota proposes to accomplish these aims based on the following development schedule.

Development Schedule for Mathematics and Reading/English Language Grade-Level Content Expectations, Grades 3, 5, 6, and 7		
Date	Activity	Evidence
June, 2002	North Dakota Standards and Assessment Development Protocols revised by state SALT Team to accommodate development of grade-level expectations and to update standards and assessment procedures.	General release of protocols to schools and the public and the placement of document on State website.
June, 2002	Initiate formation of grade-level expectations drafting committees in accordance with State protocols. Committees to develop expectations for grades 3, 5, 6, and 7 to align developmentally to State content standards at grades 4, 8, and 12.	Contract signed from prospective committee members. Placement of committee membership on State website.
July, 2002	Initiate development process steps to develop grade-level expectations for grades 3, 5, 6, and 7 in accordance with State protocols.	Development documentation required to confirm adherence to State protocols.
July–October, 2002	Grade-level expectations drafting committees meet to construct first draft of expectations.	First draft of grade-level expectations constructed in accordance with State protocols.
October, 2002	First draft of grade-level expectations formatted in accordance with State protocols and released to public for comment.	First draft placed on State website. Call for revisions forwarded to schools and the public according to State protocols.
December, 2002	Public comments compiled and disseminated to grade-level expectations drafting committee for review.	Public comments compiled and placed on State website. Summary documentation forwarded to committee membership.
January–February, 2003	Second draft of grade-level expectations drafted by committee membership. Draft forwarded to SALT Team for review in accordance with State protocols.	Second draft placed on State website. Draft reviewed and marked-up by SALT Team.
February–March, 2003	Grade-level expectations committee reviews SALT Team's recommendations. Committee prepares third draft of grade-level expectations.	Third draft placed on State website.
March–April, 2003	SALT Team reviews third draft for adherence to State protocols. SALT Team offers recommendation for adoption/rejection of grade-level expectations to State Superintendent.	Third draft reviewed and revised by SALT Team in accordance to protocols. SALT Team drafts final proposal of acceptance/rejection.
April, 2003	NDDPI prepares final draft of grade-level expectations for review by State Superintendent and offers independent recommendation for acceptance/rejection of document.	Final draft format completed.
May, 2003	State Superintendent approves/rejects final draft of grade-level expectations.	Letter of finding and approval/rejection by the State Superintendent.

At the completion of this process, North Dakota will have adopted academic content standards in mathematics and reading/English language arts at grades 4, 8, and 12, and grade-level content expectations at grades 3, 5, 6, and 7.

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- b. Provide a timeline of major milestones for adopting challenging academic content standards in science that meet the requirements of section 1111(b)(1).

The NDDPI has developed and adopted academic content standards in science (<http://www.dpi.state.nd.us/standard/content/science.pdf>). These State content standards have been developed at grades 4, 8, and 12 in accordance with the *North Dakota Standards and Assessment Development Protocols* (<http://www.dpi.state.nd.us/standard/content/loc.pdf>). North Dakota science academic content standards meet the requirements of section 1111(b)(1).

North Dakota will align its science assessment to the adopted State science content standards at grades 4, 8, and 12 in accordance with section 1111(b)(1). In addition, North Dakota will plan to expand, voluntarily, its statewide science assessments into grades 3, 5, 6, and 7 by 2007-2008, based on State-defined, grade-level content expectations. These grade-level content expectations will be developed and adopted in accordance with the *North Dakota Standards and Assessment Development Protocols*. Adherence to the protocols will assure that the science and grade-level content expectations will apply to all students, including LEP students and students with disabilities. Protocols require the broadbased involvement of all stakeholders and statewide dissemination to all LEAS and schools.

North Dakota proposes to accomplish these aims based on the following development schedule:

Development Schedule for Science Grade-Level Content Expectations, Grades 3, 5, 6, and 7		
Date	Activity	Evidence
June, 2003	North Dakota Standards and Assessment Development Protocols revised by state SALT Team to accommodate development of grade-level expectations and to update standards and assessment procedures.	General release of protocols to schools and the public and the placement of document on State website.
June, 2003	Initiate formation of grade-level expectations drafting committees in accordance with State protocols. Committees to develop expectations for grades 3, 5, 6, and 7 to align developmentally to State content standards at grades 4, 8, and 12.	Contract signed from prospective committee members. Placement of committee membership on State website.
July, 2003	Initiate development process steps to develop grade-level expectations for grades 3, 5, 6, and 7 in accordance with State protocols.	Development documentation required to confirm adherence to State protocols.
July-October, 2003	Grade-level expectations drafting committees meet to construct first draft of expectations.	First draft of grade-level expectations constructed in accordance with State protocols.
October, 2003	First draft of grade-level expectations formatted in accordance with State protocols and released to public for comment.	First draft placed on State website. Call for revisions forwarded to schools and the public according to State protocols.
December, 2003	Public comments compiled and disseminated to grade-level expectations drafting committee for review.	Public comments compiled and placed on State website. Summary documentation forwarded to committee membership.

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January-February, 2004	Second draft of grade-level expectations drafted by committee membership. Draft forwarded to SALT Team for review in accordance with State protocols.	Second draft placed on State website. Draft reviewed and marked-up by SALT Team.
February-March, 2004	Grade-level expectations committee reviews SALT Team's recommendations. Committee prepares third draft of grade-level expectations.	Third draft placed on State website.
March-April, 2004	SALT Team reviews third draft for adherence to State protocols. SALT Team offers recommendation for adoption/rejection of grade-level expectations to State Superintendent.	Third draft reviewed and revised by SALT Team in accordance to protocols. SALT Team drafts final proposal of acceptance/rejection.
April, 2004	NDDPI prepares final draft of grade-level expectations for review by State Superintendent and offers independent recommendation for acceptance/rejection of document.	Final draft format completed.
May, 2004	State Superintendent approves/rejects final draft of grade-level expectations.	Letter of finding and approval/rejection by the State Superintendent.

At the completion of this process, North Dakota will have adopted academic content standards in science at grades 4, 8, and 12, and grade-level expectations at grades 3, 5, 6, and 7.

- c. Provide a timeline of major milestones for the development and implementation, in consultation with LEAs, of assessments that meet the requirements of section 1111(b)(3) in the required subjects and grade levels.

North Dakota, through an agreement with the U.S. Department of Education, has established an assessment waiver plan to bring the State into full compliance with ESEA, Section 1111(b)(1) requirements. This waiver plan, approved through August 2003, can be accessed at the following web site: <http://www.dpi.state.nd.us/testing/assess/plan.pdf>. During the 2001-02 school year, North Dakota administered its state assessment and is on schedule to meet fully all provisions set forth within the waiver plan.

State assessments have been developed and adopted thus far in mathematics and reading/language arts at grades 4, 8, and 12 in accordance with North Dakota's approved assessment waiver agreement and the *North Dakota Standards and Assessment Development Protocols* (<http://www.dpi.state.nd.us/standard/content/toc.pdf>). North Dakota will proceed to develop state assessments in mathematics and reading/language arts at grades 3 through 8 and 12 by 2005-2006 in accordance with State protocols and section 1111(b)(1) requirements. North Dakota will proceed to develop state assessments in science at grades 4, 8, and 12 by 2007-2008 in accordance with State protocols and section 1111(b)(1) requirements. Additionally, North Dakota will expand its science assessment, voluntarily, at grades 3, 5, 6, and 7 by 2007-2008 in accordance with State protocols and section 1111(b)(1) standards.

North Dakota proposes to accomplish these aims based on the following assessment development and implementation schedule:

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Operator's Signature

12/2/03  
Date

Development and Implementation Schedule For State Assessments in Mathematics, Reading/Language Arts, and Science, Grades 3 through 8, and 12		
Date	Activity	Evidence
June, 2002	The NDDPI submits a detailed progress report to the U.S. Department of Education regarding the State's progress in achieving full compliance with section 1111 assessment requirements as proposed in North Dakota's assessment waiver agreement plan.	Submission of evidence regarding funding level commitments, contractor technical quality assurances, administration scheduling.
June, 2002	SALT Team revises State assessment protocols to accommodate assessment development based on alignment to grade-level content expectations.	Revised State protocols placed on NDDPI's website.
June, 2002-August, 2003	The State performs all assessment activities identified within assessment waiver agreement with U.S. Department of Education.	Evidence of completion identified within the State assessment waiver agreement plan with U.S. Department of Education.
October, 2002	Following completion of development activities, State adopts achievement standards narratives in science, grades 4, 8, and 12.	State Superintendent letter of approval. Placement of achievement standards on website.
May, 2003	Following completion of development activities, State adopts grade-level content expectations within mathematics and English language arts for grades 3, 5, 6, and 7.	State Superintendent letter of approval. Placement of grade-level content expectations on website.
May, 2003	Following completion of development activities, State adopts achievement standards narratives within mathematics and English language arts for grades 3, 5, 6, and 7.	State Superintendent letter of approval. Placement of achievement standards on website.
March-May, 2003	The NDDPI prepares RFP documentation for mathematics and reading/language arts assessments, including overview of type of test to be developed, outline of test blueprint, requirements that test items be field tested/piloted, field testing procedures documented, administrators' manual developed, and technical manual developed. RFP released for competitive bid process.	NDDPI RFP documentation with alignment to State assessment development protocols.
June, 2003	State contracts with assessment vendor to begin process to align test items to State grade-level content expectations in mathematics and reading/language arts at grades 3, 5, 6, and 7. Process follows State assessment development protocols.	Signed contract between the NDDPI and selected vendor. Tentative list of aligned items for review by State.
June, 2003-May 2004	Assessment alignment committee formed from nominated pool of teachers	Contracts for each committee member. Working drafts of

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	statewide to select and align test items to State content expectations for mathematics and reading/language arts assessment. Generations of working drafts reviewed and updated to assure sufficient alignment to and coverage of grade-level content expectations.	standards alignment and coverage.
May, 2004	Following completion of development activities, State adopts achievement standards narratives within science for grades 3, 5, 6, and 7.	State Superintendent letter of approval. Placement of achievement standards on website.
June, 2004	NDDPI reviews final alignment activity for mathematics and reading/language arts and proposes adoption/rejection of alignment to State Superintendent.	Findings and recommendation memorandum to State Superintendent.
June-December, 2004	Assessment vendor prepares assessments in anticipation of first assessment administration for grades 3, 5, 6, and 7 in mathematics and reading/language arts.	Preparation of all assessment, training, and administration materials.
March-May, 2004	NDDPI prepares RFP documentation for science assessments, including overview of type of test to be developed, outline of test blueprint, requirements that test items be field tested/piloted, field testing procedures documented, administrators' manual developed, and technical manual developed. RFP released for competitive bid process.	NDDPI RFP documentation with alignment to State assessment development protocols.
June, 2004	State contracts with assessment vendor to begin process to align test items to State grade-level content expectations in science at grades 3, 5, 6, and 7. Process follows State assessment development protocols.	Signed contract between the NDDPI and selected vendor. Tentative list of aligned items for review by State.
June, 2004-May 2005	Assessment alignment committee formed from nominated pool of teachers statewide to select and align test items to State content expectations for science assessment. Generations of working drafts reviewed and updated to assure sufficient alignment to and coverage of grade-level content expectations.	Contracts for each committee member. Working drafts of standards alignment and coverage.
June-December, 2005	Assessment vendor prepares assessments in anticipation of first assessment administration for grades 3, 5, 6, and 7 in science.	Preparation of all assessment, training, and administration materials.
January, 2005	State conducts series of assessment administration training sessions to overview State assessment and accountability system for mathematics and reading/language arts.	Statewide and regional training sessions. Dissemination of support materials. Placement of all materials on website.
March, 2005	First administration of statewide	Submission of all assessments

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	assessments in mathematics and reading/language arts, grades 3 through 8. Grade 12 assessment conducted in November, 2004.	for scoring and reporting. Grade 12 assessment scoring and reporting conducted in December, 2004.
July, 2005	March 2005 student assessment data in mathematics and reading/language arts undergoes cut-point standards setting. Achievement standards determined based on process. Adequate yearly progress markers set.	Cut-point activities conducted according to State protocols. Results used for student and accountability system reports.
September, 2005	Performance reports issued on results of 2005 mathematics and reading/language assessment administration. Results disseminated to all parties.	Release of results to students and parents. Release of school, district, and state results.
September, 2005	Adequate yearly progress determination conducted. Results published.	Published results of student performance and adequate yearly progress reports.
September, 2005- May, 2006	State conducts second year of statewide assessments in mathematics and reading/language arts at grades 3 through 8 and 12. State meets all requirements for mathematics and reading/language arts assessments in accordance with section 1111(b)(1).	Production of all materials and publication of all results as identified within State protocols.
January, 2006	State conducts series of assessment administration training sessions to overview State assessment and accountability system for science.	Statewide and regional training sessions. Dissemination of support materials. Placement of all materials on website.
March, 2006	First administration of statewide assessments in science, grades 3 through 8. Grade 12 assessment conducted in November, 2005.	Submission of all assessments for scoring and reporting. Grade 12 assessment scoring and reporting conducted in December 2005.
July, 2006	March 2006 student assessment data in science undergoes cut-point standards setting. Achievement standards determined based on process. Adequate yearly progress markers set.	Cut-point activities conducted according to State protocols. Results used for student and accountability system reports.
September, 2006	Performance reports issued on results of 2006 science assessment administration. Results disseminated to all parties.	Release of results to students and parents. Release of school, district, and state results.
September, 2006	Adequate yearly progress determination conducted. Results published.	Published results of student performance and adequate yearly progress reports.
September, 2006- May, 2007	State conducts second year of statewide assessments in science at grades 3 through 8 and 12. State meets all requirements for science assessments in accordance with section 1111(b)(1).	Production of all materials and publication of all results as identified within State protocols.

At the completion of this process, North Dakota will have completed the development and implementation of State assessments in mathematics, reading/language arts, and science at

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grades 3 through 8 and 12 one year in advance of federal requirements. The State assessments will have met all requirements set within State assessment development protocols and section 1111(b)(1).

- d. *Provide a timeline of major milestones for setting, in consultation with LEAs, academic achievement standards in mathematics, reading/language arts, and science that meet the requirements of section 1111(b)(1).*

The State of North Dakota has developed and adopted academic achievement standards in mathematics (<http://www.dpi.state.nd.us/standard/perform/index.shtml>) and English language arts (<http://www.dpi.state.nd.us/standard/perform/index.shtml>). These State achievement standards have been developed at grades 4, 8, and 12 in accordance with North Dakota's content and achievement standards protocols (<http://www.dpi.state.nd.us/standard/content/loc.pdf>). North Dakota mathematics and English language arts academic achievement standards meet the requirements of section 1111(b)(1). North Dakota's achievement standards in science will be completed by fall 2002, in accordance with State standards development protocols and section 1111(b)(1) requirements.

North Dakota will continue to use adopted achievement standards as the basis for statewide assessments at grades 4, 8, and 12 in accordance with section 1111(b)(1). In addition, North Dakota will expand its statewide assessments into grades 3, 5, 6, and 7 in mathematics and reading/English language arts, in accordance with section 1111(b)(1) by 2005-06, based on State-defined, grade-level achievement standards. Additionally, North Dakota will expand its statewide assessments, voluntarily, into grades 3, 5, 6, and 7 in science by 2007-2008, based on State-defined, achievement standards. All achievement standards at grades 3, 5, 6, and 7 will be aligned with North Dakota's corresponding grade-level content expectations. These achievement standards will be developed and adopted in accordance with North Dakota's standards development protocols.

North Dakota proposes to develop narrative achievement standards at grades 3, 5, 6, and 7 contemporaneously with the development of grade-level content expectations. The content expectation committees will also draft the narrative achievement standards. These narrative achievement standards will act as the primary calibration tool for the cut-point standards setting performed to align the State assessment scale scores to State achievement standards.

North Dakota proposes to accomplish these aims based on the following development schedules, the first of which identifies the development schedule for mathematics and reading/English language arts:

Development Schedule for Mathematics and Reading/English Language Achievement Standards, Grades 3, 5, 6, and 7		
Date	Activity	Evidence
June, 2002	North Dakota Standards and Assessment Development Protocols revised by state SALT Team to accommodate development of achievement standards and to update standards and assessment procedures.	General release of protocols to schools and the public and the placement of document on State website.
June, 2002	Initiate formation of grade-level expectations drafting committees in accordance with State protocols. Committees will draft both grade-level content expectations and achievement standards. Committees to develop	Contract signed from prospective committee members. Placement of committee membership on State website.

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	achievement standards for grades 3, 5, 6, and 7 to align developmentally to State achievement standards at grades 4, 8, and 12.	
July, 2002	Initiate development process steps to develop achievement standards for grades 3, 5, 6, and 7 in accordance with State protocols.	Development documentation required to confirm adherence to State protocols.
July-October, 2002	Drafting committees meet to construct first draft of expectations and achievement standards.	First draft of grade-level achievement standards constructed in accordance with State protocols.
October, 2002	First draft of achievement standards formatted in accordance with State protocols and released to public for comment.	First draft placed on State website. Call for revisions forwarded to schools and the public according to State protocols.
December, 2002	Public comments compiled and disseminated to drafting committee for review.	Public comments compiled and placed on State website. Summary documentation forwarded to committee membership.
January-February, 2003	Second draft of achievement standards drafted by committee membership. Draft forwarded to SALT Team for review in accordance with State protocols.	Second draft placed on State website. Draft reviewed and marked-up by SALT Team.
February-March, 2003	Drafting committee reviews SALT Team's recommendations. Committee prepares third draft of achievement standards.	Third draft placed on State website.
March-April, 2003	SALT Team reviews third draft for adherence to State protocols. SALT Team offers recommendation for adoption/rejection of achievement standards to State Superintendent.	Third draft reviewed and revised by SALT Team in accordance to protocols. SALT Team drafts final proposal of acceptance/rejection.
April, 2003	NDDPI prepares final draft of achievement standards for review by State Superintendent and offers independent recommendation for acceptance/rejection of document.	Final draft format completed.
May, 2003	State Superintendent approves/rejects final draft of achievement standards narrative.	Letter of finding and approval/rejection by the State Superintendent.
July, 2005 following first administration of State assessments in grades 3, 5, 6, and 7 in March, 2005.	Cut-point standards setting committee translates narrative achievement standards into equivalent cut-point scale scores, in accordance with State protocols. Cut-points determine proficiency levels that correspond with narrative achievement standards.	Cut-point documentation required within State bookmark standards setting procedures.

At the completion of this process, North Dakota will have adopted academic achievement standards in mathematics and English language arts at grades 3 through 8 and 12.

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The following second development schedule identifies the development schedule for science:

Development Schedule for Science Achievement Standards, Grades 3, 5, 6, and 7		
Date	Activity	Evidence
June, 2003	North Dakota Standards and Assessment Development Protocols revised by state SALT Team to accommodate development of achievement standards and to update standards and assessment procedures.	General release of protocols to schools and the public and the placement of document on State website.
June, 2003	Initiate formation of grade-level expectations drafting committees in accordance with State protocols. Committees will draft both grade-level content expectations and achievement standards. Committees to develop achievement standards for grades 3, 5, 6, and 7 to align developmentally to state achievement standards at grades 4, 8, and 12.	Contract signed from prospective committee members. Placement of committee membership on State website.
July, 2003	Initiate development process steps to develop achievement standards for grades 3, 5, 6, and 7 in accordance with State protocols.	Development documentation required to confirm adherence to State protocols.
July-October, 2003	Drafting committees meet to construct first draft of expectations and achievement standards.	First draft of grade-level achievement standards constructed in accordance with State protocols.
October, 2003	First draft of achievement standards formatted in accordance with State protocols and released to public for comment.	First draft placed on State website. Call for revisions forwarded to schools and the public according to State protocols.
December, 2003	Public comments compiled and disseminated to drafting committee for review.	Public comments compiled and placed on State website. Summary documentation forwarded to committee membership.
January-February, 2004	Second draft of achievement standards drafted by committee membership. Draft forwarded to SALT Team for review in accordance with State protocols.	Second draft placed on State website. Draft reviewed and marked-up by SALT Team.
February-March, 2004	Drafting committee reviews SALT Team's recommendations. Committee prepares third draft of achievement standards.	Third draft placed on State website.
March-April, 2004	SALT Team reviews third draft for adherence to State protocols. SALT Team offers recommendation for adoption/rejection of achievement standards to State Superintendent.	Third draft reviewed and revised by SALT Team in accordance to protocols. SALT Team drafts final proposal of acceptance/rejection.
April, 2004	NDDPI prepares final draft of achievement standards for review by State Superintendent and offers independent recommendation for acceptance/rejection	Final draft format completed.

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	of document.	
May, 2004	State Superintendent approves/rejects final draft of achievement standards narrative.	Letter of finding and approval/rejection by the State Superintendent.
July, 2006 following first administration of State assessments in grades 3, 5, 6, and 7 in March, 2006.	Cut-point standards setting committee translates narrative achievement standards into equivalent cut-point scale scores, in accordance with State protocols. Cut-points determine proficiency levels that correspond with narrative achievement standards. Cut-points determined on actual student test data. Descriptions of achievement level reference State achievement standards narrative. Descriptions are aligned to actual cut-points set to actual student data.	Cut-point documentation required within State bookmark standards setting procedures.

At the completion of this process, North Dakota will have adopted academic achievement standards in science at grades 3 through 8 and 12.

e, f, and g will be submitted by January 31, 2003.

- h. Provide a plan for how the State will implement a single accountability system that uses the same criteria, based primarily on assessments consistent with section 1111(b), for determining whether a school has made adequate yearly progress, regardless of whether the school receives Title I, Part A, or other federal funds.

North Dakota state law (NDCC 15.1-02-04.4; <http://www.state.nd.us/lr/>) places responsibility for the supervision of the assessment of students with the State Superintendent. State law (NDCC 15.1-21-08 through 15.1-21-14; <http://www.state.nd.us/lr/>) requires all public schools to participate in the State's assessment system. The State's assessment system complies with the requirements of section 1111(b)(1) as defined by North Dakota's assessment waiver plan agreement with the U.S. Department of Education located on the NDDPI website at <http://www.dpi.state.nd.us/testing/assess/plan.pdf>. State law requires that all schools' student performance results be reported to the public in a manner that allows for the aggregation, disaggregation, and comparison of results across public schools and public school districts. North Dakota administers one unified assessment system. The performance accountability status of all schools is based on this single, unified assessment system.

North Dakota state law (NDCC 15.1-06-06; <http://www.state.nd.us/lr/>) places responsibility for the establishment of administrative rules for school accreditation with the State Superintendent. State accreditation administrative rules (67-19-01-38; <http://www.dpi.state.nd.us/resource/rules/67-19.pdf>) require accredited schools to participate in the State assessment system.

The NDDPI will conduct an adequate yearly progress report for all public schools within North Dakota to meet the requirements of section 1111(b)(2).

Under proposed administrative rules amendments, the NDDPI would assign an accreditation commendation status based on a school's designation for adequate yearly progress (refer to [www.dpi.state.nd.us/accred.pdf](http://www.dpi.state.nd.us/accred.pdf)). The accreditation rules refer to such a commendation within the definitions as, "Student achievement progress rating means adequate yearly progress pursuant to section 1111(b)(2) of the Elementary and Secondary Education Act." Such a commendation would apply to all public schools, regardless of their participation under ESEA, Title I, Part A, or any other federal funding.

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- i. *Identify the languages present in the student population to be assessed, the languages in which the State administers assessments, and the languages in which the State will need to administer assessments. Use the most recent data available and identify when the data were collected.*

English is currently the language used in North Dakota's statewide achievement testing program. There is no plan to assess in any other language in the future. According to the annual Survey of State's Limited English Proficient Students and Available Educational Programs and Services conducted by the NDDPI in 2001, there are over 30 languages used by students in North Dakota schools. The following languages are listed as home languages by ten or more students in North Dakota schools: American Indian languages, including Lakota/Dakota, Michif, Ojibwa, Hidatsa, Arikara, and Mandan; Serbo-Croatian; Spanish; Sudanese; Somalian; German; Kurdish; Haitian-Creole; Marshalese; Arabic; Chinese; Russian; and Ukrainian.

- j. *Provide evidence that, beginning not later than the school year 2002-2003, LEAs will provide for an annual assessment of English proficiency that meets the requirements of section 1111(b)(7) and 3116(d)(4), including assessment of English proficiency in speaking, listening, reading, writing, and comprehension. Identify the assessment(s) the State will designate for this purpose.*

North Dakota will assist LEAs in the annual assessment of English proficiency by developing an assessment system of State recommended tools for the assessment of speaking, listening, reading, writing, and comprehension of LEP students. Presently schools with LEP students choose their own method of English language proficiency assessment. Many schools use a standardized language proficiency test. Some of the schools combine the language proficiency assessment with information from the language arts portion of the State achievement/standards assessment program.

The Woodcock Munoz Language Survey is the most commonly used standardized instrument to assess language proficiency of LEP students in North Dakota. This test is required for those schools that apply for State English Language Learner (ELL) funding. Only students who are very limited in their English language skills and proficiently speak a language other than English are eligible for the State ELL funding. The Woodcock Munoz is effective in identifying LEP students, classifying them according to language proficiency, and documenting growth. It does not provide a complete picture of students' language proficiency, effectively assess comprehension, or adequately describe the language skills of students who have higher levels of English language proficiency.

North Dakota has a very diverse population of LEP students ranging from Native American students whose English is impacted by their Native language, to populations of refugee groups who have had disrupted educational experiences. Because of this diversity, there is no one assessment tool that effectively assesses speaking, listening, reading, writing, and comprehension with all groups. More research and input from the field needs to be done to develop a system that will be appropriate for all groups of students.

North Dakota will develop an assessment system that will cover the five modalities listed, are similar in quality, and are aligned with State standards. The assessment system will be developed in cooperation with representatives from school districts in the state with large LEP populations and outside consultants including the Center for Applied Linguistics in Washington, DC; the Comprehensive Regional Assistance Center VI in Madison, WI; the Council of Chief State School Officers; and the U.S. Department of Education Office of

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English Language Acquisition. Until the assessment system is in place, the following language proficiency tests will be recommended:

- Woodcock Munoz Language Survey, Riverside Publishing Company
- Language Assessment Scales, CTB McGraw-Hill
- Idea Proficiency Test, Ballard & Tighe

Following is the timeline for the development of the assessment system:

Development Schedule for Assessment System for English Proficiency	
Year	Activities
2002-2003	<ul style="list-style-type: none"> <li>• Schools will comply with State requirements by assessing the language proficiency tests along with information from statewide achievement/assessment program, if available.</li> <li>• North Dakota will convene a task force to review assessments and develop an assessment system aligned with State standards and benchmarks.</li> <li>• Task Force will consult with national organizations and technical assistance centers on assessment systems.</li> <li>• Solicit input from field on assessment system.</li> </ul>
2003-2004	<ul style="list-style-type: none"> <li>• Complete development of assessment system including guidelines for implementation.</li> <li>• Implement assessment system into LEAs in North Dakota</li> <li>• Provide training to school districts on assessment system and guidelines.</li> <li>• Collect data on assessment system.</li> </ul>
2004-2005	<ul style="list-style-type: none"> <li>• Collect data on assessment system.</li> </ul>
2005-2006	<ul style="list-style-type: none"> <li>• Collect data on assessment system.</li> </ul>

- k. *Describe the status of the State's effort to establish standards and annual measurable achievement objectives under section 3122(a) of the ESEA that relate to the development and attainment of English proficiency by limited English proficient children.*

North Dakota is currently in the process of establishing standards and guidelines for limited English proficient students. A State Task Force was convened in June of 2000, and a plan was developed. Following State protocol mandating a single system of State content and performance standards, the Task Force made the decision to develop guidance documents that would provide accommodations and adaptations by benchmark level for LEP students and State content standards. Guidance has been developed for English Language Arts Standards and LEP students. The Task Force is working on guidance for the content areas of math, science, and social studies.

Beginning in the fall of 2002, the Task Force will address the issue of annual measurable achievement objectives that relate to the development and attainment of English language proficiency by limited English proficient students. The Task Force will also review the guidance for English Language Arts Standards and LEP students to assure that they relate to the development of English proficiency in speaking, listening, reading, writing, and comprehension. NDDPI has been working in consultation with the Center for Applied Linguistics on this project. Following is the timetable for the development of the standards and achievement objectives:

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Schedule for Development of Standards and Achievement Objectives for English Proficiency	
Year	Activities
2000-2001	<ul style="list-style-type: none"> <li>Reached agreement with Center for Applied Linguistics to serve as consultant. (Completed 3/2000)</li> <li>State Task Force on LEP students and State content standards convened. (Completed 6/2000)</li> <li>Developed levels of English language proficiency for North Dakota students. (Completed 1/2001)</li> <li>Developed draft guidance for LEP students and English Language Arts Standards. (Draft completed 1/2001)</li> </ul>
2001-2002	<ul style="list-style-type: none"> <li>Reviewed levels and draft of English Language Arts guidance. (Completed December 2001)</li> <li>Developed guidance for LEP students and State content standards, including math, science, and social studies. (Draft completed May 2002)</li> </ul>
2002-2003	<ul style="list-style-type: none"> <li>Review draft guidance for LEP students and content standards.</li> <li>Develop measurable achievement objectives in speaking, listening, reading, writing and comprehension, aligned with State academic content and student achievement standards.</li> <li>Disseminate guidance documents and provide training for LEAs.</li> </ul>
2003-2004	<ul style="list-style-type: none"> <li>Field test guidance documents and achievement objectives for LEP students.</li> <li>Disseminate guidance documents and provide training for LEAs.</li> <li>Work with North Dakota state assessment system to incorporate data collection system for LEP students.</li> </ul>
2004-2005	<ul style="list-style-type: none"> <li>Disseminate guidance documents and provide training for LEAs.</li> <li>Collect data on LEP students</li> </ul>

2. Describe the process for awarding competitive subgrants for the programs listed below. In a separate response for each of these programs, provide a description of timelines, selection criteria and how they promote improved academic achievement, and priorities and how they promote improved academic achievement.

(1) Even Start Family Literacy (Title I, Part B)

Introduction

The purpose of Even Start is to help break the cycle of poverty and illiteracy by improving the educational opportunities of low-income families through the integration of early childhood education, adult literacy, and parenting education into a unified family literacy program. Even Start is implemented through cooperative projects that build on existing community resources to create a new range of services.

Even Start is a federally-funded family literacy program (through Title I, Part B of the ESEA) administered in North Dakota through the State Title I office. Even Start provides learning opportunities to families with children from birth through age 7. The program integrates early childhood education, adult literacy education, parenting education, and parent and child together time (PACT).

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HB 1181  
House Education Committee  
January 15, 2003  
Gloria Lokken, NDEA

Attached are five messages of concern regarding HB 1181.

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Date

**Lokken, Gloria [ND]**

**Subject:**

**FW: ESEA**

I am getting very upset and concerned about the attitude of ESPB and NDEA in regards to the qualifications of "No Child Left Behind" and Social Studies Teachers. In my opinion, it is very unfair to expect a new teacher, especially Social Studies Teachers, to have a major in every subject that they teach. Do you realize that in most schools, Social Studies Teachers teach anywhere from 2-6 different subjects? According to the statements by the ESPB, new Social Studies teachers will have to take a test in History, Government, Psychology, Sociology, Economics, and Civics???? I'm sorry, but this is ridiculous! Unlike Math and Language Arts, the Social Studies, as well as Science is a composite degree. We cannot have majors in everything we teach, because most of us would need to have 5-6 majors. We are all worried about keeping teachers in the state, and recruiting prospective teachers into teacher colleges. Well, unless something is done NOW, we are looking at both a mass exodus of current teachers, as well as a very small number of pre-service teachers.

I have been a teacher for 13 years. That should say something about my qualifications. I don't see where I have to either take a test, or submit a portfolio to show I am "qualified" This is a joke! I have a degree in Social Studies. That major should make me qualified, just like a Science degree should make those teachers qualified.

I would be more than happy to testify to this fact, if you would like. It angers those of us in the Social Studies that the ESPB is stating that our degree is worthless. I neither can afford the money nor the time off to work on all of these majors.

Thanks for your time.

Mike Bisenius  
Social Studies Teacher  
Red River High School  
2211 17th Ave. S.  
Grand Forks, ND 58201  
746-2407, ext. 303

Donna Hall  
Operator's signature

10/2/03  
Date

**Lokken, Gloria [ND]**

**Subject:** FW: highly qualified staff

-----Original Message-----

I feel I must express my feelings about the new rulings. I have been teaching for over 25 years, most of them in the middle school setting. I am currently a Title I teacher at Burlington DesLacs Elementary. I have taught with numerous teachers in middle school grades and have also taught Math and English at 6-8th grade level. I feel that you are not looking at the right qualifications when you look for "Highly Qualified teachers". Good teachers at this level need 1st of all to have control of their class (discipline), second they need to be able to transfer knowledge from their minds to students (methods), third they need to know what they are teaching. In this order! Knowledge can be learned by classes or by experience and in many cases experience is the best teacher! I have seen many good Elementary Majors teach middle school subjects. Just looking at a portfolio of ideas may not give you this insight. Please take into consideration people who have taught for many years and do have these qualities. They would not have lasted if they didn't! Thank you,

Lokken, Gloria [ND]

Subject:

FW:

My name is and I have taught English (grades 7-12) at Belfield High School for the past twenty-four years. I have a big concern about the proposed changes in certification.

My first concern is about the major I have. I have a composite English major for grades 7-12. How does this impact me as far as my major? Will I have to get a major in every area I teach such as grammar, English literature, American literature, etc? Will I have to take a test in each area or how will they determine that I am "highly qualified"? I have taught everything my school board has demanded of me including teaching over ITV for six years to Dickinson High School. I am quite apprehensive about this whole idea of telling me I am not "highly qualified" after all the years of teaching I have done for little or no pay. Please tell me exactly what number 3 (concerning secondary teachers who have taught for three years) says concerning majors. I would appreciate any help you can give me on interpreting this.

I thank you for your time and consideration. ,English  
Department Chairman, Belfield High School

**Lokken, Gloria [ND]**

**Subject:** FW: Social Studies major

An area of concern we are addressing at the High School (I teach at Red River - AP Psychology and United States History) is where does the Major of Social Studies stand? Is it considered a composite degree like Science (which encompasses Biology, Physics, Chemistry etc.) Many of us at the high school level in Grand Forks and around the state teach at least two subjects a day. Does that inherently mean one would have to have a Government and United States History major if one taught both of these subjects? Essentially, one would possibly have to have three different majors for three different courses they teach - I feel for those in small towns who teach 6 different things daily.

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**Lokken, Gloria [ND]**

**Subject:**

**FW: ESPB Highly Qualified Rules**

I'm currently in my 16th year of teaching at the 6th grade level @ Hazen Middle School. I have an Elementary (1-8) Education degree. We are partially departmentalized where I teach all the Math, another teacher teaches the Science, and the third teacher teaches Social Studies. We each teach Language Arts. I'm a "not new" teacher so what will be my responsibilities as a sixth grade teacher? Will I need a major in Math or major equivalency for teaching sixth grade students while holding an Elem. Ed. 1-8 degree?

II. Effective January 1, 2006, all "not new" teachers will either have to have a major or major equivalency in the area they are teaching. The major equivalency will include one of the following:

- a. A recognized minor with successful completion of a content test meeting or exceeding the minimum scores as determined by the Education Standards and Practices Board; or
- b. A recognized minor with successful completion of a portfolio; or
- c. Coursework equivalent to a composite content major with successful completion of a content test in the area the teacher is teaching meeting or exceeding the minimum scores as determined by the Education Standards and Practices Board; or
- d. Coursework equivalent to a composite content major with successful completion of a portfolio.
- e. Undergraduate or graduate coursework equivalent to a major; or
- f. Advanced degree in a recognized content area; or
- g. National Board for Professional Teaching Standards Certification in a recognized content area.

III. Effective January 1, 2006 all ND licensed teachers with three or more years of successful teaching experience who hold a major but not in the specific content area can be considered highly qualified upon successful completion of portfolio or test in the area the teacher is teaching meeting or exceeding the minimum scores as determined by the Education Standards and Practices