

Introduced by

1 A BILL for an Act to create and enact five new sections to chapter 54-35 of the North Dakota
2 Century Code, relating to the establishment of an advisory committee on the No Child Left
3 Behind Act; to repeal section 54-35-21 of the North Dakota Century Code, relating to
4 appointment of a select committee to study the No Child Left Behind Act of 2001; and to provide
5 and expiration date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 54-35 of the North Dakota Century Code is
8 created and enacted as follows:

9 **Advisory commission on the No Child Left Behind Act - Membership - Terms -**
10 **Meetings.**

- 11 1. The advisory commission on the No Child Left Behind Act of 2001 [Pub. L.
12 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], consists of the following
13 members:
- 14 a. Two individuals appointed by the North Dakota council of educational leaders;
 - 15 b. Two individuals appointed by the North Dakota education association;
 - 16 c. Two individuals appointed by the North Dakota school boards association;
 - 17 d. Two individuals appointed by the state superintendent of public instruction;
 - 18 e. One individual appointed by the North Dakota indian affairs commission;
 - 19 f. One individual appointed by the education standards and practices board;
 - 20 g. One individual appointed by the governor; and
 - 21 h. Six legislators appointed by the legislative council.
- 22 2. The legislative council shall designate the chairman and vice chairman of the
23 commission.

1 3. If any member of the commission resigns or ceases to be a member of the class
2 the member represents, that individual's membership on the commission ceases
3 immediately and the appropriate appointing authority shall appoint another
4 individual to complete the remainder of the term.

5 4. The commission shall meet at least semiannually.

6 **SECTION 2.** A new section to chapter 54-35 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Functions and duties.**

- 9 1. a. Examine the nature and scope of assessments permissible under the No
10 Child Left Behind Act in determining the adequate yearly progress of special
11 education students and english language learners, and in determining the
12 adequate yearly progress of students in other subgroups if applicable.
- 13 b. Review issues of cost, staff training, and communication to the field of known
14 assessment alternatives.
- 15 c. Explore the use of instructional level assessments and the use of exemptions
16 from assessment.
- 17 d. Collect and analyze data regarding the percentage of students who are
18 eligible to be assessed by alternative means and determine the effects that
19 would result from any increases in the current percentage cap on eligible
20 students.
- 21 2. Determine the desirability and feasibility of using growth data rather than cohort
22 testing to determine adequate yearly progress.
- 23 3. a. Examine the manner in which student achievement proficiency ratings are
24 established, including the selection and qualifications of individuals involved in
25 determining the ratings.
- 26 b. Examine alternate means of establishing student achievement proficiency
27 ratings and address matters of public policy with respect to the objectivity of
28 the ratings.
- 29 4. a. Examine the efficacy of the binomial distribution formula both in terms of its
30 ability to provide a full and complete accounting of the adequate yearly

- 1 progress of schools and school districts and its ability to segregate, separate,
2 or shelter schools having small or identifiable populations of students.
- 3 b. Compare the identification of schools under the binomial distribution formula
4 against the identifications that would occur under other measurements,
5 including measurements requiring subgroups of at least 30 students in regular
6 education and 45 students in special education.
- 7 c. Examine from a policy perspective the impacts of increasing and the impacts
8 of decreasing the identification of schools not meeting adequate yearly
9 progress.
- 10 d. Determine the desirability and feasibility of assessing students in the seven
11 subgroups and reporting the results of their assessments, while precluding
12 any punitive actions stemming from the results of the subgroups'
13 assessments.
- 14 5. a. Review the provisions of the No Child Left Behind Act governing the right of
15 students to transfer from a school that is not making adequate yearly
16 progress.
- 17 b. Monitor the number of students who have requested transfers in accordance
18 with provisions of the the No Child Left Behind Act.
- 19 c. Determine the desirability and feasibility of implementing a reporting system
20 that allows school districts to be informed about the location to which a
21 student is transferring and the reasons for such transfer.
- 22 d. Determine the desirability and feasibility of recommending an amendment to
23 the No Child Left Behind Act which would allow only those individual students
24 who did not meet established proficiency levels to obtain transfers.
- 25 6. Study the effect of the No Child Left Behind Act on the availability of teachers for all
26 grade levels throughout the state and determine whether greater flexibility in
27 teacher preparation or qualifications would affect teacher availability.
- 28 7. a. Establish a mechanism whereby school districts can account for all costs
29 incurred as a result of the No Child Left Behind Act and determine which of
30 the costs would have been incurred even without the passage of the No Child
31 Left Behind Act.

- 1 b. Establish a system to ensure that the cost data submitted is valid and reliable
2 and reported in a fashion that allows for accurate comparisons from year to
3 year and for comparisons by and among schools and school districts.

4 **SECTION 3.** A new section to chapter 54-35 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Staff services.** The legislative council shall provide staff services to the advisory
7 commission on the No Child Left Behind Act.

8 **SECTION 4.** A new section to chapter 54-35 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Compensation for legislative assembly members.**

- 11 1. Each legislator appointed to the advisory commission on the No Child Left Behind
12 Act is entitled to receive, from funds available to the legislative council,
13 compensation for each day spend in attendance at commission meetings in the
14 same amount as provided for members of the legislative council and
15 reimbursement for travel and other expenses incurred in the performance of official
16 duties, as provided by law for other state officers.
- 17 2. The commission may apply for, contract for, receive, and expend for its purposes
18 any appropriation or grant from any public or private source.

19 **SECTION 5.** A new section to chapter 54-35 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Reports.** The advisory commission on the No Child Left Behind Act shall report its
22 findings and recommendations, together with any legislation required to implement the
23 recommendations, to a joint committee of the Senate and House Education Committees in
24 January 2007.

25 **SECTION 6. REPEAL.** Section 54-35-21 of the North Dakota Century Code is
26 repealed.

27 **SECTION 7. EXPIRATION DATE.** Sections 1 through 5 of this Act are effective
28 through June 30, 2007, and after that date are ineffective.