

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1373

2005 HOUSE EDUCATION

HB 1373

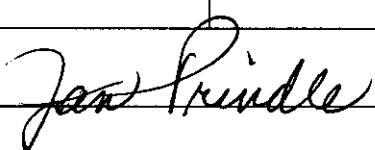
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1373**

House Education Committee

☐ Conference Committee

Hearing Date **26 January 05**

Tape Number	Side A	Side B	Meter #
1	x		0 - 4990
Committee Clerk Signature 			

Minutes:

Chairman Kelsch opened the hearing on HB 1373

Rep. Hawken introduced the bill for an appropriation of \$1,160,000 to the superintendent of public instruction to provide services for (ELL) English Language Learners. This is the group of students that come to our country who do not have English as a native language. This group is growing throughout all school districts. In Fargo there are 700 students in this category. It is not solely a Valley problem and is spreading to small communities. Some of these children have never been to school. They will become an integral part of our community.

Bill Demaire, principal of Myhre Elementary School, testified in support of the bill. He said the appropriation should be higher. The 120,000 requested in section 2 is strictly for DPI's administration of the assessment. None of it goes to the school district. That amount should be increased to cover the cost of the state assessment to the school districts. In section 4, presently Mari Rassmussen is the only one who works in the program and needs to be augmented by state

funding. In Bismarck we receive some federal money, more than our state money, but it's not adequate. More than half of the funding comes out of general fund dollars. These students will be the ones that do not meet AYP in the state. Many are transient and move from district to district. They will count against the state AYP.

Rep. Johnson: Does money follow student for transients?

Demaire: Eventually, but there is a one year lag time.

Patricia Clarke, Corpus Christi Church, testified in favor of the bill. She volunteers to work with immigrant parents to help them learn English.

Kay Mayer, elementary principal at Steele-Dawson Public School, testified in favor of the bill. Kidder County industry requires migratory labor during the spring and fall of the year. There are 24 -25 ELL in spring quarter, 2 - 7 in second and third quarters. It is difficult to learn another language it is more difficult to learn the academics of that language. Passing this bill would help school districts comply with federal law, ease some of the financial responsibilities and allow collaboration among school districts to meet these challenges. As the state's economy continues to diversify, so too will the school districts in small and large communities across the state.

Dan Hannenkamp, vice president of NDEA, testified in favor of the bill. He related the experiences of his wife who has 2 ELL students and they are struggling. There are not enough resources to help these kids properly. Anything to improve funding will help.

Senala Alagic, parent, testified in favor of the bill. She introduced herself in her native Bosnian language. **(Testimony attached.)**

Rep. Hawken: How did you become so fluent in English?

Alagic: Working with her own kids, the Adult Learning Center, and the volunteers at the church.

She knew no English when she came to the US.

Mari Rassmussen, assistant director for the Bilingual and Language Acquisition Programs for DPI, testified in favor of the bill. (Testimony attached.)

Rep. Hawken: The estimated cost would fund all the kids in the state. The \$275.0 would fund the costs of all the districts of the state.

Rassmussen: Yes, it would.

Rep. Meier: How many students do we have in the state that are English deficient?

Rassmussen: In the data collected last year, we identified 3,781 by the English Language Proficiency Test. Other school districts sent in some we didn't identify ourselves, at 1200. That's a total of nearly 5,000

Rep. Sitte: Are you projecting the same number from other Native American areas as from Dunseith?

Rassmussen: Most of them are at a higher level. We will give them an assessment just to make sure they are making progress.

Rep. Sitte: Why is there such a jump.

Rassmussen: We are using a new test, the old one was inadequate. The current test is skills based. Children may be proficient, but they struggle.

Rep. Haas: I'd like to inform the committee that under HB 1512, Fargo would receive \$2.5 million targeted for ELL students. You'll get the details on Monday.

Kathryn Gulya and Rachel Disrud did not testify but submitted testimony is attached for the record.

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House Education Committee

Bill/Resolution Number **HB 1373**

Hearing Date **26 Jan 05**

Rep. Hawken submitted an e-mail from Leslie Kline to be entered into the record.

(Attached.)

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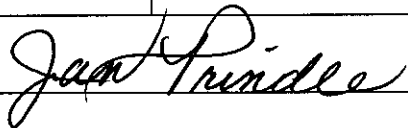
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1373**

House Education Committee

☐ Conference Committee

Hearing Date **31 Jan 05**

Tape Number	Side A	Side B	Meter #
1		X	2200 - 2850
Committee Clerk Signature 			

Minutes:

Chairman Kelsch opened discussion of **HB 1373**.

Rep. Herbel: Let's just pass HB 1512 and we won't need to deal with this.

Chairman Kelsch: There is some truth to that, but at this point we are better off to pass everything out and consolidating them in the end.

Rep. Hawken: One of my biggest concerns because I'm guessing a lot of this is not going to happen. There is a \$300 in number one going out to school districts as direct aid to the students on the formula we did last time. The area that concerns me, because we are going to do this. We are going to test those kids. In the information that Mari gave us, the cost of that is \$275,000. That is a possible appropriation that may go through. We are paying for all the other state mandated tests, I would like this to be consistent with what the state is doing so would like to see that \$120,000 be \$275,000. I think it important that we cover the cost to the districts. I **move** we amend this to increase that amount to \$275,000.

Page 2

House Education Committee

Bill/Resolution Number **HB 1373**

Hearing Date **31 Jan 05**

Rep. Meier: I second that amendment:

A voice vote was called.

Yes: 14 No: 0 Absent: 0 The amendment passed.

Rep. Meier: I move a Do Pass as Amended.

Rep. Hawken: I second.

A roll call vote was called:

Yes: 14 No: 0 Absent: 0 The motion passed.

Rep. Meier will carry the bill.

Y/K
1/31/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1373 EDU 2-1-05

Page 1, line 5, replace "\$1,160,000" with "\$1,315,000"

Page 1, line 12, replace "\$120,000" with "\$275,000"

Renumber accordingly

Date: 31 Jan
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1373

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Increase 120 to 175 on line 12

Motion Made By Hawken Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunsakor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Wall	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment _____

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

Date: 31 Jan
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1323

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended

Motion Made By Deier Seconded By Hawken

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunskor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Wall	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Deier

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

REPORT OF STANDING COMMITTEE

HB 1373: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1373 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$1,160,000" with "\$1,315,000"

Page 1, line 12, replace "\$120,000" with "\$275,000"

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1373

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1373

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1	X		5.3-9.7
Committee Clerk Signature			

Minutes: **Chairman Martinson** opened hearing on HB1373. What we try to do down here is to not talk about the policy but talk about the money.

Rep. Hawken I would be happy to answer any questions. The most important thing, to me personally as a sponsor of the bill, is section 2, the \$275,000 needed to create and to take to the state. It is part of No Child Left Behind. Currently we are paying for every other state tests. This is not true of English as a second language test at this point.

Vice Chairman Brusegaard How much is in the DPI budget for ELL?

Rep. Hawken It is my understanding that it is \$650,000.

Vice Chairman Brusegaard The language in 1374, it would appear that the Super indent of Public Instruction set up a committee to assist with the establishment and administration and establish standard for ELL programs - does that cover the thing you most concerned about? It appears that matches the instructions you referred to in subsection two.

Page 2

Education and Environment Division

Bill/Resolution Number HB1373

Hearing Date February 10, 2005

Rep. Hawken Yes. The second item would be the \$300,000 that would go out to students. For your information, we have one lawsuit on equity. Apparently the new trend is lawsuits on equity for limited English proficiency students. No one has talked about doing that here but they have in other states.

Vice Chairman Brusegaard \$300,000 that goes out to students. I see that on the fiscal note. But in the bill I see \$950,000. Why is that?

Rep. Hawken That's the \$650,000 plus the \$300,000. I can't tell you why it comes in this form.

Rep. Wald What's the total appropriation?

Rep. Hawken If you were in fact to put the entire appropriation in it would be \$1,315,000 minus the \$650,000 that is already there. \$510,000.

Chairman Martinson Won't take action on this bill today but we will tomorrow.

Discussion ended on HB1373.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1373

House Appropriations Committee
Education and Environment Division

☐ Check here for Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1	X		0-2.1
Committee Clerk Signature <i>Robin Purley</i>			

Minutes: Chairman Martinson opened discussion on HB1373. We met as a smaller group to put \$275,000 of this ELL (English language learners) money into the DPI budget.

Rep. Aarsvold Did you add an amendment to the DPI budget?

Chairman Martinson No, we have the amendments for the DPI, they are not quite done. We will get together on that and it will include \$275,000 for ELL.

Vice Chairman Brusegaard I move a Do Not Pass on HB1373.

Rep. Wald Second

Rep. Aarsvold Is there language in code to authorize the program and everything in place? It's just the appropriation that is being moved?

Chairman Martinson That's correct.

Rep. Wald What amount? \$275,000?

Chairman Martinson Yes, that's in addition to the \$650,000 that is already in there.

Page 2

Education and Environment Division

Bill/Resolution Number HB1373

Hearing Date February 14, 2005

Vice Chairman Brusegaard To refresh everybody's memory, there is \$650,000 for English language learners program in DPI. We are planning to add \$275,000 to cover the testing portion of this bill which is the priority for the people involved.

Chairman Martinson Any further discussion?

Rep. Wald So a total of \$925,000?

VOTE: 6 YES and 0 No with 0 absent. DO NOT PASS. Vice Chairman Brusegaard will present to the full committee.

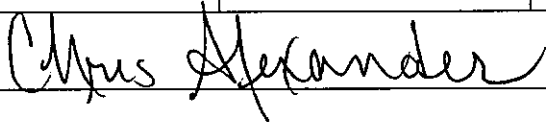
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1373
English Language Learners

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
2	X		#19.6 - #26.5
Committee Clerk Signature 			

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1373.

Rep. Tom Brusegaard explained that this bill is a separate appropriation for English Language Learners program from the Department of Public Instruction (DPI). The committee decided to amend the budget for DPI for this appropriation so that the department does not have to come back every session to fund this program. The committee also put \$275,000 in their budget for testing.

Rep. Tom Brusegaard moved a Do Not Pass motion on HB1373.

Rep. Bob Martinson seconded.

Rep. Ken Svedjan, Chairman asked if this was intended to be supplementary appropriation to what is in the DPI budget now.

Rep. Tom Brusegaard answered yes.

Rep. Eliot Glassheim asked if the \$950,000 was anywhere in the DPI budget (meter Tape #2, side A, #21.4)

Rep. Bob Martinson answered that there was \$650,000 in the budget already and we have amendments that will cover the \$275,000 in the budget bill.

Rep. Ken Svedjan, Chairman commented that rather than this being an appropriation for \$1.3 million, the committee will add \$275,000 in the DPI budget that will bring the total appropriation to \$875,000.

Rep. Eliot Glassheim asked if DPI was going to have to find the money or if we were adding additional funding.

Rep. Ken Svedjan, Chairman answered that we were adding funding and there is already money in the budget for the program.

Rep. Eliot Glassheim asked about the \$950,000 anticipated for the school districts to carry out this program.

Rep. Tom Brusegaard answered that DPI didn't ask for the \$950,000 in their budget. This is simply extra money to help develop testing.

Rep. Al Carlson asked the amount added to their budget.

Rep. Bob Martinson answered that it was \$650,000 plus the \$275,000 for testing.

Rep. Jeff Delzer commented that this bill would have added \$950,000 on top of the \$650,000 in their budget.

Rep. Eliot Glassheim asked if this was something they asked for originally and was cut out by the Governor or is it something that came up afterwards.

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House Appropriations Committee

Bill/Resolution Number HB1373

Hearing Date February 14, 2005

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass motion for HB1373.

Motion carried with a vote of 18 yeas, 3 nays, and 2 absences. Rep Brusegaard will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1373.

Roll Call Vote #: February 14, 2005

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1373

House Appropriations Education and Environment

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Vice Chairman Brusegaard Seconded By Rep. Wald

Representatives	Yes	No	Representatives	Yes	No
Chairman Martinson	X		Rep. Aarsvold	X	
Vice Chairman Brusegaard	X		Rep. Gulleason	X	
Rep. Rennerfeldt	X				
Rep. Wald	X				

Total 6 (Yes) 6 No 0

Absent 0

Floor Assignment Vice Chairman Brusegaard

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

Date: February 14, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1373

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep Brusegaard Seconded By Rep Martinson

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	AB		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland		X
Rep. Pam Gulleeson	AB		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf		X
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson		X			

Total Yes 18 No 3

Absent 2

Floor Assignment Rep Brusegaard

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2005 12:40 p.m.

Module No: HR-29-2762
Carrier: Brusegaard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO NOT PASS** (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed HB 1373 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

HB 1373

**TESTIMONY ON HOUSE BILL 1373 & 1374
HOUSE EDUCATION COMMITTEE**

January 26, 2005

Sanela Alagic

Mandan, ND

Pozdravljam vas. Moje ime je Sanela I roditelj sam. Ovdje sam da govorim o ovom programu.

Madam Chairman and members of the committee:

My name is Sanela Alagic and I am a parent. I came from Bosnia seven years ago and I am living in Mandan with my family. I am here to speak in favor of House Bill 1373 and 1374.

I am also here in the name of some of the other families who, like myself, come from different countries and have children in schools here and know how hard it is to transition from one country to another. There are many hard things that families like us experience and one of the hardest things is the language barrier. Children are more open to new things. They learn faster, but in order for them to learn they need good teachers and resources. In the past, the English as a second language program was the number one help for these children. The program also helped parents, giving them comfort in knowing that there were people out there who understood and were willing to help to ease that first difficult period and help the children.

In the name of all those parents and their children, we would be thankful if you would support this program with us.

Thank you very much.

TESTIMONY ON HB 1373
HOUSE EDUCATION COMMITTEE
Wednesday, January 26, 2005
By Mari Rasmussen, Assistant Director
328-2958
Department of Public Instruction

Madam Chairman Kelsch and members of the committee:

My name is Mari Rasmussen and I am the Assistant Director for the Bilingual and Language Acquisition Programs for the Department of Public Instruction. I am here to speak in favor of and provide information regarding House Bill 1373 and the North Dakota State English Language Learner Program.

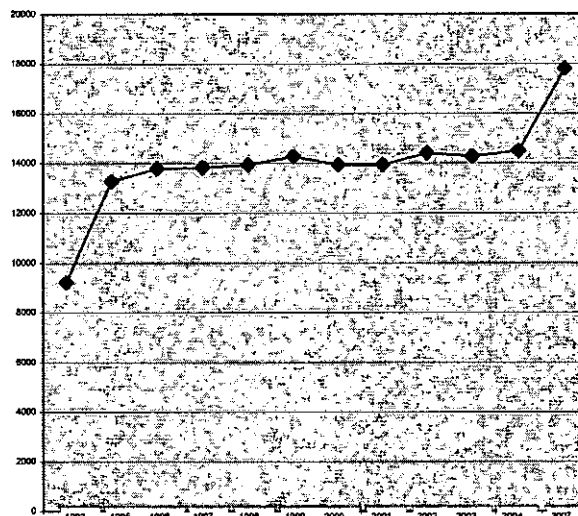
Thank you for the opportunity to allow me to speak to you this morning on a subject important to me – funding for students who are learning English as a second or other language in North

Dakota schools. I will provide some brief information on the key points of this bill and its potential benefit to North Dakota. I have also enclosed a short report on the State English Language Learner Program for your review.

Essentially, HB 1373 increases funding for the State English Language Learner program, asking for an additional \$510,000 for this program. Funding has not increased since 2001 when the appropriation was set at \$650,000.

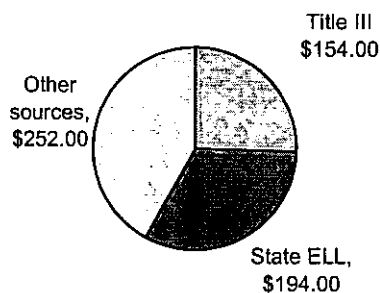
Distributed on a pro-rated basis to schools according to student levels of proficiency, current funding levels only cover an average of \$194 per student, which

Multicultural Students in North Dakota
(1992 - 2007)



is approximately 35% of actual costs of services. Since federal funding specifically for students with limited English proficiency covers less, and not all schools receive it, school districts must rely on other sources to fully cover costs.

**Average Additional Costs of Educating
Students with Limited English Proficiency
2004**



students with limited English. Based on an average for students at all levels, it is estimated that it costs districts an additional \$600 to address the language needs of these children. School districts must find nearly half of the funds from other sources.

English Language Learners in North Dakota are at great risk for failure. This population of students is not making adequate progress towards state

achievement standards as determined by data from the state achievement test. Failure to provide appropriate language instructional services not only puts the students at risk, but the school district and state report cards reflect this failure. Schools need help in developing appropriate programs. The chart included on page two of the legislative report shows that more students attain English proficiency when served with both state and federal funding.

In addition to payments that go out to school districts, HB 1373 includes requests for funds for activities to support the services schools are providing for students. These related activities assure that the programs are appropriately implemented. They include \$120,000 for standards and assessments, \$50,000 for coordination of services by school districts, and \$40,000 for administration of the program, including the activities outlined in HB 1374.

The \$120,000 would support the costs of the new English language proficiency assessment being implemented in North Dakota. This test, developed through a federal grant with a consortium of western states, meets No Child Left Behind requirements for annual standards based assessment of English language proficiency. Because it will replace multiple tests, which are locally scored at different times, it will provide the state with a consistent and complete picture of student progress and growth towards learning English statewide. Estimated costs for implementation of the test are projected to be \$100,000 to \$150,000 a year or approximately \$275,000 for the biennium, which includes printing, scoring, reporting, and other related costs. The \$120,000 for the biennium will support a little over a third of the test.

The \$50,000 provides an incentive to districts to collaborate in providing services to eligible students. Students with limited English proficiency are increasing in enrollment in small and rural districts. It is difficult for small districts to hire the appropriately trained teachers and provide the services on their own. Districts that coordinate with services have more success.

The final amount of \$40,000 would support costs of a state advisory committee for the program, technical assistance to school districts, and other related costs.

HB 1373 is an important bill for the future of North Dakota. It increases funding for a program that is required by federal law, drastically under-funded, and necessary for all school districts in North Dakota, including districts that do not currently have English language learners enrolled.

In a conference call with program directors Tuesday morning, I was advised to ask the House Education for full funding for instructional services and assessment. I am passing this request on to you, with an estimate of the fiscal impact of their request.

COSTS	2005 – 2007
Estimated Costs of English Language Proficiency Assessment	\$275,000
Estimated Costs of Instructional Services *	\$4,050,180
Incentive grants & Administration	\$90,000
TOTALS	\$4,415,180

*Costs are determined by subtracting federal funding from total estimates. Charts are included in *North Dakota State English Language Learner Program, 2005*.

HB 1373 is an important bill for the future of North Dakota schools. In fact, it only covers one fourth of costs to school districts and the state for the English language learner program, but it is a step in the right direction. I urge the House Education Committee to pass this bill. My only recommendation is that the Committee considers amendments to more adequately fund the services and assessment line items.

12/16/2005

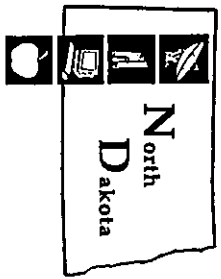
from Mr. Farmhouse

NORTH DAKOTA

ENGLISH LANGUAGE

LEARNER

PAYMENT PROGRAM



DR. WAYNE G. SANSTEAD
STATE SUPERINTENDENT

Department of Public Instruction
600 East Boulevard Avenue, Dept. 201
Bismarck, ND 58505-0440
701-328-2260

December 2003

"The Department of Public Instruction does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. John Dasovick, Assistant Director, USDA Food Distribution Programs, Office of Child Nutrition, 600 E. Boulevard Avenue, Dept. 201, Bismarck, ND 58505-0440, 701-328-2260, has been designated to handle inquiries regarding non-discrimination."

PURPOSE OF PROGRAM:

This program provides compensation for school districts with programs designed to develop English language proficiency and academic success in students who are limited in their English language proficiency because they speak a language other than English at home or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency.

CENTURY CODE:

NDCC 15-40.1-07.7 Per student payments - Limited English proficient students.

ELIGIBLE SCHOOL DISTRICTS:

In order to be eligible for funding, schools must provide an approved program of instruction for qualifying students.

QUALIFYING STUDENTS:

In order to be eligible for assessment, a student:

- Must be at least five years of age but must not have reached the age of twenty-two;
- Must be enrolled in a school district in this state;
- Must have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency;
- Must have difficulty speaking,

reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS:

In order to receive the full payment, a school district must complete the student assessment required and forward the results to the superintendent of public instruction on or before December 1st of each school year. Testing shall be completed within the current school year.

TESTING REQUIREMENTS:

Eligible students must be assessed using a proficiency test that is aligned to the state English language proficiency standards and the state language proficiency test. Test data must be current for the given school year. A school year begins on July 1st and ends June 30th of the following year.

AVAILABLE FUNDS:

School districts shall receive funding based on the total weighted number of students eligible for payment as follows: ten (10) times the number of level I students; eight (8) times the number of level II students; four (4) times the number of level III students; and one (1) times the number of level IV students. Full payments shall be distributed no later than May 30th of each school year.

USE OF FUNDS:

Funds awarded under this program shall be used to pay for instructional opportunities for students, which may include basic instructional services designed to develop English language proficiency and academic achievement in eligible students.

APPLICATION INSTRUCTIONS AND FORMS:

Complete application forms, including school district information and student data, and return by December 1st. Application may be copied.

APPLICATION TRANSMITTAL INSTRUCTIONS:

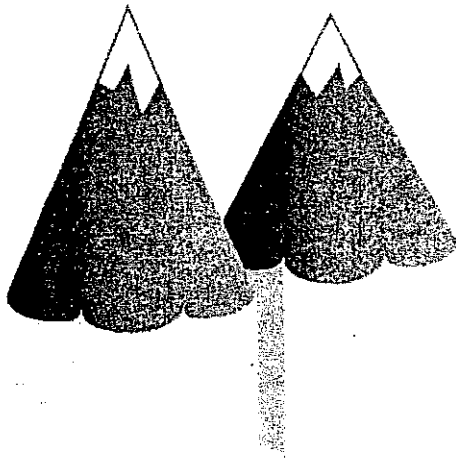
Mail the application on or before the deadline date to:

Department of Public Instruction
Bilingual & English Language Acquisition Programs
600 East Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440

For further information, please contact:

Mari Rasmussen
Bilingual & English Language Acquisition Programs
Phone: (701) 328-2958
FAX: (701) 328-4770
E-mail: mrasmussen@state.nd.us

from
M. Lasmussen



Mountain West

ASSESSMENT CONSORTIUM

Grade Span 3-5

SAMPLE PACKET



English Language Proficiency Assessment

Examiner Manual: Form 1
Grade Span 3–5

Mountain West Assessment Consortium

Form 1

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Grade Span 3-5

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Instructions

Introduction

The Mountain West Assessment Consortium is a group of ten states, including Alaska, Colorado, Idaho, Michigan, Montana, Nevada, New Mexico, North Dakota, Oregon, and Utah. The member states of this consortium have worked together to create an English language proficiency assessment for students with limited English proficiency. This test is designed to assess the proficiency level of English Language Learners in the four modalities of listening, speaking, reading, and writing. The primary purpose of this assessment is to provide educators with a total proficiency score for use in their schools, districts, and states, as mandated by the No Child Left Behind Act.

Overview

This Examiner Manual provides procedural information for those persons who will administer the test. It includes specific instructions for administering the test and also contains scripting for questions. Before administering the test, examiners should read this manual thoroughly. Examiners who have questions about the test or test materials should contact their testing coordinator.

The Examiner Manual is a secure document. This manual contains test questions and scoring information. It should not be duplicated or reproduced without permission from the testing coordinator.

It is preferred that the test be administered by qualified teachers of limited English-proficient students whenever possible.

Purpose of the Examiner Manual

Uniform test administration is essential to ensure high-quality, reliable test data. To ensure this uniformity, the Examiner Manual outlines the responsibilities and procedures for the test. These step-by-step instructions are designed to protect the integrity and security of the test and, thus, make it fair for all students.

This manual contains instructions for the examiner, scoring guides where appropriate, and directions and questions to be read aloud to students. The information to be read aloud to students is printed in *italics*. It is imperative that there be no variations on the scripted materials. All directions and scripting should be given in English. Instructions for the examiner are printed in **bold**. Other information appears in regular type.

Please note: **The item spacing in the Examiner Manual does not match the question spacing in the Student Booklet for this test. To reduce student confusion, examiners in the individually administered sections (Speaking and all modalities of K-1) are asked to point to each item as the student responds.**

Students To Be Tested

Students who have been identified as "limited English proficient" within the district and schools will take this test.

Instructions

If the test is being administered in the fall of the school year, first-grade students should take the grade span K-1 test. If the test is being administered in the spring, first-grade students should take the grade span 1-2 test.

Examiners are instructed to contact the testing coordinator with any questions they might have about which students should be tested.

Structure and Format of the Test

The English language proficiency assessment is divided into four communication modalities, which will be presented in the following order: listening, speaking, reading, and writing. However, the order in which the modalities are administered may be modified from the order in which they are presented here. Each student will be tested in all four modalities.

The assessment is designed to be administered by grade span. The grade spans are Kindergarten through 1st grade, 1st through 2nd grade, 3rd through 5th grade, 6th through 8th grade, and 9th through 12th grade. Students should take the grade span test that applies to their grade in school. Examiners should contact the testing coordinator with any questions about which test should be administered.

Because this is an English language proficiency assessment, students must respond in English in order for responses to be considered correct.

Grade Span K-1

For grade span K-1 students, the examiner is responsible for marking student responses in a separate answer document. Directions for completing the Student Answer Document are located in this manual.

All modalities at this grade span are to be administered individually to each student.

The reading modality is composed of three sections. Students should proceed through this portion of the test with the examiner until they meet frustration level. For this test, *frustration level* is defined as the point at which a student has missed three consecutive questions.

The Examiner Manual for this grade span contains general directions, scripting for each question, and scoring information. It is the examiner's responsibility to score each open-response question at the time of testing.

A separate student test booklet for each modality—listening, speaking, and reading—is provided. A writing checklist is included as part of the Student Answer Document. The writing checklist must be completed for each student by the examiner.

Grade Span 1-2

Each grade span 1-2 student will write in his or her test booklet to answer questions for the listening, reading, and writing tests. For the speaking modality, the examiner is responsible for scoring the student's responses and marking his or her score on the Student Answer Document. Directions for completing the answer document are located in this manual.

Instructions

The listening, reading, and writing tests should be administered in a group setting. It is recommended that the group size be no larger than 5–7 students, when possible. The speaking test will be administered individually to each student.

The Examiner Manual for this grade span contains general directions, scripting for each question for all modalities, and scoring information for the speaking test. It is the examiner's responsibility to score the speaking test at the time of testing.

There are three student test booklets for this grade span. They are designed as follows:

- Listening/Speaking
- Level A Reading/Writing
- Level B Reading/Writing

The examiner is responsible for using the Locator Tool to determine whether a student should take the level A or B test for reading and writing. The Locator Tool and directions for using it are found in this manual.

Grade Spans 3–5, 6–8, and 9–12

Grade spans 3–5, 6–8, and 9–12 students will mark or write their responses in their Student Answer Document. For the speaking modality, the examiner is responsible for scoring each student's responses and marking his or her score in an answer document. Directions for completing the answer document are located in this manual.

The Examiner Manual for each of these grade spans contains general directions, scripting for each question for all modalities, and scoring information for the speaking test. It is the examiner's responsibility to score the speaking test at the time of testing.

There are three student test booklets for each of these grade spans, which are designed as follows:

- Listening/Speaking
- Level A Reading/Writing
- Level B Reading/Writing

The examiner is responsible for using the Locator Tool to determine whether a student should take the level A or B test for reading and writing. The Locator Tool and directions for using it are found in this manual.

Purpose of the Locator Tool

The purpose of the Locator Tool is to match students with the appropriate level of the assessment: level A or B for reading and writing. This tool is needed when testing grade spans 1–2, 3–5, 6–8, and 9–12. If you are administering the K-1 assessment, the Locator Tool is not used.

Instructions

The level A test should be administered to students with very limited (emergent to early intermediate) exposure to and knowledge of the English language. The level B test should be administered to students with greater (intermediate or higher-level) exposure to and knowledge of the English language.

Before the test is administered, the examiner should use the Locator Tool to determine which level of the test for reading and writing a student should receive. Scoring for the Locator Tool should be based on classroom/school observations. The student does not need to be present for the Locator Tool to be completed.

Test Security

These test materials are secure and should be handled by qualified personnel only. No part of any test booklet may be reproduced or transmitted in any fashion. At the conclusion of the test administration, all test materials (both used and unused) must be accounted for and returned.

Testing conditions for the group-administered portions of the test, especially the supervision and seating arrangement of students, should be designed to minimize the potential for cheating and to maximize the opportunity for students to demonstrate their knowledge and skills.

Required Test Materials

In addition to this manual, examiners should have received the following test materials:

- one student test booklet per student,
- one Student Answer Document per student, and
- a CD that correlates to the listening modality of the test.

If any of the testing materials are missing from an examiner's shipment, the testing coordinator should be contacted.

Examiners should ensure that each student has the following:

- a No. 2 pencil, and
- scrap paper, as needed, for grades 3–5, 6–8, and 9–12.

Preparing for the Test

To prepare for testing, examiners should

- read this manual completely;
- complete the Locator Tool for the reading and writing modalities for each student;
- ensure that they have adequate materials for all students who will be tested;
- notify students in advance of testing;
- gather an adequate supply of No. 2 pencils; and
- for the listening modality, secure a CD player for test administration. If an examiner will be using a computer to play the CD, he or she should be sure that the computer's speakers are functioning and produce a good-quality sound.

Instructions

Scheduling the Test

This test is not timed; however, for planning purposes, administration of the group sessions of the test will likely take 30–45 minutes. The time needed to administer the speaking section will vary with individual students.

Setting for the Test

Examiners should ensure that any extraneous materials are removed from the table/desk/work area. They will need the Examiner Manual, student test booklets, Student Answer Documents, CD and CD player (for the listening modality only), and pencils and scrap paper (for grades 3–5, 6–8, and 9–12) as needed.

The test setting for individually administered sections in any of the four modalities is a quiet, one-to-one environment. The testing should take place in an area where other students cannot hear or see the testing materials. The examiner should remain close enough to the student to point to questions and illustrations in the student test booklet during test administration.

The test setting for group-administered sections is a quiet classroom. The students should have in front of them only their student test booklets, the Student Answer Document (if required), and a No. 2 pencil and scrap paper (if needed).

Examiners should place a “Testing: Do Not Disturb” sign on the door of the testing site.

On the Day of Testing

On the day of testing, materials are distributed to students by the examiner. The examiner must ensure that the demographic information on each student’s answer document is complete (see directions located in this manual).

Specific Instructions for Completing the Demographic Information on the Student Answer Document

Demographic information must be completed for each student. A No. 2 pencil must be used for this task. For each student, the examiner should perform the following tasks or instruct the student how to complete the demographic information on their own:

- Write the student’s name, the name of the examiner (which might be the teacher) who will be administering the test, and the school in which the test is being given.
- *Name:* Write the student’s last name, first name, and middle initial in the name grid. Fill in the corresponding circle for each letter.
- *Grade:* Fill in the circle that corresponds to the student’s grade in school.
- *Gender:* Fill in the circle for the appropriate gender of the student.

Instructions

- *Date of Birth:* Fill in the appropriate month, day, and year for the student's birth date.
- *Student Number:* Write the student's identification number in the grid. Fill in the corresponding circle for each number.
- *Race/Ethnicity:* Fill in the circle for the appropriate race/ethnicity of the student.
- *District/School Code:* Write the district/school code in the grid. Fill in the corresponding circle for each number.
- *Special Codes:* Refer to specific instructions from the State Department of Education.

Specific Instructions for Test Administration

Specific step-by-step instructions for the administration of each modality of the test can be found just prior to that section in this manual. The specific directions are organized as follows:

- Listening
- Speaking
- Level A Reading
- Level A Writing
- Level B Reading
- Level B Writing

Please note that for all grade span K–1 tests and for the speaking test at any grade span, the examiner is responsible for marking the student's answers on the answer document. **Examiners should review the section "Important Directions for Marking Answers," found on the answer document.** Depending on the type of response required or number of score points, examiners will mark an *A*, *B*, *C*, or *BL* (blank) or *0*, *1*, *2*, *3*, or *4*.

Using the Scoring Manual and Scoring Guides

For all modalities in grade span K–1 and for the speaking modality in all other grade spans, the examiner is responsible for scoring student responses during the test administration. Examiners will find a scoring guide for each question below the question script in the Examiner Manual.

The students will be asked to mark an answer to each question in the student test booklet or to speak their answers aloud to the examiner. It will be the examiner's responsibility to listen to/review student responses, score the response based on the scoring guide, and mark the score on the Student Answer Document.

The scoring guide includes the correct answer or, where answers may vary, examples of appropriate responses and the appropriate score. It also provides examples of answers that should receive partial credit. These examples are intended to be guides, not a comprehensive list of appropriate responses. It is possible that a student will give an answer that is not included in the guides. The examiner should use his or her best judgment to score the answer, based on the information provided in the scoring guide.

Instructions

General information for scoring student responses:

- If a student does not respond, mark the Student Answer Document *BL* for a blank or no response.
- Some examples of response earning no credit (i.e., a score of "0") are as follows:
 - o Student answers in a language other than English.
 - o Student's response is so poorly articulated that it cannot be understood.
 - o In the speaking modality, a student gives a nonverbal response, such as nodding or pointing.

Prior to testing, the examiner should review each question's scoring guide for the test being administered, to gain familiarity with the responses that are required for each question.

Prompting or Repeating Test Information

Prompting is the provision of additional information to students during administration of the assessment.

Prompting includes

- elaborating on questions,
- clarifying information provided in reading selections or any test question,
- pointing out specific information in the questions or graphics,
- providing cues that might normally be part of an instructional strategy, and/or
- suggesting strategies that a student may use to arrive at a correct response.

In general, prompting is **not** allowed in this test because it may give an unfair advantage to some students. However, in specific situations where partial or unclear responses are given, the following general prompts are appropriate.

- To clarify the student's response, the examiner may say,
 - o *I don't understand what you said.*
 - o *Can you tell me more?*
- The examiner may repeat directions, if necessary, but must do so **before** the child begins a response.
- If there is a distraction or interruption in the classroom, the selection or question may be repeated.
- If a student asks for a question to be repeated, the examiner may repeat the question only once.
- If the child still does not understand what is being asked, the examiner should score that question as though the child gave no response (*BL*).
- The examiner **must not** modify directions in any way. To do so would provide an unfair advantage to one child or a group of students over others.
- The examiner should allow approximately 15 seconds of wait time for a student to begin a response to a question. This gives the student time to gather his or her thoughts and to think carefully before responding in English. If a child has not responded after 15 seconds, the examiner should move on to the next item or task and score the item as "no response" (*BL*).

Instructions

Post-Test Instructions

Examiners should ensure that all student answers/scores are marked on the Student Answer Documents. Each examiner is responsible for collecting all test materials and returning all of the following materials as required in the state in which the test was administered:

- used and unused student test booklets,
- used and unused Student Answer Documents,
- the Examiner Manual, and
- the listening CD.

Instructions

Use the following checklist as an easy guide for all test activities to be completed.

CHECKLIST FOR EXAMINERS

Before Testing

- ☐ Read your Examiner Manual.
- ☐ Complete the Locator Tool for each student who will be tested.
- ☐ Complete the answer document demographic information for each student being tested. If you are testing grade span 1–2, please be sure to complete the demographic information located inside the student test booklet.
- ☐ Check your materials.
- ☐ Gather No. 2 pencils for all students and scrap paper for students in grades 3–5, 6–8, and 9–12.
- ☐ For the listening modality, gather the CD and a CD player.
- ☐ Prepare testing sites.
- ☐ Schedule group and individual test administrations.

During Testing

- ☐ Monitor students when testing in a group.
- ☐ Administer one-to-one tests as scheduled.
- ☐ Keep testing sites quiet.

After Testing

- ☐ Make sure all Student Answer Documents are completed, including the requested demographic information.
- ☐ Collect all used and unused testing materials.
- ☐ Pack testing materials for return to your testing coordinator.

Locator Tool

Instructions

The purpose of the Locator Tool is to match students with the appropriate level of the assessment: level A or B for reading and writing.

As a reminder, the level A test should be administered to students with very limited (emergent to early intermediate) exposure to and knowledge of the English language. The level B test should be administered to students with greater (intermediate or higher-level) exposure to and knowledge of the English language.

Before the test is administered, a Locator Tool will need to be completed for each student being tested. However, the student does not need to be present for the Locator Tool to be completed. Scoring for the Locator Tool should be based on classroom/school observations. The examiner may need to work with the student's classroom teacher if additional information is needed.

After scoring each item on the tool, the examiner should tally the scores for reading and writing separately. The table below should be used to determine the level of the reading and writing assessments that should be administered to the student. Note: It is possible for a student to take one level of the reading assessment and a different level of the writing assessment (e.g., level B reading and level A writing), depending on the scores on the Locator Tool.

READING

Score	Level Indicated
5-15	A
0-4	B

WRITING

Score	Level Indicated
13-15	A
0-12	B

Locator Tool

Locator Tool: Grade Span 3-5

Please score each item based on classroom observations and assessments.

	Almost always	More than half the time	Less than half the time	Never
Reading Modality (all questions pertain to reading the English language)				
Student reads and understands basic high-frequency words and simple content-related vocabulary (e.g., <i>circle, add, map, animal</i>).	0	1	2	3
Student reads and understands two-step directions for classroom activities.	0	1	2	3
Student uses work-attack skills (phonic and syntax) and context to determine the meaning of unfamiliar words.	0	1	2	3
Student reads and understands near grade-level text (fiction and non-fiction) well enough to answer literal questions about the material.	0	1	2	3
Student comprehends key concepts in near grade-level content area text and practical texts (e.g., calendars, schedules, invitations, grocery lists, timelines).	0	1	2	3
Writing Modality (all questions pertain to writing the English language)				
Student correctly writes words that represent common academic materials and concepts (e.g., <i>desk, math, underline</i>).	0	1	2	3
Student spells correctly many high frequency words.	0	1	2	3
Student writes phrases and simple sentences to respond to questions about academic material.	0	1	2	3
Student uses correct English forms and nouns (singular and plural), pronouns, and verbs (simple present, past, and future tense; some perfect tenses) when writing sentences.	0	1	2	3
Student writes short paragraphs that develop a central idea.	0	1	2	3

Listening

Modality-Specific Instructions

Listening Test Administration Instructions

The page numbers of the Listening portion of the test have a diamond around them in both the Examiner Manual and the Student Booklet. Please note that the page numbers in the two booklets do not directly correspond. The listening CD will direct the students when to turn the page.

The Listening test will be administered using a compact disk (CD) recording. All selections and questions are read aloud on the CD. You will need to pause the CD after each question in order for students to mark an answer. You will hear a tone, which is the signal to pause the recording. Please allow enough time for students to complete their answers before you resume playing the CD.

At some grade spans, demonstration and practice items will be used to show students how to respond to specific questions. These items will also be on the CD recording. This manual will provide additional scripting so that test examiners can use these items effectively.

This test should be group administered. The students should mark the correct answer directly on their Student Answer Document with the No. 2 pencils that you provide.

Listening Test Administration

When you are ready to begin administering this part of the test, please insert the CD into the CD player (do not press play) and say:

Today you will take a test to see how well you can listen to and understand the English language. You will do this by listening to a recording. The person on the recording will ask you questions about pictures and stories and will ask you to follow directions. Please listen carefully. When it is time for you to answer a question, I will stop the recording so you can answer the question. Please mark your answer on your answer sheet. When you finish writing your answer, I will continue the recording so that you can listen to the next question. Are there any questions?

(Pause. Allow time for the students to ask questions. Answer any questions that the students ask. When students have no further questions, you may continue.)

Look at your answer sheet where it says "Important Directions for Marking Answers." I will read the directions to you. (Use an extra answer sheet to show students where to look.)

*Use #2 black lead pencils only.
Make heavy black marks that fill the circle completely.
Erase clearly any answer you wish to change.
Make no stray marks on this answer sheet.*



Listening

Modality-Specific Instructions

Look at the picture that shows you how to mark your answer sheet. Now turn to the page in the answer sheet titled "Listening." (Check to be sure that students are on the correct page.) Are there any questions?

(Pause. Allow time for the students to ask questions. Answer any questions that the students ask. When the students have no further questions, continue on to the General Directions.)

Please open your test booklet to the first page.

General Directions: Two symbols are used in this test.



The arrow symbol means to turn the page when the person on the CD says "Please turn the page."



The stop symbol means to stop. You have reached the end of the test.

Please turn to page number L1, which has a diamond around it. Let's begin.

When you see that the students have their booklets open to the correct page, **start the CD** and administer the test. When this part of the test is finished, collect all test materials or administer another portion of the test.



Listening

D1.Note: Examiner should check students' work to see if the students understand how to answer the question. Examiner may provide additional explanation if necessary.

P1.Note: Examiner should check students' work and explain to the students how to answer the question. Examiner repeats the ending sound, /k/. (Explanations are given only for demonstration and practice items.)

The recording will say: Listen to the recording and answer the next question. Mark your answer on your answer sheet.

Note: Questions 1 through 5 will be read in the recording.

P2.Note: Examiner should check students' work and explain to the students how to answer the question.

The recording will say: Listen to the recording and answer the next question. Mark your answer on your answer sheet.

Note: Questions 6 through 23 will be read in the recording.

from
App. Rasmussen



NORTH DAKOTA STATE ENGLISH LANGUAGE LEARNER PROGRAM

*A Report to the
North Dakota 59th Legislative Assembly*

January 2005



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SUMMARY

The English Language Learner program, which reimburses school districts for services to students who come from different language backgrounds, was first created by the State legislature in 1997. Though bills had been brought before the legislative sessions on a regular basis since the early 90s, and a concurrent resolution in 1995 directed the state to study the issue, funding was not appropriated until the Fifty-fifth Legislative Assembly when Senators Nalewaja, Thane, and Lips and Representatives Carlisle, Thoreson, and Clark sponsored legislation providing \$300,000 for the biennium to reimburse school districts for services for high need students. Funding has increased every legislative session except for the Fifty-eighth session. During that session, the funding formula was adjusted and eligibility of students was expanded. Currently, the legislature funds \$650,000 for the biennium.

The intention of the program has been to reimburse school districts for costs for students who enroll in the district and are limited in their English language proficiency. Schools are reimbursed according to the level of English language proficiency, as determined by an approved English language proficiency test. The students with the lowest level of English receive the greatest reimbursement. The program started with a reimbursement only for levels one and two and expanded to all levels of students in 2003. Originally the program was funded with a dollar amount connected to each level, with a limit to the total appropriation. The formula was adjusted in 2003 to distribute the full amount of funding on a weighted per pupil system. School districts use funds for instructional purposes. Costs related to these services include salary for specially trained English as a second language (ESL) and bilingual teachers, books, materials, training, and assessment. Eligible programs must develop plans according to state standards to be eligible.

The state has followed Office of Civil Rights (OCR) guidance in developing performance indicators for programs. These Performance Indicators are available on the Department of Public Instruction website <http://dpi.state.nd.us/bilingul/seclang/instruc.pdf> and as an appendix to this report. A consulting firm from Grand Forks has assisted a state committee in defining the program indicators and developing an Evaluation Model for school districts to collect data to determine the effectiveness of their program. The guidance developed is still in draft form. Efforts have been made to coordinate state requirements with federal requirements in order to support school districts in providing seamless, high quality programming for English Language Learners that meets all requirements. Data collection initiatives at the state level will also allow information on the progress of students from diverse language backgrounds.

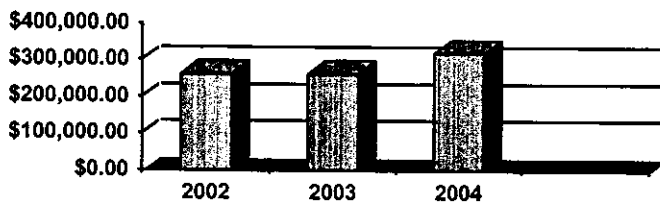
The following documents provide information on the program.

ESL Services in North Dakota

January 2005

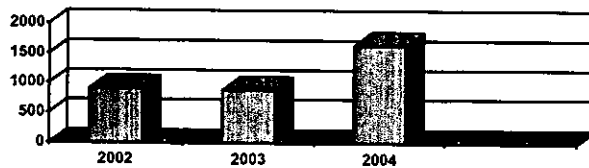
Over the past three years North Dakota has provided funding to assist English Language Learners:

Funding for English Language Learners



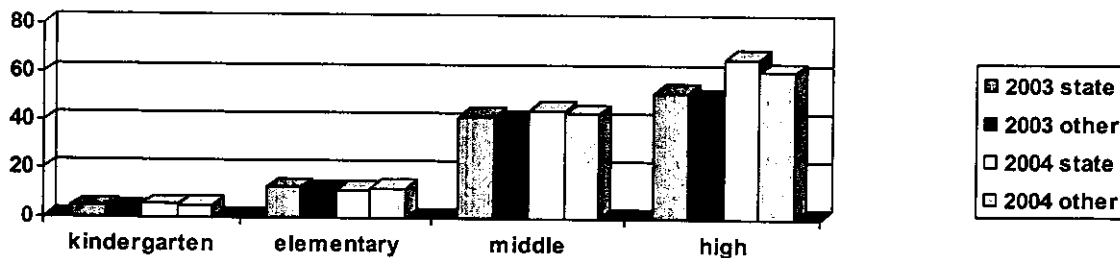
The number of students served with North Dakota state funding has increased over the three years:

Number of students served



Students who received federal funding are compared to students who received both state and federal funding. The percentage of students who attained English language proficiency by grade level is shown in the next chart:

Percentage of students Attaining English Proficiency



With the exception of kindergarten students in 2004, more students attained English proficiency when served with both state and federal funding. The percentage of students who gained English proficiency was even larger when students received both sources of funding for services.

Developed by Alpha Assessment Associates

STATE ENGLISH LANGUAGE LEARNER PROGRAM

SCHOOL	1997 - 1998	1998 - 1999	1999 - 2000	2000 - 2001	2001 - 2002	2002 - 2003	2003 - 2004	2004 - 2005
	Level 1, 2	Level 1, 2	Level 1, 2	Level 1, 2	Level 1, 2, 3	Level 1, 2, 3	Level 1, 2, 3, 4	Level 1, 2, 3, 4
Alexander Public							5	
Beulah Public	4	7		3				
Bismarck Public	35	38	41	41	47	18	24	277
Cavalier Public			3	0		16	40	32
Dunseith Public							380	372
Edgeley Public						10	15	17
Ellendale Public					22	10	27	25
Emerado Public								5
Fairmont Public		1	1	0		6		
Fargo Public	340	357	378	408	552	440	571	689
Forman-Sargent Central					2			
Grafton Public		8	21	7	40	43	76	92
Grand Forks Public	27	26	34	41	54	65	68	77
Hankinson Public					3	3	4	
Hatton Public					2			
Hazen Public	1	2	0	0				
Minot Public		2	6	7	10	14	19	14
Public						3	3	3
LaMoure Public					20	8	29	27
Larimore Public							10	13
Manvel Public						1		
Midway-Inkster Public		20	15	0		34		41
Milnor Public							37	31
Minot Public		4	2	2	3	7		
Minto Pubic		3	2	0		7		
Nash Elementary		2	1	1				
New Salem Public				1				
Northern Cass Public		1		6				
Northwood Public				7				
Oakes Public	5	4	6	0		8	19	24
Park River Public		9	8	10	9	4	21	13
St. Thomas Public	8	6	6	0			32	30
TGU-Towner Public					4	7	4	12
Underwood Public					2			
Valley-Hoople							14	15
Wahpeton Public	4	5	3	5	12	24	28	20
Fargo Public	15	21	36	70	123	155	212	203
Bedon-Courtenay								1
TOTAL	439	516	563	609	905	883	1638	2033

NORTH DAKOTA STATE CENTURY CODE

1-27-12. Per student payments - English language learners.

- In addition to any other payments provided for by this chapter, each school district is entitled to receive:
- a. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 10.0 for each English language learner determined to have preliterate English language skills and a proficiency level of I;
 - b. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 8.0 for each English language learner determined to have beginning English language skills and a proficiency level of II;
 - c. The amount of money that results from multiplying the per student amount calculated under subsection 5 by 4.0 for each English language learner determined to have intermediate English language skills and a proficiency level of III; and
 - d. The per student amount calculated under subsection 5 for each English language learner determined to have basic English language skills and a proficiency level of IV.
2. In order to be eligible for assessment under this section, a student:
- a. Must be at least five years of age but must not have reached the age of twenty-two;
 - b. Must be enrolled in a school district in this state;
 - c. Must have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
 - d. Must have difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards.
3. In order to be eligible for the payment provided for in this section, a school district must provide an approved program of instruction for students who have preliterate English language skills, beginning English language skills, intermediate English language skills, or basic English language skills.
- In order to receive the full payment provided for in this section, a school district must assess each eligible student using a proficiency test that is aligned to the state English language proficiency standards and the state language proficiency test.
- b. On or before December first of each year, a school district shall submit to the superintendent of public instruction an application for payment. The application must include:
 - (1) A description of the district's English language learner program;
 - (2) The result of the district's annual student assessment required under subdivision a; and
 - (3) Any other information requested by the superintendent of public instruction.
- 5.a. Each year of the biennium the superintendent of public instruction shall calculate the total weighted number of students eligible for payment during that year by determining the sum of all English language learner students weighted as follows:
- (1) Ten times the number of level I students;
 - (2) Eight times the number of level II students;
 - (3) Four times the number of level III students; and
 - (4) The number of level IV students.
- b. The superintendent of public instruction shall determine the per student amount used to calculate payments under this section during the first year of the biennium by dividing the total weighted number of students eligible for payment under this section into forty-nine percent of the total amount appropriated for this section.
 - c. The superintendent of public instruction shall determine the per student dollar amount used to calculate payments under this section during the second year of the biennium by dividing the total weighted number of students eligible for payment under this section into fifty-one percent of the total amount appropriated for this section.
6. The superintendent shall distribute the payments no later than May thirtieth of each school year.

FUNDING AVAILABLE SCHOOL DISTRICTS

The following chart outlines funds currently available for school districts in North Dakota, along with a projection into the next biennium.

State and Federal Funding for Students in North Dakota with Limited English Proficiency					
	2003 - 2005 Biennium		2005 - 2007 Biennium (projection)		
	State English Language Learner Program	Federal Title III	Federal Refugee Children School Impact	State English Language Learner Program	Federal Title III
Training, Committees & Administration					
		\$ 300,000	\$ 62,299	\$ 40,000	\$ 300,000
State Assessment					
				\$ 120,000	
Grants to Schools	\$ 650,000	\$ 700,000	\$ 282,600	\$ 1,000,000	\$ 700,000
Total	\$ 650,000	\$ 1,000,000	\$ 344,899	\$ 1,160,000	\$ 1,000,000
					\$ 290,000
					\$ 355,000

PROJECTED COSTS OF SERVICES

The following chart provides a rough projection of costs of services for English language proficiency. Estimating that level I students cost an additional \$1200, level II students cost an additional \$900, level III students cost an additional \$600 and level IV an additional \$300, actual costs per student average out to be \$529 per student.

NORTH DAKOTA LIMITED ENGLISH PROFICIENT (LEP) STUDENT DATA 2003 - 2004									
	State Approved English language Proficiency (ELP) Test Assessment				Students identified as LEP, but not assessed by ELP test	TOTAL LEP	Average additional cost per student	Costs for 2003 - 2004	TOTAL ES-TIMATED COSTS FOR BIENNIUM
	Levels of proficiency								
	Level 1	Level 2	Level 3	Level 4					
Student Numbers	265	642	1722	1152	3781	1200	4981		
Estimated additional per student costs	\$ 1,200	\$ 900	\$ 600	\$ 300		\$ 300			
Costs estimate	\$ 318,000	\$ 577,800	\$ 1,033,200	\$ 345,600		\$ 360,000		\$ 529 \$ 2 634 600	\$ 5,269,200

As student numbers increase in the state and more students who have not been formally assessed by a state approved English language assessment are tested, the numbers increase.

2005 – 2007 BIENNIUM STUDENT DATA									
	State Approved English language Proficiency (ELP) Test Assessment				Students identified as LEP, but not assessed by ELP test	Total LEP per year	Average additional cost per student	Total Cost per year	TOTAL ESTIMATED COSTS FOR BIENNIUM
	Levels of proficiency								
	Level 1	Level 2	Level 3	Level 4					
Student Numbers	278	674	2153	1440	700	5245			
Estimated additional per student costs	\$ 1,200	\$ 900	\$ 600	\$ 200	\$ 300				
Costs estimate	\$ 333,900	\$ 606,690	\$ 1,291,500	\$ 288,000	\$ 210,000		\$ 480	\$ 2,520,090	\$ 5,040,180

DRAFT

NORTH DAKOTA ENGLISH LANGUAGE LEARNER PROGRAM Program Performance Indicators and Program Requirements

October 2003

1. Student Identification, Assessment, and Classification

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has a policy in place to identify and assess students who come from language and cultural backgrounds other than English.	District is developing a policy on identification and assessment.	District has a written policy that provides for the appropriate identification and assessment for students who come from diverse language and cultural backgrounds.	District has a written policy that is readily available and implemented successfully in all school buildings.
District uses state approved language proficiency assessments.	District currently uses assessment procedures that are not state approved, but is planning to use state approved assessments.	District uses a state approved language proficiency test, but does not implement an assessment team or other criteria.	District uses a state approved test and assessment team and is participating in the development of portfolio criteria.
District has a policy to provide alternative language services based on assessment.	District is developing a policy on providing services, based on assessment.	District has a written policy that is being implemented.	District has a written policy that is readily available and implemented successfully in all school buildings.
District has an ongoing assessment plan, which includes language proficiency assessment, academic achievement, progress in meeting state content standards, and first language assessment.	District is drafting a plan.	District has a written plan for assessment that includes most of the following components: language proficiency assessment, academic achievement, progress in meeting state content standards, and first language assessment. Plan is regularly implemented.	District has a written plan for assessment that is incorporated smoothly into all of the district procedures and includes all of the following components: language proficiency assessment, academic achievement, progress in meeting state content standards, and first language assessment.
District plan for reclassification is consistent with state criteria for reclassifying students into higher proficiency levels and for reclassifying students as proficient.	District is developing plan.	District has implemented some components of reclassification criteria.	District is in full compliance with state criteria for reclassification into higher proficiency levels and exiting from program services.

2. Alternative Language Program

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District provides an alternative language instructional program for students identified as lacking English language proficiency because they come from diverse language and cultural backgrounds.	District provides alternative language services, but has not chosen a specific model or program.	District provides an alternative language instructional program, based on a model.	District has a well-developed language instructional program, using a model that has proven successful.
The alternative language program the district has chosen is effective and based on research.	District provides alternative language services, but services are not based on research.	District program is based on research.	District model is based on research and proven to be highly effective.
The alternative language program addresses both language development and academic achievement.	Program does not address both language development and academic achievement.	Program addresses <u>both</u> language development and academic achievement.	Program integrates language development and academic achievement in a successful approach.
The alternative language program has a curriculum that is based on North Dakota language proficiency standards.	Program lacks a curriculum or is minimally connected to standards.	Program has a curriculum that is based on state standards.	District alternative language program has a curriculum that is implemented at all levels and is aligned with state standards.
The alternative language program does not unreasonably segregate language minority students from mainstream peers. A limited segregation is permissible where the benefits accrued in remedying language barriers that impede academic potential outweighs the adverse effects of segregation.	Students are segregated on a limited bases for services.	Students are segregated for a minimal amount of time for language development support. District has data documenting the success of the pullout services in remedying language barriers that impede academic potential.	Alternative language program is well integrated into mainstream curriculum and program. Services are provided seamlessly within the school environment.

3. Staffing and Training

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has a designated program director qualified to supervise personnel, manage budgets, oversee personnel development, and provide programmatic leadership.	District has an administrator who provides a minimal amount of direction and oversight. Program reports, budgets, and activities may not be completed in a timely manner.	District has a designated alternative language program director that has sufficient time to oversee program activities. Budgets are managed, reports are in order, program personnel are supervised, and training activities are planned.	District has a strong program director, providing instructional leadership, along with management of administrative functions. Director not only provides program oversight, but advocates for student needs at local, state, and national levels.
District has appropriately trained instructional staff that meets state requirements for alternative language program.	District has: • A plan to hire a qualified teacher, • Current teacher is working toward endorsement in bilingual education/ESL, • Some endorsed teachers, but too few for	District has: • An adequate number of endorsed teachers for the number of students who qualify as limited English proficient. • Paraprofessionals have a minimum of two years of college education.	District has: • A highly qualified teacher or teachers who meet state requirements and have advanced degrees. • Ratio of students to teachers is low. • Paraprofessionals have two years of college

	- the number of students, - An overuse of paraprofessionals providing services, and/or - Paraprofessionals lack education.		education along with additional training. Other program staff, such as coordinators, meets state requirements.
District has an appropriate ratio of program staff for student services.	District has a plan to implement a program with an appropriate ratio.	District has an appropriate ratio.	Ratio of teachers and paraprofessionals for students exceeds the standard.
Teachers and para-educators are fluent in English and any other language used for instruction.	Teachers and para-educators understand and speak English and any other language used for instruction.	District has validated the fluency in English of teachers and para-educators. District has validated the fluency of staff that uses another language for instruction.	Teachers and para-educators have passed state English fluency assessments and are fluent in standard American academic English. Staff who use another language for instruction have passed state assessments.
Individuals hired as para-educators are supervised by an ESL/ bilingual education teacher or classroom teacher and do not provide the majority of instructional services for English language learners.	Para-educators have a minimal amount of supervision by professional teaching staff. Para-educators provide a majority of instruction for English language learners.	Certified personnel supervise para-educators. They do not make instructional or assessment decisions or provide the majority of instruction. They serve as a support, rather than the primary provider of instruction.	Roles and responsibilities of para-educators are clearly defined as support personnel, assisting in instruction. Para-educators and certified staff work together collaboratively and positively, meeting the needs of students in different roles.
District makes efforts to hire staff from the language and cultural background of targeted students.	District makes a minimal amount of effort to hire staff from the language and cultural background of targeted students.	District policies are in place and efforts are made to hire staff from language and cultural backgrounds of targeted students.	District has hired a number of individuals from different cultural backgrounds. Active efforts are made to recruit members of language backgrounds of students in district.
District has a plan to provide on going personnel development for alternative language program staff and mainstream teachers.	District makes a minimal effort to include training on language development methods and multicultural student needs in district professional development plan.	Personnel development in language development programs and multicultural activities are incorporated into district professional development plan. Training takes place at regular intervals for program and mainstream staff.	District has a strong personnel development plan, based on data and scientific research. Activities address language development and multicultural needs and are well interwoven into the entire plan. Mainstream and program staff participate in training.

4. Program Materials and Resources

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
Appropriate, research-based instructional materials designed for limited English proficient children and youth are available.	District has a minimum of materials available for instruction.	District has an adequate supply of materials that are fairly up-to-date and based on current research models and instructional strategies for LEP students.	District is well stocked with a variety of instructional materials for all levels that are up-to-date and based on current and effective research models and strategies for LEP students.

District libraries have materials appropriate for culturally/linguistically diverse students.	District libraries have a few materials appropriate for culturally/linguistically diverse students. Not all ethnic groups are included.	District libraries have a sufficient number of materials appropriate for culturally/linguistically diverse students.	District libraries are well stocked with a variety of materials appropriate for culturally/linguistically diverse students that are up-to-date and award winning.
District makes efforts to purchase reading material in the home language of the students.	District has made a minimal amount of effort to purchase reading material in the home language of the students.	Effort has been made to purchase reading material in the home language of the students. Materials are available for the students of the language background that has the highest numbers.	District makes an active effort to purchase or create reading material in the home language of students. Materials are available for students from all backgrounds.
Students have access to instructional technology.	Students have limited access to technology.	Students have adequate access to technology, involving computer-assisted instruction, e-mail, and other forms of technology.	Students have full access to all forms of technology.

5. Program Evaluation

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has a plan to monitor the effectiveness of the alternative language program.	District is working on draft to monitor effectiveness of program.	District has an evaluation plan in place that provides information on the effectiveness of various aspects of the program.	District has a strong evaluation plan that provides monitoring on a regular basis and provides information on all aspects of the program.
District collects data on students receiving services, including: - Language proficiency, - Academic achievement, - Progress related to non-limited English proficient peers, - Progress related to state content and performance standards, - Retention and drop-out rates, - Employment and educational status upon graduation.	District collects data on some areas of student services.	District collects data on all areas of students receiving services.	District collects both quantitative and qualitative data on all areas of students receiving services.
District has a plan to make changes if program is not successful.	District makes a minimal attempt to use data to make changes in program.	Data collected is used to make changes in program if success is not documented.	All data is used on a regular basis to document success. If data shows a lack of success, changes are made.

6. Parental Involvement and Communication

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District provides information to parents in the language they know best.	District provides information on an intermittent basis to parents in their home language.	District provides regular communication on school activities to parents in their home language.	District has a strong program for translation and interpretation that provides full information on school activities in a timely manner.
District involves parents of English language learners in school activities to the same	District makes a minimal attempt to involve parents of English language learners in	District makes efforts to involve language minority parents. Parents are	District makes an active effort to involve parents of language minority students

extent as other parents.	school activities.	represented at school meetings, committees, and sports activities.	and meet their needs. Language minority parents are recruited for all parent committees and organizations. Efforts are made to overcome language, transportation, employment, and cultural barriers.
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7. Equitable Facilities and Services

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District carries out its chosen alternative language program in the least segregative manner consistent with achieving its stated goals.	District provides alternative language services that cause a great deal of segregation between target students and mainstream students.	Services are integrated with school curriculum and other support programs.	Services are seamlessly integrated into the school curriculum, fairly indistinguishable as a separate program.
Quality of instructional materials, facilities, and curriculum is comparable to non-limited English proficient students.	Instructional materials and facilities for services for limited English proficient students are available.	Instructional materials are up-to-date, research-based, and readily available. Services are provided in areas that are clean, free from distraction, and similar in environment as other students.	Instructional materials are completely up-to-date, of the highest quality, research-based materials available for English language learners. Facilities also are clean, modern, and conducive to learning.
English language learners are not excluded from school activities and programs, including programs for the gifted and talented.	There is no policy encouraging English language learners to participate in school activities and programs.	District makes efforts to include students from diverse backgrounds in school activities.	District has an active policy and program encouraging the inclusion of diverse students in all school programs and activities.

8. Special Education and English Language Learners

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District has safeguards/policies to ensure that English language learners are being placed in the special education program because of actual qualifying conditions and not simply because of cultural differences or lack of English language skills.	District makes a minimal attempt to provide safeguards/policies to ensure that students are not inappropriately placed in the special education program.	District has policies and safeguards preventing inappropriate placement. Policies involve on-going training and written policies.	District is proactive in providing training and awareness on policies and safeguards that prevent inappropriate placement.
Building Level Support Teams are used to assist teachers with the instructional needs of multicultural students.	District makes minimal use of Building Level Support Teams.	Building Level Support Teams are well used to assist teachers in instructional needs. Troubleshooting, intervention plans, and instructional plans are reviewed on a regular basis.	The Building Level Support Team plays an active role in student instruction and support services. Training for teams is ongoing.
Interpreters and other staff who assist in the assessment of English	A minimal amount of training is provided for interpreters and other staff who assist in	Interpreters and staff who assist in assessment and procedures are provided	Training for staff and interpreters is research-based and thorough,

language learners with suspected disabilities are trained to carry out procedures.	assessment and procedures.	with training on a regular basis.	allowing for professional and accurate assessment and procedures in assessment issues.
Language minority students with disabilities receive appropriate services.	District has a referral process for students with disabilities that causes some confusion for language minority students.	Language minority students with disabilities are appropriately referred, assessed, and provided with services.	District program has well-trained, knowledgeable staff with a cohesive program that provides blended services to language minority students with disabilities.

9. Coordination with other Programs

Performance Indicator	Approaches Standard	Meets Standard	Exceeds Standard
District coordinates and integrates educational programs targeting English Language Learners, including Title III of No Child Left Behind and others.	District makes a minimal attempt to coordinate programs, yet activities are clearly separate and isolated from each other, OR District combines funding sources to the extent that the individual program requirements are not met.	District appropriately coordinates funding for English Language Learners. Specific program requirements are met. Services are well integrated and provided seamlessly.	District is pro-active in accessing all available funding for English Language Learners, coordinating program activities to enhance all educational services.
District coordinates all state and federal educational programs, meeting the requirements of each program, yet providing seamless student and family services.	District makes a minimal attempt to coordinate programs, yet activities are clearly separate and isolated from each other. English Language Learners may not benefit from all programs, OR District combines funding sources to the extent that the individual program requirements are not met.	District appropriately coordinates all state and educational funding. Specific program requirements are met. Services are well integrated and provided seamlessly. Students benefit from all programs.	District educational plan and services are holistic and well integrated with student and family needs prioritized. All available educational funding is used and coordinated into the overall mission and goals of the district while still meeting individual program requirements and student needs.

HB 1373
26 Jan 05

**ND House of Representatives
Education Committee
HB 1373**

Wednesday, January 26, 2005

From

Kathryn Gulya, Former State President NDPTA
and

Rachael Disrud, Former State President, NDPTA

As members of the House Education Committee, we know that your deliberations are amongst the most important work that is being done in ND. We also realize that funding for the education of our children is critical yet takes a commitment from our citizens who pay taxes and work to provide a stable economy.

With this in mind, our commitment to children and the experiences we have had in realizing the return on the investments North Dakotans, we have seen first hand the positive results of this investment. Many of our children have grown to become leaders and educated citizens who are now paying taxes in return for what they received. They are investing in the future of our state through the lives they are leading.

The investment North Dakota makes into the ELL program that works with children who will be pursuing careers, going to college, working and paying taxes will pay off many times over. Our forefathers invested in us through a variety of ways. Our turn is now. The sum is small when we look at the big picture and the returns that are guaranteed through students that are empowered by understanding the language of the land in which they are now living.

Please support the funding as requested in HB1373. Thank you for your commitment to the education of our children.

Hawken, Kathy K.

HB 1373
HB 1374
26 Jan 05

From: Leslie Kline [Leslie.Kline@sendit.nodak.edu]
Sent: Tuesday, January 25, 2005 2:08 PM
To: Hawken, Kathy K.
Subject: Edu bill 1373 and 1374

Dear Representative Kathy Hawken,

My name is Leslie Kline and I am from Alexander, ND. I am a Spanish instructor for the Greater Northwestern Consortium and Williston State College. I am also a student in the New Prairie Voices English as a Second Language graduate program at UND.

I am writing on behalf of Bill 1373 and 1374. I had intended on presenting my testimony in person Wednesday morning however I am down with the flu and unable to travel. Please accept this email as my testimony.

I would like to state a few things in support of 1373 and 1374. Last year Alexander Public School received 5 limited English proficiency (LEP) students from Mexico. It was our introduction to English as a Second Language. It is every teacher's desire to not only teach a subject but to teach each student. The classroom teachers became frustrated with the language barrier but more with not knowing how to serve the students. There was no one to turn to for classroom consultation. Mari Rasmussen tested the students and gave advice to guide us in some direction but the students needed more and so did the classroom instructors.

For the five students, our school received \$1800.00 in financial support. This was not an adequate amount. Now, after studying in the New Prairie Voices Program I am able to understand what is needed to serve LEP students. Those needs are ESL services and more dollars to support the schools and classroom teachers with adequate resources.

LEPs are not only in Grand Forks and Fargo - they are dispersed through out the state. They need to be taught academic and real life English, they need to be served properly and the teachers and the schools who are willing and capable of helping them need state support.

Respectfully,
Leslie Kline

Submitted by Rep Hawken