

**TESTIMONY ON SB 2141**  
**HOUSE EDUCATION COMMITTEE**  
**March 9, 2021**  
**By: Stanley Schauer, Director, Office of Assessment**  
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**North Dakota Department of Public Instruction**

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Chairman Owens and Members of the Committee:

My name is Stanley Schauer, Director in the Office of Assessment with the Department of Public Instruction. I am here on behalf of the department to speak in favor of SB 2141. I will be speaking specific to Sections 6 through 8 on the bill and the proposed amendment that include edits as well as two additional Sections, 9 and 10.

The Section 6 amendment, as I understand it, is essentially cleanup language that corresponds with the removal of “shall” and addition of “may” found in Section 7 of the bill. Currently the ACT or WorkKeys assessments are not included in the list of assessments a parent directive would apply to. Removing the requirement to take the assessment also removes the need for it to be listed in the parent directive section of ND Century Code.

As mentioned above, section 7 removes the requirement for grade 11 students to take the ACT and the cost responsibility that was associated with the Superintendent of Public Instruction. It is worth noting that funding for the ACT was removed from HB 1013 (NDDPI budget bill). In the scenario that “may” was

changed back to “shall” without addressing cost responsibility, the cost would fall onto families, if local schools elected not to responsibility of the cost. In tandem with other sections of the bill, it also adds broadening language around which assessment may be taken. I do want to mention that each high school student still needs a summative assessment that is aligned to state content and achievement standards. Schools can select the ACT or the NDSA and this is mandated by 15.1-21-08. This aligns with our State ESSA plan as well as federal and state accountability. With how things currently stand, if a school opted to use the NDSA to meet this requirement, an ACT was also mandated. The listing of a specific vendor in NDCC hinders and impacts flexibility and contract negotiations.

Section 8 also deals with summative assessment, but in relation to students pursuing a general educational development diploma. This section contains language that specified the ACT as the only summative assessment that may be taken. I believe that this section could be repealed, if I understand correctly it is not mandating anything and essentially is saying that a GED earner “may” take a summative assessment like the ACT or equivalent. Language of cost responsibility is removed.

The first edit of the proposed amendment deals with repealing 15.1-21-17, this area of NDCC refers to annually administered interim assessments in school districts. This change also relates to Sections 9 and 10. Section 9 is the actual repealing

language and Section 10 references a study on interim assessment systems. The study would have collaboration between education stakeholders and the K12 Coordination Council. Benefits, cost, data standardization, compatibility with SLDS, and other aspects will be looked at from two different systems: local and statewide. Many innovations occurring in the assessment world revolve around interim assessments. I feel strongly about the purpose and use of interim assessments, and also feel that they are a great starting point to explore innovative and new ways to measure students and schools more effectively. The study and following implementations will hopefully help strengthen this level of assessments in North Dakota.

Lastly, it is worth noting that some unintended impacts on educational research efforts may occur. ACT results are often used in studies and research and it is possible that removing the requirement for all students to take the ACT or WorkKeys would reduce the robustness of the data set. It is possible the level of confidence, which is currently relatively high, would be reduced. Research and studies would not be totally hindered, but possibly would need to be revised. There is a steady increase in the trend of schools electing to use the ACT for high school accountability, this would help counteract any loss in confidence or robustness effects. We anticipate there will be approximately 66% of juniors who will be using the ACT in this manner in 2021.

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