North Dakota
Consolidated State Application
Accountability Workbook

for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110)

SUBMITTED: JANUARY 31, 2003

AMENDED: July 28, 2011

The North Dakota Accountability Workbook herein provides amendments, submitted to the U.S. Department of Education on February 15, 2011, and approved by the U.S. Department of Education on July 28, 2011, which relate to the following sections of the Workbook:

- Amends Critical Element 1.1(h)(page 14), which clarifies the establishment and unique identifying number designation of any newly organized public school plant.
- Amends Critical Element 1.1(i)(page 14), which clarifies procedures for determining adequate yearly progress reports when significant school organizational changes occur due to consolidation, grade configuration changes, or other such events.
- Amends Section 5.3 (page 46, paragraph 4) that provides general rules for the identification and correction of school, district, and State achievement rates when proficiency rates accrued through the State's alternate assessments exceed allowable limits.
- Renews Section 5.3 (page 47, paragraph 1) to allow the State to administer an alternate assessment for certain students with disabilities based on modified achievement standards for the purposes of determining adequate yearly progress and restricting any such determinations of proficient and advanced scores to not greater than 2 percent of students assessed on the North Dakota State Assessment or as provided by federal regulation. The North Dakota Alternate Assessment based on modified achievement standards was administered during the state's 2010 fall assessment administration schedule and will be referenced for the purposes of determining adequate yearly progress results for the 2010-2011 academic year.
- Amends Section 5.4 (page 48, paragraph 6) regarding the definition and inclusion of limited English proficient students (LEP). This amendment updates the definition of LEP students, the current state assessments for English language proficiency, and the current exit criteria from LEP related services.
- Amends Section 7.1 (refer to page 56) to provide updated language regarding the state graduation rate of 89% and the state graduation target of 10% reduction in non-graduates measured against the state goal from the previous year graduation rate, as applicable for the 2010-2011 adequate yearly progress report. This amendment provides for an additional five-year and six-year extended adjusted cohort graduation rate report based on increasingly higher graduation targets. The U.S. Department of Education has previously approved the State's 2009-2010 graduation rate proposal, submitted January 2010, which established an 89% four-year cohort graduation rate goal and an annual target providing for a 10 percent reduction in non-graduates against the goal from the previous year graduation rate.

U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202

Instructions for Completing Consolidated State Application Accountability Workbook

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

Transmittal Instructions

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, pdf file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to conapp@ed.gov.

A State that submits only a paper submission should mail the submission by express courier to:

U.S. Department of Education
400 Maryland Ave., SW
Room 3W300
Washington, D.C. 20202-6400
(202) 401-0113

PART I: Summary of Required Elements for State Accountability Systems

Instructions

The following chart is an overview of States' implementation of the critical elements required for approval of their State accountability systems. States must provide detailed implementation information for each of these elements in Part II of this Consolidated State Application Accountability Workbook.

For each of the elements listed in the following chart, States should indicate the current implementation status in their State using the following legend:

F: State has a final policy, approved by all the required entities in the State (e.g., State Board of Education, State Legislature), for implementing this element in its accountability system.

P: State has a proposed policy for implementing this element in its accountability system, but must still receive approval by required entities in the State (e.g., State Board of Education, State Legislature).

W: State is still working on formulating a policy to implement this element in its accountability system.

Summary of Implementation Status for Required Elements of State Accountability Systems

Status		State Accountability System Element
Principle 1: All Schools		
F	1.1	Accountability system includes *all schools and districts in the state*.
F	1.2	Accountability system holds *all schools to the same criteria*.
F	1.3	Accountability system incorporates the *academic achievement standards*.
F	1.4	Accountability system provides *information in a timely manner*.
F	1.5	Accountability system includes *report cards*.
F	1.6	Accountability system includes *rewards and sanctions*.
Principle 2: All Students		
F	2.1	The accountability system includes *all students*
F	2.2	The accountability system has a consistent definition of *full academic year*.
F	2.3	The accountability system properly includes *mobile students*.
Principle 3: Method of AYP Determinations		
F	3.1	Accountability system expects *all student subgroups, public schools, and LEAs to reach proficiency by 2013-14*.
F	3.2	Accountability system has a method for determining whether *student subgroups, public schools, and LEAs made adequate yearly progress.*
F	3.2a	Accountability system establishes a *starting point*.
F	3.2b	Accountability system establishes *statewide annual measurable objectives*.
F	3.2c	Accountability system establishes *intermediate goals*.
Principle 4: Annual Decisions		
F	4.1	The accountability system *determines annually the progress* of schools and districts.

STATUS Legend:
F – Final state policy
P – Proposed policy, awaiting State approval
W – Working to formulate policy

Principle 5: Subgroup Accountability

F	5.1	The accountability system *includes all the required student subgroups*.
F	5.2	The accountability system holds *schools and LEAs accountable for the progress of student subgroups*.
F	5.3	The accountability system includes *students with disabilities*.
F	5.4	The accountability system includes *limited English proficient students*.
F	5.5	The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
F	5.6	The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Principle 6: Based on Academic Assessments

F	6.1	Accountability system is based *primarily on academic assessments*.

Principle 7: Additional Indicators

F	7.1	Accountability system includes *graduation rate for high school*s.
F	7.2	Accountability system includes an *additional academic indicator for elementary and middle school*s.
F	7.3	Additional indicators are valid and reliable.

Principle 8: Separate Decisions for Reading/Language Arts and Mathematics

F	8.1	Accountability system holds students, schools and districts separately accountable for *reading/language arts* and *mathematics*.

Principle 9: System Validity and Reliability

F	9.1	Accountability system produces *reliable decisions*.
F	9.2	Accountability system produces *valid decisions*.
F	9.3	State has a plan for addressing *changes in assessment and student population*.

Principle 10: Participation Rate

F	10.1	Accountability system has a means for calculating the *rate of participation* in the statewide assessment.
F	10.2	Accountability system has a means for *applying the 95% assessment criteria to student subgroups and small schools.*

STATUS Legend:
F – Final policy
P – Proposed Policy, awaiting State approval
W– Working to formulate policy

PART II: State Response and Activities for Meeting State Accountability System Requirements

Instructions

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.1 How does the State Accountability System include every public school and LEA in the State?	Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System. State has a definition of "public school" and "LEA" for AYP accountability purposes. • The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2).	A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System. State policy systematically excludes certain public schools and/or LEAs.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that every public school and LEA is held accountable to the provisions of adequate yearly progress and is included in the State Accountability System. The North Dakota Assessment System assesses *all* students within a single, unified, statewide assessment that measures students' performance in terms of the State's challenging content and achievement standards and that all schools and all LEAs are measured for adequate yearly progress within a single, unified accountability system.

North Dakota, through an agreement with the U.S. Department of Education, has established an assessment waiver plan to bring the State into full compliance with ESEA, Section 1111(b)(1) requirements. This waiver plan, approved through August 2003, is enclosed as **Appendix A: North Dakota State Assessment Waiver Agreement Plan** and can be accessed at the following web site: http://www.dpi.state.nd.us/testing/assess/plan.pdf. To date, the State has met all objectives identified within the waiver agreement plan. The State stipulates that it will meet all requirements identified within the Waiver Agreement Plan.

The evidence of a single, unified, statewide assessment and accountability system is demonstrated by the grounding authority for State content standards and assessments in North Dakota State Law and in the North Dakota Department of Public Instruction's adherence to the requirements of Federal Law.

(a) Authority within State Law for State Content Standards.

North Dakota state law (NDCC 15.1-02-04.3) places responsibility for the development of State academic content standards with the State Superintendent (refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C02.pdf). The North Dakota Department of Public Instruction has developed and adopted academic content standards in mathematics (reference **Appendix D: North Dakota Mathematics Content Standards** or reference these standards at the following web site, http://www.dpi.state.nd.us/standard/content/math.pdf) and English language arts (refer to **Appendix F: North Dakota English Language Arts Content Standards** or reference these standards at the following web site, http://www.dpi.state.nd.us/standard/content/english.pdf). These State content standards have been developed at grades 4, 8, and 12 in accordance with the *North Dakota Standards and Assessment Development Protocols* (refer to **Appendix C: North Dakota Standards and Assessment Development Protocols** or reference the following web site, http://www.dpi.state.nd.us/standard/content/toc.pdf). North Dakota mathematics and English language arts academic content standards meet the requirements of section 1111(b)(1).

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

North Dakota will continue to use adopted content standards as the basis for statewide assessments at grades 4, 8, and 12 in accordance with *No Child Left Behind Act (NCLBA),* section 1111(b)(1). In addition, North Dakota will expand its statewide assessments into grades 3, 5, 6, and 7, in accordance with NCLBA section 1111(b)(1) by 2005-06, based on state-defined, grade-level content standards in reading/English language arts and mathematics. These grade-level content standards will be developed and adopted in accordance with North Dakota's standards development protocols.

North Dakota has submitted its plan for the development of grade-specific content standards to meet the requirements of NCLBA. This submission was a part of the State's Consolidated Application for ESEA funding, dated June 2002. Refer to **Appendix H: North Dakota State ESEA Consolidated Application**, pages 3-6, or refer to the following web site: http://www.dpi.state.nd.us/grants/DOEapp.pdf). The North Dakota State Consolidated Application has since been approved by the U.S. Department of Education.

(b) Authority within State Law for State Assessments.

North Dakota state law (NDCC 15.1-21-08) places responsibility with the State Superintendent for the administration of State assessments to all public schools statewide that are aligned to the State's content standards in reading and mathematics (refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). State law requires that the assessments be administered to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve. The North Dakota Department of Public Instruction has developed and administers assessments at grades 4, 8, and 12 to correspond with the State's content standards.

In April 2003, the North Dakota Legislative Assembly enacted legislation regarding the administration of state assessments in high school. Enrolled Senate Bill 2065, which becomes effective in August 2003, requires that the administration of the state assessments in high school occur during the fall of the eleventh grade effective during at least the 2005-06 school year. The assessment development and administration schedule presented throughout this application assumes the administration of the high school state assessments at the twelfth grade until the 2004-05 school year when the assessments will be administered at the eleventh grade. Eleventh grade assessments will be aligned to the proper grade level content standards. The content standards development process will provide for the proper alignment of all content standards.

State law requires that the State assessments compile aggregated results and disaggregated results. The State assessments must compile student achievement data that allows for a comparison of individual students, classrooms within a given school and school district, schools within the district, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status (i.e., migrant, disability, limited English proficient) and assessment status (i.e., enrollment period within a school and LEA), unless doing so enables the identification of any student. (Refer to NDCC 15.1-21-08 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf.

State law requires the State Superintendent to present to the legislative council the test scores publicly for the first time at a meeting of a legislative committee designated by the legislative council. At the meeting, the superintendent and representatives of the testing service that created the tests shall provide detailed testimony regarding the testing instrument, the methodology used to test and assess the students, and the significance of the test scores. (Refer to NDCC 15.1-21-09 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

State law requires the State Superintendent to require that the entity developing a test to be administered under section 15.1-21-08 not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in North Dakota, the State Superintendent must require that the test be reviewed by a standards alignment committee appointed by the State Superintendent to ensure that the test meets the requirement of privacy. (Refer to NDCC 15.1-21-11 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

State law requires school districts to allow any individual over the age of twenty to view any test administered under sections 15.1-21-08 as soon as the test is in the possession of the school district. (Refer to NDCC 15.1-21-14 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

(c) Fulfilling the Requirements of the ESEA Waiver Plan

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

State assessments have been developed and adopted thus far in mathematics and reading at grades 4, 8, and 12 in accordance with North Dakota's approved assessment waiver agreement and the *North*

Dakota Standards and Assessment Development Protocols (http://www.dpi.state.nd.us/standard/content/toc.pdf). North Dakota will proceed to develop state assessments in mathematics and reading at additional grades (grades 3, 5, 6, and 7) by 2005-2006 in accordance with State protocols and section 1111(b)(1) requirements. North Dakota will proceed to develop state assessments in science at grades 4, 8, and 12 by 2007-2008 in accordance with State protocols and section 1111(b)(1) requirements. Additionally, North Dakota will expand its science assessment, voluntarily, at grades 3, 5, 6, and 7 by 2007-2008, based on the availability of ESEA Title VI funds, in accordance with State protocols and section 1111(b)(1) standards.

North Dakota has submitted its plan to expand the development of grade specific assessments to meet the requirements of NCLBA. This submission was an element of the State's Consolidated Application for ESEA funding, dated June 2002. Refer to **Appendix H: North Dakota State ESEA Consolidated Application**, pages 7-10, or refer to the following web site: http://www.dpi.state.nd.us/grants/DOEapp.pdf). The North Dakota State Consolidated Application has since been approved by the U.S. Department of Education.

The North Dakota Assessment System provides for a single, unified, statewide assessment that measures the performance of *all* students in *all* schools and *all* LEAs in terms of the State's challenging content and achievement standards.

(d) Fulfilling the requirements of ESEA Consolidated Application. Agreement to administer a statewide accountability system based on adequate yearly progress.

State law grants to the State Superintendent of Public Instruction authority to apply for, abide by the requirements of, and administer any federal funded program on behalf of the State of North Dakota. In June 2002, the State Superintendent of Public Instruction signed the North Dakota Consolidated Application for programs administered under the *Elementary and Secondary Education Act*. This application included a signed certificate of assurances that obligated the State to administer a single, unified assessment and accountability system based on adequate yearly progress. With the signature of the State Superintendent, the State of North Dakota entered into an agreement with the U.S. Department of Education to abide with all provisions of Section 1111 of the ESEA, including all elements of accountability based on adequate yearly progress.

(e) Accountability System applies to all public schools within North Dakota, including schools with variant grade configurations, schools serving special populations, and schools that with no grades assessed.

The State of North Dakota stipulates that all public schools, regardless of grade configuration or service population, will participate in the state accountability system. State law defines any public school to include any educational institution supported through State funding. The state accountability system will include all public schools identified as K-12, all alternative public schools, the North Dakota School for the Deaf and the North Dakota State Youth Correctional Center.

Most schools within North Dakota minimally cover grade spans of K-6, 6-8, or 9-12. However, a review of School Year 2001-02 statewide student enrollments reveals 10 individual schools with student populations that do not fit within the typical grade span observed statewide. The following data indicate the respective number and type of school grade spans that do not correspond to the general assessment grade spans. Refer to **Appendix I: Schools Falling Outside Assessment System Grade Spans** for a list of schools identified with a type of organization that does not allow for any assessments within the State Assessment System.

	Type of School Organization (grade span)					
	Kindergarten	**K-1**	**K-2**	**K-3**	**6-7**	**9-10**
Number of Schools	3	2	2	1	1	1

Students who attend any of the schools above will eventually graduate to a higher grade level in another designated school. As such, there is a clearly identified school that will receive each student from their school-of-origin listed above. Where schools-of-origin exist with grade spans that do not allow for the administration of the State Assessment, as are the cases above, student achievement reports from the receiving school will be forwarded to the school-of-origin by the State. No reports will be issued that might identify an individual student. Each school in which no assessments occur will be link directly to the supporting district. As students are promoted to school plants where assessments occur, students will participate in the assessment and accountability system. Every school, regardless of classification, resides within a district that participates in the State accountability system. Listed below are the linkages for schools that do not assess students currently because of their classification. Some schools will begin assessing students by at least 2005-06 when the State begins assessing all grades 3-8 and high school.

Non-Assessed Schools Linked to District Accountability

1. Naughton School linked to Naughton Public School District;
2. Agassiz Middle School linked to Fargo Public School District;
3. Eagle Kindergarten Center linked to Fargo Public School District;
4. Davenport Elementary School linked to Kindred Public School District;
5. Early Childhood Center linked to West Fargo Public School District;
6. Griggs County Central Elementary School linked to Griggs County Central District;
7. Stevenson School linked to Bowline Butte Public School District;
8. Zimmerman Elementary School linked to Wahpeton Public School District;
9. Central Campus School linked to Minot Public School District;
10. New Kindergarten School linked to New 8 Public School District District.

(f) Rules for Performance, Participation, and Graduation For Alternative High Schools

Rules regarding performance and participation rate.

General rule regarding performance and participation rate: Given the inherently high transfer rate between traditional and alternative high schools, and the cumbersome nature of tracking such transfers, the student performance and participation measures for alternative high schools will be rolled up to the traditional high school, school district of residence, or the State.

Beginning of the year definition. To identify the status of students within the Accountability System, the State will employ a “beginning of the school year” definition. For the 2001-02 school year, the beginning of the school year is defined as 150 school days prior to the first day of the spring testing window. In subsequent years, the number of days will be defined as the number of school days preceding the first day of the testing window, as determined by the State. This will accommodate both the fall and spring testing windows.

Specific rules for performance and participation.

1. If a student is enrolled in an alternative high school and is a resident of the school district in which the alternative high school is located, the student's performance and participation are attributed to the resident school district.

2. If a student attends an alternative high school but is enrolled in the school district's traditional high school, then the student's performance and participation are attributed to the traditional high school.

3. If a student is a resident of a school district other than the one in which the alternative high school is located, and the student's resident school district claims the student for pupil membership, the student's performance and participation are attributed to the student's school district of residence.

4. If a student transfers from one school district to another (whether the receiving school district is the location of the alternative high school or not) since the beginning of the school year, then the student's performance and participation are attributed to the State.

General rule regarding graduation rate.

General rule for graduation. Given the inherently high transfer rate between traditional and alternative high schools, and the cumbersome nature of tracking such transfers, the student graduation measure for alternative high schools will be rolled up to the traditional high school, school district of residence, or the State.

Cohort definition. To identify the status of students within the Accountability System, the State will employ a cohort definition. A cohort begins from entry as identified by the school's definition (grade 9 for a grade 9-12 school, or grade 10 for grade 10-12 school) and extends until age 21 or until graduation, whichever occurs first. The formula to determine graduation rate is stated in the Accountability Workbook, page 50.

Specific rules for graduation.

1. If a student is enrolled in an alternative high school and is a resident of the school district in which the alternative high school is located, the student's graduation is attributed to the resident school district.

2. If student attends an alternative high school but is enrolled in the school district's traditional high school, then the student's graduation is attributed to the traditional high school.

3. If the student is a resident of a school district other than the one in which the alternative high school is located, and the student's resident school district claims the student for pupil membership, the student's graduation is attributed to the student's school district of residence.

4. If a student transfers from one school district to another since the beginning of the cohort, then the student's graduation is attributed to the State.

(g) Rules for Performance and Participation For Atypical Education Settings

General rules for performance and participation. The following general rules apply when determining the educational entity to which a student's performance and participation will be attributed.

1. If the student physically attends the public school, performance and participation are attributed to that school, the school district, and the State.

2. If the public or private school or facility serves the student on a contract basis, the student's school district of residence is responsible; student performance and participation are attributed to the school district of residence.

3. If the student is served in a state facility, student performance and participation are attributed to the State.

Beginning of the year definition. To identify the status of students within the Accountability System, the State will employ a "beginning of the school year" definition. For the 2001-02 school year, the beginning of the school year is defined as 150 school days prior to the first day of the spring testing window. In subsequent years, the number of days will be defined as the number of school days preceding the first day of the testing window, as determined by the State. This will accommodate both the fall and spring testing windows.

Specific rules for performance and participation. Students may attend school in other than the public school in their school district of residence for either a brief or extended period of time due to (1) choice; (2) developmental or health concerns; or (3) behavior/discipline issues or adjudication.

(1) Specific rules for performance and participation related to choice.

If a student attends a school and school district other than his or her school or school district of residence and the serving school district claims pupil membership for the student, performance and participation are attributed to the serving school, school district, and State. This applies to:

a. Job Corps students
b. Air Force Base students
c. Open enrolled students

(2) Specific rules for performance and participation related to developmental and health concerns.

a. If a student is served under contract to a public or private facility or to another public or private school or school district, performance and participation are attributed to the school district of residence and State. This applies to:
   i. Anne Carlsen Center
   ii. Developmental Center
   iii. Adolescent Unit of Jamestown State Hospital
   iv. Students attending psychiatric treatment or mental health facilities
   v. Some students receiving special education services

b. If a student is placed in a treatment facility out of North Dakota and the North Dakota school district of residence claims pupil membership, performance and participation are attributed to the school district and State.

c. If a student is served at the North Dakota School for the Deaf (NDSD), performance and participation are attributed to NDSD and the State.

(3) Specific rules for performance and participation related to behavior/discipline or adjudication issues.

a. If a student is served at the Youth Correctional Center or State Penitentiary, performance and participation are attributed to the State.

b. If a student is incarcerated and is claimed by the school district of residence for pupil membership, performance and participation are attributed to the school district. However, if a

student is incarcerated and is not claimed by the school district of residence for pupil membership, performance and participation are attributed to the State.

c. If a student is served at the Adolescent Unit at the North Dakota State Hospital, performance and participation are attributed to the State.

d. If a student is served at Dakota Boys Ranch (Minot and Fargo), performance and participation are attributed to the State.

e. If a student is served at Home on the Range (Beach), performance and participation are attributed to the Beach school district.

f. If the student who is less than 16 years of age is truant and the school district of residence claims pupil membership for the student, participation for that student is attributed to that school district of residence and the State. However, if the student who is less than 16 years of age is truant and the school district of residence does not claim pupil membership for the student, participation for that student is attributed to the State.

g. If a student who is less than 16 years of age is suspended or expelled from school, as evidenced through appropriate documentation, and who is claimed by the school district of residence for purposes of pupil membership, performance and participation are attributed to the school district of residence and the State according to the beginning of year rule. However, if a student who is less than 16 years of age is suspended or expelled from school and who is not claimed by the school district of residence for purposes of pupil membership, participation is attributed to the State.

h. If a student is placed with foster parents who reside in a North Dakota school district, performance and participation are attributed to the serving school district and State.

(h) Definition of "public school" for AYP determination.

For the purposes of determining AYP, a public school within North Dakota is identified by the grade levels it serves and is approved to operate based upon its meeting criteria established in State law (NDCC 15.1-06-06). Schools report their approval status annually, as identified on the State's MIS 02 report for school approval. The Department of Public Instruction will reference this grade level approval status for the purposes of classifying and reporting public schools. Each public school within North Dakota is identified by a unique identifying number, which consists of conjoining the school's county number, school district number, school plant number, and grade span configuration. All schools with unique identifier numbers receive a unique adequate yearly progress report. New schools are schools created where no previous school existed. All new schools receive their appropriate adequate yearly progress report based on its grade configuration beginning with a school's first year of existence. New schools are distinct from newly reorganized and/or consolidated schools, such as schools with changed grade configurations or that result from the merger of previously existing schools. For newly reorganized and/or consolidated schools, North Dakota uses historical assessment data (e.g., assessment data from previous years) to calculate adequate yearly progress for the schools and for making school improvement designations for these schools based on historical assessment data.

(i) Reorganized and/or consolidated public school districts.

The State of North Dakota stipulates that all public school districts and schools, regardless of any operational or planned reorganization or consolidation, will receive a full and complete determination of adequate yearly progress and school improvement status wholly consistent with all provisions and assurances contained within the state's Consolidated State Application Accountability Workbook.
The identification status of newly reorganized and/or consolidated school districts and schools will be based on a comprehensive compilation of all historical student achievement data. The Department of

Public Instruction combines available historical student achievement data (e.g., assessment data from previous years) for individual students) in newly reorganized and/or consolidated public school districts and schools to determine what adequate yearly progress determinations would have been in previous years for the newly reorganized and/or consolidated school districts and schools. Three years of historical student achievement data will be considered. The identification status of such a newly reorganized and/or consolidated school district or school will be based on the adequate yearly progress determinations calculated for it using the three previous years' historical achievement data.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?	All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination. If applicable, the AYP definition is integrated into the State Accountability System.	Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that all public schools and LEAs will be judged systematically on the basis of the same criteria when making AYP determination. The State will adopt the definition of AYP as set forth within ESEA section 1111.

All schools and LEAs will be measured for AYP in terms of their demonstrated achievement of each of the following criteria:

- A school's or LEA's aggregate proficiency in both mathematics and reading, determined independently;
- A school's or LEA's proficiency, determined on the disaggregated achievement results for each subgroup (ethnicity, disability, limited English proficient, and economic disadvantaged), determined independently;
- A school's or LEA's aggregate participation rate that equals or exceeds 95%;
- A school's or LEA's disaggregated participation rate that equals or exceeds 95% within each subgroup, determined independently;
- A secondary school's or LEA's achievement of the required graduation rate;
- An elementary or middle school's or LEA's achievement of the required attendance rate;
- A school's or LEA's achievement of Safe Harbor in the aggregate or disaggregated for each subgroup, determined independently.
- The rules of statistical reliability apply to all independent measures of AYP. Any application of statistical reliability for safe harbor is contingent on the study of the effects of the binomial distribution on safe harbor and an agreement between the U.S. Department of Education and the North Dakota Department of Public Instruction. Refer to section 9.1 for an overview of this study.

Each criteria stated above will apply to all public schools and LEAs, without exception.

The incorporation of federal guidance regarding the election of a local school district to determine adequate yearly progress for a Title I targeted assistance school based solely on the achievement of students who are served by Title I or who are eligible to receive Title I service.

On February 4, 2004, the U.S. Department of Education issued guidance regarding the determination of adequate yearly progress under Section 1116(b)(1)(D) in schools with a targeted assistance Title I program. This provision is a restricted privilege accorded to Title I targeted assistance schools. The following provisions apply.

a. *Minimum group size and subgroup accountability.* The authority to invoke the provisions of Section 1116(b)(1)(D) of the Act may be exercised only if the number of students served or eligible to be served

by Title I services meets the minimum group size of ten students as provided within Sections 5.5 and 5.6 of the North Dakota Accountability Workbook. If, among the targeted assistance students, there are sufficient numbers of students in various subgroups to meet the minimum group size, subgroup accountability will be required. As in other schools, students who are members of subgroups that fall below the minimum group size at the school level will be included in the appropriate subgroups for district and State adequate yearly progress calculations.

b. *Separate decisions for reading and mathematics.* In the case of a targeted assistance school where Title I services are offered in only one subject, the school will still be held accountable for both reading/language arts and mathematics. An LEA will have the flexibility to calculate adequate yearly progress based on either of the following conditions:

- The reading and mathematics assessment scores/participation rates of only students served or who are eligible for Title I services; or
- The assessment scores/participation rates of only students served or eligible for Title I services in the subject in which Title I services are provided and of all students in the school for the subject in which Title I services are not provided.

c. *Other academic indicators.* The LEA may examine the data for the entire school or only those students receiving or eligible to receive Title I services to determine if adequate yearly progress was made for the other indicator. When adequate yearly progress is being calculated based upon only the students receiving or eligible for Title I services, those same students would be used to calculate progress on the other indicator if the LEA wants to take advantage of the safe harbor provisions. If data for the other indicators (i.e., graduation and attendance) cannot be collected on those students receiving or eligible for school regardless of student participation in Title I services, the State will calculate adequate yearly progress based on all students in the school regardless of student participation in Title I services.

d. *Including results at the district and state level.* When calculating adequate yearly progress for a LEA, the State will review the progress of all students attending schools without Title I programs and with schoolwide Title I programs; in schools operating targeted assistance programs, the State may review the progress of only the students who are served or eligible for Title I services or may review the progress of all students in the school. The calculation of adequate yearly progress decisions for LEAs will be conducted consistent with the USDE guidance of February 4, 2004. The progress of all students, regardless of eligibility for Title I services, will be reviewed in adequate yearly progress calculations for the State. All students must participate in the assessment at the school level, even if the school only uses results from students receiving or eligible for Title I services for accountability purposes.

e. *Adequate yearly progress for schools without tested grades.* When Title I services are provided in grades that are not assessed, an LEA has several options for determining adequate yearly progress:

- Back-mapping the performance of students in the grade assessed to the grades in which services are provided; or
- Forward-mapping by examining the achievement of students who received services once those students are in the grades where assessments are given; or
- Examining the achievement of the students who would have been eligible for Title I services in the grades assessed.

The Department stipulates that it will actively inform schools of their opportunity to invoke the privilege of this provision, draft procedures regarding the administration of this privilege, require schools to submit a written request indicating their desire to exercise this privilege, provide technical assistance and guidance to each school regarding the administration of this privilege, monitor for the correct application of this privilege according to the guidelines set forth within the February 4, 2004 guidance, and maintain records concerning the use of this privilege. Furthermore, the Department commits itself to develop clear procedures and guidance to schools that encourages and simplifies the determination of adequate yearly progress according to this privilege.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.3 Does the State have, at a minimum, a definition of *basic*, *proficient* and *advanced* student achievement levels in reading/language arts and mathematics?	State has defined three levels of student achievement: *basic*, *proficient* and *advanced*.[1] Student achievement levels of *proficient* and *advanced* determine how well students are mastering the materials in the State's academic content standards; and the *basic* level of achievement provides complete information about the progress of lower-achieving students toward mastering the *proficient* and *advanced* levels.	Standards do not meet the legislated requirements.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota has established achievement standards in reading and mathematics, based on four distinct levels of student achievement: novice, partially proficient, proficient, and advanced.

The State of North Dakota has developed and adopted academic achievement standards in mathematics (refer to **Appendix E: North Dakota Mathematics Achievement Standards**, at the following web site, http://www.dpi.state.nd.us/standard/perform/index.shtm) and English language arts (refer to **Appendix G: North Dakota English Language Arts Achievement Standards**, at the following web site, http://www.dpi.state.nd.us/standard/perform/index.shtm). These State achievement standards have been developed at grades 4, 8, and 12 in accordance with North Dakota's content and achievement standards protocols (http://www.dpi.state.nd.us/standard/content/toc.pdf). North Dakota mathematics and English language arts academic achievement standards meet the requirements of section 1111(b)(1). North Dakota's achievement standards in science will be completed by the winter 2003, in accordance with State standards development protocols and section 1111(b)(1) requirements.

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

[1] System of State achievement standards will be reviewed by the Standards and Assessments Peer Review. The Accountability Peer Review will determine that achievement levels are used in determining AYP.

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

The State of North Dakota will only recognize and reference student achievement proficiency ratings generated by the North Dakota State Assessment and its Alternate Assessment. No other student achievement assessment tools or means will be recognized. No local assessments will be recognized as an alternative to the North Dakota State Assessment.

The only definitions of proficiency levels recognized by the State AYP accountability system are those proficiency levels set for the North Dakota State Assessment through the standards-setting process. Refer to **Appendix J: North Dakota State Assessment, Bookmark Standards Setting Technical Report, 2002** for the established definitions of the North Dakota proficiency levels. The State cut scores for the North Dakota State Assessment will constitute the defining scales for identifying schools and districts for AYP. Refer to **Appendix K: State Superintendent's Approval Notification of North Dakota State Assessment Cut Scores** for the State's announced policy regarding the establishment of proficiency level cut scores.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?	State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year. State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.	Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

During the 2001-02 school year and pursuant to the State's Assessment Waiver Plan approved by the U.S. Department of Education, the State received its baseline assessment results from its assessment vendor during the fall, 2002. The Department of Public Instruction used these baseline assessment results to conduct the 2001-02 AYP review of each school and LEA in February 2003.

The State released its initial AYP reports in February 2003. The State provides technical assistance on programmatic issues related to AYP reports to LEAs and schools. In the spring of each school year, the Department of Public Instruction conducts a workshop for all schools identified as not achieving AYP. At this workshop, schools are provided with a timeline of required activities and information on implementing all required AYP provisions. Schools are informed of their responsibilities on parent notification, school choice, supplemental services, and other corrective actions sanctions, and are given guidance on writing a school improvement plan. The schools prepare and implement these requirements before the beginning of the next academic school year. Additionally, schools receive ongoing guidance throughout the school year including informative memos on required procedures, example forms and ideas for implementation. The Title I website for program improvement also contains the information distributed at the spring workshop to help schools as they implement required provisions before and during the school year. Refer to **Appendix L: Program Improvement Activities** at the following website: www.dpi.state.nd.us/title1/progress/index.shtm.

For the 2002-03, and 2003-04 school years, all final assessment scores will be made available to the State from the State's assessment contractor by June of each respective year. It is anticipated that the State will be in a position to conduct its AYP determination and report dissemination by late July of each respective year. Schools will receive their AYP status reports during the summer of each respective year. This notification will arrive in time for schools and LEAs to notify, in turn, parents regarding their right to seek a supplemental service, travel service, or school choice option under program improvement with ESEA section 1116.

Beginning during the 2004-05 school year and for every school year thereafter, the State will conduct fall assessments that will ensure the State's ability to conduct ongoing achievement cut-score analyses and AYP determinations well in advance of the end of a given school year. The advancement of a fall assessment schedule is designed to improve the quality of cut-score analyses, the generation and dissemination of reports, the timely notification of schools and LEAs, the more conducive turn-around time for school- and LEA-reporting to parents, and the more relaxed deliberation of parents in determining their parental rights options identified within ESEA, section 1116.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.5 Does the State Accountability System produce an annual State Report Card?	The State Report Card includes all the required data elements [see Appendix A for the list of required data elements]. The State Report Card is available to the public at the beginning of the academic year. The State Report Card is accessible in languages of major populations in the State, to the extent possible. Assessment results and other academic indicators (including graduation rates) are reported by student subgroups	The State Report Card does not include all the required data elements. The State Report Card is not available to the public.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State stipulates that it will produce and disseminate a State Report Card and Profile for the state as a whole, for each LEA, and for each public school to meet all accountability requirements specified within ESEA section 1111. The State Report Card and Profile will publish all aggregate student achievement data, all disaggregate student achievement data by subgroup, graduation rates, attendance rates, participation rates, and AYP status for the State, each LEA, and each school respectively.

State law requires the dissemination of individual student assessment reports to parents and schools in an understandable format. State law also requires the presentation of State assessment results to the Legislative Council summarizing overall student achievement. Further, State law requires that aggregated and disaggregated student achievement results be published for the review of the public. Refer to **Appendix B: North Dakota Century Code, Assessment Statutes** for a summary of State's reporting requirements. Refer to **Appendix M: Testimony Before the Education Committee by the Department of Public Instruction, October 10, 2002** for a summary outline of the testimony delivered to the Legislative Council's Interim Education Committee on October 10, 2002.

The State's assessment contractor scores, prints, packages and ships all student achievement reports to the respective schools. Teachers are instructed to review the results of each student's assessment with each student and subsequently with each student's parents. Teachers are instructed to review a student's performance at the subject level, the standards level, and at the benchmark level. Further, teachers are instructed to clarify the meaning of the State content standards and achievement standards. The back-side of all reports offers a summary of these standards and identifies a web site for a more detailed presentation of the State's standards. Refer to **Appendix N: North Dakota State Assessment, Student Achievement Reports** for illustrations of the various achievement reports.

The Department of Public Instruction receives all student achievement data for each school and district from the State's assessment contractor through a comprehensive data transfer. The Department compiles the data, identifies and corrects any inconsistencies, generates disaggregated reports according to

defined subgroup populations, and prints summative reports for each school, each district, and the State. The results of these reports are forwarded to each school and district. These results are also listed on the State Report Card and School Profile of the Department's web site. Refer to **Appendix O: North Dakota State Report Card and Profile** for an illustration of the content. The 2001-02 State Report Card and Profile and its web site are under development and will be completed in early February 2002.

The State will produce all district- and school-level reports for the districts and schools. These reports will include both aggregated and disaggregated student achievement data. Refer to **Appendix O: North Dakota School Report Card and Profile** for an illustration of the content of these student achievement profiles. Districts may use these reports as the foundation for their locally produced report cards and profiles. These State-generated reports will offer quality assurances regarding the generation of any district achievement data.

All public information will be disseminated through the public media, as described below.

(1) The Department of Public Instruction will present an annual report to the North Dakota Legislative Council as required by law (refer **to Appendix B: North Dakota Century Code, Assessment Statutes** for an overview of State statutes on public disclosure of State Assessment results, and **Appendix M: Testimony Before the Education Committee by the Department of Public Instruction, October 10, 2002** for the 2002 presentation to the Legislative Council).

(2) The Department of Public Instruction will publish press releases for use by radio/television, the print media, and other publication media. The content for these press releases will reflect the school profile and report card. Refer to **Appendix O: North Dakota School Report Card and Profile** for an illustration of this content. Refer to **Appendix P: State Superintendent's Release of State Assessment Results** for the November 2002 press release on the 2001-02 school year achievement data, submitted by the State Superintendent.

(3) The Department of Public Instruction will publish the school report card and profile electronically through the Department's website, Refer to **Appendix O: North Dakota School Report Card and Profile** or refer to the following web site, http://www.dpi.state.nd.us/dpi/reports/profile/0102/50128.htm This public information process supplements the Department's communication to parents regarding standards and assessment.

The State will publish all aggregated and disaggregated student achievement data by school, district, and the State on the Department of Public Instruction web site. This publication will allow school districts to access information on their district and other districts for use in general school improvement activities. Refer to **Appendix T: North Dakota Sample School Report Card and Profile** or refer to the following web site, http://www.dpi.state.nd.us/dpi/reports/profile/0102/50128.htm.

Parents will have access to the information through their students' individual achievement reports, the Department of Public Instruction website, the dissemination of their district's local school report card and profile, and other forms of public documents. The Department of Public Instruction will analyze data and review policies on a regular basis in order to assure that data are used to advance school improvement plans.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?[2]	State uses one or more types of rewards and sanctions, where the criteria are: • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs.	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Sanctions and Rewards Based on Adequate Yearly Progress.

The state of North Dakota has established an accountability system that is based on the state's definition of adequate yearly progress and is applied uniformly across all public schools and districts in the state. All schools and districts are held to the same standards. All schools and districts will receive written notification of whether they are satisfactory in making adequate yearly progress. However, the state does not hold schools and districts not receiving Title I funds to the requirements of Section 1116 of the *No Child Left Behind* Act.

The state of North Dakota is in the process of revising the previous system of rewards and sanctions to align with the *No Child Left Behind* Act. The Department of Public Instruction has always had a system of rewards and sanctions in place. The previous and new system for rewards and sanctions for public schools and LEAs in North Dakota is based solely on a district's or school's adequate yearly progress status.

The state's previous system of rewards was based on a state assessment that measured student progress using national percentiles. Schools that scored above the 65 percentile for 3 consecutive years were identified as Title I distinguished schools. These districts and schools were recognized and served as models under the statewide school support system.

As of 2001-2002, the state assessment measures student progress against our North Dakota state standards in reading and mathematics. North Dakota teachers, under the direction of our state assessment contractor, went through a standard setting process and identified cut scores for proficiency on the state assessment. Schools that meet or exceed the standard are declared satisfactory in making adequate yearly progress.

System of Sanctions

[2] The state must provide rewards and sanctions for all public schools and LEAs for making adequate yearly progress, except that the State is not required to hold schools and LEAs not receiving Title I funds to the requirements of section 1116 of NCLB [§200.12(b)(40)].

The state's previous system of sanctions remains intact. Schools that were in program improvement status in the old law remained in the same category after the *No Child Left Behind* Act was enacted. North Dakota currently has twenty-three schools identified for program improvement. Twenty-one of the schools are currently in the fourth year of program improvement. Two schools are in their third year of program improvement. All twenty-three schools have submitted a program improvement plan that is currently being peer reviewed against established rubrics that assess the quality of the plans. All twenty-three schools have notified parents and community members of their program improvement identification and the appropriate parent options available to them. Annual workshops for schools identified for program improvement were held during April 2002 and April 2003. School personnel were apprised of the new regulations in the *No Child Left Behind* Act.

The school choice and supplemental service provisions are currently being implemented for the twenty-three schools in program improvement status. The state of North Dakota created a supplemental service application and went through a request for proposal process in August 2002. This process resulted in two supplemental service providers being approved to offer supplemental services. In December 2002, the Department of Public Instruction went through a second request for proposals process. A second round of supplemental service providers was announced in March 2003.

Current North Dakota law allows for open enrollment so the choice provision can be implemented in districts with more than one school per grade span. State law authorizes a process for the SEA to take at least one of the actions against LEAs in corrective action, listed in the NCLB legislation. In April 2003 the North Dakota Legislative Assembly enacted law to authorize open enrollment across school district lines. This provision effectively authorizes the Department to implement at least one of four alternative governance options, or another option that leads to "major restructuring" to improve student achievement for schools in year seven of the program improvement timeline.

System of Rewards.

The State of North Dakota is developing a system of rewards that includes distinguished schools designations or financial rewards. These strategies will recognize schools that have significantly closed the achievement gap, exceeded adequate yearly progress, or have made the greatest gains in student performance. The Department of Public Instruction is working with various advisory groups, including the Committee of Practitioners, Title I School Support Team, the Standards Assessment and Learning Team, and the State's Assessment and Accountability Technical Advisory Committee to develop criteria on what constitutes a significant gain for recognition awards and financial rewards.

All districts and schools in the state that significantly exceed the adequate yearly progress expectations for any given year will be recognized as a distinguished school. Distinguished schools and districts will receive certificates of distinction and receive public recognition of this distinguished status.

Title I districts and schools that have significantly closed the achievement gap or have made the greatest gains in student performance in achieving status or improvement will be eligible for financial rewards. Financial rewards will vary and most likely be limited depending on the number of eligible schools. The Department of Public Instruction will conduct an annual review of the established distribution method in order to optimize the financial impact to schools. This annual review will be conducted based on the recommendations of the Committee of Practitioners, School Support Team, SALT Team, and the State Technical Advisory Committee. The State will reward those districts and schools that have achieved the upper 10% to 25% of ranked achievement gains, allowing for statistical significance. The State Superintendent will review, amend, and approve the annual distribution formula to meet the available funds and established criteria.

PRINCIPLE 2. All students are included in the State Accountability System.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	All students in the State are included in the State Accountability System. The definitions of "public school" and "LEA" account for all students enrolled in the public school district, regardless of program or type of public school.	Public school students exist in the State for whom the State Accountability System makes no provision.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The North Dakota Assessment System assesses *all* students, regardless of status, within a single, unified, statewide assessment that measures students' performance in terms of the State's challenging content and achievement standards.

North Dakota state law (NDCC 15.1-21-08) places responsibility with the State Superintendent for the administration of State assessments to all public school students that are aligned to the State's content standards in reading and mathematics (refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). State law requires that the assessments be administered to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve. The North Dakota Department of Public Instruction has developed and administers assessments at grades 4, 8, and 12 to correspond with the State's content standards.

State law provides for the assessment of all students within the designated grade levels. Therefore, all students are to be included within the State assessment and accountability system. No exceptions or systematic exemptions to the State assessment and accountability system are allowed.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.2 How does the State define "full academic year" for identifying students in AYP decisions?	The State has a definition of "full academic year" for determining which students are to be included in decisions about AYP. The definition of full academic year is consistent and applied statewide.	LEAs have varying definitions of "full academic year." The State's definition excludes students who must transfer from one district to another as they advance to the next grade. The definition of full academic year is not applied consistently.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota requires all students enrolled in public schools within North Dakota to participate in the State Assessment system. Refer to **Appendix B: North Dakota Century Code** citations or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). All students, regardless of their enrollment status, participate in the State Assessment. This total inclusion policy includes those students who may have enrolled in a district or school after the beginning of a school year.

For the purpose of identifying students whose achievement results are to be included within a school's or LEA's AYP determination, a student must be in school for the full academic year. A 'full academic year means a student has been enrolled at a school or within a LEA for a period equal to or exceeding 173 instructional days, as provided by State statute and recorded within the school's pupil membership file on the State's Online Reporting System.

Any student who may have been enrolled in a school or district after the beginning of a school year is identified on their assessment demographic sheet. Students or school personnel mark a special code on the assessment demographic sheet that identifies their late enrollment status. This code identifies the student and to remove them from the school's student roll for AYP identification purposes. Refer to page 29 for codes "R" and "S" of **Appendix Q: North Dakota State Assessment, Test Coordinator's Manual 2002-03** for the enrollment code identification fields. A student who has not been enrolled in a school for the entire year but has been enrolled in the district for the entire year will be included into AYP consideration for the school in which the assessment is administered and will be included into AYP consideration for the district.

All students must be accounted for regarding their enrollment status. This is a required entry on the demographic sheet of all students. Student participation rates will be compared to a school's and district's Average Daily Membership student count used to reimburse schools and districts for their State foundation aid. Therefore, the State references reimbursement census data to confirm student participation rates. Refer to page 29 for codes "R" and "S" of **Appendix Q: North Dakota State Assessment, Test Coordinator's Manual 2002-03** for the enrollment code identification fields. Student participation rates will be compared to the schools and districts Average Daily Membership student count used to reimburse school's and district's for their State foundation aid. Therefore, the State references reimbursement census data to confirm student participation rates.

The State is developing a statewide student data analysis and reporting system to aid the State in monitoring the enrollment patterns and participation rates of students. The TetraData application will allow the State to link district enrollment files with the State's assessment participation files in order to assure that all enrolled students are accounted for in the State Assessment system files. Refer to **Appendix R: TetraData Data Analysis and Reporting System Summary** for an overview of the TetraData system's purpose and design.

The State currently is reviewing its ESEA and accreditation monitoring policies. The State is pursuing an amendment to its monitoring requirements that would mandate districts to produce evidence regarding the enrollment dates of all students. Monitors would check for any students who had enrolled after the beginning of a school year and cross-check their participation status in the State Assessment data file. Any failures to include such students would be identified as a compliance violation of the school's and district's ESEA compliance agreement. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State Assessment requirement for receipt of federal ESEA funding. A school or district may be sanctioned for any compliance violation of their ESEA assurances agreement.

It is the expressed policy of the State of North Dakota to include all students within the North Dakota State Assessment.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?	State holds public schools accountable for students who were enrolled at the same public school for a full academic year. State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.	State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability. State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability. State holds public schools accountable for students who have not attended the same public school for a full academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

All students participating in the State assessment must be accounted for regarding their enrollment status. This is a required entry on the student demographic sheet of all students. Student participation rates will be compared to the school's and district's Average Daily Membership student count used to reimburse schools and districts for their State foundation aid. Therefore, the State references reimbursement census data to confirm student participation rates.

The State requires all schools to account for all students regarding their enrollment status within the school and district and their inclusion within the State Assessment. The enrollment status of each student is a required entry on the demographic sheet of all students. Refer to page 29 for codes "R" and "S" of **Appendix Q: North Dakota State Assessment, Test Coordinator's Manual 2002-03** for the enrollment code identification fields. Student participation rates will be compared to the school's and district's Average Daily Membership student count used to reimburse school's and district's for their State foundation aid. Therefore, the State references reimbursement census data to confirm student participation rates.

The State is developing a statewide student data analysis and reporting system to aid the State in monitoring the enrollment patterns and participation rates of students. The TetraData application will allow the State to link district enrollment files with the State's assessment participation files in order to assure that all enrolled students are accounted for in the State Assessment system files. Refer to **Appendix R: TetraData Data Analysis and Reporting System Summary** for an overview of the TetraData system's purpose and design.

The State currently is reviewing its ESEA and accreditation monitoring policies. The State is pursuing an amendment to its monitoring requirements that would mandate districts to produce evidence regarding the enrollment dates of all students. Monitors would check for any students who had enrolled after the beginning of a school year and cross-check their participation status in the State Assessment data file. Any failures to include such students would be identified as a compliance violation of the school's and

district's ESEA compliance agreement. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State assessment requirement for receipt of federal ESEA funding. A school or district may be sanctioned for any compliance violation of their ESEA assurances agreement.

It is the expressed policy of the State of North Dakota to include all students within the North Dakota State Assessment.

PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013-2014 academic year?	The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts[3] and mathematics, not later than 2013-2014.	State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that its State Accountability System provides for an established timeline that ensures that all students will be proficient in reading and mathematics by the 2013-14 academic year, as specified within ESEA section 1111.

The State of North Dakota has developed and adopted academic achievement standards in mathematics (refer to **Appendix E: North Dakota Mathematics Achievement Standards** at the following web site, http://www.dpi.state.nd.us/standard/perform/index.shtm) and English language arts (refer to **Appendix G: North Dakota English Language Arts Achievement Standards** at the following web site, (http://www.dpi.state.nd.us/standard/perform/index.shtm). These State achievement standards have been developed at grades 4, 8, and 12 in accordance with North Dakota's content and achievement standards protocols (http://www.dpi.state.nd.us/standard/content/toc.pdf). North Dakota mathematics and English language arts academic achievement standards meet the requirements of section 1111(b)(1). North Dakota's achievement standards in science will be completed by the winter 2003, in accordance with State standards development protocols and section 1111(b)(1) requirements.

It is the policy of the State that all students achieve proficiency as defined within the State's challenging achievement standards by the 2013-14 academic year.

For the purposes of determining AYP, proficiency means the aggregation of all student achievement within the "proficient" and "advanced" performance levels of the State's achievement standards. Schools and LEAs must evidence a steady improvement of student achievement from the below-proficient performance level (the aggregate of the novice and partially-proficient performance level) to the proficient performance level.

[3] If the state has separate assessments to cover its language arts standards (e.g., reading and writing), the State must create a method to include scores from all the relevant assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?	For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators. However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.	State uses different method for calculating how public schools and LEAs make AYP.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The State of North Dakota stipulates that the State will determine AYP for each public school and LEA as provided for within ESEA section 1111, including emphasis on the school identification method referenced to proficiency ratings, safe harbor provisions, statistical reliability assurances, graduation rates for secondary schools, attendance rates for elementary and middle schools, and a minimum assessment participation rate of 95%.

The State of North Dakota will only recognize and reference student achievement proficiency ratings generated by the North Dakota State Assessment and its Alternate Assessment. No other student

achievement assessment tools or means will be recognized. No local assessments will be recognized as an alternative to the North Dakota State Assessment.

The only definitions of achievement levels recognized by the State AYP accountability system are those proficiency levels set for the North Dakota State Assessment through the standards-setting process. Refer to **Appendix J: North Dakota State Assessment, Bookmark Standards Setting Technical Report, 2002** for the established definitions of the North Dakota achievement levels. The State cut scores for the North Dakota State Assessment will constitute the defining scales for identifying schools and districts for AYP. Refer to **Appendix K: State Superintendent's Approval Notification of North Dakota State Assessment Cut Scores** for the State's announced policy regarding the establishment of achievement level cut scores.

All student achievement data collected during the administration of the State Assessment will be used to aggregate overall student achievement and to disaggregate student achievement results into each of the required student subgroups to determine AYP. Refer to **Appendix X: North Dakota Assessment System 2001-02 Baseline Impact Data** to review the State's impact data.

AYP will be determined using 2001-02 school year data as the baseline. The starting points are calculated pursuant to the prescribed ESEA section 1111 requirements. The same starting point and annual, measurable objectives apply to all student subgroups resulting in 100% proficiency of all students by 2013-2014.

In calculating AYP for student aggregated and subgroup populations, the State will employ a binomial distribution statistical model to ensure high levels of reliability. Ninety-five percent of students, considering statistical reliability, in each applicable student sub-group must be tested in order for the school to make AYP.

In calculating AYP for any student subgroup that did not meet the AYP goal but did decrease the percentage of students in the applicable student sub-group by 10% or more, the school or district will then be judged to have made AYP if the respective subgroup also meets the state's other criteria when using the safe harbor provision (graduation rate for high school and attendance rates for elementary and secondary). Goals must be met for all applicable student subgroups in accordance with 34 CFR 200.19(d)(2)(i). Following a study of the effects of statistical reliability on safe harbor and with the concurrence of the State and the U.S. Department of Education, the State will employ the binomial distribution statistical method within the calculation of safe-harbor status, including safe harbor for subgroups.

All students' scores will be used as an aggregate to determine the AYP of schools as a whole. All schools' scores will be used as an aggregate to determine the AYP of LEAs. All LEAs scores will be used as an aggregate to determine the AYP of the State

Please refer to **Appendix T: State AYP Computation Rules** for the working rules used to determine AYP.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2a What is the State's starting point for calculating Adequate Yearly Progress?	Using data from the 2001-2002 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement. Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20th percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level. A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools (e.g., one same starting point for all elementary schools, one same starting point for all middle schools…).	The State Accountability System uses a different method for calculating the starting point (or baseline data).

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Based on the administration of the rules identified within section 3.2 above, the State has established starting points for calculating Adequate Yearly Progress.

Using baseline data from the 2001-02 school year, the State has established starting points of proficiency separately in reading and math for each grade level. Refer to **Appendix X: North Dakota Assessment System 2001-02 Baseline Impact Data** to review the State's impact data. The same starting point for reading and math will apply to the aggregate student population within each subject and to each student subgroup for each of the three grade levels. Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20th percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level.

The State has established the following starting points for AYP.

Subject	Grade Level		
	Four	Eight	Twelve
Reading/language arts	65.1%	61.4%	42.9%
Mathematics	45.7%	33.3%	24.1%

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2b What are the State's annual measurable objectives for determining adequate yearly progress?	State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments. The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline. The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.	The State Accountability System uses another method for calculating annual measurable objectives. The State Accountability System does not include annual measurable objectives.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Based on the administration of the rules identified within section 3.2 above, the State has established measurable objectives for determining Adequate Yearly Progress.

Using baseline data from the 2001-02 school year, the State has established measurable objectives for proficiency separately in reading and math for each year from 2001-02 to 2013-14. Refer to **Appendix X: North Dakota Assessment System 2001-02 Baseline Impact Data** to review the State's impact data. The same measurable objectives for reading and math will apply to the aggregate student population within each subject and to each student subgroup for each of the three grade levels.

The measurable objectives are determined using the baseline percentage of proficient students statewide from the 2001-02 school year and prorating the expected annual growth required to achieve 100% by 2013-14. The following chart identifies the measurable objectives established for Adequate Yearly Progress.

Subject/ Grades	School Years												
	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14
Reading													
4	65.1	68.0	70.9	73.8	76.7	79.6	82.6	85.5	88.4	91.3	94.2	97	10
8	61.4	64.6	67.8	71.1	74.3	77.5	80.7	83.9	87.1	90.4	93.6	96	10
12	42.9	47.7	52.4	57.2	61.9	66.7	71.5	76.2	81.0	85.7	90.5	95	10
Math													
4	45.7	50.2	54.8	59.3	63.8	68.3	72.9	77.4	81.9	86.4	91.0	95	10
8	33.3	38.9	44.4	50.0	55.5	61.1	66.7	72.2	77.8	83.3	88.9	94	10
12	24.1	30.4	36.8	43.1	49.4	55.7	62.1	68.4	74.7	81.0	87.4	93	10
Graduation	89.9			TBD									
Attendance	93.0												

* 2004-05 will initiate a new method for determining graduation rates based on the disaggregated tracking of 9th grade cohorts through to graduation. In 2005 the State will recalculate the target graduation rate using the 20% ranking rule for graduation rates.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2c What are the State's intermediate goals for determining adequate yearly progress?	State has established intermediate goals that increase in equal increments over the period covered by the State timeline. • The first incremental increase takes effect not later than the 2004-2005 academic year. • Each following incremental increase occurs within three years.	The State uses another method for calculating intermediate goals. The State does not include intermediate goals in its definition of adequate yearly progress.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that the State Superintendent has established State intermediate goals for determining adequate yearly progress that meet the provisions of ESEA section 1111. The intermediate goals are based on the respective measurable objectives established from the 2001-02 baseline data, set forth within Principle 3.2b above. Refer to **Appendix X: North Dakota Assessment System 2001-02 Baseline Impact Data** to review the State's impact data.

The intermediate goals will be based on the respective measurable objectives for reading, mathematics, graduation, and attendance determined independently and defined for the following years:

Step 1: 2001-02 through 2003-04 and set at the 2001-02 baseline AYP cut-point.
Step 2: 2004-05 through to 2006-07 and set at the 2004-05 measurable objective;
Step 3: 2007-08 through to 2009-10 and set at the 2008-09 measurable objective;
Step 4: 2010-11 through to 2012-13 and set at the 2010-11 measurable objective; and
Step 5: 2013-14 and set at the 2013-14 measurable objective.

The intermediate goals will be the effective AYP cut-point for all years within each respective step. The intermediate goal will constitute the AYP cut-point upon which all school and district program improvement identification will be made. The following chart identifies the respective intermediate goals for each respective subject and grade level.

Subject/ Grades	School Years												
	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14
Reading													
4	65.1			73.8			82.6			91.3			100.0
8	61.4			71.1			80.7			90.4			100.0
12	42.9			57.2			71.5			85.7			100.0
Math													
4	45.7			59.3			72.9			86.4			100.0
8	33.3			50.0			66.7			83.3			100.0
12	24.1			43.1			62.1			81.0			100.0
Graduation	89.9			**73.09					***89%				
Attendance	93.0												

* During 2001-04 the state assessment was administered at the 12th grade. Since 2004-05 the state assessment has been administered at the 11th grade, to replace the 12th grade assessment.
**In 2005-06 the graduation goal was recalculated according to rules set forth within the State's accountability Workbook to move from a senior-year to a four-year graduation rate formula (set at the second standard deviation).
***Beginning in 2009-10 a new graduation goal was set by the State Superintendent to meet certain rigorous federal graduation requirements.

PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually.[4]	AYP decisions for public schools and LEAs are not made annually.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that it will conduct annual reviews of school and district achievement data for the purposes of determining whether each public school and LEA had made AYP as provided within ESEA section 1111.

North Dakota state law (NDCC 15.1-21-08) places responsibility with the State Superintendent for the annual administration of State assessments that are aligned to the State's content standards in reading and mathematics (refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). State law requires that the assessments be administered annually to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve. The North Dakota Department of Public Instruction has developed and administers assessments at grades 4, 8, and 12 to correspond with the State's content standards. Effective with the 2006-07 administration of adequate yearly progress, the State will conduct adequate yearly progress determinations based on student achievement data for grades 3-8, and 11.

State law further requires that the State assessments compile aggregated results and disaggregated results. The annual State assessments must compile student achievement data that allows for a comparison of individual students, classrooms within a given school and school district, schools within the district, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status (i.e., migrant, LEP, disability), and assessment status (i.e., enrollment status and participation status), unless doing so enables the identification of any student. (Refer to NDCC 15.1-21-08 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

The State will make its annual AYP review and determinations based solely on student achievement data generated by the annual State Assessment and on official graduation and attendance data reported to and monitored by the State. The State will issue annual AYP status reports to all LEAs and schools identifying each LEA's and school's overall performance in terms of AYP performance goals.

The State will produce all district- and school-level reports for districts and schools regarding their respective student achievement levels. These reports will include both aggregated and disaggregated

[4] Decisions may be based upon several years of data and data may be averaged across grades within a public school [§1111(b)(2)(J)].

student achievement data. Refer to **Appendix O: North Dakota School Report Card and Profile** for an illustration of the content of these student achievement profiles. Districts may use these profile reports as the foundation for their locally produced profiles. The State-generated reports will offer quality assurances regarding the generation of any district achievement data.

The State requires all districts to disseminate student achievement report cards and profiles to their communities. This mandate is required as a condition of their receipt of federal funds. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State assessment requirement for receipt of federal ESEA funding. To assure compliance with this provision for the development and dissemination of performance profiles per Title I funding, the Department will require timely and comprehensive reports as a condition of receiving uninterrupted Title I funds. Further, evidence of these profiles will be one of the criteria in the Department's Title I monitoring program.

The State currently is reviewing its ESEA and accreditation monitoring policies. The State is pursuing an amendment to its monitoring requirements that would mandate districts to produce evidence regarding the dissemination of achievement profiles to their communities. Monitors would check for the production and dissemination of such achievement profiles. Any failures to disseminate such profiles would be identified as a compliance violation of the school's and district's ESEA compliance agreement. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State Assessment requirement for receipt of federal ESEA funding. A school or district may be sanctioned for any compliance violation of their ESEA assurances agreement.

All AYP review and determination activity will be conducted annually and completed by July of each respective year.

PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency. Provides definition and data source of subgroups for adequate yearly progress.	State does not disaggregate data by each required student subgroup.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that the State's definition of adequate yearly progress includes all required subgroups as provided within ESEA section 1111.

State law requires that the State assessments compile aggregated results and disaggregated results. The State assessments must compile student achievement data that allows for a comparison of individual students, classrooms within a given school and school district, schools within the district, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status (i.e., migrant, LEP, and disability), and assessment status (i.e., enrollment and participation status), unless doing so enables the identification of any student. (Refer to NDCC 15.1-21-08 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

The results generated by the North Dakota State Assessment are reported in mathematics and reading for grades 4, 8, and 12. Results are reported at the individual student, school, district, and State level. Results are disaggregated by gender, ethnicity, disability, limited English proficiency status, migrant status, and economic disadvantaged status. AYP determination includes consideration for ethnicity, disability, limited English proficiency, and economic status. The following tables summarize the level of the disaggregated reports.

Disaggregated Levels for ND State Assessment in Mathematics and Reading Grades 4, 8, and 12 (** refers to AYP subgroups)				
Reporting Level	**Individual Student**	**School**	**District**	**State**
Gender	N/A	*	*	*
Ethnicity **	N/A	*	*	*
Disability **	N/A	*	*	*
Limited English Proficient **	N/A	*	*	*
Migrant	N/A	*	*	*
Economically Disadvantaged **	N/A	*	*	*

The State and its assessment contractor assume the full responsibility for generating aggregate and disaggregated student achievement reports. Local districts do not generate these reports.

Student demographic information is gathered at the time of the assessment administration on the individual student's assessment demographic sheet. On this sheet the student or a school official completes basic information about the student, including their name and other essential information. The assessment requires completion of certain demographic and special codes that are included on the demographic sheet and detailed for testing coordinators within the *Test Coordinator's Manual*. Refer to pages 28-31 of **Appendix Q: North Dakota State Assessment, Test Coordinator's Manual 2002-03** for a listing of the various demographic and special categories used to describe a student. These codes are then used during the process of classifying student achievement by subgroup populations.

A central concern of any demographic collection process is the introduction of erroneous information on the part of an individual. This is especially troublesome within an assessment system where information can be inadvertently omitted. The State of North Dakota has established a plan to centralize student identification information with the use of a data analysis and reporting application contracted through TetraData Corporation. Refer to **Appendix R: TetraData Data Analysis and Reporting System Summary** for an overview of the application. This application will allow the State to routinely link student identification information statewide with the database supplied by CTB/McGraw-Hill in order to identify and reconcile incorrect information. The use of this data linkage application will enhance the accuracy, reliability, and speed of collecting the demographic information used to classify school, district, and State subgroup achievement reports.

Disaggregated reports will approximate the presentation format identified with the State Report Card and Profile. Refer to **Appendix O: North Dakota State Report Card and Profile** for an example of the presentation format used to report disaggregated subgroup achievement data.

The State alone may authorize the publication of any reports regarding the State Assessment for accountability purposes based on State Assessment data. The State's contractor (CTB/McGraw-Hill) produces all reports for the State Assessment. The State recognizes no other assessment reports produced by other outside sources, including districts and schools, as authoritative regarding the State Assessment.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that it will conduct an AYP review and determination for each school and LEA based on the progress of student subgroups as provided within ESEA section 1111.

As identified in Principle 5.1 above, the State provides a method to identify, record, and report student achievement for all subgroups. The State will disaggregate and hold schools and LEAs accountable for the performance of each of the following student subgroups:

- All Students
- Asian/Pacific
- Black
- Hispanic
- Native American
- White
- Economic disadvantaged
- Limited English Proficient
- Students with Disabilities

The State will determine whether each subgroup within each school and LEA achieved the annual measurable objective, or met the “Safe Harbor” provision, and met the 95% participation rate criteria. For a school or LEA to make AYP, every group for which a school or LEA is accountable must make AYP. Any subgroup that makes AYP based on the safe harbor provision must also make AYP based on the appropriate secondary indicator (i.e., graduation rate or attendance rate). The rules for statistical reliability will apply in reviewing and determining subgroup accountability.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.3 How are students with disabilities included in the State's definition of adequate yearly progress?	All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled. State demonstrates that students with disabilities are fully included in the State Accountability System.	The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments. State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that all students with disabilities will be included in the State's definition of adequate yearly progress as provided within ESEA section 1111.

State law requires that the State assessments compile aggregated results and disaggregated results. The State assessments must compile student achievement data that allows for a comparison of classrooms within a given school and school district, schools within the district, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status (i.e., migrant, LEP, and disability), and assessment status (i.e., enrollment and participation status), unless doing so enables the identification of any student. (Refer to NDCC 15.1-21-08 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

It is the policy of the Department of Public Instruction to include all students with disabilities in the North Dakota accountability system. See enclosed **Appendix U: Individualized Education Program Planning Process***,* or access this document at http://www.dpi.state.nd.us/speced/guide/iep/index.shtm. The State's individualized education program (IEP) form (page 4), required for every student eligible under the Individuals with Disabilities Education Act (IDEA), includes a section requiring the description of the student's participation in district-wide and statewide assessments. The IEP team must indicate whether the student will participate without accommodations, with accommodations (which must be stated), or in the Alternate Assessment. This element of the IEP is addressed by the school district as it conducts a self-assessment in preparation for the Office of Special Education monitoring. If violations are found, corrective actions are determined and evidence of completion is required.

The State Assessment Program *Test Coordinator's Manual, 2002-2003,* **(Appendix Q**) provides very limited opportunity for a school to exclude a student from participation in the State Assessment by invalidating an assessment. Any school that proposes to invalidate a student's test must provide written documentation to the Department of Public Instruction stating the reason for test invalidation. The authorizing administrator must sign the form. If a school systematically fails to include students in the State Assessment, sanctions will be imposed. Any non-participating student or any invalidated assessment will be included into the calculation to determine the participation rate of the school, district and State.

All students who participate in the North Dakota Alternate Assessment will have levels of performance included within the State accountability system. The State Assessment Program *Test Coordinator's Manual, 2002-2003,* provides guidance for use of the Alternate Assessment (**Appendix Q**), and in the use of accommodations (pages 33 – 35).

As provided under pending federal regulations and allowances offered by the U.S. Department of Education, the State may use alternate achievement standards to calculate AYP for schools and districts for students with the most significant cognitive disabilities who take an alternate assessment. This allowance is offered until the newly proposed regulations related to alternate assessments become finalized. The State attests that the State's alternate assessments and achievement standards are aligned with North Dakota's academic content standards and reflect qualified, professional judgment of the highest learning standards possible for these students.

Additionally, the State acknowledges that the percentage of students identified as proficient on the alternate assessment at the district and State levels may not exceed 1.0 percent of all students in the grades assessed. The State stipulates that it will monitor the participation and achievement rates of students in the alternate assessments within each district and across the State; no district or the State will be permitted to exceed this limit. The State will calculate and monitor the overall enrollment of students, the participation rates of students within the State Assessment, and the participation and achievement rates of students within the Alternate Assessment.

The North Dakota State Assessment System allows for the use of the State's alternate assessments for certain students with disabilities whose individualized education programs specify the use of appropriate alternate assessments. Federal accountability regulations set limits on the proficiency rates generated through the use of alternate assessments to determine adequate yearly progress. These limitations are set to ensure the proper use of the alternate assessments and to remove the prospect of their inappropriate overuse for students who might properly be assessed with the State's standard assessment (NDSA) with accommodations. Any proficiency rates (i.e., the combination of proficient and advanced rates) generated from alternate assessments may not exceed the anticipated disability incidence rates of students with significant cognitive (1%) or persistent learning (2%) disabilities. Federal non-regulatory guidance, dated July 20, 2007, regarding this issue can be accessed at the following Web site: http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc (refer to Parts G and H).

If the State's or a district's aggregate proficiency rate on the NDAA 1 exceeds 1% or the NDAA 2 exceeds 2% of all assessed students statewide, then the State will initiate a rule-driven process to remove excess proficient scores from districts that exceed the acceptable rates. The State will employ a process referenced within federal non-regulatory guidance (*Guidance on final regulations that allow states to develop modified achievement standards for certain students with disabilities* at http://www2.ed.gov/admins/lead/account/saa.html#guidance) to identify and remediate non-compliant districts. The State will rank the districts that exceed the acceptable 1% or 2% caps and proportionally lower their proficiency rates until the State's and districts' 1% or 2% caps are re-established. The State will then negotiate with these identified districts to set the manner in which the lowered rates are distributed among their schools. Following this redistribution of proficiency rates, the State will proceed to generate adequate yearly progress reports for all schools, school districts, and the State according to the State's accountability plan.

The incorporation of an alternate assessment provision identified in federal guidance, dated May 10, 2005, affecting students with persistent cognitive disabilities, beginning with the 2004-05 school year.

On May 10, 2005, U.S. Secretary of Education Margaret Spellings announced the details of a new policy designed to assist students with persistent cognitive disabilities to more appropriately participate in their state assessment and accountability system. Under this policy a limited number of students with persistent cognitive disabilities, approximating two percent, will be allowed to have the results from alternate assessments classified as proficient when specifically based on alternate achievement standards. This provision is a policy separate from and in addition to the current regulation that allows up

to one percent of all students being tested, i.e., those students with a significant cognitive disability, to have the results from alternate assessments classified as proficient based on alternate achievement standards.

Effective during the 2010-2011 academic year, the State will administer an alternate assessment for certain students with disabilities based on modified achievement standards for the purposes of determining adequate yearly progress and restricting any such determinations of proficient and advanced scores to not greater than 2 percent of students assessed on the North Dakota State Assessment or as provided by federal regulation. The North Dakota Alternate Assessment based on modified achievement standards was administered during the state's 2010 fall assessment administration schedule and will be referenced for the purposes of determining adequate yearly progress results for the 2010-2011 academic year.

The Department of Public Instruction stipulates that it will abide by the established core principles identified within the May 10, 2005 guidance.

1. Statewide assessment participation rates for students with disabilities, for purposes of measuring adequate yearly progress, will remain at or above 95%. During the 2003-04 school year, the statewide students with disabilities participation rate equaled 98.05% in reading and 97.83% in mathematics. (Reference the following web address for the state report: http://www.dpi.state.nd.us/dpi/reports/profile/0304/AYPState/aypstate2004.pdf.);

2. Alternate assessments in reading/language arts and mathematics are available for students with disabilities who are unable to participate in the regular assessment even with accommodations (as required by the Individuals with Disabilities Education Act) and the State will report results to the Secretary and the public based on these alternate assessments in reading/language arts and mathematics;

3. Appropriate accommodations are available for the state assessment for students with disabilities;

4. The State stipulates that all students with disabilities will continue to be included in the state's assessment system. The Department of Public Instruction will cross-check that all identified special education students will be included in the statewide assessment file, as captured on the state's Online Reporting System. This system also monitors special education enrollment for payment purposes.

The Department of Public Instruction has previously submitted support data and narrative within the state's Consolidated Performance Report, which is available to the U.S. Department of Education, to establish the state's eligibility status. Following a review by the U.S. Department of Education on the state's eligibility status to receive this proposed provision, the Department of Public Instruction will submit additional evidence as identified within the "Sound State Education Policies" within the May 10, 2005 guidance.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards. State demonstrates that LEP students are fully included in the State Accountability System.	LEP students are not fully included in the State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that all limited English proficient students will be included in the State's definition of adequate yearly progress as provided within ESEA section 1111.

State law requires that the State assessments compile aggregated results and disaggregated results. The State assessments must compile student achievement data that allows for a comparison of classrooms within a given school and school district, schools within the district, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status (i.e., migrant, LEP, and disability) and assessment status (i.e., enrollment and participation status), unless doing so enables the identification of any student. (Refer to NDCC 15.1-21-08 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

It is the policy of the Department of Public Instruction to include all LEP students in the State Assessment program. The State Consolidated Application (Part I-H), which was approved by the U.S. Department of Education (see **Appendix H**), indicates the State's commitment to include all students in the State Assessment.

The School Report Card and Profile, as illustrated in **Appendix O**, reports LEP student achievement against the State standards, compared with other students.

Accountability for LEP student achievement is predicated on the ability of schools and LEAs to assess all students suspected of having limited English proficiency, to identify those meeting the federal definition of LEP, and to record all LEP students who participate in the State Assessment. The Department of Public Instruction reconciles all discrepancies in LEP student numbers reported via the Survey of the State's Limited English Proficient Students and Available Educational Programs and Services compared with State Assessment statistics and the TetraData data analysis and reporting system.

The State stipulates that it applies the term "limited English proficient", as defined in section 9101 of Title IX (ESEA), when used with respect to an individual, for the purposes of administering the State's accountability system. Under the definitions of the North Dakota Administrative Code, Section 67-28-01-04, an eligible English language learner must: 1) be at least five years of age, but must not have reached the age of twenty-two; 2) be enrolled in a school district in North Dakota; 3) 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 4) have difficulty speaking, reading,

writing, and understanding English as shown by assessment results generated through the state's primary screening assessment (WAPT).

The State's English language proficiency assessment, ACCESS, measures the degree to which a student can read, write, listen and speak using academic English. ACCESS assigns a proficiency level score to each of these four components in addition to calculating an overall composite score. The State is a member of the World-Class Instructional Design and Assessment (WIDA) Consortium and uses the W-APT and/or MODEL assessments for initial ELP screening. WIDA's ACCESS test is the approved annual English language proficiency assessment. More information on these assessments can be found at www.wida.us.

For the purposes of initiating, maintaining, and exiting limited English proficient student services, effective since the 2009-10 school year, the state has approved program exit criteria where a student has earned on the ACCESS assessment, the state's sole measure of exiting service, an overall Proficiency Level score of 5.0 on a 6.0 scale, with a minimum score of 3.5 in each category of Reading, Writing, Listening and Speaking.

The State provides to LEP student the right to accommodations in the classroom and in the State Assessment. Accommodations are listed in the Test Coordinator's Manual for the statewide achievement testing program on pages 33 - 35, located in **Appendix Q**, and at the following website: http://www.dpi.state.nd.us/testing/assess/testmanl.pdf. The North Dakota State Task Force on Limited English Proficiency, convened by the Department of Public Instruction in 2000, developed guidance for LEP students and state content standards. During the 2002-2003 school year, the Task Force will further refine the guidance for limited English proficient students and statewide achievement testing. This will be provided to schools and districts, along with specific accommodations for the levels of English language proficiency. See **Appendix H: North Dakota State ESEA Consolidated Application** for further discussion of accommodations.

The incorporation of federal guidance regarding the assessment of new limited English proficient (LEP) students and the extended classification of LEP students for two years beyond program status for the purposes of determining adequate yearly progress.

On February 20, 2004, the U.S. Department of Education released guidance regarding the assessment of new LEP students and the inclusion of new LEP students within the State's accountability system. This guidance acknowledges that teachers need sufficient time with their students to provide high-quality instruction before it is appropriate to hold a particular school accountable. The following provisions are limited by federal regulation and restricted only to those LEP students who are newly arrived to the United States within the allowance of the current instructional year. Any LEP student identified outside this restricted definition of "new" will be covered by provisions of the current State Accountability Workbook. The following provisions apply.

a. *Definition of first year of enrollment*. A "new" LEP student is understood as any student who has arrived in the United States and whose direct instruction is initiated and conducted within the course of the current school year. Under the State's accountability plan for schools and districts, within the limits of federal regulation, only those students who have been under the direct instruction of a school since the beginning of the school year will be included in the determination of adequate yearly progress under the assessment provisions outlined in subsection b below. The designation of entry into the United States is recorded within the LEP record of the pupil membership file on the State's Online Reporting System.

b. *Assessing new limited English proficient students.* For purposes of participation in the State assessment system, LEP students, during their first year of enrollment in U.S. schools, must take an English proficiency assessment, as provided within Section 1111(b)(7) of the Act, and may participate in the reading/language arts assessment, as provided within Section 1111(b)(3) of the Act. The assessment results of first-year LEP students who take the reading/language arts assessment will not be included in determining adequate yearly progress for achievement,. New LEP students who take the English

language proficiency assessment and/or the reading/language arts assessment, will be counted as participants toward meeting the 95% assessment participation required for adequate yearly progress determinations for reading.

New LEP students will take the State's mathematics assessment, as provided within Section 1111(b)(3) of the Act, with accommodations as necessary; however, the State will not include these new LEP students' assessment results from the mathematics assessments during their first year in U.S. schools. New LEP students who take the mathematics assessment will be counted as participants toward meeting the 95% assessment participation required for adequate yearly progress determinations for mathematics.

c. *Two-year extension of LEP status for accountability reporting.* The State will include in the LEP subgroup any student who had previously been considered an LEP student during the past one or two years, to calculate adequate yearly progress for schools, districts, and the State. The determination of when a student has attained English language proficiency and is no longer an LEP student will follow the State's method and definition as provided within the State's Consolidated Application. New LEP students will not be included into the base calculation of determining a minimum LEP subgroup size.

The Department of Public Instruction will conduct an independent review of all new LEP student reports, as captured within the State's pupil membership file, and validate all data points used to substantiate the claim of a new LEP student's status.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?	State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.[5] Definition of subgroup will result in data that are statistically reliable.	State does not define the required number of students in a subgroup for reporting and accountability purposes. Definition is not applied consistently across the State. Definition does not result in data that are statistically reliable.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota has established a definition for the minimum number of students in a subgroup for both reporting and accountability purposes. The definition is consistent with the minimum number identified within Principle 9. The State has established a test of statistical significance for the method of determining a minimum number within a given population and referenced to the established measurable objective, safe harbor, participation rate, graduation rate, or attendance rate. Refer to Principle 9.1 for a detailed overview of this method of statistical significance.

[5] The minimum number is not required to be the same for reporting and accountability.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?	Definition does not reveal personally identifiable information.[6]	Definition reveals personally identifiable information.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The Department of Public Instruction employs a four level procedure, described below, to eliminate the possibility of compromising student identification through an inadvertent publication of student achievement results. These procedures are designed to eliminate any violation of FERPA law regarding student privacy.

(1) *Minimal N Value Rule.* The Department employs an N<10 value, where any population value N less than 10 will prohibit the reporting of students within an identified population. Any population value N of 10 or greater will allow the reporting of students within an identified subgroup.

(2) *Single-populated Level Rule.* The Department employs a rule where if all students within a school or subgroup report at a certain performance level and no other performance levels record any students, then the Department will record a limited percentage of students, presented as an inequality, to serve as a representative finding. As such, if all students were to reside within a given level, for example "partially proficient", then reporting on that level will identify any and all students. This would be a violation. To remedy this situation, a representative inequality (e.g. <5% or >95%) will be recorded.

(3) *Total Population Below Proficient Rule.* The Department employs a rule to allow for the proper identification of a school or district where all students' achievement scores fall below proficient (i.e., the combination of partially proficient and novice). It is in the interest of the public and students that any school or district with 100% below-proficient achievement scores be identified for not making Adequate Yearly Progress. To eliminate the possibility of identifying any student, the reports for schools and districts with 100% below-proficient achievement scores will record an inequality to serve as a representative finding (e.g., <5% or >95%). This representative finding would eliminate any possible student identification and also allow for the proper identification of the school or district. In the absence of this rule, extremely low performing schools would be exempt from not making Adequate Yearly Progress, thereby violating the principle of validity.

(4) *Distinguished Students Rule.* The Department employs a rule to allow for the proper identification of a school or district where all students' achievement scores rest above proficient (i.e., the combination of proficient and advanced). It is in the interest of the public and students that any school or district with 100% above-proficient achievement scores be identified as making Adequate Yearly Progress. To eliminate the possibility of identifying any student, the reports for schools and districts with 100% above-proficient achievement scores will record an inequality to serve as a representative finding (e.g., <5% or >95%). This representative finding would eliminate any possible student identification and also allow for

[6] The Family Education Rights and Privacy Act (FERPA) prohibits an LEA that receives Federal funds from releasing, without the prior written consent of a student's parents, any personally identifiable information contained in a student's education record.

the proper identification of the school or district. In the absence of this rule, high performing schools would not be recognized for making Adequate Yearly Progress.

PRINCIPLE 6. State definition of AYP is based primarily on the State's academic assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
6.1 How is the State's definition of adequate yearly progress based primarily on academic assessments?	Formula for AYP shows that decisions are based primarily on assessments.[7] Plan clearly identifies which assessments are included in accountability.	Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that the State's definition of adequate yearly progress is based primarily on academic assessments as provided within ESEA section 1111.

North Dakota state law (NDCC 15.1-21-08) places responsibility with the State Superintendent for the administration of State assessments that are aligned to the State's content standards in reading and mathematics (refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). State law requires that the assessments be administered to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve. The North Dakota Department of Public Instruction has developed and administers assessments at grades 4, 8, and 12 to correspond with the State's content standards.

The State AYP plan meets the requirements of the ESEA, including emphasis on the school identification method referenced to student achievement proficiency rating, safe harbor provisions, statistical reliability assurances, graduation rates for secondary schools, attendance rates for elementary schools, and a minimum assessment participation rate of 95%. The primary means for the identification of schools and LEAs is, nevertheless, student achievement data.

The State of North Dakota will only recognize and reference student achievement proficiency ratings generated by the North Dakota State Assessment and its Alternate Assessment. No other student achievement assessment tools or means will be recognized. No local assessments will be recognized as an alternative to the North Dakota State Assessment.

The only definitions of achievement levels recognized by the State AYP accountability system are those proficiency levels set for the North Dakota State Assessment through the standards-setting process. Refer to **Appendix J: North Dakota State Assessment, Bookmark Standards Setting Technical Report, 2002** for the established definitions of the North Dakota achievement levels. The State cut scores for the North Dakota State Assessment will constitute the defining scales for identifying schools and districts for AYP. Refer to **Appendix K: State Superintendent's Approval Notification of North Dakota State Assessment Cut Scores** for the State's announced policy regarding the establishment of performance level cut scores.

[7] State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

PRINCIPLE 7. State definition of AYP includes graduation rates for public High schools and an additional indicator selected by the State for public Middle and public Elementary schools (such as attendance rates).

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
7.1 What is the State definition for the public high school graduation rate?	State definition of graduation rate: • Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years; or, • Uses another more accurate definition that has been approved by the Secretary; and • Must avoid counting a dropout as a transfer. Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause[8] to make AYP.	State definition of public high school graduation rate does not meet these criteria.

[8] See USC 6311(b)(2)(I)(i), and 34 C.F.R. 200.20(b)

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The State of North Dakota stipulates that it has established the graduation rate of each high school as a component for determining adequate yearly progress, as provided within ESEA section 1111. The graduation rate defined within ESEA section 1111 requires the State to report graduates, retentions, and dropouts, within cohorts, in the aggregate and disaggregated by subgroups.

State law states that a regular diploma is issued by the local school district certifying the completion of local high school graduation requirements. Prior to a student being issued a standard diploma by the local school district certifying the completion of local high school graduation requirements the student must have successfully completed at least twenty-two units of high school coursework from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four. Refer to the following: http://www.legis.nd.gov/cencode/t151c21.pdf. The State further stipulates that, as required under final Title I regulations, the state definition of a graduate will not count a dropout as a transfer and will not include students who receive a non-standard diploma (e.g., attendance certificate, GED).

NDDPI provides an instruction manual for the Graduation Rate Report to assist those reporting in STARS (State Automated Reporting System). This reference document, *Graduation Rate Report STARS Help Manual*, is located at http://www.dpi.state.nd.us/resource/STARS/Reports/GraduationRate.pdf. *The Graduation Rate Report STARS Help Manual* allows for CONTINUED (EXIT CODE “6”), GRADUATE (EXIT CODE “1”), DROP OUT (EXIT CODE “2”), DECEASED (EXIT CODE “3”), and TRANSFERRED OUT OF DISTRICT (EXIT CODE “4”), TRANSFERRED within DISTRICT (EXIT CODE "5"), EXTENDED LEP/IEP (Exit Code "9"). Each specific code is accompanied with definitions to assist the field to correctly enter the information. These exit codes define the circumstances under which the student exited from membership from an education institution. The State validates through monitoring the reports of transfers and deaths.

The State established the initial target graduation rate based on the same 20% ranking rule used for determining achievement targets. Any district with a graduation rate lower than this target point would be identified for not making Adequate Yearly Progress. This target point remained as the State reference for graduation throughout the duration of the 2001-2005 school years. Based on this interim definition, the State established a graduation target point of 89.9% based on North Dakota 2001-02 graduation baseline impact data. This 89.9% target rate applied for the first time to 2002-03 graduation rates.

In 2005 the State transferred from its initial definition of graduation to that used within NCLBA. The State recalculated the target graduation rate using the 20% ranking rule for graduation rates based on a four-year cohort model. This 73.09% target point remained as the State definition for graduation throughout the duration of the 2005-2009 school years.

In 2008, the U.S. Department of Education released new regulations regarding the calculation and reporting of graduation rates nationwide. In January 2010, the North Dakota Department of Public Instruction submitted a new graduation rate goal, set by the State Superintendent, to meet the requirements of the new federal graduation rate reporting regulations. The State’s new four-year cohort graduation rate goal is set at 89%, effective with the 2009-10 adequate yearly progress reports. The State also establishes an annual graduation target of 10 percent improvement from the previous year’s graduation rate for those schools or districts reporting graduation rates lower than the State’s defined four-year cohort graduation rate. This annual target recognizes a school or district as meeting adequate yearly progress when it demonstrates at least a 10 percent reduction in non-graduates against the goal (89%) from the previous year’s rate. This process recognizes a school or district for making significant improvements in the rate of number of graduates even though it may be below the State’s graduation rate goal. The State stipulates that it will account for the proper compilation, calculation, and reporting of any four-year cohort graduation rates as specified in the non-regulatory guidance, dated December 22, 2008, issued by the U. S. Department of Education and the State’s reliability rules.

The State Superintendent established the 89% graduation rate goal and 10% target following a review of historical graduation rate data, including aggregate and subgroup rates, and discussions with representatives of several key statewide advisory committees, which were facilitated by the Department of Public Instruction. Representatives from the following statewide advisory committees provided their analyses and recommendations for a state graduation rate goal: the State's advisory committee on standards and assessment, the State's special education advisory committee, and the Governor's Commission on Education.

The State Superintendent established the 89% graduation rate as a means of providing ample incentive for all schools statewide to achieve higher performance on the most important academic indicator for success, especially for those schools with lower graduation rates. The State Superintendent believes that this graduation goal reflects the public's expectations for increased student outcomes. If the schools statewide demonstrate increased subgroup graduation rates, both the subgroup and aggregate rates statewide will evidence increases beyond the established graduation rate goal. The Department of Public Instruction reserves the right to review and amend this statewide graduation rate at a later time.

Amended additions to the 2010-11 Accountability Plan.

The State asserts that there exists an overt policy need to advance both a five-year and six-year extended adjusted cohort graduation rate. When the U.S. Department of Education (ED) issued new graduation regulations and supporting non-regulatory guidance concerning the calculation and reporting of graduation rates, the ED declared null and void previously operational rules within certain state's accountability workbooks, including the State of North Dakota, that recognized and credited the extended graduation rates for certain students with disabilities and English language learners with extended graduation service plans. These original, extended graduation rate reporting privileges provided incentives to schools and districts and supports to these certain student subgroups to encourage the extension of educational services to students who might require more than the traditional four years to graduate.

This extension of educational services beyond the traditional four years is especially relevant and protected for certain students with disabilities whose individualized educational programs identify a need for the extension of services through to possibly twenty-one years of age, as ensured under the provisions of the Individuals with Disabilities Education Act. The State recognizes and will comply with all provisions of the current extended adjusted cohort graduation rate rules. The State also asserts its right to fully use all available options to achieve a fair, valid, and reliable reporting of all student graduation events, including certain students with disabilities whose individualized education programs provide for an extended graduation.

Given the high educational standards and service schedules set forth within a student's individualized education program and the civil rights granted to students with disabilities to receive the full benefit of these standards and service schedules, it is incumbent on the State to offer every support to schools to provide the full benefit of instruction to all students with disabilities, regardless of the duration of their education. It is likewise incumbent on the State to eliminate any barriers that might impede or otherwise deter schools from properly administering their duties to all students, regardless of disability status. This concern includes the bestowal of a standard graduation on students with disabilities, whose individualized education programs require a high school instruction period that extends beyond the traditional four years. Any policy that places pressures on schools to divert their full attention on the needs of students with disabilities must be reviewed and amended accordingly.

The concern for the educational well-being of all students extends beyond students with disabilities to certain limited English proficient students or to certain students of other demographic or performance subgroups.

The State believes that all students must be given the opportunity to achieve their full potential for educational success, which is dependent in large measure on their ability to extend their instruction

beyond a traditional four-year or even five-year extended graduation span. Some students, as identified within their individualized education program, may require instruction through age twenty-one. Additionally, schools and districts should be provided assurance that no policy will constitute a disincentive to encourage them to commit their full resources to ensure that all such students receive the full benefit of an extended education and graduation when such an extension is proper and protected under federal IDEA law. The State asserts that there exists an apparent and documented need to remediate the loss of the previous extended reporting accountability rule for certain students with extended educational service plans.

It is in the best interest of students, schools, and public policy that a complete and fair accounting of graduation rates extend through the completion of educational opportunity, through to age twenty-one, as defined in State law. In this regard, it is in the best interest of the State that it establish an extended adjusted cohort graduation rate that allows for the full, complete, valid, and reliable reporting of graduation throughout the educational process.

The State asserts its right to use the full opportunity of federal graduation reporting rules to establish a five-year and six-year extended adjusted cohort graduation rate, effective with the 2010-2011 academic year. The State declares its intent to report school and district graduation rates for four-year, five-year extended, and six-year extended reporting periods. The state can produce valid and reliable graduation rates for four-year, five-year extended, and six-year extended reporting periods based on defensible and legally prescribed data files. This is the maximum number of quality data files that the State can provide at this time, based on the prescribed cohort model.

Effective with the 2010-11 academic year, the State incorporates a conditional, five-year and six-year extended adjusted cohort graduation rate rule, which will include the effect of students who take longer than four years to receive their high school graduation diploma. This five-year and six-year extended adjusted cohort graduation rate credits schools and districts for successfully graduating students who take longer than four years to graduate high school with a regular high school diploma. The State stipulates that it will account for the proper compilation, calculation, and reporting of any five-year and six-year extended cohort graduation rates as specified in the non-regulatory guidance, dated December 22, 2008, issued by the U. S. Department of Education.

The State will provide within its 2010-11 adequate yearly progress report for each high school and district the following: the 2010 four-year cohort graduation rate, the 2009 five-year extended cohort graduation rate, the six-year extended cohort graduation rate, and the proper adequate yearly progress determination, which applies commensurately higher graduation target rates for the five-year extended graduation rate (12.5%) and the six-year extended graduation rate (15%). For the purposes of determining a graduation adequate yearly progress rate, The State will credit and report an adequate yearly progress determination based on the higher value among the four-year, five-year, or six-year adjusted cohort graduation rates.

The State will retain the 89% graduation goal and the primary reference for determining sufficient achievement. The State will establish unique targets each of the respective years: the four-year cohort graduation rate will use the currently approved 10% target; the five-year extended cohort graduation rate will use a 12.5% target (a 25% increase in expectation from the four-year target base); and the six-year extended cohort graduation rate will use a 15% target (a 50% increase in expectation from the four-year target base). The target is measured as the percent reduction of non-graduates from the preceding year against the 89% goal. The State will first examine whether a school or district has met the goal (89%) or the target (10 percent reduction in non-graduates against the goal (89%) from the previous year's rate) for the four-year graduation rate. If it did not, the State would then determine whether the school or district had met the five-year extended year graduation rate target (12.5% percent reduction in non-graduates against the goal (89%) from the previous year's rate). If it did not meet the five-year rate, the State would then determine whether the school or district had met the six-year extended year graduation rate target (15% percent reduction in non-graduates against the goal (89%) from the previous year's rate. Meeting the goal or the targets for any of the four-year, five-year extended, or six-year extended graduation rates would mean that the school or district had met the secondary indicator for adequate yearly progress.

The State will retain this graduation rate goal and target until such time that it submits an amendment for review and approval by the U.S. Department of Education.

The following formula provides the manner in which the four-year adjusted cohort graduation rate will be calculated for any cohort entering 9th grade for the first time and graduating four years later.

$$\frac{\text{Number of cohort members who earned a regular high school diploma Through the summer of their 12th grade}}{\text{Number of first-time 9th graders (starting cohort) plus students who transfer in, Minus students who transfer out, emigrate, or die during their 9th grade, 10th grade, 11th grade And 12th grade through the summer of the 12th grade}}$$

The following formula provides the manner in which the five-year extended adjusted cohort graduation rate will be calculated for any cohort entering 9th grade for the first time and graduating five years later.

$$\frac{\text{Numerator in the four-year adjusted cohort graduation rate plus the number of students from the cohort who earned a regular high school diploma by the end of the extended fifth school year}}{\text{Denominator in the four-year adjusted cohort graduation rate plus students who transferred in during the extended fifth school year minus students who transferred out, emigrated, or died during the extended fifth school year}}$$

The following formula provides the manner in which the six-year extended adjusted cohort graduation rate will be calculated for any cohort entering 9th grade for the first time and graduating six years later.

$$\frac{\text{Numerator in the five-year extended adjusted cohort graduation rate plus the number of students from the cohort who earned a regular high school diploma by the end of the extended sixth school year}}{\text{Denominator in the five-year extended adjusted cohort graduation rate plus students who transferred in during the extended sixth school year minus students who transferred out, emigrated, or died during the extended sixth school year}}$$

The data for each class will be tracked forward from 9th grade. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school. Students who are retained in grade, and thus leave their original cohort class, will not count toward the number of graduates until the year of the student's graduation, but will be included in the denominator as members of the original cohort class.

The State stipulates that any school or district that has met the requirements of safe harbor for any specified subgroup must also demonstrate that it has met the requirements for graduation rate for that same specified subgroup as required under 34 CFR 200.19(d)(2)(i).The State will require schools or districts that have met safe harbor within a specified subgroup to also evidence the achievement of the graduation rate for that specified subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?	State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.[9] An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.	State has not defined an additional academic indicator for elementary and middle schools.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota has adopted the attendance rate for elementary and middle schools as the additional academic indicator for determining AYP.

The State has established an attendance target point based on North Dakota 2001-02 attendance baseline impact data. Refer to **Appendix Z: North Dakota 2001-02 Attendance Impact Data** for a summary of the impact data. The State has set the target attendance rate at the second standard deviation below the norm of ranked district attendance rates. Any district with an attendance rate lower than this target point will be identified for not making Adequate Yearly Progress. This target point will remain as the State definition for attendance throughout the duration of the 2001-2014 school years. Based on the State's attendance rate definition, the State attendance target point has been set at 93%.

Attendance rate is defined as the aggregate days of attendance in a school or school district divided by the aggregate days of enrollment. The attendance rate is included in the aggregate for AYP. Attendance data are collected through the State's ADM (average daily membership) reporting system.

Attendance Indicator, Transition Extension
To determine the adequate yearly progress attendance indicator for 2004-05, the State will calculate attendance rates according to the current definition within Section 7.2 of the State Accountability Plan. To allow for a successful transition to previous year reporting, attendance rate determinations for 2004-05 will reference data collected on June 30, 2004. This will result in 2004-05 attendance determinations that are identical to the 2003-04 attendance determinations; however, no school or district will be held to a double-jeopardy effect. Schools previously identified in 2003-04 as not making adequate yearly progress for attendance will be held harmless with any subsequent 2004-05 identification. All reports will indicate that the attendance data references previous year data; no "did not make adequate yearly progress" designations will be reported. Effective for the 2005-06 school year, determinations will be referenced on attendance data collected on June 30 of the previous year, data that would not have been previously reported.

[9] NCLB only lists these indicators as examples.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
7.3 Are the State's academic indicators valid and reliable?	State has defined academic indicators that are valid and reliable. State has defined academic indicators that are consistent with nationally recognized standards, if any.	State has an academic indicator that is not valid and reliable. State has an academic indicator that is not consistent with nationally recognized standards. State has an academic indicator that is not consistent within grade levels.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Attendance rates are widely recognized as a valid indicator of student success. Attention to student achievement in addition to attendance and graduation rates offers a balanced presentation of key student performance indicators.

The State's ADM reporting system provides a reliable means of identifying students and monitoring student attendance rates.

The State of North Dakota has established a definition for the minimum number of students in a subgroup for both reporting and accountability purposes. The definition is consistent with the minimum number identified within Principle 9. The State has established a test of statistical significance for the method of determining a minimum number within a given population and referenced to the established measurable objective, participation rate, graduation rate, or attendance rate. Refer to Principle 9.1 for a detailed overview of this method of statistical significance.

Safe Harbor for Academic Indicators

If a high school whose calculated graduation rate is below the state-defined measurable objective, as determined by the method prescribed in Section 7.1, reports sufficient improvement in the graduation rate to meet the terms of safe harbor, then the high school will be identified as having made adequate yearly progress for the graduation rate. Safe harbor for the graduation rate is defined as a ten percent reduction in the not-graduated rate.

If an elementary or middle school whose calculated attendance rate is below the state-defined measurable objective, as determined by the method prescribed in Section 7.2, reports sufficient improvement in the attendance rate to meet the terms of safe harbor, then the elementary or middle school will be identified as having made adequate yearly progress for the attendance rate. Safe harbor for the attendance rate is defined as a ten percent reduction in the absence rate.

No statistical significance test will be conducted during the calculation of safe harbor. The safe harbor provision for graduation and attendance will be applied in the determination of adequate yearly progress for school districts and the State.

PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?	State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics. [10] AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.	State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that the State will measure achievement in reading and mathematics separately for determining AYP.

North Dakota state law (NDCC 15.1-21-08) places responsibility with the State Superintendent for the administration of State assessments that are aligned to the State's content standards in reading and mathematics (refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). State law requires that the assessments be administered to at least one grade level selected within each of the following grade spans: grades three through five; grades six through nine; and grades ten through twelve. The North Dakota Department of Public Instruction has developed and administers assessments at grades 4, 8, and 12 to correspond with the State's content standards.

State law requires that the State assessments compile aggregated results and disaggregated results. The State assessments must compile student achievement data that allows for a comparison of classrooms within a given school and school district, schools within the district, and school districts within the state. The test scores must also allow for comparisons based on students' gender, ethnicity, economic status, service status (i.e., migrant, LEP, disability), and assessment status (i.e., enrollment and participation status), unless doing so enables the identification of any student. (Refer to NDCC 15.1-21-08 within **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf).

The State will produce all district- and school-level reports for districts and schools regarding their respective student achievement levels in both reading and mathematics separately. These profile reports will include both aggregated and disaggregated student achievement data. Refer to **Appendix O: North Dakota Sample School Report Card and Profile** for an illustration of the content of these student achievement profiles. Districts may use these profile reports as the foundation for their locally produced profiles. These State-generated reports will offer quality assurances regarding the generation of any district achievement data.

[10] If the state has more than one assessment to cover its language arts standards, the State must create a method for including scores from all the relevant assessments.

The State requires all districts to disseminate student achievement profiles to their communities. This mandate is required as an element of their receipt of federal funds. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State assessment requirement for receipt of federal ESEA funding. To assure compliance with this provision for the development and dissemination of performance profiles per Title I funding, the Department will require timely and comprehensive reports as a condition of receiving uninterrupted Title I funds. Further, evidence of these profiles will be one of the criteria in the Department's Title I monitoring program.

The State currently is reviewing its ESEA and accreditation monitoring policies. The State is pursuing an amendment to its monitoring requirements that would mandate districts to produce evidence regarding the dissemination of achievement profiles to their communities. Monitors would check for the production and dissemination of any such achievement profiles. Any failures to disseminate these profiles would be identified as a compliance violation of the school's and district's ESEA compliance agreement. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State Assessment requirement for receipt of federal ESEA funding. A school or district may be sanctioned for any compliance violation of their ESEA assurances agreement.

PRINCIPLE 9. State Accountability System is statistically valid and reliable.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.1 How do AYP determinations meet the State's standard for acceptable reliability?	State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions. State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice. State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions. State updates analysis and reporting of decision consistency at appropriate intervals.	State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments. State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters. State's evidence regarding accountability reliability (decision consistency) is not updated.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota stipulates that all AYP determinations meet the State's standard for acceptable validity and reliability. The State has adopted, with the technical assistance of Richard Hill of the National Center for the Improvement of Educational Assessments, a test for statistical significance that establishes a balance between systemic validity and reliability.

Background

Each state must create an accountability system in response to the requirements of the No Child Left Behind Act (NCLBA). Among the requirements is the determination of whether schools and subgroups within the school either have achieved a particular percentage of students at the proficient level or higher (i.e., met the "status" requirement) or have improved their percentage of students achieving at the proficient level or higher over the prior year's level (i.e., met the "improvement" or "safe harbor" requirement). If a school or a subgroup fails one or both those tests, it is identified as not making Adequate Yearly Progress (AYP). Results for subgroups are not required to be included "in a case in which the number of students in a category is insufficient to yield statistically reliable information." States are left to determine what that proper number might be.

One issue to be addressed is how low reliability can go before it is "insufficient." If the stakes for identification are lower, then a fairly low level of reliability might be acceptable. If the stakes for identification are higher, however, then one would want to be fairly certain that a school had been correctly classified before applying the proscribed consequences to the school. In NCLBA, annual judgments are made about whether a school has made AYP. If a school is identified as not making AYP two years in a row, a series of proscribed consequences is set in motion. So, unquestionably, one would

want the decision about whether a school had not made AYP two years in a row to be highly reliable. Given the effects of identification for not making adequate yearly progress, a reasonable argument can be constructed for wanting a reliable decision to be made every year for every school.

Selecting a Fixed N

There exists an approach that requires a school or subgroup to have a particular number of assessed students (for example, 30) in order to be considered for AYP identification, regardless of the performance of the school or subgroup. This appears to be an approach that will not work well for either measuring status or safe harbor. If a certain fixed number is chosen, schools will not be directly accountable for subgroups with fewer than that number (i.e., those subgroups will be included in the school's total score, but the performance of that subgroup by itself will not be considered). No matter how small a number is chosen, this will exclude many subgroups, leading to an incomplete look at the performance of the school. Thus, one could argue that a number like 30 is *far* too large a number—a requirement that subgroups meet this minimum N will eliminate the vast majority of subgroups in North Dakota.

On the other hand, the results for schools and subgroups are supposed to be "statistically reliable." That would mean, at a minimum, that if a subgroup causes a school to not make AYP, another sample of students in that subgroup drawn for that school would be likely to have the same result. While reasonably modest numbers of students often (but not always) can be used to reliably determine whether a subgroup has met the status requirement, it takes large numbers (hundreds of students) to reliability detect whether a school has made sufficient improvement.

So, on the one hand, a state should pick a fairly small N for purposes of validity (say, certainly something no larger than 10), but needs a very high N (say, 300 or more) for purposes of reliability. A value that provides reasonable validity is wholly inadequate for reliability purposes; conversely, a value that provides reasonable reliability is wholly inadequate for validity purposes. A figure between those two is largely inadequate for *both* purposes. This is the reason that the selection of any given fixed value for minimum N remains problematic. Until one looks carefully at the issue, one presumes that a modest fixed N will be a reasonable compromise between reliability and validity. A careful look tells us that choosing any value is wholly inadequate for at least one of the two concerns, if not both. In short, there isn't a reasonable answer to this dilemma. One is not faced with a reasonable balancing of concerns over reliability and validity when arbitrary N values are considered; any purported answer will be clearly wrong for at least one of the two.

Given that one cannot have validity without reliability, it would be justifiable for a state to select a minimum N of 300. Granted, an N of this size will eliminate virtually every subgroup in a state, essentially eliminating this aspect of NCLBA. But such an N would at least ensure that decisions would be sufficiently reliable.

Selecting an Alternative Method: the North Dakota Model

An alternative to selecting a fixed N is to run a test of statistical significance. That way, schools and subgroups that are far from the standard do not need to have a large N for a reliable decision to be made. For example, suppose the standard for a state is 50 percent proficient. If no students in a subgroup are proficient, a reliable decision (i.e., one that has less than a 1 percent probability of misclassifying the subgroup) that the subgroup does not meet the status test can be made if there are just seven students in the subgroup. That is, if 50 percent of the students in a subgroup are proficient, there is less than 1 chance out of 100 that no students within a sample of seven would be proficient. Thus, in cases where results are extremely low, the inadequate performance of the subgroup can be reliably detected even with small Ns. On the other hand, if 499 out of 1000 students were proficient, one would not be certain that another sample of students from that same subgroup wouldn't have at least 50 percent proficient. So, this system will select a group that is far away from the standard even if the group is small, but will not select a group that is very, very close to the standard even if the group is quite large. Not only is this a better application of statistics than the fixed N approach, it also is more fair and valid. Certainly, one

would want to identify and target resources to very low-achieving subgroups before doing the same to subgroups that are very close to the state's standard.

However, even this system cannot solve the problem of measuring subgroup improvement. Measuring improvement over one year is difficult to do because the amount of improvement desired is small, relative to status (10 percentage points or less) and the measurement is made between two samples of students rather than one. A subgroup's status might be 50 percentage points away from the state's standard; as such, detecting differences that large can be done with samples as small as seven (as shown above). But a subgroup's required annual improvement can be no larger than 10 percent, and is often considerably smaller than that. Given that measurement of improvement is made by comparing one sample to another, each with its own sampling error, reliable judgments require, at a minimum, scores of students, and more typically require hundreds of students.

Take this specific example. Suppose a subgroup has 50 percent of its students passing one year. To make AYP through the safe harbor provision, the subgroup must improve to 55 percent passing the following year. If the subgroup really does improve its performance by 5 percentage points, how many students will it take, each year, to have at least a 95 percent probability that the subgroup's performance will *increase* over the previous year, much less go up the required amount?

A school with 50 percent of its students failing is supposed to reduce that percentage by 5 in one year, and a z-score of 2.33 cuts off the upper 1 percent of the area under a normal curve. So, to reject the null hypothesis at the .01 level one-tailed, the standard error of the difference can be no bigger than 5/2.33, or 2.15.

Now, suppose we hypothesize that a school has *N* students in each of two years, and its proportion of students passing goes from 50 percent passing the first year to 55 percent the second year. The equation we need to solve is as follows:

$$2.15 = \sqrt{P1 * Q1 / N + P2 * Q2 / N}$$, or

$$2.15 = \sqrt{50 * 50 / N + 55 * 45 / N}$$

Solving for *N* produces a result of 1076.25. Rounding up means that an N of 1,077 students per year is required to have a 99 percent probability that a school's observed scores will increase from one year to the next if its true percentage of proficient students increases from 50 to 55.

The results above assume that the two samples are independent (as would be the case, for example, if testing were done at just one grade and the same grade was tested two consecutive years). If the results of the two years are not independent but are positively correlated, the required N drops. This would be the case if, for example, we followed the progress of a group of students from one year to the next. In that case, the standard error of the difference scores is computed as follows:

$$\sigma_{P1-P2} = \sqrt{\sigma_{P1}^2 + \sigma_{P2}^2 - 2r\sigma_{P1}\sigma_{P2}}$$

Now, suppose we continued our example from above (determine the standard error of difference scores when a school's true score changes from 50 percent passing to 55 percent), but followed the same cohort of students from one year to the next. Suppose further that all the students tested in one year are tested the next, and suppose the correlation between scores from one year to the next is .7 (a typical intra-school student-level correlation of scores across one year). We still need a standard error of the difference of 2.15, but now the equation is:

$$2.15 = \sqrt{P1 * Q1 / N + P2 * Q2 / N - 2 * .7\sqrt{P1 * Q1 * P2 * Q2} / N}$$

Solving for *N* produces a result of 245. So, even if the same students are tracked from one year to the next, it takes a very large number to be 99 percent certain that the observed results from one year to the next will increase if the percent proficient goes from 50 to 55.

Specifics of North Dakota's Approach

Schools or subgroups will be identified as not making AYP if their status score is insufficiently high, and failing that, if their improvement is insufficient. This section will describe in more detail how each of those judgments will be made.

Status

North Dakota will establish a required statewide status score equal to the percentage of students proficient or higher in the 20th percentile school in the state, as required by NCLB. Call that value π_0. Once that "starting point" has been established, each subgroup will pass the status test if the null hypothesis that the proportion of students for that school is equal to π_0 cannot be rejected at the .01 level.

<u>Exact probabilities vs. normal approximation</u>. The exact probability that the null hypothesis can be rejected, given *X* students proficient out of *N* tested and a population proportion of π_0, is:

$$P(X \le X_0 \mid \pi_0, N) = \sum_{i=0}^{X_0} C_i^N \pi^i (1-\pi)^{N-i}$$

For example, if $N = 3$ and $\pi_0 = .5$, the probability that $X = 0$ is .125 and the probability that $X = 1$ is .375. The probability that $X \le 1$ is .5.

To further illustrate, suppose the starting point for North Dakota is 40 percent proficient, and suppose a certain subgroup of 10 students has 2 proficient students. The observed percentage of students passing in the subgroup is 20, which is less than the required value of 40. But would one reject the null hypothesis that the true population percentage for that subgroup is 40? The test for the subgroup would proceed as follows:

The probability of having 0 students proficient out of 10 if $\pi_0 = .40$ is .0001.
The probability of having 1 student proficient out of 10 if $\pi_0 = .40$ is .0016.
The probability of having 2 student proficient out of 10 if $\pi_0 = .40$ is .0106.

Therefore, the probability of 2 or fewer students proficient out of 10 if $\pi_0 = .40$ is .0123. Since this value is greater than .01, this subgroup would *not* be identified as not having met the AYP status standard. If, on the other hand, only 1 student had been proficient, the subgroup *would* be identified as not having met the AYP status standard, and therefore would have to meet the improvement standard to avoid having the school identified as failing to make AYP.

Computing these exact probabilities is computationally intense. Before today's super-fast computers, the amount of computation required was so extreme that often these exact probabilities were estimated through normal approximation. With that method, one first computes the standard error of the mean as $\sqrt{\pi_0(1-\pi_0)/N}$, computes a z-score, and then determines the probability of a z-score that extreme or more in a table of normal probabilities.

Taking our second example of 1 student proficient out of 10 with $\pi_0 = .40$, we would compute the standard error as .1549. In that case, the observed proportion of proficient students (.10) would yield a z-score of (.10 - .40) / .1549, or –1.94. The probability of observing a z-score of that value or lower is .026. Thus, in this case, the normal approximation is not a very good approximation of the exact (correct) probability. We would have not rejected the null hypothesis in this case, but as was shown above, we

should have. A general rule of thumb is that the normal approximation works well if $pN > 5$. In this case, it equals 1, so the normal approximation does not approximate well.

It would be reasonable to compute exact probabilities only for the most extreme cases and use the normal approximation for the remainder of the calculations. In fact, until recently, that was fairly common practice. However, since computers can make the complex calculations for the exact probability quickly and that using one method for all calculations leads to easier programming than using multiple methods, North Dakota proposes to make the exact calculations for all schools and subgroups. Given that there will be schools and many subgroups in North Dakota for which $pN < 5$ (and therefore many cases in which the exact calculations would need to be done anyway), this is by far the most practical approach for assessing status. However, the calculations for safe harbor are much more complex, and therefore the normal approximation will be used for those tests.

For the purposes of calculating AYP, the State will reference a school's and LEA's current year's achievement results in addition to two previous years' achievement results. Additionally, the State will reference the combined effect across all grades tested within the school and LEA. The addition of a total of three years data and the combined effect of all grades will increase the N value and ensure greater reliability.

Choosing an *alpha* level. North Dakota has elected to use an *alpha* =0.01 level to conduct these tests of statistical significance. This level of confidence will be applied to each subgroup tested for achievement, participation rate, graduation rate, and attendance rate within each school, each district, and the State.

The selection of an alpha=0.01 assures a reasonably high level of confidence given the multiple tests conducted within the process of determining AYP. However, these tests applied on the various subgroups are not independent. Reading and math are well correlated, and some of the subgroups are so highly inter-correlated as to be assessing virtually the same students because of their cross-over into other subgroups. Thus, for most schools, the probability of an error across all the tests done is likely to be below .05, which is the standard often used in educational research.

To balance all factors and mitigate the combined effect of different tests, the State has adopted an alpha=0.01 as the means to ensure highly reliable identifications.

Safe Harbor: A Provisional Proposal and Study

Provisionally Adopting the ESEA Safe Harbor Definition. The State proposes to conduct a study of the effects of the binomial distribution on the determination of safe harbor. Until this study of the binomial distribution's application on safe harbor is completed, the State of North Dakota will adopt the definition of safe harbor established within ESEA section 1111. In the event that the study of the binomial distribution improvement model produces findings that support the use of the binomial distribution, the State reserves the right to propose the replacement of the ESEA definition of safe harbor with another that applies the binomial distribution. The State Superintendent will communicate with the U.S. Department of Education regarding any proposed changes affecting the State's AYP safe harbor definition.

Conducting a Study of Statistical Reliability on Safe Harbor. The approach described in the sections above will work well for assessing status. In contrast to selecting a fixed N, where many subgroups would pass AYP regardless of performance, only the very smallest subgroups will receive this automatic pass in North Dakota. Subgroups of even modest size will need to have at least some reasonable portion of their students proficient in order to pass the status test. On the other hand, by selecting an *alpha*-level of 0.01, North Dakota assures that those subgroups identified as not having met AYP would be very likely to have a value lower than the state-required amount even if another sample of students were drawn. This approach provides an excellent balance between validity (accountability for all subgroups) and reliability (assuring that those subgroups identified have not been so identified simply on the basis of random fluctuation).

Assuring this same appropriate balance for measuring safe harbor will not be as easy. The amount of improvement required each year is small relative to the standard error for most groups. As a result, it is possible to reliably detect the required amount of annual improvement only for very large groups, as was shown in an earlier section. Measuring improvement reliably will require a considered study. Because the statistical test for safe harbor is conducted on each element of performance independently and because there is no cumulative effect, it is proper to maintain an alpha=0.01 within the safe harbor test for performance.

Conducting a Study of the Safe Harbor Model. The proper application of the binomial distribution to measure the annual improvement of schools and districts for safe harbor requires a careful analysis in order to ensure the vital interests of validity and reliability are honored. A statistical reliability model for safe harbor remains largely theoretical; it has not been tested or validated. The application of the binomial distribution within the status test can be demonstrated as effective, practical, and balanced; as such, the application of the binomial distribution within the status measurement has been used and validated successfully. In the absence of any demonstrable data or validation and in order to sufficiently analyze the effect of the binomial distribution on the number and types of identifications and protections it allows, the Department of Public Instruction will conduct a study of the binomial distribution within safe harbor prior to its adoption and implementation. The State will proceed to use the binomial distribution for determining status. The Department of Public Instruction will access the technical expertise of the National Center for the Improvement of Educational Assessments and the North Dakota Technical Advisory Committee to conduct this study. This study, which is expected to take several months, will provide evidence on the effects of adopting the binomial distribution for determining safe harbor within AYP. The State Superintendent will review any recommendations and communicate these findings to the U.S. Department of Education.

Supporting Research Study

The ESEA places a high standard upon States to administer an accountability system that requires, on the one hand, a consistent pressure to identify low performing schools, and on the other hand, a counter force that limits any identifications of schools or districts where insufficient confidence exists. States must provide for a meaningful and just accountability system. Any fair accountability system must adhere to foundational principles, rest upon objective and universally applied rules, evidence balance between validity and reliability, evoke a sense of confidence among schools and the public, and demonstrate administrative practicality.

The North Dakota accountability model is as a viable system that supports these principles. After careful consideration of the various options for implementing a valid and reliable accountability system, the Department of Public Instruction asserts that the binomial distribution model offers a comprehensive and balanced approach to accomplish these aims. Its principles are sound. The State's supporting impact data demonstrate that this statistical model constitutes a viable accountability system.

The Department of Public Instruction will conduct an ongoing study of the effects of the binomial distribution model in ensuring the administration of a valid and reliable accountability system. This study, to be conducted based on 2001-2004 data for final release by September 2004, will assess the impact of the statistical model's vitality, including the selected alpha=0.01 level, in balancing the dynamic factors of identification and confidence. This study will assess the impact of the binomial distribution on the identification patterns for achievement, safe harbor, participation rates, graduation rates, and attendance rates for subgroups, schools, and districts. This study will assess impact data related to Type I errors and Type II errors. Additionally, this study will analyze the level of confidence placed in the accountability system by schools, parents, policymakers, and the public. The Department of Public Instruction will submit any findings to the U.S. Department of Education for further review. It is in the best interest of the State and the advancement of quality accountability systems that the North Dakota Accountability System be peer reviewed for the purposes of improvement and possible wider dissemination.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.2 What is the State's process for making valid AYP determinations?	State has established a process for public schools and LEAs to appeal an accountability decision.	State does not have a system for handling appeals of accountability decisions.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota has established its accountability system upon assessments that are documented as valid and reliable measures of student achievement. Validity denotes the appropriateness, meaningfulness, and usefulness of any inferences made from an assessment tool. As such, validity addresses whether an assessment truly assesses what it purports to assess and whether it will lead any user to an appropriate understanding and application of results. The State's Assessment System imbeds the elements of content validity (alignment to State content standards), item design validity, related assessment validity, and consequential validity.

(a) Content validity (alignment to State content standards).

The activities conducted by the State to assure that all test items are aligned to the State's content standards. This review of content coverage, conducted by North Dakota teachers, offers assurance that the State Assessment indeed does assess student achievement in terms of the State standards in breadth. North Dakota teachers affirm that the State Assessment does assess the breadth of the standards and that each standard is covered sufficiently to generate meaningful results. Each standard is identified and is supported by a sufficient number of items to offer enough data to reach a valid indication of a student's performance.

(b) Test design validity.

The construction of individual test items and the test as a whole are critical elements of validity. Additionally, the effects of any test item or the test as a whole on subgroups of students similarly becomes an element of validity. The Department of Public Instruction has contracted with CTB/McGraw-Hill to develop and administer an augmented, multiple measures assessment at each respective grade level. These assessments meet high technical specifications to assure validity, reliability, and comparability, thereby offering confidence in the application of any information gained through the use of the assessments.

Refer to **Appendix V: North Dakota State Assessment, Test Specifications** for a summary review of the technical specifications incorporated within the State Assessment. This summary identifies a variety of factors that impact test validity and the appropriate use of acquired information. Refer to pages 1-11 of **Appendix W: North Dakota State Assessment, 2002 Preliminary Technical Report**, for actual impact data supporting the overall validity of the North Dakota State Assessment.

(c) Related assessment validity.

An inherent consideration confirming the validity of any assessment is how well it correlates with other assessment tools of comparable quality. To quantify comparability among differing assessment tools requires an ability to directly link individual student achievement among different assessment tools. To do

so requires a data analysis and reporting tool capable of managing such linkages among different databases.

The State of North Dakota has never possessed the ability to track the performance of individual student or system performance levels in a meaningful manner based on quality disaggregated data analysis. The State has never owned, developed, or accessed a single, statewide student data system. This absence of a statewide data system has resulted in an inability to access accurate, meaningful information regarding student demographics, student achievement levels, school performance, teacher quality indicators, systemic improvements, or statewide systems monitoring. In the area of assessment, this absence of a statewide data system has resulted in an inability to sufficiently study correlations of student achievement among assessment tools or instructional methods of varying quality.

To eliminate these deficiencies and to advance meaningful school improvement measures, the Department of Public Instruction has contracted with TetraData Corporation, in October 2002, to develop and administer a statewide data analysis and reporting system. This data analysis and reporting system will allow for the linkage of various databases in order to track individual student, staff, and institutional achievement levels, including the correlation of student achievement across different assessment tools.

Included in this capability, is the capacity of the State to compile, compare, and validate student achievement on all grade-level State assessments and to compare these with other assessment tools or classroom grading. Official student files will be linked to State Assessment files that will, in turn, be linked to other assessment tools and classroom grading in order to conduct correlation studies. This will offer the State an auditing capability that will approach 100% accuracy, thereby ensuring a high degree of confidence in any correlation study. Refer to **Appendix R: TetraData Data Analysis and Reporting System Summary** for an overview of the project. The system will be functional statewide by March 2003.

With the development of this statewide data analysis and reporting system, the State will be able to monitor and confirm the contextual validity of its State Assessment.

(d) Consequential validity.

The fundamental purpose for the administration of any assessment is to learn how well individual students and populations of students perform against a standard. The intended consequence of such learning is to apply this knowledge to the improvement of instruction for each student individually and for all students collectively and by subgroup. Consequential validity means that the State Assessment is designed in such a manner as to accomplish this aim with end users. Does the assessment lend itself to reaching correct conclusions from the data?

North Dakota has never conducted follow up studies to record the application of its assessments to enhance instruction. This analysis has never been attempted because of the difficulty in accurately measuring the effort of schools to integrate assessment data into school improvement or, more importantly, measuring the effect of such improvement efforts on students' achievement. Beginning with the 2001-02 baseline data generated through the first administration of the standards-based North Dakota State Assessment, the State of North Dakota will begin a process of confirming the contextual validity of its State Assessment.

The Department of Public Instruction has contracted with TetraData Corporation, in October 2002, to develop and administer a statewide data analysis and reporting system. This data analysis and reporting system will allow for the linkage of various databases in order to track individual student, staff, and institutional achievement levels, including the correlation of student achievement across different assessment tools. Additionally, the Department of Public Instruction will contract with an independent, outside contractor to conduct a study of how well schools use the data from the State Assessment to improve standards-based instruction.

This study will use survey tools with teachers and administrators to assess the degree that data from the state assessment are used for overall school improvement, especially instruction. This study will also

survey the efforts of school personnel to reform instructional practices. Finally, this study will use the data linkage and analysis functions within the TetraData application to measure actual student achievement. Because student cohorts can be linked to teachers and schools that engage in reform activities, meaningful measurements can be derived on the effects of these efforts. Specific attention can be made to track the broad effects of using State Assessment data to improve instructional areas identified as deficient in the data.

The State seeks to implement a valid assessment and accountability system. Evidence of such an effort will be marked by the State's ability to monitor the alignment of its assessment to State content standards, to assure high technical specification in the development of its State Assessment, to correlate the State Assessment with other outside assessments and classroom grading, and to assure the meaningful application of the assessment for school reform.

e) AYP Identification Method.

Principle 9.1 identifies the State's method of identifying schools and LEAs for program improvement. This Principle carefully balances the need to protect the interests of schools and LEAs from misidentification with the public interest of knowing the overall performance of their schools. Refer to Principle 9.1 for a thorough analysis of this issue.

f) Automatic Appeals.

Any school or district that has been identified through the AYP determination process will automatically receive an appeal to clarify and correct information within the determination process and to present extenuating information that may have bearing on the validity or reliability of the foundational information or the determination process itself. In the case of AYP decisions regarding schools, the school district must consider the appeal, with the assistance of the State, and render a final decision within 30 days, after the submission date of the appeal. In the event of a district identification, if a district appeals a decision regarding AYP, the Department of Public Instruction must make a final determination within 30 days of the date of the appeal. The State Superintendent will determine all appeals regarding AYP identification.

The Department of Public Instruction will provide ongoing technical assistance to districts and schools regarding the AYP determination process, all program improvement and corrective action activities, including appeals regarding AYP decisions.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?	State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.[11] State has a plan for including new public schools in the State Accountability System. State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.	State's transition plan interrupts annual determination of AYP. State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota has developed a long-term plan to advance assessment system improvements, assessment system expansion, and enhancements to the State's accountability system.

I. Assessment System Improvements

(a) Assessment development procedural improvements.

The State Superintendent instituted a state-level advisory committee consisting of LEA and SEA representatives, titled the *Standards, Assessment, Learning and Teaching (SALT) Team*, and authorized this committee to advise the Department of Public Instruction on standards and assessment development committee work. North Dakota's assessment development protocols currently are being revised by the Department of Public Instruction with the advise of the SALT Team to incorporate improvements into the assessment development process and to accommodate the expansion of current assessments (grades 4, 8, and 12) into grades 3, 5, 6, and 7 and in science in grades 3-8 and 12. Refer to **Appendix Y: North Dakota Standards and Assessment Development Protocols** regarding the procedures to be followed for the development and improvement of state assessments. Completion of the revised State Assessment Protocols is expected by May 2003.

Department of Public Instruction has adopted certain improvements in the development of assessment RFPs. These improvements are identified within the white paper, *Model Contractor Standards and State Responsibilities for State Testing Programs,* Education Leaders Council, 2002. Additionally, the Department is considering for adoption several innovations identified by other States and developed

[11] Several events may occur which necessitate such a plan. For example, (1) the State may need to include additional assessments in grades 3-8 by 2005-2006; (2) the State may revise content and/or academic achievement standards; (3) the State may need to recalculate the starting point with the addition of new assessments; or (4) the State may need to incorporate the graduation rate or other indicators into its State Accountability System. These events may require new calculations of validity and reliability.

within the white paper, *State Innovation Priorities for Testing,* Education Leaders Council. The Department is expected to submit a comprehensive list of assessment procedure improvements and potential innovations to the State Superintendent by May 2003.

The State Superintendent, by State law, is responsible for the oversight of all assessment development and administration duties (refer to **Appendix B: North Dakota Century Code, Assessment Statutes** regarding the delineation of State Assessment oversight responsibilities). The State Superintendent has commissioned the SALT Team as the primary advisory committee. The State will contract with an outside consultant to conduct an independent, systematic review of the State Assessment system and to issue recommendations to the State Superintendent on the improvement of the system. The Department contracts with CTB/McGraw-Hill to conduct the development and improvement of the State's Assessment.

(b) Ongoing assessment refinement.

The Department of Public Instruction is developing a long-term plan for the ongoing replacement of test items with additional selective- and constructive-response test items. This replacement plan will be written into the next generation of RFP documents that are scheduled for release in May 2003. The Department has identified, as a high priority, (1) the administration of an independent audit of the current State Assessment's breadth and depth of standards coverage, (2) the expansion of high-quality constructive-response test items, and (3) the advancement of discussions with other States to collaborate in the development of high quality test items and other assessment strategies.

(1) *Test item rigor analysis.* The Department of Public Instruction will conduct a thorough analysis of the current North Dakota State Assessment regarding its rigor of higher order thinking skills and understanding. The Department will contract with an independent, outside facilitator to conduct this analysis. The RFP has not yet been drafted. The depth and breadth analysis will be conducted in early 2003 as a baseline evaluation of the current State Assessment in anticipation of its enhancement with future replacement items and the future development of other grade-level assessments. It is anticipated that the project will convene educators from across the State, including classroom teachers, administrators, content specialists, and university professors, to conduct an audit of the current State Assessment in terms of an agreed upon evaluation criteria. This effort would evaluate the State Assessment against five levels of increasing difficulty: (1) identity and recall; (2) use of concepts; (3) explanation and reasoning; (4) evaluation and extension; and (5) integration and performance.

(2) *Item replacement policy.* It is the long-term commitment of the Department of Public Instruction to employ an item-replacement model that steadily increases the number and quality of constructive-response test items, including greater use of extended constructive-response items. Future RFPs for the North Dakota State Assessment will include a schedule for the improved quality of constructive-response test items. The Department has adopted a policy requiring future RFPs to incorporate the recommendations of the Education Leaders Council, *Model Contractor Standards & State Responsibilities for State Testing Programs, 2002* (refer to page 19 within **Appendix Y: North Dakota Standards and Assessment Development Protocols** or reference the following web site, http://www.dpi.state.nd.us/standard/content/toc.pdf).

(3) *State consortium efforts.* Following the selection of the State's next assessment vendor following an RFP selection process, the Department of Public Instruction will explore with the State's next approved vendor the prospects of initiating a series of discussions with other States who contract with the approved vendor to establish a consortium of States committed to assessment improvement. This consortium of States would share the costs and advance the development of high quality test items, specifically constructive-response and extended-response test items. By convening States that share a common vendor, there are greater opportunities to achieve successes by unifying efforts, maximizing gains, and minimizing copyright impediments. The State will begin discussions with interested States beginning in July 2003.

(c) Assessment innovations.

The Department is drafting a series of recommendations regarding the possible adoption of several innovations identified by other States and developed within the white paper, *State Innovation Priorities for Testing,* Education Leaders Council. The Department is expected to submit a comprehensive list of assessment procedural improvements and potential innovations to the State Superintendent by July 2003.

In addition to this anticipated list of improvements and innovations, the Department is considering the integration of two established products into the current State Assessment: (1) test item task banks developed by previous development work, and (2) a web-based scoring application for extended-response test items.

II. Expansion of the State Assessment System

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

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

North Dakota has submitted its plan to expand the development of grade specific assessments to meet the requirements of NCLBA. This submission was an element of the State's Consolidated Application for ESEA funding, dated June 2002. Refer to **Appendix H: North Dakota State ESEA Consolidated Application**, pages 7-10, or refer to the following web site: http://www.dpi.state.nd.us/grants/DOEapp.pdf). The North Dakota State Consolidated Application has since been approved by the U.S. Department of Education.

The North Dakota Assessment System provides for a single, unified, statewide assessment that measures the performance of *all* students in terms of the State's challenging content and achievement standards.

III. Enhancement to the State's Accountability System

The Department of Public Instruction will develop a state-level advisory committee that will advise the State Superintendent on the development and review of all State AYP policies and submit recommendations to the State Superintendent. The State Superintendent will review and approve the disposition of all recommendations. The Department of Public Instruction anticipates the development of this advisory committee by July 2003.

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?	State has a procedure to determine the number of absent or untested students (by subgroup and aggregate). State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate). Public schools and LEAs are held accountable for reaching the 95% assessed goal.	The state does not have a procedure for determining the rate of students participating in statewide assessments. Public schools and LEAs are not held accountable for testing at least 95% of their students.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota requires all students enrolled in public schools within North Dakota to participate in the State Assessment system. Refer to **Appendix B: North Dakota Century Code citations** or reference the North Dakota Century Code at the following web site, http://www.state.nd.us/lr/cencode/T151C21.pdf). All students, regardless of their enrollment status, participate in the State Assessment. This total inclusion policy includes those students who may have enrolled in a district or school after the beginning of a school year. Any student who may have been enrolled in a school or district after the beginning of a school year is identified on their assessment demographic sheet. Students or school personnel mark a special code on the assessment demographic sheet that identifies their late enrollment status. This code is used to identify the student and to remove them from the school's student roll for AYP identification purposes. Refer to page 29 for codes "R" and "S" of **Appendix Q: North Dakota State Assessment, Test Coordinator's Manual 2002-03** for the enrollment code identification fields. A student who has not been enrolled in a school for the entire year but has been enrolled in the district for the entire year will not be included into AYP consideration for the school but will be included into AYP consideration for the district.

All students must be accounted for regarding their enrollment status. This is a required entry on the demographic sheet of all students. Student participation rates will be compared to the school's and district's Average Daily Membership student count used to reimburse school's and district's for their State foundation aid. Therefore, the State references reimbursement census data to confirm student participation rates. Student participation rates may be identified within the aggregate and disaggregated by subgroup.

Refer to page 29 for codes "R" and "S" of **Appendix Q: North Dakota State Assessment, Test Coordinator's Manual 2002-03** for the enrollment code identification fields. Student participation rates will be compared to the school's and district's Average Daily Membership student count used to reimburse school's and district's for their State foundation aid. Therefore, the State references reimbursement census data to confirm student participation rates.

Participation rates on the North Dakota State Assessment are calculated as follows:

$$\frac{\text{\# of students with test results}}{\text{\# of students enrolled at the time of test administration}}$$

Students participating in the North Dakota Alternate Assessment are included in the numerator and denominator.

The State is developing a statewide student data analysis and reporting system to aid the Sate in monitoring the enrollment patterns and participation rates of students. The TetraData application will allow the State to link district enrollment files with the State's assessment participation files in order to assure that all enrolled students are accounted for in the State Assessment system files. Refer to **Appendix R: TetraData Data Analysis and Reporting System Summary** for an overview of the TetraData system's purpose and design.

The State currently is reviewing its ESEA and accreditation monitoring policies. The State is pursuing an amendment to its monitoring requirements that would mandate districts to produce evidence regarding the enrollment dates of all students. Monitors would check for any students who had enrolled after the beginning of a school year and cross-check their participation status in the State Assessment data file. Any failures to include such students would be identified as a compliance violation of the school's and district's ESEA compliance agreement. Refer to **Appendix S: Consolidated Application Certification and Assurances** for the State assessment requirement for receipt of federal ESEA funding. A school or district may be sanctioned for any compliance violation of their ESEA assurances agreement.

It is the expressed policy of the State of North Dakota to include all students within the North Dakota State Assessment.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?	State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.	State does not have a procedure for making this determination.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The State of North Dakota has established a definition for the minimum number of students in a subgroup for both reporting and accountability purposes. The definition is consistent with the minimum number identified within Principle 9. The State has established a test of statistical significance for the method of determining a minimum number within a given population and referenced to the established measurable objective, participation rate, graduation rate, or attendance rate. Refer to Principle 9.1 for a detailed overview of this method of statistical significance.

The State will apply the binomial distribution on all school and subgroup participation data to determine the appropriate statistical participation rate. The binomial distribution is calculated with the alpha=0.01, the target set at 95%, and the sample size consisting of all students enrolled at the time of the assessment.

The incorporation of federal guidance regarding the full participation of all students within the State assessment and the restricted omission of certain students with significant medical conditions.

On March 26, 2004, the U.S. Department of Education released guidance regarding the calculation of adequate yearly progress based on the participation of at least 95% of students in a State's annual assessment of student achievement, measured by a total school population and by subgroups. Full participation within the Act ensures a valid and reliable means of determining accountability for all schools, districts, and the State. The following provisions apply.

a. *Multi-year averaging*. In calculating adequate yearly progress for participation rates, the State will access participation data from the current year, a two-year average, and a three-year average. If any of these accessed data points meet or exceed 95%, the specified school, district, or State will be deemed to meet the requirements of adequate yearly progress.

b. *Significant medical emergencies*. In calculating adequate yearly progress for participation rates, the State will omit, within restricted conditions, any student who has been prohibited from participating in the State assessment during the entire testing window, including make-up dates, due to a significant medical emergency. The Department of Public Instruction will consider only those requests for the omission of a student with a significant medical emergency that have been documented by the affected school. The Department reserves the right to monitor the circumstances surrounding any requests for omission. Students must be enrolled within the affected school during the testing window, as evidenced on the pupil membership files retained within the State Online Reporting System. The State will document the receipt of any omission requests, remove the student from the calculation of adequate yearly progress, and record and report aggregate incidence rates of omissions statewide. The State will not issue student omission reports that might lead to the identification of an individual student.

Appendix A
Required Data Elements for State Report Card

1111(h)(1)(C)

1. Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

2. Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each such group of students on each of the academic assessments.

3. The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

4. The most recent 2-year trend in student achievement in each subject area, and for each grade level, for the required assessments.

5. Aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards disaggregated by student subgroups.

6. Graduation rates for secondary school students disaggregated by student subgroups.

7. Information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116.

8. The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

The State of North Dakota stipulates that it will include all data elements provided within ESEA section 1111 within the State Report Card and Profile. Refer to **Appendix O: North Dakota State Report Card and Profile.** The State will include attendance rate for elementary and middle schools.

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A. North Dakota State Assessment Waiver Agreement Plan

B. North Dakota Century Code

C. North Dakota Standards and Assessment Development Protocols

D. North Dakota Mathematics Content Standards

E. North Dakota Mathematics Achievement Standards

F. North Dakota English Language Arts Content Standards

G. North Dakota Language Arts Achievement Standards

H. North Dakota State ESEA Consolidated Application

I. Schools Falling Outside Assessment System Grade Span

J. North Dakota State Assessment, Bookmark Standards Setting Technical Report, 2002

K. State Superintendent's Approval Notification of North Dakota State Assessment Cut Scores

L. Program Improvement Activities

M. Testimony Before the Education Committee by the Department of Public Instruction, October 10, 2002

N. North Dakota State Assessment, Student Achievement Reports

O. North Dakota State Report Card and Profile

P. State Superintendent's Release of State Assessment Results

Q. North Dakota State Assessment, Test Coordinator's Manual, 2002-03

R. TetraData Data Analysis and Reporting System Summary

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V. North Dakota State Assessment, Test Specifications

W. North Dakota State Assessment, 2002 Preliminary Technical Report

X. North Dakota Assessment System 2001-02 Baseline Impact Data.

Y. North Dakota Graduation 2001-02 Impact Data.

Z. North Dakota Attendance 2001-02 Impact Data.

AA. North Dakota Participation 2001-02 Impact Data.

BB. North Dakota Composite AYP Identification Impact Data