July 17, 2008

Greg Gallagher
North Dakota Department of Public Instruction
600 East Boulevard Avenue
Bismarck, ND 58505-0440

Dear Mr. Gallagher:

On December 14, 2007, the North Dakota Department of Public Instruction (DPI) submitted a response to the monitoring report that resulted from a program review conducted by the Academic Improvement and Teacher Quality Programs office of the U.S. Department of Education's Office of Elementary and Secondary Education. The program office team reviewed your State's progress in meeting the highly qualified teacher provisions of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act (NCLB) of 2001, and your State's administration of the ESEA Title II, Part A Improving Teacher Quality State Grants program. Thank you for sending this response to the monitoring report.

This response, in combination with additional information submitted on May 14, 16 and 30, 2008, and on June 11, 2008, satisfactorily addresses the findings identified in the monitoring report. DPI has made corrections to its Annual Report Cards and has reported data related to its plan for the equitable distribution of teachers. DPI has also implemented a series of action steps to ensure that it monitors the accuracy of the HQT data it collects, and it has transferred Title II, Part A State-level activity funds to Title V in order to be able to carry out activities not allowable under Title II, Part A. The Department will follow up with DPI to ensure that progress is being made on these issues and that all agreed upon deadlines are met.

The Department congratulates North Dakota for ensuring that all core content courses in North Dakota were taught by highly qualified teachers in 2006-07. DPI must, however, continue to carefully track the HQT status of teachers to ensure that it implements all requirements pertaining to HQT, including parent notification when a child is taught by an unqualified teacher and Section 2141 accountability provisions, should any school not be able to maintain its 100 percent HQT status in the future.

One other issue, however, may require further attention. The monitoring report contained a finding indicating that DPI was using data other than census data in the formula for allocation of Title II, Part A funds to LEAs. DPI agreed to use correct census data in the future, resolving the finding. Subsequent to the monitoring visit, however, a State auditor discovered that DPI was also using incorrect numbers in the hold harmless portion of the allocation formula; DPI has not used Eisenhower program allocations from FY2001 as the hold harmless. The Department is currently examining allocation data and will work with DPI to make any necessary adjustments

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in allocations to correct for past errors. When the Department has reached a determination on this issue, it will contact DPI.

During the State agency for higher education (SAHE) portion of the monitoring review, the SAHE was unable to provide the monitoring team with evidence that all funded projects included a high-need LEA. The SHAE was subsequently able to provide this evidence, which satisfies the further actions requirements for the SAHE portion of the monitoring report. The Department has also provided the SAHE with guidance as to how it should proceed in proposing an alternative high-need LEA definition should it find that no LEAs meet the statutory definition of high need at the time the next grant competition begins.

We commend your excellent work in responding to the concerns raised by the monitoring report. We look forward to continuing to work with you and your staff to ensure that all teachers meet the highly qualified requirements and to help improve the delivery of ESEA Title II, Part A services in North Dakota.

Sincerely,

Elizabeth A. Witt
Program Officer

cc: Michel Hillman

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