



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 8 2009

The Honorable Wayne G. Sanstead
State Superintendent
North Dakota Department of Public Instruction
600 East Boulevard Avenue
Bismark, ND 58505-0440

Dear Superintendent Sanstead:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB) which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to North Dakota. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

- Assessment system: An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Please accept my congratulations on North Dakota's standards and assessment system meeting all statutory and regulatory provisions required for reading/language arts and mathematics as of 2006-07. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007-08 administration of science assessments are attached.
- Accountability components: The Department's new Title I regulations provide for greater scrutiny to states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rate that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on North Dakota's minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- Departmental flexibilities: Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants.

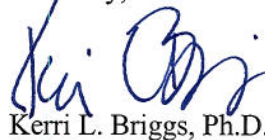
In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in North Dakota. NCLB has

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kerri Briggs".

Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor John Hoeven
Greg Gallagher
Laurie Matzke

Assessment System

North Dakota's assessment system met the requirements to be considered *Fully Approved*. This means that North Dakota's assessment system includes academic content standards in reading/language arts, mathematics, and science; student achievement standards in reading/language arts and mathematics; alternate achievement standards for students with the most significant cognitive disabilities in reading/language arts and mathematics; and assessments and alternate assessments in each of grades 3 through 8 and one grade in high school in reading/language arts and mathematics.

- North Dakota's science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. North Dakota met these requirements. However, following the technical assistance conducted in May 2008, North Dakota will need to submit the evidence listed in my letter of October 8, 2008 enclosed.
 - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet. Because North Dakota did not submit evidence of its science assessments for the October 2008 peer review, it must submit evidence by March 2009. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.
 - In 2007–08, North Dakota included in AYP determinations the scores of students with disabilities who are proficient or above (up to a 2.0 percent cap at the district and state levels) on the North Dakota Alternate Assessment 2 (NDAA2), an alternate assessment based on modified academic achievement standards. North Dakota must submit the remaining evidence as outlined in the September 3, 2008 letter and enclosed.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): North Dakota has a minimum group size for reporting purposes of 10. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: North Dakota's goal for this year is 86 percent of students in grades 3-5, 84 percent of students in grades 6-8, and 76 percent of high school students scoring proficient in reading/language arts and 77 percent of students in grades 3-5, 72 percent for students in grades 6-8, and 68 percent for high school students in mathematics.
 - AMO type: North Dakota set its AMOs consistent with the statutory requirements, using an annual increase method.
- Confidence interval: The state applies a confidence interval of 99 percent.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In North Dakota, a student must be enrolled for a period equal to or exceeding 173 days in order to be included in AYP determinations.
- Graduation rate:
 - Currently, North Dakota is using a graduation rate that can be described as a completer rate, meaning that it takes the number of graduates divided by the number of graduates plus the number of students that dropout each of the previous four years.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate beginning with report cards providing assessment results for the 2010-11 school year.

- The graduation rate target North Dakota requires for the district or school to make AYP is 89.9 percent.
- According to the National Governor's Association 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, it is unclear when North Dakota will have the capability of calculating the NGA Compact 4-year graduation rate.

SUMMARY OF ADDITIONAL EVIDENCE THAT NORTH DAKOTA MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR SCIENCE STANDARDS AND ASSESSMENTS

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. A report showing separately the number and percent of those students with disabilities assessed against alternate achievement standards, those assessed on an alternate assessment against modified achievement standards, and those included in the regular assessment (including those administered with appropriate accommodations).
2. Evidence of the subject matter (i.e., science) expertise of the NDAA1 Cut score Setting Team members.

3.0 - FULL ASSESSMENT SYSTEM

1. A plan for ensuring that the science tests assess higher order thinking skills, especially at grades 8 and 11.

4.0 - TECHNICAL QUALITY

1. A plan and timeline for implementing the studies North Dakota has proposed to address validity issues (Consequential Validity Studies, June 2007).
2. Reliability statistics for the NDSA for student subpopulations and reported sub-scores.
3. Clear criteria for administering and scoring the NDAA1 to ensure that teachers consistently provide students with the same opportunities for performing tasks in multiple settings and that teachers reliably score student performance on the situational indicators.
4. Evidence of the appropriateness of the standard-setting methodology used to set cut scores for the NDAA1 (e.g., a rationale for the method employed, a description of how the performance level descriptors (PLDs) were drafted, a description of how grade-level PLDs were used to align cut scores with grade-level content standards, and a rationale for using the same cut scores across grade levels).
5. Evidence of inter-rater reliability of teacher scoring of the situational indicators for the NDAA1.

5.0 - ALIGNMENT

1. A plan and a timeline for improving the depth of knowledge assessed by the NDSA in science relative to North Dakota's science content standards, especially at grade 11.
2. Additional evidence of the alignment of the NDAA1 to the State's academic content standards for science (e.g., regarding the test development process, an independent alignment study), including a rationale for how each of the situational indicators reflects students' academic content knowledge and not other non-academic factors.

7.0 - REPORTING

1. Reports showing:
 - a. Participation and assessment results for science assessments for all students and for each of the required subgroups in its reports at the school, district, and State levels; and
 - b. For each grade tested in science, a summary report that includes the number of students enrolled or number tested/not tested.
2. Documentation that the State's reporting system facilitates appropriate, credible, and defensible interpretation and use of its assessment data, specifically:

- a. Evidence of interpretive cautions on school, district and State reports about the measurement error in reported scores for the NDSA where reported standard and benchmark level scores are based on a small number of items; and
- b. Evidence that NDAA1 results are only reported by achievement level by standard when they are based on achievement levels set for each standard through the achievement standards-setting process.

To support North Dakota’s preparation for the successful completion of the peer review process, peer reviewer comments and staff recommendations have been organized and coded to reflect Critical Elements in the *Standards and Assessments Peer Review Guidance: Information and Examples for Meeting Requirements of the No Child Left Behind Act of 2001 (Revised December 21, 2007 to include modified academic achievement standards)**

2.0 Academic Achievement Standards

1. Evidence that a validated standards-setting process was conducted and of approval/adoption of the resulting modified academic achievement standards for eligible students with disabilities. This should include a description of the process for the writing of performance level descriptors for the NDAA2; (2.1 & 2.2)
2. Documentation that the standard setting process for modified academic achievement standards included persons with subject matter expertise related to the State’s academic content standards. (2.6)

3.0 Statewide System of High Quality Assessments

1. A clear description of the NDAA2 that includes: how the NDAA2 differs from the NDSA; a description of NDAA2 items, including the teacher-initiated items; a description of and rationale for the teacher’s role in completing the assessment online for each student; and how the NDAA2 addresses the needs of the students for which it was designed. (3.4)

4.0 Technical Quality

1. Additional evidence of the validity of the NDAA2, including that: (4.1)
 - a. The validity of the NDAA2 is supported by key aspects of the development process; (4.1)
 - b. The NDAA2 measures the knowledge and skills and cognitive processes described in its academic content standards; (4.1b & 4.1c)
 - c. The scoring and reporting structures of the NDAA2 are consistent with the sub-domain structures of its academic content standards; (4.1d)
 - d. NDAA2 Test and item scores are related to internal or external variables as intended; (4.1e)
 - e. Whether the NDAA2 produces intended and unintended consequences (or plan and timeline for implementing the studies North Dakota has proposed to address validity issues (*Consequential Validity Studies, June 2007*) and including the NDAA2 in these studies); (4.1g)
2. Evidence that demonstrates the reliability of the NDAA2, including the reliability of the NDAA2 scores reported; acceptable conditional standard errors of measurement; and evidence of generalizability; (4.2a, 4.2b, 4.2c)
3. Evidence of steps the state has taken to ensure consistency of test forms over time (e.g., that the meaning and interpretation of results are consistent); (4.4a)

* Available at <http://www.ed.gov/policy/elsec/guid/saaprguidance.doc>

4. Clear criteria for the administration, scoring, analysis, and reporting components of the NDAA2, including: A description of the test administration procedures; a description of how teachers score the teacher-initiated items; and guidelines for the use of accommodations for students with disabilities and LEP students; (4.5a)
5. A plan to monitor the availability and use of accommodations for students taking the NDAA2. (4.6a, 4.6c)

5.0 Alignment

1. Additional evidence of a coherent approach to ensuring alignment between the NDAA2 and the grade-level academic content standards; (5.1)
2. Evidence documenting the degree to which the NDAA2 and the State's academic content standards are aligned comprehensively; (5.2i)
3. An explanation of the extent to which the completed test forms reflect a different degree of cognitive complexity and level of difficulty than the general test while maintaining coverage of the grade-level content standards; (5.2ii)
4. Evidence documenting that the NDAA2 reflects both the content knowledge and procedural or process skills represented in the State's academic content standards; (5.3i)
5. Evidence documenting that the NDAA2 reflects the same degree and pattern of emphasis as are reflected in the State's academic content standards; (5.4)
6. Evidence documenting that the NDAA2 yields scores that reflect the full ranges of achievement implied by the State's modified academic achievement standards. (5.5)

6.0 Inclusion

1. Data that shows that all students, and subgroups, in the grades tested in science are included in the science assessments; (6.1)
2. Documentation of clear and consistent guidelines for Individualized Educational Program (IEP) teams to apply in determining when a child's cognitive disability justifies assessment based on modified academic achievement standards. These guidelines should address all requirements for this section, including: The use of objective evidence for demonstrating when the student's disability has precluded the student from achieving grade-level proficiency; IEP goals for subjects in which a student is assessed on the NDAA2 based on the academic content standards for the grade in which the student is enrolled; clear explanations of the differences between the NDSA, NDAA1, and NDAA2, including effects (or lack thereof) of state and local policies on the student's education resulting from taking the NDAA2; (6.2a, 6.2c, 6.2d, 6.2e)
3. Evidence that it has established a system to monitor implementation of clear and appropriate guidelines for developing IEPs that include goals based on content standards for the grade in which a student is enrolled; (6.2.2c)
4. Evidence of the mechanism the State has implemented for ensuring that students who are assessed on the NDAA2 have access to the curriculum, including instruction, for the grade in which the students are enrolled. (6.2.2d)

7.0 Reports

1. Sample summary reports for reading, mathematics and science, at the State, district and school levels that clearly display results for the NDAA2, including the number of eligible students enrolled or number tested/not tested and participation and assessment results for all students and for each of the required subgroups; (7.2)
2. Sample individual student reports with interpretable, statistically sound itemized score analyses that explain the accuracy of scores, any points system used for to report scale score and benchmark

information, and the relationship of any such scores to the proficiency level designation; (7.3a, 7.3b, 7.5)

3. Description of the safeguards implemented to maintain the security and student confidentiality of the online NDAA2 testing system. (7.4)